

## ARTICLE VIII. EDUCATION

### **Preamble**

*The goal of the public educational system is to provide learning environments and experiences, at all stages of human development, that are humane, just, and designed to promote excellence in order that every individual may be afforded an equal opportunity to develop to his full potential.*

### **§1. Public Educational System**

Section 1. The legislature shall provide for the education of the people of the state and shall establish and maintain a public educational system.

### **§2. State Superintendent of Education**

Section 2. There shall be a superintendent of education for public elementary and secondary education who, subject to provisions for appointment in lieu of election set forth in Article IV, Section 20, of this constitution, shall be elected for a term of four years. If the office is made appointive, the State Board of Elementary and Secondary Education shall make the appointment. He shall be the administrative head of the Department of Education and shall implement the policies of the State Board of Elementary and Secondary Education and the laws affecting schools under its jurisdiction. The qualifications and other powers, functions, duties, and responsibilities of the superintendent shall be provided by law.

### **§3. State Board of Elementary and Secondary Education**

Section 3.(A) Creation; Functions. The State Board of Elementary and Secondary Education is created as a body corporate. It shall supervise and control the public elementary and secondary schools and special schools under its jurisdiction and shall have budgetary responsibility for all funds appropriated or allocated by the state for those schools, all as provided by law. The board shall have other powers, duties, and responsibilities as provided by this constitution or by law, but shall have no control over the business affairs of a city, parish, or other local public school board or the selection or removal of its officers and employees; however, the board shall have the power to supervise, manage, and operate or provide for the supervision, management, and operation of a public elementary or secondary school which has been determined to be failing, including the power to receive, control, and expend state funds appropriated and allocated pursuant to Section 13(B) of this Article, any local contribution required by Section 13 of this Article, and any other local revenue available to a school board with responsibility for a school determined to be failing in amounts that are calculated based on the number of

students in attendance in such a school, all in the manner provided by and in accordance with law.

(B) Membership, Terms. The board shall consist of eleven members, eight of whom shall be elected from single-member districts, which shall be determined as provided by law, and three of whom shall be appointed by the governor from the state at large, with consent of the Senate. Members shall serve terms of four years, which shall be concurrent with the term of the governor.

(C) Vacancy. A vacancy in the office of an elected member, if the remaining portion of the term is more than one year, shall be filled for the remainder of the term by election, as provided by law. Other vacancies shall be filled for the remainder of the term by appointment by the governor.

*Amended by Acts 1979, No. 800, §1, approved Oct. 27, 1979, eff. Dec. 1, 1979; Acts 1998 1st. Ex. Sess., No. 170, §1, approved Oct. 3, 1998, eff. Nov. 5, 1998; Acts 2003, No. 1293, §1, approved Oct. 4, 2003, eff. Nov. 6, 2003.*

#### **§4. Approval of Private Schools**

Section 4. Upon application by a private elementary, secondary, or proprietary school with a sustained curriculum or specialized course of study of quality at least equal to that prescribed for similar public schools, the State Board of Elementary and Secondary Education shall approve the private school. A certificate issued by an approved private school shall carry the same privileges as one issued by a state public school.

#### **§5. Board of Regents**

Section 5.(A) Creation; Functions. The Board of Regents is created as a body corporate. It shall plan, coordinate, and have budgetary responsibility for all public postsecondary education and shall have other powers, duties, and responsibilities provided in this Section or by law.

(B) Membership; Terms. The board shall be composed of two members from each congressional district and one from the state at large appointed by the governor, with consent of the Senate, for overlapping terms of six years, following initial terms which shall be fixed by law. The board should be representative of the state's population by race and gender to ensure diversity.

(C) Vacancy. A vacancy occurring prior to the expiration of a term shall be filled for the remainder of the unexpired term by appointment by the governor, with consent of the Senate.

