Frequently Asked Questions: St. George School System

By: Liz Smith, J.D., Senior Vice President for Economic Competitiveness

A majority of voters in St. George have elected to form a new city in East Baton Rouge Parish. It’s widely known that the effort to create this city originated in concerns about public schools. St. George leaders have said that activity to create public schools for the city won’t start for another two to three years, and many questions about the formation of a school system remain. Here, BRAC attempts to answer some of them.

Question: Now that St. George has a vote to become a city, does it automatically have the authority to create a school system?
Answer: No. The Louisiana Constitution invests the power to create school systems in the state legislature, stating, “The legislature shall provide for the education of the people of the state and shall establish and maintain a public-educational system” (Art. VIII, Sec. 1).

Question: Since the legislature must create a new school system, what kind of legislation is required?
Answer: Both an amendment to the Louisiana Constitution and a change to the Revised Statutes are required.

Question: What amendment to the Louisiana Constitution is necessary?
Answer: Louisiana’s Constitution recognizes every existing school district, either by reference to those districts that existed when the Constitution was ratified in 1974, or specifically via amendments that were made later (Art. VIII, Sections 10(A), 10(B), and 13(D) (I)). This recognition grants the districts with certain authorities, including the authority to collect a share of Minimum Foundation Program funding, and to levy and collect local taxes for the support of elementary and secondary education.

Question: What vote is needed to pass the required Constitutional Amendment?
Answer: This change to the Constitution will require: 1) a vote of two-thirds of each house of the Louisiana Legislature; 2) a majority of voters across the state, and; 3) a majority of voters in East Baton Rouge Parish (Art. XIII, Sec. 1(C)). A two-thirds vote is a high legislative hurdle for a bill, and is the same percentage required for a tax increase. The governor is not given an opportunity to veto constitutional amendments. Typically, constitutional amendments must only pass a majority statewide vote. An amendment to create a St. George School District, however, would trigger a special provision of the Constitution, which states, “A proposed amendment directly affecting not more than five parishes or areas within not more than five parishes shall become part of this constitution only when approved by a majority of the electors voting thereon in the state and also a majority of the electors voting thereon in each affected parish.” If the amendment fails to pass in either the statewide or East Baton Rouge-wide vote, it will fail in its entirety.

Question: What change to the Revised Statutes is needed?
Answer: Legislation will need to address several items but may address several more. At minimum, the legislation will: 1) define the geographic location of the school district; 2) set out the changes that will be
made to the make-up of the existing East Baton Rouge Parish School Board to reflect the loss of jurisdiction over the area in the new school district; and, 3) set out the make-up and election of the new district’s board and interim board. Any change to the Revised Statutes will require a majority vote of both houses of the Louisiana legislature. It will be subject to gubernatorial veto, meaning the governor must sign it, or allow it to become law without signature.

However, St. George leaders may seek to skip this step. The early proponents of St. George successfully made a change to the Revised Statutes in 2013, with Senator Mack “Bodi” White’s Senate Bill No. 199, or Act 295, which created the Southeast Baton Rouge Community School System (Southeast School System). The Southeast School System legislation established the district’s boundaries, provided for its board, and made changes to the makeup of the EBR School System board. It also spoke to facilities and property, taxes, student services, funding, and payment to the EBR School System for retiree costs. The Act is not in effect today because companion legislation (a constitutional amendment) failed to gain the required two-thirds majority in both houses.

It’s critically important to note that the geographic area of the Southeast School System is not the same as the geographic area of St. George. The boundaries of the Southeast School System include all the area between I-10 and I-12 from the point where they meet in the west to and along the Amite River in the east, and to and along Bayou Manchac in the south. These boundaries encompass a greater number of EBR School System schools than do the boundaries of St. George. There are six traditional EBR School System campuses located in St. George, but EBR residents should be aware that the Southeast School System boundaries encompass 10 traditional EBR schools.

Question: Must a school district created to serve St. George have the same boundaries as the city?
Answer: No. For instance, the boundaries of Zachary Community Schools includes territory outside the City of Zachary, whereas the Baker School District aligns with the City of Baker. When Zachary broke off, its school district fully encapsulated some EBR School System attendance zones, which some argued made it easier for the remaining EBR School System to adapt than did the Baker break off that covered only the Baker city limits. Because the Zachary break off area included whole attendance zones, very few students actually changed schools when the campuses moved from EBR to Zachary control. The existing legislation creating the Southeast School System defines a geographic area that is different than that of St. George, and encompass a greater number of EBR School System schools than do the boundaries of St. George.

Question: Which EBR School System campuses fall within St. George? Which fall within the Southeast School System?
Answer: There are currently six traditional EBR schools that fall within St. George: 1) Woodlawn Elementary School; 2) Woodlawn Middle School; 3) Woodlawn High School; 4) Jefferson Terrace Elementary School (soon to be replaced with Jefferson Terrace Academy); 5) Shenandoah Elementary School; and, 6) Westminster Elementary School. There is also one EBR-authorized charter school located in the area: BASIS Baton Rouge.

