
The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Diane M. Burkhart.

DIGEST

Duplessis (SB 49)

Present law provides for the transfer, subject to BESE approval, of schools that have been labeled academically unacceptable for four consecutive years or failed schools for which the school board has failed to present or implement an acceptable reconstitution plan under the school and district accountability plan established by rule by BESE from their local school board to the recovery district. (R.S. 17:10.5)

Present law establishes and provides for the Recovery School District as an intermediate educational unit, which has no authority to levy taxes, but which may otherwise generally operate with the same authority as a local public school system regarding the schools in its jurisdiction. (R.S. 17:1990)

Present law provides for the transfer of significant school board authority from the local school board to the local superintendent when a system is academically in crisis which is defined as the local system having 30 or more schools that are academically unacceptable or more than 50% of its students attending schools that are academically unacceptable. (R.S. 17:10.6)

Proposed law retains, without change, the provisions of R.S. 17:10.5, regarding the transfer of schools, which have been academically unacceptable for four years or for which an acceptable reconstitution plan has not been provided or implemented to the Recovery School District. Retains, without change, the provisions of R.S. 17:10.6, providing for the transfer of authority from the school board to the local superintendent when a school system is academically in crisis.

Proposed law adds provisions designating a school that participates in a spring cycle of student testing, which has a school performance score below the state average that is in a school system that is academically in crisis and that has at least one school eligible to transfer to the recovery district as provided in present law as a failed school and requiring that all such schools be transferred to the Recovery School District. Specifically includes alternative schools that report a majority of their student's scores back to such schools and charter schools chartered by such systems. Requires the district to provide educational services that are required of local school systems to all students who attended the transferred school or who would have been eligible to attend the transferred school without regard to attendance zones related to such schools prior to the transfer. Requires the recovery district to provide for and insure that schools of appropriate grade that have open enrollment policies are operating and available for the enrollment of students in reasonable proximity to the neighborhoods where concentrations of students reside. Provides that on and after Nov. 15, 2008, no additional such schools shall be transferred to the recovery district.

Authorizes the Recovery School District to reorganize and operate such schools as determined

most likely to improve student performance. Authorizes the district to determine what schools to operate, close, relocate or rebuild and what range of grades to operate. Requires the state Dept. of Ed, as the administering agency, not less than six months after the transfer of a school, to develop a plan for BESE approval for the operation of the schools. Requires the plan to include provision for: the educational needs of all students, the number and location of schools to be operated, and a method for communication among the parties. Permits the district to operate a limited number of schools prior to the completion and approval of the plan provided BESE approves doing so after a review of the supporting data and a review of the input sought and obtained by the district.

Provides that such a transfer is for a minimum of five years which shall be renewed upon the recommendation of the state superintendent of education and BESE approval. Requires a report to BESE at least nine months prior to the termination of the transfer period containing the superintendent's recommendation.

Empowers student's parents or guardians to choose to continue to have their child enrolled in a school under the Recovery School District or to exercise any option provided by the system from which the school is transferred.

Proposed law makes the following changes and additions to the present law provisions regarding the Recovery School District:

- (1) Adds provisions for the required transfer of schools that are designated as failed because they are below the state average and in a system that, not later than August 31, 2005, is academically in crisis, which has at least one school that is eligible to transfer to the recovery district under present law.
- (2) Adds BESE approval for the administration of the Recovery School District by the state Department of Education as the administering agency.
- (3) Adds authority for the district to manage and retain their funding, including maintaining fund balances.
- (4) Authorizes the Recovery School District to enter into contracts with private for-profit providers for any needed services.
- (5) In the case of the transfer of schools that are designated as failed because they are below the state average and in a system academically in crisis, authorizes the Recovery School District to acquire with the transfer of the schools, all the rights and responsibilities of ownership regarding all land, buildings, facilities, and other property that is part of the school being transferred, except to prohibit the transfer of the ownership of any land or usable buildings constructed on the land to any entity or person other than to return it to the stewardship of the local school system from which it was originally transferred.
- (6) Specifically authorizes the Recovery School District to lease land or property, dispose of property other than the land, including buildings unusable for any purpose necessary to

the provision of educational services by the district, or as necessary to properly manage the operation of the schools, rebuild school buildings, or renovate school buildings.

