

Regular Session, 2014

HOUSE BILL NO. 980

BY REPRESENTATIVE NANCY LANDRY

SCHOOLS: Provides for the structure and organization of governance of the school system in Lafayette Parish, including a commission to propose a plan therefor and for voter approval

1 AN ACT

2 To enact R.S. 17:62.1, relative to the governance of the public school system in Lafayette
3 Parish; to provide for a commission to propose a plan or alternate plans for the
4 structure and organization of governance of the public school system in the parish,
5 upon petition of ten thousand electors of the parish and approval by a resolution by
6 the Lafayette City-Parish Council, or by a majority of the mayors of municipalities
7 in Lafayette Parish, or by the Lafayette City-Parish president; to provide for the
8 powers and duties of the commission; to provide for the plan to become effective
9 subject to approval of the electors of the parish; to provide for reappointment and
10 reconvening of the commission; and to provide for related matters.

11 Notice of intention to introduce this Act has been published
12 as provided by Article III, Section 13 of the Constitution of
13 Louisiana.

14 Be it enacted by the Legislature of Louisiana:

15 Section 1. R.S. 17:62.1 is hereby enacted to read as follows:

16 §62.1. Lafayette Parish school system governance; commission to propose plan;
17 voter approval

18 A. The electors of Lafayette Parish may provide for the structure and
19 organization of the governance of the parish school system as provided in this
20 Section.

21 B.(1) The Lafayette Parish School System Governance Commission is
22 created; however, the commission membership shall be appointed and the

1 commission shall exercise its powers and perform its duties and responsibilities only
2 if ten thousand electors of Lafayette Parish request the appointment of the
3 commission by petition as provided in this Subsection and appointment of the
4 commission is approved in accordance with one of the following Subparagraphs:

5 (a) A majority of the Lafayette City-Parish Council adopt a resolution
6 requesting the appointment of the commission. Upon its adoption, the Lafayette
7 City-Parish Council shall transmit a copy of the resolution to the secretary of state.

8 (b) At least three of the mayors of municipalities in Lafayette Parish,
9 including the mayors of the cities of Broussard, Carencro, Scott, and Youngsville
10 and the town of Duson, sign a statement requesting the appointment of the
11 commission. If at least three of the mayors of municipalities in Lafayette Parish sign
12 a statement requesting the appointment of the commission, they shall transmit a copy
13 of the signed statement to the secretary of state.

14 (c) The Lafayette City-Parish president signs a statement requesting the
15 appointment of the commission. If the Lafayette City-Parish president signs a
16 statement requesting the appointment of the commission, he shall transmit a copy of
17 the signed statement to the secretary of state.

18 (2) In order to comply with the requirements of Paragraph (1) of this
19 Subsection, a petition shall be prepared in accordance with R.S. 18:3 and shall also
20 contain the following:

21 (a) A statement of the powers and duties of the commission as provided in
22 this Section.

23 (b) A summary of provisions for the membership of the commission as
24 provided in this Section.

25 (c) The names of two or more chairpersons for the petition who shall serve
26 as agents for the petitioners in all legal matters, including the receipt of notices.
27 Notice will be sufficient if served on any one of the chairpersons.

28 (3) All electors of Lafayette Parish shall be eligible to sign the petition.

1 (4) The signatures of electors must reasonably correspond with their
2 signatures on file in the office of the registrar of voters.

3 (5) More than one copy of the petition may be circulated and signatures of
4 electors on any copy of the petition shall be counted as part of the required ten
5 thousand signatures.

6 (6) Any elector may withdraw his name from the petition by filing a signed
7 statement of withdrawal with the registrar of voters at any time before the registrar
8 of voters certifies that ten thousand electors of the parish have signed the petition.

9 (7) When the proponents of the petition for commission appointment believe
10 they have the required ten thousand signatures, they shall file the petition with the
11 registrar of voters for the parish. The registrar of voters shall determine if ten
12 thousand or more of the electors of Lafayette Parish have signed the petition. If the
13 registrar of voters determines that less than ten thousand electors of the parish have
14 signed the petition, he shall notify the petition chairpersons, and the proponents of
15 the appointment of the commission shall have an additional sixty days within which
16 they can obtain additional signatures on the petition to meet the requirement of ten
17 thousand signatures. If they fail to obtain the required number of signatures within
18 sixty days, the commission shall not be appointed and shall not exercise its powers
19 and perform its duties and responsibilities as provided in this Section.

