

First Extraordinary Session, 2005

HOUSE BILL NO. 93

BY REPRESENTATIVES SCALISE, ALEXANDER, BEARD, BOWLER, BRUNEAU, BURNS, CROWE, DOVE, DOWNS, ERDEY, GEYMAN, GREENE, HUTTER, JOHNS, KATZ, KENNARD, KLECKLEY, LABRUZZO, LAMBERT, LANCASTER, MARTINY, MCVEA, MORRISH, PITRE, T. POWELL, M. POWELL, SCHNEIDER, SMILEY, JANE SMITH, STRAIN, TOOMY, TRAHAN, TUCKER, WADDELL, WALSWORTH, AND WINSTON AND SENATORS BARHAM, BOASSO, CAIN, DARDENNE, HOLLIS, KOSTELKA, LENTINI, MALONE, MICHOT, QUINN, ROMERO, SCHEDLER, AND THEUNISSEN

SCHOOLS/DISTRICTS: Provides an additional means by which public elementary and secondary schools may be transferred to the state's Recovery School District (Item #8)

1 AN ACT

2 To amend and reenact R.S. 17:10.5(A)(1), (B), (C)(1)(a) and (2)(a)(iii) and (b)(i), and (D);  
3 to provide for the transfer of certain public elementary and secondary schools to the  
4 jurisdiction of the Recovery School District; to provide guidelines and conditions for  
5 such transfers; to provide definitions; to provide relative to the reorganization and  
6 operation of such transferred schools; to provide exceptions; to provide an effective  
7 date; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 17:10.5(A)(1), (B), (C)(1)(a) and (2)(a)(iii) and (b)(i), and (D) are  
10 hereby amended and reenacted to read as follows:

11 §10.5. School and district accountability; failing and non-failing schools; transfer  
12 to Recovery School District

13 A.(1)(a) An elementary or secondary school operating under the jurisdiction  
14 and direction of any city, parish, or other local public school board or any other  
15 public entity which is academically unacceptable under a uniform statewide program  
16 of school accountability established pursuant to rules adopted by the State Board of

1 Elementary and Secondary Education under authority of law, referred to in this  
 2 Section as "the state board", shall be designated as a failed school. Except as  
 3 otherwise provided in Subparagraph (b) of this Paragraph, ~~When~~ when a city, parish,  
 4 or other local public school board or other public entity: (a) fails to present a plan to  
 5 reconstitute the failed school to the state board, as required pursuant to such an  
 6 accountability program, or (b) presents a reconstitution plan that is unacceptable to  
 7 the state board, or (c) fails at any time to comply with the terms of the reconstitution  
 8 plan approved by the state board, or (d) the school has been labeled an academically  
 9 unacceptable school for four consecutive years, the school shall be removed from the  
 10 jurisdiction of the city, parish, or other local public school board or other public  
 11 entity and transferred to the jurisdiction of the Recovery School District established  
 12 in R.S. 17:1990, provided the state board approves the transfer.

13 (b)(i) In addition to the provisions of Subparagraph (a) of this Paragraph  
 14 relative to the transfer of a failed school to the Recovery School District, all  
 15 elementary and secondary schools operating under the jurisdiction and direction of  
 16 any city, parish, or other local public school board which is academically in crisis  
 17 shall be removed from the jurisdiction of such board and transferred to the  
 18 jurisdiction of the Recovery School District established in R.S. 17:1990, provided  
 19 the state board approves the transfer.

20 (ii) For the purposes of this Subparagraph, "academically in crisis" means  
 21 any city, parish, or other local public school board having a school system in which  
 22 for the 2004-2005 school year or thereafter more than thirty schools are academically  
 23 unacceptable under a uniform statewide program of school accountability established  
 24 pursuant to rules adopted by the State Board of Elementary and Secondary Education  
 25 under authority of law or more than fifty percent of its students attend schools that  
 26 are academically unacceptable.

\* \* \*

28 B.(1) A failed school shall be reorganized, as necessary, and operated by the  
 29 Recovery School District pursuant to its authority in whatever manner is determined

1 by the administering agency of the Recovery School District to be most likely to  
2 bring the school to an acceptable level of performance as determined pursuant to the  
3 accountability plan.

4 (2) A school transferred to the Recovery School District pursuant to the  
5 provisions of Subparagraph (A)(1)(b) of this Section that has not been designated as  
6 a failed school may be reorganized, as necessary, and shall be operated by the  
7 Recovery School District pursuant to its authority in whatever manner is determined  
8 by the administering agency of the Recovery School District to be most likely to  
9 maintain the school at an acceptable level of performance as determined pursuant to  
10 the accountability plan.

11 C.(1)(a) The Recovery School District shall retain jurisdiction over any  
12 school transferred to it until the state board, upon the recommendation of the  
13 district's administering agency, enters into an agreement with the city, parish, or  
14 other local public school board or any other public entity from which the school was  
15 transferred for its return to the jurisdiction of such school board or public entity.  
16 Except for a school transferred to the Recovery School District pursuant to the  
17 provisions of Subparagraph (A)(1)(b) of this Section, ~~When~~ when a school in the  
18 district is no longer academically unacceptable, the state board shall require the  
19 administering agency of the district to seek agreement for the return of the school.

