

## BOARD ADVISORY COUNCILS

A. Creation - The following advisory councils are created:

1. 8(g) Advisory Council

a. Authority: Title 28:1.921, Chapter 9, *Louisiana Administrative Code*.

b. Membership: 16 members as follows:

i. 11 categories appointed by BESE members;

ii. 1 State PTA President; and

iii. 4 Ex Officio from Legislature.

c. Referrals/Responsibilities:

i. Make recommendations with respect to the Board's annual establishment of priorities.

ii. Make recommendations concerning any Support Fund policies, procedures, and/or activities.

iii. Participate in any public hearing conducted by the Board relative to the Support Fund.

iv. Undertake and perform such other responsibilities as may, from time to time, be delegated by the Board.

v. All matters referred by the Board.

2. Adult Education Advisory Council

a. Authority: Title 28:1.105, *Louisiana Administrative Code*.

b. Membership: 11 members, 1 member appointed by each BESE member.

c. Referrals/responsibilities:

i. Approval of federally funded Adult Education Grant/Projects.

ii. Recommend revisions to Bulletin 741 and the State Plan for Adult Education.

iii. Make recommendations concerning other adult education issues as referred by BESE.

iv. All matters referred by the Board.

3. Louisiana Educational Assessment Testing Commission (R.S. 17:24.4)

a. Authority: Title 28:1.105, Chapter 1, *Louisiana Administrative Code*, and R.S. 17:24.4.

b. Membership: 16 members, provided by law as follows:

i. 4 certified teachers, including one representative appointed by the Louisiana Association of Educators;

ii. 1 representative chosen by the Louisiana Federation of Teachers;

iii. 1 representative chosen by the Louisiana Association of School Executives;

iv. 1 teacher chosen by the Associated Professional Educators in Louisiana;

v. 1 superintendent chosen by the Louisiana Association of School Superintendents;

vi. 1 principal chosen by the Louisiana School Principals' Association;

vii. 1 school board member chosen by the Louisiana School Boards Association;

viii. 1 board member, or designee, of the Board of Elementary and Secondary Education chosen by that board;

ix. 1 member of the Board of Regents, or his designee, chosen by that board;

x. The Chairman of the House Committee on Education, or his designee;

xi. The Chairman of the Senate Committee on Education, or his designee;

xii. 1 member appointed by the Governor;

xiii. 1 member of the Department of Education's professional staff appointed by the State Superintendent of Education;

xix. 1 parent of a child in public schools chosen by the Louisiana Parent-Teacher Association;

xx. 1 citizen, interested in education, chosen by the Board of Elementary and Secondary Education; and

xxi. 1 dean of a college of education from a state college or university, appointed by the Board of Elementary and Secondary Education.

(a). Each member of the commission shall serve a four-year term, except the member appointed by the Governor shall serve a term concurrent with the Governor. A member may be reappointed.

c. Referrals/Responsibilities:

i. To study elementary and secondary education testing issues, indicators of student performance, and the results thereof.

ii. To serve as advisor to the State Board of Elementary and Secondary Education and recommend procedures for conducting, maintaining, and reporting reliable accountability measures of student performance.

iii. All matters referred by the Board.

#### 4. MFP Study Committee

a. Authority: Created by Board action.

b. Membership: 14 members as follows:

i. 11 Members (one appointed by each BESE Member);

ii. 1 Representative of the Governor's Office;

iii. 1 Representative of the Senate; and

iv. 1 Representative of the House.

c. Referrals/Responsibilities:

i. To review and study the MFP as requested by the Board. The committee will propose any changes, as it deems necessary, for adoption by the Board and for submission to the Legislature.

ii. All matters referred by the Board.

5. Nonpublic School Commission (R.S. 17:11)

- a. Authority: Title 28:I.105, Chapter 1, *Louisiana Administrative Code*, and R.S. 17:11.
- b. Membership: 11 members, appointed by Board members.
- c. Referrals/Responsibilities:
- i. To advise and counsel with the Board relative to standards and guidelines affecting nonpublic schools.
  - ii. All matters referred by the Board.

