

First Extraordinary Session, 2005

HOUSE BILL NO. 147

BY REPRESENTATIVE K. CARTER

SCHOOLS/DISTRICTS: Transfers all failing schools in certain school systems to the Recovery School District (Item #8)

1 AN ACT

2 To amend and reenact R.S. 17:10.5, relative to the Recovery School District; to provide for
3 the transfer of certain public schools to the Recovery School District; to provide for
4 effectiveness; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 17:10.5 is hereby amended and reenacted to read as follows:

7 §10.5. School and district accountability; failing schools; transfer to Recovery
8 School District

9 A.(1)(a) An elementary or secondary school operating under the jurisdiction
10 and direction of any city, parish, or other local public school board or any other
11 public entity which is academically unacceptable under a uniform statewide program
12 of school accountability established pursuant to rules adopted by the State Board of
13 Elementary and Secondary Education under authority of law, referred to in this
14 Section as "the state board", shall be designated as a failed school. Except as
15 otherwise provided in Subparagraph (b) of this Paragraph. ~~When~~ when a city, parish,
16 or other local public school board or other public entity: (a) fails to present a plan to
17 reconstitute the failed school to the state board, as required pursuant to such an
18 accountability program, or (b) presents a reconstitution plan that is unacceptable to
19 the state board, or (c) fails at any time to comply with the terms of the reconstitution
20 plan approved by the state board, or (d) the school has been labeled an academically

1 unacceptable school for four consecutive years, the school shall be removed from the
2 jurisdiction of the city, parish, or other local public school board or other public
3 entity and transferred to the jurisdiction of the Recovery School District established
4 in R.S. 17:1990, provided the state board approves the transfer.

5 (b)(i) In addition to the provisions of Subparagraph (a) of this Paragraph
6 relative to the transfer of a failed school to the Recovery School District, all failing
7 schools operating under the jurisdiction and direction of any city, parish, or other
8 local public school board which is academically in crisis shall be removed from the
9 jurisdiction of such board and transferred to the jurisdiction of the Recovery School
10 District established in R.S. 17:1990, provided the state board approves the transfer.

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

18 * * *

19 B.(1) A failed school shall be reorganized, as necessary, and operated by the
20 Recovery School District pursuant to its authority in whatever manner is determined
21 by the administering agency of the Recovery School District to be most likely to
22 bring the school to an acceptable level of performance as determined pursuant to the
23 accountability plan.

24 (2) The Recovery School District shall provide all educational services
25 required of any city, parish, or other local public school system in order to meet the
26 educational needs of all students residing in the jurisdiction of the transferring local
27 school system who were attending a transferred school or who would have been
28 eligible to attend such transferred school because of the residential location of the
29 student or as the result of any other option or program available to the student.

1 C.(1)(a) Except as otherwise provided in Paragraph (4) of this Subsection,
 2 ~~The~~ the Recovery School District shall retain jurisdiction over any school transferred
 3 to it until the state board, upon the recommendation of the district's administering
 4 agency, enters into an agreement with the city, parish, or other local public school
 5 board or any other public entity from which the school was transferred for its return
 6 to the jurisdiction of such school board or public entity. When a school in the district
 7 is no longer academically unacceptable, the state board shall require the
 8 administering agency of the district to seek agreement for the return of the school.

9 * * *

10 (4) For any school transferred to the Recovery School District pursuant to
 11 the provisions of Subparagraph (A)(1)(b) of this Section, the Recovery School
 12 District shall retain jurisdiction over any school transferred to it.

13 D.(1) Except as otherwise provided in Paragraph (2) of this Subsection, ~~At~~
 14 at the time of the transfer of a school to the Recovery School District, the parent or
 15 guardian with responsibility for decisions regarding the education of any student
 16 attending the school or any student who would be assigned to attend the school may
 17 choose to continue to have their child be enrolled in and attend the school under the
 18 jurisdiction of the Recovery School District or may exercise an option which shall
 19 be made available by the city, parish, or other local public school board or any other
 20 public entity from which the school is being transferred to enroll in and attend
 21 another school operated by the school board or entity.

22 (2) Notwithstanding any other provision of law to the contrary, at the time
 23 of the transfer of a school to the Recovery School District pursuant to the provisions
 24 of Subparagraph (A)(1)(b) of this Section, the parent or guardian with responsibility
 25 for decisions regarding the education of any student attending a transferred school
 26 or any student who would be assigned to attend a transferred school shall be able to
 27 continue to have their child enrolled in and attend a school under the jurisdiction of
 28 the Recovery School District from the same school system or may exercise an
 29 option, if one is made available by the city, parish, or other local public school board

1 from which the school is being transferred to have the child enroll in or attend
2 another school operated by the school board.

3 * * *

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

DIGEST

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

K. Carter

HB No. 147

Abstract: Provides for the transfer of certain public schools to the Recovery School District.

Proposed law provides for the transfer of certain public schools to the Recovery School District.

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

(Amends R.S. 17:10.5)