

Regular Session, 2013

HOUSE BILL NO. 650

BY REPRESENTATIVE CARTER

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

GOVERNMENT ORGANIZATION: Provides relative to the organization of the state Department of Education

1 AN ACT

2 To amend and reenact R.S. 36:642(B) and (C), 643, 644, 645(A), (B)(1)(a)(i), and (C), 646,
3 648, 649, and 651(B) and to repeal R.S. 17:3138.1(C)(7), relative to the organization
4 of the state Department of Education; to provide for changes relative to the
5 membership of the Remedial Education Commission; to remove the office of
6 literacy, the office of science, technology, engineering, and mathematics, the office
7 of college and career readiness, the office of departmental support, and the office of
8 innovation as offices of the department and to add the office of district support to the
9 department; to provide for changes relative to the officers of the department; to
10 provide that the appointment of a deputy state superintendent is optional; to provide
11 relative to the purposes and functions of the office of management and finance and
12 office of district support; and to provide for related matters.

13 Be it enacted by the Legislature of Louisiana:

14 Section 1. R.S. 36:642(B) and (C), 643, 644, 645(A), (B)(1)(a)(i), and (C), 646, 648,
15 649, and 651(B) are hereby amended and reenacted to read as follows:

16 §642. Department of Education; creation; domicile; composition; purposes and
17 functions

18 * * *

19 B. The Department of Education, through its offices, officers, and
20 management boards shall, in accordance with law, provide for the education of the

1 people of the state and shall be the agency through which the state administers the
2 functions of the state superintendent of education, the Board of Elementary and
3 Secondary Education, the Board of Regents, the Board of Supervisors for the
4 University of Louisiana System, the Board of Supervisors of Louisiana State
5 University and Agricultural and Mechanical College, the Board of Supervisors of
6 Southern University and Agricultural and Mechanical College, and the Board of
7 Supervisors of Community and Technical Colleges, as provided by the constitution
8 and laws of this state and this Title.

9 C.(1) The Department of Education shall be composed of the executive
10 office of the state superintendent, the office of management and finance, ~~the office~~
11 ~~of literacy, the office of science, technology, engineering, and mathematics, the~~
12 ~~office of college and career readiness, the office of departmental support, the office~~
13 ~~of innovation,~~ the Special School District, the office of district support and such
14 other offices as shall be created by law.

15 (2) Whenever the state superintendent determines that the administration of
16 the functions of the department may be more efficiently performed by eliminating,
17 merging, or consolidating existing offices or establishing new offices, he shall
18 present a plan therefor to the legislature for its approval by statute.

19 * * *

20 §643. Officers of the department; compensation for one office only

21 A. The officers of the department shall be the state superintendent of
22 education, the deputy state superintendent of education, ~~and an assistant deputy~~
23 ~~superintendent for each office of the department~~ the superintendent of the Special
24 School District, the deputy superintendent of management and finance, and the
25 deputy superintendent of district support. With the exception of the state
26 superintendent of education, each of them shall be selected as provided in this Title.
27 They shall perform functions as provided in this Title. ~~The deputy superintendent~~
28 ~~shall be the first assistant to the superintendent appointed pursuant to Article IV,~~
29 ~~Section 13 of the Constitution of Louisiana.~~

1 B. No person serving as a state superintendent, deputy state superintendent,
2 or ~~assistant~~ deputy superintendent shall receive any additional salary from the state
3 other than that salary which he receives by virtue of serving in any one of such
4 offices.

5 C. Notwithstanding any provision of this Section to the contrary, subject to
6 approval of the state superintendent, any person serving as deputy state
7 superintendent or ~~assistant~~ deputy superintendent may receive additional
8 compensation for part-time services rendered as an instructor in post-secondary
9 educational institutions or as a member of the National Guard.

10 §644. ~~State Superintendent~~ superintendent of education

11 The state superintendent of education shall serve as the executive head and
12 chief administrative officer of the Department of Education and shall have the
13 responsibility for implementing educational policies, except as otherwise provided
14 by this Title, and for the administration, control, and operation of the functions,
15 programs, and affairs of the department to the extent provided by this Title.

16 §645. Powers and duties of state superintendent of education

17 A. In addition to the functions, powers, and duties otherwise vested in the
18 state superintendent by law, he shall:

19 (1) Represent the public interest in the administration of this Chapter and
20 ~~shall~~ be responsible to the legislature and the public therefor.

21 (2) Determine the policies of the department, except as otherwise provided
22 by this Title and by the Louisiana Constitution.

