

# State and Local Government in Louisiana: An Overview 2012-2016 Term

## CHAPTER 2 — STATE GOVERNMENT FUNCTIONS

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### Part C. Education Elementary and Secondary Education

Louisiana's constitution places the responsibility for providing for the education of the people of the state and for establishing and maintaining a system of public education with the legislative branch of state government. The goal of the public education system, as also set forth by the constitution, 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." (Const. Art. VIII, Preamble and §1)

While the constitution places overall responsibility for education in Louisiana with the legislature, a number of state executive branch agencies and boards, as well as 69 local school boards, also have constitutional status, policymaking authority, and specified responsibilities involving education.

#### Governance and Organization

##### State Board of Elementary and Secondary Education (BESE)

The State Board of Elementary and Secondary Education (BESE) is created by the constitution to: (1) supervise and control public elementary and secondary schools and special schools under its jurisdiction and (2) have budgetary responsibility for all funds appropriated or allocated by the state for these schools, all as provided by law. BESE plays a key role in setting policy for public elementary and secondary schools.

BESE membership consists of eleven persons, one elected from each of the state's eight BESE districts and three appointed by the governor with the consent of the Senate. Members serve four-year terms concurrent with the term of the governor. Although board members must serve without pay, they do receive per diem and travel expenses while conducting board business. The legislature is required by the constitution to appropriate funds for the operating and administrative expenses of the board.

Other constitutional duties of BESE include: (1) approving certain nonpublic elementary and secondary schools; (2) prescribing school books and other materials of instruction for the elementary and secondary levels; (3) developing and adopting annually a formula determining the cost of a minimum foundation program (MFP) of education in all public elementary and secondary schools and equitably allocating funds appropriated by the legislature to city, parish, and other local public school systems; and (4) administering the Louisiana Quality Education Trust Fund Program. BESE must also fix the qualifications and prescribe the duties of the local

superintendents of schools, but the board is constitutionally prohibited from controlling the business affairs of a city, parish, or other local public school board or the selection or removal of its officers and employees.

In addition to its constitutional duties, BESE also has numerous responsibilities as prescribed by law. These generally can be categorized under the following headings: school approval and regulation; budgetary responsibilities; curriculum; assessment and accountability programs; and teacher and administrator qualifications, certification, and education.

### State Superintendent of Education

The superintendent of education for public elementary and secondary education is the administrative head of the state Department of Education. The office is created by the state constitution. The superintendent is appointed by BESE to implement its policies and the laws affecting schools under BESE jurisdiction. The qualifications of the superintendent are provided by law.

The state superintendent, like BESE, has numerous functions and responsibilities which are designated by statute and which can be generally categorized under the same headings as those of BESE.

### Recovery School District

The Recovery School District (RSD) was created by law for the purpose of taking over failing schools as determined by the Louisiana School and District Accountability System. The RSD is administered by the state Department of Education, subject to BESE policy. Schools placed in the RSD remain there for an initial period of five years. At the end of the five-year period, BESE decides if the school remains in the RSD, is returned to the transferring district, or is closed.

The RSD receives both the state and local portions of the MFP funding and any federal funding that would follow the children who attend the schools in the district. In addition, grant funding and national foundation monies are also available sources of funding for the district.

The RSD is authorized to contract with a postsecondary education institution to run the school or turn it into a Type 5 charter school run by a nonprofit organization. While the majority of the schools that have been placed in the RSD are in Orleans Parish, the district also includes schools located in other parishes.

### Charter Schools

A charter school is a public school that operates somewhat independently of the local school board but pursuant to a charter agreement. The Louisiana Charter School Demonstration Programs Law defines five types of charter schools as follows:

"Type 1" is a new school operated pursuant to a charter between a nonprofit corporation and a local school board.

"Type 2" is a new school or a preexisting school converted and operated pursuant to a charter between a nonprofit corporation and BESE.

"Type 3" is a preexisting public school converted and operated pursuant to a charter between a nonprofit corporation and a local school board.

"Type 4" is a preexisting public school converted and operated or a new school operated pursuant to a charter between a local school board and BESE.

"Type 5" is a preexisting public school transferred to the RSD and operated pursuant to a charter between a nonprofit corporation and BESE, or between a nonprofit corporation and a local school board or other public entity in certain cases.

The charter school law specifies that the best interest of at-risk pupils shall be the overriding consideration in its implementation. Local school boards and, in specific situations, BESE serve as chartering authorities. BESE is responsible for determining policy and providing direction to the state Department of Education for the operation of charter schools authorized by BESE.

