

2016 Regular Session

SENATE BILL NO. 432

BY SENATORS PETERSON, BISHOP, CARTER AND MORRELL AND REPRESENTATIVES BAGNERIS, GARY CARTER, JIMMY HARRIS, HILFERTY, LEGER AND MORENO

SCHOOLS. Provides for return of certain RSD schools to the transferring school board. (gov sig)

AN ACT

To amend and reenact R.S. 17:3995(A)(3) and (4) and (I), and 3999, and to enact R.S. 17:10.7.1, 100.11(I), and 3995(K), relative to the return of certain schools from the Recovery School District to the transferring school system; to provide for the governance, funding, and status of such schools; to provide for the return of school buildings, facilities, and property; to provide relative to charter contracts and enrollment and discipline policies; to provide relative to testing; to provide for the duties and responsibilities of the local school board, the local school superintendent, the Recovery School District, and the State Board of Elementary and Secondary Education; to provide for an implementation plan and an advisory committee to help develop the plan; to provide for immunity from civil liability for local school board members; to provide with respect to the funding of a charter school acting as its own local education agency; to provide for rules; to provide for effectiveness; to provide for reporting; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:3995(A)(3) and (4) and (I), and 3999 are hereby amended and reenacted, and R.S. 17:10.7.1, 100.11(I), and 3995(K) are hereby enacted to read as follows:

1           **§10.7.1. Return of certain schools from the Recovery School District to the**  
2   **transferring school system; time line; conditions; funding**

3           **A. The provisions of this Section shall be applicable only to a school**  
4           **system from which one or more schools have been transferred to the Recovery**  
5           **School District pursuant to R.S. 17:10.7.**

6           **B. To the extent that the provisions of this Section conflict with the**  
7           **provisions of Chapter 42 of Title 17 of the Louisiana Revised Statutes of 1950,**  
8           **the provisions of this Section shall prevail.**

9           **C.(1) Not later than July 1, 2018, every school transferred to the**  
10           **Recovery School District pursuant to R.S. 17:10.5 or 10.7 shall be returned to**  
11           **the governance, administration, and jurisdiction of the local school system from**  
12           **which the school was transferred.**

13           **(2)(a) Each Type 5 charter school returned to the local school system**  
14           **shall be converted to a Type 3B charter school in accordance with the provisions**  
15           **of R.S. 17:3973(2)(b)(vii).**

16           **(b) The initial term of the charter for such Type 3B charter school shall**  
17           **be equal to the number of years remaining on the school's prior Type 5 charter**  
18           **contract.**

19           **D.(1) All buildings, facilities, property, and other school assets owned by,**  
20           **or under the control of, the Recovery School District shall be transferred to the**  
21           **local school system at the time the school is returned to the governance,**  
22           **administration, and jurisdiction of the local school system from which the**  
23           **school was transferred.**

24           **(2) Notwithstanding the provisions of this Subsection, unless otherwise**  
25           **agreed to by the Recovery School District and the local school system, subject**  
26           **to any necessary approval by the appropriate federal agency, the following shall**  
27           **apply:**

28           **(a) A school facility under the control of the Recovery School District**  
29           **that is under construction or scheduled to be under construction pursuant to a**

1 federal recovery plan, shall remain under the control of the Recovery School  
2 District until construction is substantially complete.

3 (b) The Recovery School District and the state Department of Education  
4 shall continue to operate as the federal grant applicant for projects completed  
5 by the Recovery School District pursuant to a federal recovery plan and shall  
6 retain responsibility for the execution and administration of contractual  
7 warranties, grant close-outs, and financing compliance periods for such  
8 projects.

9 (c)(i) The Recovery School District shall return all buildings, facilities,  
10 and property related to a school which are owned by, or under the control of,  
11 the district to the local school system free of any encumbrances, including liens  
12 and judgments, other than those financing transactions to which the local school  
13 board is a party.

14 (ii) The local school board shall have no obligation to reimburse the  
15 Recovery School District, the state Department of Education, or the State Board  
16 of Elementary Education for any maintenance, alterations, or other repairs  
17 made to any of the school's buildings, facilities, or property before the school's  
18 return to the local school system.

