

SENATE BILL NO. 199

BY SENATOR WHITE

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AN ACT

To enact R.S. 17:58.2(I), 67, and 67.1 through 67.4, relative to the Southeast Baton Rouge Community School System; to provide for the school system, including its establishment and geographic boundaries; to provide for the school board and an interim school board; to provide for board membership, apportionment, qualifications, method of selection, terms of office, filling of vacancies, compensation, expenses, powers, duties, and responsibilities; to provide relative to facilities and property; to provide relative to the collection and remittance of certain taxes; to provide relative to the provision of certain student services; to provide relative to certain applications for funding; to provide for the reapportionment of the East Baton Rouge Parish School Board; to provide with respect to certain costs related to retired employees; to provide for effectiveness and for implementation; and to provide for related matters.

Notice of intention to introduce this Act has been published.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:58.2(I), 67, and 67.1 through 67.4 are hereby enacted to read as follows:

§58.2. East Baton Rouge Parish School Board; reapportionment; election districts; terms

\* \* \*

**I.(1) In addition to any other requirements in this Section, in the event the Southeast Baton Rouge Community School Board begins the actual operation of educating students within its jurisdiction as a separate school system in accordance with R.S. 17:67, the East Baton Rouge Parish School Board shall develop a plan to divide the parish, excluding the geographic area within the boundaries of the Southeast Baton Rouge Community School System,**

1 into single-member districts from each of which one member of such board  
 2 shall be elected. Such districts shall be drawn with as equal population as  
 3 possible, using population figures from the most recent federal decennial census.

4 (2) Prior to the final adoption of such plan, the East Baton Rouge Parish  
 5 School Board shall order a public hearing on the proposed plan and shall cause  
 6 to be published in its official journal, at least twenty days prior to the date of  
 7 such hearing, the time and place thereof, a general summary and map of the  
 8 proposed plan, and the times and places where copies of the proposed plan are  
 9 available for public inspection.

10 (3) Notwithstanding any law to the contrary, each elected member of the  
 11 East Baton Rouge Parish School Board holding office on the date the Southeast  
 12 Baton Rouge Community School Board begins the actual operation of educating  
 13 students within its jurisdiction as a separate school system shall serve the  
 14 remainder of the term of office for which he was elected. If a vacancy occurs  
 15 during his term of office, it shall be filled in accordance with law from districts  
 16 in effect at the time the office is filled.

17 (4) At the next date on which a regular election for members of the East  
 18 Baton Rouge Parish School Board would be held following the date the  
 19 Southeast Baton Rouge Community School Board begins the actual operation  
 20 of educating students within its jurisdiction as a separate school system, the  
 21 members of the East Baton Rouge Parish School Board shall be elected from  
 22 single-member districts adopted in accordance with this Subsection. The  
 23 members so elected and their successors in office shall serve four-year  
 24 concurrent terms. Thereafter, the East Baton Rouge Parish School Board shall  
 25 be reapportioned as otherwise provided by law.

26 \* \* \*

27 §67. Southeast Baton Rouge Community School Board and school system;  
 28 creation; membership; qualifications; apportionment; election;  
 29 powers, duties, and functions; system operation

30 A.(1) Notwithstanding any provision of law to the contrary, upon the

1 appointment of members of the interim school board as provided in R.S.  
2 17:67.1, there shall be established a separate school system and school board for  
3 the Southeast Baton Rouge community in East Baton Rouge Parish. The school  
4 board shall be designated the Southeast Baton Rouge Community School Board.  
5 The board shall be composed of nine members, one from each of the single-  
6 member districts provided for in Subsection B of this Section, who shall be  
7 electors and shall meet the qualifications for office provided in R.S. 17:52(D)  
8 and (E).

9 (2) The geographic boundaries of the school system shall be as follows:  
10 Commence at a point where the centerlines of Interstate 10 and Interstate 12  
11 intersect; thence proceed in an easterly direction along the centerline of  
12 Interstate 12 to its intersection with the Amite River; thence proceed in a  
13 southerly direction along the centerline of the Amite River to its intersection  
14 with Bayou Manchac; thence proceed in a westerly direction along the  
15 centerline of Bayou Manchac to its intersection with Interstate 10; thence  
16 proceed in a northwesterly direction along the centerline of Interstate 10 to the  
17 point of beginning.

18 B.(1) The interim school board shall, within one hundred eighty days of  
19 appointment, develop and adopt a plan to divide the geographic area  
20 encompassed by the Southeast Baton Rouge Community School System into  
21 nine single-member districts, from each of which one member of the Southeast  
22 Baton Rouge Community School Board shall be elected. The districts shall be  
23 drawn in such a manner that each member of the Southeast Baton Rouge  
24 Community School Board represents as nearly as possible the same number of  
25 persons, using population figures from the latest federal decennial census.