Charter schools are established by a variety of groups, including businesses, non-profit entities, parents, educators, and others. Each charter school is governed by a board of directors. All charters are initially granted for a period of five years, subject to a three-year review. A charter is prohibited from being supported by or affiliated with any religion or religious group and cannot result from the conversion of a nonpublic school or home study program. Charter schools do not charge tuition or fees.

Charter schools are exempt from a number of state laws and regulations governing public schools, but they must participate in state-mandated student testing programs and are held accountable for student achievement and other specific results pursuant to their respective chartering agreements. In exchange for greater flexibility and autonomy, charter schools are regularly monitored and must meet certain standards to have their charters renewed. A charter school may establish admission requirements that are consistent with its role, scope, and mission, but a school's admission policy cannot exclude pupils based on race, religion, gender, ethnicity, national origin, need for special education services, or intelligence level.

Charter schools are funded almost entirely through the MFP based on the per pupil amounts allocated to their respective local school systems. However, a small number of Type 2 charter schools established prior to 2008 annually receive funding from a state general fund appropriation. In addition, a charter school is entitled to other state and federal funds for which the school or its pupils qualify, including special education funds.

### Local School Boards

Elementary and secondary education on the local level is governed by parish school boards in each of the 64 parishes, by three city school boards which oversee the separate city school systems in Baker, Bogalusa, and Monroe, and by school boards for the Zachary community school system and the Central community school system. These local boards levy authorized sales and property taxes, select local superintendents, adopt and execute budgets, select teachers, administrators, and other school personnel and fix their salaries, provide for dismissal of teachers and other school employees, determine the number and location of schools, and generally implement state law and BESE regulations pertaining to public elementary and secondary education.

State law prohibits a member of a local school board from acting in an individual capacity

without the authorization of the school board to use the authority of his office or position, directly or indirectly, in a manner intended to compel or coerce any personnel decision, including the hiring, promotion, discipline, demotion, transfer, discharge, or assignment of work to any school employee. A board member also is prohibited from using the authority of his office or position, directly or indirectly, in a manner intended to compel or coerce any school employee to make any decision concerning benefits, work assignment, or membership in any organization. (R.S. 17:81(P))

As noted earlier, the constitution requires the legislature to create parish school boards and to provide for the election of their members. The constitution also subjects the current 69 local systems to the control and supervision of BESE and the power of the legislature to enact laws affecting them. At the same time, the constitution specifically prohibits the legislature from passing a local or special law regulating the management of parish or city public schools, the building or repairing of parish or city schoolhouses, or the raising of money for such purposes. The consolidation of two or more school systems is permitted when approved by a majority of the electors voting in each system affected. (Const. Art. VIII, §§9, 10, & 12)

The legislature in 1980 provided for four-year concurrent terms for school board members beginning in 1986 with election at the time of the congressional election. Prior to this, school board members were elected for overlapping six-year terms, with approximately one-third of the membership being elected every two years at the congressional election. State law provides that school board members shall be elected from police jury wards in the same number as police jurors, or in accordance with the then current reapportionment plan as authorized by law, or in accordance with any special law applicable to the board. Provisions for reapportionment of local school boards authorize apportionment plans based on population which may provide for school board election districts which are not necessarily conterminous with election districts of the parish governing authority. Districts may be single or multimember. Plans are subject to pre-clearance by the U.S. Department of Justice under the Voting Rights Act. (R.S. 17:52 and 71.1 et seq.)

There are special statutory provisions for the school boards in the parishes of Caddo, East Baton Rouge, Jefferson, Orleans, St. Charles, and St. Tammany and for the City of Baker, Zachary community, and Central community school boards and for school boards meeting certain specified criteria.

School board members are authorized to receive compensation not to exceed \$50 per day for every meeting of the school board. School board members cannot be paid for more than 12 meetings per month. However, by a majority vote of its elected members, a school board may elect to receive, in lieu of per diem, compensation in the form of an expense allowance of no more than \$800 per month for members and \$900 per month for the board president. Additionally, members may receive the same mileage allowance as provided to state elected officials for going to and from board meetings as well as reimbursement for travel and related expenses outside the school board's jurisdiction while on school board business. Reimbursements for such travel and related expenses cannot exceed those permitted by state travel regulations for state executive branch employees. A two-thirds majority vote of the board is required for any increase in compensation. (R.S. 17:56)

## Local Superintendent

Each local school board is required by the constitution and statutes to elect a superintendent of schools. The superintendent need not be a resident of the parish in which he is employed.

