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HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Scalise to Engrossed House Bill No. 93 by Representative Scalise

1 AMENDMENT NO. 1

2 On page 1, line 2, after "R.S." delete the remainder of the line and insert "17:1990(A),
3 (B)(1), (2)(a), and (4), and (C)(1)(a), (2)(a), and (3), 3973(2)(b)(v)(aa), 3982(A)(1), and
4 3983(A)(2)(a)"

5 AMENDMENT NO. 2

6 On page 1, line 3, after "enact" and before "to provide" change "R.S. 17:3973(2)(b)(v)(cc);"
7 to "R.S. 17:10.7, 1990(F)(3), 3973(2)(b)(v)(cc), and 3983(A)(1)(g),"

8 AMENDMENT NO. 3

9 On page 1, delete line 6, and at the beginning of line 7, delete "provide exceptions;" and
10 insert the following:

11 "require the development and approval of a plan for the operation of all
12 schools transferred and to specify the contents of such plan; to require the
13 recovery district to make certain reports relative to the recovery district; to
14 subject the administration of the recovery district to the approval of the State
15 Board of Elementary and Secondary Education; to authorize the recovery
16 district to manage and retain certain funding, including the authorization for
17 retaining fund balances; to specify that the expenditure of certain funds by
18 the recovery district is subject to the requirements of the approved Minimum
19 Foundation Program formula; to provide with regard to the authority of the
20 recovery district to contract with for-profit providers; to provide for the
21 exercise of limited rights of ownership over property of transferred schools
22 by the recovery district; to provide for the transfer of certain funding to the
23 recovery district; to provide for the process for the transfer of such funds and
24 for a limitation on the transfer of such funds; to provide for the expenditure
25 of certain retained funds by certain city, parish, or other local public school
26 systems; to provide for the eligibility of a student to attend a school operated
27 under the jurisdiction of the recovery district; to provide for the obligations
28 of the recovery district in providing services to students; to expand the
29 definition of a Type 5 charter school to include charters involving certain
30 schools transferred to the recovery district; to prohibit certain local school
31 boards from considering or acting on Type 1 charter school applications
32 under certain circumstances; to authorize the state Department of Education
33 to enter into a charter to operate a charter school under certain
34 circumstances;"

35 AMENDMENT NO. 4

36 On page 1, line 11, after "R.S." delete the remainder of the line and add "17:1990(A), (B)(1),
37 (2)(a), and (4), and (C)(1)(a), (2)(a), and (3), 3973(2)(b)(v)(aa), 3982(A)(1), and
38 3983(A)(2)(a) are"

1 AMENDMENT NO. 5

2 On page 1, line 12, after "reenacted and" and before "hereby" change "R.S.
3 17:3973(2)(b)(v)(cc) is" to "R.S. 17:10.7, 1990(F)(3), 3973(2)(b)(v)(cc), and 3983(A)(1)(g)
4 are"

5 AMENDMENT NO. 6

6 On page 1, delete lines 14 through 17 in their entirety

7 AMENDMENT NO. 7

8 On page 2, delete lines 1 through 16 in their entirety and insert the following:

9 "§10.7. School and district accountability; schools in districts in
10 academic crisis; transfer to Recovery School District
11 A.(1) All"

12 AMENDMENT NO. 8

13 On page 2, line 20, after "District" delete the remainder of the line and delete line 21 and
14 insert a comma "," and "referred to in this Section as "the recovery district", established in
15 R.S. 17:1990. The recovery district shall provide for the supervision, management, and
16 operation of all such schools which shall be considered to be failing schools for the purposes
17 of Article VIII, Section 3(A) of the Constitution of Louisiana."

