

POLICY ALERT

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Forethought Consulting, Inc.

POLICY UPDATE: 2014

LEGISLATIVE POLICY CHANGES - PART 2

With this newsletter comes the second wave of School Board policies being revised based on changes in state legislation. Included is one change affecting the terms of School Board members, another affecting notice of meetings, a very controversial change affecting school bus routes, and several other notable revisions altering School Board policies of operations. Most of the other policy revisions are fairly straightforward and mostly benign. One, however, extends the age a student may attend school. With the eleven policies included in this packet, we are close, but not finished with policy changes for 2014.

TERM OF OFFICE

This policy is being revised at this time due to the statewide referendum held in November, 2012 to determine whether School Board member terms shall be limited. Voters in all parishes where voting was held approved limiting School Board members to serving not more than three (3) consecutive 4-year terms. The referendum became effective January 1, 2014. So anyone serving on a School Board on that date will be limited to three (3) consecutive full 4-year terms thereafter. The statute which includes the new language regarding term limits is La. Rev. Stat. Ann. §17:60.4.

The policy *Term of Office* has been revised to include the new term limit provision.

Policies In This Issue:

- Term of Office
- Notification of School Board Meetings
- Agenda Preparation and Dissemination
- Executive Sessions
- Minutes of School Board Meetings
- School Bus Scheduling and Routing
- Substitutes
- Curriculum
- Instructional Materials
- School Admission
- Attendance Reports for Student Drivers

**NOTIFICATION OF SCHOOL BOARD MEETINGS
AGENDA PREPARATION AND DISSEMINATION
EXECUTIVE SESSIONS
MINUTES OF SCHOOL BOARD MEETINGS**

All four of the above listed policies are being revised based on the provisions of Act 628. Three of the policies, *Notification of School Board Meetings*, *Agenda Preparation and Dissemination*, and *Executive Sessions*, reflect the same change, that being that the twenty-four (24) hour minimum time period regarding a meeting's notice, agenda and meeting posting, and the minimum time for notifying a person that he/she will be discussed in executive session, shall **not** include Saturdays, Sundays, and legal holidays. The statutes amended by Act 628 affecting these changes are La. Rev. Stat. Ann. §§42:17 and 42:19.

The last policy listed, *Minutes of School Board Meetings*, was revised to reflect Act 628's amending of La. Rev. Stat. Ann. §42:20. The Act requires that any School Board which has a website shall post a written copy of School Board minutes on its website for at least three (3) months after the minutes are posted. The minutes are to be posted on the website within ten (10) days after they are published in the School Board's official journal.

Act 628 became effective on August 1, 2014.

SCHOOL BUS SCHEDULING AND ROUTING

Probably the most unsettling of the Acts passed by the Legislature this session was Act 654. In fact, the authors of the original bill have already requested and received an Attorney General's opinion on the interpretation of the Act's provisions. This is one of several Acts passed this year which will surely be revisited in next year's legislative session.

The Act requires School Boards to adopt a policy which:

1. Prohibits students being loaded or unloaded onto or from a school bus at school or at or near their

home in a traffic lane of any type street or highway.

2. Requires students to be loaded or unloaded on either a shoulder, in a parking lot, or at another appropriate off-road location determined by the School Board. If there is no shoulder, students may load or unload while the bus is in the lane farthest to the right side of the road.
3. Prohibits students being loaded or unloaded onto or from a school bus either at school or at or near their home in a manner or location that results in students crossing a lane(s) of traffic on a state highway or any other type of street.

Street, as defined in La. Rev. Stat. Ann. §32:1, means the entire width between the boundary lines of every way or place of whatever nature publicly maintained and open to the use of the public for the purposes of vehicular travel, including bridges, causeways, tunnels and ferries.

Policy *School Bus Scheduling and Routing* has been revised to reflect these provisions which revised La. Rev. Ann. §17:158, effective as of August 1, 2014.

Attorney General's Opinion #14-0107 basically stated that the Act did not contain a deadline or timeline for School Boards to adopt policies and/or make amendments to any bus service agreements, which thereby gives School Boards a "reasonable time" to effect compliance with the Act. By way of the grapevine, we have heard that many Boards want to wait until next year to see if the Legislature revises the statute.

SUBSTITUTES

School Boards that have been using school employees, which in this Act means any employee whose regular employment does not require a teaching certificate, to serve as substitute teachers, shall now be required to compensate the school employee at the same rate paid a substitute teacher. Act 231, which enacted La. Rev. Ann. §17:419.3, also includes a provision that the compensation shall not be applicable on any day that the school employee works as a substitute teacher for *less than*

one class period.

The Act requires School Boards to adopt a policy which provides a *standardized method* for school employees to report the work performed as a substitute teacher. The suggested method we have included in the policy *Substitutes* requires the principal to be responsible for authorizing the school employee to act as a substitute teacher and to verify the hours served for payroll purposes.