While BESE determines the local superintendent's qualifications and duties, a superintendent basically serves as the chief administrative officer of the local board. In effect, he is the manager of the school system.

## Programs and Issues

### Mandates

There are many requirements in law and in administrative regulations, both state and federal, that affect the level of spending by the state and by local school systems for public elementary and secondary education. Generally, these are referred to as mandates. How to fund these mandates or whether they should be removed or modified are questions that have been raised concerning school finance.

The following considerations are pertinent to any discussion of mandates as it relates to school boards:

- As noted earlier in this Overview, the responsibilities of providing for the education of the people of the state and establishing and maintaining a public educational system are placed by the constitution at the state level with the legislature, not at the local level with local school boards. For this reason, the relationship between the legislature and local school boards is somewhat different from that of local governmental subdivisions such as parishes, municipalities, or special districts.
- City and parish school boards in existence at the time the constitution became effective (January 1, 1974) are recognized subject to the control and supervision of BESE and the power of the legislature to enact laws affecting them.
- The constitution specifies that the MFP formula shall provide for a contribution by every city and parish school system.
- The current MFP includes a calculation for the local contribution amount (on a statewide average, it is 35% of total funding), but there is no requirement that a local school system actually generate any specific amount in local funds in order to receive state funds. Some school systems generate more than their targeted local contribution amount, some generate less. Also, as noted earlier in this Overview, there currently is no penalty for those not hitting the target.
- Whether or not any particular mandate is viewed as necessary and appropriate frequently depends on the policy objective. The methods for uniformly holding schools and school systems accountable for improved student learning, conducting the state's student testing program, and having a reliable system for the collection and processing of data for comparative purposes are examples of activities thought by some to lend themselves to detailed mandates and a "top down" approach for making decisions. Conversely, activities in which "outcomes" are seen as more important than "process" and that seek to encourage

flexibility and innovation may lend themselves better to a "bottom up" approach.

In 2006, the legislature addressed the issue of mandates by passing a constitutional amendment setting forth certain procedures, requirements, limitations, and exceptions relative to the passage of laws requiring increased expenditures within a local school system for any purpose. Voters approved the amendment and it became effective October 31, 2006. The specifics are similar but not identical to existing constitutional language relative to increasing the financial burden of political subdivisions other than school boards. (Const. Art. VI, §14(B))

### Early Childhood Education

The state Department of Education administers the following federally-funded early childhood education programs for children in Louisiana:

- The Cecil J. Picard LA 4 Early Childhood Program (funding source is a combination of federal funds and state general funds)
- Title I Preschool
- Even Start
- Special Education Preschool

BESE administers one early childhood program which is funded with monies from the Louisiana Education Quality Trust Fund ("8(g)"). Additionally, Head Start, administered by the Louisiana Head Start Association and funded by the U.S. Department of Health and Human Services, operates educational programs for three- and four-year-olds throughout the state.

In addition to these public programs, there is also a nonpublic prekindergarten program that is administered through the governor's office. This program provides for the coordination of high quality early childhood education for four-year-olds from low-income families in nonpublic schools in many parishes.

### School and District Accountability

The Louisiana School and District Accountability System was created by law in 1997. BESE determines the policy for and provides for the implementation of the system. As part of the accountability system, each school annually receives a School Performance Score (SPS) which indicates how well its students are performing. The SPS is based on results from student scores on specified standardized tests and student attendance and dropout data.

Based on their SPS, schools are given performance labels which determine how much academic growth, if any, the schools need to make in order to reach the goals set by the state. Schools meeting their growth targets and showing certain growth in student performance receive recognition and rewards and schools in need of improvement are required to receive technical and other support and assistance from the state. Schools also receive letter grades, ranging from A to F, indicative of the school's performance score.

A major component of the accountability system is high-stakes testing of students. State law requires BESE to determine the level of proficiency required of fourth and eighth grade public

school students in order for them to proceed to the next grade without intervention. The state testing policy, as adopted by BESE, requires all public school fourth and eighth grade students to score at a certain level on specified portions of the tests in order to be promoted to the next grade. Students who fail to meet these requirements have an opportunity to attend summer school and to retake the tests. BESE's testing policy provides waivers for certain students with disabilities, students with Limited English Proficiency, and students who cannot take or complete the tests due to certain extenuating circumstances. It also provides for an appeals process for students meeting certain criteria as well as alternate assessments for certain special education students.