20 (8) If the registrar of voters determines that the required ten thousand
21 electors of the parish have signed the petition, upon the initial presentation or upon
22 the expiration of the sixty-day period for obtaining additional signatures, the registrar
23 of voters shall issue a certificate stating that ten thousand or more of the electors of
24 the parish have signed the petition. The registrar of voters shall forward this
25 certificate to secretary of state.

26 (9) Upon receipt of the registrar of voters' certificate and the required
27 documentation of at least one of the requests for appointment of the commission as
28 provided in Subparagraphs(1)(a), (b), or (c) of this Subsection, the secretary of state
29 shall transmit a copy of the registrar of voters' certificate and such documentation of

1 a request or requests for appointment of the commission pursuant to
2 Subparagraphs(1)(a), (b), or (c) of this Subsection to each member of the
3 commission designated in Subparagraphs (C)(1)(d) and (e) of this Section and to
4 each appointing authority of other members as provided in Subsection C of this
5 Section, together with a copy of this Section.

6 C.(1) If the requirements of Subsection B of this Section are met and the
7 commission is to be appointed, the commission shall be comprised of the following
8 members, each of whom shall be a resident and a qualified voter of Lafayette Parish:

9 (a) Three members appointed by the Lafayette City-Parish president, two of
10 whom shall reside within the city of Lafayette and one of whom shall reside outside
11 of the city of Lafayette.

12 (b) One member appointed by the Lafayette City-Parish Council.

13 (c) One member appointed jointly by a majority of the mayors of the cities
14 of Broussard, Carencro, Scott, and Youngsville and the town of Duson.

15 (d) The president of the University of Louisiana at Lafayette, or his designee.

16 (e) The chancellor of South Louisiana Community College, or his designee.

17 (f) One member, who shall be a parent whose child or children are attending
18 or have attended public school in Lafayette Parish within the preceding five years,
19 appointed jointly by a majority of the members of the House of Representatives of
20 the Legislature of Louisiana who represent House Districts 31, 39, 43, 44, and 45.

21 (g) One member, who shall be a parent whose child or children are attending
22 or have attended public school in Lafayette Parish within the preceding five years,
23 appointed jointly by the members of the Senate of the Legislature of Louisiana who
24 represent Senate Districts 23 and 24.

25 (h) One member appointed by the Greater Lafayette Chamber of Commerce.

26 (i) One member appointed by the Greater Southwest Louisiana Black
27 Chamber of Commerce of Lafayette.

1 (j) One member, who shall be a current or former public school teacher,
2 principal, or vice principal of a Lafayette Parish school, appointed jointly by the
3 Lafayette Parish Association of Educators and the Louisiana Federation of Teachers.

4 (k) One member, who shall be a current or former public school teacher,
5 principal, or vice principal of a Lafayette Parish school, appointed jointly by the
6 Lafayette Education Foundation and the Lafayette Chapter of A+PEL (Associated
7 Professional Educators of Louisiana).

8 (2) The secretary of state shall facilitate and coordinate the appointment of
9 commission members as provided in this Section.

10 (3) In the event that any member of the commission is not appointed within
11 thirty days after the secretary of state sends the appointing authorities a copy of this
12 Section as required by Subsection B of this Section, the Lafayette City-Parish
13 president shall, within thirty days thereafter, make any initial appointments not filled
14 by the appointing authorities designated in Paragraph (1) of this Subsection in
15 accordance with the provisions of this Subsection. The secretary of state shall notify
16 any appointing authority that failed to make an appointment of any appointment
17 made by the Lafayette City-Parish president pursuant to this Paragraph.

18 (4) Any vacancy in the membership of the commission shall be filled within
19 thirty days of such vacancy by appointment in the manner provided for the
20 appointment of the member whose position becomes vacant.

21 D. The commission shall convene for its initial meeting upon call of the
22 secretary of state, such meeting to be held within ninety days after the secretary of
23 state sends the appointing authorities a copy of this Section as required by
24 Subsection B of this Section. Commission members shall serve without
25 compensation. The commission shall elect a chairman and such other officers as it
26 deems necessary from the membership of the commission by majority vote of its
27 total membership.

