2017 Regular Session

HOUSE BILL NO. 130

BY REPRESENTATIVE DEVILLIER

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

STUDENTS: Provides that economically disadvantaged students shall be included as a factor for purposes of teacher evaluations and requirements for enrollment of at-risk students in charter schools

1	AN ACT
2	To amend and reenact R.S. 17:3882(4) through (7), 3902(B)(5), 3991(B)(1)(a)(i) and (b)(i),
3	and 3997(D)(2), to enact R.S. 17:3882(8) and 3973(4), and to repeal R.S. 17:3973(1),
4	relative to students; to provide that economically disadvantaged students shall be
5	included as a factor in determining teacher evaluations and requirements for
6	enrollment of at-risk students in certain charter schools; to remove references to
7	students eligible for free and reduced price meals as factors used in such teacher
8	evaluations and charter school enrollment requirements; and to provide for related
9	matters.
10	Be it enacted by the Legislature of Louisiana:
11	Section 1. R.S. 17:3882(4) through (7), 3902(B)(5), 3991(B)(1)(a)(i) and (b)(i), and
12	3997(D)(2) are hereby amended and reenacted and R.S. 17:3882(8) and 3973(4) are hereby
13	enacted to read as follows:
14	§3882. Definitions.
15	For the purposes of this Part, the following definitions shall apply:
16	* * *
17	(4) "Economic disadvantage" means any one of the following characteristics
18	of a student:

1	(a) Is eligible for Louisiana's food assistance program for low-income
2	families.
3	(b) Is eligible for Louisiana's disaster food assistance program.
4	(c) Is eligible for Louisiana's program for assistance to needy families with
5	children to assist parents in becoming self-sufficient.
6	(d) Is eligible for Louisiana's healthcare program for families and individuals
7	with limited financial resources.
8	(e) Is eligible for reduced price meals based on the latest available data.
9	(f) Is an English Language Learner.
10	(g) Is identified as homeless or migrant pursuant to the McKinney-Vento
11	Homeless Children and Youth Assistance Act and the Migrant Education Program
12	within the Elementary and Secondary Education Act.
13	(h) Is incarcerated with the office of juvenile justice or in an adult facility.
14	(i) Has been placed into the custody of the state.
15	(4) (5) "Evaluation" means the process by which a local board monitors the
16	continuing performance of its teachers and administrators.
17	(5) (6) "Local board" means a city, parish, or other local public school board.
18	(6) (7) "Performance expectations" means the elements of effective
19	leadership approved by the board that shall be included as evaluation criteria for all
20	building-level administrators.
21	(7) (8) "Teacher" or "Administrator" means any person whose employment
22	requires professional certification issued under the rules of the board.
23	* * *
24	§3902. Evaluation program; process
25	* * *
26	B. The elements of evaluation and standards for effectiveness shall be
27	defined by the board pursuant to rules and regulations promulgated for such purpose.

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contain the following elements:

Such rules and regulations shall require that, at a minimum, local evaluation plans

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4 (5) Measure of effectiveness. Fifty percent of such evaluations shall be 5 based on evidence of growth in student achievement as determined by the board. 6 Data derived from a value-added assessment model, as determined by the state 7 board, shall be a factor in determining evidence of student growth for grade levels 8 and subjects for which value-added data is available and shall comprise thirty-five 9 percent of the overall evaluation. For grade levels and subjects for which value-10 added data is not available and for personnel for whom value-added data is not 11 available, the board shall establish measures of student growth. The model shall take 12 into account important student factors, including but not limited to special education, 13 eligibility for free or reduced price meals economic disadvantage, student 14 attendance, and student discipline. However, neither the value-added model nor the 15 measures of student growth for grade levels and subjects for which value-added data 16 are not available shall, in any given year, include a test score or data of a student who 17 has ten or more unexcused absences in any school semester in that year. The state 18 board shall develop and adopt a policy to invalidate such student growth data for any 19 teacher for any school year in which there is a natural disaster or any other 20 unexpected event that results in the temporary closure of the school. 21 22 §3973. Definitions 23 As used in this Chapter, the following words, terms, and phrases shall have 24 the meanings ascribed to them in this Section except when the context clearly 25 indicates a different meaning: 26

