

Regular Session, 2012

SENATE BILL NO. 305

BY SENATOR WHITE

SCHOOLS. Constitutional amendment to remove geographic limitations on the legislature's authority to create new school boards and provide relative to the financing of public education. (2/3 - CA13sl(A))

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A JOINT RESOLUTION

Proposing to amend Article VIII, Sections 9 and 13(B) and (C) and to enact Article VIII, Section 13(D)(3) of the Constitution of Louisiana, relative to the creation of school boards and school districts by the legislature, subject to voter approval; to remove provisions limiting the legislature's authority to define the geographic jurisdiction of school districts; to provide relative to funding for such school districts; to allow and to specify an election for submission of the proposition to electors and provide a ballot proposition.

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) and (C), and to enact 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. **(1)** The legislature shall create ~~parish~~ **local public** school boards and provide for **their geographic jurisdiction and** the election of their members.

1 **(2)(a) On and after January 1, 2013, any act of the legislature creating**
2 **a local public school board and providing for its school district shall become**
3 **effective only if the proposed school board and school district as provided in the**
4 **act have been approved by both of the following at an election held for the**
5 **purpose:**

6 **(i) A majority of the electors of the proposed school district who vote on**
7 **the proposition.**

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

11 **(b) For purposes of this Subparagraph, "proposition" shall mean the**
12 **proposition on the ballot for approval of creation of the school board and its**
13 **school district, and "school district" shall mean the geographic jurisdiction of**
14 **a school board.**

15 **(c) The election shall be called and the proposition placed on the ballot**
16 **as provided by law.**

17 (B) Superintendents. Each parish **local public school** board shall elect a
18 superintendent of ~~parish~~ schools. The State Board of Elementary and Secondary
19 Education shall fix the qualifications and prescribe the duties of the ~~parish~~ **local**
20 **public school** superintendent. He need not be a resident of the ~~parish~~ **in geographic**
21 **jurisdiction of the school board** which he serves.

22 * * *

23 §13. Funding; Apportionment

24 * * *

25 (B) Minimum Foundation Program. The State Board of Elementary and
26 Secondary Education, or its successor, shall annually develop and adopt a formula
27 which shall be used to determine the cost of a minimum foundation program of
28 education in all public elementary and secondary schools as well as to equitably
29 allocate the funds to ~~parish and city~~ **local public** school systems. Such formula shall

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

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

22 First: **(1)** Each ~~parish~~ **local public** school board, **except those wholly**
 23 **situated within** Orleans Parish ~~excepted, and each municipality or city school board~~
 24 ~~actually operating, maintaining, or supporting a separate system of public schools,~~
 25 shall levy annually an ad valorem maintenance tax not to exceed five mills on the
 26 dollar of assessed valuation on property subject to such taxation within ~~the parish or~~
 27 ~~city, respectively~~ **its geographic jurisdiction.**

28 Second: **(2)** The **A local public school board wholly situated within**
 29 Orleans Parish ~~School Board~~ shall levy annually a tax not to exceed thirteen mills on

1 the dollar of the assessed valuation of property within ~~the city of New Orleans~~ **its**
 2 **geographic jurisdiction** assessed for city taxation, and shall certify the amount of
 3 the tax to the governing authority of the city. The governing authority shall have the
 4 tax entered on city tax rolls. The tax shall be collected in the manner, under the
 5 conditions, and with the interest and penalties prescribed by law for city taxes. The
 6 money thus collected shall be paid daily to the ~~Orleans Parish School Board~~
 7 **appropriate local public school board.**

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

15 (D)

16 * * *

17 **(3) Notwithstanding the provisions of Paragraph (1) of this Subsection**
 18 **limiting the applicability of such Paragraph to the school systems specified**
 19 **therein and no others, in addition to the public school systems as provided in**
 20 **Paragraph (1) of this Subsection, any local public school system created by the**
 21 **legislature pursuant to Section 9 of this Article shall be included in the formula**
 22 **used to determine the cost of a minimum foundation program of education and**
 23 **to equitably allocate funds to local public school boards and shall have the same**
 24 **taxing authority afforded to local public school boards, all as provided in this**
 25 **Section.**

26 Section 2. Be it further resolved that this proposed amendment shall be submitted
 27 to the electors of the state of Louisiana at the statewide election to be held on November 6,
 28 2012.

29 Section 3. Be it further resolved that on the official ballot to be used at the election,

1 there shall be printed a proposition, upon which the electors of the state shall be permitted
 2 to vote YES or NO, to amend the Constitution of Louisiana, which proposition shall read as
 3 follows:

4 Do you support an amendment to remove restrictions on the legislature's
 5 authority to define the geographic jurisdiction of local public school boards
 6 and to provide for creation of local public school boards and school districts,
 7 subject to voter approval, to provide for the inclusion of all legislatively
 8 created local public school boards in the minimum foundation funding
 9 formula for public elementary and secondary schools, and to grant
 10 legislatively created local public school boards the same taxing authority
 11 afforded to previously created local public school boards? (Amends Article
 12 VIII, Sections 9 and 13(B) and (C); Adds Article VIII, Section 13(D)(3))

The original instrument and the following digest, which constitutes no part
 of the legislative instrument, were prepared by Jeanne C. Johnston.

DIGEST

White (SB 305)

Present constitution requires the legislature to create parish school boards and provide for the election of their members. Provides that each parish school board shall elect a superintendent of parish schools, whose qualifications and duties shall be fixed by BESE but need not be a resident of the parish in which he serves.

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 from parish school boards and city or municipal school boards to local public school boards and their geographic jurisdictions 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 for such taxes.

Proposed constitutional amendment requires voter approval of any act of the legislature creating a local public 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.

Present constitution requires parish school boards outside of Orleans Parish to levy an ad valorem maintenance tax not to exceed 5 mills on the dollar of assessed valuation of property subject to such taxation within the parish or city. Proposed constitution retains this provision but changes the term "parish school board" to "local public school board".

Present constitution requires the Orleans Parish School Board to levy an annual tax not to exceed 13 mills on the dollar of the assessed valuation of property within the city of New Orleans assessed for city taxation and provides that the money thus collected shall be paid daily to the Orleans Parish School Board.

Proposed constitution retains these provisions but deletes specific references to the Orleans Parish School Board and instead makes such provisions applicable to any local public school board wholly situated within Orleans Parish and the tax applicable to property within the geographic jurisdiction of such school board.

Present constitution provides that specified community and municipal school boards, and no others, shall be included in the MFP and have taxing authority granted to parish school boards.

Proposed constitution retains present constitution but provides that notwithstanding this limitation in present constitution, any local public school system created by the legislature pursuant to its constitutional authority to create local public school boards shall be included in MFP formula and the allocation of MFP funds to local public school systems and shall have the same taxing authority afforded to local public school boards.

Specifies submission of the amendment to the voters at the statewide election to be held on December 1, 2012.

(Amends Const. Art. VIII, Sec. 9, 13(B) and (C); adds Const. Art. VIII, Sec. 13(D)(3))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Education to the original bill

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