

Regular Session, 2010

**ACT No. 525**

HOUSE BILL NO. 709

BY REPRESENTATIVES BROSSETT, CARTER, CONNICK, HAZEL, HINES,  
HUTTER, MICHAEL JACKSON, LAFONTA, LEGER, LIGI, MILLS,  
RICHMOND, STIAES, AND WILLMOTT

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AN ACT

To amend and reenact R.S. 11:701(33)(c), the heading of Part II-B of Chapter 8 of Title 17 of the Louisiana Revised Statutes of 1950, R.S. 17:1970.21, 1970.22(1) and (2), 1970.23(A), 1970.24(A), (B)(1)(a) through (c) and (2)(a), (C), (E)(1)(b), (d), (i), (m), and (n) and (2)(f), 1970.25(A), 1970.26(A)(2)(b), (B)(2), and (C)(1)(introductory paragraph) and (2), and 1970.27(B), R.S. 36:651(D)(8), and R.S. 42:1111(A)(3), relative to the New Orleans Center for the Creative Arts/Riverfront; to provide with respect to legislative intent; to provide relative to the center's placement as a state agency in the Department of Education; to provide for a change in the center's name; to provide relative to student eligibility, board membership, terms, powers, duties, and faculty; to provide relative to funding; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 11:701(33)(c) is hereby amended and reenacted to read as follows:

§701. Definitions

As used in this Chapter, the following words and phrases have the meaning ascribed to them in this Section unless a different meaning is plainly required by the context:

\* \* \*

(33)

\* \* \*

(c) "Teacher" shall include all nonclassified employees of the state who are administrators, faculty members, and other professional employees at the New Orleans Center for Creative Arts/Riverfront: Arts.

\* \* \*

1 Section 2. The heading of Part II-B of Chapter 8 of Title 17 of the Louisiana Revised  
2 Statutes of 1950, R.S. 17:1970.21, 1970.22(1) and (2), 1970.23(A), 1970.24(A), (B)(1)(a)  
3 through (c) and (2)(a), (C), (E)(1)(b), (d), (i), (m), and (n) and (2)(f), 1970.25(A),  
4 1970.26(A)(2)(b), (B)(2), and (C)(1)(introductory paragraph) and (2), and 1970.27(B) are  
5 hereby amended and reenacted to read as follows:

6 PART II-B. NEW ORLEANS CENTER FOR CREATIVE

7 ARTS/RIVERFRONT ARTS

8 §1970.21. Legislative intent

9 It is the intention of the legislature to enrich the cultural life of Louisiana, to  
10 honor the history and past contribution of the state to the creative and performing  
11 arts, and to provide continuing opportunities for the development of young artists by  
12 preserving and enlarging a program for providing professional training to high  
13 school students by reorganizing the program as a state agency. ~~It is intended that the~~  
14 ~~center shall be established pursuant to a joint agreement between the state and the~~  
15 ~~Orleans Parish School Board in which the school board, for a nominal annual~~  
16 ~~amount, leases to the state the property upon which the state facility in which the~~  
17 ~~programs of the center are operated by the Orleans Parish School Board prior to July~~  
18 ~~1, 2000. It is intended that the center result from the transition of the creative arts~~  
19 ~~programs incubated by the Orleans Parish School Board for high school sophomores,~~  
20 ~~juniors, and seniors to the state-supported center.~~ It is intended that the state shall  
21 make use of the facility in a manner consistent with the history, traditions, goals, and  
22 principles of the New Orleans Center of for Creative Arts as it existed prior to July  
23 1, 2000. It is intended that the center be dedicated to providing professional quality  
24 opportunities for training, coaching, and performing for those students who aspire  
25 to be artists, performers, and arts technicians and who have demonstrated an aptitude  
26 for such work. It is intended that the center also act as a center to provide expanded  
27 opportunities for the community to experience and appreciate excellence in the  
28 creative arts.

1 §1970.22. Definitions

2 As used in this Part, the following words, terms, and phrases shall have the  
3 meanings ascribed to them in this Section, except when the context clearly indicates  
4 a different meaning:

5 (1) "Board" means the Board of Directors of the New Orleans Center for  
6 Creative ~~Arts/Riverfront~~ Arts.