19 (d) The local school board and its individual members shall be immune  
20 from civil liability for any damages arising from acts, omissions, or incidents  
21 occurring during the time a school returned to the local school system was  
22 under the jurisdiction of the Recovery School District.

23 (e) The local school board and its individual members shall be immune  
24 from any liability or responsibility for any obligation, claim, demand for  
25 reimbursement, or other indebtedness asserted by the Federal Emergency  
26 Management Agency, the United States Department of Housing and Urban  
27 Development, or any other federal or state governmental agency or entity, with  
28 respect to construction projects managed by the Recovery School District.

29 E. Notwithstanding any law to the contrary, in order to support and

1 protect the interests and rights of the children it serves, the local school board:

2 (1) Shall adopt a policy that establishes a process to determine the  
3 district-level funding allocation to be effective beginning July 1, 2017, and as  
4 revised in subsequent years as appropriate, based upon student characteristics  
5 or needs, as determined by the local school board, to distribute the total amount  
6 of minimum foundation program formula funds allocated to the local school  
7 board and to Type 1, 1B, 3, 3B, 4, and 5 charter schools that are located within  
8 the geographic boundaries of the local school system.

9 (2) May use local revenues from new or repurposed taxes levied by the  
10 board and approved by voters after September 1, 2016, for parish-wide  
11 functions or programs specifically approved by the voters.

12 (3) Shall approve contracts for all charter schools under the board's  
13 jurisdiction that are limited to provisions which are common to all such charter  
14 contracts, unless terms specific to an individual school are authorized pursuant  
15 to policies of the board in accordance with applicable state law.

16 (4) Shall require all charter schools under the board's jurisdiction to  
17 participate in the parish-wide enrollment system and student expulsion process,  
18 according to policies established by the board.

19 (5) May adopt a policy for charter schools under the school board's  
20 jurisdiction that are in good standing in regard to compliance with the board's  
21 parish-wide enrollment system and student expulsion process policies, so that  
22 such schools shall be exempted from the minimum enrollment percentages  
23 required by R.S. 17:3991.

24 (6) May provide a lottery preference for enrollment at elementary and  
25 middle schools under the board's jurisdiction for students residing within  
26 defined geographic zones as one of the factors to determine student assignment,  
27 according to policies adopted by the board. Such preference shall be applied to  
28 not more than one-half of the seats available in each grade level to ensure that  
29 seats in all schools are accessible to students residing outside of a school's

1 respective geographic zones. Notwithstanding the provisions of this Subsection,  
2 any Type 1 or Type 3 charter school which was first authorized by the board on,  
3 or prior to, July 1, 2016, and whose charter contract includes a geographic  
4 preference in accordance with R.S. 17:3991, may maintain such preference with  
5 the approval of the board, in accordance with board policy adopted for this  
6 purpose.

7 (7) May adopt a policy for cooperatively and annually establishing  
8 enrollment projections and targets for every school under the school board's  
9 jurisdiction and which requires enrollment of additional or fewer students  
10 throughout the school year as necessary. The policy may consider factors  
11 including past trends in enrollment and school performance.

12 (8) Shall adopt a policy establishing a process which allows the local  
13 superintendent to limit the percentage of system enrollment that any single  
14 operator of schools or charter governing authority may serve to ensure that a  
15 diverse system of schools led by multiple high quality operators exists at all  
16 times.

17 (9) Shall provide for the distribution of deferred local revenues to  
18 charter schools under the board's jurisdiction in any year that such revenues  
19 exist. Deferred local revenues shall be defined as the amount of local revenues  
20 specified in R.S. 17:3995(A)(1) for distribution to all charter schools under the  
21 board's jurisdiction that vary from the total amount of local revenues  
22 distributed to all charter schools pursuant to R.S. 17:3995(A)(3) due to a  
23 collection of local revenues that is higher or lower than the amount projected  
24 by the board. In the event that actual local revenues are lower than the amount  
25 projected, the board may carry forward the amount of any loss, to be recovered  
26 from deferred revenues in any future year in which such revenues exceed  
27 projections, prior to distribution of such revenues to charter schools.

