

Establishes the Board of Supervisors of Technical and Community Colleges and the La. Technical and Community College System as follows:

REGARDING VOCATIONAL-TECHNICAL EDUCATION AND BESE

Present law provides for the supervision and jurisdiction of postsecondary vocational-technical schools by BESE and provides the powers, duties, and responsibilities of BESE, the state Dept. of Education, and the state superintendent regarding such schools.

Proposed law makes the following changes:

- (1) Transfers to the La. Technical and Community College System under the Bd. of Supervisors of Technical and Community Colleges the supervision, jurisdiction, and responsibility for the management of all postsecondary vocational-technical schools, and transfers the obligations, records, and property as well.
- (2) Continues employees who were engaged in the performance of postsecondary vocational-technical functions of BESE and the state Dept. of Education as employees of the La. Technical and Community College System under the Bd. of Supervisors of Technical and Community Colleges insofar as practicable.
- (3) Eliminates a requirement that BESE meet with the Bd. of Regents to develop a system of articulation between vo-tech schools and public institutions of higher education. Eliminates a requirement that BESE meet and work with the Nursing Supply and Demand Commission and the Allied Health Professionals Supply and Demand Commission.
- (4) Replaces BESE with the Bd. of Supervisors of Technical and Community Colleges as it relates to the probation, tenure, and evaluation of employees at vo-tech schools.
- (5) Repeals requirement for BESE to prepare and adopt a funding formula for vo-tech education.
- (6) Repeals BESE authority to approve degrees in occupational studies in vo-tech schools.
- (7) Eliminates the Task Force on Vo-Tech Education.

Present law requires BESE to formulate and establish geographic regions of the state to better provide for administering, coordinating, and planning for programs and functions of the postsecondary vocational-technical schools under BESE jurisdiction.

Proposed law provides instead that the Bd. of Regents shall formulate and establish geographic regions of the state in accordance with proposed law to better provide for the management of programs and functions of the postsecondary vocational-technical schools under the jurisdiction of the Bd. of Supervisors of Technical and Community Colleges. Retains present law provision that upon establishment of geographic regions and at such other times as deemed appropriate by the management board, such board shall designate and assign the postsecondary vocational-technical schools under its

jurisdiction to an appropriate region.

Present law provides that BESE, upon recommendation of the regional directors and directors of postsecondary vocational-technical schools, may appoint an advisory council on career education for each school and requires, under such conditions, the appointment of council for Region 1.

Proposed law provides instead that the Bd. of Supervisors of Technical and Community Colleges, upon the recommendation of the directors of postsecondary vocational-technical schools, shall appoint an advisory council on career education for each school. Retains present law provisions that council membership shall be limited to 15, that members shall serve without pay, and that they be representative equally of employee, employer, and educational and public interests. Changes present law requirement that council members also shall be representative equally of ethnic minorities to state that council members shall be representative equally of race and gender to assure diversity.

Present law creates a Job Reserve Fund to be used to provide funds for addressing training in the state's vocational-technical schools where new or different skills are needed by the people in an area of the state because of the influx of new industry or the expansion of existing industry. Specifies that such money shall be allotted to the schools over and above their normal operating budgets.

Proposed law retains present law and adds that the funds also may be used for such purposes at the state's community colleges.

REGARDING INSTITUTIONS OF HIGHER EDUCATION

- (1) Present law provides for three systems of colleges and universities each with a management board all subject to the powers of the Bd. of Regents. Assigns all institutions of higher education among the three boards.

Proposed law creates the La. Technical and Community College System as an additional system and establishes the Bd. of Supervisors of Technical and Community Colleges as its management board and reassigns institutions of higher education as follows:

From the University of Louisiana system under the Bd. of Trustees for State Colleges and Universities to the La. Community and Technical College System under the Bd. of Supervisors of Technical and Community Colleges:

- Delgado Community College
- Elaine P. Nunez Community College
- South Louisiana Community College
- River Parishes Community College
- Louisiana Delta Community College
- Bossier Parish Community College

From the joint supervision of the LSU board and the SU board to the La. Technical and Community College System under the Bd. of Technical and Community Colleges:

- Baton Rouge Community College

Relative to South Louisiana Community College, proposed law adds provision stating that the college includes the former Louisiana Technical College--Teche Area Campus which was transferred to the University of Louisiana System by action of BESE on January 22, 1998.