The state's testing program includes the Louisiana Educational Assessment Program (LEAP), the integrated LEAP (iLEAP), the graduation exit exam (GEE), and End-of-Course (EOC) tests. Beginning with the freshmen class of 2010-2011, EOC tests will replace the Graduation Exit Examination (GEE) for graduation purposes. EOC tests are designed to evaluate whether Louisiana's high school students have mastered the knowledge, skills, and abilities at the end of certain courses in English, math, science, and social studies.

## Tenure

Louisiana law requires each teacher to serve a three-year probationary term upon being hired in a public school system. Local school boards are authorized to dismiss any teacher who is found to be unsatisfactory during the probationary term. If the teacher successfully serves the three-year term, the law provides that the teacher automatically becomes a regular and permanent teacher in that school system. A tenured teacher who transfers to a different public school system must serve another three-year probationary period in order to become tenured in that system.

Historically, teacher tenure in Louisiana has been considered a property right serving as a measure of protection against personal or political retribution. A common misconception about teacher tenure is that it guarantees lifetime employment. Technically, tenure requires that due process be followed before a teacher can be dismissed. State law provides that "... a permanent teacher shall not be removed from office except upon written and signed charges of willful neglect of duty, or incompetency, dishonesty, or immorality, or of being a member of or contributing to any group, organization, movement, or corporation that is by law or injunction prohibited from operating in the state ... and then only if found guilty after a hearing by the school board of the parish or city ... ". The law further spells out the procedure for the hearing and allows the teacher the right to challenge dismissal in a court of law.

## Teacher Evaluation - "Value Added Assessment Model"

Legislation was enacted in 2010 to require annual formal evaluations by local school boards for all teachers and administrators. It provides for evaluations to be conducted for teachers who teach tested grades and subjects and requires that 50% of such evaluations be based on evidence of growth in student achievement using a value-added assessment model determined by BESE. The method chosen by BESE assesses the change in the achievement levels of students from the end of one school year to the next and was designed to take into account starting points and other variables that might influence actual performance outcomes.

Teachers are issued a teaching certificate by BESE if a teacher's evaluation demonstrates that the teacher has met the standard for effectiveness, using value-added data, for three years during

the initial certification process.

BESE is required to report annually to the House and Senate education committees on the implementation, results, and effectiveness of the assessment model.

## Funding

### Minimum Foundation Program (MFP)

The minimum foundation program (MFP) is the primary means for state funding of public elementary and secondary education in Louisiana. There are both constitutional and statutory provisions affecting its content and administration.

- Background

Prior to amendment in 1987, the state constitution required the legislature to appropriate funds sufficient to ensure a minimum foundation program of education in all public elementary and secondary schools. It also provided for the appropriated funds to be equitably allocated according to formulas adopted by BESE and approved by the legislature. Also prior to the 1987 amendment, the primacy of legislative authority over MFP funding amounts and reductions thereto had been judicially upheld in a 1986 case in state court. Methods to require full funding of the MFP and protect k-12 public education from budget cuts were significant issues considered by the 1987 legislature.

In November of 1987, voters approved a constitutional amendment requiring BESE to annually develop and adopt a formula to determine the cost of a minimum foundation program of education in all public elementary and secondary schools and to equitably allocate appropriated funds to the local school systems. The formula must provide for a contribution by every local public school system. Prior to approval of the formula by the legislature, the legislature can return the formula to BESE and recommend an amended formula for BESE consideration and resubmission. However, the legislature cannot amend the formula BESE submits. The legislature is required to fully fund, on a current basis, the costs to the state of the MFP as determined by applying the formula it has approved. Any reduction in the appropriation by either the legislature or the governor is prohibited, except by the governor in accordance with the Appropriation Act and with the written consent of two-thirds of the elected members of each house. If the legislature fails to approve the formula most recently adopted by BESE, the last formula adopted by BESE and approved by the legislature is to be used for determining the cost and allocating the funds. (Const. Art VIII, §13(B))

- Current Formula

The current MFP formula (HCR No. 130 of the 2011 R.S.) generally continues, with certain technical and substantive refinements, the multilevel student-based formula concepts first adopted and approved in 1992. Level 1 is designed to provide each student with an equitably determined specific funding amount for a minimum education based on local needs. Level 2 is designed to provide an incentive for local school systems to exceed the expected levels of their contributions to Level 1 funding needs. The current formula also continues to recognize special costs (through weighted calculations) for programs serving students in the following categories: at-risk students (includes a student whose family



income is at or below income eligibility guidelines or other guidelines as provided by BESE and students identified as English Language Learners ( not otherwise included on income guidelines), special education students (including gifted and talented students), vocational education course units, and economies of scale.

