

SB2 - 1998 1st Extraordinary Session (Act 151)

Author: DARDENNE	Status: SIGNED BY THE GOVERNOR ACT 151
Summary: HIGHER EDUCATION: Creates the La. Technical Community College System and establishes the Board of Supervisors of Technical and Community Colleges to manage the system. (SGF expd incr \$3.9 mill in FY 98 -99, \$4.9 in 00-03, & Other expd decr \$3.4 in 00-03. See note.)	<i>Updated: 5/7/1998</i>

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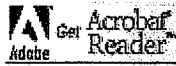
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ACT 151

First Extraordinary Session, 1998
(S.B.2)

Louisiana Community and Technical College System

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First Extraordinary Session, 1998

SENATE BILL NO. 2

BY SENATORS DARDENNE, EWING, HAINKEL, BARHAM, ROMERO,
SHORT, GREENE, BRANCH, CASANOVA,
THEUNISSEN, BAGNERIS, BEAN, DEAN, DYESS,
ELLINGTON, HEITMEIER, HINES, HOLLIS, JONES,
JORDAN, LAMBERT, SCHEDLER, SIRACUSA, SMITH,
TARVER, AND ULLO AND REPRESENTATIVES
DOWNER, LONG, DEWITT, LEBLANC, MCMAINS,
MACDONALD, SALTER, HUDSON, MURRAY AND
THOMPSON



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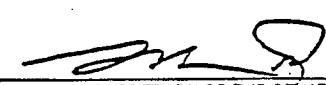
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First Extraordinary Session, 1998

SENATE BILL NO. 2

BY SENATORS DARDENNE, EWING, HAINKEL, BARHAM, ROMERO, SHORT, GREENE, BRANCH, CASANOVA, THEUNISSEN, BAGNERIS, BEAN, DEAN, DYESS, ELLINGTON, HEITMEIER, HINES, HOLLIS, JONES, JORDAN, LAMBERT, SCHEDLER, SIRACUSA, SMITH, TARVER, AND ULLO AND REPRESENTATIVES DOWNER, LONG, DEWITT, LEBLANC, MCMAINS, MACDONALD, SALTER, HUDSON, MURRAY AND THOMPSON

AN ACT

To amend and reenact R.S. 17:4, the introductory paragraph of 6(A), 6(A)(4),

(5), (6) and (7), 7(7) and (9), 540(1) and (3), 541(B)(2), 1806(A), 1808(B)(1), 1821(B), 1822(B), 1825(A) and (B)(1), 1835, 1991, 1994, 1994.1, 1996(A) and (B), 1998, 2004(A) and (B)(2), the introductory paragraph of 2005(A), 2009(B) and (D)(2), 2033, 2034, 2035, 2036, 2046(A) and (B), 2048(A), 2049.1, the introductory paragraph of 2049.2, 2049.4, 2050(C) and (D), 2054(A), 3022(A)(1), 3129.2(A)(1)(e) and (i) and (B), 3130, 3141.2(7), (8) and (9), 3141.3(A), (B), the introductory paragraph of (D)(2), (D)(2)(b), and (F), 3141.4(A) and (D)(2)(a), the introductory paragraph of 3141.5(A), (C), the introductory paragraph of (D), (F)(1) and (2), and (G), 3141.6(A) and (B), 3141.7, the introductory paragraph of 3141.8(A), (A)(11), (B), and (C), 3141.9(A) and (B), 3141.11, 3141.14(D), 3141.15(A)(1), (B)(1)(a), and (C)(1), 3141.16(A), (B)(7) and (8), (C)(1), (D)(3)(e), (4), (5), (6), and (10), (E), and (F), 3141.17, 3141.18(A), (B), (C), (D), and (E), 3201, 3202, 3217, 3217.1, 3218, 3219, 3220, 3222(B), 3223(A), the introductory paragraph of (B), (B)(2), (C), and (D), 3224(C), 3225, 3226, 3301(A), 3302(A)(1) and

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(B), the introductory paragraph of 3351(A), 3351.1(A)(1), 3381(A), 3387(A) and (C), 3801(C)(3)(c) and (4), and (D), and 3802(A)(1), and R.S. 49:1101(B)(2)(a), and to enact R.S. 17:1806(E), Chapter 5-B of Title 17 of the Louisiana Revised Statutes of 1950, comprised of R.S. 17:1871 through 1873, R.S. 17:2049.3(C), 3126(C) and (D), 3129.1, 3141.19, 3217.2, 3223.1, 3223.2, 3227, and 3801(F), and to repeal R.S. 17:7(10), (13), and (17), 1992, 2005.2, 2006, 2007, 2010, 2011, 2012, 2013, 3141.2(11), 3301(D) and 3801(E)(3); to establish the Louisiana Community and Technical College System; to create and provide for the Board of Supervisors of Community and Technical Colleges to manage the system subject to the powers of the Board of Regents; to provide terms for the initial members of the board; to provide for the selection of student members to serve on the board; to transfer all powers, duties, and responsibilities regarding postsecondary vocational-technical schools from the State Board of Elementary and Secondary Education to the Board of Supervisors of Community and Technical Colleges; to provide for the transfer of the obligations, records, property, liabilities, and employees of postsecondary vocational-technical schools to the Board of Supervisors of Community and Technical Colleges; to reorganize the assignment of certain institutions of higher education among the higher education management boards, including the Board of Supervisors of Community and Technical Colleges; to remove provisions for the appropriation and allocation of funds from the Louisiana Quality Education Support Fund for vocational-technical education purposes and to provide relative to the allocation of monies in the fund for postsecondary education; to require the appropriation of certain funds for vocational-technical education purposes; to provide relative to the exercise of the power of program

approval by the Board of Regents; to require the Board of Regents to adopt and implement a system of articulation; to transfer all powers, duties, and responsibilities of the state Department of Education, the State Board of Elementary and Secondary Education, and the state superintendent of education for the licensing of proprietary schools to the Board of Regents and the commissioner of higher education; to provide the same powers, duties, and responsibilities for the Board of Supervisors of Community and Technical Colleges as is provided for the other higher education management boards; to transfer the Louisiana Technical College--Teche Area Campus from the State Board of Elementary and Secondary Education to the Board of Trustees for State Colleges and Universities; to provide with regard to the students, faculty, employees, funds, obligations, property, programs, and functions of the Louisiana Technical College--Teche Area Campus; to provide for the merger of the Louisiana Technical College--Teche Area Campus with the South Louisiana Community College in the University of Louisiana System; to provide conditions for such merger; to subsequently transfer the Louisiana Technical College--Teche Area Campus from the Board of Trustees for State Colleges and Universities to the Board of Supervisors of Community and Technical Colleges; to provide conditions for such transfer; to provide for effectiveness; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:4, the introductory paragraph of 6(A), 6(A)(4), (5), (6) and (7), 7(7) and (9), 540(1) and (3), 541(B)(2), 1806(A), 1808(B)(1), 1821(B), 1822(B), 1825(A) and (B)(1), 1835, 1991, 1994, 1994.1, 1996(A) and (B), 1998, 2004(A) and (B)(2), the introductory paragraph of 2005(A), 2009(B) and (D)(2), 2033, 2034, 2035, 2036, 2046(A) and (B), 2048(A),

2049.1, the introductory paragraph of 2049.2, 2049.4, 2050(C) and (D), 2054(A), 3022(A)(1), 3129.2(A)(1)(e) and (i) and (B), 3130, 3141.2(7), (8) and (9), 3141.3(A), (B), the introductory paragraph of (D)(2), (D)(2)(b), and (F), 3141.4(A) and (D)(2)(a), the introductory paragraph of 3141.5(A), (C), the introductory paragraph of (D), (F)(1) and (2), and (G), 3141.6(A) and (B), 3141.7, the introductory paragraph of 3141.8(A), (A)(11), (B), and (C), 3141.9(A) and (B), 3141.11, 3141.14(D), 3141.15(A)(1), (B)(1)(a), and (C)(1), 3141.16(A), (B)(7) and (8), (C)(1), (D)(3)(e), (4), (5), (6), and (10), (E), and (F), 3141.17, 3141.18(A), (B), (C), (D), and (E), 3201, 3202, 3217, 3217.1, 3218, 3219, 3220, 3222(B), 3223(A), the introductory paragraph of (B), (B)(2), (C), and (D), 3224(C), 3225, 3226, 3301(A), 3302(A)(1) and (B), the introductory paragraph of 3351(A), 3351.1(A)(1), 3381(A), 3387(A) and (C), 3801(C)(3)(c) and (4), and (D), and 3802(A)(1), and R.S. 49:1101(B)(2)(a) are hereby amended and reenacted and R.S. 17:1806(E), Chapter 5-B of Title 17 of the Louisiana Revised Statutes of 1950, comprised of R.S. 17:1871 through 1873, R.S. 17:2049.3(C), 3126(C) and (D), 3129.1, 3141.19, 3217.2, 3223.1, 3223.2, 3227, and 3801(F), are hereby enacted, all to read as follows:

§4. Transfer of obligations, etc. of state board of education

A. The obligations heretofore incurred by the State Board of Education created by Article XII, Section 4 of the Constitution of 1921 in connection with any contract or agreement with respect to elementary and secondary schools, vocational-technical and post secondary vocational-technical schools and programs except in colleges and universities, and special schools shall be preserved and discharged by the State Board of Elementary and Secondary Education on and after its first meeting. All of such obligations and all books, papers, records, money, and other property heretofore owned, possessed,

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controlled, or used by the State Board of Education in the exercise of its functions relating to public education, schools, and programs under its jurisdiction with respect to elementary and secondary education, vocational-technical and post secondary vocational-technical education except in colleges and universities, and with respect to special schools are hereby transferred to the State Board of Elementary and Secondary Education, effective with the first meeting of said board. All employees heretofore engaged in the performance of the functions of the former State Board of Education shall, insofar as practicable, continue as employees of the board created in this Part and shall retain all rights, privileges, and benefits enjoyed by each under the former board.

