

SENATE BILL NO. 316

BY SENATOR MIGUEZ

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AN ACT

To amend and reenact R.S. 17:3992(A)(1) and (2)(b) and (D), and 3998(B) and to enact R.S. 17:3992(A)(2)(d) and (E), relative to charter schools; to provide for time periods of a charter; to provide for renewals of a charter; to provide for an alternative to revocation; to provide for an effective date; to provide for review of charter schools; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:3992(A)(1) and (2)(b) and (D) and 3998(B) are hereby amended and reenacted and R.S. 17:3992(A)(2)(d) and (E) are enacted to read as follows:

§3992. Charter revision and renewal

A.(1) Unless revoked as provided for in Subsection C of this Section, an approved school charter shall be valid for an initial period of ~~four~~ **five** years ~~and may be extended for a maximum initial term of five years~~, contingent upon the results of a review conducted after the completion of the ~~third~~ **fourth** year as provided in R.S. 17:3998. The charter may be renewed for additional periods of not less than three nor more than ten years after thorough review by the approving chartering authority of the charter school's operations and compliance with charter requirements. The chartering authority shall notify the chartering group in writing of any decisions made relative to the renewal or nonrenewal of a school's charter not later than January thirty-first of the year in which the charter would expire. A notification that a charter will not be renewed shall include written explanation of the reasons for such non-renewal. Pursuant to Subsection C of this Section and using such annual review process, a charter may be revoked for failure to meet agreed-upon academic results as specified in the charter.

(2)(a) * * *

1 (b) Each charter school shall be provided by its chartering authority with the
 2 criteria and procedures that will be used when considering whether to renew a
 3 school's charter. Charter renewal criteria shall include academic performance
 4 and progress indices, as well as distinguish between charter schools with
 5 selective admissions criteria, charter schools without selective admissions
 6 criteria, and alternative charter school educational models.

7 * * *

8 (d) In instances where the state does not issue a school performance score
 9 for a charter school, the charter school qualifies as a severe impact school as
 10 defined by the State Board of Elementary and Secondary Education, or other
 11 extraordinary circumstances as set forth in policy by the chartering authority,
 12 the chartering authority may extend the charter contract term by the same
 13 length of time as the impacting occurrence.

14 * * *

15 D.(1) As an alternative to revocation as provided for in Subsection C of
 16 this Section, and in accordance with rules promulgated by the state board, the
 17 chartering authority may reconstitute the governing body of the charter holder
 18 if the chartering authority determines that the governing body of the charter
 19 holder has done one of the following:

20 (a) Committed a material and uncorrected violation of applicable law
 21 relative to the finances of the school or the health, safety, or welfare of the
 22 students enrolled at the school.

23 (b) Failed to satisfy accountability provisions prescribed by the charter
 24 or the chartering authority.

25 (c) Failed to meet generally accepted accounting standards of fiscal
 26 management.

27 (d) Committed material violations of the bylaws of the organization or
 28 nonprofit laws of the state.

29 (e) Is imminently insolvent as determined by the chartering authority.

30 (2) The action the chartering authority takes pursuant to this Subsection

1 shall be based on the best interest of the public charter school's students, the
 2 severity of the violation, any previous violation the school has committed, and
 3 the accreditation status of the school, and shall be implemented after a public
 4 hearing.

5 E. For each charter school which has received a letter grade designation of
 6 "A" or "B" or any variation thereof and has met the criteria of Subparagraph
 7 (A)(2)(c) of this Section pursuant to automatic renewal, a charter operator shall be
 8 eligible to open and operate two additional schools that serve the same grade levels
 9 and the same enrollment boundaries as defined in the charter agreement of the school
 10 meeting the criteria of Subparagraph (A)(2)(c) of this Section without formal
 11 application to the chartering authority with which the charter agreement for the
 12 school that meets the criteria of Subparagraph (A)(2)(c) of this Section is held. The
 13 chartering group shall notify its chartering authority of its intent to open one or two
 14 additional charter schools pursuant to this Subsection at least one hundred twenty
 15 calendar days prior to the day on which each additional school shall enroll students.
 16 At least ninety calendar days prior to the day on which each additional school shall
 17 enroll students, the chartering authority shall enter into a charter agreement with the
 18 chartering group for each additional school and shall notify the state board of its
 19 action.

20 * * *

21 §3998. Reports; review

22 * * *

23 B. Each charter school shall be reviewed by its chartering authority after the
 24 completion of the ~~third~~ **fourth** year. ~~If the charter school is achieving its stated goals~~
 25 ~~and objectives pursuant to its approved charter, then the chartering authority shall~~
 26 ~~extend the duration of the charter for a maximum initial term of five years as~~
 27 ~~provided in R.S. 17:3992(A)(1).~~ If the charter school is not achieving its stated goals
 28 and objectives pursuant to its approved charter, then the ~~chartering authority shall not~~
 29 ~~extend the duration of the charter, and the charter shall expire at the end of the~~
 30 school's ~~fourth~~ **fifth** year.

1 Section 2. This Act shall become effective upon signature by the governor or, if not
2 signed by the governor, upon expiration of the time for bills to become law without signature
3 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
4 vetoed by the governor and subsequently approved by the legislature, this Act shall become
5 effective on the day following such approval.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____