

2016 Regular Session

HOUSE BILL NO. 443

BY REPRESENTATIVE JONES

SCHOOLS/DISTRICTS: Provides for each local public school district to have a president elected by the qualified electors of the district

1 AN ACT

2 To amend and reenact R.S. 17:54(B)(1)(a) and (b)(i)(aa) and (cc), (ii)(bb), and (iv) and (3)  
3 and (C) and 81(A)(1) and to enact R.S. 17:54.1, relative to local public school  
4 districts; to provide for the election of a president of each local public school district;  
5 to provide relative to election districts, terms, and vacancies of such office; to  
6 provide relative to the president's qualifications, powers, and duties; to provide that  
7 the president shall appoint the local superintendent and fulfill certain requirements  
8 of the Louisiana Local Government Budget Act; to provide for effectiveness; and to  
9 provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 17:54(B)(1)(a) and (b)(i)(aa) and (cc), (ii)(bb), and (iv) and (3) and  
12 (C) and 81(A)(1) are hereby amended and reenacted and R.S. 17:54.1 is hereby enacted to  
13 read as follows:

14 §54. Officers of boards, election; superintendents, qualifications, appointment and  
15 removal

16 \* \* \*

17 B.(1)(a) ~~Notwithstanding the provisions of R.S. 42:3, The president of each~~  
18 city, parish, and other local public school ~~board~~ district shall ~~elect~~ appoint a  
19 superintendent of schools, having such qualifications as may be fixed by the State  
20 Board of Elementary and Secondary Education, for a period not to exceed four years,  
21 which period, however, may extend no longer than two years after the expiration of

1 the term of office of the ~~membership of the board electing~~ president appointing the  
 2 superintendent. When choosing a local superintendent of schools, each district  
 3 president shall select a leader who shall prioritize student achievement and act in the  
 4 best interests of all students enrolled in schools under the board's jurisdiction. The  
 5 ~~election~~ appointment of a superintendent of schools by a city, parish, or other local  
 6 public school ~~board~~ district president ~~shall require the favorable vote~~ is subject to the  
 7 approval of a majority of the entire membership of the school board. A  
 8 superintendent of schools shall not be required to be a qualified elector or a resident  
 9 of the political subdivision comprising the school system in which he is to serve as  
 10 superintendent. He shall be required to devote his entire time to the office of  
 11 superintendent of schools.

12 (b)(i)(aa) The superintendent of schools shall be employed by a city, parish,  
 13 or other local public school board pursuant to a ~~written~~ contract written and  
 14 negotiated by the district president, subject to the approval of a majority of the  
 15 school board. Such contract shall contain but need not be limited to specific  
 16 performance objectives. However, for the board of a local public school system that  
 17 received any variation of a school performance letter grade of "C", "D", or "F", such  
 18 contract shall establish performance targets at the school and district level as follows:  
 19 (1) student achievement; (2) student achievement for schools that have received any  
 20 variation of a school performance letter grade designation of "C", "D", or "F"; (3)  
 21 graduation rates; (4) graduation rates for schools that have received any variation of  
 22 a school performance letter grade designation of "C", "D", or "F"; and (5) the  
 23 percentage of teachers with an "effective" or "highly effective" performance rating.  
 24 Not less than thirty days prior to the termination of such a contract, the ~~school board~~  
 25 district president shall notify the superintendent of termination of employment under  
 26 such contract, or in lieu thereof the ~~board~~ district president and the superintendent  
 27 may negotiate and enter into a contract for subsequent employment, subject to the  
 28 approval of a majority of the school board.

29 \* \* \*

1 (cc) A local public school board shall notify the state superintendent of  
2 education any time ~~it terminates or fails to renew its employment contract with the~~  
3 contract of the local school superintendent is terminated or not renewed, along with  
4 the reasons therefor.

5 \* \* \*

6 (ii)

7 \* \* \*

8 (bb) The school district president, ~~school board~~, in accordance with the  
9 provisions of this Subparagraph, may choose not to offer a subsequent contract to the  
10 superintendent.

11 \* \* \*

12 (iv) Subject to the approval of a majority of the board's entire membership,  
13 the ~~board~~ district president shall negotiate and offer the superintendent a new  
14 contract at the expiration of each existing contract unless he decides ~~a majority of the~~  
15 ~~membership of the board votes~~ at least ninety days prior to the termination of the  
16 existing contract against offering a new contract.

17 \* \* \*

18 (3) All publication requirements provided in this Subsection shall be  
19 completed at least thirty days prior to action by the district president ~~school board~~  
20 to fill the position.