(D) Powers. The Board of Regents shall meet with the State Board of Elementary and Secondary Education at least twice a year to coordinate programs of public elementary, secondary, vocational-technical, career, and higher education. The Board of Regents shall have the following powers, duties, and responsibilities relating to public institutions of postsecondary education:

(1) To revise or eliminate an existing degree program, department of instruction, division, or similar subdivision.

(2) To approve, disapprove, or modify a proposed degree program, department of instruction, division, or similar subdivision.

(3)(a) To study the need for and feasibility of creating a new institution of postsecondary education, which includes establishing a branch of such an institution or converting any non-degree granting institution to an institution which grants degrees or converting any college or university which is limited to offering degrees of a lower rank than baccalaureate to a college or university that offers baccalaureate degrees or merging any institution of postsecondary education into any other institution of postsecondary education, establishing a new management board, and transferring a college or university from one board to another.

(b) If the creation of a new institution, the merger of any institutions, the addition of another management board, or the transfer of an existing institution of higher education from one board to another is proposed, the Board of Regents shall report its written findings and recommendations to the legislature within one year. Only after the report has been filed, or after one year from the receipt of a request for a report from the legislature if no report is filed, may the legislature take affirmative action on such a proposal and then only by law enacted by two-thirds of the elected members of each house.

(4) To formulate and make timely revision of a master plan for postsecondary education. As a minimum, the plan shall include a formula for equitable distribution of funds to the institutions of postsecondary education.

(5) To require that every postsecondary education board submit to it, at a time it specifies, an annual budget proposal for operational needs and for capital needs of each institution under the control of each board. The Board of Regents shall submit its budget recommendations for all institutions of postsecondary education in the state. It shall recommend priorities for capital construction and improvements.

(E) Powers Not Vested. Powers of management over public institutions of postsecondary education not specifically vested by this Section in the Board of Regents are reserved to

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, the Board of Trustees for State Colleges and Universities, the Board of Supervisors of Community and Technical Colleges, and any other such board created pursuant to this Article, as to the institutions under the control of each.

*Acts 1998, 1st Ex. Sess., No. 169, §1, approved Oct. 3, 1998, eff. Dec. 10, 1998; Acts 1998, 1st Ex. Sess., No. 170, §1, approved Oct. 3, 1998, eff. Nov. 5, 1998.*

## **§6. Board of Supervisors for the University of Louisiana System**

Section 6.(A) Creation; Functions. The Board of Supervisors for the University of Louisiana System is created as a body corporate. Subject to powers vested by this Article in the Board of Regents, it shall have supervision and management of state colleges and universities not managed by a higher education board created by or under this Article.

(B) Membership; Terms. The board shall be composed of two members from each congressional district and one member from the state at large, appointed by the governor with consent of the Senate. The members shall serve overlapping terms of six years, following initial terms fixed by law.

(C) Vacancy. A vacancy occurring prior to the expiration of a term shall be filled for the remainder of the unexpired term by appointment by the governor, with consent of the Senate.

*Acts 1998, 1st Ex. Sess., No. 168, §1, approved Oct. 3, 1998, eff. Dec. 10, 1998.*

## **§7. Board of Supervisors of Louisiana State University and Agricultural and Mechanical College; Board of Supervisors of Southern University and Agricultural and Mechanical College**

Section 7.(A) Creation; Powers. The Board of Supervisors of Louisiana State University and Agricultural and Mechanical College and the Board of Supervisors of Southern University and Agricultural and Mechanical College are created as bodies corporate. Subject to powers vested by this Article in the Board of Regents, each shall supervise and manage the institutions, statewide agricultural programs, and other programs administered through its system.

(B) Membership; Terms. Each board shall be composed of two members from each congressional district and one member from the state at large, appointed by the governor with consent of the Senate. The members shall serve overlapping terms of six years, following initial terms fixed by law.

(C) Vacancy. A vacancy occurring prior to the expiration of a term shall be filled for the remainder of the unexpired term by appointment by the governor, with consent of the Senate.