28 E. The commission shall adopt rules to govern its own procedure. Such rules
29 shall provide for public hearings and other means to receive comments and

1 suggestions from the citizens of the parish. Unless a quorum is present, the
2 commission shall not take any binding or final action on any item. A quorum shall
3 be defined as a majority of the total membership of the commission. The approval
4 of a majority of the members present and voting, a quorum being present, shall be
5 required for commission action; however, the approval of a majority of the total
6 membership shall be required for the commission to take official action to adopt a
7 plan or alternative plans for the structure and organization of the governance of the
8 parish school system for submission to the electors of the parish.

9 F. The commission may receive and expend funds for commission purposes
10 and shall maintain records of funds received and expenditures in commission
11 records. All proposed expenditures shall have prior approval of the commission or
12 the commission may delegate such authority to an executive committee or other
13 committee of the commission.

14 G. The commission shall have authority to employ such experts, employees,
15 and consultants as it may deem necessary to assist the commission in the discharge
16 of its responsibilities to the extent that funds are made available.

17 H.(1) It is the intention of the legislature that the electors of Lafayette Parish
18 shall have wide latitude, subject to the provisions of Article VIII, Section 9(C) of the
19 Constitution of Louisiana, in adopting a plan for the structure and organization of
20 governance for the parish school system to serve the needs of the parish community.
21 To that end, the commission may propose either a single plan or alternative plans for
22 the structure and organization of the governance of the parish school system which
23 alternative plans may consist alternative entire plans, alternative provisions for any
24 plan, or a combination of these.

25 (2)(a) As authorized by Article VIII, Section 9(C) of the Constitution of
26 Louisiana, the plan or alternative plans for the structure and organization of school
27 system governance may provide for:

1 (i) Composition and selection of a school board or it may provide otherwise
2 for a school system governing authority and for the structure and organization of
3 system governance.

4 (ii) The management and administration of the school system, including such
5 provisions as may be required to implement the plan of governance.

6 (iii) School system administrators; however, the chief executive officer or
7 chief administrative officer shall be subject to provisions of law relative to
8 superintendents of schools.

9 (iv) Extension of terms of members of the parish school board and for
10 election or other selection of a school system governing authority or administrators.

11 (v) Distribution of federal, state, and local education funds.

12 (b) The plan or plans may include other provisions deemed necessary or
13 appropriate by the commission.

14 I. The commission shall prepare a plan or alternative plans for the structure
15 and organization of governance of the parish school system. When completed the
16 commission shall file such plan or alternative plans with the secretary of state and
17 the governor and shall submit copies thereof to the Lafayette Parish School Board
18 and the Lafayette City-Parish Council. The commission shall file such plan or
19 alternative plans no later than two years after the commission meets for the first time.

20 J.(1) The plan or alternative plans proposed by the commission shall be
21 submitted to the electors of Lafayette Parish at a special election that shall be called
22 and held on a date provided in the Louisiana Election Code and as provided in such
23 code. The commission shall include in the proposed plan or plans provisions for
24 placement of a proposition or propositions on the ballot for approval or rejection by
25 the electors. If the commission provides for submission of two or more alternative
26 entire plans, it shall structure the ballot to allow the voter to select one of the
27 alternative entire plans or to reject all of such plans. The election shall be called by
28 the governor not later than thirty days after the date the plan or alternative plans are
29 filed with him by the commission. The election on the proposition or propositions

1 shall be held within six months from the date of such filing. The commission shall
2 provide for informing the public about the provisions of the commission proposals.
3 Within ten days after the governor calls the election, the secretary of state shall cause
4 a full text of the plan or alternative plans of government to be printed and published
5 as a paid political advertisement in the official journal of Lafayette Parish. The cost
6 of such election and the cost of the required advertisement shall be paid as election
7 expenses apportioned as provided in the Louisiana Election Code and expenses
8 attributable to the propositions placed on the ballot as provided in this Section shall
9 be paid from funds available to the commission.

10 (2) If a majority of the votes cast on the respective proposition or
11 propositions at such election are in favor of the plan proposed by the commission or
12 are in favor of an alternative plan or alternative provisions so proposed, a certified
13 copy of the plan as approved, including any alternative provisions approved, shall
14 be filed with the secretary of state, and it shall become effective at such time or times
15 as may be provided in the plan as finally approved.

