HLS 15RS-1093 ORIGINAL

2015 Regular Session

HOUSE BILL NO. 524

1

BY REPRESENTATIVE OURSO

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

SCHOOLS/DISTRICTS: (Constitutional Amendment) Authorizes the creation of independent school districts

A JOINT RESOLUTION

2 Proposing to amend Article VIII, the preamble and Sections 1 and 4 and to add Article VIII, 3 Sections 9.1 and 13(E) of the Constitution of Louisiana, to authorize the creation of 4 independent school districts by petition and proposition of residents of the district; 5 to provide for governance by an elected board of trustees, to provide with respect to jurisdictional territory of any such school district; to provide with respect to its 6 7 issuance of certificates; to provide as to funding through the Minimum Foundation 8 Program; to provide for submission of the proposed amendment to the electors; and 9 to provide for related matters. 10 Section 1. Be it resolved by the Legislature of Louisiana, two-thirds of the members 11 elected to each house concurring, that there shall be submitted to the electors of the state of 12 Louisiana, for their approval or rejection in the manner provided by law, a proposal to 13 amend Article VIII, the preamble and Sections 1 and 4 and to add Article VIII, Sections 9.1 14 and 13(E) of the Constitution of Louisiana, to read as follows: 15 ARTICLE VIII. EDUCATION 16 **PREAMBLE** 17 The goal of the public and independent educational systems is to 18 provide learning environments and experiences, at all stages of human development, 19 that are humane, just, and designed to promote excellence in order that every 20 individual may be afforded an equal opportunity to develop to his full potential.

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1	§1. Public and Independent Educational System
2	Section 1.(A) The legislature shall provide for the education of the people
3	of the state and shall establish and maintain a public educational system.
4	(B) The legislature shall also provide an alternative educational system for
5	elementary and secondary education through independent school districts as
6	provided in this Article.
7	* * *
8	§4. Approval of Private Schools and Independent School Districts
9	Section 4. Upon application by a private elementary, secondary, or
10	proprietary school or an independent school district with a sustained curriculum or
11	specialized course of study of quality at least equal to that prescribed for similar
12	public schools, the State Board of Elementary and Secondary Education shall
13	approve the private school and shall approve all schools of an independent school
14	district. A certificate issued by an approved private school or an approved
15	independent school district shall carry the same privileges as one issued by a state
16	public school.
17	* * *
18	§9.1. Independent School Districts
19	Section 9.1. (A) The legislature shall provide by law for independent school
20	districts for elementary and secondary education by authorizing the creation of such
21	districts which shall be independent of and separate from the state and the State
22	Board of Elementary and Secondary Education, except as otherwise provided in this
23	Article, and governed by an elected board of trustees.
24	(B) The geographic jurisdiction of any such district may be less than, but
25	shall be wholly contained within, the territorial boundary of a single parish.
26	(C)(1) On and after January 1, 2016, the creation of an independent school
27	district shall become effective only if a proposition, initiated by petition by a
28	percentage of the residents of the district, proposing the creation of the school district

1	has been approved by a majority of the electors of the proposed school district who
2	vote on the proposition, all as provided by law.
3	* * *
4	§13. Funding; Apportionment
5	Section 13.(A)
6	* * *
7	(E)(1) Independent School Districts. For the effects and purposes of this
8	Section, an independent school district shall be regarded and treated as a parish or
9	city school system and shall have the authority granted such school systems, and its
10	schools shall be regarded and treated as public elementary and secondary schools.
11	(2)(a) The local funds contribution in and for an independent school district
12	for the support of elementary and secondary education shall be and is satisfied from
13	ad valorem maintenance taxes and any additional ad valorem taxes being collected
14	pursuant to Subsection C of this Section.
15	(b) For giving additional support to an independent school district through
16	the levy of an ad valorem tax for a specific purpose, as authorized in Paragraph (C)
17	of this Section, such shall be authorized by a majority of the electors voting in the
18	jurisdictional territory of the district in an election held for that purpose and shall be
19	otherwise subject to limitations on the amount, duration, and purpose of the tax as
20	imposed by the legislature.
21	(3) Consistent with the provisions of this Article, relevant to equal
22	educational opportunities, no state dollars shall be used to discriminate or to have the
23	effect of discriminating in providing equal educational opportunity for all students.
24	Section 2. Be it further resolved that this proposed amendment shall be submitted
25	to the electors of the state of Louisiana at the statewide election to be held on October 24,
26	2015.

1 Section 3. Be it further resolved that on the official ballot to be used at the election, 2 there shall be printed a proposition, upon which the electors of the state shall be permitted 3 to vote YES or NO, to amend the Constitution of Louisiana, which proposition shall read as 4 follows: 5 Do you support an amendment to authorize the creation of independent 6 school districts for elementary and secondary education by petition and vote 7 of the residents of the proposed district, the management and control of 8 which is separate from the state except for its financing through the 9 Minimum Foundation Program otherwise allocated exclusively to public 10 schools? (Amends Article VIII, the preamble and Sections 1 and 4; Adds 11 Article VIII, Sections 9.1 and 13(E))

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 524 Original

2015 Regular Session

Ourso

Abstract: Requires the legislature to provide by law for the creation of independent school districts for elementary and secondary education by a process of petition and subsequent vote of the residents of the district, provides for governance of a district by an elected board of trustees, and provides for MFP funding.

<u>Present constitution</u> provides with respect to a public educational system which must be established and maintained by the state. <u>Proposed constitutional amendment</u> retains <u>present constitution</u> and requires the state to also provide by law for independent school districts for elementary and secondary education.

<u>Proposed constitutional amendment</u> specifies that an independent school district shall operate independently, separate and apart from the state and the State Bd. of Elementary and Secondary Education and shall be governed by an elected board of trustees. <u>Proposed constitutional amendment</u> further provides that the territorial jurisdiction of such district cannot cross parish lines.

<u>Proposed constitutional amendment</u> provides that on or after Jan. 1, 2016, the creation of such a district becomes effective if and when a proposition, initiated by petition of a percentage of the residents, is approved by a majority of the proposed school district who vote on the proposition.

<u>Present constitution</u> provides for funding of education in all public elementary and secondary schools through the Minimum Foundation Program (MFP) and imposes an ad valorem maintenance tax in each parish to fund the local portion of the MFP. <u>Proposed constitutional amendment</u> retains <u>present constitution</u> but provides that for purposes of funding an independent school district, the district shall be regarded as a parish or city school system and its schools shall be regarded as public schools, that the required local funds contribution

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is deemed to be satisfied from existing ad valorem taxes, and grants authority to such districts to levy additional ad valorem taxes for a specific purpose.

Provides for submission of the proposed amendment to the voters at the statewide election to be held October 24, 2015.

(Amends Const. Art. VIII, the preamble and §§1 and 4; Adds Const. Art. VIII, §§9.1 and 13(E))