B.(1) The obligations incurred by the State Board of Elementary and Secondary Education prior to July 1, 1999 in connection with any contract or agreement with respect to postsecondary vocational-technical schools shall be preserved and discharged by the Board of Supervisors of Community and Technical Colleges. The Board of Supervisors of Community and Technical Colleges shall act as successor to the State Board of Elementary and Secondary Education in all respects insofar as obligations of the State Board of Elementary and Secondary Education exist regarding postsecondary vocational-technical schools. All of such obligations and all books, papers, records, money, and other property owned, possessed, controlled, or used by the State Board of Elementary and Secondary Education in the exercise of its functions relating to postsecondary vocational-technical schools are hereby transferred to the Board of Supervisors of Community and Technical Colleges. All employees heretofore engaged in the performance of the postsecondary vocational-technical

school functions of the State Board of Elementary and Secondary Education and the state Department of Education shall, insofar as practicable, continue as employees of the Board of Supervisors of Community and Technical Colleges and shall retain all rights, privileges, and benefits enjoyed by each under the State Board of Elementary and Secondary Education or the state Department of Education.

(2) Further, any reference in this Chapter to the State Board of Elementary and Secondary Education, the state Department of Education, or the state superintendent of education insofar as such reference is related to the exercise of jurisdiction over postsecondary vocational-technical schools or the employees thereof shall mean and be interpreted to mean the Board of Supervisors of Community and Technical Colleges, except as is clearly inconsistent with the supervisory jurisdiction of institutions provided by the education governance and management structure established in Article VIII of the Constitution of Louisiana.

* * *

§6. General powers of board

A. In the exercise of its supervision and control over the public elementary and secondary schools and special schools under its jurisdiction, and in the exercise of its budgetary responsibility for all funds appropriated or allocated by the state for public elementary and secondary schools and special schools placed under its jurisdiction, the board shall have authority to:

* * *

(4) Purchase land and purchase or contract for the construction of buildings necessary for the use of the special schools under its

jurisdiction, subject to approval of the commissioner of administration, in accordance with applicable laws.

(5) Purchase equipment and make improvements to facilities necessary for the use of the special schools under its jurisdiction, in accordance with applicable laws.

(6) Lease land or other property belonging to it or to any special school under its jurisdiction, subject to approval of the commissioner of administration and in accordance with law.

(7) Sell or exchange land or other real property not needed for special school purposes, but only when specifically authorized by law and then only in accordance with the procedures provided in R.S.

41:892 for the sale of unused school lands. The sale shall be authorized by a resolution adopted by the board, and the act of sale shall be signed by the president of the board or such other person to whom the signing may be delegated by the board in the authorizing resolution.

* * *

§7. Duties, functions, and responsibilities of board

In addition to the authorities granted by R.S. 17:6 and any powers, duties, and responsibilities vested by any other applicable laws, the board shall:

* * *

(7) Adopt minimum standards for the approval of each public elementary and secondary school and special school in the state under its jurisdiction.

* * *

(9) Meet with the Board of Regents, upon its call, to coordinate programs of public elementary, secondary, vocational-technical, career, and higher education.

§540. Definitions

For the purposes of this Subpart, the following terms and phrases are used as defined by this Section:

(1)(a) "Board" means the Board of Supervisors of Community and Technical Colleges.

(b) Further, any reference in this Subpart to the State Board of Elementary and Secondary Education insofar as such reference is related to the exercise of jurisdiction over employees of a vocational-technical school shall mean and be interpreted to mean the Board of Supervisors of Community and Technical Colleges.

* * *

(3) "Vocational-technical school" means any vocational-technical school under the jurisdiction of the Board of Supervisors of Community and Technical Colleges.

§541. Probation and tenure of employees

* * *

B.

* * *

(2) The Board of Supervisors of Community and Technical Colleges shall develop and adopt a formal plan and procedure for observing and evaluating such employees. Such observation and evaluation shall continue from the time the employee begins work at the school until the employee resigns, retires, or is dismissed from that school, and such employee shall be told of the formal plan and procedure and the results of any observations and evaluations.

* * *

§1806. Student membership on management boards

A.(1) There shall be one student member on the Board of

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Trustees for State Colleges and Universities, on the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College, and on the Board of Supervisors of Southern University and Agricultural and Mechanical College. Each such student member shall be selected by and from the membership of a council composed of the student body presidents of the colleges, and universities under the management and supervision of the respective boards.

(2) There shall be two student members on the Board of Supervisors of Community and Technical Colleges. One student member shall be selected by and from the membership of a council composed of the student body presidents of the community colleges under the management and supervision of the board and one student member shall be selected by and from the membership of a council composed of the student body presidents of the vocational-technical schools under the management and supervision of the board.

(3) At the time of the appointment each student member shall be a full-time student at the vocational-technical school, community college, college, or university at which he is enrolled and shall be ineligible to succeed himself. Each student member shall serve for a term of one year, except that each student member selected for a term beginning on June 1, 1988, shall serve only until September 1, 1988; thereafter, their successors shall serve for a term of one year.

* * *

E. Each initial student member of the Board of Supervisors of Community and Technical Colleges shall be selected for a term beginning October 1, 1999, and ending May 31, 2000. Each succeeding student member shall be selected for the same terms as those of student

members of other boards.

* * *

§1808. Registration and licensure of postsecondary, academic degree-granting institutions

* * *

B.(1) All public and private postsecondary, academic degree-granting institutions offering instruction in this state, including correspondence schools domiciled in Louisiana, which are not subject to Chapter 24-A of this Title shall register with the Board of Regents. Registration shall be completed prior to the offering of instruction by the institution.

* * *

§1821. Creation; administration

* * *

B. The Board of Supervisors of Community and Technical Colleges shall manage the affairs of the institution created and provided for in this Part.

§1822. Elaine P. Nunez Vocational-Technical Institute and the St. Bernard Parish Community College; merger

* * *

B. The funds, property, and obligations of the institutions that are hereby merged are vested in the Elaine P. Nunez Community College under the management of the Board of Supervisors of Community and Technical Colleges in the same manner and with the same limitations as other institutions in the system.

* * *

§1825. Bossier Parish Community College

A. Pursuant to the duty and responsibility placed with the

legislature by Article VIII, Section 1 of the Constitution of Louisiana to establish and maintain a public educational system, the authority granted the legislature by Article VIII, Section 10(A) of the Constitution of Louisiana to enact laws affecting parish school board systems in existence on the effective date of the constitution, and the authority granted to the legislature by Article VIII, Section 5(D)(3) to transfer an institution from one board to another by law enacted by two-thirds of the elected members of each house, the funds, obligations, programs, and functions of the Bossier Parish Community College are transferred effective July 1, 1999, to and hereby are vested in the Board of Supervisors of Community and Technical Colleges.

The name of the institution shall be Bossier Parish Community College and the institution shall be located in Bossier Parish.

B.(1)(a) Effective July 1, 1997, and thereafter, the Board of Trustees for State Colleges and Universities shall supervise and manage the affairs of the Bossier Parish Community College.

(b) Effective July 1, 1999, and thereafter, the Board of Supervisors of Community and Technical Colleges shall succeed the Board of Trustees for State Colleges and Universities as the supervising and managing board.

* * *

§1835. Bossier Parish Community College; tuition, fees, and charges

Except as otherwise provided for in R.S. 17:1825(C)(1), the Board of Supervisors of Community and Technical Colleges is authorized to establish tuition amounts and other fees and charges applicable to students attending Bossier Parish Community College that are consistent with tuition amounts and other fees and charges applicable to students attending other public institutions of higher

education in the state which offer associate, but not baccalaureate degrees.

* * *

CHAPTER 5-B. LOUISIANA COMMUNITY
AND TECHNICAL COLLEGES

§1871. Board of Supervisors of Community and Technical Colleges; establishment; members qualifications and terms; vacancies; duties

A.(1)(a) The Board of Supervisors of Community and Technical Colleges is created as a body corporate. The board shall be composed of fifteen members appointed by the governor with the consent of the Senate and of such appointments:

(i) One member shall be appointed by the governor from among three persons nominated by the Louisiana AFL-CIO.

(ii) One member shall be appointed by the governor from among three persons nominated by the Louisiana Association of Business and Industry.

(iii) Two members shall be appointed by the governor from among six persons nominated by the State Board of Elementary and Secondary Education.

(b) In addition, the board shall have two student members who shall serve one-year terms and shall be selected as provided in R.S. 17:1806.

(c) Of the members selected and appointed by the governor, there shall be two members from each congressional district and the remaining member or members from the state at large.

(d) The term of each initial gubernatorial appointee to the Board of Supervisors of Community and Technical Colleges shall be assigned

by the appointing governor so that five of the initial appointments expire on July 1, 2001, five of the initial appointments expire on July 1, 2003, and five of the initial appointments expire on July 1, 2005. Thereafter, all gubernatorial appointees shall serve terms of six years.

(e) The board should be representative of the state's population by race and gender to ensure diversity.

(3) A vacancy on the board occurring prior to the expiration of a term shall be filled for the remainder of the unexpired term by appointment by the governor, with consent of the Senate.

B. The board shall:

(1) Supervise and manage the public institutions of higher education assigned to its jurisdiction and the public institutions which exclusively or predominantly provide programs of vocational-technical education.

(2) Participate as other education boards in the educational governance structure of the state.

(3) Cooperate and work together with the Board of Regents in seeking to ensure that community and technical college programs are responsive to the needs of students for education and training and businesses for educated and trained employees.

(4) Maximize the use of facilities, faculties, and other resources already in place to provide for the education and training of students and to increase access to such education and training including assistance to students to adequately prepare them for their pursuit of a postsecondary or higher education.

(5) Adopt practices and guidelines to provide for minimizing the number of administrators employed in the Louisiana Community and Technical College System and the proportion of the system budget

allocated for costs associated with administration, consistent with principles contained in the Board of Regents' funding formula for higher education.

(6) Continue development of articulation agreements between institutions under the management of the board and institutions managed by other postsecondary management boards, both public and private.

§1872. Meetings of board; quorum and vote for official action

A. The board shall hold at least one regular meeting in each quarter of each calendar year. Other regular meetings and special meetings may be called and held as provided in the bylaws, or by any rule, regulation or resolution adopted by the board. The board shall fix the time and determine the place of all meetings.

B. Nine members of the board shall constitute a quorum for the transaction of official business. Official action of the board shall require the favorable vote of a majority of the members present and voting, and, in any event the favorable vote of at least seven members must be cast in favor of any such action. Voting by proxy is prohibited.

§1873. Officers and employees of the board

A. The board shall elect from its membership a chairman and a vice chairman, who shall also be chairman-elect, and may elect such other officers as it may deem necessary. Each officer shall serve for a term of one year or until his successor is duly elected, qualified and inducted into office.

B. The chairman shall preside over all meetings of the board, and shall appoint the members of all committees. In the absence of the chairman, his duties shall be performed by the chairman-elect.