27 (4) "Economically disadvantaged" means any one of the following
28 <u>characteristics of a student:</u>

Page 3 of 8

1	(a) Is eligible for Louisiana's food assistance program for low-income
2	families.
3	(b) Is eligible for Louisiana's disaster food assistance program.
4	(c) Is eligible for Louisiana's program for assistance to needy families with
5	children to assist parents in becoming self-sufficient.
6	(d) Is eligible for Louisiana's healthcare program for families and individuals
7	with limited financial resources.
8	(e) Is eligible for reduced price meals based on the latest available data.
9	(f) Is an English Language Learner.
10	(g) Is identified as homeless or migrant pursuant to the McKinney-Vento
11	Homeless Children and Youth Assistance Act and the Migrant Education Program
12	within the Elementary and Secondary Education Act.
13	(h) Is incarcerated with the office of juvenile justice or in an adult facility.
14	(i) Has been placed into the custody of the state.
15	* * *
16	§3991. Charter schools; requirements; limitations; renewal; amendment; revocation
17	* * *
18	B. Each proposed charter shall contain or make provision for the following:
19	(1)(a)(i) That for Type 1 and Type 2 charter schools created as new schools;
20	and charter schools created as a result of a conversion after the 2011-2012 school
21	year, the percentage of the total number of pupils students enrolled in the charter
22	school based on the October first pupil student membership who are at-risk, in the
23	manner provided in R.S. 17:3973(1)(a) and (e), economically disadvantaged and
24	students with exceptionalities as defined in R.S. 17:1942, not including gifted and
25	talented, shall be equal to not less than eighty-five percent of the average percentage
26	of pupils students enrolled in the local public school districts from which the charter
27	school enrolls its students who are eligible to participate in the federal free and
28	reduced lunch program economically disadvantaged, and shall be equal to not less
29	than eighty-five percent of the average percentage of pupils students enrolled in the