Relative to the use of MFP money, the current formula provides that state dollars shall be expended only for educational purposes related to the operational and instructional activities of a district, including instructional programs, pupil support programs, instructional staff programs, school administration, general administration, business services, operations and maintenance of plant services, student transportation services, food service operations, enterprise operations, community service operations, facility acquisition and construction services, and debt service (as defined by the Louisiana Accounting and Uniform Governmental Handbook, Bulletin 1929 of the state Department of Education). Also, the formula specifies that a local school board must ensure that 70% of its general fund expenditures (which includes state MFP dollars) are spent in the areas of instruction and school administration at the school building level. The terms "instruction" and "school administration" are defined for this purpose.

MFP implementation costs for FY 2011-2012 are \$3.4 billion. While the state general fund is the source for the majority of state dollars appropriated for the MFP, the state constitution specifies (with one limited exception for services related to compulsive and problem gaming) that Lottery Proceeds Funds be appropriated only for the purpose of the MFP.

### The Education Excellence Fund

The Education Excellence Fund (EEF), a special fund constitutionally established within the Millennium Trust, receives a specified share of the state's proceeds from the "tobacco settlement" agreement and certain trust-related investment earnings. Fund earnings are available for legislative appropriation annually. Local school boards share in the bulk of such monies in accordance with specific allocation guidelines and amounts.

Fund monies are restricted to expenditures for instructional enhancement for prekindergarten through twelfth grade students, including early childhood education programs focused on enhancing the preparation of at-risk children for school, remedial instruction, assistance to children who fail tests passage of which is required pursuant for advancement to the succeeding grade, or other educational program approved by the legislature. Expenditures for maintenance or renovation of buildings, capital improvements, and increases in employee salaries are prohibited.

EEF monies are also appropriated each year for children attending state-approved nonpublic elementary and secondary schools that are otherwise eligible to receive state funds and to the Louisiana School for the Deaf, the Louisiana School for the Visually Impaired, the Louisiana School for Math, Science, and the Arts, the New Orleans Center for Creative Arts, and, when operational, the Louis Armstrong High School for the Arts. Additionally, under specified circumstances, appropriations may be made for charter schools and for alternative schools and programs.

EEF expenditure plans submitted by schools and school systems are reviewed by the state Department of Education and require annual approval by the department and the legislature.

## CHAPTER 2 — STATE GOVERNMENT FUNCTIONS

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### Part C. Education Postsecondary Education

#### Governance and Organization

The governance of postsecondary education in Louisiana is a responsibility shared by five constitutional boards. These are the Board of Regents, 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 Supervisors for the University of Louisiana System, and the Board of Supervisors of Community and Technical Colleges.

#### Board of Regents

The Board of Regents plans, coordinates, and exercises budgetary responsibility for all public postsecondary education. Relative to public institutions of postsecondary education, the Board of Regents has the following powers, duties, and responsibilities:

- Revise or eliminate existing degree programs, departments of instruction, divisions, or similar subdivisions.
- Approve, disapprove, or modify proposed degree programs, departments of instruction, divisions, or similar subdivisions.
- Study the need for and feasibility of establishing any 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 that 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.

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 must 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.

- Formulate and revise a master plan for postsecondary education, including a formula for equitable distribution of funds to postsecondary institutions.

- Require that each postsecondary education board submit its proposed budget to the Board of Regents for operational and capital needs for each institution under the control of each board. The board is required to submit its budget recommendations for all postsecondary institutions. Additionally, the board must recommend priorities for capital construction and improvements.

In addition to the powers and duties listed above, the constitution also requires the Board of Regents to meet with BESE at least twice a year to coordinate programs of public elementary, secondary, vocational-technical, career, and higher education. The constitution further permits the legislature to give the Board of Regents additional powers, duties, and responsibilities by law.

All powers of management over public institutions of postsecondary education which are not given by the state constitution to the Board of Regents are reserved to the four management boards for the institutions under each board.

The constitution specifies that the Board of Regents shall be comprised of two members from each congressional district and one from the state at large. Members are appointed by the governor with Senate consent and serve overlapping six-year terms.

