

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, M. POWELL, T. 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 schools may be transferred to the state's Recovery School District and prohibits certain persons from serving on Type 5 Recovery District Charter school governing authorities (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 and to enact R.S. 17:3973(2)(b)(v)(cc); to provide for the transfer of certain public  
4 elementary and secondary schools to the jurisdiction of the Recovery School District;  
5 to provide guidelines and conditions for such transfers; to provide definitions; to  
6 provide relative to the reorganization and operation of such transferred schools; to  
7 provide exceptions; to provide relative to the membership of governing or  
8 management boards of certain Recovery School District charter schools; to provide  
9 limitations; to provide an effective date; and to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 17:10.5(A)(1), (B), (C)(1)(a) and (2)(a)(iii) and (b)(i), and (D) are  
12 hereby amended and reenacted and R.S. 17:3973(2)(b)(v)(cc) is hereby enacted to read as  
13 follows:

14 §10.5. School and district accountability; failing and non-failing schools; transfer  
15 to Recovery School District

16 A.(1)(a) An elementary or secondary school operating under the jurisdiction  
17 and direction of any city, parish, or other local public school board or any other

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

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

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

29 \* \* \*



1 (iii) Except for a school transferred to the Recovery School District pursuant  
2 to the provisions of Subparagraph (A)(1)(b) of this Section, ~~Return~~ return the school  
3 to the jurisdiction of the city, parish, or other local public school board or other  
4 public entity from which it was transferred.

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

10 \* \* \*

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

21 \* \* \*

22 §3973. Definitions

23 \* \* \*

24 (2)

25 \* \* \*

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

27 \* \* \*

28 (v)

29 \* \* \*



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 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 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.

Relative to Type 5 charter schools in the Recovery School District, proposed law prohibits a BESE member from being a member of the governing or management body of any Type 5 charter school. Also prohibits a member of any local school board from being a member

of the governing authority or management board of any Type 5 charter school within the jurisdictional area of such school board.

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); Adds R.S. 17:3973(2)(b)(v)(cc))

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Education to the original bill.

1. Adds proposed law provision prohibiting certain persons from being a member of the governing authority or management board of Recovery School District Type 5 charter schools.
2. Relative to the definition of "academically in crisis" changes definition by removing school systems which meet the criteria after the 2004-2005 school year.