

2022 Regular Session

HOUSE BILL NO. 261

BY REPRESENTATIVES MAGEE, AMEDEE, BROWN, BRYANT, EDMONSTON,
EMERSON, FISHER, GREEN, HARRIS, LARVADAIN, MARINO, NELSON,
ORGERON, PIERRE, STEFANSKI, THOMAS, THOMPSON, AND ZERINGUE
AND SENATOR CORTEZ

1 AN ACT

2 To enact Part II-E of Chapter 8 of Title 17 of the Louisiana Revised Statutes of 1950, to be
3 comprised of R.S. 17:1977.1 through 1977.3, and R.S. 36:651(C)(13), relative to
4 education; to create an independent public French immersion school; to provide for
5 the location of the school and the grade levels to be served; to provide for a board of
6 directors and a school director and the powers, duties, and responsibilities of each;
7 to provide for board membership, terms, and compensation; to provide for an
8 effective date; to provide for funding; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. Part II-E of Chapter 8 of Title 17 of the Louisiana Revised Statutes of
11 1950, comprised of R.S. 17:1977.1 through 1977.3, is hereby enacted to read as follows:

12 PART II-E. ÉCOLE POINTE-AU-CHIEN

13 §1977.1. École Pointe-au-Chien; creation; location; governance

14 There is hereby created École Pointe-au-Chien, a public French immersion
15 school for students in grades prekindergarten through four. The school shall be
16 located in Terrebonne Parish. The school shall be independent of the control of the
17 state superintendent of education and of all local and state education boards except
18 its board of directors.

1 §1977.2. Board of directors; creation; membership; terms; powers; voting;
2 compensation

3 A. There is hereby created a board of directors for the school, referred to in
4 this Part as the "board". The board shall be composed of thirteen members as
5 follows:

6 (1) Three members appointed by the state-recognized Pointe-au-Chien
7 Indian Tribe.

8 (2) One member appointed by the state-recognized Isle-De-Jean-Charles
9 Band of Biloxi-Chitimacha-Choctaw Indians of Louisiana.

10 (3) One member appointed by the governor.

11 (4) One member appointed by the Council for the Development of French
12 in Louisiana who is an employee of the council.

13 (5) One member appointed by the Consul General of France in Louisiana.

14 (6) One member appointed by the Grand Caillou/Dulac Band of Biloxi-
15 Chitimacha-Choctaw.

16 (7) One member appointed by the Bayou Lafourche Band of Biloxi-
17 Chitimacha Confederation of Muskogees.

18 (8) One member appointed by the United Houma Nation.

19 (9) The state superintendent of education or his designee who is an employee
20 of the state Department of Education.

21 (10) The member of the Louisiana Senate whose district encompasses the
22 location of the school or his designee who is a resident of Pointe-aux-Chenes.

23 (11) The member of the Louisiana House of Representatives whose district
24 encompasses the location of the school or his designee who is a resident of Pointe-
25 aux-Chenes.

26 B. The terms of the members of the board shall be four years.

27 C. Seven members of the board shall constitute a quorum for the transaction
28 of business, and all official action of the board shall require the favorable vote of a
29 majority of those members present and voting.

1 D. The board shall have the authority to do the following:

2 (1) Accept donations, bequests, or other forms of financial assistance for
3 educational purposes from any public or private person or agency and comply with
4 rules and regulations governing grants from the federal government or from any
5 other person or agency.

6 (2) Purchase land and equipment and make improvements to facilities
7 necessary for the use of the school in accordance with applicable law.

8 (3) Lease land or other property belonging to it or to the school, subject to
9 approval of the commissioner of administration and in accordance with law.

10 (4) Sell or exchange land or other real property not needed for school
11 purposes, but only when specifically authorized by law and then only in accordance
12 with the procedures provided in R.S. 41:892 for the sale of unused school lands. The
13 sale shall be authorized by resolution adopted by the board, and the act of sale shall
14 be signed by the president of the board or such other person to whom the signing
15 may be delegated by the board in the authorizing resolution.

16 (5) Adopt rules, regulations, and policies necessary or proper for the conduct
17 of the business of the board.