The constitution also permits and the legislature has provided for a student member on the Board of Regents. The student member is elected to the board by and from the student body presidents of the colleges and universities under the board's jurisdiction and serves for a term of one year. No student member is eligible to succeed himself. The student member has all of the privileges and rights of other board members.

A person serving on the Board of Regents, one of the four postsecondary education management boards, BESE, or a local city or parish school board is constitutionally prohibited from serving simultaneously on any of the others. Also, all members of these education boards must serve without pay. Per diem and expenses are constitutionally permitted and are provided by law. (Const. Art. VIII, §§ 5 and 8)

In general, private postsecondary education institutions are not governed by the Board of Regents or any of the management boards. Some decisions by the Board of Regents may have an effect on such institutions, however, as the result of their voluntary cooperation with the board or their participation in programs funded or administered by the board, or both.

State law (R.S. 17:1808) requires all public and private postsecondary, academic degree-granting institutions offering instruction in Louisiana to register with the Board of Regents. Certain private institutions are exempt from these requirements, as are schools providing religious training or theological education (including sacred music) and institutions having a specified federal tax exempt status.

The Board of Regents also administers state law (R.S. 17:3141.1 - 3141.19) regulating proprietary schools. With certain exceptions, a proprietary school is a for profit or nonprofit business that sells instruction providing a vocational, occupational, or technical education. Subject to approval by the board, a proprietary school may award certificates, occupational degrees, and associate degrees in the arts and sciences.

## Management Boards – LSU, Southern, and University of Louisiana Systems

Relative to the LSU and Southern boards, the constitution provides that each, subject to the constitutional powers of the Board of Regents, shall supervise and manage the institutions, statewide agricultural programs, and other programs administered respectively by each system. Relative to the University of Louisiana System board, the constitution provides that the board, subject to the constitutional powers of the Board of Regents, shall have supervision and management of state colleges and universities not managed by a higher education board created by or under Article VIII of the Constitution of Louisiana.

The constitution specifies that each of these management boards is to be composed of two members from each congressional district and one member from the state at large, all appointed by the governor with consent of the Senate. Members serve overlapping terms of six years. As with the Board of Regents, the constitution permits and the legislature has provided for a student member on each of these management boards. A student member is selected by and from the student body presidents of the institutions governed by the respective boards, serves for a term of one year, and is ineligible to succeed himself. A student member has all the privileges and rights of other board members. (Const. Art. VIII, §§6, 7, and 8(B))

Institutions comprising the LSU system are LSU-Baton Rouge, LSU-Eunice, LSU-Alexandria, LSU-Shreveport, the LSU Center for Agricultural Sciences and Rural Development (located in Baton Rouge), the LSU Law Center (Baton Rouge), and the LSU Health Sciences Center (New Orleans and Shreveport). (LSU-Eunice is a two-year institution.)

Institutions comprising the Southern University System are Southern University-Baton Rouge, Southern University-New Orleans, and Southern University-Shreveport. (Southern University-Shreveport is a two-year institution.)

Institutions comprising the University of Louisiana System are Grambling State University (Grambling), Louisiana Tech University (Ruston), McNeese State University (Lake Charles), Nicholls State University (Thibodaux), the University of Louisiana at Monroe, Northwestern State University (Natchitoches), Southeastern Louisiana University (Hammond), the University of Louisiana at Lafayette, and the University of New Orleans.

## Management Board – Community and Technical College System

In 1998, voters approved a constitutional amendment which created the Board of Supervisors of Community and Technical Colleges to supervise and manage (subject to the constitutional powers of the Board of Regents) the Louisiana Community and Technical College System. The system includes 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. The Louisiana Community and Technical College System is comprised of two divisions – the vocational-technical division, which includes all public postsecondary vocational-technical schools, and the community college division, which includes the community colleges in the system.

The constitution specifies that all public institutions which exclusively or predominantly provide programs of postsecondary vocational-technical education are under the jurisdiction of the board and such institutions may not be transferred from the Louisiana Community and Technical College System. The constitution further specifies that the provision of any program

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

As provided in the constitution, the board is composed of 15 members appointed by the governor, as provided by law and subject to Senate confirmation. Of these members, two are from each congressional district with the remaining member or members from the state at large. The members serve six-year terms. In addition, the board has two student members, as provided by law. The board should be representative of the state's population by race and gender to ensure diversity. (Const. Art. VIII, §7.1)

The institutions managed by the system are Baton Rouge Community College, Bossier Parish Community College, Delgado Community College, Louisiana Delta Community College, L. E. Fletcher Technical Community College, Elaine P. Nunez Community College, Northshore Technical Community College, River Parishes Community College, South Louisiana Community College, and Sowela Technical Community College and all campuses of the Louisiana Technical College.

