

2024 Regular Session

HOUSE BILL NO. 708

BY REPRESENTATIVE FREIBERG

SCHOOLS/CHARTER: Removes requirements that charter schools meet a certain threshold with respect to the number of students with exceptionalities and economically disadvantaged students relative to its total student enrollment

1 AN ACT

2 To amend and reenact R.S. 17:3973(2)(b)(v)(aa), 3983(F)(1), 3991(B)(3), (6), and (7),

3 (C)(1)(a), (b), and (c)(i) and (iii), and (E)(6), and 3991.1(E)(2) and to repeal R.S.

4 17:3991(B)(1), relative to charter schools; to remove the requirement that charter

5 schools meet a certain threshold with respect to the number of students with

6 exceptionalities and economically disadvantaged students relative to their total

7 student enrollment; to provide relative to charter school proposals and applications;

8 to provide relative to admissions lotteries; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 17:3973(2)(b)(v)(aa), 3983(F)(1), 3991(B)(3), (6), and (7), (C)(1)(a),

11 (b), and (c)(i) and (iii), and (E)(6), and 3991.1(E)(2) are hereby amended and reenacted to

12 read as follows:

13 §3973. Definitions

14 As used in this Chapter, the following terms have the following meanings

15 unless the context clearly indicates otherwise:

16 (2)

17 * * *

1 (b) Charter schools shall be one of the following types:

2 * * *

3 (v)(aa) Type 5, which means a preexisting public school transferred to the
4 Recovery School District as a school determined to be failing pursuant to R.S.
5 17:10.5 or 10.7 and operated as the result of and pursuant to a charter between a
6 nonprofit corporation and the State Board of Elementary and Secondary Education.
7 The chartering authority shall review each Type 5 charter proposal in compliance
8 with the Principles and Standards for Quality Charter School Authorizing as
9 promulgated by the National Association of Charter School Authorizers. Except as
10 otherwise provided in R.S. 17:10.7 or 1990, ~~and notwithstanding the provisions of~~
11 ~~R.S. 17:3991(B)(1)~~; within such Type 5 charter school, only pupils who would have
12 been eligible to enroll in or attend the preexisting school under the jurisdiction of the
13 city, parish, or other local public school board or other public school entity prior to
14 its transfer to the Recovery School District may attend. However, all such pupils
15 shall be eligible to attend notwithstanding any other provision of this Chapter to the
16 contrary.

17 * * *

18 §3983. Chartering process by type; eligibility; limitations; faculty approval; parental
19 approval

20 * * *

21 F. As it relates to Type 5 charters:

22 (1) The limitations specified in ~~R.S. 17:3991(B)(1) and (3)~~ R.S.
23 17:3991(B)(3) and the provisions of Subparagraphs (A)(3)(a) and (4)(b) and (e) and
24 Subsections C and D of this Section shall not apply to or limit or restrict the number
25 of such charters.

26 * * *

27 §3991. Charter schools; requirements; limitations; renewal; amendment; revocation;
28 board membership

29 * * *

1 B. Each proposed charter shall contain or make provision for the following:

2 * * *

3 (3) Admission requirements, if any, that are consistent with the school's role,
4 scope, and mission may be established pursuant to rules promulgated by the state
5 board. Such admission requirements shall be specific and shall include a system for
6 admission decisions which precludes exclusion of pupils based on race, religion,
7 gender, ethnicity, national origin, intelligence level as ascertained by an intelligence
8 quotient examination, ~~or identification as a student with an exceptionality as defined~~
9 in R.S. 17:1942(B), or identification as a student who is economically disadvantaged.

10 Such admission requirements may include, however, specific requirements related
11 to a school's mission such as auditions for schools with a performing arts mission or
12 proficiency in a foreign language for schools with a language immersion mission.
13 Any school which was chartered prior to July 1, 2012, and which incorporated
14 achievement of a certain academic record as part of its admission requirements may
15 continue to use such admission requirements. No local board shall assign any pupil
16 to attend a charter school, except that a local board in a district in which fifty percent
17 or more of the public schools in the district are charter schools and that uses a single
18 application and enrollment process adopted by the local board for public school
19 enrollment may assign a pupil to a charter school based on such enrollment process,
20 the preferences of the pupil's parent or legal guardian, the charter school's admission
21 requirements, the charter contract, and the local board's policies.

22 * * *

23 (6) A description of how the proposed charter school fulfills one or more of
24 the purposes specified in this Chapter, including how the best interests of students
25 who are economically disadvantaged will be considered.

26 (7) A description of the education program offered by the school, ~~and how~~
27 ~~specifically that program will meet the needs of the economically disadvantaged~~
28 ~~students to be served~~ including how the program will meet the educational needs of

1 students who qualify as economically disadvantaged and students with
2 exceptionalities as defined in R.S. 17:1942(B).