### **§7.1. Board of Supervisors of Community and Technical Colleges**

Section 7.1.(A) Creation; Powers; Institutions; Divisions. (1) The Board of Supervisors of Community and Technical Colleges is created as a body corporate to manage the Louisiana Community and Technical College System subject to powers vested by this Article in the Board of Regents. The system shall include all programs of public postsecondary vocational-technical training, and, as provided by law, institutions of higher education which offer associate degrees but not baccalaureate degrees and such programs and institutions shall be supervised and managed by the board. The system shall be comprised of two divisions, the vocational-technical division which shall include all public postsecondary vocational-technical schools and the community college division which shall include the community colleges in the system.

(2) All public institutions which exclusively or predominantly provide programs of postsecondary vocational-technical education shall be under the jurisdiction of the Board of Supervisors of Community and Technical Colleges. Such institutions may not be transferred from the Louisiana Community and Technical College System.

(3) The provision of any program subject to the supervision and management of and offered at any institution under the jurisdiction of the Board of Supervisors of Community and Technical Colleges which is not a degree program shall require no approval beyond that of the Board of Supervisors of Community and Technical Colleges.

(B) Membership; Terms; Initial Membership and Terms. The board shall be composed of fifteen members appointed by the governor, as provided by law. In addition, the board shall have two student members as provided by law. All members selected and appointed by the governor shall be appointed with the consent of the Senate. Of those members selected and appointed by the governor, there shall be two members from each congressional district and the remaining member or members from the state at large. The board should be representative of the state's population by race and gender to ensure diversity. The members selected and appointed by the governor shall serve terms of six years, except that the initial members shall serve terms as provided by law.

(C) Vacancy. A vacancy occurring prior to the expiration of a term of a member selected and appointed by the governor shall be filled for the remainder of the unexpired term by appointment by the governor, with consent of the Senate. Any other vacancy shall be filled as provided by law.

(D) Transitional Funding. Appropriations annually from the state general fund for Fiscal Years 1999-2000, 2000-2001, and 2001-2002, for those institutions of higher education supervised and managed in 1998 by each of the management boards of higher education, that is 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 Trustees for State Colleges and Universities, respectively, shall be no less than the appropriations from the state general fund in Fiscal Year 1998-1999 for those same institutions of higher education regardless of their management boards. Appropriations annually from the state general fund for Fiscal Years 1999-2000, 2000-2001, and 2001-2002, for those institutions in the Louisiana Community and Technical College System shall be no less than the state general fund appropriations in Fiscal Year 1998-1999 for those same institutions regardless of their management boards. Appropriations annually from the state general fund for Fiscal Years 1999-2000, 2000-2001, and 2001-2002, for postsecondary vocational-technical education shall be no less than the total of all appropriations for such purpose from the state general fund for Fiscal Year 1998-1999. The provisions of this Paragraph shall be null and void for any such fiscal year in which state general fund revenues are less than the state general fund revenues of Fiscal Year 1998-1999 as determined by the Revenue Estimating Conference.

(E) The transfer of any institution of higher education to the Louisiana Community and Technical College System effected on July 1, 1999, pursuant to this Section shall not change the mission of or adversely affect the accreditation of such institution.

*Acts 1998, 1st Ex. Sess., No. 170, §1, approved Oct. 3, 1998, eff. Nov. 5, 1998.*

## **§8. Boards; Membership; Compensation**

Section 8.(A) Dual Membership. No person shall be eligible to serve simultaneously on more than one board created by or pursuant to this Article.

(B) Student Membership. The legislature may provide for the membership of one student on the boards created by Sections 5, 6 and 7 of this Article. The term of a student member shall not exceed one year, and no student member shall be eligible to succeed himself. A student member shall have all of the privileges and rights of other board members.

(C) Compensation. A member of a board created by or pursuant to this Article shall serve without pay, but per diem and expenses may be provided by law.

*Amended by Acts 1980, No. 842, §1, approved Nov. 4, 1980, eff. Dec. 9, 1980.*

## **§9. Parish School Boards; Parish Superintendents**

Section 9.(A) Boards. The legislature shall create parish school boards and provide for the election of their members.