7 (2) "Center" means the New Orleans Center for Creative ~~Arts/Riverfront~~  
8 Arts.

9 \* \* \*

10 §1970.23. New Orleans Center for Creative ~~Arts/Riverfront~~ Arts; creation;  
11 ~~location; purpose; governance; relationship with the Orleans Parish School~~  
12 ~~Board~~

13 A. There is hereby created the New Orleans Center for the Creative  
14 ~~Arts/Riverfront~~ Arts which shall be a state center primarily for the training of high  
15 school ~~sophomores, juniors, and seniors~~ students operated in a facility owned by the  
16 state which was designed and built to house a program of professional quality  
17 training, coaching, and performing for students who aspire to be artists, performers,  
18 and arts technicians, ~~which is located on land leased to the state by the Orleans~~  
19 ~~Parish School Board for such a purpose.~~ The center shall ~~be operated primarily as~~  
20 ~~a regional facility~~ provide for the enrollment of qualified students from the parishes  
21 of Orleans, Jefferson, Lafourche, Plaquemines, St. Bernard, St. Charles, ~~St. John the~~  
22 ~~Baptist, St. Tammany, Tangipahoa, and Terrebonne.~~ state of Louisiana. The center  
23 shall begin operation as a state center as provided in this Part beginning July 1, 2000.  
24 The center shall be an agency of state government ~~in the state Department of~~  
25 ~~Education as provided in R.S. 36:801-4~~ and shall be ~~except as otherwise provided in~~  
26 ~~this Part~~, independent of the control of the state superintendent and of all local and  
27 state education boards, ~~except its~~ the New Orleans Center for the Creative Arts board  
28 of directors.

29 \* \* \*

- 1 §1970.24. Board of directors; creation; membership; terms; powers and duties;  
 2 voting; compensation
- 3 A. There is hereby created a New Orleans Center for Creative  
 4 ~~Arts/Riverfront Board of Directors~~ Arts board of directors to govern and provide for  
 5 the management of the center.
- 6 B.(1) The board of directors shall be composed of thirteen persons as  
 7 follows:
- 8 (a)(i) ~~Two persons Effective until June 30, 2012, two members~~ appointed by  
 9 the ~~the Board of Directors~~, whose terms shall expire on June 30, 2012.
- 10 (ii) Effective July 1, 2012, and thereafter, two members as follows:
- 11 (aa) One member appointed by the ~~the Board of Directors~~ He may  
 12 be replaced by resolution of the school board.
- 13 (bb) The state superintendent of education.
- 14 (b)(i) ~~Three persons Effective until June 30, 2010, two members~~ appointed  
 15 by the ~~the Board of Directors~~ neither of whom is serving as the vice president of the board upon  
 16 the effective date of this Act and at least one of whom shall be a member of a  
 17 minority racial group in the state, whose terms shall expire on June 30, 2010.
- 18 (ii) Effective July 1, 2010, and thereafter, two members appointed by the  
 19 ~~the Board of Directors~~, at least one of whom shall be a member of a minority racial group in the  
 20 state.
- 21 (iii)(aa) Effective until June 30, 2012, one person appointed by the ~~the Board of Directors~~  
 22 and serving as the vice president of the board upon the effective date of this Act,  
 23 whose term shall expire on June 30, 2012.
- 24 (bb) Effective July 1, 2012, and thereafter, one person appointed by the  
 25 ~~the Board of Directors~~ who shall be from ~~the Board of Directors~~
- 26 (c) Six persons shall be appointed by the governor from among nominees for  
 27 such appointment as follows:
- 28 (i)(aa) One person Effective until June 30, 2010, one member from among  
 29 nominees submitted by the ~~the Board of Directors~~ and identified by him  
 30 ~~the Board of Directors~~, whose term shall expire on June 30, 2010.

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(bb) Effective July 1, 2010, and thereafter, one member from among nominees submitted by the [REDACTED]

(ii)(aa) One person Effective until June 30, 2012, one member from among nominees [REDACTED] by the [REDACTED] as [REDACTED] acting jointly either personally or by a person designated from among their most senior university colleagues, or by one such president or his designee for one term alternated with the other presidents or their designees for subsequent terms, as decided by them jointly, whose term shall expire on June 30, 2012.