3 * * *

4 C. A charter school shall:

5 (1)(a) Enroll an eligible pupil who is eligible under the residency
6 requirements established in the charter as required in Paragraph (B)(4) of this
7 Section and who submits a timely application unless the total number of eligible
8 applicants exceeds the capacity of a program, class, grade level, or school, in which
9 case the charter school shall conduct an admissions lottery as provided in
10 Subparagraph (c) of this Paragraph.

11 (b)(i) An application shall be timely if it is submitted within the period
12 designated by the charter school, which period shall not be less than one month nor
13 more than three months. There shall be an established application period for each
14 successive school year.

15 (ii) Application information, including enrollment eligibility, any applicable
16 enrollment preferences, program enrollment capacity, the application period, and any
17 important application and enrollment dates, shall be made available to all applicants
18 and posted on the school's website.

19 (c)(i) Except as is provided in Items (ii) and (iii) of this Subparagraph, the
20 charter school shall admit no pupil during the application period, but shall wait until
21 the period has ended. If fewer eligible pupils have applied than is the maximum the
22 school can admit, then all eligible pupils shall be admitted and additional pupils may
23 apply and be admitted for the school year to which the application period applies
24 until the maximum number is admitted, except as is necessary to meet the
25 requirements of Paragraph (B)(1) of this Section. If the total number of eligible
26 applicants exceeds the capacity of a program, class, grade level, or school, admission
27 to the program, class, grade level, or school shall be based on an admissions lottery
28 conducted from among the total number of eligible applicants done in such a fashion
29 as to ~~assure compliance with Paragraph (B)(1) of this Section.~~ ensure enrollment

1 transparency. Lottery information, including when and where the lottery will be
 2 conducted, the mechanism by which the lottery will be conducted, and the results of
 3 the lottery, including any wait list information, shall be made available to all
 4 applicants. Applicants placed on a lottery enrollment wait list shall be notified of
 5 their wait list ranking and notified of any changes to the enrollment wait list
 6 throughout the school year. There shall be an established lottery each successive
 7 school year as necessary. Lottery enrollment wait lists shall not roll over from one
 8 school year to the next.

9 * * *

10 (iii) A charter school may modify its enrollment procedures in order to give
 11 preference to students previously enrolled in the school and their siblings and to give
 12 preference to siblings submitting their applications to enroll in the school for the first
 13 time, ~~as long as there is compliance with the provisions of Paragraph (B)(1) of this~~
 14 ~~Section.~~

15 * * *

16 E. A charter school shall not:

17 * * *

18 (6)(a) Require the parent or legal guardian of any student to disclose any
 19 medical information or special education needs, income, or economically
 20 disadvantaged status prior to the student's being enrolled in the charter school, unless
 21 otherwise specifically required by law.

22 (b) Nothing in this Paragraph shall prohibit a charter school from providing
 23 an enrollment preference to a student with special needs or who is economically
 24 disadvantaged when the student's parent or legal guardian has voluntarily provided
 25 the school with information regarding such needs.

26 * * *

27 §3991.1. Corporate partners; enrollment preferences and board membership

28 * * *

1 E.

2 * * *

3 (2) Enrollment at the school shall otherwise be as provided by this Chapter
4 ~~except that the requirement of R.S. 17:3991(B)(1)(a)(i) shall apply to and be based~~
5 ~~upon only students who are not dependent children of permanent employees of a~~
6 ~~corporate partner.~~

7 Section 2. R.S. 17:3991(B)(1) is hereby repealed in its entirety.

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 708 Original

2024 Regular Session

Freiberg

Abstract: Removes requirements that charter schools meet a certain threshold with respect to the number of students with exceptionalities and economically disadvantaged students relative to their total student enrollment.

Present law requires a charter school to meet a certain threshold with respect to the number of students with exceptionalities (other than gifted or talented) and economically disadvantaged students relative to their total student enrollment. Proposed law repeals present law.

Proposed law revises present law relative to charter proposals as follows:

- (1) Present law precludes the exclusion of students based on certain criteria. Proposed law adds being economically disadvantaged to these criteria.
- (2) Present law requires a description of how a charter school fulfills present law purposes. Proposed law includes consideration of how to serve the best interests of economically disadvantaged students in this requirement.
- (3) Present law requires a description of a school's education program. Proposed law adds how the program will meet the educational needs of economically disadvantaged students and students with exceptionalities to this requirement.

Present law provides for admissions lotteries. Proposed law provides additional lottery procedures including parental notification.

Present law prohibits a charter school from requiring parents to disclose certain information (a student's medical information or special education needs) prior to enrollment unless otherwise required by law. Proposed law adds income and economically disadvantaged status to this information.

Present law authorizes giving enrollment preference to student with special needs when parents have disclosed such needs. Proposed law includes economically disadvantaged students whose parents have disclosed this status.

(Amends R.S. 17:3973(2)(b)(v)(aa), 3983(F)(1), 3991(B)(3), (6), and (7), (C)(1)(a), (b), and (c)(i) and (iii), and (E)(6), and 3991.1(E)(2); Repeals R.S. 17:3991(B)(1))