Relative to La. Delta Community College, present law provides that the college shall have a principal site in East Carroll Parish. Proposed law provides instead that the college shall offer classes at appropriate satellite locations, including in East Carroll Parish.

- (2) Present law authorizes the Bd. of Regents to create a learning center in Jefferson Parish at two specified locations as a consortium of certain existing public institutions of higher education.

Proposed law retains present law and adds provision specifying that neither location shall be within a 10-mile radius of any campus of a community college or technical college if such campus is in existence of July 1, 1998.

- (3) Proposed law requires the Bd. of Trustees for State Colleges and Universities or the Bd. of Supervisors of Technical and Community Colleges, in cooperation with the Bd. of Regents, to take action to establish a means of awarding certificates and academic and occupational degrees in Jefferson Parish using the instructional resources of existing institutions. Requires courses leading to such certificates and degrees be offered no later than the Fall semester of 1998.

REGARDING MANAGEMENT BOARDS AND THE BOARD OF REGENTS

- (1) Establishes the Bd. of Supervisors of Technical and Community Colleges as a management board for the La. Technical and Community College System comprised of 15 members and two student members. Provides that the initial board shall have nine members selected and appointed by the governor with the consent of the Senate, three members of BESE selected by BESE and appointed by the governor, and three members of the Bd. of Trustees for State Colleges and Universities selected by the Bd. of Trustees and appointed by the governor. Provides for initial terms of service. Provides that members selected by BESE shall serve at the pleasure of BESE and that members selected by the Bd of Trustees shall serve at the pleasure of the Bd. of Trustees. States that after the expiration of the terms of service of the members from the Bd. of Trustees for State Colleges and Universities as specified in proposed law, the governor shall select and appoint their successors with the consent of the Senate.

Specifies that of the members selected and appointed by the governor, there shall be not less than one nor more than two members from each congressional district.

Specifies that the board's membership should be representative of the state's population by race and gender. Requires the governor to appoint one member from among three nominated by the La. AFL-CIO and one from among three nominated by LABI.

Provides that subsequent to the initial board, the membership shall consist of three members of BESE selected by BESE and appointed by the governor to serve at the pleasure of BESE with all remaining members (12) to be selected and appointed by the governor to six-year overlapping terms.

Provides that the board additionally shall have two student members who shall serve one-year terms and shall be selected as provided in proposed law (see Para. (4) below).

Provides for not less than quarterly meetings. Provides that nine members is a quorum and that official action requires the favorable vote of a majority of those present and voting and, in any event, the favorable vote of not less than seven members. Prohibits voting by proxy. Provides for board officers.

- (2) Specifies that the La. Technical and Community College System shall be comprised of the following two divisions:
 - (a) The vocational-technical division which shall include all public institutions which exclusively or predominantly provide programs of postsecondary vocational-technical education and/or which offer applied associate degrees.
 - (b) The community college division which shall include those institutions of higher education in the system which offer associate degrees but not baccalaureate degrees.
- (3) Replaces all references to BESE with regard to the vo-tech schools with the Bd. of Supervisors of Technical and Community Colleges. Requires the Bd. of Supervisors of Technical and Community Colleges, as present law requires for all other higher education boards, to adopt and implement policies, procedures, and rules to provide for the dismissal of any employee found by the NCAA or the NAIA to have committed a deliberate and serious infraction of their rules.
- (4) Provides for two student members on the Bd. of Supervisors of Technical and Community Colleges. Specifies that one such member shall be selected by and from the membership of a council composed of student body presidents of the community colleges managed by the board and that one such member shall be selected by and from a council composed of the student body presidents of the vocational-technical schools managed by the board. Provides for initial terms of the student members from Oct. 1, 1999 through May 31, 2000.
- (5) Adds the Bd. of Supervisors of Technical and Community Colleges chairperson to the La. Student Financial Assistance Commission and one other person to be selected by the board, thus increasing the La. Financial Assistance Commission size from 17 to 19. Also, adds the student members of the Bd. of Supervisors of Technical and Community Colleges to the rotation of student members who serve on the La. Financial Assistance Commission.
- (6) Requires the Bd. of Supervisors of Technical and Community Colleges to adopt practices and guidelines (consistent with principles contained in the Bd. of Regents' funding formula for higher education) to provide for minimizing the number of administrators employed in the system

and the proportion of the system budget allocated for administrative costs.