16 (3) Any elections required by the plan as approved shall be held as provided
17 in the plan and in accordance with the Louisiana Election Code.

18 K. This Section shall constitute standing authority for the electors of
19 Lafayette Parish to provide for the structure and organization of the governance of
20 the parish school system. Subject to the provisions of Subsection B of this Section,
21 a new petition may be circulated, new commission members may be appointed, and
22 the commission may be reconvened and exercise the powers and duties provided in
23 this Section to propose a plan or plans, including alternative provisions, for the
24 structure and organization of the governance of the parish school system as provided
25 in this Section.

26 Section 2. This Act shall take effect and become operative if and when the proposed
27 amendment of Article VIII of the Constitution of Louisiana contained in the Act which
28 originated as House Bill No. 593 of this 2014 Regular Session of the Legislature is adopted
29 at a statewide election and becomes effective. No petition shall be submitted to the registrar

1 of voters within three years after a commission is appointed nor within one year after a
 2 petition has been submitted to the registrar of voters and the registrar finds that the
 3 petitioners have failed to obtain the required signatures.

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)]

Nancy Landry

HB No. 980

Abstract: Provides for a commission to propose a plan(s) for the structure and organization of governance of the public school system in Lafayette Parish, upon petition of 10,000 electors of the parish and approval of specified public officials and provides for the plan to become effective subject to voter approval.

Proposed law creates the Lafayette Parish School System Governance Commission to propose a plan(s) for the structure and organization of governance of the public school system in Lafayette Parish, but provides that the commission will be appointed and exercise its powers and duties only upon petition of 10,000 electors of the parish and approval by one of the following:

- (1) A majority of the Lafayette City-Parish Council.
- (2) At least three of the mayors of municipalities in Lafayette Parish, including Broussard, Carencro, Scott, Youngsville, and Duson.
- (3) The Lafayette City-Parish president.

Proposed law provides for the petition, including provisions for contents, eligibility of all parish electors to sign, circulation of multiple copies, withdrawal of a signature before the registrar of voters certifies that 10,000 electors have signed the petition, certification of signatures by the registrar, an additional 60 days to obtain signatures if less than 10,000 electors have signed after petitioners request the registrar to certify the petition, and submission by the registrar to the secretary of state of a certificate that 10,000 electors have signed.

Proposed law requires the secretary of state, upon receipt of the registrar of voters' certificate and documentation of approval of a majority of the city-parish council, or at least three mayors of municipalities in the parish, or the city-parish president, to transmit a copy of the registrar of voters' certificate and such documentation and a copy of proposed law to members of the commission designated by proposed law and to appointing authorities of other members to be appointed as provided by proposed law.

Proposed law provides for commission members as follows, all of whom must be residents and qualified voters of Lafayette Parish:

- (1) Three members appointed by the Lafayette City-Parish president, two of whom shall reside within the city of Lafayette and one of whom shall reside outside of the city of Lafayette.
- (2) One member appointed by the Lafayette City-Parish Council.

- (3) One member appointed jointly by a majority of the mayors of the cities of Broussard, Carencro, Scott, and Youngsville and the town of Duson.
- (4) The president of the University of Louisiana at Lafayette, or his designee.
- (5) The chancellor of South Louisiana Community College, or his designee.
- (6) One member, who shall be a parent whose child or children are attending or have attended public school in Lafayette Parish within the preceding five years, appointed jointly by a majority of the members of the House of Representatives of the Legislature of Louisiana who represent House Districts 31, 39, 43, 44, and 45.
- (7) One member, who shall be a parent whose child or children are attending or have attended public school in Lafayette Parish within the preceding five years, appointed jointly by the members of the Senate of the Legislature of Louisiana who represent Senate Districts 23 and 24.
- (8) One member appointed by the Greater Lafayette Chamber of Commerce.
- (9) One member appointed by the Greater Southwest Louisiana Black Chamber of Commerce of Lafayette.
- (10) One member, who shall be a current or former public school teacher, principal, or vice principal of a Lafayette Parish school, appointed jointly by the Lafayette Parish Association of Educators and the Louisiana Federation of Teachers.
- (11) One member, who shall be a current or former public school teacher, principal, or vice principal of a Lafayette Parish school, appointed jointly by the Lafayette Education Foundation and the Lafayette Chapter of A+PEL (Associated Professional Educators of Louisiana).

