

---

## 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)]

---

Jane Smith

HB No. 1368

**Abstract:** Provides a waiver program under which BESE may exempt any school, any combination of schools, or all schools under a school district's jurisdiction (including the RSD and the Special School District) from various laws, rules, and regulations if the school district demonstrates how such a waiver will increase the quality of instruction and improve student academic achievement.

Proposed law authorizes the State Board of Elementary and Secondary Education (BESE) to exempt school districts from certain laws, rules, regulations, and policies applicable to public schools and to public school officers and employees. Such exemptions are granted through issuance of a waiver, which is granted to a school district for any school, any combination of schools, or all schools in the district. Proposed law specifies laws, rules, regulations, and policies which may not be waived, including those relative to nutrition, transportation, evaluations, alternative education, accountability, and graduation requirements. Further prohibits waiving of limitations on outsourcing specified services.

Proposed law provides that the local superintendent under the direction of the school board or other governing authority requests the waiver. Specifies the elements which the waiver request must contain, including: identification of provisions he wishes to be waived, description of alternative policies and procedures to the waived provisions, description of how the waiver will increase the quality of instruction and improve academic achievement, and description of measurable educational goals and the methods of measurement.

In order for a superintendent to receive a waiver for schools that are academically unacceptable as determined by BESE, proposed law requires him to:

- (1) Ensure the effectiveness of the school's teachers, as defined by the board, by agreeing to specified steps to reward highly effective educators and to identify and train or dismiss ineffective teachers.
- (2) Implement one of the following intervention options:
  - (a) Put in place new leadership and staff, new governance, and improved instructional programs and provide the school with sufficient operational flexibility.
  - (b) Convert or close and reopen a school under a charter or education management organization.

- (c) Close the school and place its students in a high-performing school within the district.
- (d) Hire a new principal and implement a suite of best practices including comprehensive instructional management reform and measures of effective teaching. Proposed law provides that this option may not be proposed for more than half of the low-performing schools under the waiver.

Provides further with respect to schools where such interventions had begun prior to application for the waiver; provides special conditions on a waiver for such a school.

Provides for suspension (while the waiver is in effect) of take over by the Recovery School District for schools implementing the above intervention options; however requires BESE to terminate a waiver as applied to an academically unacceptable school if the school fails to implement proposed law within two years, and authorizes BESE to terminate a waiver if such a school fails to meet statewide accountability growth targets for three consecutive years while under the waiver or to meet other conditions or benchmarks.

Provides that a school in the Recovery School District that has failed to meet accountability growth targets at the end of the period of a waiver shall be transferred to a charter management organization or to a new charter management organization or closed.

Authorizes BESE to issue a waiver as requested or subject to specified modifications in the waiver request. A waiver is effective for a specified period of up to four years. Authorizes BESE to terminate waivers, completely or with respect to particular schools, prior to the end of the waiver period. Provides for extensions of a waiver. Provides that a waiver extension does not suspend accountability effects.

Provides for reports from school districts with waivers to BESE and reports from BESE to the legislature.

Requires BESE rules to implement proposed law.

Requires the Dept. of Education to review and upon the request of BESE, the governor's office, or the legislature, to report specific requirements of federal regulation, state law, and board rules, regulations, and policies of the waiver, amendment, or repeal of which may give schools greater flexibility to increase student achievement.

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

(Adds R.S. 17:4031-4040)

#### Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Education to the original bill.

1. Added the following to list of laws and regulations which may not be waived:
  - a. Nutrition laws.
  - b. Limitations on outsourcing specified services.
2. Added requirement that the superintendent's application for a waiver is subject to direction of the school board or other governing authority.