Act 231, which took effect on August 1, 2014, also stipulates that any such compensation shall not be considered an increase in the employee's base pay nor factored into the employee's compensation for the following year.

CURRICULUM

Two different Acts contributed to the revisions made to the *High School Career Option* portion of the policy *Curriculum*. The principal thrust of Act 643 was to revise the provisions found in La. Rev. Ann. §§17:183.1, 17:183.2, 17:183.3, and 17:2925, governing aspects of students pursuing a career major curriculum toward graduation, including making the curriculum more aligned with state and regional workforce needs. It also has made various changes to the career major course requirements; requires students pursuing a career diploma to take the ACT (American College Test); and provides that a career diploma shall be recognized by all Louisiana public postsecondary educational institutions.

In addition, Act 833 amended most of the same statutes as Act 643, but its focus was to delete the waiver for promotion of students with exceptionalities granted by the State Superintendent of Education, thereby expanding the authority of a student's Individual Education Plan (IEP) team relative to the promotion and graduation of a student with exceptionalities, except for students identified as gifted and talented. The provisions of both Acts became effective August 1, 2014, and are reflected in the summary of the information included in the revised policy *Curriculum*.

INSTRUCTIONAL MATERIALS

Act 436 established a new statute expanding parental access to instructional materials. The statute, La. Rev. Stat. Ann. §17:355, permits the parent or legal guardian of a child or public elementary or secondary school to review instructional materials used by his/her child and to review any survey before the survey is given to the students. *Instructional materials* and *survey* are further defined within the Act, and these definitions have been included in the draft policy.

The Act requires the School Board to adopt a policy and/or regulations that provides guidance on making instructional materials readily available to parents. The School Board's policy may specify reasonable hours for review; shall provide that access shall be provided to a parent upon request; and shall state that a copy shall be provided if material can be readily copied using school equipment, including reasonable fees for such copies.

The policy *Instructional Materials* reflects the above provisions from the Act, which became effective August 1, 2014.

SCHOOL ADMISSION

Provisions of one Act added to, while two other Acts deleted, provisions of statutes, effecting changes to the policy *School Admission*.

Act 741, in revising La. Rev. Stat. Ann. §17:221, requires School Boards to grant admission or readmission to school of anyone who:

1. lives within geographic boundaries of School Boards;
2. is at least 6 years old by September 30;
3. is 19 or younger on September 30, or is 20 by September 30 for the calendar year in which the school year begins and has sufficient credit to graduate within one (1) school year. Admission of anyone age 20 shall be limited to grade 12 only;

4. has not received a high school diploma or equivalent;
5. is otherwise eligible to enroll under state law and the Board of Elementary and Secondary Education (BESE) and School Board policies.

The Act also prohibits a School Board from denying admission or readmission to a person who has withdrawn from school, is pregnant, is a parent, or is married.

The draft policy also reflects the deletion of statutory provisions based on Acts 436 and 837. Act 436 repealed the requirement found in La. Rev. Stat. Ann. §17:235.1 that the parents had to present evidence that at least one parent had completed a parental orientation course conducted by the School Board in order for his/her child to enter public school for the first time.

Also deleted from the policy is the need for submission of a Social Security Number upon initial enrollment in school. Act 837 declares that a person's social security number is now classified as *personally identifiable information* and is protected as a right of privacy. Such information cannot be collected unless voluntarily disclosed by the parent or legal guardian.

Of note is that the Act, in establishing in La. Rev. Stat. Ann. §17:3913, mandates that the Louisiana Department of Education, by May 15, 2015, develop a system of unique student identification numbers to

be assigned to all students enrolled in a public elementary or secondary school. These numbers shall be retained by the student throughout his/her school tenure.

All of the above Acts took effect August 1, 2014.

One additional change has been made to the policy regarding the required immunizations to reflect revised language in Bulletin 135, *Health and Safety*.

ATTENDANCE REPORTS FOR STUDENT DRIVERS

Currently, La. Rev. Stat. Ann. §32:431.1 provides that in order to obtain a driver's license a minor must present documentation at the time of application that he/she is currently enrolled and attending school. Henceforth, such documentation shall be valid for a period of ninety (90) days from the date of issuance, as a result of Act 817.

This new limitation, which became effective August 1, 2014, has been included in the policy *Attendance Reports for Student Drivers*, which was originally developed in 2010 to give School Boards the option of reporting dropouts and habitually tardy students to the Office of Motor Vehicles. School Boards were not required to adopt such a policy and for any School Board which did not adopt the policy in 2010, this policy, therefore, is **not** included with the packet of revisions.

Yet to come - Several financial related policies and one on student records...