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## A - SCHOOL DISTRICT ORGANIZATION

### Policy

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## SCHOOL DISTRICT LEGAL STATUS

The Constitution of the State of Louisiana requires the Legislature to provide for the education of the people of the state through the establishment and maintenance of a public educational system. The Constitution also requires the Legislature to create School Boards. Thus the Morehouse Parish School Board is an instrument of the State, created by the Legislature.

School Boards, in turn, have been empowered by the Legislature to create a school district or school districts within the parish and, in keeping with procedures established by law, to delineate and amend district boundaries and to consolidate districts within the area of the parish.

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. The Morehouse Parish School District is under the exclusive control and management of the Morehouse Parish School Board.

Ref: U.S. Constitution, Amend. X; U.S. Constitution, Amend XIV, Sec. 1; Constitution of Louisiana, Art. VIII, Sec. 1, Sec. 9; La. Rev. Stat. Ann. §§17:51, 17:1371, 17:1732, 17:1733; 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 Morehouse 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..." In addition, Article VIII, Section 10 recognized parish and city school board systems in existence on the effective date of the state constitution, and Article VIII, Section 13 gives the Morehouse Parish School Board all of the authority, powers, and duties granted parish school boards.

The Morehouse 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 Morehouse Parish. State and federal courts have held that the School Board is vested with a broad range of administrative and supervisory authority commensurate with the aforementioned prescribed educational responsibilities.

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

Official deliberations, decisions and actions of the School Board shall be made only in official meetings of the Morehouse Parish School Board. No member of the School Board nor any School Board committee or committee member shall have the power to act in the name of the School Board outside of official School Board meetings unless specifically designated by *majority vote of the School Board* in a duly convened session.

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

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

### DOMICILE

The official domicile of the Morehouse Parish School Board is the *School Board Central Office* located at 4099 Naff Avenue, Bastrop, Louisiana.

Ref: Constitution of Louisiana, Art. VI, Sec 44, Art. VIII, Sec. 9, Sec. 10, Sec, 13, Art. XII, Sec. 10; La. Rev. Stat. Ann. §§17:51, 17:121; Hawthorne v. Jackson Parish School Board, 5 La. App. 508 (1927).

Morehouse Parish School Board

## AUTHORITY

The Morehouse Parish School Board is a legislative, evaluative and judicial body and is responsible for the operation and improvement of public education within its jurisdictional boundaries of Morehouse Parish. As a creation of the Louisiana Legislature, the School Board's authority is delegated, and the School Board may perform only those functions for which it has been delegated.

As a legislative body, the School 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. The function of the School 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.

In addition to powers expressly granted by law, the School Board also has implied or additional powers necessarily incidental to the performance of its statutory duties. 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.

Members of the School Board have authority only when acting as a School Board when called legally into session. The School Board shall not be bound in any way by any statement or action on the part of any individual School Board member except when such statement or action is pursuant to specific instructions of the School Board.

Ref: Constitution of Louisiana, Art. VI, Sec. 29, Sec. 30, Sec. 31, Sec. 32, Sec. 33, Sec. 35, Sec. 44, Art. VIII, Sec. 10; La. Rev. Stat. Ann. §§17:51, 17:81; Lincoln Parish School Board v. Ruston College, App. 2 Cir. 1964, 162 So2d 419.

## POWERS AND RESPONSIBILITIES

The Morehouse 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 School Board's *Policy Manual* remains the prerogative of the School Board. The School 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 the communities and applicable state laws. On certain occasions the School 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, through the operation of the public schools, shall make every effort, within the limitations imposed by staff, physical plant, and finances to provide an educational program designed to meet the individual needs of children according to their ages, mental abilities, and vocational or professional interests.

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 School 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 select the person to serve as the chief executive officer and Superintendent of the school district and support such person in the discharge of his/her 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;
4. To adopt the annual budget, consider and approve payrolls;
5. To require reports of transacted business and its relation to the financial status of the system;
6. To adopt policies for the direction of the school district that are in the best interests of all students;

7. To delegate to the Superintendent hiring and placement functions of personnel.
8. To determine salary schedules for all employees;
9. To request and evaluate reports of the Superintendent on the progress of the schools and advise him/her on recommended changes in the educational program;
10. To adopt plans for structural improvements and determine the means to finance them; and
11. To inform the citizens of the parish and the Legislature of the needs of the schools.

Ref: La. Rev. Stat. Ann. §§17:51, 17:54, 17:81, 17:84, 17:88, 17:95, 17:97, 17:104.1, 17:105, 17:105.1, 17:106, 17:108, 17:109, 17:111, 17:112, 17:122, 17:126, 17:128, 17:158, 17:221, 17:418, 17:441, 17:442, 17:443, 17:444, 17:1373, 38:2211, 38:2212, 38:2212.1.

