
DIGEST

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Whitney

HB No. 542

Abstract: Relative to the administration, operation, approval, conversion, and funding of charter schools and the authority of the State Board of Elementary and Secondary Education, local public school boards, and charter authorizers with respect thereto.

Present law provides generally for charter schools, which are public schools that operate somewhat independently of the local school board but pursuant to a charter agreement. Generally, a nonprofit organization that wishes to run a charter school, the "chartering group", applies to the local school board or to the State Board of Elementary and Secondary Education (BESE), the "chartering authority", for permission to operate a school. If the application is approved, the chartering authority enters an agreement with the chartering group, and the agreement specifies the goals and objectives and terms and conditions applicable to the particular school.

Chartering Process

Present law requires that BESE approve a common charter application, developed by the Dept. of Education, for use by all chartering authorities including school boards, BESE, and local charter authorizers. Proposed law retains present law.

Present law requires that BESE recruit chartering groups that offer programs that address regional workforce needs; such programs may include vocational and technical education and industry-based certifications. Proposed law retains present law.

Present law provides for the duties of local school boards in chartering schools. Present law provides generally as follows:

- (1) Present law requires the school board to determine whether a proposed charter is valid, complete, financially well-structured, and educationally sound, whether it provides for a master plan for improving behavior and discipline in accordance with present law, whether it provides a plan for collecting data in accordance with present law, and whether it offers potential for fulfilling the purposes of the charter school law. Requires a transparent application review process that complies with standards established by the National Association of Charter School Authorizers. Requires that school boards post specified information regarding charter applications on their websites. Proposed law retains present law.

- (2) Present law requires an independent evaluation of the charter proposal by a third party possessing educational, organizational, legal, and financial expertise. Present law provides that if a potential chartering entity believes the local school board or charter authorizer has not complied with the rules regarding evaluating charters, the entity may submit its application directly to BESE.
- (3) Present law requires that school boards act to evaluate proposed charters within time lines established by BESE that are consistent with national best practices. Provides that the BESE time lines shall provide for an annual charter application process and afford school boards at least 90 days to evaluate applications. Present law further requires that each school board use the common charter application developed by the department and approved by BESE, but authorizes the school board to request additional information.
- (4) Present law provides that if a local board fails to comply with present law regarding application for charters, the charter applicant may submit its proposal to BESE. Requires BESE to determine whether the local board failed to comply with present law and if it so determines, it may review the charter proposal.

Proposed law retains present law.

Relative to the evaluation of charter proposals by BESE, present law requires that BESE create a process for authorizing multiple charter schools for chartering groups that have a demonstrated record of success including groups that do not operate any schools in La. A group that meets qualifications established by BESE may enter agreements with BESE to operate more than one charter school under a single agreement. Proposed law retains present law.

Present law provides that a charter may be approved subject to other conditions if the parties agree. Further provides that if the local school board or local charter authorizer seeks to amend the charter agreement in a manner that is unacceptable to the charter school or if the charter school finds requested terms for charter renewal to be unacceptable, the charter school may apply to BESE for a charter. Requires BESE to notify the local school board or local charter authorizer of the request and permit the local school board to respond prior to any action. Proposed law retains present law.

Present law provides that if a school system is academically in crisis or has received a "D" or an "F" under the school and district accountability system, a charter application that would otherwise be made to the local school board may be made to BESE. Proposed law retains present law.

Relative to admission requirements for proposed charters, present law requires that such charters contain or provide for a system for admission decisions that prohibits exclusion of students based on race, religion, special education needs, and other specified factors. Permits admission requirements related to a school's mission such as auditions for performing arts schools or proficiency in a foreign language for schools with a language immersion mission. Under present law only schools chartered prior to July 1, 2012, may incorporate achievement of a certain

academic record as part of the admission requirements. Proposed law retains present law.

Present law requires that all instructional staff at a charter school have at least a baccalaureate degree. Proposed law retains present law.

Present law provides that approved charters are valid for an initial period of four years. Further provides that after the initial period, a charter may be renewed for periods of not less than three nor more than 10 years. Proposed law retains present law.

Present law requires that the chartering authority review each charter school after three years. If the school is meeting its goals, the initial charter period may be extended to include the fifth year; if not, the charter expires at the end of the fourth year. Proposed law retains present law.

Present law provides that a charter is automatically renewed if the school has met or exceeded for the three preceding years the benchmarks established for it in accordance with present law, has demonstrated growth in student academic achievement for the three preceding schools years, and has had no significant audit findings during the term of the charter agreement. Further provides that the chartering group that qualifies for automatic renewal and has received a letter grade of "A" or "B" or any variation thereof is eligible to open and operate two additional schools that serve the same grade levels and the same enrollment boundaries without formal application. Requires that the chartering group notify the chartering authority of its intent to open additional charter schools at least 120 calendar days prior to enrolling students and enter a charter agreement at least 90 calendar days prior to enrolling students. Proposed law retains present law.

