

SCHOOL DISTRICT LEGAL STATUS

School Boards, created by the Constitution of the State of Louisiana, have been empowered by state law to create school districts composed of the parish as a whole or any part thereof. New school districts may only be created in accordance with statutory provisions.

No public election shall be required in the creation of any school district. Every school district so created shall be a political subdivision of the state and may issue bonds and vote special taxes up to the full amounts permitted by the Constitution of Louisiana, regardless of whether such school district may lie within the boundaries of a consolidated school district or a school district comprising all of the territory of a parish, and regardless of whether such school district may contain within its boundaries one or more other school districts.

School districts shall be under the exclusive control and management of the respective School Boards, unless otherwise provided for by state law.

Ref: U.S. Const. Amend. X; U.S. Const. Amend XIV, Sec. 1; Constitution of Louisiana, Art. VIII, Sec. 9; La. Rev. Stat. Ann. §§ 17:51, 17:72, 17:1371, et seq., 17:1953, 17:1957; Wisconsin v. Yoder, 92 S.Ct. 1526 (1972); Milliken v. Bradley, 94 S.Ct. 3112 (1974); Dayton Board of Education v. Brinkman, 97 S.Ct. 2755 (1977); Hawthorne v. Jackson Parish School Board, 5 La. App. 508 (1927).

SCHOOL BOARD LEGAL STATUS

The East Baton Rouge Parish School Board derives its legal status from the State Legislature, which is subject to the Constitutions of the State of Louisiana and the United States. The Legislature has been granted authority for creation of school boards by Article VIII, Section 9 of the Louisiana Constitution of 1974 which states: "...The legislature shall create parish school boards and provide for the election of their members..."

The East Baton Rouge Parish School Board has been established as a body corporate charged with the establishment, maintenance, development and operation of an efficient public school program within the school district. State and federal courts have held that the Board is vested with a broad range of administrative and supervisory authority commensurate with the aforementioned prescribed educational responsibilities.

Members of the East Baton Rouge Parish School Board are officers of the state. The Board is the agency through which the school district acts in regard to school matters. Board members have authority only when functioning as a body or group in a legally called regular or special meeting. The powers of the Board are delegated only to the Board as a body. No authority is granted to members acting as individuals.

The Board is cognizant that all actions must be taken in good faith, with reasonable prudence, sincerity and based on the belief that such actions are correct and in the best interests of the school district in accordance with the statutes, pertinent judicial precedents, and the Constitution of the United States.

In suits against the East Baton Rouge Parish School Board, citation shall be served on the President of the Board, and in his/her absence, on the Vice-President.

Ref: Constitution of Louisiana, Art. VI, Sec 44, Art. VIII, Sec. 9, Art. 12, Sec. 10; La. Rev. Stat. Ann. ' ' 17:51, 17:64, 17:64.1; Hawthorne v. Jackson Parish School Board, 5 La. App. 508 (1927).

AUTHORITY

The School Board is a legislative, evaluative and judicial body and is responsible for the operation and improvement of public education in East Baton Rouge Parish. As a legislative body, the Board has the authority to determine and establish written policies and to evaluate their effectiveness. It also evaluates and acts on recommendations concerning the progress and improvement of the schools. Knowledge of educational principles and policies by the Board is essential to making decisions and resolving issues. The function of the Board is not to operate the schools, but to see that they are operated for the best interest of the children and taxpayers within the provisions of Louisiana law. The final responsibility for educational planning rests with the Board.

The School Board may also make recommendations and regulations for its own government not inconsistent with state or federal law or with the regulations of the Louisiana State Board of Elementary and Secondary Education, as it may deem proper.

Ref: Constitution of Louisiana, Art. VI, Sec. 29, 30, 31, 32, 33, 35, 44, Art. VIII, Sec. 10;
La. Rev. Stat. Ann. ' ' 17:51, 17:64, 17:64.1, 17:81.

POWERS AND RESPONSIBILITIES

The East Baton Rouge Parish School Board is vested with the responsibility and authority to establish policies for the administration and management of the schools in the school district. Any policy not specifically spelled out in the Board's *Policy Manual* remains the prerogative of the Board. The Board shall act as a legislative body in the determination of policies for the control, operation, maintenance and improvement of the school system in keeping with the needs of East Baton Rouge Parish and applicable state laws. On certain occasions the Board shall also serve as a judicial body to hear complaints and appeals of administrative decisions for employees, publics and/or patrons.

