

Regular Session, 2012

HOUSE BILL NO. 609

BY REPRESENTATIVE SEABAUGH

SCHOOLS/BOARDS: (Constitutional Amendment) Removes geographic limitations on the legislature's authority to create new school boards and on provisions relative to financing education

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A JOINT RESOLUTION

Proposing to amend Article VIII, Sections 9 and 13(B), (C), and (D)(1) and to add Article VIII, Section 13(D)(3) of the Constitution of Louisiana, to provide for creation of school boards and school districts by the legislature; to remove provisions limiting the legislature's authority to define the geographic jurisdiction of school districts; to provide relative to funding for such districts; to provide for submission of the proposed amendment to the electors; and to provide for related matters.

Section 1. Be it resolved by the Legislature of Louisiana, two-thirds of the members elected to each house concurring, that there shall be submitted to the electors of the state of Louisiana, for their approval or rejection in the manner provided by law, a proposal to amend Article VIII, Sections 9 and 13(B), (C), and (D)(1) and to add Article VIII, Section 13(D)(3) of the Constitution of Louisiana, to read as follows:

§9. ~~Parish~~ Local Public School Boards; Parish and Superintendents

Section 9.(A) Boards. The legislature shall create ~~parish~~ local public school boards and provide for their geographic jurisdiction and the election of their members.

(B) Superintendents. Each ~~parish~~ local public school board shall elect a superintendent of ~~parish~~ schools. The State Board of Elementary and Secondary Education shall fix the qualifications and prescribe the duties of the ~~parish~~ local

1 public school superintendent. He need not be a resident of the ~~parish in~~ geographic
 2 jurisdiction of the school board which he serves.

3 * * *

4 §13. Funding; Apportionment

5 * * *

6 (B) Minimum Foundation Program. The State Board of Elementary and
 7 Secondary Education, or its successor, shall annually develop and adopt a formula
 8 which shall be used to determine the cost of a minimum foundation program of
 9 education in all public elementary and secondary schools as well as to equitably
 10 allocate the funds to ~~parish and city~~ local public school systems. Such formula shall
 11 provide for a contribution by every ~~city and parish~~ local public school system. Prior
 12 to approval of the formula by the legislature, the legislature may return the formula
 13 adopted by the board to the board and may recommend to the board an amended
 14 formula for consideration by the board and submission to the legislature for
 15 approval. The legislature shall annually appropriate funds sufficient to fully fund the
 16 current cost to the state of such a program as determined by applying the approved
 17 formula in order to insure a minimum foundation of education in all public
 18 elementary and secondary schools. Neither the governor nor the legislature may
 19 reduce such appropriation, except that the governor may reduce such appropriation
 20 using means provided in the act containing the appropriation provided that any such
 21 reduction is consented to in writing by two-thirds of the elected members of each
 22 house of the legislature. The funds appropriated shall be equitably allocated to
 23 ~~parish and city~~ local public school systems according to the formula as adopted by
 24 the State Board of Elementary and Secondary Education, or its successor, and
 25 approved by the legislature prior to making the appropriation. Whenever the
 26 legislature fails to approve the formula most recently adopted by the board, or its
 27 successor, the last formula adopted by the board, or its successor, and approved by
 28 the legislature shall be used for the determination of the cost of the minimum
 29 foundation program and for the allocation of funds appropriated.

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 (C) Local Funds. Local funds for the support of elementary and secondary
2 schools shall be derived from the following sources:

3 ~~First: (1) Each parish local public school board, Orleans Parish excepted, and~~
4 ~~each municipality or city school board actually operating, maintaining, or supporting~~
5 ~~a separate system of public schools;~~ shall levy annually an ad valorem maintenance
6 tax not to exceed five mills on the dollar of assessed valuation on property subject
7 to such taxation within ~~the parish or city, respectively~~ its geographic jurisdiction.