26 (2) Prior to the final adoption of the apportionment plan required by  
27 Paragraph (1) of this Subsection, the interim school board shall order a public  
28 hearing on the proposed plan and shall cause to be published in its official  
29 journal, at least twenty days prior to the date of such hearing, the time and  
30 place thereof, a general summary and map of the proposed plan, and the times

1 and places where copies of the proposed plan are available for public inspection.

2 C. The initial members of the Southeast Baton Rouge Community  
3 School Board shall be elected at the time and place provided by law generally  
4 for parish school board members occurring at least one year following  
5 appointment and shall take office as otherwise generally provided by law for  
6 parish school board members. Board members and their successors in office  
7 shall serve for four-year concurrent terms.

8 D. Vacancies on the board shall be filled as generally provided by law  
9 for parish school boards.

10 E.(1) The organization of the Southeast Baton Rouge Community School  
11 Board as well as the board's powers, duties, functions, and responsibilities shall  
12 be as generally provided by law for local public school boards. Compensation  
13 for board members and reimbursement for expenses shall be as generally  
14 provided by law for city, parish, and other local public school board members.

15 (2) The Southeast Baton Rouge Community School Board shall adopt  
16 rules, regulations, and procedures consistent with law to effectuate this Section  
17 and to administer the duties, functions, and responsibilities of the board.

18 F. The Southeast Baton Rouge Community School Board shall begin  
19 actual operation of providing for the education of students within its  
20 jurisdiction on July first immediately following the effective date of this Act.  
21 Beginning on July first immediately following the effective date of this Act and  
22 thereafter, notwithstanding any provision of law or rule or regulation to the  
23 contrary and pursuant to the duty and responsibility placed with the legislature  
24 by Article VIII, Section 1 of the Constitution of Louisiana to establish and  
25 maintain a public educational system and the authority granted the legislature  
26 by Article VIII, Section 10(A) of the Constitution of Louisiana to enact laws  
27 affecting parish school board systems in existence on the effective date of the  
28 constitution, all lands, buildings, improvements, facilities, and other property  
29 having title vested in the public and subject to management, administration,  
30 and control by the East Baton Rouge Parish School Board for public education

1 purposes located within the geographic boundaries of the Southeast Baton  
2 Rouge Community School System or used to provide student transportation  
3 services to such facilities, or both, shall be transferred to, managed,  
4 administered, and controlled by the Southeast Baton Rouge Community School  
5 Board.

6 G. The East Baton Rouge Parish School System shall transfer ownership  
7 of at least fifty school buses, each with at least sixty-passenger capacity that are  
8 of equal quality, age, and condition to the fleet owned and operated by the East  
9 Baton Rouge Parish School System to the Southeast Baton Rouge Community  
10 School System, including a sufficient number of handicapped-accessible buses  
11 to be used to transport the students needing special transportation services.

12 H. The East Baton Rouge Parish School System shall provide extended  
13 school year services, through August thirty-first immediately following the  
14 effective date of this Act, to public and nonpublic school students residing  
15 within the geographic boundaries of the Southeast Baton Rouge Community  
16 School System who qualified to receive such services prior to June thirtieth  
17 immediately following the effective date of this Act.

18 I. The East Baton Rouge Parish School System and any taxing district  
19 created by the East Baton Rouge Parish School System shall be the recipient of  
20 all sales and use taxes levied for school purposes collected within the geographic  
21 boundaries of the Southeast Baton Rouge Community School System and  
22 remitted by the tax collector through June thirtieth immediately following the  
23 effective date of this Act. Beginning on July first immediately following the  
24 effective date of this Act, the sales and use tax collector shall remit all sales and  
25 use taxes levied for school purposes collected within the geographic boundaries  
26 of the Southeast Baton Rouge Community School System, including delinquent  
27 payments, to the Southeast Baton Rouge Community School System.

28 J. The East Baton Rouge Parish School System shall receive all ad  
29 valorem and property taxes levied for school purposes collected within the  
30 geographic boundaries of the Southeast Baton Rouge Community School

1           System collected and remitted by the tax collector through June thirtieth  
 2           immediately following the effective date of this Act. Beginning on July first  
 3           immediately following the effective date of this Act, the tax collector shall remit  
 4           all ad valorem and property taxes levied for school purposes collected within the  
 5           geographic boundaries of the Southeast Baton Rouge Community School  
 6           System, including delinquent payments, to the Southeast Baton Rouge  
 7           Community School System.

