

1 if the proposed school board and school district as provided in the Act have been
2 approved by both of the following at an election held for the purpose:

3 (i) A majority of the electors of the proposed school district who vote on the
4 proposition.

5 (ii) A majority of the electors of the entirety of each existing school district
6 from which the proposed school district is to be created who vote on the proposition.

7 (b) For purposes of this Subparagraph, "proposition" shall mean the
8 proposition on the ballot for approval of creation of the school board and its school
9 district, and "school district" shall mean the geographic jurisdiction of a school board.

10 (c) The election shall be called and the proposition placed on the ballot as
11 provided by law.

12 (B) Superintendents. Each ~~parish~~ local public school board shall elect a
13 superintendent of ~~parish~~ schools. The State Board of Elementary and Secondary
14 Education shall fix the qualifications and prescribe the duties of the ~~parish~~ local
15 public school superintendent. He need not be a resident of the ~~parish in~~ geographic
16 jurisdiction of the school board which he serves.

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18 §13. Funding; Apportionment

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20 (B) Minimum Foundation Program. The State Board of Elementary and
21 Secondary Education, or its successor, shall annually develop and adopt a formula
22 which shall be used to determine the cost of a minimum foundation program of
23 education in all public elementary and secondary schools as well as to equitably
24 allocate the funds to ~~parish and city~~ local public school systems. Such formula shall
25 provide for a contribution by every ~~city and parish~~ local public school system. Prior
26 to approval of the formula by the legislature, the legislature may return the formula
27 adopted by the board to the board and may recommend to the board an amended
28 formula for consideration by the board and submission to the legislature for approval.
29 The legislature shall annually appropriate funds sufficient to fully fund the current

1 cost to the state of such a program as determined by applying the approved formula
 2 in order to ~~insure~~ ensure a minimum foundation of education in all public elementary
 3 and secondary schools. Neither the governor nor the legislature may reduce such
 4 appropriation, except that the governor may reduce such appropriation using means
 5 provided in the act containing the appropriation provided that any such reduction is
 6 consented to in writing by two-thirds of the elected members of each house of the
 7 legislature. The funds appropriated shall be equitably allocated to ~~parish and city~~
 8 local public school systems according to the formula as adopted by the State Board
 9 of Elementary and Secondary Education, or its successor, and approved by the
 10 legislature prior to making the appropriation. Whenever the legislature fails to
 11 approve the formula most recently adopted by the board, or its successor, the last
 12 formula adopted by the board, or its successor, and approved by the legislature shall
 13 be used for the determination of the cost of the minimum foundation program and for
 14 the allocation of funds appropriated.

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

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

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

1 vote YES or NO, to amend the Constitution of Louisiana, which proposition shall read as
2 follows:

3 Do you support an amendment to remove restrictions on the legislature's
4 authority to define the geographic jurisdiction of local public school boards
5 and to provide for legislative creation of local public school boards and school
6 districts, subject to voter approval, which would also provide that all
7 legislatively created local public school boards are included in the minimum
8 foundation funding formula for public elementary and secondary schools and
9 provide for the taxing authority of such school boards? (Amends Article VIII,
10 Sections 9 and 13(B), (C), and (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 and requires voter approval of new school boards; 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.

Proposed constitutional amendment requires voter approval of an Act of the legislature creating a new school board and providing for its school district on and after Jan. 1, 2013. Requires approval of a majority of the electors voting in both the proposed school district and in each existing school district from which the proposed district is to be created. Provides that such election shall be called and the proposition placed on the ballot as provided by law.

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))

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Education to the original bill.

1. Adds requirement and provision for voter approval of the creation of a school board and its district on or after Jan. 1, 2013.