- (7) Requires the Bd. of Supervisors of Technical and Community Colleges to continue development of articulation agreements between institutions, both public and private. Also requires the board to maximize the use of facilities, faculties, and other resources already in place to provide for the education, remediation, and training of students and to increase access to such education, remediation, and training.
- (8) Provides that a student, faculty member, or other employee of an institution of higher education transferred to the Bd. of Supervisors of Technical and Community College shall "retain and continue" all previously earned benefits provided by law, rule, or regulation.
- (9) Specifies that the mission of any transferred institution of higher education shall not be changed as a result of such transfer and that no action shall be taken as a result of the transfer that adversely affects the accreditation of any such institution.
- (10) Requires the Bd. of Regents to include in any consideration of program approval the need for broad citizen access to the education and training services provided by such institutions and to expand such access through use of all available resources. Also requires the Bd. of Supervisors of Technical and Community Colleges to determine the feasibility of establishing a means of awarding academic degrees and certificates below the baccalaureate in rank by using resources of existing institutions. Permits the Bd. of Supervisors of Technical and Community Colleges to award such degrees provided that the board and the Bd. of Regents agree that such awards are feasible and advantageous and that sufficient appropriations are available for this purpose.
- (11) Specifies that the provision of any program subject to the supervision and management of and offered at any institution under the jurisdiction of the Bd. of Supervisors of Technical and Community Colleges which is not a degree program shall require no approval beyond that of the Bd. of Supervisors of Technical and Community Colleges.
- (12) Permits the Bd. of Supervisors of Technical and Community Colleges, with the approval of the Bd. of Regents to enter into agreements and contracts with the board having supervision and management of any public institution of higher education for the provision by any such institution of courses and services leading to an associate degree.
- (13) Requires the Bd. of Regents to formulate and establish geographic regions of the state in order to maximize the use of the instructional and physical resources of existing state postsecondary educational institutions and to provide board citizen access to the education and training services provided by such institutions.

Specifies that the board shall establish the regions such that at least one public institution of higher education which awards baccalaureate degrees shall be within the geographic boundaries of or shall be assigned by the board to each region.

Requires the Bd. of Regents to evaluate the instructional and physical

resources of existing institutions within each region (including the resources of existing higher education institutions) and assure maximum use thereof before recommending the creation of any new postsecondary institution within the region. States that the board may provide for the use within a region of existing resources from outside the region before recommending the creation of any new postsecondary institution within the region.

- (14) Requires the Bd. of Regents to cause the management boards to adopt and implement, no later than the fall term of 2000, common core course that articulate from any institution of public higher education to other institutions taking into consideration the accreditation criteria of the institution receiving the credit, no later than the fall term of 2001, articulated units of course work common among specified degree programs taking into consideration the accreditation criteria of the institution receiving the credit, and, no later than the fall term of 2002, computer-based articulation assessment that is accessible by all postsecondary students.
- (15) Specifies that all constitutional responsibilities of the Bd. of Regents, including the development of a formula for equitable distribution of funds, applies to all public postsecondary institutions.
- (16) Requires the Bd. of Regents (by not later than the convening of the 1999 R.S.) to submit to the legislature a proposal for full funding of the formula for higher and postsecondary education to be completed over a five-year period beginning not later than the fall of 1999, including provisions for equitable distribution of formula funds.
- (17) Specifies that in the event of a mid-year budget reduction affecting postsecondary education and higher education, no reduction shall disproportionately reduce the total budgeted funding for any postsecondary education system, nor shall such a reduction result in a disproportional reduction for either division of the La. Technical and Community College System.
- (18) Requires the Bd. of Regents to determine the appropriate role of universities in offering associate degree programs during the next Master Plan revision process.
- (19) Revise the membership of the La. Higher Education Advisory Committee to reflect the naming of the system managed by the Bd. of Trustees for State Colleges and Universities the University of Louisiana System and the establishment of the La. Technical and Community College System.
- (20) Adds the Bd. of Supervisors of Technical and Community Colleges to present law provisions affecting all other postsecondary systems, including: provisions regarding system presidents, general powers, duties, and functions of system boards, organization of systems, imposition of technology fee, and provision of school bus transportation.

