

ACT No. 327

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.

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AN ACT

To amend and reenact R.S. 36:642(B) and (C), 643, 644, 645(A), (B)(introductory paragraph) and (1)(a)(i), and (C), 646, 648, 649, and 651(B) and to repeal R.S. 17:3138.1(C)(7), relative to the organization of the state Department of Education; to provide for changes relative to the membership of the Remedial Education Commission; to remove 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 as offices of the department and to add the office of district support to the department; to provide for changes relative to the officers of the department; to provide that the appointment of a deputy state superintendent is optional; to provide relative to the purposes and functions of the office of management and finance and office of district support; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

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

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

* * *

B. The Department of Education, through its offices, officers, and 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,~~ education if a deputy state
 23 superintendent of education is appointed, and an assistant deputy superintendent for
 24 ~~each office of the department~~ the superintendent of the Special School District, the
 25 deputy superintendent of management and finance, and the deputy superintendent
 26 of district support. With the exception of the state superintendent of education, each
 27 of them shall be selected as provided in this Title. They shall perform functions as
 28 provided in this Title. ~~The deputy superintendent shall be the first assistant to the~~
 29 ~~superintendent appointed pursuant to Article IV, Section 13 of the Constitution of~~
 30 ~~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.

29 (5) Except for agencies transferred as provided in R.S. 36:801.1, and except
 30 for provisions of the constitution to the contrary, act as the sole agent of the state or,

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

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

15 (7) Provide for the ongoing merger and consolidation of the agencies and
16 functions transferred to ~~his~~ the department and submit a report thereon to the
17 legislature, which report shall accompany the budget ~~statement~~ request which he
18 submits under provisions of ~~R.S. 39:45~~ R.S. 39:33. Such report shall include a
19 statement of the goals of the department and of the programs thereof and shall
20 summarize the accomplishments of the department in meeting such goals and
21 implementing such programs. The report shall also contain a specific statement of
22 the reorganization and consolidation plan for the department for the next year and
23 shall include a report on the implementation of such reorganization and consolidation
24 plan for the previous year. The report concerning reorganization shall specifically
25 detail the extent to which the department has achieved goals stated the previous year
26 with respect to merger and consolidation of functions, abolition of agencies,
27 consolidation of offices and administrative and programmatic divisions of the
28 department, elimination of job positions, and efficiency and economy in delivery of
29 services. The report shall contain any recommendations with respect to
30 reorganization which may require legislative action. A copy of the report and

1 recommended legislation shall also be submitted by the state superintendent to the
 2 presiding officer of both houses of the legislature. The presiding officer shall refer
 3 the report to the appropriate committee having jurisdiction of the subject matter as
 4 provided in the rules of the respective house.

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

7 B. The state superintendent shall have authority to:

8 (1)(a) Except as otherwise specifically provided in R.S. 36:801, R.S.
 9 36:801.1, R.S. 36:801.2, and R.S. 36:803:

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

17 * * *

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

21 §646. Deputy state superintendent

22 There ~~shall~~ may be a deputy state superintendent of the department, who shall
 23 be appointed by the state superintendent with consent of the Senate ~~and who.~~ He
 24 shall serve at the pleasure of the state superintendent at a salary fixed by the state
 25 superintendent, which salary shall not exceed the amount approved for such position
 26 by the legislature while in session. ~~The deputy superintendent shall be the first~~
 27 ~~assistant of the superintendent of education.~~ The duties and functions of the deputy
 28 state superintendent shall be determined and assigned by the state superintendent.
 29 He shall serve as acting state superintendent in the absence of the state
 30 superintendent ~~as provided by law.~~ If no deputy state superintendent is appointed,

1 the state superintendent shall designate the deputy superintendent of management
2 and finance or the deputy superintendent of district support to serve in his absence.

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

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

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

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

18 * * *

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

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

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

25 ~~C. The office of science, technology, engineering, and mathematics shall~~
26 ~~perform the functions of the state relating to science, technology, engineering, and~~
27 ~~numeracy, all in accordance with applicable law.~~

28 ~~D. The office of college and career readiness shall perform the functions of~~
29 ~~the state relating to dropout prevention and preparing students for college or career~~
30 ~~and technical education, all in accordance with applicable law.~~

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

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____