

Existing law (R.S. 17:10.5) provides for the transfer to the Recovery School District, subject to approval by the State Board of Elementary and Secondary Education (BESE), of schools that have been labeled academically unacceptable for four consecutive years or failed schools for which the local school board has failed to present or implement an acceptable reconstitution plan under the school and district accountability program established pursuant to BESE policy.

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

New law retains existing law (R.S. 17:10.5) regarding the transfer of schools to the recovery district which have been academically unacceptable for four years or for which an acceptable reconstitution plan has not been presented or implemented. Retains existing law (R.S. 17:10.6) that provides for the transfer of authority from the local school board to the local superintendent when a school system is academically in crisis.

New law (R.S. 17:10.7) adds provisions designating as a failed school, any 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 has been declared to be academically in crisis and that has at least one school eligible to transfer to the recovery district as provided in existing law. Requires that all such schools be transferred to the recovery district. Specifically includes alternative schools that report a majority of their students' scores back to such schools and charter schools chartered by such systems. Requires the recovery district to provide educational services that are required of local school systems to all students residing in the jurisdiction of the system who either attended or who would have been eligible to attend the transferred school. Requires the recovery district to provide for and ensure that schools of appropriate grades that have open enrollment policies are 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 schools shall be transferred to the recovery district.

New law requires the recovery district to reorganize and operate such schools as determined most likely to improve student performance. Authorizes the recovery district to determine what schools to operate, close, relocate, or rebuild and what range of grades to operate. Requires the recovery district within six months after the transfer of a school to develop a plan for BESE approval for the operation of all schools transferred. Requires the plan to include provisions for the educational needs of all students, the number and location of schools to be operated, and a method for communication among the parties involved including specified parties. Provides that new law requirements shall not preclude the operation of a limited number of schools prior to completion and approval of the required plan provided that such schools are operated in direct response to the present needs of students and provided that the operation of such schools is approved by BESE after certain review and consideration.

New law requires the recovery district to make an annual report to the House and Senate committees on education concerning the status, management, and operation of any school transferred to the recovery district pursuant to new law.

New law provides that such a transfer is for a minimum of five school years (not including the school year of the transfer, if transferred during the school year). Requires the recovery district to report to BESE at least nine months prior to the expiration of the transfer period and specifies certain elements to be included in the report. Requires BESE, no later than six months prior to the expiration of the transfer period, to take action on the recommendations of the recovery district as contained in the report. Provides for the district to retain the school for an additional five-year period upon BESE approval.

New law empowers students' parents or guardians to choose to continue to have their child enrolled in a school under the recovery district or to exercise any option provided by the school system from which the school is transferred to attend a school operated by the system.

Existing law (R.S. 17:1990) 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.

New law makes the following changes and additions to existing law (R.S. 17:1990) provisions regarding the recovery 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 school system academically in crisis.
- (2) Requires BESE approval for the administration of the recovery district by the state Dept. of Education.
- (3) Authorizes the recovery district to manage and retain certain funding, including maintaining and managing fund balances.
- (4) Authorizes the recovery district to enter into contracts with private for-profit providers for any needed services for transferred schools.
- (5) In the case of the transfer of schools that are designated as failed because they are below the state average and in a school system academically in crisis, authorizes the recovery district to acquire all rights and responsibilities of ownership regarding all land, buildings, facilities, and other property that is part of the school being transferred, except prohibits the transfer of ownership of any land or usable buildings constructed on the land other than to return it to the stewardship of the local school system from which it was originally transferred.
- (6) Provides that when such ownership rights transfer, the recovery 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, rebuilding, or building a school building or facility including certain insurance proceeds. Provides for the transfer from the prior system to the recovery district of certain money available for repair, maintenance, or capitol projects.
- (7) Authorizes the recovery district to lease land or property, dispose of property other than the land as is necessary to properly manage the operation of the schools, and rebuild or renovate school buildings. Prohibits destruction of any building pursuant to district authority unless approved by the office of facility planning, division of administration.
- (8) Relative to the appropriation of funds to the district on the basis of student membership, refers to student membership rather than October 1st student membership and requires the appropriation to be used for services to students instead of educational services to students.
- (9) Relative to the means for allocating and transferring certain monies owed to the recovery district from the prior system, provides, as the first means, the reduction in state MFP funds followed by a transfer from the prior system of local funds to make up any deficit in the amount available in state MFP funds.
- (10) Provides that if there are insufficient MFP funds available to provide all that is due the recovery district, the prior system shall transfer a sufficient amount to the recovery district. Provides for the maintenance of a budget for the prior system that is 10% of the prior system's state MFP funding and 10% of its local funding. Requires that such amount be spent first on the prior system's retiree health insurance costs and second on the prior system's board administrative costs.
- (11) Provides an exception to existing law requirement that monies allocated or transferred from the prior system to the recovery district be expended solely on the operation of schools transferred by providing that in the case of schools that are designated as failed because they are below the state average and in a school system academically in crisis, such monies be expended on providing services to students

without regard to expending amounts on or in any particular school. Requires such funds to be used to provide services to the students who attended or were eligible to attend the transferred schools.

- (12) Authorizes the recovery district to permit any student eligible to attend any school in the prior system to attend a school operated by the recovery district in the area of the prior system.

New law makes the following changes to the Charter School Demonstration Programs Law to accommodate the transfer of schools to the recovery district and provide for the operation of such schools:

- (1) Adds the transfer of schools that are designated as failed because they are below the state average and in a school system academically in crisis (new law R.S. 17:10.7) to those which may be recreated as a Type 5 charter school by the recovery district.
- (2) Requires that a chartering authority considering a Type 5 proposal review the proposal in compliance with the Principles and Standards of Quality Charter School Authorizing as promulgated by the National Association of Charter School Authorizers.
- (3) Prohibits: (a) a member of BESE from being a member of the governing or management board of any Type 5 charter school; (b) a member of a local school board from being a member of the governing or management board of any Type 5 charter school within the local school board's jurisdictional area; and (c) 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 the governing or management board of any Type 5 charter school.
- (4) Authorizes the state Dept. of Education to enter into charters in the same fashion as existing law authorizes for colleges and universities.
- (5) Prohibits a local school system in academic crisis that has transferred schools to the recovery district from considering or acting on Type 1 charter school applications.
- (6) Provides that any Type 1 charter school application made to a local school board in academic crisis that is ineligible to consider such application may be submitted to BESE as a Type 2 proposal.
- (7) Authorizes the governing authority of any Type 5 charter school to bargain and enter into a collectively bargained contract on behalf of all or any group of its employees and provides that such provisions supercede existing law R.S. 17:3996(D) as it relates to Type 5 charter schools. (R.S. 17:3996(D) provides that any collective bargaining agreement entered into by a local school board in whose jurisdiction a charter school is located shall apply to the charter school except as otherwise provided for in the approved charter.)

Effective upon signature of governor (November 30, 2005).

(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))