

ACT No. 431

2019 Regular Session

HOUSE BILL NO. 225

BY REPRESENTATIVE EDMONDS

1 AN ACT

2 To amend and reenact R.S. 17:3982(B)(1), relative to charter schools; to provide relative to
3 the disposition of charter school facilities financed through tax exempt bonds; to
4 require such facilities to be offered to charter operators or chartering authorities
5 under certain circumstances; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 17:3982(B)(1) is hereby amended and reenacted to read as follows:

8 §3982. Local school boards; duties; Orleans Parish School Board; immovable
9 property; sale or lease

10 * * *

11 B.(1)(a) Local school boards shall make available to chartering groups any
12 vacant school facilities or any facility slated to be vacant for lease or purchase up to
13 fair market value. In the case of a Type 2 charter school created as a result of a
14 conversion, the facility and all property within the existing school shall be made
15 available to that chartering group. In return for the use of the facility and its
16 contents, the chartering group shall pay a proportionate share of the local school
17 board's bonded indebtedness to be calculated in the same manner as set forth in R.S.
18 17:1990(C)(2)(a)(i). If such facilities were constructed at no cost to the local school
19 board, then such facilities including all equipment, books, instructional materials,
20 and furniture within such facilities shall be provided to the charter school at no cost.

21 (b) If the nongovernmental owner of a charter school facility that was
22 financed, in whole or in part, through tax exempt bonds that have been paid in full
23 wishes to dispose of the facility, he shall offer the facility, inclusive of all buildings
24 and land, as follows:

1 (i) The owner shall, in accordance with applicable law, first offer to transfer
2 title to the facility, at no cost, to the charter operator operating a school within the
3 facility.

4 (ii) If the charter operator declines the offer, the owner of the facility shall
5 next offer to transfer title to the facility, at no cost, to the school's chartering
6 authority. If the chartering authority is the State Board of Elementary and Secondary
7 Education, the following requirements shall apply:

8 (aa) If the state board declines the offer, the owner shall next offer to transfer
9 title to the facility, at no cost, to the local school board of the school system within
10 whose geographic boundaries the facility is located.

11 (bb) If the state board accepts the offer and later wishes to dispose of the
12 facility, it shall first offer to transfer title to the facility, at no cost, to the local school
13 board of the school system within whose geographic boundaries the facility is
14 located.

15 (iii) If the charter operator accepts the offer, the transfer agreement shall
16 stipulate that if the charter operator acquires ownership of the facility pursuant to
17 Item (i) of this Subparagraph and at any time ceases to operate a public school in the
18 facility, the charter operator shall transfer title to the facility, inclusive of all
19 buildings and land, at no cost, to the school's chartering authority.

20 (iv) An offer by the owner of a charter school facility to transfer title to the
21 facility pursuant to this Subparagraph shall extend for a period of not less than sixty
22 days from the date the offer was made.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____