8           K. For every application made by the East Baton Rouge Parish School  
 9           System for funding for the school year immediately following the effective date  
 10          of this Act, which has a due date on or before August fifteenth immediately  
 11          following the effective date of this Act, the East Baton Rouge Parish School  
 12          System shall disaggregate the data for the Southeast Baton Rouge Community  
 13          School System and shall submit two applications, one for the East Baton Rouge  
 14          Parish School System and one for the Southeast Baton Rouge Community  
 15          School System.

16          L. Consistent with Article VIII of the Louisiana Constitution of 1974,  
 17          relevant to equal educational opportunities, no state monies shall be used to  
 18          discriminate or to have the effect of discriminating and failing to provide an  
 19          equal educational opportunity for all students.

20          §67.1. Southeast Baton Rouge Community School System; interim school board

21          A. Notwithstanding any provision of law to the contrary, upon the  
 22          appointment of the members thereof as provided in Subsection C of this Section,  
 23          there shall be and there is hereby created an interim school board for the  
 24          Southeast Baton Rouge Community School System which shall continue in  
 25          existence until the taking of office of the initial elected members of the Southeast  
 26          Baton Rouge Community School Board as provided by R.S. 17:67.

27          B.(1) The interim school board shall be composed of seven members  
 28          appointed at large as provided in Subsection C of this Section. An interim  
 29          school board member shall have attained the age of eighteen, be an elector, have  
 30          resided in the state for the two years preceding appointment, have been

1 domiciled within the geographic boundaries of the school system for at least one  
2 year preceding appointment, meet the qualifications provided in R.S. 17:52(D),  
3 and reside within the geographic boundaries of the school system.

4 (2) Membership on the interim school board shall not disqualify an  
5 otherwise eligible person from qualifying as a candidate for election as a  
6 member of the Southeast Baton Rouge Community School Board.

7 C.(1) All members of the interim school board shall be appointed by the  
8 governor within thirty days after the effective date of this Section and shall  
9 serve until the taking of office of the initial members of the Southeast Baton  
10 Rouge Community School Board elected as provided in R.S. 17:67.

11 (2) Members appointed by the governor shall be from a list of nominees  
12 provided as follows:

13 (a) The members of the Louisiana Senate elected from district numbers  
14 six and sixteen shall each nominate three persons meeting the qualifications for  
15 office for each position to be appointed by the governor.

16 (b) The members of the Louisiana House of Representatives elected  
17 from district numbers sixty-five, sixty-six, sixty-eight, and sixty-nine shall each  
18 nominate two persons meeting the qualifications for office for each position to  
19 be appointed by the governor.

20 (3) A vacancy on the interim school board shall be filled in the same  
21 manner as the original appointment.

22 D.(1) The interim school board shall constitute a body corporate in law.

23 (2) The organization of the interim school board as well as the board's  
24 powers, duties, functions, and responsibilities shall be as provided by law  
25 generally for city, parish, and other local public school boards.

26 (3) Members of the interim school board shall serve without  
27 compensation.

28 E. The interim school board shall adopt rules, regulations, and  
29 procedures consistent with law to effectuate this Section and to administer the  
30 duties, functions, and responsibilities of the interim board.

1           **F. The provisions of R.S. 42:11 through 28, relative to open meetings,**  
2           **and the provisions of Chapter 1 of Title 44 of the Louisiana Revised Statutes of**  
3           **1950, relative to public records, shall be applicable to the interim school board**  
4           **and its members.**

5           **G. All authority granted to the interim school board by this Section shall**  
6           **expire upon the taking of office of the initial members of the Southeast Baton**  
7           **Rouge Community School Board elected as provided by R.S. 17:67(C).**  
8           **However, the elected school board may take formal action to continue the**  
9           **interim school board as an advisory body on matters previously under the**  
10          **jurisdiction of the interim board.**

11          **H. The East Baton Rouge Parish School Board shall:**

12          **(1) Work cooperatively and collaboratively with the interim school**  
13          **board and the Southeast Baton Rouge Community School Board to effect the**  
14          **transfer of the students, buildings and other facilities, property, instructional**  
15          **materials, buses, and all other assets related to the schools located within the**  
16          **geographic boundaries of the Southeast Baton Rouge Community School**  
17          **System in an efficient and expeditious manner.**

18          **(2) Provide the interim school board for the Southeast Baton Rouge**  
19          **Community School System with immediate and complete access to:**