(B) Superintendents. Each parish board shall elect a superintendent of parish schools. The State Board of Elementary and Secondary Education shall fix the qualifications and prescribe the duties of the parish superintendent. He need not be a resident of the parish in which he serves.

## **§10. Existing Boards and Systems Recognized; Consolidation**

Section 10.(A) Recognition. Parish and city school board systems in existence on the effective date of this constitution are recognized, subject to control and supervision by the State Board of Elementary and Secondary Education and the power of the legislature to enact laws affecting them.

(B) Ouachita Parish and Monroe City School Systems; Board Membership. Only persons residing within the jurisdiction of the Monroe City School Board shall be eligible to vote for or be members of the Monroe City School Board. Only persons residing in that portion of Ouachita Parish outside the jurisdiction of the Monroe City School Board shall be eligible to vote for or be members of the Ouachita Parish School Board. The position of a member of either board shall be vacated when he no longer satisfies the requirements of this Paragraph. Notwithstanding any contrary provision of this constitution, this Paragraph shall become operative upon the election of members to the Ouachita Parish School Board taking office in 1977 or upon the first reapportionment affecting the Ouachita Parish School Board, whichever occurs earlier.

(C) Consolidation. Subject to approval by a majority of the electors voting, in each system affected, in an election held for that purpose, any two or more school systems may be consolidated as provided by law.

## **§11. Appropriations; State Boards**

Section 11. The legislature shall appropriate funds for the operating and administrative expenses of the state boards created by or pursuant to this Article.

## **§12. Appropriations; Higher Education**

Section 12. Appropriations for the institutions of higher education shall be made to their managing boards. The funds appropriated shall be administered by the managing boards and used solely as provided by law.

## **§13. Funding; Apportionment**

Section 13.(A) Free School Books. The legislature shall appropriate funds to supply free school books and other materials of instruction prescribed by the State Board of Elementary and Secondary Education to the children of this state at the elementary and secondary levels.

(B) Minimum Foundation Program. The State Board of Elementary and Secondary Education, or its successor, shall annually develop and adopt a formula which shall be used to determine the cost of a minimum foundation program of education in all public elementary and secondary schools as well as to equitably allocate the funds to parish and city school systems. Such formula shall provide for a contribution by every city and parish school system. Prior to approval of the formula by the legislature, the legislature may return the formula adopted by the board to the board and may recommend to the board an amended formula for consideration by the board and submission to the legislature for approval. The legislature shall annually appropriate funds sufficient to fully fund the current cost to the state of such a program as determined by applying the approved formula in order to insure a minimum foundation of education in all public elementary and secondary schools. Neither the governor nor the legislature may reduce such appropriation, except that the governor may reduce such appropriation using means provided in the act containing the appropriation provided that any such reduction is consented to in writing by two-thirds of the elected members of each house of the legislature. The funds appropriated shall be equitably allocated to parish and city school systems according to the formula as adopted by the State Board of Elementary and Secondary Education, or its successor, and approved by the legislature prior to making the appropriation. Whenever the legislature fails to approve the formula most recently adopted by the board, or its successor, the last formula adopted by the board, or its successor, and approved by the legislature shall be used for the determination of the cost of the minimum foundation program and for the allocation of funds appropriated.

(C) Local Funds. Local funds for the support of elementary and secondary schools shall be derived from the following sources:

First: Each parish school board, Orleans Parish excepted, and each municipality or city school board actually operating, maintaining, or supporting a separate system of public schools, shall levy annually an ad valorem maintenance tax not to exceed five mills on the dollar of assessed valuation on property subject to such taxation within the parish or city, respectively.