28 F. In order to determine quality standards for all schools and intervene  
29 appropriately in instances when student needs are not being met, the local

1 superintendent shall:

2 (1)(a) Present recommendations to the local school board regarding the  
3 approval, extension, renewal, or revocation of the charter for any charter school  
4 under the board's jurisdiction.

5 (b) Unless vetoed by a two-thirds vote of the full membership of the  
6 board, the local superintendent may implement any such recommendation  
7 submitted to the board.

8 (c) Any action by the board to veto a recommendation made by the local  
9 superintendent pursuant to Subparagraph (b) of this Paragraph shall occur no  
10 later than the first board meeting held after the meeting during which the  
11 recommendation was submitted to the board.

12 (2) Monitor and require corrective actions by a charter school with  
13 respect to compliance with board policy, state law, or terms of the charter  
14 contract.

15 (3) Be authorized to require one or more charter schools under the  
16 school board's jurisdiction to temporarily close, dismiss students, or evacuate  
17 in the event that there are credible threats of terror, or an official state of  
18 emergency is declared for the area in which any school under the board's  
19 jurisdiction is located.

20 G. In order to ensure the appropriate level of autonomy to enable  
21 educators to successfully prepare students for success in college and career:

22 (1) Unless mutually agreed to by both the charter school's governing  
23 authority and the local school board pursuant to a duly authorized resolution  
24 adopted by each governing entity, the local school board shall not impede the  
25 operational autonomy of a charter school under its jurisdiction in the areas of  
26 school programming, instruction, curriculum, materials and texts, yearly school  
27 calendars and daily schedules, hiring and firing of personnel, employee  
28 performance management and evaluation, terms and conditions of employment,  
29 teacher or administrator certification, salaries and benefits, retirement,

1 collective bargaining, budgeting, purchasing, procurement, and contracting for  
2 services other than capital repairs and facilities construction.

3 (2) Type 3B charter schools and, with the approval of the local school  
4 board, any other type of charter school under the board's jurisdiction may act  
5 as its own local educational agency for one or more funding purposes or  
6 statutory definitions, in accordance with R.S. 17:3995, and rules adopted by the  
7 State Board of Elementary and Secondary Education.

8 (3) Beginning July 1, 2017, each charter school under the local school  
9 board's jurisdiction shall provide for independent test monitoring from a third  
10 party entity approved by the school board for the testing period immediately  
11 preceding the board's consideration of renewal of the charter school's contract.

12 H.(1)(a) The local school superintendent shall develop a plan to effect the  
13 return of schools from the Recovery School District to the local school board,  
14 as provided in this Section.

15 (b) The local school superintendent, in consultation with the  
16 superintendent of the Recovery School District, shall convene an advisory  
17 committee to assist in the development of the plan.

18 (2) The advisory committee shall be subject to the provisions of the  
19 Louisiana Open Meetings Law, the Louisiana Public Records Law, and all local  
20 school board policy regarding public meetings and public documents.

21 (3) The advisory committee shall be comprised of thirteen members as  
22 follows:

23 (a) The local school superintendent.

24 (b) The superintendent of the Recovery School District.

25 (c) Two members who shall represent Type 5 charter school operators,  
26 appointed by the local school superintendent.

27 (d) Two representatives of Type 5 charter school operators, appointed  
28 by the superintendent of the Recovery School District.

29 (e) Two members who shall represent either a Type 1 or Type 3 charter

1 school operator, appointed by the local school superintendent.

2 (f) One member who shall represent a school directly operated by the  
3 local board, appointed by the local school superintendent.

4 (g) One member who shall represent an educational advocacy  
5 organization, appointed by the local school superintendent.

6 (h) One member who shall represent an educational advocacy  
7 organization, appointed by the superintendent of the Recovery School District.

8 (i) Two members jointly appointed by the local school superintendent  
9 and the superintendent of the Recovery School District.