18 AMENDMENT NO. 9

19 On page 2, at the beginning of line 22, change "ii" to "(2)"

20 AMENDMENT NO. 10

21 On page 2, line 22, after "this" and before "academically" change "Subparagraph," to
22 "Paragraph,"

23 AMENDMENT NO. 11

24 On page 2, at the end of line 26, add a comma "," and "referred to in this Section as "the state
25 board,"

26 AMENDMENT NO. 12

27 On page 2, delete line 29, and insert the following:

28 B. The recovery district shall provide all educational services
29 required of any city, parish, or other local public school system in
30 order to meet the educational needs of all students residing in the
31 jurisdiction of the transferring local school system who were
32 attending a transferred school or who would have been eligible to
33 attend such transferred school because of the residential location of
34 the student or as the result of any other option or program available
35 to the student.

36 C.(1) Any school transferred to the recovery district pursuant
37 to this Section shall be reorganized as necessary and operated by the
38 recovery district, pursuant to its authority, in whatever manner is
39 determined by the administering agency of the recovery district to be
40 most likely to improve the academic performance of each student in
41 the school.

1 (2)(a) The recovery district, as directed by its administering
 2 agency, shall manage the schools so transferred in a fashion that
 3 provides the best educational opportunity to all students who attended
 4 or were eligible to attend such schools without regard to the
 5 attendance zones related to such schools prior to the transfer. The
 6 authority provided in this Paragraph includes the authority to
 7 determine and act on which schools should be operated, which
 8 schools should be closed, which schools should be relocated or
 9 rebuilt, and what range of grades should be operated in each school.

10 (b)(i) Within six months after the transfer of a school to the
 11 recovery district pursuant to this Section, the recovery district shall
 12 develop and present to the state board, for its approval, a plan for the
 13 operation of all schools transferred. The plan shall be annually
 14 updated and reviewed by the state board.

15 (ii) The plan required in this Subparagraph shall address each
 16 of the following:

17 (aa) The educational needs of all students.

18 (bb) The number and location of schools to be operated to
 19 provide appropriate educational services to all students. This plan
 20 element shall include provision for changes in the student population
 21 being served.

22 (cc) A method for maintaining clear communication among
 23 interested parties, including the recovery district, the Louisiana
 24 Recovery Authority, the chief executive officer of the governing
 25 authority of the relevant municipality or parish, the parents and
 26 guardians of children for whom the recovery district is required to
 27 provide educational services, and the city, parish, or other local
 28 public school board from which schools were transferred.

29 (iii) The requirements of this Subparagraph shall not preclude
 30 the operation of a limited number of schools prior to completion and
 31 approval of the required plan provided that such schools are operated
 32 in direct response to the present needs of students and provided that
 33 the operation of such schools is approved by the state board after a
 34 review by the board of the data presented by the recovery district
 35 supporting the operation of the school and review and consideration
 36 by the board of the efforts made by the recovery district to seek and
 37 consider input from the community and its leaders and the input
 38 gained from those efforts.

39 (3) The recovery district shall make an annual report to the
 40 House and Senate committees on education concerning the status,
 41 management, and operation of any school transferred to the recovery
 42 district pursuant to the provisions of this Section.

43 D. The recovery district shall retain jurisdiction over any
 44 school transferred to it.

45 E. At the time of the transfer of a school to the recovery
 46 district, the parent or guardian with responsibility for decisions
 47 regarding the education of any student attending a transferred school
 48 or any student who would be assigned to attend a transferred school
 49 shall be able to continue to have their child enrolled in and attend a
 50 school under the jurisdiction of the recovery district or may exercise
 51 an option, if one is made available by the city, parish, or other local
 52 public school board from which the school is being transferred to
 53 have the child enroll in or attend another school operated by the
 54 school board.

55 * * *

56 §1990. Recovery School District; creation; governance; operation

57 A.(1) The Recovery School District, referred to as the
 58 "school district" or the "district", is hereby established to provide an
 59 appropriate education for children attending any public elementary

1 or secondary school operated under the jurisdiction and direction of
2 any city, parish, or other local public school board or any other public
3 entity, referred to in this Section as "the prior system", which has
4 been transferred to its jurisdiction pursuant to R.S. 17:10.5 or 10.7.

5 (2) The school district shall be administered by the state
6 Department of Education, subject to the approval of the State Board
7 of Elementary and Secondary Education, referred to in this Section
8 as "the state board".