(bb) Effective July 1, 2012, and thereafter, one member from among nominees [REDACTED] as [REDACTED] acting jointly either personally or by a person designated from among their most senior university colleagues, or by one such president or his designee for one term alternated with the other presidents or their designees for subsequent terms, as decided by them jointly.

(iii)(aa) Two persons Effective until June 30, 2012, two members from among nominees submitted by the [REDACTED] whose terms shall expire on June 30, 2012.

(bb) Effective July 1, 2012, and thereafter, two members from among nominees submitted by the [REDACTED]

(iv)(aa) Two persons Effective until June 30, 2010, two members from among nominees submitted by the [REDACTED] association of the New Orleans Center for Creative Arts/Riverfront Arts as decided by such organizations, whose terms shall expire on June 30, 2010.

(bb) Effective July 1, 2010, and thereafter, two members as follows:

(I) One member from among nominees submitted by the [REDACTED] as at least a half-time faculty member.

(II) One member who is an [REDACTED] selected from among nominees submitted by the president/chief executive officer of the center.

\* \* \*

CODING: Words in struck through type are deletions from existing law; words underscored are additions.

1 (2)(a) Each set of nominees shall contain ranked nominations and not less  
 2 than twice the number of nominees as there are positions to be filled on the board by  
 3 appointment from among them.

4 \* \* \*

5 C.(1) Except as otherwise provided for ~~the initial members~~, all board  
 6 members shall serve a four-year term and may be reappointed subject to the  
 7 nomination process.

8 (2) The ~~term~~ successor of each ~~initial~~ member shall ~~expire on June 30, 2004,~~  
 9 ~~regardless of when originally appointed:~~ be appointed in the same manner as his  
 10 predecessor unless otherwise provided.

11 (3) Members of the board shall continue to serve until replaced.

12 \* \* \*

13 E.(1) The board shall perform or direct the performance of all of the  
 14 following in compliance with the provisions of this Part, including the expression of  
 15 the intentions of the legislature:

16 \* \* \*

17 (b) ~~Establish uniform~~ Monitor criteria to be used in determining the  
 18 eligibility of applicants for enrollment.

19 \* \* \*

20 (d) ~~Transfer or employ faculty, staff, and center administrators.~~ Hire and  
 21 evaluate the president or chief executive officer to manage the center.

22 \* \* \*

23 (i) Notwithstanding any provisions of law to the contrary, prescribe the  
 24 qualifications and provide for the ~~regular and ancillary~~ certification of ~~academic~~  
 25 ~~teachers, and artist teachers.~~ Such qualifications for ~~academic faculty members shall~~  
 26 ~~initially be subject to approval by the state board, and thereafter, any changes in such~~  
 27 ~~qualifications shall be subject to approval by the state board.~~

28 \* \* \*

29 (m) Adopt rules, regulations, and policies necessary to establish a grievance  
 30 procedure that shall guarantee a fair hearing and a fair and objective resolution of

1 complaints on grievances by any nonclassified employee by the president or chief  
2 executive officer and, if necessary, the board.

3 (n) Applicable to nonclassified employees of the New Orleans Center for  
4 ~~Creative Arts/Riverfront Arts~~ Arts who were employed by the Orleans Parish School  
5 Board at the New Orleans Center for the Creative Arts prior to July 1, 2000, provide  
6 for the availability of health insurance coverage and benefits that result in no  
7 diminishment of coverage or benefits over the health insurance coverage and benefits  
8 available to such employees as Orleans Parish school employees at the time of the  
9 transfer or provide sufficient additional salary to compensate for any diminishment.

10 \* \* \*

11 (2) The board may:

12 \* \* \*

13 (f) Award certificates for successful completion of programs of study. All  
14 such certificates shall be in addition to a regular high school diploma which shall be  
15 issued by the state board in accordance with the provisions of R.S. 17:6(11) to any  
16 student who successfully completes the program of study adopted by the state board.  
17 The center may grant a state-issued high school diploma to any student who  
18 successfully meets minimum high school graduation requirements as established by  
19 the state board.