Page 4 of 8

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

1	local public school districts from which the charter school enrolls its students who
2	have been identified as a student with an exceptionality as defined in R.S. 17:1942,
3	not including gifted and talented. The remaining number of pupils enrolled in the
4	charter school which would be required to have the same percentage of at-risk pupils
5	as the percentage of pupils in the district who are eligible to participate in the federal
6	free and reduced cost lunch program or who have been identified as a student with
7	an exceptionality as defined in R.S. 17:1942, not including gifted and talented, may
8	be comprised of pupils who are at-risk as is otherwise provided in R.S. 17:3973(1).
9	For the purposes of fulfilling the provisions of this Section, the at-risk economically
10	disadvantaged and students with exceptionalities percentage for the city or parish
11	school system local public school district shall remain fixed during the term of the
12	approved charter at the percentage which existed during the school year that the
13	charter proposal was approved, unless otherwise specified in the charter that the
15	enarcer proposal was approved, amos outerwise spectree in the enarcer that the
14	charter school will reflect the current year's at-risk percentage. or renewed.
14	charter school will reflect the current year's at-risk percentage. or renewed.
14 15	charter school will reflect the current year's at-risk percentage. or renewed.
14 15 16	charter school will reflect the current year's at-risk percentage. <u>or renewed.</u> * * * * (b)(i) That for Type 2 charter schools created as a result of a conversion ,
14 15 16 17	charter school will reflect the current year's at-risk percentage: <u>or renewed.</u> * * * (b)(i) That for Type 2 charter schools created as a result of a conversion , Type 3 and Type 4 charter schools, <u>during or prior to the 2011-2012 school year</u> , the
14 15 16 17 18	charter school will reflect the current year's at-risk percentage. <u>or renewed.</u> * * * * (b)(i) That for Type 2 charter schools created as a result of a conversion , Type 3 and Type 4 charter schools, <u>during or prior to the 2011-2012 school year</u> , the percentage of the total number of pupils <u>students</u> enrolled in the charter school based
14 15 16 17 18 19	charter school will reflect the current year's at-risk percentage. <u>or renewed.</u> * * * * (b)(i) That for Type 2 charter schools created as a result of a conversion , Type 3 and Type 4 charter schools, <u>during or prior to the 2011-2012 school year</u>, the percentage of the total number of pupils <u>students</u> enrolled in the charter school based on the October first pupil <u>student</u> membership who are at-risk, in the manner
14 15 16 17 18 19 20	charter school will reflect the current year's at-risk percentage. <u>or renewed.</u> * * * * (b)(i) That for Type 2 charter schools created as a result of a conversion; Type 3 and Type 4 charter schools, <u>during or prior to the 2011-2012 school year</u> , the percentage of the total number of pupils <u>students</u> enrolled in the charter school based on the October first pupil <u>student</u> membership who are at-risk , in the manner provided in R.S. 17:3973(1)(a) and (e), <u>economically disadvantaged and students</u>
14 15 16 17 18 19 20 21	charter school will reflect the current year's at-risk percentage. or renewed. * * * * (b)(i) That for Type 2 charter schools created as a result of a conversion; Type 3 and Type 4 charter schools; during or prior to the 2011-2012 school year, the percentage of the total number of pupils students enrolled in the charter school based on the October first pupil student membership who are at-risk, in the manner provided in R.S. 17:3973(1)(a) and (e); economically disadvantaged and students with exceptionalities as defined in R.S. 17:1942, not including gifted and talented,
14 15 16 17 18 19 20 21 22	charter school will reflect the current year's at-risk percentage. or renewed. * * * * (b)(i) That for Type 2 charter schools created as a result of a conversion; Type 3 and Type 4 charter schools, during or prior to the 2011-2012 school year, the percentage of the total number of pupils students enrolled in the charter school based on the October first pupil student membership who are at-risk, in the manner provided in R.S. 17:3973(1)(a) and (e), economically disadvantaged and students with exceptionalities as defined in R.S. 17:1942, not including gifted and talented, unless otherwise agreed to as part of the charter agreement, by the chartering
14 15 16 17 18 19 20 21 22 23	charter school will reflect the current year's at-risk percentage. <u>or renewed</u> . * * * (b)(i) That for Type 2 charter schools created as a result of a conversion; Type 3 and Type 4 charter schools, <u>during or prior to the 2011-2012 school year</u> , the percentage of the total number of pupils <u>students</u> enrolled in the charter school based on the October first pupil <u>student</u> membership who are at-risk , in the manner provided in R.S. 17:3973(1)(a) and (c) , <u>economically disadvantaged and students</u> <u>with exceptionalities as defined in R.S. 17:1942</u> , not including gifted and talented, unless otherwise agreed to as part of the charter agreement, by the chartering authority, shall be equal to not less than the percentage of the total of pupils <u>students</u>

1	percentage of the total of pupils students enrolled in the school in the school year
2	prior to the establishment of the charter school who were identified as a student with
3	an exceptionality as defined in R.S. 17:1942, not including gifted and talented.
4	* * *
5	§3997. Charter school employees
6	* * *
7	D.
8	* * *
9	(2) Fifty percent of each teacher and administrator evaluation conducted
10	pursuant to Paragraph (1) of this Subsection shall be based on evidence of growth in
11	student achievement as determined by the state board. Data derived from a value-
12	added assessment model, as determined by the state board, shall be a factor in
13	determining evidence of student growth for grade levels and subjects for which
14	value-added data is available and shall comprise thirty-five percent of the overall
15	evaluation. For grade levels and subjects for which value-added data is not
16	available, the state board shall establish measures of student growth. The model
17	shall take into account important student factors, including but not limited to special
18	education, eligibility for free or reduced price meals economic disadvantage, student
19	attendance, and student discipline. The state board shall develop and adopt a policy
20	to invalidate such student growth data for any teacher for any school year in which
21	there is a natural disaster or any other unexpected event that results in the temporary
22	closure of the school.
23	* * *
24	Section 2. R.S. 17:3973(1) is hereby repealed in its entirety.