9 B.(1)(a) The school district shall be considered an
10 intermediate educational unit, subject to the limitations of such units
11 which shall include no authority to levy a tax, but which ~~may~~ shall
12 include authority to seek, ~~and~~ expend, manage, and retain federal
13 funding and grant funding and to otherwise seek, obtain, ~~and~~ expend,
14 manage, and retain funding with all the same authority of any city,
15 parish, or other local public school board or other public entity
16 operating a public school, including the right to maintain and manage
17 fund balances.

18 (b) The expenditure of funds shall be subject to the
19 requirements of the approved Minimum Foundation Program formula
20 that apply to a city, parish, or other local public school system and
21 shall be subject to audit in the same manner.

22 (2)(a) The school district may provide for the supervision,
23 management, and operation of a school placed under its jurisdiction
24 and receive, control, and expend the local, state, and federal funding
25 attributable to that school, with all the same power and authority as
26 the prior system from which it was transferred subject to the
27 requirements of this Section, ~~and~~ R.S. 17:10.5 or 10.7, or with any
28 other power and authority otherwise granted to the district by law.
29 As it relates to schools transferred pursuant to R.S. 17:10.7, the
30 authority of the school district is also subject to the approval of the
31 state board of the plan submitted pursuant to R.S. 17:10.7(B)(2)(b).
32 The district shall not contract with any for-profit private provider for
33 the general operation of any school under its jurisdiction ~~or for the~~
34 ~~general provision of instructional services in any such school.~~ The
35 district may contract with for-profit providers for any needed services
36 for a school operated under its jurisdiction.

37 * * *

38 (4)(a) The school district shall have the right to use any
39 school building and all facilities and property otherwise part of the
40 school and recognized as part of the facilities or assets of the school
41 prior to its placement in the school district and shall have access to
42 such additional facilities as are typically available to the school, its
43 students, and faculty and staff prior to its placement in the school
44 district. Such use shall be unrestricted, except that the school district
45 shall be responsible for and obligated to provide for routine
46 maintenance and repair such that the facilities and property are
47 maintained in as good an order as when the right of use was acquired
48 by the district. There shall be no requirement for the district to
49 provide for the type of extensive repair to buildings or facilities that
50 would be considered to be a capital expense. Such extensive repairs
51 shall be provided by the governing authority of the city, parish, or
52 other local public school system or other public entity which is
53 responsible for the facility.

54 (b)(i) In the case of the transfer of schools pursuant to R.S.
55 17:10.7, the school district may, at the discretion of the administering
56 agency and notwithstanding the provisions of Subparagraph (a) of
57 this Paragraph, acquire with the transfer of the schools all the rights
58 and responsibility of ownership regarding all land, buildings,
59 facilities, and other property that is part of the school being

1 transferred, except that the school district may not transfer the
2 ownership of the land or usable buildings constructed on the land to
3 another save returning the land and such buildings to the stewardship
4 of the prior system. The district may lease land or property, dispose
5 of property other than the land as is necessary to properly manage the
6 operation of the schools, rebuild school buildings, or renovate school
7 buildings.

8 (ii) No building shall be destroyed pursuant to the authority
9 of the school district unless the destruction of the building has been
10 approved by the office of facility planning in the division of
11 administration.

12 (iii) In the case that the rights and responsibilities provided
13 for in this Subparagraph are acquired by the school district, the
14 school district, through its administering agency, shall be the
15 exclusive authority to receive, manage, and expend any and all state,
16 local, or federal funding dedicated to or available for the purpose of
17 repairing, renovating, or rebuilding, or building a school building or
18 facility and any and all insurance proceeds attributable to damage
19 done to any property, except that portion of such insurance proceeds
20 used to pay debt owed by the prior system. A portion of all revenues
21 available to the prior system which are dedicated to the repair,
22 maintenance, or capital projects regarding a transferred school
23 whether such revenue is available from tax proceeds, was borrowed,
24 bonded, or was otherwise acquired shall be transferred by the system
25 to the recovery district in an amount equal to the proportion that the
26 number of schools transferred from such school system bears to the
27 total number of schools operated by the school system during the
28 school year immediately proceeding the school year in which the
29 transfer occurred.