20 \* \* \*

21 §1970.25. Eligibility of students; auditions

22 A. The center shall primarily admit high school ~~sophomores, juniors, and~~  
23 ~~seniors~~ students.

24 \* \* \*

25 §1970.26. Administration, faculty, staff; classification status; benefits

26 A.

27 \* \* \*

28 (2)

29 \* \* \*

1 (b) Any classified employee who was an employee of the Orleans Parish  
2 School Board at the New Orleans Center for Creative Arts prior to July 1, 2000, who  
3 continues as an employee of the New Orleans Center for Creative ~~Arts/Riverfront~~  
4 Arts beginning July 1, 2000, may, by not later than October 1, 2000, elect to continue  
5 as a member of the retirement system of which he was a member prior to July 1,  
6 2000. Such election shall be in writing and a copy shall be provided to both the  
7 Louisiana State Employees' Retirement System and the system in which he is  
8 electing to continue as a member. If no such election is made, the employee shall  
9 be a member of the Louisiana State Employees' Retirement System.

10 B.

11 \* \* \*

12 (2) Any employee of the New Orleans Center for the Creative  
13 ~~Arts/Riverfront~~ Arts as established in this Part who was employed by the Orleans  
14 Parish School Board at the New Orleans Center for the Creative Arts prior to July  
15 1, 2000, shall be permitted, at the recommendation of the primary center  
16 administrator, to transfer to the employment of the Board of Directors of the New  
17 Orleans Center for the Creative ~~Arts/Riverfront~~ and will be compensated using a  
18 ~~salary scale similar to the one used at the Louisiana School for Math, Science and the~~  
19 ~~Arts.~~ Arts.

20 C.(1) The following laws may be made applicable to any nonclassified  
21 employee and shall be applicable to each nonclassified employee of the New Orleans  
22 Center for Creative ~~Arts/Riverfront~~ Arts who was employed by the Orleans Parish  
23 School Board at the New Orleans Center for the Creative Arts prior to July 1, 2000,  
24 to the same degree as such provisions apply generally and subject to revision by law:

25 \* \* \*

26 (2) Notwithstanding the provisions of Subparagraphs (b) through (g) of  
27 Paragraph (1) of this Subsection, policies and provisions regarding leave for center  
28 administrators shall be determined by the ~~board:~~ board, including the annual  
29 calendar.



1 §1970.27. Funding; acceptance of other funds

2 \* \* \*

3 B. Nothing in this ~~Part~~ Section shall be so construed as to prohibit or prevent  
4 the board of directors of the center from accepting federal funds or monies from any  
5 corporation or other private contributor for use in establishing center facilities,  
6 operating the center, maintaining the center, or providing programs by the center.

7 Section 3. R.S. 36:651(D)(8) is hereby amended and reenacted to read as follows:

8 §651. Transfer of boards, commissions, departments, and agencies to Department  
9 of Education; boards, commissions, and agencies within Department of  
10 Education

11 \* \* \*

12 D. The following agencies, as defined by R.S. 36:3, are transferred to and  
13 hereafter shall be within the Department of Education as provided in R.S. 36:801.1:

14 \* \* \*

15 (8) The New Orleans Center for Creative ~~Arts/Riverfront~~ Arts and its board  
16 of directors (R.S. 17:1970.21-1970.27).

17 \* \* \*

18 Section 4. R.S. 42:1111(A)(3) is hereby amended and reenacted as follows:

19 §1111. Payment from nonpublic sources

20 A.

21 \* \* \*

22 (3) Any supplementary compensation or benefits provided to a member of  
23 the faculty, administration, or staff of the New Orleans Center for Creative  
24 ~~Arts/Riverfront~~ Arts from funds or property accruing to the benefit of the center  
25 pursuant to the approval of the board of directors for use as provided in R.S.  
26 17:1970.27 through a foundation organized to support the center which is chartered  
27 specifically to provide aid to the center in a philanthropic manner shall be deemed  
28 for purposes of this Subsection as a supplement to his compensation to which he is  
29 duly entitled. Such a supplement shall not, however, be considered as regular

1 compensation from his governmental employer nor shall it form any basis for  
2 governmentally supported benefits.

3 \* \* \*

4 Section 5. This Act shall become effective upon signature by the governor or, if not  
5 signed by the governor, upon expiration of the time for bills to become law without signature  
6 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
7 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
8 effective on the day following such approval.

\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_