21 C. A city, parish, or other local public school system superintendent may be  
22 removed from office for cause prior to the expiration of his contract by the district  
23 president subject to the concurring vote of at least two-thirds of the membership of  
24 the entire school board at any regular meeting or at any special meeting after due  
25 notice.

26 §54.1. Local school district presidents

27 A. (1) There shall be a president of each local public school district.

28 \* \* \*

1           (2) He shall be elected at the time of the district's regular school board  
2           elections by the qualified electors of the school district in accordance with the  
3           provisions of the Louisiana Election Code.

4           (3) He shall serve a four-year term concurrent with the members of the  
5           school board. A person who has served as president for more than one and one-half  
6           terms in two consecutive terms shall not be elected president for the succeeding  
7           term.

8           B. Any candidate for president of the school district, at the time of  
9           qualification, shall have met all qualifications prescribed for school board members  
10           as provided in R.S. 17:52(D) and (E).

11           C. The president shall have the following powers and duties:

12           (1) Be deemed to be the "chief executive or administrative officer" of the  
13           school board pursuant to all requirements of the Louisiana Local Government  
14           Budget Act, R.S. 39:1301 et seq., including requirements relative to budget  
15           preparation.

16           (2) Appoint the local superintendent as provided in R.S. 17:54.

17           (3) Any other powers and duties as prescribed by the school board.

18   \*       \*       \*

19       §81. General powers of local public school boards

20           A.(1) Each local public school board shall serve in a policymaking capacity  
21           that is in the best interests of all students enrolled in schools under the board's  
22           jurisdiction. When establishing board policies, each board shall prioritize student  
23           achievement, financial efficiency, and workforce development on a local, regional,  
24           and statewide basis. ~~When choosing a local superintendent of schools, each board~~  
25           ~~shall select a leader who shall prioritize student achievement and act in the best~~  
26           ~~interests of all students enrolled in schools under the board's jurisdiction.~~

27   \*       \*       \*

1 Section 2. This Act shall take effect and become operative if and when the proposed  
2 amendment of Article VIII, Section 9 of the Constitution of Louisiana contained in the Act  
3 which originated as House Bill No. \_\_\_ of this 2016 Regular Session of the Legislature is  
4 adopted at a statewide election and becomes effective.

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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)]

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HB 443 Original

2016 Regular Session

Jones

**Abstract:** Provides for each local public school district to have a president elected by the district's qualified electors and provides that he shall appoint the local superintendent and prepare and submit the district budget to the school board.

**Election of school district president / district / terms**

Proposed law provides for the election of a president of each local public school district at the time of the district's regular school board elections. Provides that he shall serve a four-year term concurrent with board members and that a person who has served as president for more than 1½ terms in two consecutive terms shall not be elected president for the succeeding term.

**Qualifications**

Present law requires that each parish school board member be able to read and write and, at the time of qualification for office, be at least 18, have resided in the state for the preceding two years, and have been actually domiciled for the preceding year in the parish, ward, or district from which he seeks election. Proposed law applies these qualifications to candidates for the office of school district president.

**Powers and duties**

Proposed law provides that the district president shall have the following powers and duties:

- (1) Be deemed to be the "chief executive or administrative officer" of the school board pursuant to all present law requirements of the La. Local Government Budget Act, R.S. 39:1301 et seq., including requirements relative to budget preparation.
- (2) Other powers and duties as prescribed by the school board.
- (3) Appoint the local superintendent, as follows:

Present law requires school boards to elect a local superintendent by a favorable vote of the majority of the school board membership. Proposed law instead requires that the school district president appoint the superintendent; subjects such appointment to approval by this same vote of the board.

Present law grants certain authorities relative to the superintendent's employment to the board, including terminating and renewing his contract. Proposed law grants these powers instead to the district president, subject to the approval of a majority of the board.

Present law allows the board to remove the superintendent prior to the expiration of his contract with a super-majority vote. Proposed law grants this authority to the district president but provides that his removal is subject to approval by a super-majority vote of the board.

Present law further requires local school boards, when choosing a local superintendent of schools, to select a leader who shall prioritize student achievement and act in the best interests of all students enrolled in schools under the board's jurisdiction. Proposed law instead makes this requirement applicable to the district president and his appointment of the superintendent.

Effective if and when the proposed amendment of Article VIII of the Constitution of La. contained in the Act which originated as House Bill No. \_\_ of this 2016 R.S. of the Legislature is adopted at a statewide election and becomes effective.

(Amends R.S. 17:54(B)(1)(a) and (b)(i)(aa) and (cc), (ii)(bb), and (iv) and (3) and (C) and 81(A)(1); Adds R.S. 17:54.1)