C.(1) The secretary to the board, designated in accordance with the provisions of R.S. 17:3302, shall be responsible for keeping the minutes of the meetings of the board and its committees and shall be the custodian of the seal of the system and of all the records of the board. The board shall appoint suitable persons, who are not members of the board, to act as its administrative secretary and its assistant administrative secretary. The administrative secretary shall have custody, under the supervision and control of the secretary, of the records of the board. The administrative secretary shall cause to be filed, indexed, and preserved the minutes, papers, and documents pertaining to the business, affairs, and proceedings of the board and of its committees.

(2) Copies of all minutes, papers and other documents of the board or of its committees may be certified to be true and correct copies thereof by the chairman, the secretary, the administrative secretary or the assistant administrative secretary.

* * *

§1991. Definitions

A. As used in this Part, unless otherwise clearly indicated, the following terms have the meanings ascribed below:

(1) "Board" means the Board of Supervisors of Community and Technical Colleges or its successor.

(2) "Department" means the Board of Supervisors of Community and Technical Colleges or its successor.

B. Further, any reference in this Chapter to the State Board of Elementary and Secondary Education, the state Department of Education, or the state superintendent of education insofar as such reference is related to the exercise of jurisdiction over schools

providing postsecondary ~~vocational-technical~~ education ~~or~~ the employees thereof shall mean and be interpreted to mean the Board of Supervisors of Community and Technical Colleges, except as is clearly inconsistent with the supervisory jurisdiction of institutions provided by the education governance and management structure established in Article VIII of the Constitution of Louisiana.

* * *

§1994. Regional coordination and planning of postsecondary vocational-technical education; establishment and composition of regions

The Board of Regents shall formulate and establish geographic regions of the state, in accordance with R.S. 17:3126(D), in order to better provide for administering, coordinating, and planning for programs and functions of the postsecondary vocational-technical schools under the jurisdiction of the Board of Supervisors of Community and Technical Colleges. The Board of Regents, upon the establishment of geographic regions and at such other times as it deems appropriate, shall designate and assign the postsecondary vocational-technical schools under the jurisdiction of the Board of Supervisors of Community and Technical Colleges to an appropriate region.

§1994.1. Jumonville-Memorial Technical Institute

The vocational-technical institutions referred to as the Memorial Area Vocational School, located in New Roads, and the J. E. Jumonville, Sr. Technical Institute, a branch of the Memorial Area Vocational School, located in Port Allen, shall be combined into a single budgetary unit and shall be renamed the "Jumonville-Memorial Technical Institute". Subject to change by the Board of Supervisors of

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Community and Technical Colleges, the Jumonville-Memorial Technical Institute shall continue to offer and provide the prison vocational programs at Louisiana State Penitentiary at Angola, Hunt Correctional Center, and the Louisiana Correctional Institute for Women at St. Gabriel.

* * *

§1996. Racial segregation prohibited; personnel

A. Vocational-technical facilities shall be operated on a racially nonsegregated policy.

B. The Board of Supervisors of Community and Technical Colleges shall establish nonracial objective criteria for the employment, promotion, dismissals and/or demotions of all personnel.

* * *

§1998. Advisory councils

The board, upon the recommendation of the directors of postsecondary vocational-technical schools, shall appoint an advisory council on career education for each school. The members of all such advisory councils in this state shall serve without pay. Each such council shall be limited to fifteen members and be representative of the state's population by race and gender to ensure diversity and shall be representative equally of employee, employer, and educational and public interests.

§2004. Vocational Curriculum Development and Research Center;
separation from Natchitoches Trades School

A.(1) The Vocational Curriculum Development and Research Center of the Natchitoches Trades School is hereby removed from under the administration, control and budget of the Natchitoches Trades School and the regional center. The Vocational Curriculum

Development and Research Center is hereby established as a separate legal entity and budget unit headed by a director appointed by the board. The center shall be under the control of the Board of Supervisors of Community and Technical Colleges.

(2) The duties of the center shall include, but not be limited to, developing, printing and disseminating vocational curriculum material to all the state operated vocational schools. Further, the center's duties shall include housing a film library and reproducing printed items for the state's vocational schools and other state agencies in the field of career education and any additional duties that the board may assign to the center.

B. * * *

(2) All funds, facilities, materials, personnel, books, records, contractual obligations, and any pending or unfinished business of the Vocational Curriculum Development and Research Center of the Natchitoches Trades School are hereby transferred to the new and separate Vocational Curriculum Development and Research Center under the control of the board.

* * *

§2005. Annual report; central information system

A. The Board of Supervisors of Community and Technical Colleges shall develop guidelines for and publish an annual report detailing information pertaining to each of the post-secondary vocational-technical schools. The report shall be sufficient to provide information to be used for annual planning and policy planning throughout the year. The report shall be submitted to the Joint Committee on Education and the Joint Committee on Labor and Industrial Relations. The report shall include, but not be limited to, the

following information: _____

* * *

§2009. Vocational-technical portable building program

* * *

B. The building contracts shall be subject to approval by the Board of Supervisors of Community and Technical Colleges, which shall formulate and adopt appropriate regulations for the governance of such contracts.

* * *

D.

* * *

(2) The Board of Supervisors of Community and Technical Colleges shall establish a program for the purpose of advancing monies to any vocational-technical school under the board's jurisdiction having an approved carpentry program to initiate and develop a vocational-technical portable building program as authorized by this Section. The board shall adopt necessary rules and regulations to implement the provisions of this Subsection, and such rules and regulations shall include, but not be limited to, a procedure whereby monies advanced to any vocational-technical school to initiate and develop a portable building program shall be repaid by it to the department upon the portable building program becoming self-sufficient. Beginning with the 1999-2000 Fiscal Year and annually thereafter, the Board of Supervisors of Community and Technical Colleges shall request sufficient funds from the legislature to effectuate the purposes of this Paragraph.

* * *

§2033. Board of Supervisors of Community and Technical Colleges as administrative agency

The Board of Supervisors of Community and Technical Colleges is designated as the state agency for the purpose of carrying into effect the provisions of acts of Congress and is authorized and directed to cooperate with the Federal Board for Vocational Education or the agency designated by the federal government in the administration and enforcement of its provisions and perform such official acts and exercise such powers as may be necessary to entitle the state of Louisiana to receive pertinent benefits.

§2034. Disbursements of federal funds

The Board of Supervisors of Community and Technical Colleges has the necessary power to represent the state of Louisiana in any and all matters in reference to the expenditure, distribution and disbursement of funds received from the United States government, and to appropriate and use the said moneys in whatever way will, in its discretion, best serve the interests of the state and carry out the spirit and intent of the said act of Congress in conformity with its provisions.

§2035. Necessary expenditures; board's authority to make

The Board of Supervisors of Community and Technical Colleges may make such expenditures for the actual expenses of the board and for the salaries of assistants and for office and other expenses as in its judgment are necessary for the proper administration of this Subpart.

§2036. Job reserve fund for vocational-technical schools; and
community colleges

There shall be created a Job Reserve Fund to be used to provide funds for additional training in the state's vocational-technical schools and community colleges where new or different skills are needed by the people in an area of the state because of the influx of new industry or the expansion of existing industry. Such money shall be allotted to the

state's vocational-technical schools and community colleges over and above their normal operating budgets.

§2046. Public lands for vocational-technical school sites

A. As a cooperative endeavor for the public purpose of providing vocational-technical education to the people of this state, any political subdivision may lease or convey to the Board of Supervisors of Community and Technical Colleges, or place under the control of said board for supervision and administration by said board, lands owned by the political subdivision for the purpose of providing a site for the construction and operation of a vocational-technical school or schools by or through said board. "Political subdivision" for the purposes of this Section shall have the same meaning as provided in Article VI, Section 44 of the constitution.

B. For the purposes of this Subsection, the various school boards of the state are hereby declared to be agents of the state, and as a cooperative endeavor, for the public purpose of providing vocational-technical education to the public, any school board may lease or convey to the Board of Supervisors of Community and Technical Colleges, or place under the control of said board for supervision and administration by said board, sixteenth section lands or school indemnity lands for the purpose of providing a site for construction and operation of a vocational-technical school or schools by or through the said board.

* * *

§2048. Nurse training programs; establishment

A. The Board of Regents shall seek to expand or establish additional nurse training programs whenever the information reported pursuant to R.S. 17:2047 indicates a consistent lack of availability of

places in nurse training programs for qualified applicants.

* * *

§2049.1. Employment standards; evaluation

Each vocational-technical employee shall meet all employment standards required by the Board of Supervisors of Community and Technical Colleges, and shall be evaluated annually pursuant to the provisions of R.S. 17:2049.2.

§2049.2. Evaluation program; professional development and enhancement; certification

The Board of Supervisors of Community and Technical Colleges shall:

* * *

§2049.3. Salary schedule

* * *

C. After July 1, 1999, any provision of this Section which has been effective as to any employee subject to the direction of the State Board of Elementary and Secondary Education shall remain effective as to any such employee who after such date is subject to the direction of the Board of Supervisors of Community and Technical Colleges.

§2049.4. Enhancement

Any employee desirous of enhancing his compensation and qualification level may participate in professional development activities developed and approved by the Board of Supervisors of Community and Technical Colleges. Successful participation, upon adequate documentation by the appropriate institute official, shall be credited to the employee as qualification points.

§2050. Community colleges; recognition; authority to award associate degrees; certificates

* * *

C.(1) The legislature further recognizes the establishment, beginning July 1, 1992, of the Elaine P. Nunez Community College as a two-year institution of higher education under the management of the Board of Trustees of State Colleges and Universities. After that date the approval of degrees and programs shall be consistent with that for all other similar institutions of higher education, except as necessary for a period of transition and as provided otherwise by R.S. 17:1821 and 1822.

(2) Effective July 1, 1999, the Elaine P. Nunez Community College shall be under the management of the Board of Supervisors of Community and Technical Colleges.

D.(1) Notwithstanding any provision of this Section to the contrary and effective July 1, 1997, the legislature recognizes Bossier Parish Community College as a two-year institution of higher education under the management of the Board of Trustees for State Colleges and Universities. Subsequent to this date, the approval of degrees and programs shall be consistent with that for all other similar institutions of higher education except as provided otherwise by R.S. 17:1825.

(2) Effective July 1, 1999, the Bossier Parish Community College shall be under the management of the Board of Supervisors of Community and Technical Colleges.