Present law prohibits persons convicted of or having pled nolo contendere to specified crimes listed in present law (R.S. 15:587.1(C)) from being hired by a charter school as a teacher, substitute teacher, bus driver, substitute bus driver, or janitor, or as a temporary, part-time, or permanent school employee of any kind, unless approved in writing by a district judge and the district attorney or, if employed on an emergency basis, unless approved in writing by the administrator of a chartering authority. Present law crimes include but are not limited to first and second degree murder, aggravated rape, sexual battery, aggravated kidnaping, incest, carnal knowledge of a juvenile, molestation of a juvenile, prostitution, crime against nature, child desertion, cruelty to the infirmed, obscenity, and distribution or possession with intent to distribute certain narcotic drugs. Proposed law retains present law.

Proposed law makes technical changes to present law.

Local Charter Authorizers

Present law requires that BESE establish procedures for certifying other entities, other than BESE itself and local school boards, as "local charter authorizers". State agencies and nonprofit corporations with an educational mission may be certified as local charter authorizers. An entity which has been certified by BESE as a local charter authorizer may accept, evaluate, and approve applications for charter schools from chartering groups.

Proposed law retains present law.

Present law further provides that BESE:

- (1) Shall not certify a nonprofit corporation as a charter authorizer unless it has been in existence for at least three years and it has at least \$500,000 in assets.
- (2) Shall not certify a chartering group as a local charter authorizer.
- (3) Shall not certify more than five local charter authorizers to operate in any Regional Labor Market Area, as defined by the La. Workforce Commission, at any given time.

Proposed law retains present law.

Present law provides for monitoring and standards for local charter authorizers and the schools they charter by BESE. Proposed law retains present law.

Present law provides that the initial certification of a local charter authorizer shall be for a period of five years. Certification may be renewed for periods of not less than three and not more than 10 years. Further requires BESE to conduct a thorough review of schools chartered by the local charter authorizer every three years, renewal of certification and continuing authority to authorize charter schools are dependent on the grades received by the schools chartered by the authorizer. If a local charter authorizer loses its certification, its schools are transferred to BESE or the Recovery School District as charter schools.

Present law authorizes BESE to rescind a charter issued by a local charter authorizer if BESE finds that the local charter authorizer failed to comply with procedures and requirements in approving the charter. Present law further authorizes BESE to rescind a charter approval or agreement between a local charter authorizer and a chartering group if the chartering group has been found by the state board to have a repeating pattern of abuse, neglect, and mistreatment of students. Proposed law remove the necessity for repetition from the pattern of abuse, neglect, or mistreatment as a grounds for rescission of a charter.

Proposed law prohibits the certification of any local charter authorizer which has an officer, administrator, director, or any person having managerial authority who has been convicted of or has pled nolo contendere to any crime defined as a felony or has been convicted under the laws of any other state or of the U.S. or of any foreign government or country of a crime which, if committed in this state, would be a felony. Provides that this prohibition shall not apply to any person who has been pardoned or if more than 15 years have elapsed after the date of the completion of his original sentence. Proposed law retains present law.

Proposed law generally provides that a local charter authorizer is subject to the same requirements regarding the process for charter applications and evaluations as present law provides for local school boards. Proposed law retains present law.

Present law provides that local charter authorizers may charter new schools or existing schools which convert to charter schools; any such school is referred to as a Type 1B charter school. Provides that pupils who reside within the state are eligible to attend as provided in the charter.

Proposed law retains present law.

Present law provides that a state chartered school is a local education agency for purposes of special education funding and that the local school board is the local education agency for charter schools it has authorized. Further provides that a school authorized by a local charter authorizer is a local education agency. Proposed law retains present law.

Present law provides that assets acquired by a charter school (except Type 4) are the property of that school for the duration of that school's charter agreement, including schools chartered by a charter authorizer. Further requires that assets that become the property of a local charter authorizer be used solely for purposes of operating charter schools. Proposed law retains present law.

Present law requires that all charter schools adopt budgets in accordance with the La. Local Government Budget Act. Further requires that all schools approved by a charter authorizer must submit their budgets to their local charter authorizer. Proposed law retains present law.

Present law establishes the La. Charter School Start-Up Loan Fund to provide no-interest loans to assist charter schools get started. Proposed law provides that schools authorized by local charter authorizers are eligible for loans from the fund. Proposed law retains present law.

Proposed law makes technical changes to present law.

(Amends R.S. 17:3973(2)(b)(iv) and (3) through (7), 3974, 3981(4), (7), and (8), 3981.1, 3981.2, 3982, 3983(A)(2)(a)(i) and (iii) and (d), (3)(a) and (d), and (4)(a), (b), and (d), (B)(2),(D), and (E)(3), 3991(B)(3) and (13), (C)(1)(c)(iv) and (6), (D)(2)(a)(i), and (H), 3992(A)(1) and (D), 3995(A)(1)(introductory paragraph) and (c) and (4)(a), 3996(C) and (G), 3998, 4001(A) and (C)(1) and (2); Repeals R.S. 17:3991(B)(9) and 3996(A)(16) and (B)(4))