## SCHOOL BOARD MEMBERS LEGAL STATUS

The legal status of each duly appointed or elected member of the Morehouse 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 School Board member shall not commence until he/she has been duly elected or appointed and officially taken office. His/her official capacity as a School 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 School Board individually. The powers and duties vested in the School Board shall only be exercised by action of the School 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 School Board present and voting*, unless otherwise stipulated by School Board policy or state law.

### OATH OF OFFICE

All members of the Morehouse Parish School Board shall take the oath of office as prescribed by the state constitution at the time of his/her election or as soon thereafter, but not later than thirty (30) days after receipt of his/her commission certificate. The person administering the oath shall certify said commission. Said oath shall be deposited and recorded in the office of the Louisiana Secretary of State. Said oath shall also be recorded in the Morehouse Parish Clerk of Court's office.

Ref: Constitution of Louisiana, Art. VIII, Sec. 9, Art. X, Sec. 30; La. Rev. Stat. Ann. §§17:51, 17:52, 17:81, 17:121; 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).



## NUMBER

The Morehouse Parish School Board shall be composed of seven (7) members, each elected by qualified voters residing within each of the respective election districts within the School Board's jurisdictional boundaries of Morehouse Parish. Each election district shall encompass the geographic and demographic areas fixed by the Morehouse 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.

The Morehouse Parish School Board 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.

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

## QUALIFICATIONS FOR SCHOOL BOARD MEMBERS

Persons eligible to serve as members of the Morehouse Parish School Board shall have the following minimum qualifications at the time of qualifying:

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

Should any member of the School Board move his/her domicile 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.

No member of the School Board shall serve simultaneously on certain other boards as specified in the Constitution of Louisiana's prohibition against dual office holding.

It is desirable that members of the School 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 School Board member should recognize that he/she is a public official charged with an important responsibility. In view of the fact that School Board members are elected to their position, each member has a responsibility to the voters who have elected him/her; 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, 17.71.2, 17:71.3, 42:141.

## TERM OF OFFICE

All members of the Morehouse 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. Effective January 1, 2014, School Board members shall be limited to three (3) consecutive four-year terms.

Ref: La. Rev. Stat. Ann. §§17:52, 17:60.4, 17:71.2, 17.71.3.

## UNEXPIRED TERM FULFILLMENT

Vacancies in the membership of the Morehouse Parish School Board caused by death, resignation, or otherwise, shall be filled within twenty (20) days by the remaining members of the School Board, by appointment of a qualified person for the unexpired term. If the School 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 election district he/she represents.

Multiple vacancies shall be filled in accordance with the provisions of La. Rev. Stat. Ann. §18:602.

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

## RESIGNATION

A member of the Morehouse Parish School Board may resign by submitting a letter of resignation to the Louisiana Secretary of State. A resignation shall be in writing, shall be dated, may specify a prospective date on which the resignation is to be effective, and shall be signed by the official and duly acknowledged by him or her before an officer authorized to administer oaths.

The notice of resignation shall not be effective until the original notice of resignation has been received by the Secretary of State and shall become irrevocable upon such receipt by the Secretary of State. The Secretary of State shall then immediately transmit notice of such resignation to the School Board and the School Board shall proceed to fill the vacancy in accordance with School Board policy and state statutory provisions.

Ref: La. Rev. Stat. Ann. §§18:581, 18:652, 18:653, 18:654.

## SCHOOL BOARD MEMBER REMOVAL FROM OFFICE

The President, Treasurer, or any member of the Morehouse Parish School Board, who signs, executes, causes, authorizes, or contributes in any manner to the borrowing of money in excess of the amount properly budgeted, for current operation, or beyond the limits and conditions herein prescribed, shall be fined and removed from office in the manner prescribed by the constitution and state laws. Any sums borrowed shall not aggregate more than one-half ( $\frac{1}{2}$ ) of its expected revenue receipts for current operation.

A public officer shall be removed from office for conviction, during his/her term of office, of a felony. The conviction for a felony of a public officer shall automatically suspend that individual from his/her public office without compensation. Suspension from public office shall continue until the conviction is final and all appellate review of the original trial court proceedings is exhausted. During the period of suspension, the public official shall not perform any official act, duty, or function nor shall he/she receive any compensation, pay, allowance, emolument, or privilege of office. If a member of the School Board is removed from office for conviction of a felony, the remaining members of the School Board shall appoint a person to perform the official acts, duties, and functions of the office.