The School Board shall be responsible for carrying out all mandatory laws pertaining to education and shall consider, accept or reject provisions of permissive legislation where discretion is so authorized. In all cases where constitutional mandates, federal and/or state statutes, judicial precedents or regulations of duly recognized governmental agencies do not otherwise provide or prohibit, the Board shall consider itself the agent responsible for establishing and appraising the educational activities of the school district.

The specific duties of the School Board shall include, but not be limited to the following:

1. To elect the person to serve as the chief executive officer and Superintendent of the school district and support such person in the discharge of his duties;
2. To establish, approve and evaluate policies relating to the operation of the public schools;
3. To adopt a calendar of school events for each ensuing year, which shall be distributed to the teachers and others as deemed necessary;
4. To adopt the annual budget, consider and approve payrolls, and approve expenditures of funds as recommended by the Superintendent;
5. To consider reports of transacted business and its relation to the financial status of the system;
6. To approve all school district personnel appointments;
7. To determine salary schedules and other personnel policies;
8. To consider reports of the Superintendent on the progress of the schools and advise him on recommended changes in the educational program;

9. To adopt plans for structural improvements and determine the means to finance them; and
10. To inform the citizens of the district and the Legislature of the needs of the schools.

Ref: La. Rev. Stat. Ann. §§ 17:51, 17:64, 17:64.1, 17:81, 17:84, 17:88, 17:95, 17:97, 17:101 et seq., 17:221, 17:441 et seq., 17:158, 17:1171 et seq., 17:1373, 38:2211, 38:2212.

BOARD MEMBERS LEGAL STATUS

The legal status of each duly appointed or elected member of the East Baton Rouge Parish School Board is that of a public official who cannot be removed from his/her office except as provided by state law. The legal obligations pursuant to each Board member shall not commence until he/she has been duly elected or appointed and officially taken office. His/her official capacity as a Board member shall continue until the expiration of his/her term in office, unless otherwise vacated.

Such status does not authorize said member to act for or bind the Board individually. The powers and duties vested in the School Board shall only be exercised by action of the Board as a whole at duly called and organized meetings. In this respect, no motion or resolution shall be declared adopted without the concurrence of a simple majority of the Board present and voting, unless otherwise stipulated by Board policy or state law.

While Board members may enjoy a degree of immunity from damage suits, individual Board members are not absolutely free from liability. The members may be personally liable if any actions taken by the members clearly violate established statutory or constitutional rights of which a reasonably competent public official should have knowledge. Moreover, liability may be equally applicable, not just from policies, ordinances, regulations, or decisions officially adopted by the Board, but also for a custom or standard practice or procedure, even though such a custom, practice or procedure has not received formal Board approval.

Ref: Constitution of Louisiana, Art. VIII, Sec. 9, La. Rev. Stat. Ann. §§ 17:51, 17:52, 17:64, 17:64.1, 17:81; Wood v. Strickland, 95 S.Ct. 992 (1975); Monell v. Department of Social Services of New York, 98 S.Ct. 2018, 2035-36 (1978); Owen v. City of Independence, Mo., 98 S.Ct. 3318 (1978); Harlow v. Fitzgerald, 1102 S. Ct. 2727 (1982).

NUMBER

The East Baton Rouge Parish School Board shall be composed of eleven (11) members, each elected by qualified voters residing within each of the respective special election districts of East Baton Rouge Parish. Each district shall encompass the geographic and demographic areas fixed by the East Baton Rouge Parish School Board for School Board member election purposes. An official map showing each election district shall be made available for viewing during normal business hours at the School Board office.

Every candidate for election must be a resident and qualified voter of the election district from which said candidate shall seek election at the time of qualifying for election to such position and, if elected, must remain a resident of the election district during the term of office.

Should any member of the School Board move his/her residence from the election district from which such member was elected, the seat held by said member shall be declared vacant, and such vacant seat shall be filled in accordance with applicable law of the State of Louisiana.

The East Baton Rouge Parish School District shall reapportion itself every ten (10) years, using the federal census, so that each member shall represent as nearly as possible the same number of persons.

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Ref: La. Rev. Stat. Ann. §§ 17:52, 17:58, 17:58.3, 17:71.1, 17:71.2, 17:71.3, 17:71.4, 17:71.5, 17:71.6, 17:71.7; 18:1 et seq., 18:602.

