
HOUSE COMMITTEE AMENDMENTS

Substitute for Original House Bill No. 1231 by Representative Nancy Landry as proposed by the House Committee on Education

This document reflects the content of a substitute bill but is not in a bill form; page numbers in this document DO NOT correspond to page numbers in the substitute bill itself.

To enact R.S. 17:81.1, relative to enforcement of laws concerning certain responsibilities of local school boards; to provide for notice to the attorney general by the legislative auditor of audit reports citing certain violations of law; to authorize enforcement actions by the attorney general concerning such violations; to provide an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:81.1 is hereby enacted to read as follows:

§81.1. Enforcement of provisions relative to responsibilities of school boards;

mandamus

A. For purposes of this Section:

(1) "Local school board" means a city, parish, or other local public school board.

(2) "Noncompliance", "not in compliance", or "noncompliant" means a local school board is in violation of any provision of R.S. 17:54, 81, 81.4, 229, 414.1, or 418 for which the local school board is responsible. "Compliance" or "compliant" means that a local school board is not in violation of such provisions.

B. The attorney general is responsible for enforcing compliance with the provisions of R.S. 17:54, 81, 81.4, 229, 414.1, and 418 throughout the state as provided in this Section.

C.(1) If the legislative auditor receives a report of an audit of a local school board that states that the school board is noncompliant or if the legislative auditor conducts an audit of a local school board and identifies areas of noncompliance, he shall provide a copy of the audit report to the attorney general and a copy to the House Committee on Education and the Senate Committee on Education.

(2) Upon receipt of such an audit report, the attorney general shall notify the school board that he is in receipt of a noncompliant audit report and that, unless he receives affidavits of compliance signed by the school board's auditor within ninety days of such notification, he is authorized to institute legal action.

D.(1) Upon expiration of the ninety days, if the school board remains noncompliant, the attorney general may institute legal action.

(2) In pursuing legal action, the attorney general can either institute an action in mandamus or otherwise petition the court for appropriate remedy to enforce compliance.

(3) If the school board fails to comply with a judgment making the writ peremptory or a judgment otherwise directing the school board to act, the members of the school board may be punished for contempt.

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

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)]

Abstract: Provides for enforcement of laws concerning certain responsibilities of local school boards contained in Act 1 of the 2012 RS, requires the legislative auditor to send to the attorney general any audit reports that cites certain violations of such laws by school boards. Provides for certain enforcement actions by the attorney general.

Present law (R.S. 17:54, 81, 81.4, 229, 414.1, and 418, as amended by Acts 2012, No. 1) provides relative to the powers and duties of school boards and local superintendents of schools. Requires local school boards to delegate authority for personnel decisions to the local superintendent, including policies related to reductions in force. Provides for appointments of principals by the local superintendent. Requires the superintendent to delegate hiring and placement decisions to school principals, subject to his approval. Requires that all school personnel employment decisions be based upon performance, effectiveness, and qualifications. Provides for effectiveness as the primary criterion when making personnel decisions and prohibits the use of seniority or tenure as such. Relative to reduction in force policies, provides that policies for teachers and administrators be based

solely on demand, performance, and effectiveness; that policies for noncertified school personnel be based on performance and effectiveness as determined by local board policy; and that seniority or tenure cannot be the primary criterion for reduction in force.

Present law further requires local school boards to include specified performance targets in employment contracts with the local superintendent and to submit copies of such contracts to the state superintendent of education. Provides that any employment contract executed, negotiated, or renegotiated after July 1, 2012, between a board and superintendent that does not meet requirements of law is null and void. Requires that a local superintendent be removed from office upon being found incompetent, unworthy, or inefficient or to have failed to fulfill the terms and performance objectives of his contract or to comply with school board policy.

Present law also requires all public school governing authorities (public schools, state special schools, and schools and programs of the special school district) to establish salary schedules and specifies certain factors schedules shall be based upon. Provides that salaries shall be considered as full compensation for all work required. Prohibits any teacher or administrator rated as "ineffective" by a performance evaluation from receiving a higher salary in the year following the evaluation than he received in the year of the evaluation. Prohibits salary reductions, with certain exceptions. Provides for vocational agricultural teachers to teach and be paid on a 12-month basis.

Proposed law retains present law and provides for enforcement of present law by the attorney general. Requires, if the legislative auditor receives an audit report of a local school board that states that the local school board is in violation of present law, or if the legislative auditor conducts an audit and the audit report identifies areas of noncompliance, that the legislative auditor notify the attorney general and the legislative committees on education.

Proposed law, upon receipt of the report from the legislative auditor, requires the attorney general to notify the local school board that he has received a report of noncompliance and, unless he receives affidavits of compliance signed by the board's auditor within 90 days, he is authorized to institute legal action.

Proposed law authorizes the attorney general to take legal action in mandamus or otherwise petition the court for an appropriate remedy to enforce compliance by the local school board. Authorizes punishment of the members of the local school board for contempt if the school board fails to comply with a judgment making the writ of mandamus preemptory or a judgment otherwise directing the school board to act.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 17:81.1)