

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)(1) 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.

(2) No person who has served as a member of the board for more than two and one-half terms in three consecutive terms shall be elected or appointed to the board for the succeeding term. This Subparagraph shall not apply to any person elected or appointed to the board prior to the effective date of this Subparagraph, except that it shall apply to any term of service of any such person that begins after such date.

(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; Acts 2008, No. 935, §1, approved Nov. 4, 2008, eff. Dec. 8, 2008.

§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)(1) Membership; Terms. The board shall be composed of fifteen members, of whom two members shall be from each congressional district and the remaining member or members shall be 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.

(2) No person who has served as a member of the board for more than two and one-half terms in three consecutive terms shall be appointed to the board for the succeeding term. This Subparagraph shall not apply to any person appointed to the board prior to the effective date of this Subparagraph, except that it shall apply to any term of service of any such person that begins after such date.

(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; Acts 2008, No. 935, §1, approved November 4, 2008, effective December 8, 2008; Acts 2012, No. 870, §1, approved November 6, 2012, effective December 10, 2012.

§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)(1) Membership; Terms. The board shall be composed of fifteen members, of whom two members shall be from each congressional district and the remaining member or members shall be 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.**

(2) No person who has served as a member of the board for more than two and one-half terms in three consecutive terms shall be appointed to the board for the succeeding term. This Subparagraph shall not apply to any person appointed to the board prior to the effective date of this Subparagraph, except that it shall apply to any term of service of any such person that begins after such date.

(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; Acts 2008, No. 935, §1, approved November 4, 2008, effective December 8, 2008; Acts 2012, No. 870, §1, approved November 6, 2012, effective December 10, 2012.

§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)(1) Membership; Terms. Each board shall be composed of fifteen members, of whom two members shall be from each congressional district and the remaining member or members shall be 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.

(2) No person who has served as a member of either board for more than two and one-half terms in three consecutive terms shall be appointed to the board for the succeeding term. This Subparagraph shall not apply to any person appointed to either board prior to the effective date of this Subparagraph, except that it shall apply to any term of service of any such person that begins after such date.

(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.

Amended by Acts 2008, No. 935, §1, approved November 4, 2008, effective December 8, 2008; Acts 2012, No. 870, §1, approved November 6, 2012, effective December 10, 2012.

§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)(1) 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.

(2) No person who has served as a member of the board for more than two and one-half terms in three consecutive terms shall be appointed to the board for the succeeding term. This Subparagraph shall not apply to any person appointed to the board prior to the effective date of this Subparagraph, except that it shall apply to any term of service of any such person that begins after such date.

(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; Acts 2008, No. 935, §1, approved Nov. 4, 2008, eff. Dec. 8, 2008.

§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.

(D) Congressional District Members. In order to implement the provisions of Subparagraphs 5(B)(1), 6(B)(1), 7(B)(1), and 7.1(B)(1) of this Article, beginning on January 3, 2013, and beginning every ten years thereafter on the day the members of congress from newly reapportioned congressional districts take office, any vacancy that occurs on the respective board from a congressional district from which there are two or more board members shall be filled by appointment of an individual from a congressional district from which there are less than two members. After the membership includes two members from each congressional district, the next vacancy shall be filled by an appointment from the state at large.

Amended by Acts 1980, No. 842, §1, approved Nov. 4, 1980, eff. Dec. 9, 1980; Acts 2012, No. 870, §1, approved November 6, 2012, effective December 10, 2012.

§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.