The Southeast School System’s boundaries include four more schools than St. George: 1) Cedarcrest Elementary School; 2) Southeast Middle School; 3) Parkview Elementary School, and; 4) Wedgewood Elementary School.

Question: Has any of this happened before?
Answer: Yes. Several school districts have been created this way. In East Baton Rouge Parish, municipal school districts were created for the cities of Baker, Zachary, and Central in 1995, 1999, and 2006, respectively (Art. VIII, Sec. 13(D)(1)).
**Question:** Do the public schools in St. George transfer over to a St. George School District, if one is created?

**Answer:** Yes, the property owned by the EBR School System, but located in a St. George District, would transfer. Louisiana Revised Statutes Title 17, Section 100.6 states, “all lands, buildings and improvements, facilities, and other property having title vested in the public and subject to management, administration, and control by a parish school board for public education purposes but located within the geographic boundaries of a public school board created by the legislature after January 1, 1995, shall be managed, administered, and controlled by the public school board in whose geographic boundaries the lands, buildings and improvements, facilities, or other property is located, effective on the date such school board begins its initial year of actual operation...”

The land and building occupied by the BASIS Baton Rouge charter school are not owned by the EBR School System.

**Question:** What revenue currently goes to the EBR School System?

**Answer:** The EBR School Board collects property and sales taxes locally, as well as state Minimum Foundation Program money and federal funds. The local property tax is 43.45 mills, and the sales taxes are 2 percent. Half of the sales taxes are dedicated to facilities, discipline, and salaries. In the 2016-2017 school year, revenue per student to EBR Schools was $7,144 from local taxes, $4,327 from the MFP, and $1,712 from federal sources, for a total of $13,183 per student. Each of these figures will change, either up or down, with the creation of a St. George School District.

When the Southeast Community School System was created via Act 295 of 2013, it included provision for a “Legacy Benefit Trust Fund” into which an amount of money would be deposited, using a per-pupil formula or actuarial estimate, to contribute to retirement costs for which the EBR School System is obligated. Further, the legislation also envisioned payments for bonded indebtedness for new facilities or other construction done by the EBR School System in the area that would become a St. George District.

The legislation anticipates three types of payments: 1) debt service paid on construction completed on EBR School facilities within the boundaries of the Southeast School District in the year before the Southeast School System begins operation; 2) post-employment benefits paid by the EBR School System for any employee that leaves EBR and is hired by the Southeast School System, and; 3) a deposit into the “Legacy Benefit Trust Fund” calculated by multiplying:

a) the number of students who leave the EBR School System to enroll in the Southeast School System; and

b) the per-pupil formula used to calculate the amount of state funds that go to EBR Schools for education of the students attending Recovery School District schools in EBR Parish.

**Question:** What other financial considerations are at play?

**Answer:** Part of operating any government entity is taking on responsibility for public debts. The EBR School System has an obligation to pay for post-retirement healthcare and pensions incurred for former teachers and other school personnel. It also has an obligation to pay for any bonded indebtedness that it has taken on for the benefit of the students in the system. The percentage of total revenue that will come off the top to pay for these legacy costs will only go up as the total revenue to the district goes down.

**Question:** Will a St. George District have an obligation to contribute to the legacy costs?

**Answer:** Possibly. When Baker, Zachary, and Central broke away, their new school districts did not take on an obligation to contribute to legacy costs. In the case of St. George, the number of students expected to be pulled away is larger, meaning the anticipated impact is also larger.
The legislation also states that if an actuarial study determines that the funds deposited in the Trust are sufficient to pay the costs of the legacy benefits due to a proportionate share of EBR School System retirees who retired before the effective date of the Act (2013), then no further deposits will be made by the Southeast School District. It is unclear whether the formulae used to determine these payments would provide adequate funding to pay a proportionate share of the legacy costs and bonded indebtedness, but what is clear is that proponents of the new school system did envision sharing in some portion of the legacy costs.

This issue is something that likely would be part of negotiations around any legislation creating a St. George School District, or amendments made to the existing Southeast School System law. Unlike the legacy cost negotiation that happened between St. George proponents and the EBR City-Parish, the EBR School System has not yet had an opportunity to work on a compromise around these types of obligations.

**Question:** If the aim of a St. George School System is increased local control of schools in St. George, is creating a school district the only way?

**Answer:** No. Louisiana’s charter school laws are another avenue by which to increase local control. Charter schools are authorized by school districts, but run by non-profit boards. Under Louisiana law, a variety of groups may form a non-profit to apply for a charter, as long as that group includes at least three certified teachers. Among others, these qualified groups include: ten or more citizens; a business or corporate entity registered to do business in Louisiana; or the faculty and staff of any city or parish public school or any local school board.

Louisiana law also allows for existing public schools to be converted into charter schools, as long as a majority of both parents and certified teachers of the existing school vote in favor of the conversion.

St. George leaders have engaged in a grassroots effort to advance creation of a city. Turning that same energy to the creation of new charter schools in St. George, or the conversion to charter of existing schools in St. George, could be an alternate course to achieve the local control of schools that St. George proponents seek.