#### Review of Governance, Organization, Management, and Operation of Public Postsecondary Education Institutions: 2008-2012 Term of Office

Pursuant to the state's "Sunset" law, the legislature in 2010 re-created, through June 30, 2013, each of the boards, offices, agencies, and other entities that are statutorily organized into the executive branch Department of Education (including but not limited to the State Board of Elementary and Secondary Education, the state Department of Education, the Board of Regents, each public postsecondary education management board and its institutions, and the boards and offices that administer state student financial assistance programs). If not re-created, all statutory authority for operating ceases July 1, 2013. (R.S. 49:191(4)(f))

In 2009, the legislature statutorily created the Postsecondary Education Review Commission (PERC) to do a comprehensive review of governance, facilities, all programs, funding, and any other issue that impacts postsecondary institutions. PERC also was charged with identifying rules or regulations that are barriers to achieving efficiencies. PERC was directed to report to the Board of Regents. The board was charged with reviewing the report and submitting it and board comments to the legislature. The report was submitted prior to the 2010 Regular Session.

At the 2010 and 2011 Regular Sessions a number of proposed constitutional amendments and statutes were introduced and heard in legislative committees relative to the governance, organization, and management of public postsecondary education institutions. Except for legislation enacted in 2011 transferring management of the University of New Orleans to the University of Louisiana System (from the LSU System), none made it all the way through the legislative process.

Also at the 2011 Regular Session, the following Resolutions were adopted:

- HCR 30 requests the Board of Regents to study the provision of public postsecondary educational opportunities throughout the state, to establish the appropriate role, scope, and mission of each public postsecondary education institution, and to formulate a plan that will make optimal use of all available academic, fiscal, and physical resources, recognizing the unique nature of each institution, and allow each institution's students to successfully and

efficiently pursue their chosen academic path. The board is to report not later than 60 days prior to the 2012 Regular Session.

In August 2011, the Board of Regents, pursuant to its constitutional duties, adopted a new Master Plan for Public Postsecondary Education in Louisiana: 2011. The Master Plan, in part, provides for the role, scope, and mission of each public college and university. It also sets a vision for improvement for the state's colleges and universities and outlines 18 objectives, 71 activities, and 65 performance measures to achieve the goals.

- HCR 184 requests the Board of Regents to create a commission to study, in accordance with specified guidelines, the governance, management, and supervision of public postsecondary education. The Governance Commission (which includes four legislators) is to report not later than 60 days prior to the 2012 Regular Session.
- HR 161 requests the Board of Regents to report in writing to the House education committee by November 1, 2011, on board actions to implement certain PERC recommendations relative to providing equitable and sufficient funding for the state's Historically Black College and Universities.

## Programs and Issues

### Louisiana Granting Resources and Autonomy for Diplomas Act – "GRAD Act"

The "Grad Act" was enacted by the legislature to allow public postsecondary education institutions more autonomy and flexibility if they meet established performance targets. The purpose of the legislation is to support the institutions in remaining competitive and increasing their overall effectiveness and efficiency by providing that the institutions achieve specific performance measures aimed at improving college completion and graduation rates and at meeting the state's workforce and economic development needs.

Participating institutions enter into six-year performance agreements with the Board of Regents in order to be granted certain autonomies relative to tuition, contracting, purchasing, construction projects, and budgeting requirements. The tuition authority granted by the GRAD Act allows an institution to increase tuition and fees on a phased-in basis, which beginning in the 2012-2013 Fiscal Year is an amount of up to 10%, until its tuition and fees reach the Southern Regional Education Board (SREB) average tuition rate of the institution's peers.

The Board of Regents is required annually to report to the legislature and the governor on each participating institution's progress in meeting the performance objectives. Institutions are required to report annually to the legislature, the Board of Regents, the legislative auditor, and the division of administration on specified organizational data, including cost and budget data and all expenditures of the institution.