6. Parish Superintendents' Advisory Council

- a. Authority: Title 28:I.105, Chapter 1, *Louisiana Administrative Code*.
- b. Membership: 23 members, appointed by Board members as follows:
- i. 2 appointed by each Board member, with at least one member, if possible, coming from a rural school system; and
  - ii. 1 member who is President of the Louisiana Association of School Superintendents and who shall serve as Chairman of the Council.
  - iii. Eight members constitute a quorum. Members who cannot attend may appoint another superintendent from his district to represent him, and the proxy will have the same voting privileges. Members shall not receive reimbursement for travel expenses from the State Board.
- c. Referrals/Responsibilities:
- i. All matters referred by the Board.
  - ii. Recommendations from the Parish Superintendents' Advisory Council shall go to the appropriate Board Committee. The State Department of Education shall provide responses to the various recommendations.

7. Special Education Advisory Council (R.S. 17:1954)

- a. Creation. Pursuant to federal law and regulations and to state law, the Special Education Advisory Council is created to serve the State Board in its constitutional functions to supervise and control public schools including programmatic and budgetary responsibility for all funds appropriated for special education programs.

b. Membership. The State advisory panel shall consist of members appointed by the Governor, or any other official authorized under State law to make such appointments, that is representative of the State population and that is composed of individuals involved in, or concerned with, the education of children with disabilities, including:

- i. Parents of children with disabilities;
- ii. Individuals with disabilities;
- iii. Teachers;
- iv. Representatives of institutions of higher education that prepare special education and related services personnel;
- v. State and local education officials;
- vi. Administrators of programs for children with disabilities;
- vii. Representatives of other State agencies involved in the financing or delivery of related services to children with disabilities;
- viii. Representatives of private schools and public charter schools;
- ix. At least one representative of a vocational, community, or business organization concerned with the provision of transition services to children with disabilities; and
- x. Representatives from the State juvenile and adult corrections agencies.

c. Appointments. As provided in R. S. 17:1954(A), the advisory council shall be appointed by the State Department of Education with the approval of the State Board. Each Board member shall recommend to the Superintendent of Education one name to serve on the advisory body from one of the membership categories to be chosen on the basis of lots drawn by Board members as vacancies occur. A majority of the members of the panel shall be individuals with disabilities or parents of children with disabilities.

d. Procedures. The Special Education Advisory Council shall conduct its meetings according to rules of procedure for State Board advisory councils as found in §105 of this Code and in particular those policies relating to membership terms, selection of officers, filling of vacancies, payment of expenses, general functions,

quorum, attendance, procedures for the conduct of meetings, reporting, and staffing by the State Board and the State Department of Education.

e. Functions.

i. As stated in federal regulations, the functions of the advisory council shall be to:

(a). Advise the State educational agency of unmet needs within the State in the education of children with disabilities.

(b). Comment publicly on any rules or regulations proposed by the State regarding the education of children with disabilities;

(c). Advise the State educational agency in developing evaluations and reporting on data to the Secretary under section 618;

(d). Advise the State educational agency in developing corrective action plans to address findings identified in Federal monitoring reports under this part;

(e). Advise the State educational agency in developing and implementing policies relating to the coordination of services for children with disabilities.

ii. As stated in R.S. 17:1945.B, the advisory council shall review rules and regulations governing the Education of Exceptional Children Act.

iii. As stated in state board policy in LAC 28:I.105.G, the functions of the council are advisory in nature and considerations shall include items referred by the state board as well as items initiated by the council and approved by the board through its regular procedures.

iv. As stated in state board policy in LAC 28:I.1711.E, the advisory council shall perform the duties related to disbursement of certain special education discretionary funds.

8. Teacher Certification Appeals Council

a. Authority: Title 28:I.105, Chapter 1, *Louisiana Administrative Code*.

b. Membership: nine members representing the following categories/organizations:

i. three from universities - recommendations made by the Dean's Council:

university; and

- (a). at least 1 must represent a nonpublic

- (b). at least 1 must represent a university participating in a Practitioner Teacher Program;

- ii. three classroom teachers from the following teacher organizations:

- (a). Associated Professional Educators of Louisiana (APEL);

- (b). Louisiana Association of Educators (LAE); and

- (c). Louisiana Federation of Teachers (LFT);

- iii. three from administrator organizations (one from each of the following):

- (a.) Louisiana Association of Principals (LAP);

- (b). Louisiana Association of School Personnel Administrators (LASPA); and

- (c). Louisiana School Supervisors Association (LSSA).

c. Referrals/Responsibilities:

- i. Evaluate the appeals of persons seeking Louisiana certification under the standards in Bulletin 746, Louisiana Standards for State Certification of School Personnel, whose appeals cannot be processed according to the guidelines in § 315 (D).

