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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.

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.

SCHOOL BOARD LEGAL STATUS

The St. Tammany 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 to create 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 St. Tammany 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. The School Board is vested with a broad range of administrative and supervisory authority commensurate with the aforementioned prescribed educational responsibilities.

Members of the St. Tammany 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. 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.

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 St. Tammany Parish School Board, citation shall be served on the President of the School Board, or in his/her absence, on the Vice-President.

DOMICILE

The corporate name of the School Board shall be the St. Tammany Parish School Board. Unless designated in official action by the School Board, the School Board shall conduct its business at the School Board Central Office, 321 N. Theard Street, Covington, Louisiana.

AUTHORITY

The St. Tammany Parish School Board is responsible for the creation, operation and appraisal of public education in St. Tammany Parish. It is both a deliberative body and a legislative body. It is the duty of the School Board to establish written policies and to execute their effectiveness. The School Board also acts as an appraisal body sitting in judgement on recommendations that may come to it which concern the progress and improvements of the schools. The development of educational principles and policies by the School Board is essential to making decisions and resolving issues. The function of the School Board is not to operate the schools, but to see that they are operated for the best interests of the children and taxpayers within the provisions of Louisiana law.

The School Board may make recommendations and regulations for its own government not inconsistent with law or with the regulations of the Louisiana Board of Elementary and Secondary Education, as it may deem proper. It shall enforce compliance with the provisions of the school law. The final responsibility for educational planning rests with the School Board, and it is therefore highly desirable that the School Board use the finest professional assistance available.

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.

POWERS AND RESPONSIBILITIES

The St. Tammany Parish School Board is vested with the authority to provide for the operation, improvement, and evaluation of the public schools in St. Tammany Parish. In exercising its legislative authority, the School Board is responsible for the determination of policies for the control, operation, maintenance and improvement of the school system in keeping with the needs of the community 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, public and/or patrons.

The School Board, through the operation of the public schools, shall make every effort, subject to available personnel facilities 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 general 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 direction of the school district and 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, via the Collective Bargaining Agreement;

4. To consider, modify, and adopt the annual budget, and approve expenditures of funds as recommended by the Superintendent;

5. To require and/or consider reports of transacted business and its relation to the financial status of the system;

6. To delegate to the Superintendent hiring and placement functions of
personnel.

7. To approve salary schedules for all employees;

8. To consider reports of the Superintendent on the progress of the schools and advise him/her on recommended changes in the educational program;

9. To provide adequate buildings and facilities, consider plans for necessary improvements, and determine the means to finance any construction or improvements;

10. To sue and be sued; and

11. To inform the citizens of St. Tammany and the Legislature of the needs of the schools.

BOARD MEMBERS LEGAL STATUS

The legal status of each duly appointed or elected member of the St. Tammany 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.

While School Board members may enjoy a degree of immunity from damage suits, individual School Board members are not absolutely free from liability. The members may not be immune from liability, especially civil rights cases, if actions taken were presumed to be legal and resulted in deprivation of rights, or if they knew or reasonably should have known that their actions taken were unconstitutional, or if such actions were taken with malicious intent to cause a deprivation of rights. Moreover, liability may be equally applicable, not just from policies, ordinances, regulations, or decisions officially adopted by the School Board, but also for a custom or standard practice or procedure, even though such a custom, practice or procedure has not received formal School Board approval.

OATH OF OFFICE

Each member of the St. Tammany 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 St. Tammany Parish Clerk of Court’s office.

The St. Tammany Parish School Board shall be composed of fifteen (15) members, each elected by qualified voters residing within each of the respective special election districts within its jurisdictional boundaries of St. Tammany Parish. Each election district shall encompass the geographic and demographic areas fixed by the St. Tammany 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 shall be domiciled in and a 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, shall remain domiciled in the election district during the term of office.

The St. Tammany 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.

QUALIFICATIONS FOR SCHOOL BOARD MEMBERS

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

1. The person at the time of qualification shall have attained the age of eighteen (18).

2. The person shall be a resident of the election district for the preceding year.

3. The person shall have resided in the state for the preceding two (2) years.

4. The person shall be able to read and write.

5. The person 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.

TERM OF OFFICE

All members of the St. Tammany 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.

Except in cases of special elections to fill vacancies on the School Board, the term of each member shall begin on January 1, following his/her election and shall expire on December 31, four (4) years later. Beginning with elections after January 1, 2014, School Board members shall be limited to three (3) consecutive four-year terms.

UNEXPIRED TERM FULFILLMENT

Vacancies in the membership of the St. Tammany Parish School Board caused by death, resignation, or otherwise, shall be filled within twenty (20) days by the remaining members of the School Board, who shall appoint 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 term of any vacancy is more than one (1) year, 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 according to state statutory provisions.

RESIGNATION

A member of the St. Tammany 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.

SCHOOL BOARD MEMBER REMOVAL FROM OFFICE

The President, Treasurer, or any member of the St. Tammany 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 prescribed by law, shall be fined and removed from office.

A School Board member convicted of a felony during his/her term of office shall be automatically suspended from office until the conviction is final and appellate review is exhausted. Once a conviction is final, the School Board member shall be removed from office. During the period of suspension, the School Board member shall not perform any official act, duty, or function nor shall he/she receive any compensation, pay, allowance, emolument, or privilege of office.

SCHOOL SUPERINTENDENT LEGAL STATUS

The Superintendent of the St. Tammany 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 St. Tammany 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 which are adopted by the Louisiana Board of Elementary and Secondary Education (BESE) and the St. Tammany 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 district, as may be outlined in state law and/or School Board policy.

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 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.

SCHOOL DISTRICT ORGANIZATION

The schools under the jurisdiction of the St. Tammany Parish School Board shall be organized in a manner that will provide all children in the school 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 accommodate student and community needs.

The School Board is authorized to reorganize 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 St. Tammany Parish and the dictates of the community.

SCHOOL ATTENDANCE DISTRICTS

Public school attendance districts shall be established annually by the St. Tammany Parish School Board. Attendance districts shall be published in the Official Journal each year.

School principals shall strictly comply with the rule of legal domicile of the parent or legal guardian for students attending public schools within St. Tammany Parish. Principals shall be furnished maps and descriptions of these school attendance districts prior to the school year.


St. Tammany Parish School Board
Adopted March 16, 2017.
The St. Tammany 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.

SCHOOL YEAR

The St. Tammany Parish School Board shall annually adopt a school calendar that includes a minimum of 177 days of instruction. Semesters shall be of similar length and defined by the adopted school calendar. 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, 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.

SCHOOL CALENDAR

A school calendar shall be adopted by the majority of employees from among those presented for approval by the School Calendar Committee as established by the Collective Bargaining Agreements between St. Tammany Parish School Board and the St. Tammany Federation Teachers and Employees.

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

SCHOOL DAY

The St. Tammany 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.

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.