Proposed law requires the secretary of state to facilitate and coordinate the members' appointments. Provides that if a member is not appointed within 30 days after the secretary of state sends the appointing authorities a copy of proposed law, the Lafayette City-Parish president shall within 30 day make such appointments and requires the secretary of state to notify any appointing authority that failed to make an appointment of the appointment by the Lafayette City-Parish president.

Proposed law provides for the secretary of state to call the first meeting of the commission. Provides that commission members shall serve without compensation. Provides for commission officers and rules. Requires that the rules provide for public hearings and other means to receive comments and suggestions from parish citizens. Prohibits binding action unless a quorum is present. Requires approval of a majority of the members present and voting, a quorum being present, for commission action, but requires approval of a majority of the total membership for the commission to adopt a plan or alternative plans for the structure and organization of school system governance to submit to the voters.

Proposed law authorizes the commission to receive and expend fund for commission purposes. Requires maintenance of records of funds received and expenditures in commission records. Requires prior approval of the commission of proposed expenditures, but authorizes the commission to delegate such authority to an executive committee or other committee of the commission. Authorizes the commission to employ experts, employees, and consultants to the extent that funds are made available.

Proposed law specifies legislative intent that the electors of Lafayette Parish shall have wide latitude, subject to Const. Art. VIII, Sec. 9(C) (see HB No. 593), in adopting a plan for the structure and organization of governance for the parish school system to serve the needs of the parish community. Authorizes the commission to propose either a single plan or

alternative plans. Specifies that alternative plans may consist alternative entire plans, alternative provisions for any plan, or a combination of these. Provides that the plan(s) may provide for:

- (1) Composition and selection of a school board or provide otherwise for a school system governing authority and for the structure and organization of system governance.
- (2) Management and administration of the school system, including such provisions as may be required to implement the plan of governance.
- (3) School system administrators; however, specifies that the chief executive officer or chief administrative officer shall be subject to provisions of law relative to superintendents of schools.
- (4) Extension of terms of members of the parish school board and election or other selection of a school system governing authority or administrators.
- (5) Distribution of federal, state, and local education funds.
- (6) Other provisions deemed necessary or appropriate by the commission.

Proposed law provides that the commission file the completed plan(s) with the secretary of state and the governor and submit copies to the Lafayette Parish School Board and the Lafayette City-Parish Council. Requires filing of plan(s) within two years after the commission's first meeting.

Proposed law provides for submission of the plan(s) to the Lafayette Parish voters at a special election held on a date and in accordance with the La. Election Code. Requires the commission to include in the plan provisions for placement of a proposition(s) on the ballot. Requires, if the commission submits two or more alternative entire plans, that the ballot structure allow the voter to select one of the alternative entire plans or to reject all of such plans. Provides for the governor to call the election not later than 30 days after the commission files the plan with him and requires that the election be held within six months from the date of such filing. Requires the commission to provide for informing the public about the commission proposals. Requires publication of the text of the plan(s) in the parish journal. Provides for costs of publication and costs of the election to be paid as election expenses with expenses attributable to the ballot propositions to be paid from funds available to the commission.

Proposed law provides that if a majority of the votes cast on the respective proposition(s) are in favor of the plan or an alternative plan or alternative provisions, a certified copy of the plan as approved, including any alternative provisions approved, shall be filed with the secretary of state, and it shall become effective at such time or times as may be provided in the plan as finally approved. Provides that any elections required by the plan as approved shall be held as provided in the plan and in accordance with the La. Election Code.

Proposed law provides that it constitutes standing authority for the electors of Lafayette Parish to provide for the structure and organization of the governance of the parish school system, and that subject to the procedures in proposed law a new petition may be circulated, new commission members may be appointed, and the commission may be reconvened to propose a plan(s) for the structure and organization of the governance of the parish school system. Provides that no petition shall be submitted to the registrar of voters within three years after a commission is appointed nor within one year after a petition has been submitted to the registrar of voters and he finds that the required signatures have not been obtained.

Effective if and when the proposed amendment of Article VIII of the Constitution of La. contained in the Act which originated as House Bill No. 593 of this 2014 R.S. of the Legislature is adopted at a statewide election and becomes effective.

(Adds R.S. 17:62.1)