- (7) Provides that when such ownership rights transfer, the Recovery School District is the exclusive authority to receive, manage, and expend any and all state, local or federal funding dedicated to or available for the purpose of repairing, renovating, or rebuilding or building a school building or facility, including any and all insurance proceeds payable to the prior system as a result of damage done to the property, except for such proceeds used to pay debt owed by the prior system and money dedicated to such purpose, whether available from tax proceeds, borrowing or otherwise. Provides that the money available to the prior system shall be transferred in a share proportional to the number of transferred schools as compared to all schools operated by the school system in the school year immediately proceeding the school year.
- (8) Reverses the order of the means for allocating local money owed to the Recovery School District from the local school system to the Recovery School District from the local system transferring the amount due directly or, if not, suffering a reduction in the allocation of state MFP funds to providing as the first means the reduction in state MFP funds following by a transfer from the system of local funds to make up any deficit in the amount available in state MFP funds.
- (9) Provides that in case there is insufficient MFP funds available reduce and allocate all that is due the recovery district, the prior system must transfer a sufficient amount to make up the deficit. Provides for the maintenance of a budget that is ten percent of the prior system's state MFP funding and ten percent of its local funding. Requires such amount be spent first on the prior system's retiree health insurance costs and second on the prior system's board administrative cost.
- (10) Provides an exception to the present law requirement that monies allocated or transferred from the prior system to the recovery district be expended solely on the operation of schools transferred to all that, in the case that schools that are designated as failed because they are below the state average and in a system academically in crisis, the Recovery School District may expend funds on providing educational services without regard to expending amounts on or in any particular school.
- (11) Authorizes the recovery district to permit any student eligible to attend a school any where in the prior system to attend a school operated for students from the prior system.

Proposed law makes the following changes to the Charter School Law:

- (1) Requires that a chartering authority considering a type 5 proposal review the proposal in compliance with the Principles and Standards for Quality Charter School Authorizing as promulgated by the National Association of Charter School Authorizers.
- (2) Prohibits a member of BESE and a member of a city, parish, or other local public school

board from being a member of the governing or management board of any type 5 board. Additionally prohibits any elected official or any person who has been an elected official within one year prior to his appointment to serve as a member of a governing or management board of a type 5 charter school.

- (3) Specifies that the governing authority of any charter school may bargain and enter into a collectively bargained contract on behalf of all or any group of its employees.
- (4) Adds the transfer of schools that are designated as failed because they are below the state average and in a system academically in crisis (R.S. 17:10.7) to those which may be recreated as a Type 5 charter by the Recovery School District.
- (5) Authorizes the state Dept. of Education to enter into charters in the same fashion as present law authorizes for colleges and universities.
- (6) Prohibits a local school system that has transferred schools to the recovery district from considering or acting on type 1 charter school applications.
- (7) Permits a type 1 charter school application made to a local board ineligible to consider it to be made to BESE.

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

(Amends R.S. 17:1990(A), (B)(1), (2)(a), and (4), (C)(1)(a), (2)(a), and (3), 3973(2)(b)(v)(aa), 3982(A)(1), and 3983(A)(2)(a); adds R.S. 17:10.7, 1990(F)(3), 3973(2)(b)(v)(cc), 3983(A)(1)(g) and 3997(A)(1)(c))

Summary of Amendments Adopted by Senate

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

1. Limits the applicability of the proposed law provision that provides for the transfer of schools that are below state average and in a school system that is defined under present law as in academic crisis and which have at least one school eligible to transfer to the recovery district under present law to those schools that are in a system that meets those requirements on August 31, 2005.
2. Requires the recovery district to report directly to BESE rather than the state superintendent or the state Dept. of Education reporting to BESE about the district.
3. Permits the recovery district to operate a limited number of schools prior to completion and approval of the required long-term plan provided the schools

are operated in direct response to present needs of students and BESE approves doing so after reviewing supporting data and the input sought by the district.

4. Requires a chartering authority reviewing type 5 charter proposals to review them in compliance with the Principles and Standards for Quality Charter School Authorizing.
5. Prohibits BESE and local school board members from being a member of a governing or management board of any type 5 charter school.
6. Authorizes the governing authority of any charter school to enter into a collectively bargained contract.

Summary of Amendments Adopted by Senate

Senate Floor Amendments to engrossed bill.

1. Eliminates provision that limits the applicability of the proposed law provision that provides for the transfer of schools that are below state average and in a school system that is defined under present law as in academic crisis and which have at least one school eligible to transfer to the recovery district under present law to those schools that are in a system that meets those requirements on August 31, 2005.
2. Prohibits the transfer of any additional schools that are below state average and in a school system that is defined under present law as in academic crisis and which have at least one school eligible to transfer to the recovery district under present law to the Recovery School District on and after Nov. 15, 2008.
3. Requires the recovery district to provide for and insure that schools of appropriate grade that have open enrollment policies are operating and available for the enrollment of students in reasonable proximity to the neighborhoods where concentrations of students reside.
4. Prohibits any elected official or any person who has been an elected official within one year prior to his appointment to serve as a member of a governing or management board of a type 5 charter school.