* * *

§2054. College and university athletics; NCAA and NAIA infractions, sanctions

A. The Board of Trustees for State Colleges and Universities, the Board of Supervisors of Southern University and Agricultural and Mechanical College, the Board of Supervisors of Louisiana State

University and Agricultural and Mechanical College, and the Board of Supervisors of Community and Technical Colleges shall adopt and implement policies, procedures, and rules to provide for the dismissal of any employee found by the National Collegiate Athletic Association or the National Association of Intercollegiate Athletics to have committed a deliberate and serious infraction of its rules when such infraction results in sanctions by the association.

* * *

§3022. Membership and organization

A.(1) The Louisiana Student Financial Assistance Commission, hereafter referred to as "the commission", shall be composed of ~~nineteen members, to consist of the executive secretary to the governor or his designee, who shall serve as ex officio chairman; the state superintendent of education, the president of the State Board of Elementary and Secondary Education, the chairpersons of the Board of Regents, the Board of Trustees for State Colleges and Universities, the Board of Supervisors of Southern University and Agricultural and Mechanical College, Board of Supervisors of Community and Technical Colleges, and the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College, or their designees from the other members of their respective boards; the chairperson of the Louisiana Association of Independent Colleges and Universities or his designee who shall be an administrator at or a member of a governing board of a Louisiana independent institution of higher education; five persons, who shall be qualified electors of the state, one to be selected by each of the boards of postsecondary and higher education by the membership of each of said boards and who shall serve at the pleasure of the board; one person who shall be a qualified~~

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elector of the state to be selected by the board of the Louisiana Association of Independent Colleges and Universities by the members of that board and who shall serve at the pleasure of the association; one person who shall be the owner of a fully accredited proprietary school in Louisiana, as defined by R.S. 17:3141.2, to be appointed by the governor; one person who shall be a director or employee of a state-operated postsecondary vocational-technical school to be appointed by the governor, and two student members to be selected from among the student members of the boards of postsecondary and higher education and from among the students of member institutions of the Louisiana Association of Independent Colleges and Universities as follows:

(a) One student member of the commission shall be a student member of one of the boards of postsecondary and higher education in the state, with each of the student members of the boards serving a one-year term on the commission on a rotating basis. The order of the rotation shall be as follows:

(i) The student member of the Board of Trustees for State Colleges and Universities.

(ii) The student member of the Board of Supervisors of Community and Technical Colleges who represents the community college division of the system.

(iii) The student member of the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College.

(iv) The student member of the Board of Supervisors of Southern University and Agricultural and Mechanical College.

(v) The student member of the Board of Supervisors of Community and Technical Colleges who represents the vocational-technical division of the system.

(b) One student member to be selected by the board of the Louisiana Association of Independent Colleges and Universities from the student bodies of its member institutions.

* * *

§3126. Power to disapprove; approve; or modify; service regions, establishment

* * *

C.(1) In exercising its power pursuant to this Section regarding program approval of institutions under the jurisdiction of the Board of Supervisors of Community and Technical Colleges, the Board of Regents shall include in any such consideration the need for broad citizen access to the education and training services provided by such institutions and shall endeavor to expand such access through use of all available resources, including programs which are provided through electronic transmission.

(2) The Board of Supervisors of Community and Technical Colleges shall determine the feasibility of establishing a means of awarding associate degrees and certificates below the rank of baccalaureate by using the instructional resources of existing institutions. The Board of Supervisors of Community and Technical Colleges may award such degrees, provided that the board and the Board of Regents agree that such awards are feasible and advantageous to the citizens of Louisiana and that sufficient appropriations are available for this purpose.

(3) The provision of any program subject to the supervision and management of and offered at any institution under the jurisdiction of the Board of Supervisors of Community and Technical Colleges which is not a degree program shall require no approval beyond that of the

Board of Community and Technical Colleges. -----

(4) The Board of Supervisors of Community and Technical Colleges, with the approval of the Board of Regents, may enter into agreements or contract with the board having supervision and management of any public institution of higher education for the provision by any such institution of courses and services leading to an associate degree offered by the Board of Supervisors of Community and Technical Colleges.

D.(1) The Board of Regents shall formulate and establish geographic regions of the state in order to maximize the use of the instructional and physical resources of existing state postsecondary educational institutions and regionally accredited independent postsecondary educational institutions and to provide broad citizen access to the education and training services provided by such institutions. The board shall establish the regions such that at least one public institution of higher education which awards baccalaureate degrees shall be within the geographic boundaries of or shall be assigned by the Board of Regents to each region.

(2) The Board of Regents shall evaluate the instructional and physical resources of such existing institutions within each region, including the resources of existing higher education institutions, and shall assure maximum use thereof before recommending the creation of any new postsecondary institution within the region. The Board of Regents may provide for the use within a region of existing resources from outside the region before recommending the creation of any new postsecondary institution within the region.

* * *

§3129.1. Power to provide for articulation

A.(1) The Board of Regents shall cause the postsecondary management boards to adopt and implement, no later than the beginning of the fall term of 2000, in the institutions under their jurisdiction common core courses that articulate from any institution of public higher education to any other such institution, taking into consideration the accreditation criteria of the institution receiving the credit.

(2) By the fall term of 2001, the Board of Regents shall cause the postsecondary management boards to adopt and implement articulated units of course work common among specified degree programs, taking into consideration the accreditation criteria of the institution receiving the credit.

(3) By the fall term of 2002, the Board of Regents shall have provided for the implementation of a computer-based system of articulation assessment that is accessible by all postsecondary students.

B.(1) The Board of Regents and the State Board of Elementary and Secondary Education, in cooperation with the Board of Supervisors of Community and Technical Colleges and local school boards, shall implement no later than the beginning of the fall term of 2000 articulation agreements that provide opportunities for secondary school students to take vocational-technical courses and community college courses provided by institutions managed by the Board of Supervisors for Community and Technical Colleges. Such opportunities shall be provided either on-site at the secondary or the postsecondary institution or at another location in a manner that takes into account cost-effectiveness for the institutions providing the instruction and accessibility for students.

(2) The Board of Regents and the State Board of Elementary and

Secondary Education shall report to the legislature by December thirty-first of each year beginning with December 31, 2000, on the status of such articulation programs, including the types of programs being offered and the specific number of secondary students taking advantage of such opportunities.

§3129.2. Louisiana Higher Education Executive Advisory Committee; members; executive committee; meetings; functions

A.(1) * * *

(e) The president of the University of Louisiana system;

* * *

(i) The president of the Louisiana Community and Technical College System and the president of each institution of higher education under its jurisdiction.

* * *

B. The committee shall establish an executive committee, which shall consist of the commissioner of higher education, the president of the Louisiana Association of Independent Colleges and Universities, the president of the Louisiana State University system, the president of the Southern University system, the president of the Board of Supervisors of Community and Technical Colleges, and the president of the Board of Trustees for State Colleges and Universities.

* * *

§3130. Other powers

A. All powers of management over public institutions of higher education not specifically vested in the Board of Regents by Article VIII, Section 5 of the Constitution of Louisiana, are reserved to the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College, the Board of Supervisors of Southern

University and Agricultural and Mechanical College, the Board of Supervisors of Community and Technical Colleges, and the Board of Trustees for State Colleges and Universities, as to the institutions under the control of each.

B.(1)(a) All constitutional responsibilities of the Board of Regents, including the development of a formula for equitable distribution of funds, shall apply to all public postsecondary institutions, including vocational-technical schools.

(b) Not later than the convening of the 1999 Regular Session, the Board of Regents shall submit to the legislature a proposal for full funding of the funding formula for higher and postsecondary education to be completed over a five-year period beginning not later than the fall of 1999, including provisions for equitable distribution of funds included in the formula.

(2) In the event of a mid-year budget reduction affecting postsecondary education and higher education, no such reduction shall disproportionately reduce the total budgeted funding for any postsecondary or higher education system, nor shall such a reduction result in a disproportional reduction for either division of the Louisiana Community and Technical College System.

(3) The Board of Regents shall determine during the next Master Plan revision process the appropriate role of universities in offering associate degree programs in view of the creation of the Board of Supervisors of Community and Technical Colleges whose authority is limited to the management of institutions offering less than baccalaureate level certificates and degrees.

* * *

§3141.2. Definitions

The following words and phrases, when used in this Chapter, shall have the meaning herein ascribed to them unless the context clearly indicates a different meaning:

* * *

(7) "Treasurer" means the state treasurer.

(8) "Board" means Board of Regents.

(9) "Teach out" means time remaining in affected student's course of study.

§3141.3. Proprietary School Commission; creation of; membership; terms; rules and regulations

A. There is hereby established under the jurisdiction of the Board of Regents an Advisory Commission on Proprietary Schools, composed of eight members to be appointed by the following:

(1) One member by the commissioner of higher education.

(2) One member by the Board of Regents.

(3) Three members by the Louisiana Proprietary Schools Association.

(4) One member by the Louisiana Vocational Schools Directors Association.

(5) One member by the State Association of Better Business Bureaus.

(6) One member by the Louisiana Association of Chamber of Commerce Executives.

B.(1) Each member shall serve for a term of four years and until their successors are appointed or qualified, except that of the initial members of the commission, two shall be appointed to serve for two year terms each, two for three years each, and three for four years each, the terms of each of the members being designated initially by the state

superintendent of education.

(2) Any vacancy occurring in the membership of the commission shall be filled by the appointing authority who has designated the member in the same manner as the member whose term has expired or whose unexpired term is being filled.

(3) Members to be appointed after July 1, 1999 by the commissioner of higher education and the Board of Regents shall replace the members appointed by the superintendent of education and the State Board of Elementary and Secondary Education for the remainder of the term to be served by such member. Thereafter all successors shall be appointed as provided in this Section.

* * *

D.(1)

* * *

(2) The commission also shall adopt rules and regulations it deems necessary to administer its functions and which are not in conflict with Board of Regents policy. Such rules and regulations shall include but not be limited to:

* * *

(b) Providing for investigation of complaints related to the established standards and for the disposition of such complaints.

* * *

F. The Board of Regents shall provide that all proprietary schools are monitored to ensure that all advertising and representations made on behalf of the school to a prospective student are truthful and free from misrepresentation and fraud.