Page 6 of 8

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 130 Reengrossed2017 Regular SessionDeVillier

Abstract: Changes references to certain students <u>from</u> those who are eligible for free and reduced price meals to students who are economically disadvantaged for purposes of teacher evaluation and charter school enrollment; defines economically disadvantaged.

<u>Present law</u> (R.S. 17:3902(B)(5) and 3997(D)(2)) relative to teacher evaluations, provides for the use of a value-added assessment model to determine evidence of student growth as a basis for such evaluations. Provides that the model take into account certain student factors, including but not limited to special education, eligibility for free or reduced price meals, student attendance, and student discipline. <u>Proposed law</u> changes references to certain students from those who are eligible for free or reduced price meals to students who are economically disadvantaged as defined in proposed law. Otherwise retains present law.

<u>Present law</u> (R.S. 17:3973(1)(a) and 3991(B)(1)(a)(i) and (b)(i)) relative to requirements for enrollment of at-risk students in charter schools, provides that a student who is eligible to participate in the federal free or reduced lunch program is an at-risk student for purposes of <u>present law</u>. Provides specific requirements for enrollment of at-risk students (by reason of being eligible to participate in the federal free and reduced lunch program) in Type 1 and Type 2 charter schools created as new schools, Type 2 schools created as a result of a conversion, Type 3, and Type 4 schools. <u>Proposed law</u> changes references to certain students from those who are eligible for free or reduced price meals and at-risk students to students who are economically disadvantaged as defined in proposed law.

<u>Proposed law</u> defines an economically disadvantaged student as a student who meets any one of the following characteristics:

- (1) Is eligible for La.'s food assistance program for low-income families.
- (2) Is eligible for La.'s disaster food assistance program.
- (3) Is eligible for La.'s program for assistance to needy families with children to assist parents in becoming self-sufficient.
- (4) Is eligible for La.'s healthcare program for families and individuals with limited financial resources.
- (5) Is eligible for reduced price meals based on the latest available data.
- (6) Is an English Language Learner.
- (7) Is identified as homeless or migrant pursuant to the McKinney-Vento Homeless Children and Youth Assistance Act and the Migrant Education Program within the Elementary and Secondary Education Act.
- (8) Is incarcerated with the Office of Juvenile Justice or in an adult facility.
- (9) Has been placed into the custody of the state.

<u>Proposed law</u> applies the enrollment requirements to charter schools created as conversions before, during, or after the 2011-2012 school year instead of the types of charter schools specified in <u>present law</u>. Otherwise retains <u>present law</u>.

(Amends R.S. 17:3882(4) - (7), 3902(B)(5), 3991(B)(1)(a)(i) and (b)(i), and 3997(D)(2); Adds R.S. 17:3882(8) and 3973(4); Repeals R.S. 17:3973(1))

Summary of Amendments Adopted by House

- The Committee Amendments Proposed by <u>House Committee on Education</u> to the <u>original</u> bill:
- 1. Define "economically disadvantaged" for purposes of <u>present law</u> and <u>proposed</u> <u>law</u> relative to charter school enrollment.
- 2. Remove requirement that BESE determine the students who are economically disadvantaged for purposes of charter school enrollment.
- 3. Change applicability of charter school enrollment requirements to charter schools created as conversions before, during, or after the 2011-2012 school year instead of to the types of charter schools specified in present law.
- 4. Remove <u>present law</u> definition of "at-risk" student relative to charter schools.

The House Floor Amendments to the engrossed bill:

- 1. Define "economic disadvantage" for purposes of <u>present law</u> and <u>proposed law</u> relative to teacher evaluation.
- 2. Remove requirement that BESE determine the students who are economically disadvantaged for purposes of teacher evaluation.
- 3. Delete requirement that BESE ensure that the indicators used to determine and identify economically disadvantaged students are substantially the same as those used to certify student eligibility for free and reduced price meals.