20          **(a) All school buildings and facilities associated with the schools located**  
21          **within the geographic boundaries of the Southeast Baton Rouge Community**  
22          **School System. Such access shall include making the school buildings and**  
23          **facilities to be transferred available, free of charge, to the interim and elected**  
24          **school boards for the Southeast Baton Rouge Community School System for**  
25          **purposes of conducting board and community meetings and other functions and**  
26          **activities related to the operation of the Southeast Baton Rouge Community**  
27          **School System.**

28          **(b) All student records and any other student-related files associated**  
29          **with students enrolled in the schools to be transferred to the Southeast Baton**  
30          **Rouge Community School System.**

1           (c) All financial records associated with the schools to be transferred to  
2           the Southeast Baton Rouge Community School System, including those related  
3           to building maintenance, taxes, insurance, and indebtedness.

4           I. The East Baton Rouge Parish School Board shall not:

5           (1) Interfere, or impede in any way, with the processes to transfer the  
6           students, buildings and other facilities, property, instructional materials and  
7           equipment, buses, and all other assets related to the schools located within the  
8           geographical boundaries of the Southeast Baton Rouge Community School  
9           System to the Southeast Baton Rouge Community School Board.

10          (2) Sell, transfer, or otherwise remove any asset or thing of value,  
11          movable or immovable, corporeal or incorporeal, attributable to the schools to  
12          be transferred to the Southeast Baton Rouge Community School System prior  
13          to such transfer.

14          (3) Incur, transfer, or assign any debt or other responsibility or  
15          obligation to schools to be transferred to the Southeast Baton Rouge  
16          Community School System that is not properly attributable to such schools.

17          §67.2. Redistribution of minimum foundation program to other school systems

18          To ensure that the creation of the Southeast Baton Rouge Community  
19          School District does not have a negative impact on the minimum foundation  
20          program allocation to school systems, beginning in the fiscal year immediately  
21          following the effective date of this Act and continuing for the next four fiscal  
22          years, the State Board of Elementary and Secondary Education shall identify  
23          the districts in parishes other than East Baton Rouge on which the creation of  
24          the Southeast Baton Rouge Community School System causes a negative impact  
25          and determine the amount of the negative impact on the minimum foundation  
26          per pupil allocation. The State Board of Elementary and Secondary Education  
27          shall withhold the total of the amounts of the negative impact on all districts in  
28          parishes other than East Baton Rouge from the total minimum foundation  
29          program allocation to the Southeast Baton Rouge Community School District  
30          and transfer those funds on a per pupil basis to such districts.

1           **§67.2.1. Unfunded accrued liability; payment**

2                   **In the event that the establishment of the Southeast Baton Rouge**  
3                   **Community School District results in the elimination of one or more positions**  
4                   **of current members of the Louisiana School Employees' Retirement System**  
5                   **through privatizing, outsourcing, contracting the service with a private**  
6                   **employer, or any other means, the Southeast Baton Rouge Community School**  
7                   **District shall remit that portion of the unfunded accrued liability attributable**  
8                   **to that position or positions pursuant to R.S. 11:1195.2.**

9           **§67.3. Benefits of reemployed retirees and Legacy Benefit Trust Fund for**  
10                   **Retirees of East Baton Rouge Parish School System**

11                   **A. The East Baton Rouge Parish School System shall annually provide**  
12                   **to the Southeast Baton Rouge Community School System an itemization of all**  
13                   **postemployment benefits to be paid by the East Baton Rouge Parish School**  
14                   **Board for the benefit of every individual hired by the Southeast Baton Rouge**  
15                   **Community School System as a full-time employee. The Southeast Baton Rouge**  
16                   **Community School System shall reimburse East Baton Rouge Parish School**  
17                   **System at least quarterly for all post employment benefits for any employee**  
18                   **hired by Southeast Baton Rouge Community School System as a full-time**  
19                   **employee until all post employment benefits to which said individual is entitled**  
20                   **have been paid.**

21                   **B.(1) A trust to be known as the "Legacy Benefit Trust for Retirees of**  
22                   **the East Baton Rouge Parish School System" shall be established pursuant to**  
23                   **R.S. 17:1224. Within twelve months of beginning operation, the Southeast Baton**  
24                   **Rouge Community School System shall deposit into the trust an initial sum**  
25                   **calculated using the per pupil formula used to calculate the amount of funds**  
26                   **received by the East Baton Rouge Parish School Board from the State Board of**  
27                   **Elementary and Secondary Education on behalf of the East Baton Rouge parish**  
28                   **schools placed under the jurisdiction of the Recovery School District.**  
29                   **Thereafter, on or before July first of each succeeding year, the Southeast Baton**  
30                   **Rouge Community School District shall deposit into the trust an amount**

1 calculated using the per pupil formula used to calculate the amount of funds  
2 received by the East Baton Rouge Parish School Board from the State Board of  
3 Elementary and Secondary Education on behalf of the East Baton Rouge parish  
4 schools placed under the jurisdiction of the Recovery School District.