Second: The Orleans Parish School Board shall levy annually a tax not to exceed thirteen mills on the dollar of the assessed valuation of property within the city of New Orleans assessed for city taxation, and shall certify the amount of the tax to the governing authority of the city. The governing authority shall have the tax entered on city tax rolls. The tax shall be collected in the manner, under the conditions, and with the interest and

penalties prescribed by law for city taxes. The money thus collected shall be paid daily to the Orleans Parish School Board.

Third: For giving additional support to public elementary and secondary schools, any parish, school district, or subschool district, or any municipality or city school board which supports a separate city system of public schools may levy an ad valorem tax for a specific purpose, when authorized by a majority of the electors voting in the parish, municipality, district, or subdistrict in an election held for that purpose. The amount, duration, and purpose of the tax shall be in accord with any limitation imposed by the legislature.

(D)(1) Municipal and Other School Systems. For the effects and purposes of this Section, the Zachary community school system in East Baton Rouge Parish, and the municipalities of Baker in East Baton Rouge Parish, Monroe in Ouachita Parish, and Bogalusa in Washington Parish, and no others, shall be regarded and treated as parishes and shall have the authority granted parishes.

(2) Notwithstanding Article III, Sections 12 and 13 and any other provision of this Constitution, in any session of the legislature in which a school system is proposed to be removed from the provisions of this Paragraph including any such proposal effective at the same time as this Subparagraph, the legislature may by law, the effectiveness of which depends on the passage and adoption by the people of such proposition, eliminate any or all relevant statutory provisions without regard to the requirements of such Sections.

*Amended by Acts 1987, No. 948, §1, eff. Dec. 24, 1987; Acts 1995, No. 1323, §1, approved Oct. 21, 1995, eff. Nov. 23, 1995; Acts 1999, No. 1399, §1, approved Oct. 23, 1999, eff. Nov. 25, 1999; Acts 1999, No. 1403, §1, approved Nov. 20, 1999, eff. Dec. 27, 1999.*

## **§14. Tulane University**

Section 14. The Tulane University of Louisiana in New Orleans is recognized as created and to be developed in accordance with Act No. 43 approved July 5, 1884.<sup>1</sup>

<sup>1</sup>LSA-R.S. Title 17, Ch. 6 note.

## **§15. Members of State Board of Elementary and Secondary Education; beginning and end of terms**

Section 15. In order to effectuate the terms of office as provided in Article VIII, Section 3 (B), the successors in office to the elected members whose terms end in 1980 and 1982 shall be elected for terms which shall end at noon on the second Monday in March in

1984, and thereafter the successors in office to those members shall be elected and shall take office at the same time as the governor. The successor in office to the elected member whose term ends in 1984 shall be elected for a term which shall end at noon on the second Monday in March in 1988, and thereafter the successor in office to that member shall be elected and shall take office at the same time as the governor. The successors in office to the appointed members whose terms end in 1980 and 1982 shall be appointed for terms which shall end at noon on the second Monday in March in 1984, and thereafter the successors in office to those members shall be appointed for terms which shall be concurrent with the term of the governor making the appointment. The successor in office to the appointed member whose term ends in 1984 shall be appointed for a term which shall end at noon on the second Monday in March in 1988, and thereafter the successors in office to that member shall be appointed for terms which shall be concurrent with the term of the governor making the appointment.

*Added by Acts 1979, No. 800, §1, approved Oct. 27, 1979, eff. Dec. 1, 1979.*

## **§16. Public Hospitals**

Section 16. Notwithstanding any provision of this Article to the contrary, the legislature may provide by law for the supervision, operation, and management of public hospitals and their programs by the Board of Regents or by any board having powers of management over public institutions of higher education created by this constitution or pursuant to this Article. Such laws may include but shall not be limited to laws providing for the submission and approval of capital and operating budgets, appropriations and expenditures, the supervision, management, and oversight of the hospitals and their programs, and legislative review and disapproval of related rules. This Section shall not apply to institutions and programs operated or managed prior to January 1, 1997, by any higher education management board created by this Article.

*Acts 1997, No. 1488, §1, approved Oct. 3, 1998, eff. Nov. 5, 1998.*

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