QUALIFICATIONS FOR SCHOOL BOARD MEMBERS

Persons eligible to serve as members of the School Board shall have the following minimum qualifications:

1. A Board member shall have attained the age of eighteen (18).
2. A Board member shall be domiciled in the election district for the preceding year, except after a reapportionment.
3. A Board member shall have resided in the state for the preceding two (2) years.
4. A Board member shall be able to read and write.
5. A Board member shall not be serving on certain other boards specified in the Constitution of Louisiana.
6. A Board member shall have affirmed to the prescribed oath.

It is desirable that members of the Board have a genuine interest in and devotion to public education; a willingness to give time and effort to the work; a capacity for understanding people; and the ability to work cooperatively with others.

Each Board member should recognize that he/she is a public official charged with an important responsibility. In view of the fact that Board members are elected to their position, each member has a responsibility to the voters who have elected him; however, representation should serve the best interest of the school system as a whole rather than that of a single district.

Ref: Constitution of Louisiana, Art. VIII, Sec. 8(a); La. Rev. Stat. Ann. ' ' 17:52, 17:64, 17:64.1, 17.71.2, 17:71.3, 42:141.

TERM OF OFFICE

All members of the East Baton Rouge Parish School Board shall serve for four-year concurrent terms. School Board members shall be elected at the same time as members of the United States Congress are elected to office.

The term of each member shall begin on January 1, following his/her election and expire on December 31, four (4) years later.

Ref: La. Rev. Stat. Ann. ' ' 17:52, 17:64, 17:64.1, 17:71.2, 17:71.3.

UNEXPIRED TERM FULFILLMENT

Vacancies in the membership of the East Baton Rouge Parish School Board caused by death, resignation, or otherwise, shall be filled within ten (10) days by the remaining members of the Board, by appointment of a qualified person for the unexpired term. If the Board does not fill the vacancy within the allotted time, the governor shall appoint a person to fill the vacancy. If the unexpired portion is more than one (1) year, however, a special election shall be called in accordance with and on a date stipulated by state law. If a special election is called, the appointed member shall serve until a successor is elected and has taken the prescribed oath of office.

In addition to the above, a vacancy shall be deemed to have occurred when a member becomes domiciled outside or changes his or her domicile from the district he represents.

Multiple vacancies shall be filled according to state statutory provisions.

Ref: Constitution of Louisiana, Art. VI, Sec. 13; La. Rev. Stat. Ann. ' ' 18:402, 18:581(1), 18:602.

SCHOOL BOARD LIABILITY

The School Board, as a political subdivision, can sue and be sued as a corporate body for its actions. The Board should act prudently and responsibly in performing its responsibilities. However, for circumstances in which Board action may be challenged through lawsuits, the Board shall secure adequate liability insurance coverages for the Board, both individually and collectively, as well as for all teachers, employees, and volunteers of the school district. Proper legal representation shall also be obtained as the Board may determine.

Ref: Constitution of Louisiana, Art. VIII, Sec. 9, La. Rev. Stat. Ann. §§ 17:51, 17:52, 17:81, 17:416.1, 17:416.3, 17:416.4, 17:416.6; Wood v. Strickland, 95 S.Ct. 992 (1975); Monell v. Department of Social Services of New York, 98 S.Ct. 2018, 2035-36 (1978); Owen v. City of Independence, Mo., 98 S.Ct. 3318 (1978); Harlow v. Fitzgerald, 1102 S. Ct. 2727 (1982).

SCHOOL SUPERINTENDENT LEGAL STATUS

The Superintendent of the East Baton Rouge Parish School Board is a constitutional school officer as provided in the Constitution and laws of the State of Louisiana. As such, he/she has certain authorities and functions which are provided for by law.

The Superintendent shall be the chief executive officer and secretary and treasurer of the East Baton Rouge Parish School Board. He/she shall be responsible to the Board for the efficient administration of the school district according to the laws governing the school district and the policies which are adopted by the State Board of Elementary and Secondary Education and the East Baton Rouge Parish School Board.

As secretary, he/she shall keep, or cause to be kept, an accurate copy of all minutes in an official minute book reflecting all business of the Board conducted at regular or special meetings. As Secretary of the Board, the Superintendent shall see that copies of all minutes are provided to all Board members and that the official Board minutes are made available for public examination in accordance with state law.

As treasurer, the Superintendent shall have the authority to co-sign and execute any and all documents associated with all transactions duly approved by the Board. He/she shall also be designated as the official custodian of all funds to which the Board is entitled by law and shall be responsible for the proper safeguarding and accounting for all such funds.