30 C.(1)(a) The state shall annually appropriate sufficient
31 monies to fund any school in the school district created in this Part in
32 an amount equal to but not less than the school's ~~October first~~ student
33 membership count times one hundred percent of the state share per
34 student ~~from all levels~~ as provided in the Minimum Foundation
35 Program approved formula for the city, parish, or other local public
36 school system in which each school placed under the jurisdiction of
37 the district is located as contained in the Minimum Foundation
38 Program budget letter approved by the State Board of Elementary and
39 Secondary Education. The appropriation shall be made to the
40 administering agency for the district and may be expended by the
41 agency for the provision of ~~educational~~ services to students in the
42 district.

43 * * *

44 (2)(a)(i) In addition to the appropriation required in
45 Paragraph (1) of this Subsection, any city, parish, or other local
46 public school board which had jurisdiction of a school prior to its
47 transfer to this district annually shall ~~either;~~ allocate and
48 transfer to the school district an amount of money equal to the
49 number of students enrolled in such a school times the local per pupil
50 amount received ~~in the prior year~~ by the school system from all of the
51 following sources as provided in the Minimum Foundation Program
52 approved formula, excluding any portion which has been specifically
53 dedicated by the legislature or by voter approval to capital outlay or
54 debt service or which was actually expended by the school board for
55 facilities acquisition and construction as reported to the state
56 Department of Education:

57 (aa) Sales and use taxes, less any tax collection fee paid by
58 the school system;

(bb) Ad valorem taxes, less any tax collection fee paid by the school system;

(cc) Earnings from sixteenth section lands owned by the school system; or.

~~(ii)(aa) Suffer~~ Such allocation and transfer shall be accomplished by a reduction in the amount of state funds otherwise to be allocated to the city, parish, or other local public school system as contained in the Minimum Foundation Program budget letter approved by the State Board of Elementary and Secondary Education equal to the amount provided in ~~Item (i) of this Subparagraph~~ this Paragraph which reduction shall be allocated to the school district.

(bb) In the case that there are insufficient funds available to provide the total due the school district under this Paragraph if all state funds are reduced and allocated to the school district, the prior system shall transfer a sufficient amount of money remaining from the sources provided in Item (i) of this Subparagraph to the school district. In the case that the prior system local revenues are insufficient to allow for the allocation to the school district and to allow the prior system to maintain a minimum balance of ten percent of state Minimum Foundation Program funding and ten percent of the local revenues listed in Item (i) of this Subparagraph, local revenues otherwise required to be allocated to the school district shall be reduced to an amount necessary to allow the prior system to maintain such balances. Such maintained minimum balances shall be applied firstly to the prior system's retiree health insurance costs and secondly to the prior system's board administrative costs.

* * *

(3)(a) Except for administrative costs, monies appropriated to the Recovery School District that are attributable to the transfer of a school from a prior school system and monies allocated or transferred from the prior system to the recovery district shall be expended solely on the operation of schools transferred from the prior system to the jurisdiction of the district.

(b) Notwithstanding the requirements of Subparagraph (a) of this Paragraph, in the case that schools are transferred pursuant to R.S. 17:10.7 to the school district, monies appropriated to the school district that are attributable to the transfer of the schools from a prior system and monies allocated or transferred from the prior system to the school district shall be expended on the provision of services to the students who were in attendance at such schools or who would have been eligible to attend such schools transferred from the prior system to the jurisdiction of the district without regard to expending amounts on or in any particular school provided that such services are provided in compliance with the requirements of R.S. 17:10.7(B)(2)(b).

* * *

F.

* * *

(3) In addition, in the case that schools are transferred to the district pursuant to R.S. 17:10.7 and notwithstanding other requirements of this Subsection, the school district may permit any student eligible to attend any school in the prior system to attend a school operated by the school district in the area of the transferring system.

