HLS 13RS-328 REENGROSSED

Regular Session, 2013

HOUSE BILL NO. 650

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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

AN ACT

2	To amend and reenact R.S. 36:642(B) and (C), 643, 644, 645(A), (B)(introductory
3	paragraph) and (1)(a)(i), and (C), 646, 648, 649, and 651(B) and to repeal R.S.
4	17:3138.1(C)(7), relative to the organization of the state Department of Education;
5	to provide for changes relative to the membership of the Remedial Education
6	Commission; to remove the office of literacy, the office of science, technology,
7	engineering, and mathematics, the office of college and career readiness, the office
8	of departmental support, and the office of innovation as offices of the department and
9	to add the office of district support to the department; to provide for changes relative
10	to the officers of the department; to provide that the appointment of a deputy state
11	superintendent is optional; to provide relative to the purposes and functions of the
12	office of management and finance and office of district support; and to provide for
13	related matters.
14	Be it enacted by the Legislature of Louisiana:
15	Section 1. R.S. 36:642(B) and (C), 643, 644, 645(A), (B)(introductory paragraph)
16	and (1)(a)(i), and (C), 646, 648, 649, and 651(B) are hereby amended and reenacted to read
17	as follows:
18	§642. Department of Education; creation; domicile; composition; purposes and
19	functions
20	* * *

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CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

B. The Department of Education, through its offices, officers, and management boards shall, in accordance with law, provide for the education of the people of the state and shall be the agency through which the state administers the functions of the <u>state</u> superintendent of education, the Board of Elementary and Secondary Education, the Board of Regents, the Board of Supervisors for the University of Louisiana System, the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College, the Board of Supervisors of Southern University and Agricultural and Mechanical College, and the Board of Supervisors of Community and Technical Colleges, as provided by the constitution and laws of this state and this Title.

- C.(1) The Department of Education shall be composed of the executive office of the <u>state</u> 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, the office of district support, and such other offices as shall be created by law.
- (2) Whenever the <u>state</u> superintendent determines that the administration of the functions of the department may be more efficiently performed by eliminating, merging, or consolidating existing offices or establishing new offices, he shall present a plan therefor to the legislature for its approval by statute.

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

A. The officers of the department shall be the <u>state</u> superintendent of education, the deputy <u>state</u> superintendent of <u>education</u>, <u>education</u> if a deputy <u>state</u> <u>superintendent of education is appointed</u>, <u>and an assistant deputy superintendent for each office of the department the superintendent of the Special School District, the deputy superintendent of management and finance, and the deputy superintendent <u>of district support</u>. With the exception of the <u>state</u> superintendent of education, each of them shall be selected as provided in this Title. They shall perform functions as</u>

1	provided in this Title. The deputy superintendent shall be the first assistant to the
2	superintendent appointed pursuant to Article IV, Section 13 of the Constitution of
3	Louisiana.
4	B. No person serving as a <u>state</u> superintendent, deputy <u>state</u> superintendent,
5	or assistant deputy superintendent shall receive any additional salary from the state
6	other than that salary which he receives by virtue of serving in any one of such
7	offices.
8	C. Notwithstanding any provision of this Section to the contrary, subject to
9	approval of the state superintendent, any person serving as deputy state
10	superintendent or assistant deputy superintendent may receive additional
11	compensation for part-time services rendered as an instructor in post-secondary
12	educational institutions or as a member of the National Guard.
13	§644. State Superintendent superintendent of education
14	The state superintendent of education shall serve as the executive head and
15	chief administrative officer of the Department of Education and shall have the
16	responsibility for implementing educational policies, except as otherwise provided
17	by this Title, and for the administration, control, and operation of the functions,
18	programs, and affairs of the department to the extent provided by this Title.
19	§645. Powers and duties of state superintendent of education
20	A. In addition to the functions, powers, and duties otherwise vested in the
21	state superintendent by law, he shall:
22	(1) Represent the public interest in the administration of this Chapter and
23	shall be responsible to the legislature and the public therefor.
24	(2) Determine the policies of the department, except as otherwise provided
25	by this Title and by the Louisiana Constitution.
26	(3) In accordance with the Administrative Procedure Act, make, alter,
27	amend, and promulgate rules and regulations necessary for the administration of the
28	functions of the department, except as otherwise provided by this Title.