Upon being found incompetent, inefficient, or unworthy, and after due notice of charges against him/her, the Superintendent may be removed from office by a majority vote of the membership of the Board at any regular or special meeting.

The Superintendent shall provide for his/her signature on each teacher contract.

Ref: Constitution of Louisiana, Art. VIII, Sec 9, La. Rev. Stat. Ann. ' ' 17:54, 17:81, et seq., 17:83, 17:91.

SCHOOL DISTRICT ORGANIZATION

The schools within East Baton Rouge Parish shall be organized into an arrangement that will provide all children in the district an opportunity to develop their educational potential to the maximum extent possible. Currently, schools are generally organized as elementary, middle, and secondary. The Board shall require the educational organization of the schools to remain flexible so that new patterns of organization may be implemented as may become necessary to suit community needs and resources.

The Board is authorized to reorganize the schools and to determine and fix the number of grades to be taught at each school in accordance with the dictates of the public and best interests of the students of the district. The Board shall approve all changes in instructional organization as it pertains to grade levels accommodated in various school buildings before such changes take effect.

Ref: La. Rev. Stat. Ann. §§ 17:81, 17:104, 17:151, 17:151.1; Louisiana Handbook for School Administrators, Bulletin 741, Louisiana Department of Education.

SCHOOL ATTENDANCE AREAS

Any changes to or newly created attendance districts shall be subject to the approval of the United States District Court for the Middle District of Louisiana. Proposed changes in public school attendance districts presented to the Board at a School Board meeting shall not be acted upon until the next regular meeting.

Ref: East Baton Rouge Parish School Board v. Davis et. al.,

East Baton Rouge Parish School Board

SCHOOL CENSUS

The East Baton Rouge Parish School Board shall maintain an annual school census of school-age children based on information obtained through a centralized data base from the public schools under the jurisdiction of the Board. Principals shall be responsible for assuring the data submitted on each student enrolled in school is accurate and up-to-date.

Ref: *Louisiana Handbook for School Administrators*, Bulletin 741, Louisiana Department of Education.

SCHOOL YEAR

The East Baton Rouge Parish School Board shall annually adopt a school calendar calling for a minimum session of 182 days, of which at least 177 days shall be scheduled to provide the required instructional time. The School Board may authorize some or all of its schools to modify the number of instructional days per year provided the total number of instructional minutes per year is no less than the minimum number of instructional minutes per day multiplied by the minimum number of instructional days required by law. The Board may designate certain days for in-service training, reporting to parents, emergencies and other activities which the Board deems appropriate and necessary.

Should the number of days a school is closed result in less than the minimum number of days of school with student attendance required by the State Department of Education, the School Board reserves the right to make up the days missed or to request that the Board of Elementary and Secondary Education make an exception to the minimum number of days of school attendance required.

Ref: La. Rev. Stat. Ann. §§ 17:154, 17:154.1, 17:154.3; *Louisiana Handbook for School Administrators*, Bulletin 741, Louisiana Department of Education.

SCHOOL CALENDAR

The school calendar for the ensuing school year shall be prepared by the Superintendent and presented to the Board for approval.

The calendar shall set forth the days that schools shall be in session, holidays, and vacation periods, in-service days, and days marking the beginning and end of reporting periods at elementary and secondary levels.

Ref: La. Rev. Stat. Ann. '17:154; *Louisiana Handbook for School Administrators*, Bulletin 741, Louisiana Department of Education.

SCHOOL DAY

The East Baton Rouge Parish School Board shall require every school under its jurisdiction to conduct a minimum daily session of not less than 360 minutes of instructional time, exclusive of all recesses, provided that this shall not be construed as to prevent half-day sessions where the school accommodations are insufficient for all pupils of the system in a whole day session. The time in classes shall be altered to assure all classes are conducted during partial days.

The school day shall include, by definition, the daily period of time established by the School Board as the official operating hours of the school for administrative and instructional purposes, as well as cocurricular activities.

The School Board shall require each elementary school to dedicate any instructional time beyond that offered during the 1997-98 school year to the study of those subjects for which content standards have been adopted by the State Board of Elementary and Secondary Education. Specific emphasis shall be placed in the lower grades on teaching mathematics and reading or language arts.

Ref: La. Rev. Stat. Ann. ' ' 17:154, 17:154.1, 17:154.3; *Louisiana Handbook for School Administrators*, Bulletin 741, Louisiana Department of Education.