REGARDING THE LOUISIANA EDUCATION QUALITY SUPPORT FUND (LEQSF)

Present law provides that the state treasurer shall disburse not more than 50

percent of support fund monies as such money is appropriated by the legislature and allocated by the Bd. of Regents for certain specified higher educational purposes to enhance economic development, including the enhancement of the quality of academic, research or agricultural departments or units within a university. States that these funds shall not be used for athletic purposes or programs.

Proposed law retains present law except references community colleges, colleges, or universities rather than universities alone.

Present law also provides that the state treasurer shall disburse not more than 50 percent of support fund monies as such money is appropriated by the legislature and allocated by BESE for certain specified elementary and secondary educational and vocational-technical education purposes.

Proposed law retains present law excepts deletes all references to use of such funds for vocational-technical education purposes other than to fund exemplary programs in elementary, secondary, or vocational-technical schools designed to improve elementary and secondary student academic achievement.

Proposed law adds provision that in lieu of the appropriation or allocation of funds from the LEQSF, the legislature shall appropriate annually \$3.4 million for vocational-technical education purposes.

REGARDING OTHER MATTERS

Present law provides for a system of licensing and regulating proprietary schools by BESE, the state Dept. of Education, and the state superintendent of education. Proposed law transfers all such authority to the Bd. of Regents and the commissioner of higher education and transfers all obligations, records, property, and employees insofar as practicable.

Effective July 1, 1999, if and when the constitutional amendment proposed in Senate Bill No. 1 of this 1998 First Extraordinary Session is adopted and becomes effective.

(Amends R.S. 17:4, 6(A)(4), (5), (6) and (7), 7(7) and (9), 540(1) and (3), 541(A)(2), 1806(A) and (E), 1808(B)(1), 1821(B), 1822(B), 1825(A) and (B), 1835, 1991, 1994, 1994.1, 1996(A) and (B), 1998, 2004(A) and (B)(2), 2005(A), 2009(B) and (D)(2), 2033, 2034, 2035, 2036, 2046(A) and (B), 2048(A), 2049.1, 2049.2 (intro para), 2049.4, 2050(C) and (D), 2054(A), 3022(A)(1), 3129.2(A)(1)(e) and (i) and (B), 3130, 3141.2(8), (9) and (11), 3141.3(A), (B), (D)(2) (intro para), (D)(2)(b), and (F), 3141.4(A) and (D)(2)(a), 3141.5(A), (C), (D), (F)(1) and (2), and (G), 3141.6(A) and (B), 3141.7, 3141.8(A) (intro para), (A)(11), (B), and (C), 3141.9(A) and (B), 3141.11, 3141.14(D), 3141.15(A)(1), (B)(1)(a), and (C)(1), 3141.16(A), (B)(7) and (8), (C)(1), (3)(e), (4), (5), (6), and (10), (E), and (F), 3141.17, 3141.18(A), (B), (C), (D), and (E), 3201, 3217, 3218, 3219, 3220(A), 3222(B), 3223(A), (B) (intro para), (B)(2), (C), and (D), 3224(C), 3225, 3226, 3301(A), 3302(A)(1) and (B), 3351(A), 3351.1(A)(1), 3381(A), 3387(A) and (C), 3801(C)(3)(e) and (4) and (D), and 3802(A)(1), and R.S. 49:1101(B)(2); adds R.S. 17:1871 through 1873, 2049.3(C), 3026(C), 3129.1, 3141.19, 3217.1, 3217.2, and 3801(F); repeals R.S. 17:7(10), (13), and (17), 1992, 2005.2, 2006, 2007, 2010, 2011, 2012, 2013, 3141.2(7), 3301(D), and 3801(E)(3))