8 ~~Second: (2) The Orleans Parish School Board shall levy annually a tax not~~
9 ~~to exceed thirteen mills on the dollar of the assessed valuation of property within the~~
10 ~~city of New Orleans assessed for city taxation, and shall certify the amount of the tax~~
11 ~~to the governing authority of the city. The governing authority shall have the tax~~
12 ~~entered on city tax rolls. The tax shall be collected in the manner, under the~~
13 ~~conditions, and with the interest and penalties prescribed by law for city taxes. The~~
14 ~~money thus collected shall be paid daily to the Orleans Parish School Board.~~

15 ~~Third: (3) For giving additional support to public elementary and secondary~~
16 ~~schools, any parish, municipality, school district, ~~or subschool district, or subdistrict~~~~
17 ~~or any municipality or city school board which supports a separate city system of~~
18 ~~public schools may levy an ad valorem tax for a specific purpose, when authorized~~
19 ~~by a majority of the electors voting in the parish, municipality, district, or subdistrict~~
20 ~~in an election held for that purpose. The amount, duration, and purpose of the tax~~
21 ~~shall be in accord with any limitation imposed by the legislature.~~

22 (D)(1) Municipal and Other School Systems. For the effects and purposes
23 of this Section, the Central community school system and the Zachary community
24 school system in East Baton Rouge Parish, and school systems in the municipalities
25 of Baker in East Baton Rouge Parish, Monroe in Ouachita Parish, and Bogalusa in
26 Washington Parish, ~~and no others,~~ shall be regarded and treated ~~as parishes in the~~
27 same manner as and shall have the same authority granted ~~parishes to any local~~
28 public school board created pursuant to Section 9 of this Article. Consistent with
29 Article VIII of this constitution, ~~relevant relative~~ relevant to equal educational opportunities,

1 no state dollars shall be used to discriminate or to have the effect of discriminating
2 in providing equal educational opportunity for all students.

3 * * *

4 (3) In addition to the public school systems as provided in Subparagraph (1)
5 of this Paragraph, any local public school system created by the legislature pursuant
6 to Section 9 of this Article shall be included in the formula used to determine the
7 cost of a minimum foundation program of education and to equitably allocate funds
8 to local public school boards and shall have the same taxing authority afforded to
9 local public school boards, all as provided in this Section.

10 Section 2. Be it further resolved that this proposed amendment shall be submitted
11 to the electors of the state of Louisiana at the statewide election to be held on November 6,
12 2012.

13 Section 3. Be it further resolved that on the official ballot to be used at the election,
14 there shall be printed a proposition, upon which the electors of the state shall be permitted
15 to vote YES or NO, to amend the Constitution of Louisiana, which proposition shall read as
16 follows:

17 Do you support an amendment to remove restrictions on the legislature's
18 authority to define the geographic jurisdiction of local public school boards,
19 which would also provide that all legislatively created local public school
20 boards are included in the minimum foundation funding formula for public
21 elementary and secondary schools and provide for the taxing authority of
22 such school boards? (Amends Article VIII, Sections 9 and 13(B), (C), and
23 (D)(1); Adds Article VIII, Section 13(D)(3))

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)]

Seabaugh

HB No. 609

Abstract: Replaces requirement that the legislature create parish school boards with a requirement that the legislature create local public school boards and specify their geographic jurisdiction; provides that any local public school district, regardless of

geographic jurisdiction, is to be included in the MFP and has constitutionally granted authority to levy ad valorem taxes.

Present constitution requires the legislature to create parish school boards. Proposed constitutional amendment removes "parish" as a restriction on the type of school boards the legislature is to create and requires that the legislature specify the geographic jurisdiction of school boards it creates. In conformity with this change, proposed constitutional amendment changes references to parish schools and city or municipal schools to local public schools in the following constitutional provisions:

- (1) Provisions for the selection of local school superintendents.
- (2) Provisions for inclusion of school systems in the MFP formula and for the allocation of MFP funds to such systems.
- (3) Provisions requiring school systems to levy ad valorem taxes and establishing the maximum millage rate for such taxes.

Relative to the levy of ad valorem taxes, present constitution requires school boards outside of Orleans Parish to levy an ad valorem maintenance tax not to exceed five mills and requires the Orleans Parish School Board to levy an ad valorem tax not to exceed 13 mills. Proposed constitutional amendment retains the exception for Orleans Parish and the maximum tax rate applicable to the Orleans Parish School Board.

Present constitution specifically provides that the following school systems are treated like other school systems for purposes of the MFP and local taxing authority: the Central community school system, the Zachary community school system, and school systems in Baker, Monroe, and Bogalusa. Proposed constitutional amendment retains present constitution but, in conformity with the purpose of proposed constitutional amendment, removes a provision that no other school systems are to be so treated.

Provides for submission of the proposed amendment to the voters at the statewide election to be held Nov. 6, 2012.

(Amends Art. VIII, §§9 and 13(B), (C), and (D)(1); Adds Art. VIII, §13(D)(3))