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

- (5) Except for agencies transferred as provided in R.S. 36:801.1, and except for provisions of the constitution to the contrary, act as the sole agent of the state or, in necessary cases, designate one of the offices within the department or its assistant deputy superintendent, to cooperate with the federal government and with other state and local agencies in matters of mutual concern and in the administration of federal funds granted to the state or directly to the department or an office thereof to aid in the furtherance of any function of the department and its offices. For this purpose he may take such actions, in accordance with applicable state law, necessary to meet such federal standards as are established for the administration and use of such federal funds, except as otherwise specifically provided in this Title or by the constitution and laws of this state.
- (6) Make and publish an annual report to the legislature concerning the operations of the department and submit with each report such recommendations as he deems necessary for the more effective internal structure and administration of the department and make other reports and recommendations on his own initiative or upon request of the legislature or any committee or member thereof.
- (7) Provide for the ongoing merger and consolidation of the agencies and functions transferred to his the department and submit a report thereon to the legislature, which report shall accompany the budget statement request which he submits under provisions of R.S. 39:45 R.S. 39:33. Such report shall include a statement of the goals of the department and of the programs thereof and shall summarize the accomplishments of the department in meeting such goals and implementing such programs. The report shall also contain a specific statement of the reorganization and consolidation plan for the department for the next year and shall include a report on the implementation of such reorganization and consolidation plan for the previous year. The report concerning reorganization shall specifically

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detail the extent to which the department has achieved goals stated the previous year		
with respect to merger and consolidation of functions, abolition of agencies,		
consolidation of offices and administrative and programmatic divisions of the		
department, elimination of job positions, and efficiency and economy in delivery of		
services. The report shall contain any recommendations with respect to		
reorganization which may require legislative action. A copy of the report and		
recommended legislation shall also be submitted by the state superintendent to the		
presiding officer of both houses of the legislature. The presiding officer shall refer		
the report to the appropriate committee having jurisdiction of the subject matter as		
provided in the rules of the respective house.		
(8) Perform the functions of the state relating to personnel management of		
the department in accordance with applicable law		

- - B. The <u>state</u> superintendent shall have authority to:
- (1)(a) Except as otherwise specifically provided in R.S. 36:801, R.S. 36:801.1, R.S. 36:801.2, and R.S. 36:803:

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

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

§646. Deputy state superintendent

There shall may be a deputy state superintendent of the department, who shall be appointed by the state superintendent with consent of the Senate and who. He shall serve at the pleasure of the state superintendent at a salary fixed by the state superintendent, which salary shall not exceed the amount approved for such position by the legislature while in session. The deputy superintendent shall be the first assistant of the superintendent of education. The duties and functions of the deputy state superintendent shall be determined and assigned by the state superintendent. He shall serve as acting state superintendent in the absence of the state superintendent as provided by law. 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. §648. Assistant deputy Deputy superintendents

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

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

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

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2	education
3	A. The purposes for which the offices in the Department of Education are
4	created shall be as set forth in this Section.
5	B. The office of literacy shall perform the functions of the state relating to
6	reading and writing, all in accordance with applicable law.
7	C. The office of science, technology, engineering, and mathematics shall
8	perform the functions of the state relating to science, technology, engineering, and
9	numeracy, all in accordance with applicable law.
10	D. The office of college and career readiness shall perform the functions of
11	the state relating to dropout prevention and preparing students for college or career
12	and technical education, all in accordance with applicable law.
13	\pm <u>B</u> . The office of management and finance shall perform the functions of
14	the state relating to accounting and budget control, procurement and contract
15	management, management and program analysis, and grants management, and
16	personnel management, all in accordance with applicable law.
17	F. The office of departmental support shall perform the functions of the state
18	relating to parental options, charter schools, federal programs, nutritional programs,
19	foreign language programs, standards, assessments, and accountability, and
20	information management, all in accordance with applicable law.
21	G. The office of innovation shall perform the functions of the state relating
22	to teacher preparation, certification, and professional development, school
23	leadership, support to local school districts, and school improvement, all in
24	accordance with applicable law.
25	C. The office of district support shall support local education agencies in
26	identifying opportunities and resources for improved instructional leadership,
27	effective policy and practice, and comprehensive intervention in their lowest-
28	performing schools. It shall serve as the office having primary responsibility for

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

1	communications with and support for all local superintendents, charter school
2	leaders, and school administrative staff throughout the state.
3	* * *
4	§651. Transfer of boards, commissions, departments, and agencies to Department
5	of Education; boards, commissions, and agencies within Department of
6	Education
7	B. For purposes of this Chapter, references in Chapters 22 and 24 of this
8	Title to the "secretary" shall refer to the <u>state</u> superintendent of education, references
9	to the "undersecretary" shall refer to the assistant deputy superintendent for the office
10	of management and finance, references to an "assistant secretary" shall refer to an
11	<u>a</u> assistant deputy superintendent.
12	* * *
13	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. <u>Proposed law</u> adds the office of district support.

Present law requires appointment of a deputy superintendent of the department. Proposed <u>law</u> 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.

<u>Present law</u> 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. <u>Proposed law</u> 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.

<u>Present law</u> 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. <u>Proposed law</u> removes personnel management from list of functions; otherwise retains <u>present law</u>. <u>Proposed law</u> specifies that personnel management shall be a duty of the state superintendent of education.

<u>Proposed law</u> 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.

<u>Present law</u> 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.

<u>Present law</u> 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. <u>Proposed law</u> removes such provision and otherwise retains <u>present law</u>.

(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))