§3141.4. Licenses

A. On and after October 1, 1972, no proprietary school covered by the provisions of this Chapter shall do business in this state unless

the owner thereof holds a valid license approved and issued by the State Board of Elementary and Secondary Education or, beginning July 1, 1999, the Board of Regents. Applications for such licenses shall be made to the commission and shall be issued to each applicant who meets the qualifications set forth in this Chapter and such rules established by the Board of Regents and regulations as are established by the commission in conformity therewith. On and after October 1, 1972, no course of instruction shall be established, offered or given, no diploma, degree, or other written evidence of proficiency or achievement shall be offered or awarded, and no student enrollment in such course of instructions shall be solicited through advertising, agents, mail circulars, or other means until the owner of the school planning to offer or offering such course of instruction, diplomas, or degrees has obtained a license; provided, however, that courses, classes, or programs in progress on October 1, 1971, may continue until completed.

* * *

D.

* * *

(2)(a) In the event approval or accreditation is withdrawn from the school, the owner shall immediately notify the Board of Regents of the withdrawal of accreditation or approval and shall file with the commission within ninety days thereafter all of the information required by Subsection C of this Section.

* * *

§3141.5. License; minimum standards; temporary licenses; duration of license; bond

A. No applicant shall be issued a license in this state until the Board of Regents has first determined that the school maintains

substantially the following minimum standards: — —

* * *

C. Each license shall be valid for one year from date of initial issuance, and thereafter for one year following the effective date of each annual renewal, or until revoked for cause by the Board of Regents. The effective date of the first annual license renewal shall be one year after the date of initial issuance, and thereafter one year after the effective date of the previous year's license renewal. Each application for license renewal must be received by the commission within the time period provided in R.S. 17:3141.4(B)(2). Each license shall be assigned a number and shall be displayed on the premises of an institution. No license shall be transferable and in the event of a change of ownership of the school, the license shall be revoked, and the new owner shall within ten days after the change of ownership apply for a license to operate the school. If the school is owned by a corporation, a change of ownership is deemed to occur when fifty percent, or more, of all types, in the aggregate, of the corporation's stock has been transferred to a person, or persons, other than the person, or persons, who were stockholders at the time the school license was issued.

D. Each application for a license shall be accompanied by a surety bond in the amount of ten thousand dollars or such equivalent security as the commission may accept. A bond shall be issued by a surety authorized to do business in this state and shall be filed with the commissioner of higher education. The term of the bond shall be continuous, but shall be subject to cancellation by the surety in the manner described in this Section. The bond shall provide blanket coverage for the acts of all persons engaged as agents of the school

without naming them and without regard to the time they are engaged during the term of the bond. Such bond shall provide for the indemnification of any person suffering loss or damage as a result of:

* * *

F.(1) The license shall be suspended by the Board of Regents for failure to pay fees or to submit updated information on changes in staff and school programs once each year, not less than thirty days prior to the expiration date of such license.

(2) In addition the license shall be suspended by the Board of Regents if the proprietary school is no longer covered by a surety bond as required by this Section; however, the commissioner of higher education shall cause said proprietary school to receive written notice of the suspension at least thirty days prior to the release of said surety to the effect that said license shall be suspended until a reinstatement licensure fee and another surety bond is filed. The surety bond shall be filed in the same manner and amount as required for the initial surety bond.

* * *

G. Notwithstanding the provisions of this Section, a proprietary school shall not be required to post the surety bond if the school does not require students to pay tuition for course study more than one month in advance, the school has been in continuous operation for at least five years, and the school has met all of the regulations of the Proprietary School Commission and rules established by the Board of Regents.

§3141.6. Denial of license; hearing

A. If the commission or the commissioner of higher education recommends the denial of a license, the commissioner of higher

education shall within five days thereafter so notify the applicant in writing. Any applicant who is aggrieved by a denial of a license may within fourteen days after receipt of notice of such denial file with the executive secretary of the commission a request for a hearing before the commission at its next regular meeting. If such a hearing is requested, then the matter shall not be presented to the Board of Regents until a hearing is held by the commission. At said hearing, the applicant may appear in person or by counsel and may present evidence in support of the granting of the license. Any interested person may appear and present oral and documentary evidence to the commission concerning the issuance of a license to the applicant. Strict rules of evidence shall not apply. The commission shall within seven days issue a statement giving reasons for its recommendation that a license be granted or denied. Pending the final determination of the issuance or denial of the license a school in operation as of July 31, 1972, may continue to operate.

B. If the Board of Regents receives a recommendation from the commission or the commissioner of higher education that a license be denied, then a hearing may be held at the time the Board of Regents considers the recommendation if the applicant notified the secretary of the Board of Regents, by registered mail prior to its meeting that he desires a public hearing. If the Board of Regents denies a license without a public hearing, then the applicant may at the next meeting of said board request such a hearing.

* * *

§3141.7. Court appeal

Any applicant for a license who is dissatisfied with the ruling of the Board of Regents after public hearing may file a written appeal to

the district court for the parish in which the applicant resides within ninety days after notice of the final determination of the Board of Regents. Written notice of the appeal shall be served on the presiding officer of the Board of Regents, stating the reasons therefor. The decision of the district court shall be final.

§3141.8. Revocation of license; causes; appeal; injunction; subpoena
power

A. The Board of Regents, after recommendation by the state commissioner of higher education or the commission, shall have the authority to suspend, revoke, or cancel any license issued by it or to place certain specified conditions upon the continued operation thereunder. A school with a suspended license may continue to teach those students currently enrolled in a course, but shall not enroll any new students. The suspension shall remain in effect until the deficiency causing the suspension has been removed. The commission shall report to the Board of Regents the name of any school whose license has been suspended. The Board of Regents shall notify the holder of the license of its decision to suspend, revoke, or cancel the license. At any time within thirty days prior to the revocation or conditioning of a license, the Board of Regents, upon request of the holder of the license, shall afford the holder an opportunity to be heard in person or by counsel. Strict rules of evidence shall not apply. Within thirty days prior to the date set for a hearing on such revocation or restriction, the Board of Regents shall notify in writing the holder of such license of the date and purpose of the hearing and assign therein the grounds for the action contemplated to be taken. Upon the favorable vote by at least two-thirds of the authorized membership of the board, the Board of Regents may revoke, cancel, suspend, or

restrict licensure for the following reasons:

(11) The filing of false information with the commission, the commissioner of higher education, or the Board of Regents by an owner of a school or by any holder of a license or a permit; or

B. The commission and the Board of Regents shall have the power of subpoena and the authority to bring before it any person in this state and to take testimony by deposition, in the same manner as prescribed by law in judicial proceedings in the courts of this state, or to require the production of any records relevant to any inquiry or hearing by the commission.

C. Any final decision or determination of the Board of Regents may be appealed to the district court in accordance with the procedure provided for in R.S. 17:3141.7.

§3141.9. Solicitor; permit required; fee; bond

A. No person shall sell any course of instruction or solicit students therefor in this state unless he first applies for and obtains a permit as a solicitor. The fee for each permit and each renewal thereof shall be one hundred dollars. If the solicitor represents more than one school, he shall obtain a separate permit for each school he represents. Upon approval of the application for a permit, the Board of Regents shall issue a permit in the form of a pocket card to the solicitor, giving his name, address, permit number, and the name and address of his employing school, and certifying that the person whose name appears on the card is an authorized solicitor of the school. Each permit shall be valid for one year from the date on which it is issued.

B. The application for a permit shall be made on forms which

shall be furnished by the commission, and shall be accompanied by a fee of five dollars and a surety bond acceptable to the board in the sum of one thousand dollars. Such bond shall be continuous. It shall be issued by a solvent surety authorized to do business in this state, shall be filed with the commissioner of higher education and shall be conditioned to provide indemnification to any student suffering loss as a result of any fraud or misrepresentation used by the permittee in procuring his enrollment. The bond may be supplied by a solicitor for a school or by the school itself as a blanket bond covering each of its agents in the amount of one thousand dollars. The liability of the surety on such bond for each solicitor covered shall not exceed the sum of one thousand dollars as an aggregate for all students for all breaches of the conditions of the bond by such solicitors. The surety of any such bond may cancel the same upon giving thirty days' notice in writing to the commission and upon giving such notice shall be relieved of liability for any breach of condition occurring after the effective date of said cancellation. Each application for renewal shall be accompanied by the fee of five dollars and a surety bond as provided in this Section.

* * *

§3141.11. Revocation of permit; causes; procedure

A. Any permit issued to a solicitor may be revoked by the Board of Regents if the holder of the permit solicits or enrolls students through fraud, deception, or misrepresentation, or upon a finding by the commission that the permit holder is not of good moral character.

B. The Board of Regents shall notify the holder of the permit in writing of its decision to revoke such permit. At any time within thirty days prior to such revocation, upon request of the solicitor, the

commission shall afford the solicitor an opportunity to be heard in person or by counsel. Strict rules of evidence shall not apply. On or before thirty days prior to the date set for the hearing, the commission shall notify the aggrieved solicitor of the date and purpose of the hearing and the grounds for the contemplated revocation of the permit. The action of the commission shall be determined by a vote of a majority of the members of the commission. Any final decision of the commission may be appealed to the Board of Regents.

* * *

§3141.14. Prohibited acts; penalty; injunctive relief

* * *

D. Whenever the commissioner of higher education or the commission has probable cause to believe that any owner of a proprietary school or any solicitor of the owner who sells or offers to sell any course of instruction has committed any of the acts prohibited by this Chapter, the commission or commissioner of higher education shall petition a court of competent jurisdiction for an injunction restraining the committing of such acts.

§3141.15. Degree granting status

A.(1) The Board of Regents shall approve or disapprove occupational degree proposals as submitted by eligible licensed postsecondary proprietary schools under its jurisdiction.

* * *

B.(1) Postsecondary proprietary schools shall be eligible for degree granting status for occupational degrees if they are:

(a) Licensed by the Board of Regents.

* * *

C.(1) The Board of Regents shall revoke the occupational degree

granting status of any postsecondary proprietary school which loses its accreditation as required in Subparagraph B(1)(c) of this Section.

* * *

§3141.16. Proprietary school student protection fund and program

A. There shall be established in the state treasury as a special permanent fund the Proprietary School Students Protection Fund, hereinafter referred to as the "Student Protection Fund". Following compliance with the requirements of Article VII, Section 9(B) of the constitution relative to the Bond Security and Redemption Fund, all monies generated pursuant to the provisions of R.S. 17:3141.16 shall be deposited into the Student Protection Fund, and monies in this fund shall be used solely to make refunds of unearned tuition as provided for by this Chapter. The monies in this fund shall be invested by the state treasurer in the same manner as for the state general fund and interest earned on the investment of these monies shall be credited to the Student Protection Fund. All unexpended and unencumbered monies in this fund at the end of a fiscal year shall remain in such fund and be available for expenditure in the next fiscal year. The legislature shall make yearly appropriations from the fund to the Board of Regents for the purposes of the proprietary school student protection program.