23 (3) In accordance with the Administrative Procedure Act, make, alter,
24 amend, and promulgate rules and regulations necessary for the administration of the
25 functions of the department, except as otherwise provided by this Title.

26 (4) Organize, plan, supervise, direct, administer, execute, and be responsible
27 for the functions and programs vested in the department, in the manner and to the
28 extent provided by this Title.

1 (5) Except for agencies transferred as provided in R.S. 36:801.1, and except
2 for provisions of the constitution to the contrary, act as the sole agent of the state or,
3 in necessary cases, designate one of the offices within the department or its ~~assistant~~
4 deputy superintendent, to cooperate with the federal government and with other state
5 and local agencies in matters of mutual concern and in the administration of federal
6 funds granted to the state or directly to the department or an office thereof to aid in
7 the furtherance of any function of the department and its offices. For this purpose he
8 may take such actions, in accordance with applicable state law, necessary to meet
9 such federal standards as are established for the administration and use of such
10 federal funds, except as otherwise specifically provided in this Title or by the
11 constitution and laws of this state.

12 (6) Make and publish an annual report to the legislature concerning the
13 operations of the department and submit with each report such recommendations as
14 he deems necessary for the more effective internal structure and administration of
15 the department and make other reports and recommendations on his own initiative
16 or upon request of the legislature or any committee or member thereof.

17 (7) Provide for the ongoing merger and consolidation of the agencies and
18 functions transferred to ~~his~~ the department and submit a report thereon to the
19 legislature, which report shall accompany the budget statement which he submits
20 under provisions of R.S. 39:45. Such report shall include a statement of the goals of
21 the department and of the programs thereof and shall summarize the
22 accomplishments of the department in meeting such goals and implementing such
23 programs. The report shall also contain a specific statement of the reorganization
24 and consolidation plan for the department for the next year and shall include a report
25 on the implementation of such reorganization and consolidation plan for the previous
26 year. The report concerning reorganization shall specifically detail the extent to
27 which the department has achieved goals stated the previous year with respect to
28 merger and consolidation of functions, abolition of agencies, consolidation of offices
29 and administrative and programmatic divisions of the department, elimination of job

1 positions, and efficiency and economy in delivery of services. The report shall
2 contain any recommendations with respect to reorganization which may require
3 legislative action. A copy of the report and recommended legislation shall also be
4 submitted by the state superintendent to the presiding officer of both houses of the
5 legislature. The presiding officer shall refer the report to the appropriate committee
6 having jurisdiction of the subject matter as provided in the rules of the respective
7 house.

8 (8) Perform the functions of the state relating to personnel management of
9 the department in accordance with applicable law.

10 B. The state superintendent shall have authority to:

11 (1)(a) Except as otherwise specifically provided in R.S. 36:801, R.S.
12 36:801.1, R.S. 36:801.2, and R.S. 36:803:

13 * * *

14 (i) Employ, appoint, remove, assign, and promote such personnel as is
15 necessary for the efficient administration of the executive office of the state
16 superintendent and the performance of its powers, duties, functions, and
17 responsibilities and such other personnel, who are not assigned to an office, as may
18 be necessary for the efficient administration of the department and for the
19 performance of the responsibilities, powers, duties, and functions of agencies
20 transferred to it;

21 * * *

22 C. The state superintendent shall perform and exercise his powers, duties,
23 functions, and responsibilities in accordance with the provisions of R.S. 36:801.2 and
24 the constitution.

25 §646. Deputy state superintendent

26 There ~~shall~~ may be a deputy state superintendent of the department, who shall
27 be appointed by the state superintendent with consent of the Senate ~~and who.~~ He
28 shall serve at the pleasure of the state superintendent at a salary fixed by the state
29 superintendent, which salary shall not exceed the amount approved for such position

1 by the legislature while in session. ~~The deputy superintendent shall be the first~~
 2 ~~assistant of the superintendent of education.~~ The duties and functions of the deputy
 3 state superintendent shall be determined and assigned by the state superintendent.
 4 He shall serve as acting state superintendent in the absence of the state
 5 superintendent ~~as provided by law.~~ If no deputy state superintendent is appointed,
 6 the state superintendent shall designate the deputy superintendent of management
 7 and finance or the deputy superintendent of district support to serve in his absence.