- ii. Submit a written record of its findings and recommendations to the appropriate Standing or Special Committee, composed of Board members, for its review and recommendation to the full Board.

- iii. Evaluate the appeals documents, including the transcripts of appellants, for consideration of Bulletin 746 (minimum requirements) waiver.

- iv. Make recommendations to the appeals committee on waivers of minimum certification standards.

v. The Appeals Council, in the absence of mitigating circumstances, shall not be required to consider appeals of persons who are non-degreed and/or lack the required NTE/PRAXIS Scores.

vi. All matters referred by the Board.

d. Terms of Office

i. Representatives must be active members of the category and organization being represented. Once a member retires and/or becomes employed in a different capacity, the member would become ineligible to continue to serve and would be replaced by the organization.

ii. Members shall serve 3 year terms, renewable once.

iii. Terms of the 3 categories of membership shall be staggered to provide continuity to the appeals process.

e. Expenses

i. Travel expenses shall be paid by the Board in accordance with state travel regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 4:359 (October 1978), LR 5:346 (November 1979), LR 15:962 (November 1989), LR 16:297 (April 1990), LR 22:1124 (November 1996), LR 24:283 (February 1998), LR 24:1093 (June 1998), LR 28:1189 (June 2002).

9. Textbook/Media/Library Advisory Council (R.S. 17:415.1)

R.S. 17:415.1.

a. Authority: Title 28:l.105, *Louisiana Administrative Code*, and

b. Membership: 14 members as follows:

i. 2 Legislators (1 Senator and 1 Representative);

ii. 1 Representative appointed by the Governor; and

iii. 11 Members appointed by Board members as drawn from the following categories:

(a). 2 Teachers (1 grades K-6, 1 grades 7-12);

(b). 1 Teacher or Coordinator of Technology;

- (c). 2 Librarians;
- (d). 1 Curriculum Supervisor;
- (e). 2 Textbook Supervisors;
- (f). 1 Parent or Business Representative;
- (g). 1 LEA Superintendent; and
- (h). 1 School Principal.

c. Referrals/Responsibilities:

i. The Textbook/Media/Library Advisory Council shall advise the Board on policy and procedure issues relating to the textbook adoption process.

ii. All matters referred by the Board.

B. Membership. Unless otherwise provided by state or federal law, each advisory council of the Board shall be created by Board policy. The policy shall determine the size of the council membership; the number of persons to be appointed by each Board member; the persons, organizations, affiliations, or interest groups to be represented on the council; and the length of terms. Unless required by law, no member of the Board shall be a member of an advisory council.

C. Terms. Unless otherwise provided by state or federal law, appointees to advisory councils shall serve at the pleasure of their appointing authority. All appointments are subject to ratification by the Board. Unless otherwise provided by state or federal law, removals are not subject to Board ratification and an advisory council member may be removed without cause by the appointing authority or by his/her successor.

D. Officers. Unless otherwise provided by state or federal law or Board policy, each advisory council shall select from among its membership a chairperson and a vice-chairperson. Elections shall be held annually at the first meeting in a calendar year, and the councils shall report election results to the Board.

E. Vacancies. A vacancy in an appointed position shall occur if an appointee, for any reason, fails to serve the full extent of his two-year term. Appointments to fill vacancies shall be considered interim appointments and shall be for the unexpired portion of the original two-year term. Interim appointments to fill vacancies shall be ratified by the Board. If the term of a Board member terminates for any reason, appointments by the member to advisory councils shall also terminate; the new Board member shall then fill vacancies for any unexpired term and, thereafter, shall make appointments on a regularly scheduled basis.

F. Expenses. All members of the advisory councils including salaried public employees shall be entitled to reimbursement for actual travel expenses unless specifically prohibited by statute or Board policy. Members may submit requests for reimbursements for expenses in accordance with the regulations promulgated by the State Commissioner of Administration. The Board will abide by the rules set forth by the State Ethics Commission which allows salaried public employees to receive per diem payments as long as they are on annual leave.