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B.

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(7) If an audit of tuition revenues conducted by the Board of Regents determines that a school has paid into the Proprietary School Student Protection Fund an amount less than was required, the school shall pay said amount required to the executive secretary of the Advisory Commission on Proprietary Schools within thirty days of receipt of written notice from the superintendent or his designee of the

amount of the underpayment.

(8) If an audit of tuition revenues conducted by the Board of Regents determines that a school has paid into the Proprietary School Student Protection Fund an amount more than was required, subsequent payment or payments by the school shall be appropriately credited by the commissioner of higher education or his designee until such credited payment or payments equal the amount of the overpayment.

C.(1) Forms developed and provided annually by the commissioner of higher education to calculate payments due the Student Protection Fund shall be completed by the school and submitted annually to the executive secretary of the Advisory Commission on Proprietary Schools. The school director or persons designated to sign on his behalf shall attest that the information provided is correct and complete.

* * *

D.

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(3) A school shall keep records of:

* * *

(e) Other such information as required by the Board of Regents by rule.

(4) These records shall be kept current and on file at the school and be available for inspection by the commissioner of higher education or his designee upon request. In the event of cessation of operation, these records shall be transferred to the commissioner of higher education within ten days of cessation of operation. In the event of seizure or confiscation of records by those legally authorized, a copy of all records of students affected by the cessation of operation shall be sent to the commissioner of higher education.

(5) A school shall inform its students in writing of their rights under the provisions governing the Student Protection Fund. Application for refund shall be made on forms provided by the commissioner of higher education after determination of cessation of operation of the school.

(6) A student in applying for refund under the provisions of this Section shall specify any and all sources and amounts of tuition which were paid on the student's behalf. The commissioner of higher education shall direct the executive secretary of the Advisory Commission on Proprietary Schools to pay pro rata refunds to the student or appropriate individuals or organizations which paid tuition on behalf of the student.

* * *

(10) In the event of the cessation of operation of any authorized school after July 1, 1999, the Board of Regents shall have the authority to authorize the seizure and sale at public auction of all unsecured assets of the school, with all proceeds to be deposited in the Proprietary School Student Protection Fund. Cessation of operation shall mean the cessation of all instructional and business operations directly related to the offering of education and training as authorized under the provisions of this Chapter, with no reasonable prospect of resuming operations.

E.(1) Any student enrolled in a proprietary school licensed under the provisions of R.S. 17:3141.4 through 3141.17, inclusive, who is unable to complete a course or unit of instruction at such school because of cessation of operation of the school and who has paid tuition for such course or unit of instruction, may make application to the commissioner of higher education for a refund of tuition from the

Student Protection Fund established pursuant to R.S. 17:3141.16 to the extent that such fund exists or has reached the level necessary to pay outstanding approved claims. Upon such application, the commissioner of higher education shall determine whether the applicant is unable to complete a course or unit of instruction because of the cessation of operation of the school to which tuition has been paid. The commissioner of higher education may summon by subpoena any person, records, or documents pertinent to the making of a determination regarding cessation of operation. If the commissioner of higher education finds that the applicant is entitled to a refund of tuition because of the cessation of operation of the school, the commissioner of higher education shall determine the amount of an appropriate refund which shall be equal to or a portion of the tuition paid for the uncompleted course or unit of instruction. Thereafter, if the commissioner of higher education determines that the surety bond or other school financial resources are inadequate to repay the obligation, the commissioner of higher education shall direct the executive secretary of the Advisory Commission on Proprietary Schools to pay the refund to the applicant or persons, agencies, or organizations indicated by the applicant who has paid tuition on the student's behalf. If the student is a minor, payment shall be made to the student's parent, parents, or legal guardian.

(2) Each recipient of a tuition refund made in accordance with the provisions of this Section shall assign all rights to the state of any action against the school or its owner or owners for tuition amounts reimbursed pursuant to this Section. Upon such assignment, the Board of Regents may take appropriate action against the school or its owner or owners in order to reimburse the Student Protection Fund for any

expenses or claims that are paid from the fund and to reimburse the state for the reasonable and necessary expenses in undertaking such action.

F. The Board of Regents shall adopt necessary rules and regulations based on recommendations from the Advisory Commission on Proprietary Schools providing for the cessation of payments into the Student Protection Fund by schools licensed under the provisions of this Chapter upon the fund balance reaching a minimum of one million dollars and for the resumption of payments into the fund whenever the fund balance is less than one million dollars.

~~§3141.17. Administration~~

A. All funds collected from proprietary schools licensed under the provisions of this Chapter, except payments made to the Student Protection Fund, shall be used exclusively for implementing and otherwise administering the provisions of this Chapter. The Board of Regents shall make an annual accounting to the Advisory Commission on Proprietary Schools of all funds collected and all expenditures made under the provisions of this Chapter.

B. There shall be within the Board of Regents employee positions assigned to implement and otherwise administer the provisions of this Chapter. The duties and responsibilities of such employees shall be determined by the commissioner of higher education, subject to the approval of the Board of Regents, but shall include responsibility for all administrative, clerical, legal, and financial matters associated with the licensing, monitoring, and evaluation of proprietary schools governed by the provisions of this Chapter and with the operation of the Advisory Commission on Proprietary Schools.

§3141.18. Investigation ~~of complaints; hearings; administrative enforcement; judicial review~~

A. Based on information gathered from its investigation of complaints as provided for in R.S. 17:3141.3(D)(2)(b), the Board of Regents shall determine whether a violation has occurred. The board shall send a notice of the violation to the school or to the solicitor specifying the standard violated, the remedy proposed, and the procedure by which an administrative hearing may be requested.

B. For purposes of an investigation or hearing, the department may administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any records which the department deems relevant or material to the investigation or hearing.

C. In the event that a party fails or refuses to obey a subpoena or to comply with a request for information, the Board of Regents may make application to the Nineteenth Judicial District Court, which shall have jurisdiction to issue an order requiring the party involved to appear before the department, to produce evidence, or to give testimony touching on the matter under consideration. Any failure to obey such an order of the court may be punished by the court as a contempt thereof.

D. Following an opportunity for a hearing, the Board of Regents shall transmit its findings to the commission. The commission shall review the findings of the board and shall render a written decision. The commission shall consider the record of proceedings conducted before the board and may accept, reject, or modify the recommendations of the board and may provide for corrective action including but not limited to restitution orders and fines, which fines

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shall not exceed five hundred dollars per violation. The commission shall submit any such written decisions to the board.

E. Any party aggrieved by any decision or order of the commission or Board of Regents may seek judicial review in accordance with the provisions of the Administrative Procedure Act.

* * *

§3141.19. Transition from the State Board of Elementary and Secondary Education to the Board of Regents

Any obligations incurred by the State Board of Elementary and Secondary Education and the state Department of Education prior to July 1, 1999 in any respect regarding the Proprietary School Commission or any aspect of providing for the licensing and regulation of proprietary schools shall be preserved and discharged by the Board of Regents. The Board of Regents shall act as successor to the State Board of Elementary and Secondary Education and the state Department of Education in all respects insofar as such obligations exist. Further, all books, papers, records, money and other property owned, possessed, controlled, or used by the State Board of Elementary and Secondary Education and the state Department of Education in the exercise of their functions relating to proprietary schools are hereby transferred to the Board of Regents. All employees heretofore engaged in the exercise of the function of the State Board of Elementary and Secondary Education or the state Department of Education relating to proprietary schools shall, insofar as practicable, continue as employees of the Board of Regents, subject to Board of Regents approval, and shall retain all rights, privileges, and benefits enjoyed by each under the State Board of Elementary and Secondary Education and the state Department of Education.

§3201. Application of Chapter

A. Except as otherwise specifically provided in this Chapter, the provisions of this Chapter shall apply in the same manner and to the same extent to the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College, the Board of Supervisors of Southern University and Agricultural and Mechanical College, the Board of Trustees for State Colleges and Universities, the Board of Supervisors of Community and Technical Colleges, and any other board vested with the supervision and management of institutions of postsecondary education hereafter created.

B.(1) Except as otherwise provided by law for employees of public institutions predominantly or exclusively providing vocational-technical educational programs, the provisions of this Chapter shall apply in the same manner and to the same extent to the institutions and the employees thereof that are under the management of the Board of Supervisors of Community and Technical Colleges as such provisions apply to those institutions and the employees thereof under the management of the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College, and the Board of Supervisors of Southern University and Agricultural and Mechanical College, the Board of Trustees for State Colleges and Universities.

(2) A student, faculty member, or other employee of an institution of higher education transferred from another management board to the Board of Supervisors of Community and Technical Colleges shall retain all previously earned benefits provided by law, rule, or regulation and shall continue to earn such benefits as provided by law, rule, or regulation prior to the transfer and, if otherwise

qualified, shall be eligible for any additional benefits as may be provided for such student, faculty member, or other employee by law, rule, or regulation.

§3202. Definitions

Unless the context otherwise clearly indicates, the following words shall have the meaning hereinafter ascribed to each:

(1) "Board" or "boards" means the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College, the Board of Supervisors of Southern University and Agricultural and Mechanical College, the Board of Trustees for State Colleges and Universities, and the Board of Supervisors of Community and Technical Colleges, or any of these boards.

(2) "Community college" means any postsecondary institution which offers an associate academic degree as well as vocational-technical and other educational programs, but which is not approved to offer a baccalaureate degree.

(3) "Postsecondary education system" or "system" means and refers to the programs and institutions under the jurisdiction of the respective management boards for postsecondary education created by or under authority of the Constitution of 1974.

* * *

§3217. University of Louisiana system

The University of Louisiana system is composed of the institutions under the supervision and management of the Board of Trustees for State Colleges and Universities as follows:

- (1) Grambling State University at Grambling.
- (2) Louisiana Tech University at Ruston.
- (3) McNeese State University at Lake Charles.

- (4) Nicholls State University at Thibodaux.
- (5) Northeast Louisiana University at Monroe.
- (6) Northwestern State University of Louisiana at Natchitoches.
- (7) Southeastern Louisiana University at Hammond.
- (8) University of Southwestern Louisiana at Lafayette.
- (9) Any other college, university, school, institution or program

now or hereafter under the supervision and management of the Board of Trustees for State Colleges and Universities.