8 §648. ~~Assistant deputy~~ Deputy superintendents

9 A. ~~Each office~~ The office of management and finance and office of district
 10 support within the Department of Education shall be under the immediate
 11 supervision and direction of ~~an~~ a ~~assistant~~ deputy superintendent, who shall be
 12 appointed by the state superintendent with consent of the Senate. Each shall serve
 13 at the pleasure of the state superintendent and shall be paid a salary which shall be
 14 fixed by the state superintendent and shall not exceed the amount approved for such
 15 position by the legislature while in session.

16 B. Except as otherwise expressly provided in this Title, the duties and
 17 functions of each office and its ~~assistant~~ deputy superintendent shall be determined
 18 by the state superintendent, and all of such duties and functions shall be exercised
 19 under the direct supervision and control of the state superintendent.

20 C. Each ~~assistant~~ deputy superintendent shall exercise all powers and
 21 authority granted to him in this Title subject to the overall direction and control of
 22 the state superintendent.

23 * * *

24 §649. Offices; purposes and functions relating to elementary and secondary
 25 education

26 A. The purposes for which the offices in the Department of Education are
 27 created shall be as set forth in this Section.

28 ~~B. The office of literacy shall perform the functions of the state relating to~~
 29 ~~reading and writing, all in accordance with applicable law.~~

1 §651. Transfer of boards, commissions, departments, and agencies to Department
2 of Education; boards, commissions, and agencies within Department of
3 Education

4 B. For purposes of this Chapter, references in Chapters 22 and 24 of this
5 Title to the "secretary" shall refer to the state superintendent of education, references
6 to the "undersecretary" shall refer to the ~~assistant~~ deputy superintendent for the office
7 of management and finance, references to an "assistant secretary" shall refer to ~~an~~
8 a ~~assistant~~ deputy superintendent.

9 * * *

10 Section 2. R.S. 17:3138.1(C)(7) is hereby repealed in its entirety.

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)]

Carter

HB No. 650

Abstract: Provides relative to the organization of the state Dept. of Education.

Present law creates the Dept. of Education to be composed of the executive office of the superintendent, the office of management and finance, the office of literacy, the office of science, technology, engineering, and mathematics, the office of college and career readiness, the office of departmental support, the office of innovation, the Special School District, and such other offices as shall be created by law. Proposed law eliminates the office of literacy, the office of science, technology, engineering, and mathematics, the office of college and career readiness, the office of departmental support, and the office of innovation from the Dept. of Education. Proposed law adds the office of district support.

Present law requires appointment of a deputy superintendent of the department. Proposed law removes the requirement and instead authorizes appointment of a deputy state superintendent. Further provides that, if no deputy state superintendent is appointed, the state superintendent shall designate the deputy superintendent of management and finance or the deputy superintendent of district support to serve in his absence. Proposed law deletes present law requirement that the deputy superintendent be the first assistant to the state superintendent.

Present law provides that each office within the Dept. of Education shall be under the immediate supervision and direction of an assistant deputy superintendent, who shall be appointed by the superintendent with consent of the Senate. Proposed law provides that the office of management and finance and office of district support shall be under the immediate supervision and direction of a deputy superintendent, who shall be appointed by the state superintendent with consent of the Senate.

Present law provides that the office of management and finance shall perform the functions of the state relating to accounting and budget control, procurement and contract management, management and program analysis, grants management, and personnel

management, all in accordance with applicable law. Proposed law removes personnel management from list of functions; otherwise retains present law. Proposed law specifies that personnel management shall be a duty of the state superintendent of education.

Proposed law provides that the purpose and function of the office of district support is to support local education agencies in identifying opportunities and resources for improved instructional leadership, effective policy and practice, and comprehensive intervention in their lowest performing schools. It shall serve as the office having primary communications and support for all local superintendents, charter school leaders, and school administrative staff throughout the state.

Present law creates the Remedial Education Commission. The commission's purpose is to study and review the data on educational services provided in public and secondary schools and remedial education provided at public postsecondary education institutions, of recommending best practices and strategies to be used by public elementary and secondary schools and public postsecondary education institutions in providing such educational services, and of recommending any necessary statutory and regulatory changes to the legislature, the State Board of Elementary and Secondary Education, and the Board of Regents related to the study.

Present law provides that membership of the Remedial Education Association shall include the assistant deputy superintendent of the office of college and career readiness of the state Dept. of Education or his designee. Proposed law removes such provision and otherwise retains present law.

(Amends R.S. 36:642(B) and (C), 643, 644, 645(A), (B)(1)(a)(i), and (C), 646, 648, 649, and 651(B); Repeals R.S. 17:3138.1(C)(7))