

2022 Regular Session

HOUSE BILL NO. 4

BY REPRESENTATIVE TARVER

BESE: (Constitutional Amendment) Eliminates the gubernatorial appointment of three members of the State Board of Elementary and Secondary Education, providing for an all-elected membership and reducing the membership to eight

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A JOINT RESOLUTION

Proposing to amend Article VIII, Section 3(B) and (C) of the Constitution of Louisiana, to provide relative to the membership of the State Board of Elementary and Secondary Education; to eliminate the gubernatorial appointment of three members; to reduce the membership from eleven members to eight members; 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, Section 3(B) and (C) of the Constitution of Louisiana, to read as follows:

§3. State Board of Elementary and Secondary Education

Section 3.

\* \* \*

(B)(1) Membership; Terms. The board shall consist of eight members, ~~eight of whom~~ who shall be elected from single-member districts, which shall be determined as provided by law, ~~and three of whom shall be appointed by the governor from the state at large, with consent of the Senate.~~ Members shall serve terms of four years, which shall be concurrent with the term of the governor.

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

1           (2) No person who has served as a member of the board for more than two  
2           and one-half terms in three consecutive terms shall be elected ~~or appointed~~ to the  
3           board for the succeeding term. ~~This Subparagraph shall not apply to any person~~  
4           ~~elected or appointed to the board prior to the effective date of this Subparagraph,~~  
5           ~~December 8, 2008, except that it shall apply to any term of service of any such~~  
6           ~~person that begins after such date.~~

7           (C) Vacancy. A vacancy in the office of ~~an elected~~ a member, if the  
8           remaining portion of the term is more than one year, shall be filled for the remainder  
9           of the term by election, as provided by law. Other vacancies shall be filled for the  
10          remainder of the term by appointment by the governor.

11          Section 2. Be it further resolved that this proposed amendment shall be submitted  
12          to the electors of the state of Louisiana at the statewide election to be held on November 8,  
13          2022.

14          Section 3. Be it further resolved that if the proposed amendment contained in this  
15          Joint Resolution is ratified by the electors of the state, the provisions of the amendment shall  
16          become effective at noon on January 8, 2024.

17          Section 4. Be it further resolved that on the official ballot to be used at the election,  
18          there shall be printed a proposition, upon which the electors of the state shall be permitted  
19          to vote YES or NO, to amend the Constitution of Louisiana, which proposition shall read as  
20          follows:

21                  Do you support an amendment to provide for the election of all members of  
22                  the State Board of Elementary and Secondary Education by removing the  
23                  governor's authority to appoint three members? (Effective at noon on  
24                  January 8, 2024.) (Amends Article VIII, Section 3(B) and (C))

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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 4 Original

2022 Regular Session

Tarver

**Abstract:** Provides for an all-elected membership of the State Board of Elementary and Secondary Education by removing the governor's appointment of three members (reducing the membership from 11 to eight).

Present constitution creates the State Board of Elementary and Secondary Education (BESE) to supervise and control the public elementary and secondary schools and special schools under its jurisdiction. Proposed constitutional amendment retains present constitution.

Present constitution provides that eight members are elected to BESE from single-member districts and three are appointed by the governor from the state at large. Proposed constitutional amendment reduces BESE membership from 11 to eight by removing the gubernatorial appointment of three at-large members.

Present constitution provides the following relative to terms:

- (1) Members shall serve terms of four years, which shall be concurrent with the term of the governor.
- (2) No person who has served as a member of the board for more than two and one-half terms in three consecutive terms shall serve for the succeeding term.

Proposed constitutional amendment retains present constitution.

Present constitution provides following for the filling of vacancies of elected members of BESE:

- (1) If more than one year is left in the term at the time the position becomes vacant, a special election is required to fill the position.
- (2) If less than one year is left in the term at the time the position becomes vacant, the governor is required to appoint a replacement for the remainder of the term.

Proposed constitutional amendment retains present constitution.

Provides for submission of the proposed amendment to the voters at the statewide election to be held on November 8, 2022.

Effective at noon on January 8, 2024.

(Amends Const. Art. VIII, §3(B) and (C))