

# POLICYALERT



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## POLICY UPDATE: 2011

### Legislation Creating Policy Changes

**D**espite the urgency of the recent policy sent on *Sports Injury Management and Concussions* involving athletes, the 2011 Louisiana Legislative Session was fairly quiet when compared to previous sessions. The total number of Acts passed this year was less than half those in recent years. This naturally has resulted in fewer policy changes as well. This installment of the **POLICYALERT** newsletter examines the first set of revisions ranging from Board meetings to employment issues, and to minor student concerns involving curriculum and attendance. All Acts have now been reviewed and others creating policy revisions have been identified and are currently being studied and discussed. Additional changes will be forthcoming with the next issue of **POLICYALERT**.

#### **EXECUTIVE SESSIONS**

As a result of Act 188, one of the exceptions to the open meetings law has been revised. The exception involving discussion of the character, professional competence, or health of an individual has been altered to prevent this exception from being used for discussing the award of a public contract, except those contracts which may be awarded in accordance with La. Rev. Stat. Ann. §39:1593.

This amendment to La. Rev. Stat. Ann. §42:17 took effect on August 15, 2011 and has been added to the policy *Executive Sessions*.

#### **SCHOOL BOARD ETHICS**

Act 167 created a new ethics exception to the Nepotism law, La. Rev. Stat. Ann. §42:1119. This exception, which became effective on June 24, 2011, allows a School Board in a parish of less than 60,000 people, based on

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the latest federal census, to employ any member of the immediate family of any Board Member or the Superintendent as a *special education professional*, provided the family member is licensed in an appropriate field for special education related services. The statute also requires the family member to be the *only* applicant who meets the qualifications set by the School Board for the position after the position has been advertised for at least thirty (30) days in the School Board's official journal.

A *special education related services professional* shall include: a social worker, occupational therapist, physical therapist, speech therapist/pathologist, teacher of hearing impaired students, teacher of visually impaired students, or nurse. As is customary, the Board member or Superintendent whose immediate family member may be so employed shall recuse himself/herself from any decision involving the promotion or assignment of the employee.

The policy *School Board Ethics* has been revised to include this new exception for those School Boards that qualify. We have also taken this opportunity to streamline other information previously in the policy.

## **EMPLOYMENT OF RETIRED PERSONNEL**

La. Rev. Stat. Ann. §11:710, governing the eligibility of those retired employees that can be rehired as a *retired teacher* by the School Board, has been changed by Act 347 to include those persons who retired on or after May 1, 2009 and returned to active employment service on or before June 30, 2010, in a position requiring a valid Louisiana Teaching certificate or a valid Louisiana ancillary certificate. All other provisions still apply.

This particular statutory change became effective on July 1, 2011, and has been incorporated into the policy *Employment of Retired Personnel*.

## **KINDERGARTEN**

This is a new policy created by the refinement of La. Rev. Stat. Ann. §17:391.11. Act 249, which became effective on August 15, 2011, altered somewhat the administration of school readiness testing for children entering kindergarten. The assessment instruments approved by the Louisiana Board of Elementary and Secondary

Education (BESE) are to be used to assess the child's readiness for kindergarten, instead of for placement. The results of these assessments are still to be reported annually.

The Act provides that this mandatory assessment of every child entering kindergarten for the first time shall be implemented as state funds become available and is supposed to be fully implemented by the 2015-16 school year.

In addition, deleted from the law was the requirement that the *Pupil Progression Plan* for each Board include the criteria for placement, as well as including in the assessment a measurement of the child's vision and hearing proficiency.

The new policy *Kindergarten* is included for your consideration.

## **INTERSCHOLASTIC ATHLETICS**

The *Interscholastic Athletics* policy is being revised based on the amendment to La. Rev. Stat. Ann. §17:176. This amendment requires BESE to adopt as policy the scholastic eligibility rule of the Louisiana High School Athletic Association that was adopted in January 2010. We have updated the original wording to reflect current language of LHSAA scholastic regulations. These changes are a result of Act 60, which became effective on June 20, 2011.

## **COMPULSORY SCHOOL ATTENDANCE AGES**

As everyone knows, compulsory attendance laws require children to attend school from the age of 7 until their 18<sup>th</sup> birthday, with limited exceptions outlined in state law. Act 166, in amending the compulsory attendance statute La. Rev. Stat. Ann. §17:221, has added another exception, effective August 15, 2011.

Any child of at least 17 years of age, who after completing a program established by BESE has been issued a Louisiana high school equivalency diploma, shall be considered to have completed high school and no longer subject to the compulsory attendance requirements. This provision has been added to the policy *Compulsory School Attendance Ages*.