### Student Financial Assistance

Many of the state funded grant, loan, scholarship, and tuition assistance programs available to Louisiana residents pursuing a postsecondary education in the state are administered by the Louisiana Student Financial Assistance Commission (LSFAC) through the Louisiana Office of Student Financial Assistance (LOSFA). These include but are not limited to the Taylor Opportunity Program for Students (TOPS) and the Go Grant.

TOPS is a merit-based aid program enacted by the legislature in 1997 and first implemented for the 1998-1999 academic year.

A TOPS Opportunity, Performance, or Honors award pays for tuition and certain fees at any Louisiana public college or university for eight semesters for an eligible student to pursue a baccalaureate degree. If the student attends a nonpublic postsecondary institution that is a member of the Louisiana Association of Independent Colleges and Universities (LAICU), the award is the weighted average tuition/fee amount at public institutions granting baccalaureate degrees. Students eligible for a TOPS Performance or Honors award also receive an annual monetary stipend—currently \$400 for a Performance Award and \$800 for an Honors Award.

A TOPS Tech award pays for tuition and certain fees for four semesters of skill or occupational training at any school in the Louisiana Community and Technical College System, at a Louisiana approved proprietary school or cosmetology school, or at a Louisiana public college that does not offer a baccalaureate degree. If the student pursues skill or occupational training at a nonpublic postsecondary institution that is a member of LAICU or a public college or university that offers a baccalaureate degree, the award amount is the average award paid to students attending public institutions that do not offer a baccalaureate degree.

The TOPS Tech Early Start award provides up to \$600 per academic year for any eligible 11th or 12th grade student attending a Louisiana public high school who wishes to concurrently enroll for up to six credit hours per semester at a public college in a vocational course of study leading to an industry-based certification in a top demand occupation.

The Louisiana Early Start Program also provides tuition assistance to eligible 11th and 12th grade students from public high schools that enroll in eligible college courses for dual credit at an eligible public or nonpublic college or university.

To be determined initially eligible for and to remain eligible for any TOPS award or for the Louisiana Early Start Program, a student must meet certain academic standards and other criteria that vary depending on the award. Detailed eligibility information for these awards and for other state assistance programs can be found at the website for the Louisiana Office of Student Financial Assistance (<http://www.osfa.state.la.us>).

The Go Grant is a need-based financial assistance program that was developed by the Board of Regents pursuant to legislation enacted in 2004 and implemented beginning with the 2007-2008 academic year. The purpose is to support nontraditional and low to moderate-income students who need additional aid to afford the cost of attending an eligible Louisiana college. Award amounts to eligible students are based on the Go Grant appropriation and can vary with each academic year. For the 2011-2012 award year, the maximum award is \$1,000.

The TOPS Fund, a special fund constitutionally established within the Millennium Trust, receives a specified share of the state's proceeds from the "tobacco settlement" agreement and certain related interest earnings. Fund appropriations are restricted to support of state programs for financial assistance for students attending Louisiana institutions of postsecondary education. (Const. Art. VII, Section 10.8)

The Louisiana Tuition Trust Authority, the majority of whose members are also members of LSFAC, administers the Student Tuition Assistance and Revenue Trust Program (START), a

savings plan to encourage families to save now to pay for the expenses of their children's future postsecondary education. In addition to offering participants the flexibility of saving at their own pace, START accounts earn interest which is not taxed by the state. As an incentive to save, state assistance grants are credited to qualifying accounts annually based on the amount saved and the income of the account holder. These state funded assistance grants also accrue interest. Deposits by the account holder, along with accrued interest, may be used to pay the qualifying educational expenses of the beneficiary at any accredited college or university (in or out of state), at a Louisiana technical college, or at an eligible proprietary school. Assistance grant monies, however, may be used only at in-state institutions and only for tuition.

Several tuition waiver programs also have been established by the legislature, including for members of the National Guard, students over age 55, certain disabled veterans as well as the wives, widows, and children of certain disabled or deceased veterans and POWS/MIAs, and the children of firefighters, police officers, deputy sheriffs, correctional officers, local school board employees, and sanitation workers killed or disabled in the line of duty. Certain of the waiver programs are dependent upon legislative appropriations.

Additionally, under a program enacted by the legislature in 1993 and developed by the Board of Regents, full-time certified classroom teachers employed by a local school board or by a BESE-approved nonpublic school and Louisiana technical college instructors may enroll for college credit at a Louisiana public college or university on a tuition-free basis where space is available.

Financial assistance for postsecondary students is available from a number of public and private sources other than the state. Persons interested in assistance from these sources are urged to contact the financial aid office of the school they seek to attend.