* * *

AMENDMENT NO. 13

1 On page 3, delete lines 1 through 28 in their entirety and on page 4, delete lines 1 through
2 21 in their entirety

3 AMENDMENT NO. 14

4 On page 4, between lines 22 and 23, insert the following:

5 "As used in this Chapter, the following words, terms, and
6 phrases shall have the meaning ascribed to them in this Section
7 except when the context clearly indicates a different meaning:"

8 AMENDMENT NO. 15

9 On page 4, line 28, change "(v)" to the following:

10 "(v)(aa) Type 5, which means a preexisting public school
11 transferred to the Recovery School District pursuant to R.S. 17:10.5
12 or 10.7 and operated as the result of and pursuant to a charter
13 between a nonprofit corporation and the State Board of Elementary
14 and Secondary Education, or between a nonprofit corporation and a
15 city, parish, or other local school board or other public entity in the
16 case of the renewal of a Type 5 charter of a school that has been
17 transferred back to the jurisdiction of the local school board or other
18 public entity pursuant to R.S. 17:10.5(C). ~~Notwithstanding~~ Except
19 as otherwise provided in R.S. 17:10.7 or 1990, and notwithstanding
20 the provisions of R.S. 17:3991(B)(1), within such Type 5 charter
21 school, only pupils who would have been eligible to enroll in or
22 attend the preexisting school under the jurisdiction of the city, parish,
23 or other local public school board or other public school entity prior
24 to its transfer to the Recovery School District may attend. However,
25 all such pupils shall be eligible to attend notwithstanding any other
26 provision of this Chapter to the contrary."

27 AMENDMENT NO. 16

28 On page 5, between lines 7 and 8, insert the following:

29 "§3982. Local school boards; duties
30 A.(1)(a) Local school boards shall comply with R.S. 17:3983
31 and shall review and formally act upon each proposed charter within
32 thirty days of its submission and in the order in which submitted. In
33 doing such review, the local school board shall determine whether
34 each proposed charter complies with the law and rules, whether the
35 proposal is valid, complete, financially well-structured, and
36 educationally sound, and whether it offers potential for fulfilling the
37 purposes of this Chapter.

38 (b) Notwithstanding the provisions of Subparagraph (a) of
39 this Paragraph, school boards which govern a local system that has
40 been declared to be in academic crisis, as defined in R.S. 17:10.6,
41 shall not consider, review, or act upon charter applications for a Type
42 1 charter school and shall notify the proponents of any pending Type
43 1 charter proposal or any newly submitted Type 1 charter proposal
44 that the board is ineligible to act on such applications and that each
45 such application may, therefore, be submitted to the state board as a
46 Type 2 proposal pursuant to R.S. 17:3983(A)(2)(a)(ii).

47 * * *

48 §3983. Chartering process by type; eligibility; limitations; faculty
49 approval; parental approval

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 A.(1) Any of the following may form a nonprofit corporation
2 for the purpose of proposing a charter as provided in this Subsection,
3 provided that the group submitting the charter school proposal
4 includes three or more persons holding valid and current Louisiana
5 teaching certificates:

6 * * *

7 (g) The state Department of Education, subject to the
8 approval of the state board.

9 (2)(a)(i) Each proposal for a ~~type~~ Type 1 or ~~type~~ Type 3
10 charter school shall first be made to the local school board with
11 jurisdiction where the school is to be located, except in the case of a
12 local system in academic crisis as provided for in Item (ii) of this
13 Subparagraph, involving the submission of a written proposal. If,
14 after review as required by R.S. 17:3982, the local school board
15 denies the proposal, or if conditions placed on the proposal by the
16 local school board, as provided in Paragraph (B)(2) of this Section,
17 are not acceptable to those proposing the charter, then a proposal for
18 a ~~type~~ Type 2 charter school may be made to the State Board of
19 Elementary and Secondary Education.

20 (ii) A proposal for a Type 1 charter school that would
21 otherwise be made to a local school board except that the local
22 system is in academic crisis shall, in the discretion of the proponents
23 of the proposal, be made to the state board as a Type 2 proposal.

24 * * *"