Summary of Amendments Adopted by Senate

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

1. Adds specification that all constitutional responsibilities of the Board of Regents, including the development of a formula for equitable distribution of funds, applies to all public postsecondary institutions.
2. Adds specification that in the event of a mid-year budget reduction, no reduction shall disproportionately reduce the total budgeted funding for any postsecondary education system, nor shall such a reduction result in a disproportional reduction for either division of the La. Technical and Community College System.
3. Deletes reference to the cooperation of the Board of Regents as it relates to the Board of Supervisors of the La. Technical and Community College determining the feasibility of establishing a means of awarding associate degrees and certificates while retaining the requirement that doing so requires agreement of the Board of Regents that such awards are feasible and advantageous.
4. Changes references in the law generally applicable to management boards from "college, technical, and university systems" to "postsecondary systems".

Senate Floor Amendments to engrossed bill.

1. Revises composition of the board to two members from each congressional district and one from the state at large appointed by the governor with consent of the Senate and one student member as provided by the law that provides for all other board's student members.
2. Eliminates all reference to membership selection by BESE or any other education board.
3. Revises initial board member terms to provide for five members for two years, five members for four years, and five members for six years.
4. Specifies that the board's membership should be representative of the state's population by race and gender.
5. Requires the governor to appoint one member from among three nominations by the La. AFL-CIO and one from among three nominations by LABI.
6. Requires the appropriate management board to take action to establish a means of awarding certificates and degrees in Jefferson Parish and requires courses leading to such certificates and degrees be offered no later than the Fall semester, 1998.
7. Requires the Board of Supervisors of Technical and Community

colleges to continue development of articulation agreements between institutions.

8. Specifies that no student, faculty member or other employee of an institution of higher education transferred to the Board of Supervisors of Technical and Community College shall lose any previously earned benefits nor shall the mission of any transferred institution change as a result of the transfer.
9. Requires that in providing for articulation, the Board of Regents do so taking into consideration the accreditation criteria of the institution receiving the credit.
10. Requires the Board of Regents to determine the appropriate role of universities in offering associate degree programs during the next Master Plan revision.

Summary of Amendments Adopted by House

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

1. Changes proposed law to provide for two student members on the Board of Supervisors of Technical and Community Colleges rather than one. Adds provision specifying that one such member shall be selected by and from the membership of a council composed of student body presidents of the community colleges managed by the board and that one such member shall be selected by and from a council composed of the student body presidents of the vocational-technical schools managed by the board.
2. Also changes board membership from 15 members appointed by the governor (two from each congressional district and one at-large) to nine initial members appointed by the governor, three initial members selected by and from BESE and appointed by the governor, and three initial members selected by and from the Bd. of Trustees for State Colleges and Universities, with the successors of the Trustees members to be gubernatorial appointees. Requires that gubernatorial appointees include not less than one nor more than two members from each congressional district.
3. Adds provision specifying that the La. Technical and Community College System shall be comprised of a vocational-technical division (including all public institutions which exclusively or predominantly provide programs of postsecondary vocational-technical education and/or which offer applied associate degrees) and a community college division (including those institutions of higher education in the system which offer associate degrees but not baccalaureate degrees).
4. Adds remediation to proposed law requirement that the Bd. of Supervisors of Technical and Community Colleges maximize the use of facilities, faculties, and other resources already in place to provide for the education and training of students and to increase access to such education and training.