20 \* \* \*

21 (2)(a) When a school has been transferred to the jurisdiction of the Recovery  
22 School District, has been operating pursuant to arrangements established by the  
23 Recovery School District for four years, and has failed to improve sufficiently to no  
24 longer be academically unacceptable, the state board shall take any one of the  
25 following actions:

26 \* \* \*

27 (iii) Except for a school transferred to the Recovery School District pursuant  
28 to the provisions of Subparagraph (A)(1)(b) of this Section, ~~Return~~ return the school

1 to the jurisdiction of the city, parish, or other local public school board or other  
2 public entity from which it was transferred.

3 (b)(i) ~~However, the~~ The provisions of Subparagraph (a) of this Paragraph  
4 shall not apply if the performance of the school as measured by a school performance  
5 score pursuant to a uniform statewide program of school accountability established  
6 pursuant to rules adopted by the State Board of Elementary and Secondary Education  
7 has improved by at least twenty points during such four-year period.

8 \* \* \*

9 D. Except for a school transferred to the Recovery School District pursuant  
10 to the provisions of Subparagraph (A)(1)(b) of this Section, ~~At~~ at the time of the  
11 transfer of a school to the Recovery School District, the parent or guardian with  
12 responsibility for decisions regarding the education of any student attending the  
13 school or any student who would be assigned to attend the school may choose to  
14 continue to have their child be enrolled in and attend the school under the jurisdiction  
15 of the Recovery School District or may exercise an option which shall be made  
16 available by the city, parish, or other local public school board or any other public  
17 entity from which the school is being transferred to enroll in and attend another  
18 school operated by the school board or entity.

19 \* \* \*

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

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument.

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Scalise

HB No. 93

**Abstract:** Requires all elementary and secondary schools operating under the jurisdiction and direction of a local school board which is academically in crisis to be removed from the jurisdiction of such board and transferred to the jurisdiction of the state's Recovery School District if BESE approves the transfer. Provides guidelines and conditions for such transfers. Provides relative to the reorganization and operation of such transferred schools.

Proposed law provides an additional means by which public elementary and secondary schools may be transferred to the state's Recovery School District as follows:

Specifies that all elementary and secondary schools operating under the jurisdiction and direction of any local school board which is academically in crisis shall be removed from the jurisdiction of such board and transferred to the jurisdiction of the Recovery School District, provided the State Board of Elementary and Secondary Education (BESE) approves the transfer.

Provides, for proposed law purposes, that "academically in crisis" means any city, parish, or other local public school board having a school system in which for the 2004-2005 school year or thereafter more than 30 schools are academically unacceptable under a uniform statewide program of school accountability established pursuant to rules adopted by BESE or more than 50% of its students attend schools that are academically unacceptable.

Present law provides that a failed school that is transferred to the Recovery School District shall be reorganized, as necessary, and operated by the district pursuant to its authority in whatever manner is determined by the administering agency (the state Department of Education) to be most likely to bring the school to an acceptable level of performance as determined pursuant to the state's accountability plan.

Proposed law retains present law. Provides additionally that a school that is transferred to the Recovery School District pursuant to proposed law that has not been designated as a failed school may be reorganized, as necessary, and shall be operated by the district pursuant to its authority in whatever manner is determined by the administering agency to be most likely to maintain the school at an acceptable level of performance as determined pursuant to the accountability plan.

Present law provides that the Recovery School District shall retain jurisdiction over any school transferred to it until BESE, upon the recommendation of the district's administering agency, enters into an agreement with the local public school board or any other public entity from which the school was transferred for its return to the jurisdiction of such school board or public entity.

Proposed law retains present law.

Present law provides that when a school in the recovery district is no longer academically unacceptable, BESE shall require the administering agency of the district to seek agreement for the return of the school. Also provides relative to the content of such an agreement.

Proposed law exempts from this requirement schools transferred to the recovery district pursuant to proposed law.

Present law provides, with certain exceptions, that when a school has been transferred to the jurisdiction of the recovery district, has been operating pursuant to arrangements established by the district for four years, and has failed to improve sufficiently to no longer be academically unacceptable, BESE shall take one of the following action:

- (1) Revoke all school approval.
- (2) Require the recovery district to terminate the operational arrangement and provide a different operational arrangement.
- (3) Return the school to the jurisdiction of the local school board or other public entity from which it was transferred.

Proposed law retains present law but exempts schools transferred to the recovery district pursuant to proposed law from present law provisions relative to return of the school to the jurisdiction from which transferred.

Present law provides that at the time of the transfer of a school to the recovery district, the parent or guardian with responsibility for decisions regarding the education of any student attending the school or any student who would be assigned to attend the school may choose to continue to have their child be enrolled in and attend the school under the jurisdiction of the recovery district or may exercise an option which shall be made available by the local public school board or any other public entity from which the school is being transferred to enroll in and attend another school operated by the school board or entity.

Proposed law provides an exception from present law for a school transferred to the recovery district pursuant to proposed law.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 17:10.5(A)(1), (B), (C)(1)(a) and (2)(a)(iii) and (b)(i), and (D))