Ref: La. Rev. Stat. Ann. §§17:89, 39:572, 42:1411.

## SCHOOL BOARD LIABILITY

The Morehouse Parish School Board, as a political subdivision, may sue and be sued as a corporate body for its actions. The School Board should act prudently and responsibly in performing its responsibilities. However, for circumstances in which School Board action may be challenged through lawsuits, the School Board shall secure adequate liability insurance coverage for the School 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 School 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 Morehouse 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, Secretary, and Treasurer of the Morehouse Parish School Board. He/she shall be responsible to the School Board for the efficient administration of the school district according to the laws governing the school district and the policies and regulations adopted by the Louisiana Board of Elementary and Secondary Education (BESE) and the Morehouse Parish School Board. As the instructional leader of the school district and its Chief Executive Officer, he/she shall have primary responsibility for personnel actions in the school district, as may be outlined in state law and/or School Board policy.

As Secretary of the School Board, 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 School Board conducted at regular or special meetings. As Secretary of the School Board, the Superintendent shall see that copies of all minutes are provided to all School Board members and that the official School 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 School Board. He/she shall also be designated as the official custodian of all funds to which the School Board is entitled by law and shall be responsible for the proper safeguarding and accounting for all such funds.

The Superintendent shall sign each teacher contract issued.

Ref: Constitution of Louisiana, Art. VIII, Sec 9, La. Rev. Stat. Ann. §§17:54, 17:81, 17:83, 17:91, 17:92, 17:93, 17:94, 17:95, 17:96, 17:97.



## SCHOOL DISTRICT ORGANIZATION

The schools within Morehouse Parish public school district shall be organized into an arrangement that shall provide all children in the district an opportunity to develop their educational potential to the maximum extent possible. The School 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 School Board is authorized to reorganize the schools and to determine and fix the number of grades to be taught at each school, taking into consideration the best interests of the students of Morehouse Parish and the dictates of the community.

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

## SCHOOL ATTENDANCE DISTRICTS

School attendance boundaries shall be approved by the Morehouse Parish School Board. If applicable, boundaries and changes thereof shall comply with applicable federal court decisions and/or mandates. Prior to the adoption of school boundaries, the School Board shall conduct public hearings for the purpose of receiving input regarding proposed boundary changes. Official notice of these hearings shall be published in the official journal of the School Board and other appropriate publications.

Attendance zones established shall take into consideration the capacity of each school, prospects for redistribution of population, and enrollment changes. Established attendance boundaries shall be disseminated throughout the school system by means of boundary maps and written boundaries. All School Board personnel charged with admission of students shall admit only those students who reside within assigned school attendance areas and those with transfer permits.

Ref: La. Rev. Stat. Ann. §§17:81, 17:104.1, 17:151, 17:1371, 17:1371.1, 17:1371.2, 17:1372, 17:1373.

## SCHOOL CENSUS

The Morehouse Parish School Board shall require an annual school census of school-age children based on the information obtained from the public schools under the jurisdiction of the School Board. A base student membership count shall be conducted in accordance with Louisiana Board of Elementary and Secondary Education (BESE) guidelines on such student count dates designated in the annually adopted *Minimum Foundation Program Formula*.

All students included for membership in school shall be identified with the following required identification elements: state identification number, full legal name, date of birth, sex, race, district and school code, entry date, and grade placement. 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, *Louisiana Administrative Code*, Title 28-Education (BESE), §1107.

## SCHOOL YEAR

The Morehouse Parish School Board shall annually adopt a school calendar calling for a minimum session of 182 days, which includes a minimum of 177 days which in turn shall be scheduled to provide the minimum number of instructional minutes per day. Semesters shall be of similar length and defined by the school calendar adopted by the School Board.

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 required by law, or a total of 63,720 instructional minutes. The School Board may designate certain days for staff development, parent-teacher conferences, emergencies, faculty studies, and other activities which the School 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 Louisiana Department of Education, the School Board reserves the right to make up the days missed or to request that the Louisiana Board of Elementary and Secondary Education (BESE) 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, 17:154.4; Louisiana Handbook for School Administrators, Bulletin 741, Louisiana Department of Education.

## SCHOOL DAY

The Morehouse 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. Two (2) or more partial days may be combined to meet the minimum required instructional time. The class schedule shall be altered to assure all classes are conducted during partial days.

*School day* shall include 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 co-curricular activities.

Ref: La. Rev. Stat. Ann. §§17:154, 17:154.1, 17:154.3, 17:154.4; *Louisiana Handbook for School Administrators*, Bulletin 741, Louisiana Department of Education.