18 (6) Enter into contracts and agreements which have been recommended by
19 the director, in accordance with applicable law, and to the extent that funds are
20 specifically appropriated therefor, with other public agencies with respect to
21 cooperative enterprises and undertakings related to or associated with an educational
22 purpose or program affecting education in the school. This shall not preclude the
23 board from entering into other such contracts and agreements that it deems necessary
24 to carry out its duties and functions.

25 (7) Perform such other functions as are necessary for the governance of the
26 school.

27 E. In addition to the authorities granted by this Section and any powers,
28 duties, and responsibilities vested by any other applicable laws, the board shall:

29 (1) Adopt rules, regulations, and policies, including a student handbook, that
30 are necessary for the efficient operation of the school.

1 (2) Prescribe and select for use in the school free textbooks and other
2 materials of instruction for students enrolled in the school.

3 (3) Select a director who shall be the chief administrative officer of the
4 school and who shall administer the rules, regulations, and policies adopted by the
5 board. The board shall delegate to the director such of its powers and duties as it
6 deems appropriate to aid the director in the efficient administration of his
7 responsibility for the implementation of the policies of the board. The director shall
8 be responsible for all the administrative functions, duties, and needs of the board
9 including but not limited to the following:

10 (a) Preparing an annual budget necessary for the continued operation of the
11 school and submitting such budget to the board for adoption.

12 (b) Paying the expenses of the board and its members and the salaries and
13 expenses, including but not restricted to facilities, equipment, and supplies of the
14 faculty and staff of the school out of funds appropriated or otherwise made available
15 for the operating and administrative expenses of the board and the school.

16 (c) Exercising budgetary responsibility and allocating for expenditure by the
17 school all monies appropriated or otherwise made available for purposes of the board
18 and the school.

19 (d) Developing and annually updating a student handbook including but not
20 limited to all rules, regulations, and policies for the disciplining of students and
21 submitting such handbook to the board for adoption as provided in Paragraph (1) of
22 this Subsection.

23 (e) Determining faculty and staff positions necessary for the efficient
24 operation of the school and selecting personnel for such positions.

25 (f) Creating an advisory panel of individuals with expertise or interest in
26 matters pertaining to the school.

27 F. Members of the board shall not receive any compensation for their service
28 as members.

29 G. The school shall act as its own local education agency.

1 §1977.3. Funding; inclusion in the minimum foundation program formula; other
2 appropriated state funds

3 A. The board of directors of the school annually shall prepare and adopt a
4 recommended budget to adequately fund the educational programs at the school. The
5 budget shall have as its goal to provide state funding for the school which shall not
6 be less than the average funding on a per-student basis at peer institutions in other
7 states having similar programs and enrollments and may provide for achieving its
8 goal over a multi-year period. The recommended budget shall be submitted to the
9 division of administration as the total budget request for the school.

10 B. École Pointe-au-Chien shall be considered a public school and, as such,
11 shall be included by the State Board of Elementary and Secondary Education in the
12 formula required by Article VIII, Section 13 of the Constitution of Louisiana used
13 to determine the cost of a minimum foundation program of education in all public
14 elementary and secondary schools. Funding shall be provided through
15 appropriations made directly to the school from the state general fund and through
16 funds appropriated for the minimum foundation program and allocated to the school
17 by the state Department of Education.

18 Section 2. R.S. 36:651(C)(13) is hereby enacted to read as follows:

19 §651. Transfer of boards, commissions, departments, and agencies to Department
20 of Education; boards, commissions, and agencies within Department of
21 Education

22 * * *

23 C. The following agencies are transferred to and hereafter shall be within the
24 Department of Education as provided in R.S. 36:801.1:

25 * * *

26 (13) École Pointe-au-Chien board of directors (R.S. 17:1977.1 et seq.).

27 * * *

28 Section 3.(A) This Act shall become effective July 1, 2023, except as provided in
29 Subsection B of this Section.

1 (B) The provisions of R.S. 17:1977.2 and R.S. 36:651(C)(13) as provided in this
2 Act, relative to the creation of the board of directors, shall become effective upon signature
3 of this Act by the governor or, if not signed by the governor, upon expiration of the time for
4 bills to become law without signature by the governor, as provided by Article III, Section
5 18 of the Constitution of Louisiana. If this Act is vetoed by the governor and subsequently
6 approved by the legislature, the provisions of R.S. 17:1977.2 and R.S. 36:651(C)(13) as
7 provided in this Act, relative to the creation of the board of directors, shall become effective
8 on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____