§3217.1. Board of Supervisors of Community and Technical Colleges system; assignment of institutions

A. The Louisiana Community and Technical College System is

composed of the institutions under the supervision and management of the Board of Supervisors of Community and Technical Colleges as follows:

- (1) Delgado Community College.
- (2) Elaine P. Nunez Community College.
- (3) South Louisiana Community College.
- (4) River Parishes Community College.
- (5) Louisiana Delta Community College.
- (6) Bossier Parish Community College in Bossier Parish.
- (7) Baton Rouge Community College
- (8) All public postsecondary technical colleges which provide

vocational-technical education.

(9) Any other community college, technical college, or other institution or program now or hereafter under the supervision and management of the Board of Supervisors of Community and Technical Colleges.

B. The transfer of any institution of higher education to the

Louisiana Community and Technical College System effected by this Section on July 1, 1999 shall not change the mission of or adversely affect the accreditation of such institution.

§3217.2. Orleans Regional Technical Institute, merger with Delgado Community College

A.(1) Effective July 1, 1997, the Orleans Regional Technical Institute is hereby merged with Delgado Community College in the University of Louisiana system and on this date the funds, property, obligations, programs, and functions of the Orleans Regional Technical Institute are transferred from the State Board of Elementary and Secondary Education to and hereby are vested in the Board of Trustees for State Colleges and Universities.

(2) Effective July 1, 1999, Delgado Community College as provided for in Paragraph (1) of this Subsection is transferred to the Louisiana Community and Technical College System under the management of the Board of Supervisors of Community and Technical Colleges.

B.(1) Any student enrolled in a program of study at the Orleans Regional Technical Institute at the time of the merger with Delgado Community College shall be permitted to complete such program of study at no greater cost or conditions than those applicable to the student prior to the merger.

(2) Any person employed at the Orleans Regional Technical Institute on the date of merger with Delgado Community College shall have the right to be retained in his position pursuant to the same policies and conditions applicable to such person prior to the merger. The Board of Trustees for State Colleges and Universities shall conduct a careful and deliberate review of the programs and employees at the

former technical institute and provide for an employee transition that is consistent with the mission of Delgado Community College and that provides opportunities for an employee to have a role at the community college at least equivalent to his position prior to the merger. Such opportunities shall include but not be limited to providing such additional training or professional development, or both, at no cost to the employee as is necessary to prepare the employee to undertake his role at the community college subsequent to the transfer. After July 1, 1999, the Board of Supervisors of Community and Technical Colleges shall continue the policies established by the Board of Trustees for State Colleges and Universities as provided in this Paragraph.

(3) ~~A student, faculty member, or other employee of the~~ technical institute on the date of the merger with Delgado Community College shall be entitled to and eligible for all benefits provided by law, rule, or regulation for students, faculty, and employees, respectively, of other public two-year institutions of higher education in the University of Louisiana system and, after July 1, 1999, the Louisiana Community and Technical College System.

(4) The Division of Occupational Studies at Delgado Community College shall be headed by a dean. The dean of the division initially shall be the individual serving as the director of the Orleans Regional Technical Institute on the date of merger with Delgado Community College. All occupational programs at Delgado Community College shall be under the Division of Occupational Studies. The dean of occupational studies, under the supervision of the Board of Supervisors of Community and Technical Colleges, shall have the authority to maintain the same vocational technical curriculum as all other technical colleges in the state.

C. Prior to July 1, 1997, the Board of Trustees for State Colleges and Universities shall conduct an independent audit of the Orleans Regional Technical Institute to establish the assets, liabilities, and fund balances of the institute.

D. Notwithstanding any provision of law to the contrary, Delgado Community College shall give preference in the operation of vending stands, vending machines, and other concessions operated on its premises and on the premises of the former technical institute to blind persons pursuant to programs for such persons administered by the Department of Social Services. Additionally, no other vending stands, vending machines, or other concessions shall be operated on the same premises as the vending stands, vending machines, and other concessions given preference by this Subsection. No blind person shall be required to pay any fee, service charge, or other cost to operate any vending stand, vending machine, or other concession on the premises of Delgado Community College or on the premises of the former technical institute and no blind person operating such a vending stand, vending machine, or other concession on such premises shall be adversely impacted in any way in the operation of such stand, machine, or concession without reasonable or just cause.

E. The Board of Supervisors of Community and Technical Colleges shall submit a written report to the House Committee on Education and the Senate Committee on Education by not later than December 31, 1998, on the effects of the transfer of the Orleans Regional Technical Institute. The report shall compare the program with the program prior to the transfer with particular emphasis on access by students to occupational training programs compared to such access prior to transfer, including statistics relative to student

applications, admissions, and admission refusals.

§3218. Authority of system boards

The corporate authority, internal and otherwise, vested in the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College, the Board of Supervisors of Southern University, the Board of Supervisors of Community and Technical Colleges and the Board of Trustees for State Colleges and Universities to supervise and manage the systems under the jurisdiction of each, extends to all the colleges and universities, branches, centers of learning, or extensions of such systems now existing or hereafter established.

§3219. Domicile of boards

The domicile of the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College, the Board of Supervisors of Southern University and Agricultural and Mechanical College, the Board of Trustees for State Colleges and Universities, and the Board of Supervisors of Community and Technical Colleges shall be in East Baton Rouge Parish, and the location shall not be changed except by statute.

§3220. Purposes

The college, technical, community colleges, and university systems are established and maintained to serve the educational needs of the people of the state.

* * *

§3222. Community college; East Baton Rouge Parish; management and operation

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B. The community college established in Subsection A of this

Section shall be under the control, supervision, and management of the Board of Supervisors of Community and Technical Colleges. The community college shall have such operating authority and limitations as is determined by the board.

The provisions of this Section are intended to undertake compliance with the pertinent portions of the settlement agreement entered into by the parties on November 14, 1994 to *United States of America v. State of Louisiana, et al.*, Civil Action No. 80-3300, United States District Court for the Eastern District.

§3223. South Louisiana Community College; creation, management, and operation

A. Pursuant to the duty and responsibility placed with the legislature by Article VIII, Section 1 of the Constitution of Louisiana to establish and maintain a public educational system and the authority granted the legislature by Article VIII, Section 5(D)(3) to create a new institution by law enacted by two-thirds of the elected members of each house, the South Louisiana Community College in Lafayette Parish is hereby created and established as a comprehensive, multi-campus, public two-year institution of higher education. The institution and its programs shall be managed and supervised by the Board of Supervisors of Community and Technical Colleges, subject to the appropriate approval of and oversight by the Board of Regents.

B. The Board of Regents and the Board of Supervisors of Community and Technical Colleges shall adopt necessary rules and regulations to implement the provisions of this Section. Such rules and regulations shall include but not be limited to the following guidelines, procedures, and requirements:

* * *

(2) The primary service delivery area of the community college shall be comprised of the parishes of Acadia, Evangeline, Iberia, Lafayette, St. Landry, St. Martin, St. Mary, and Vermilion. Campuses or sites may be established in each of these parishes using public technical college facilities whenever possible. The institution shall be domiciled in Lafayette Parish. T. H. Harris Technical College in Opelousas shall serve as the site for the college campus in St. Landry Parish. If space is available, the technical college in each parish shall be the primary site for the vocational component of the community college. If space is available, the academic component may be offered at the technical college site in each parish. Where the primary service delivery area overlaps with the service area developed by the Board of Regents for Louisiana State University at Eunice, the Board of Supervisors of Community and Technical Colleges shall work in close cooperation with the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College, officials at Louisiana State University at Eunice, and the Board of Regents to minimize unnecessary duplication of programs and services.

* * *

C. The Board of Supervisors of Community and Technical Colleges may appoint an advisory board made up of two members of the State Board of Elementary and Secondary Education who reside in the South Louisiana Community College primary service delivery area, two members of the Board of Supervisors of Community and Technical Colleges, and local community representatives from business and labor. The Louisiana Community and Technical Colleges president, the state superintendent of education, the commissioner of higher education, and the president of South Louisiana Community College shall serve as ex

officio members.

D. The Board of Supervisors of Community and Technical Colleges and the Board of Regents shall work closely with the Commission on Colleges of the Southern Association of Colleges and Schools for accreditation. The institution shall be structured so as to fully satisfy all requirements of the Southern Association of Colleges and Schools to assure accreditation.

§3223.1. Louisiana Technical College--Teche Area Campus, transfer to Board of Trustees for State Colleges and Universities, merger with South Louisiana Community College

A.(1) Effective July 1, 1998, the funds, property, obligations, programs, and functions of the Louisiana Technical College--Teche Area Campus are transferred from the State Board of Elementary and Secondary Education to and hereby are vested in the Board of Trustees for State Colleges and Universities.

(2) Effective July 1, 1998, and thereafter, the Board of Trustees for State Colleges and Universities shall supervise and manage the affairs of the technical college. No action shall be taken as a result of the transfer of Louisiana Technical College--Teche Area Campus to the Board of Trustees for State Colleges and Universities that adversely affects the accreditation of the technical college.

B.(1) Any student enrolled in a program of study at the Louisiana Technical College--Teche Area Campus at the time of the transfer to the Board of Trustees for State Colleges and Universities shall be permitted to complete such program of study at no greater cost or conditions than those applicable to the student prior to the transfer.

(2) Any person employed at the Louisiana Technical College--Teche Area Campus on the date of transfer to the Board of Trustees for

State Colleges and Universities shall have the right to be retained in his position pursuant to the same policies and conditions applicable to such person prior to the transfer. The Board of Trustees for State Colleges and Universities shall conduct a careful and deliberate review of the programs and employees at the technical college and provide for an employee transition that is consistent with the mission of the technical college and that provides opportunities for an employee to have a role at the technical college under the supervision and management of the Board of Trustees for State Colleges and Universities at least equivalent to his position prior to the transfer. Such opportunities shall include but not be limited to providing such additional training or professional development, or both, at no cost to the employee as is necessary to prepare the employee to undertake his role at the technical college subsequent to the transfer.

C.(1) Upon certification by the commissioner of higher education that South Louisiana Community College has been appropriately accredited, the Board of Trustees for State Colleges and Universities may merge Louisiana Technical College--Teche Area Campus with South Louisiana Community College in the University of Louisiana System.