5 (2)(a) In the event the State Board of Elementary and Secondary  
6 Education does not implement a per pupil formula to calculate the amount of  
7 funds to be received by the East Baton Rouge Parish School Board on behalf of  
8 the East Baton Rouge Parish schools placed under the jurisdiction of the  
9 Recovery School District as provided in Paragraph (1) of this Subsection in a  
10 timely manner, a committee composed of the state superintendent of education,  
11 the superintendent of the East Baton Rouge Parish School System, and the  
12 superintendent of the Southeast Baton Rouge Community School System, or  
13 their respective designees, shall determine the per pupil amount to be used as  
14 the basis for determining the amounts to be deposited into the trust as provided  
15 in this Section. The committee may consult with or utilize such financial or  
16 actuarial experts as deemed necessary.

17 (b) The initial sum to be deposited into the trust pursuant to Paragraph  
18 (1) of this Subsection shall be equal to the total number of students enrolled in  
19 the East Baton Rouge Parish School System on the effective date of this Section  
20 who subsequently enroll in the Southeast Baton Rouge Community School  
21 System, multiplied by the per pupil amount developed pursuant to this  
22 Paragraph. The amount of subsequent deposits shall be determined utilizing  
23 the initial student enrollment data and the per pupil formula applicable to the  
24 employees who retired prior to the effective date of this Section.

25 C. In the event it is determined by an actuarial study that the funds on  
26 deposit in the Legacy Benefit Trust for Retirees of the East Baton Rouge Parish  
27 School System are sufficient to pay the costs of the legacy benefits due to a  
28 proportionate share of individuals who retired from the East Baton Rouge  
29 Parish School System prior to the effective date of this Act, Southeast Baton  
30 Rouge Community School System shall not be required to make any additional

1 payments to the Legacy Benefit Trust for Retirees of the East Baton Rouge  
2 Parish School System.

3 §67.4. Payments to East Baton Rouge Parish Educational Facilities  
4 Improvement District

5 A. Within thirty days of the effective date of this Act, the East Baton  
6 Rouge Parish Educational Facilities Improvement District shall provide to the  
7 Southeast Baton Rouge Community School Board a schedule of values for any  
8 construction completed within the boundaries of the Southeast Baton Rouge  
9 Community School System with the proceeds of Qualified School Construction  
10 Bonds issued prior to the effective date of this Act, an accounting of payments  
11 made and to be made through the effective date of this Act, on said bonds, and  
12 a payment schedule showing the unpaid principal and interest due for said  
13 projects.

14 B. Beginning on July first of the year following actual operation of the  
15 Southeast Baton Rouge Community School System, the Southeast Baton Rouge  
16 Community School System shall reimburse East Baton Rouge Parish  
17 Educational Facilities Improvement District an amount equal to the percentage  
18 of the debt service paid in the preceding fiscal year attributable to the  
19 construction completed within the boundaries of the Southeast Baton Rouge  
20 Community School District. The reimbursement shall be made to East Baton  
21 Rouge Parish Educational Facilities Improvement District within thirty days of  
22 receipt by the Southeast Baton Rouge Community School District of  
23 confirmation of payment of the debt service attributable to construction  
24 completed within the boundaries of the Southeast Baton Rouge Community  
25 School System.

26 Section 2. Any high school student residing within the geographic boundaries of the  
27 Southeast Baton Rouge Community School System or the East Baton Rouge Parish School  
28 System may elect to remain enrolled in the high school he was attending on the effective  
29 date of this Act, until such time as the student graduates from high school. Such student  
30 shall be included in the membership count for the school system in which he is enrolled for

1 all purposes, including state funding through the Minimum Foundation Program formula.

2 Section 3. This Act shall take effect and become operative if and when a proposed  
3 amendment to Article VIII, Section 13(D) of the Constitution of Louisiana is adopted at a  
4 statewide election and which amendment authorizes the Southeast Baton Rouge Community  
5 School System, as created in this Act or authorizes the creation of school districts by  
6 legislative act, as a system to be regarded and treated as a parish and have the authority  
7 granted to a parish school system as provided in Article VIII, Section 13 of the Constitution  
8 of Louisiana.

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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_