10 (4) The local school superintendent shall submit the plan to the local  
11 school board for approval by September 1, 2016. The plan shall include:

12 (a) Consideration of equitable funding for governmental functions  
13 deemed appropriate for the efficient operation of a system of autonomous  
14 schools under the jurisdiction of the local school board.

15 (b) An implementation time line that shall include a detailed list of tasks  
16 and benchmarks that are appropriately sequenced to efficiently facilitate the  
17 transfer of such functions and related funding from the Recovery School  
18 District with respect to the return of schools to the local school system.

19 (5) After the local school board has approved the plan, the local school  
20 superintendent shall convene the advisory committee as often as he deems  
21 necessary, but at least on a quarterly basis, until all schools have been returned  
22 from the Recovery School District to the local school system.

23 (6)(a) The local school superintendent shall prepare a written progress  
24 report regarding implementation of the approved plan to return schools from  
25 the Recovery School District to the local school system not later than  
26 December 1, 2016, March 1, 2017, June 1, 2017, September 1, 2017, December  
27 1, 2017, March 1, 2018, and June 1, 2018, and submit the report to the  
28 following:

29 (i) The State Board of Elementary and Secondary Education.



1                    (ii) The local school board.

2                    (iii) The Recovery School District.

3                    (iv) The state Department of Education.

4                    (v) The education committees of the Senate and the House of  
5 Representatives.

6                    (b) A final report shall be prepared and submitted to the entities  
7 enumerated in Subparagraph (a) of this Paragraph not later than August 1,  
8 2018.

9                    I.(1) The final transfer of schools from the Recovery School District to  
10 the local school board as provided in this Section may be postponed only by a  
11 majority vote of the full membership of the local school board or the full  
12 membership of the State Board of Elementary and Secondary Education, and  
13 at least one of the following must apply:

14                    (a) The local school board is not financially stable.

15                    (b) The local school board lacks a comprehensive suspension, expulsion,  
16 and reentry program for students.

17                    (c) The local school board cannot assure the stability of employee  
18 retirement benefits.

19                    (d) The local school board cannot ensure or provide sufficient insurance  
20 coverage.

21                    (e) The local school superintendent and the superintendent of the  
22 Recovery School District provide written certification that it is not feasible to  
23 meet the time lines, tasks, and benchmarks established in the plan to effect the  
24 return of schools from the Recovery School District to the jurisdiction of the  
25 local school board as provided in Subsection H of this Section.

26                    (2) The local school board or the State Board of Elementary and  
27 Secondary Education shall consider a postponement at a regular or special  
28 meeting upon official request by a majority vote of the full membership of the  
29 advisory committee.



1 characteristics or needs as determined by the state board. The state Department of  
2 Education shall facilitate a collaborative process that includes representatives from  
3 the Recovery School District, the Louisiana Association of Public Charter Schools,  
4 any affected local school board and any organization representing its authorized  
5 charter schools, and advocates for students with disabilities in the development of  
6 the district-level allocation policy that shall take effect on July 1, 2016.

7 **(b) The local school board shall adopt a policy that establishes a process**  
8 **to determine the district-level funding allocation to be effective beginning**  
9 **July 1, 2017, and as revised in subsequent years as appropriate, based upon**  
10 **student characteristics or needs to distribute the total amount of minimum**  
11 **foundation program formula funds allocated to the local school board and to**  
12 **Type 1, 1B, 3, 3B, 4, and 5 charter schools that are located within the**  
13 **geographic boundaries of the local school system.**

14 (4)(a)(i) \* \* \*  
15 \* \* \*

16 (ii) The state Department of Education may withhold and retain from state  
17 funds otherwise allocated to a local public school system through the minimum  
18 foundation program formula an amount equal to one quarter of one percent of the fee  
19 amount charged to a Type 3B charter school **acting as its own local education**  
20 **agency** pursuant to Item (i) of this Subparagraph, **or a Type 1, 3, or 4 charter**  
21 **school acting as its own education agency pursuant to R.S. 17:10.7.1,** for  
22 administrative costs incurred by the department for providing financial oversight and  
23 monitoring of such charter schools.

24 \* \* \*

25 I. The local school board shall remain the local education agency for any  
26 Type 1, 3, or 4 charter school, **unless the charter school is authorized to act as its**  
27 **own local education agency, pursuant to R.S. 17:10.7.1.**

28 \* \* \*

29 **K. The State Board of Elementary and Secondary Education shall**

1 promulgate rules in accordance with the Administrative Procedure Act  
 2 regarding a charter school acting as its own local education agency, pursuant  
 3 to R.S. 17:10.7.1. Such rules shall:

4 (1) Delineate the financial and programmatic obligations of the charter  
 5 school as related to the receipt of public funds.

6 (2) Authorize the state superintendent of education to rescind a charter  
 7 school's authority to act as its own local education agency if the school fails to  
 8 meet the financial and programmatic obligations established by the board.

9 \* \* \*

10 §3999. Application of Chapter

11 A. All charter schools shall be governed by the law in effect on August 15,  
 12 2003. Thereafter, if the provisions of this Chapter are amended, all charter schools  
 13 shall comply with the law as amended within ninety days of its effective date.

14 B. To the extent that the provisions of this Chapter conflict with the  
 15 provisions of R.S. 17:10.7.1, the provisions of R.S. 17:10.7.1 shall prevail.

16 Section 2. This Act shall become effective upon signature by the governor or, if not  
 17 signed by the governor, upon expiration of the time for bills to become law without signature  
 18 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
 19 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
 20 effective on the day following such approval.

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The original instrument and the following digest, which constitutes no part  
 of the legislative instrument, were prepared by Jeanne C. Johnston.

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DIGEST

SB 432 Engrossed                      2016 Regular Session                      Peterson

Proposed law provides for the return of certain charter schools from the Recovery School District (RSD) to the transferring local school system as follows:

- (1) Proposed law is only applicable to a school system from which one or more schools were transferred to the RSD from a school district declared to be "academically in crisis" in accordance with present law.
- (2) To the extent proposed law conflicts with the Charter School Law, the provisions of proposed law will prevail.
- (3) Not later than July 1, 2018, every school transferred to the RSD shall be returned to

- the jurisdiction of the local school system from which the school was transferred.
- (4) Each Type 5 charter returned to the local school system shall be converted to a Type 3B charter with the authority to act as its own local education agency.
  - (5) The initial term of the charter for a Type 3B charter which was a former Type 5 charter shall be equal to the number of years remaining on the school's prior Type 5 contract.
  - (6) Requires the RSD to return all buildings, facilities, property, and other school assets owned by, or under the control of the RSD, at the time the school is returned to the local school system, but provides that facilities under the control of the RSD under construction pursuant to a federal recovery plan will remain with the RSD until construction is substantially complete. Additionally provides that the RSD and the Dept. of Education (DOE) shall continue to operate as the federal grant applicant for such projects.
  - (7) Requires the RSD to return all buildings, facilities, and property related to a school which are owned by, or under the control of, the district to the local school system free of any encumbrances, including liens and judgments, other than those to which the local school board is a party.
  - (8) Specifies that the local school board shall have no obligation to reimburse the RSD, DOE, or BESE for any maintenance, alterations, or other repairs made to any of a school's buildings, facilities, or property before the school's return to the local school system.
  - (9) Exempts the local school board, and its individual members, from civil liability for any damages arising from acts, omissions, or incidents occurring during the time the school was under the jurisdiction of the RSD.
  - (10) Exempts the local school board, and its individual members, from any liability or responsibility asserted by the Federal Emergency Management Agency (FEMA), the U.S. Dept. of Housing and Urban Development, or any other federal or state governmental agency or entity, with respect to construction projects managed by the RSD.
  - (11) Provides for local school board duties as follows:
    - (a) Shall adopt a policy that establishes a process to determine the district-level funding allocation to be effective beginning July 1, 2017, based upon student characteristics or needs, as determined by the board, to distribute the total amount of MFP funds allocated to the local school board and to Type 1, 1B, 3, 3B, 4, and 5 charter schools located within the geographic boundaries of the local school system.
    - (b) May use local revenues from new or repurposed taxes approved after Sept. 1, 2016, for parish-wide functions or programs specifically approved by the voters.
    - (c) Shall approve contracts for all charter schools limited to provisions common to all charters under the board's jurisdiction, unless otherwise authorized by state law.
    - (d) Shall require all charter schools to participate in the parish-wide enrollment system and student expulsion process, in accordance with local board policy.
    - (e) Allows the board to exempt charter schools in good standing with such board

policy from the minimum enrollment percentages required by the general charter school law with regard to enrollment of at-risk students.

- (f) May provide a lottery preference for enrollment at elementary and middle schools for students residing within defined geographic zones as a factor to determine student assignment. Such preference shall be applied to not more than one-half of the seats available in each grade level. A charter school authorized on or prior to July 1, 2016, may maintain any existing geographic preferences.
  - (g) May adopt a policy to annually establish enrollment projections and targets for every school under the board's jurisdiction.
  - (h) Shall adopt a policy establishing a process to allow the local superintendent to limit the percentage of system enrollment that any single charter operator or charter governing authority may serve to ensure a diverse system of schools.
  - (i) Shall provide for the distribution of deferred local revenues to charter schools under the board's jurisdiction in any year that such revenues exist. Defines "deferred local revenues" as the amount of local revenues for distribution to all charter schools under the board's jurisdiction that vary from the total amount of local revenues distributed to all charter schools pursuant to present law due to a collection of local revenues that is higher or lower than the amount projected by the board. Further provides that in the event that actual local revenues are lower than the amount projected, the board may carry forward the amount of any loss, to be recovered from deferred revenues in any future year in which such revenues exceed projections, prior to distribution of such revenues to charter schools.
- (12) Requires the local school superintendent to:
- (a) Present recommendations to the local school board regarding the approval, extension, renewal, or revocation of the charter for any charter school under the board's jurisdiction. Provides that the local superintendent may implement such recommendations, unless vetoed by a 2/3 vote of the full membership of the board. Further provides that any such veto shall occur no later than the first board meeting held after the meeting during which the recommendation was submitted to the board.
  - (b) Monitor and require corrective actions by a charter school that does not comply with board policy, state law, or terms of the charter contract.
  - (c) Require a school(s) to temporarily close, or dismiss or evacuate students in case of a threat of terror or declared state of emergency.
- (13) Prohibits the local school board from impeding the operational autonomy of a charter school under its jurisdiction, as provided in the school's charter, in the areas of programming, instruction, curriculum, materials and texts, school calendars, daily schedules, employment decisions and evaluation, teacher/administrator certification, salaries and benefits, collective bargaining, budgeting, purchasing, procurement, and contracting for services other than capital repairs and facilities construction, unless mutually agreed to by both the charter school's governing authority and the local school board.
- (14) Specifies that a Type 3B charter school may act as its own local education agency. Further allows any charter school under the school board's jurisdiction, with board approval, to act as its own local educational agency for funding purposes.

- (15) Requires each charter school, beginning July 1, 2017, to provide for independent test monitoring from a board approved third-party entity.
- (16) Requires the local superintendent to develop a plan to effect the return of schools from the RSD to the local school board that includes:
- (a) Consideration for equitable funding for governmental functions deemed appropriate for the efficient operation of a system of autonomous schools under the jurisdiction of the local school board.
  - (b) An implementation time line that shall include a detailed list of tasks and benchmarks that are appropriately sequenced to efficiently facilitate the return of schools to the local school system.
- (17) Requires the local superintendent to consult with the superintendent of the RSD to convene an advisory committee to assist in developing the plan.
- (18) Provides that the advisory committee be composed of 13 members as follows:
- (a) The local school superintendent.
  - (b) The superintendent of the Recovery School District.
  - (c) Two members who represent Type 5 charter school operators, appointed by the local school superintendent.
  - (d) Two representatives of Type 5 charter school operators, appointed by the superintendent of the RSD.
  - (e) Two members who represent either a Type 1 or Type 3 charter school operator, appointed by the local school superintendent.
  - (f) One member who represents a school directly operated by the local board, appointed by the local school superintendent.
  - (g) One member who represents an educational advocacy organization, appointed by the local school superintendent.
  - (h) One member who represents an educational advocacy organization, appointed by the superintendent of the RSD.
  - (i) Two members jointly appointed by the local school superintendent and the superintendent of the RSD.
- (19) Requires the local superintendent, after the school board has approved the plan to return the RSD schools to the local school system, to convene the advisory committee quarterly and as otherwise deemed necessary, until all schools have been returned to the local school system.
- (20) Requires the local superintendent to prepare a progress report regarding implementation of the approved plan to return RSD schools to the local school system not later than 12/1/16, 3/1/17, 6/1/17, 9/1/17, 12/1/17, 3/1/18, and 6/1/18. Further requires the superintendent to prepare a final report not later than 8/1/18. Provides that all reports shall be submitted to BESE, the local school board, the RSD, DOE, and the Senate and House committees.
- (21) Provides that the final transfer of schools from the RSD to the local school board may only be postponed by a majority vote of the full membership of the local school

board or the full membership of BESE, and at least one of the following applies:

- (a) The local school board is not financially stable.
- (b) The local school board lacks a comprehensive suspension, expulsion, and reentry program for students.
- (c) The local school board cannot assure the stability of employee retirement benefits.
- (d) The local school board cannot ensure or provide sufficient insurance coverage.
- (e) The local school superintendent and the superintendent of the RSD provide written certification that it is not feasible to meet the time lines, tasks, and benchmarks established in the plan to effect the return of schools to the jurisdiction of the local school board.

Provides that the local school board or BESE shall consider such postponement at a regular or special meeting upon official request by a majority vote of the full membership of the advisory committee.

Provides that any action taken by the local school board or BESE to postpone the final transfer of schools from the RSD to the local school board must occur no later than January 31, 2018.

Provides that postponement of the final transfer date shall not extend beyond July 1, 2019.

Present law allows DOE to retain from state MFP funds allocated to a local public school system, an amount equal to one quarter of one percent of the fee amount charged to a Type 3B charter school for administrative costs incurred by the department for financial oversight and monitoring of the school.

Proposed law retains present law and additionally authorizes DOE to retain such amount for a Type 3B charter acting as its own local education agency and any Type 1, 3, or 4 charter school acting as its own local education agency pursuant to proposed law.

Present law provides that the local school board shall remain the local education agency for any Type 1, 3, or 4 charter school. Proposed law exempts charter schools authorized to act as their own local education agency from present law.

Proposed law requires BESE to promulgate rules in accordance with the Administrative Procedure Act regarding a charter school acting as its own local education agency pursuant to proposed law. Provides that such rules shall:

- (1) Delineate the financial and programmatic obligations of the charter school as related to the receipt of public funds.
- (2) Authorize the state superintendent of education to rescind a charter school's authority to act as its own local education agency if the school fails to meet such financial and programmatic obligations.

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

(Amends R.S. 17:3995(A)(3), (4)(a)(ii), and (I), and 3999; adds R.S. 17:10.7.1, 100.11(I), and 3995(K))



Summary of Amendments Adopted by SenateCommittee Amendments Proposed by Senate Committee on Education to the original bill

1. Eliminates requirement that at least 10 schools be returned to the local school system by 7/1/17.
2. Provides for the distribution of deferred local revenues.
3. Authorizes the local superintendent to implement recommendations relative charter contract approval, extension, renewal, or revocation unless vetoed by the local school board.
4. Clarifies that a Type 3B charter may act as its own local education agency.
5. Increases the membership of the advisory committee.
6. Clarifies funding computations and requirements.
7. Changes provisions relative to postponement of the final transfer of schools from the RSD to the local school system to require action by the local board and BESE, predicated upon specified triggering events. Prohibits postponement of transfer of schools beyond July 1, 2019.