(2) A student, faculty member, or other employee of the Louisiana Technical College--Teche Area Campus on the date of the merger with South Louisiana Community College shall be entitled to and eligible for all benefits provided by law, rule, or regulation for students, faculty, and employees, respectively, of other public community colleges in the University of Louisiana System.

§3223.2. Louisiana Technical College--Teche Area Campus, transfer to Board of Supervisors of Community and Technical

Colleges, conditions

If not merged with South Louisiana Community College as provided for by R.S. 17:3223.1(C), effective July 1, 1999, the funds, property, obligations, programs, and functions of the Louisiana Technical College--Teche Area Campus are transferred from the Board of Trustees for State Colleges and Universities to and hereby are vested in the Board of Supervisors of Community and Technical Colleges. Effective July 1, 1999, and thereafter, the Board of Supervisors of Community and Technical Colleges shall supervise and manage the affairs of the technical college.

§3224. River Parishes Community College; creation; administration and operation

* * *

C. The River Parishes Community College shall be under the direction of a president and under the supervision of the Board of Supervisors of Community and Technical Colleges.

* * *

§3225. Louisiana Delta Community College; creation

The Louisiana Delta Community College is hereby created in the area of the Monroe Regional Planning and Economic Development District as a comprehensive, two-year institution of higher education as part of the Louisiana Community and Technical College system under the management of the Board of Supervisors of Community and Technical Colleges. Such community college shall offer classes at appropriate satellite locations, including in East Carroll Parish.

§3226. Learning Center, Jefferson Parish; authorization

A. The Board of Regents is hereby authorized to create a learning center as a consortium of existing institutions of higher

education under the management of the Board of Supervisors of Community and Technical Colleges to provide a comprehensive offering of college courses in Jefferson Parish with two locations. One location shall be at or near the geographic center of the portion of the parish on the east bank of the Mississippi River and one shall be at or near the geographic center of the portion of the parish on the west bank of the Mississippi River.

B. The Board of Trustees for State Colleges and Universities or the Board of Supervisors of Community and Technical Colleges, in cooperation with the Board of Regents, shall take such action as necessary to establish a means of awarding certificates and academic and occupational degrees in Jefferson Parish using the instructional resources of existing institutions. Courses which lead to such certificates and academic or occupational degrees shall be offered no later than the Fall semester of 1998.

§3227. Learning centers; duplicate courses or programs

No learning center of an existing institution of higher education or a consortium of existing institutions of higher education authorized to provide offerings of college courses which is located within five miles of an existing community college campus shall offer any course or program which duplicates a course or program offered at that community college campus.

* * *

§3301. Organization of postsecondary systems

A.(1) The organization of each postsecondary system and of each postsecondary institution within each system shall be determined by its board.

(2) Notwithstanding the provisions of Paragraph (1) of this

Subsection, the Louisiana Community and Technical College System shall be comprised of two divisions, the vocational-technical division which shall include all public postsecondary vocational-technical schools and the community college division which shall include the community colleges in the system.

* * *

§3302. President of a postsecondary system; appointment; salary

A.(1) There shall be a president of each postsecondary system, who shall be the executive officer of the postsecondary system and shall serve as secretary to the board and its executive committee and standing and special committees. He shall be appointed by the board, subject to confirmation by the Board of Regents. He shall serve at the pleasure of the appointing board. His salary shall be fixed by and recorded in the proceedings of the board.

* * *

B. Except as herein otherwise provided and subject to the control and supervision of the board, each president or chief administrative officer shall be responsible to the board for the conduct of the affairs of the postsecondary system. He shall execute and enforce all of the decisions, orders, rules and regulations of the board with respect to the conduct of the postsecondary system.

* * *

§3351. General powers, duties, and functions of college and university boards

A. Subject only to the powers of the Board of Regents specifically enumerated in Article VIII, Section 5 of the Constitution of Louisiana, and as otherwise provided by law, each postsecondary system management board as a body corporate shall have authority to

exercise power necessary to supervise and manage the institutions of postsecondary education under its control, including but not limited to the following:

* * *

§3351.1. Technology fee; authority to assess; use of proceeds

A.(1) The Board of Supervisors of Louisiana State University and Agricultural and Mechanical College, the Board of Trustees for State Colleges and Universities, the Board of Supervisors of Community and Technical Colleges, and the Board of Supervisors of Southern University and Agricultural and Mechanical College, each may provide, by the favorable vote of two-thirds of the members of the respective board, for the assessment of a student technology fee at the institutions of postsecondary education under their respective supervision and management. The student technology fee shall be five dollars per course credit hour.

* * *

§3381. Transportation for college students; transportation for other students subject to restrictions; authority to establish and collect bus transportation fees

A. A city or parish school board may enter into contracts with individuals, partnerships, or corporations domiciled in this state to furnish transportation to students attending any university, college or junior college under the supervision and management of the Board of Trustees for State Colleges and Universities, the Board of Supervisors of the Louisiana State University and Agricultural and Mechanical College, the Board of Supervisors of Community and Technical Colleges, or the Board of Supervisors of Southern University and Agricultural and Mechanical College, or may furnish such

transportation themselves, and pay for the same in the manner provided for defraying other expenses. Students receiving transportation may be charged a bus transportation fee in an amount not to exceed the actual cost of providing the transportation service. A school board shall establish such fees and shall provide for their collection.

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§3387. Bus transportation to and from postsecondary institutions; authority of postsecondary institutions including vocational-technical schools to contract; payment of costs

A. Any university, college, postsecondary vocational-technical school, or junior college under the supervision and management of the Board of Trustees for State Colleges and Universities, the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College, the Board of Supervisors of Community and Technical Colleges, or the Board of Supervisors of Southern University and Agricultural and Mechanical College may enter into contracts with individuals, partnerships, or corporations domiciled in this state to furnish bus transportation to students attending the respective institution.

* * *

C. The direct costs of providing such transportation, including salaries and expenses of bus operators, shall be borne by the individual institutions and the costs shall be paid out of student fees assessed to those students who use such transportation. The management boards may provide for the establishment and collection of fees to cover the cost of such transportation or a portion of such cost.

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§3801. Louisiana Education Quality Trust Fund

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C.

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(3) The treasurer shall disburse not more than fifty percent of the monies in the Support Fund as that money is appropriated by the legislature and allocated by the Board of Regents for any or all of the following higher educational purposes to enhance economic development:

* * *

(c) The enhancement of the quality of academic, research or ~~agricultural departments or units within a community college, college, or university.~~ These funds shall not be used for athletic purposes or programs.

* * *

(4) The treasurer shall disburse not more than fifty percent of the monies in the Support Fund as that money is appropriated by the legislature and allocated by the State Board of Elementary and Secondary Education for any or all of the following elementary and secondary educational purposes:

(a) To provide compensation to city or parish school board professional instructional employees.

(b) To insure an adequate supply of superior textbooks, library books, equipment, and other instructional materials.

(c) To fund exemplary programs in elementary, secondary, or vocational-technical schools designed to improve elementary and secondary student academic achievement, or vocational-technical skill.

(d) To fund carefully defined research efforts, including pilot

programs, designed to improve elementary and secondary student academic achievement.

(e) To fund summer school remediation programs and preschool programs.

(f) To fund the teaching of foreign languages in elementary and secondary schools.

(g) To fund an adequate supply of teachers by providing scholarships or stipends to prospective teachers in academic areas where there is a critical teacher shortage.

D. The monies appropriated by the legislature and disbursed from the Support Fund shall not displace, replace, or supplant appropriations from the general fund for the purposes of implementing the Minimum Foundation Program or displace, replace, or supplant funding for higher education. For higher education, this Subsection shall mean that no appropriation for any fiscal year from the Support Fund shall be made for any higher education purpose for which a general fund appropriation was made the previous year unless the total appropriations for that fiscal year from the state general fund for higher education exceed general fund appropriations for higher education for the previous year. This Subsection shall in no way limit general fund appropriations in excess of the minimum amounts herein established.

* * *

F. In lieu of the appropriation or allocation of funds from the Louisiana Quality Education Support Fund, the legislature shall appropriate annually for vocational-technical education purposes the amount of three million four hundred thousand dollars.

§3802. Appropriations; procedure; limitation; administration

A.(1) Consistent with the provisions of the constitution, the

legislature shall appropriate the total amount of the funds in the Louisiana Quality Education Support Fund, hereinafter referred to as the "support fund", intended for higher educational purposes to the Board of Regents and the total amount intended for elementary and secondary educational purposes to the State Board of Elementary and Secondary Education itemized by program or other recipient purpose. Such itemization shall occur in both the executive budget and in the general appropriation bill and, except as otherwise provided by the constitution, budget and appropriation functions shall be conducted as provided by law. Passage of the general appropriation bill shall constitute legislative approval of the programs or purposes to which money is appropriated.

* * *

Section 2. R.S. 49:1101(B)(2)(a) is hereby amended and reenacted to read as follows:

§1101. Naming state statutory entities, agencies, departments, offices,
or budget units

* * *

B.(1)

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(2)(a) Notwithstanding the provisions of Subsection C of this Section, the Board of Regents, or its successor, shall change the name of any university designated in R.S. 17:3217 (1) through (9) to the "University of Louisiana at (its geographic location)" or its current name provided said name change is requested by the chief executive officer of the university, which, provided all requirements of this Paragraph have been complied with, shall be approved by both the Board of Trustees for State Colleges and Universities and the Board of Regents. Any such name change shall in no way affect the status of

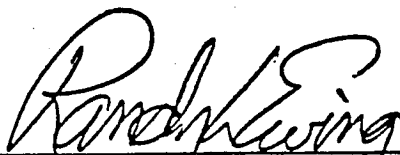
SB NO. 2

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Louisiana State University and Agricultural and Mechanical College as the premier flagship university for the state.

Section 3. R.S. 17:7(10), (13), and (17), 1992, 2005.2, 2006, 2007, 2010, 2011, 2012, 2013, 3141.2(11), 3301(D), and 3801(E)(3) are hereby repealed.

Section 4. The provisions of R.S. 17:3223.1 as enacted by this Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided in Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, the provisions of R.S. 17:3223.1 as enacted by this Act shall become effective on the day following such approval. All other provisions of this Act shall be effective July 1, 1999 if the constitutional amendment proposing to create the Board of Supervisors of Community and Technical Colleges proposed in Senate Bill No. 1 by Senator Dardenne and introduced in the First Extraordinary Session of 1998 becomes effective.



PRESIDENT OF THE SENATE



SPEAKER OF THE HOUSE OF REPRESENTATIVES



GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: 5/7/98 