G. Functions. In general, the function of an advisory council is to advise the Board, directly or through its standing committees, in the discharge of its policy making, supervisory control and budgetary duties and responsibilities. Specific functions of an advisory council are determined by the creating law or policy. Advisory councils shall deal exclusively with matters referred to them by the Board.

H. Quorum.

1. Unless otherwise provided, a quorum is a majority of the appointed membership. In the absence of a quorum, the advisory council may take action, but minutes submitted to the Board shall indicate that the recommendations are being presented without the required quorum being present.

2. Any person serving on an advisory council who cannot attend a scheduled meeting may appoint a person to attend as his proxy. Unless otherwise provided herein, no proxy shall have voting privileges. Any council member who is absent from regular meetings for three consecutive times may not be represented by proxy. A proxy, in order to receive reimbursement for travel and other expenses, must present a letter signed by the council chairman to the Board's Executive Director.

#### I. Attendance Policy

1. Appointed members are expected to attend all scheduled meetings of an advisory body. Unless otherwise provided, if a member is unable to attend a meeting because of a justifiable reason, a request for an excused absence may be submitted to the council chairman on the Executive Director and a non-voting proxy may be named by the appointed member to serve for a total of three meetings. Any appointed member who misses three consecutive meetings without an approved excuse by the chairman shall be automatically terminated, and the appointing authority shall be asked to name a replacement.

2. When it is known that a quorum is unlikely, the council chairman shall be so notified and the meeting will be canceled if the chairman so decides. If a majority of members are not present and a council meets, minutes of the meeting shall state that a quorum was not present.

3. The appointing authority for each member shall be notified immediately following each scheduled meeting indicating nonattendance of the appointee. The form should include:

- a. Name of the council member and council serving on;
- b. Date of the meeting; and
- c. Board policy on attendance.

#### J. Meetings

1. Each standing advisory council shall meet whenever necessary in order to consider referrals from the Board. Special meetings shall be by call of the Board, and emergency meetings may be called at the discretion of the Executive Director.

2. When possible, regular meeting dates shall be standing and shall be determined by the chairperson of the council in consultation with the Executive Director or his designee. When meetings cannot be regularly scheduled, the chairperson of each council shall set each meeting date in consultation with the Executive Director or his designee. Special meetings shall be held at such times as are

named in the Board calls. The Executive Director shall set the dates and times of emergency meetings.

3. Notices of council meetings shall be mailed to council members by the Board staff at least ten (10) days in advance of a meeting. All council meetings shall be conducted according to the Open Meetings Law (R.S. 42:6.1).

#### K. Procedures

1. In all particulars, except for those listed in these rules and procedures, the business in advisory councils shall be conducted according to *Robert's Rules of Order*, and in particular with "Procedure in Small Boards," Rule 48.

2. Every motion passed by an advisory council whether or not made as a recommendation shall be made as a main motion and must be seconded. All motions must be voted on with a show of hands and roll call votes may be requested by any of the membership in attendance at a meeting.

L. Minutes; Reports. The minutes and reports of each advisory council shall be presented to the Board Executive Director for referral to the Board or to the appropriate standing committee(s). The standing committee(s), after consideration of the recommendations of the advisory council, shall report committee recommendations to the Board for final action.

#### M. Staffing

1. The Board staff shall serve as secretariat to the advisory councils of the Board. Secretarial services shall include the preparation of agenda and minutes, both of which shall be prepared according to regular office procedures of the Board. The Executive Director shall supply each council with a staff person who shall serve as an aide to the chairperson of the council and as a representative of the Executive Director for the purpose of coordinating activities of the advisory councils and the standing committees of the Board.

2. Staff assistance from employees of the State Department of Education may be secured by advisory councils only on a directive from the Superintendent of Education.

AUTHORITY NOTE: Promulgated in accordance with Louisiana Constitution Article VII, §10.1; R.S. 17:6(9); R.S. 17:11; R.S. 17:24.4; R.S. 17:415.1; R.S. 17:1954; R.S. 17:3762; R.S. 17:3801; R.S. 42:4.1-12; 20 USC 1413 (§613) and 20 USC 3474 (§112).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 27: