

2017 Regular Session

HOUSE BILL NO. 130

BY REPRESENTATIVE DEVILLIER

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

STUDENTS: Provides that economically disadvantaged students shall be included as a factor for purposes of teacher evaluations and requirements for enrollment of at-risk students in charter schools

1 AN ACT

2 To amend and reenact R.S. 17:3902(B)(5), 3991(B)(1)(a)(i) and (b)(i), and 3997(D)(2), to
3 enact R.S. 17:3973(4), and to repeal R.S. 17:3973(1), relative to students; to provide
4 that economically disadvantaged students shall be included as a factor in determining
5 teacher evaluations and requirements for enrollment of at-risk students in certain
6 charter schools; to remove references to students eligible for free and reduced price
7 meals as factors used in such teacher evaluations and charter school enrollment
8 requirements; to provide relative to determinations and identification of
9 economically disadvantaged students; and to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 17:3902(B)(5), 3991(B)(1)(a)(i) and (b)(i), and 3997(D)(2) are
12 hereby amended and reenacted and R.S. 17:3973(4) is hereby enacted to read as follows:

13 §3902. Evaluation program; process

14 * * *

15 B. The elements of evaluation and standards for effectiveness shall be
16 defined by the board pursuant to rules and regulations promulgated for such purpose.

17 Such rules and regulations shall require that, at a minimum, local evaluation plans
18 contain the following elements:

19 * * *

1 (5) Measure of effectiveness. Fifty percent of such evaluations shall be
2 based on evidence of growth in student achievement as determined by the board.
3 Data derived from a value-added assessment model, as determined by the ~~state~~
4 board, shall be a factor in determining evidence of student growth for grade levels
5 and subjects for which value-added data is available and shall comprise thirty-five
6 percent of the overall evaluation. For grade levels and subjects for which value-
7 added data is not available and for personnel for whom value-added data is not
8 available, the board shall establish measures of student growth. The model shall take
9 into account important student factors, including but not limited to special education,
10 ~~eligibility for free or reduced-price meals~~ economic disadvantage as determined by
11 the board, ~~student~~ attendance, and ~~student~~ discipline. However, neither the value-
12 added model nor the measures of student growth for grade levels and subjects for
13 which value-added data are not available shall, in any given year, include a test score
14 or data of a student who has ten or more unexcused absences in any school semester
15 in that year. The ~~state~~ board shall develop and adopt a policy to invalidate such
16 student growth data for any teacher for any school year in which there is a natural
17 disaster or any other unexpected event that results in the temporary closure of the
18 school.

* * *

20 §3973. Definitions

21 As used in this Chapter, the following words, terms, and phrases shall have
22 the meanings ascribed to them in this Section except when the context clearly
23 indicates a different meaning:

* * *

25 (4) "Economically disadvantaged" means any one of the following
26 characteristics of a student:

- 27 (a) Eligible for Louisiana's food assistance program for low-income families.
- 28 (b) Eligible for Louisiana's disaster food assistance program.

1 (c) Eligible for Louisiana's program for assistance to needy families with
 2 children to assist parents in becoming self-sufficient.

3 (d) Eligible for Louisiana's healthcare program for families and individuals
 4 with limited financial resources.

5 (e) Eligible for reduced price meals based on the latest available data.

6 (f) Is an English Language Learner.

7 (g) Identified as homeless or migrant pursuant to the McKinney-Vento
 8 Homeless Children and Youth Assistance Act and the Migrant Education Program
 9 within the Elementary and Secondary Education Act.

10 (h) Is incarcerated with the office of juvenile justice or in an adult facility.

11 (i) Has been placed into the custody of the state.

12 * * *

13 §3991. Charter schools; requirements; limitations; renewal; amendment; revocation

14 * * *

15 B. Each proposed charter shall contain or make provision for the following:

16 (1)(a)(i) That for ~~Type 1 and Type 2~~ charter schools created as new schools;
 17 and charter schools created as a result of a conversion after the 2011-2012 school
 18 year, the percentage of the total number of ~~pupils~~ students enrolled in the charter
 19 school based on the October first ~~pupil~~ student membership who are ~~at-risk, in the~~
 20 ~~manner provided in R.S. 17:3973(1)(a) and (e), economically disadvantaged and~~
 21 students with exceptionalities as defined in R.S. 17:1942, not including gifted and
 22 talented, shall be equal to not less than eighty-five percent of the average percentage
 23 of ~~pupils~~ students enrolled in the local public school districts from which the charter
 24 school enrolls its students who are ~~eligible to participate in the federal free and~~
 25 ~~reduced lunch program~~ economically disadvantaged; and shall be equal to not less
 26 than eighty-five percent of the average percentage of ~~pupils~~ students enrolled in the
 27 local public school districts from which the charter school enrolls its students who
 28 have been identified as a student with an exceptionality as defined in R.S. 17:1942,
 29 not including gifted and talented. ~~The remaining number of pupils enrolled in the~~

1 charter school which would be required to have the same percentage of at-risk pupils
 2 as the percentage of pupils in the district who are eligible to participate in the federal
 3 free and reduced cost lunch program or who have been identified as a student with
 4 an exceptionality as defined in R.S. 17:1942, not including gifted and talented, may
 5 be comprised of pupils who are at-risk as is otherwise provided in R.S. 17:3973(1).
 6 For the purposes of fulfilling the provisions of this Section, the ~~at-risk~~ economically
 7 disadvantaged and students with exceptionalities percentage for the ~~city or parish~~
 8 ~~school system~~ local public school district shall remain fixed during the term of the
 9 approved charter at the percentage which existed during the school year that the
 10 charter proposal was approved, ~~unless otherwise specified in the charter that the~~
 11 ~~charter school will reflect the current year's at-risk percentage.~~ or renewed.

* * *

13 (b)(i) That for ~~Type 2~~ charter schools created as a result of a conversion;
 14 ~~Type 3 and Type 4~~ charter schools, during or prior to the 2011-2012 school year, the
 15 percentage of the total number of ~~pupils~~ students enrolled in the charter school based
 16 on the October first ~~pupil~~ student membership who are ~~at-risk~~, ~~in the manner~~
 17 ~~provided in R.S. 17:3973(1)(a) and (c)~~, economically disadvantaged and students
 18 with exceptionalities as defined in R.S. 17:1942, not including gifted and talented,
 19 unless otherwise agreed to as part of the charter agreement, by the chartering
 20 authority, shall be equal to not less than the percentage of the total of ~~pupils~~ students
 21 enrolled in the school in the school year prior to the establishment of the charter
 22 school that who were eligible to participate in the federal free and reduced cost lunch
 23 ~~program~~ economically disadvantaged; and shall be equal to not less than the
 24 percentage of the total of ~~pupils~~ students enrolled in the school in the school year
 25 prior to the establishment of the charter school who were identified as a student with
 26 an exceptionality as defined in R.S. 17:1942, not including gifted and talented.

* * *

1 §3997. Charter school employees

2 * * *

3 D.

4 * * *

5 (2) Fifty percent of each teacher and administrator evaluation conducted
6 pursuant to Paragraph (1) of this Subsection shall be based on evidence of growth in
7 student achievement as determined by the state board. Data derived from a value-
8 added assessment model, as determined by the state board, shall be a factor in
9 determining evidence of student growth for grade levels and subjects for which
10 value-added data is available and shall comprise thirty-five percent of the overall
11 evaluation. For grade levels and subjects for which value-added data is not
12 available, the state board shall establish measures of student growth. The model
13 shall take into account important student factors, including but not limited to special
14 education, ~~eligibility for free or reduced price meals~~ economic disadvantage as
15 determined by the state board, ~~student~~ attendance, and ~~student~~ discipline. The state
16 board shall develop and adopt a policy to invalidate such student growth data for any
17 teacher for any school year in which there is a natural disaster or any other
18 unexpected event that results in the temporary closure of the school.

19 * * *

20 Section 2. R.S. 17:3973(1) is hereby repealed in its entirety.

21 Section 3. The State Board of Elementary and Secondary Education shall ensure that
22 all indicators used to determine and identify economically disadvantaged students as
23 provided in Section 1 of this Act are substantially the same as those used to certify student
24 eligibility for the federal free and reduced price meals program.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 130 Engrossed

2017 Regular Session

DeVillier

Abstract: Changes certain references to students who are eligible for free and reduced price meals to students who are economically disadvantaged for purposes of teacher evaluation and charter school enrollment; defines economically disadvantaged.

Proposed law changes certain present law references to students eligible for the federal free and reduced price meals program to students who are economically disadvantaged as follows:

Teacher Evaluation

Present law (R.S. 17:3902(B)(5) and 3997(D)(2)) relative to teacher evaluations, provides for the use of a value-added assessment model to determine evidence of student growth as a basis for such evaluations. Provides that the model take into account certain student factors, including but not limited to special education, eligibility for free or reduced price meals, student attendance, and student discipline. Proposed law changes references to students who are eligible for free or reduced price meals to students who are economically disadvantaged as determined by the state Bd. of Elementary and Secondary Education (BESE). Otherwise retains present law.

Charter School Enrollment

Present law (R.S. 17:3973(1)(a) and 3991(B)(1)(a)(i) and (b)(i)) relative to requirements for enrollment of at-risk students in charter schools, provides that a student who is eligible to participate in the federal free or reduced lunch program is an at-risk student for purposes of present law. Provides specific requirements for enrollment of at-risk students (by reason of being eligible to participate in the federal free and reduced lunch program) in Type 1 and Type 2 charter schools created as new schools, Type 2 schools created as a result of a conversion, Type 3, and Type 4 schools. Proposed law changes references to students who are eligible for free or reduced price meals to students who are economically disadvantaged by reason of meeting any one of the following characteristics:

- (1) Eligible for La.'s food assistance program for low-income families.
- (2) Eligible for La.'s disaster food assistance program.
- (3) Eligible for La.'s program for assistance to needy families with children to assist parents in becoming self-sufficient.
- (4) Eligible for La.'s healthcare program for families and individuals with limited financial resources.
- (5) Eligible for reduced price meals based on the latest available data.
- (6) Is an English Language Learner.
- (7) Identified as homeless or migrant pursuant to the McKinney-Vento Homeless Children and Youth Assistance Act and the Migrant Education Program within the Elementary and Secondary Education Act.
- (8) Is incarcerated with the Office of Juvenile Justice or in an adult facility.
- (9) Has been placed into the custody of the state.

Proposed law applies the enrollment requirements to charter schools created as conversions before, during, or after the 2011-2012 school year instead of the types of charter schools specified in present law. Otherwise retains present law.

Proposed law requires BESE to ensure that the indicators used to determine and identify economically disadvantaged students for purposes of proposed law are substantially the same as those used to certify student eligibility for the federal free and reduced price meals program.

(Amends R.S. 17:3902(B)(5), 3991(B)(1)(a)(i) and (b)(i), and 3997(D)(2); Adds R.S. 17:3973(4); Repeals R.S. 17:3973(1))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Education to the original bill:

1. Define "economically disadvantaged" for purposes of present law and proposed law relative to charter school enrollment.
2. Remove requirement that BESE determine the students who are economically disadvantaged for purposes of charter school enrollment.
3. Change applicability of charter school enrollment requirements to charter schools created as conversions before, during, or after the 2011-2012 school year instead of to the types of charter schools specified in present law.
4. Remove present law definition of "at-risk" student relative to charter schools.