5. Adds requirement that the Bd. of Supervisors of Technical and Community Colleges adopt certain practices and guidelines for minimizing the number of administrators employed in the system and the proportion of the system budget allocated for administrative costs.
6. Changes proposed law requirement relative to the Bd. of Supervisors of Technical and Community Colleges continuing to develop articulation agreements between institutions to provide that such agreements shall include both public and private institutions.
7. Requires the Bd. of Regents rather than the Bd. of Supervisors of Technical and Community Colleges to establish geographic regions to better provide for the management of programs and functions of the postsecondary vocational-technical schools under the jurisdiction of the Bd. of Supervisors of Technical and Community Colleges. Adds requirement that the regions be established as provided for by proposed law.
8. Changes present law provision relative to the appointment of an advisory council on career education for each postsecondary vocational-technical school to require such appointment by the management board rather than permitting the appointment.
9. Changes present law provision relative to the Job Reserve Fund to permit the use of fund monies for certain purposes at the state's community colleges.
10. Adds both student members of the Board of Supervisors of Technical and Community Colleges to the rotation of student members who serve on the La. Financial Assistance Commission rather than only one student member.
11. Relative to the awarding of academic certificates below the baccalaureate level by the Bd. of Supervisors of Technical and Community Colleges, deletes proposed law provision requiring that the board and the Bd. of Regents must agree that such awards are feasible and advantageous to the state and that sufficient appropriations are available for this purpose.
12. Adds provision specifying that providing any program subject to the supervision and management of and offered at any institution under the jurisdiction of the Bd. of Supervisors of Technical and Community Colleges which is not a degree program shall require no approval beyond that of the Board of Technical and Community Colleges.
13. Adds provision permitting the Bd. of Supervisors of Technical and Community Colleges, with the approval of the Bd. of Regents, to enter into agreements and contracts with the management board of any public institution of higher education for the provision by any such institution of courses and services leading to an associate degree.
14. Adds provision requiring the Bd. of Regents to formulate and establish geographic regions of the state in order to maximize

the use of the instructional and physical resources of existing state postsecondary educational institutions and to provide board citizen access to the education and training services provided by such institutions and specifying that the board shall establish the regions so that at least one public institution of higher education which awards baccalaureate degrees is within the geographic boundaries of or is assigned by the board to each region.

15. Adds provision requiring the Bd. of Regents to evaluate the instructional and physical resources of existing institutions within each region (including the resources of existing higher education institutions) and assure maximum use thereof before recommending the creation of any new postsecondary institution within the region.
16. Add provision stating that the board may provide for the use within a region of existing resources from outside the region before recommending the creation of any new postsecondary institution within the region
17. Adds provision requiring the Bd. of Regents (by March 29, 1999) to submit to the legislature a proposal for full funding of the formula for higher and postsecondary education to be completed over a five-year period beginning not later than the fall of 1999, including provisions for equitable distribution of formula funds.
18. Relative to proposed law guidelines on the handling of a mid-year budget reduction, provides that the guidelines apply to a mid-year reduction affecting postsecondary education and higher education rather postsecondary education alone.
19. Changes proposed law provision stating that the missions of institutions of higher education transferred to the Bd. of Supervisors of Technical and Community College should not be changed as a result of the transfer to specify instead that the missions shall not be changed as a result of the transfer and that no action shall be taken due the transfer that adversely affects the accreditation of such institutions.
20. Changes proposed law provision directing the Bd. of Supervisors of Technical and Community Colleges to endeavor to continue policies established by the Bd. of Trustees for State Colleges and Universities relative to employees at Delgado Community College who were employees at Orleans Regional Technical Institute prior to it being merged with Delgado to specify instead that such policies shall be continued.
21. Adds provision, relative to South Louisiana Community College, stating that the college includes the former Louisiana Technical College--Teche Area Campus which was transferred to the University of Louisiana System by action of BESE on January 22, 1998.
22. Relative to La. Delta Community College, changes present law provision that the college shall have a principal site in East Carroll Parish to provide instead that the college shall offer

classes at appropriate satellite locations, including in East Carroll Parish.

23. Changes present law provision relative to the location of two sites for a learning center in Jefferson Parish to specify that neither location shall be within a 10-mile radius of any campus of a community college or technical college if such campus is in existence of July 1, 1998.
24. Relative to the LEQSF, changes present law provision relative to the use of funds by the Bd. of Regents to enhance the quality of academic, research or agricultural departments or units within a university to permit the use of funds for such purposes at a community college, college, or university.
25. Relative to the LEQSF, changes present law provision relative to the use of funds by BESE for certain specified elementary and secondary educational and vocational-technical education purposes by deleting all references to use of such funds for vocational-technical education purposes other than to fund exemplary programs in elementary, secondary, or vocational-technical schools designed to improve elementary and secondary student academic achievement.
26. Adds provision that in lieu of the appropriation or allocation of funds from the LEQSF the legislature shall appropriate annually \$3.4 million for vocational-technical education purposes.