

New 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.

New law prohibits a school's governing authority from requesting a waiver for a school unless a majority of the classroom teachers employed in the school, voting by secret ballot, approve inclusion of the school in the waiver request.

New 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.

New law provides that the governing authority of a public elementary or secondary school must submit a written request for the waiver that includes the following elements: identification of provisions it wishes to be waived, description of alternative policies and procedures that will be instituted as a substitute for the waived provisions, description of how the waiver will increase the quality of instruction, improve academic achievement, and improve teaching effectiveness; and description of measurable educational goals and the methods of measurement.

New law provides that BESE shall require the governing authority of low-performing schools covered by a waiver to:

- (1) Ensure the effectiveness of the school's teachers in accordance with existing law requirements for teacher evaluation.
- (2) Implement one of the following intervention options:
  - (a) Turnaround. Put in place new leadership and staff, new governance, and improved instructional programs and provide the school with sufficient operational flexibility.
  - (b) Restart. Convert the school to a charter school. Provides that the teachers in such school prior to its conversion to a charter school, who have been determined to be effective in accordance with existing law, shall be given the option of remaining at the school or be reassigned by the governing authority to another school under its jurisdiction.
  - (c) School Closure. Close the school and place its students in a high-performing school within the district.
  - (d) Transformation. Hire a new principal and implement a suite of best practices including comprehensive instructional management reform and measures of effective teaching. New law provides that this option may not be proposed for more than half of the low-performing schools under the waiver.

New law further provides that a district that has implemented one or more of the above-listed interventions for its low-performing schools within two years prior to application for the waiver will not be eligible for a waiver unless (1) such schools have met their accountability system growth targets or surpassed the statewide growth average during the two-year period, and (2) such schools agree to implement other conditions of school intervention as required by BESE.

New law provides that a low-performing school implementing any of the prescribed intervention options shall not be subject to transfer to the Recovery School District (RSD) during the waiver period. Further provides that upon termination of the waiver period, a school that has not met its accountability system growth targets shall either be transferred to the RSD or must enter into a memorandum of understanding with the RSD that will govern the operation of the school.

New law provides that a low-performing school that entered into a memorandum of understanding with the RSD prior to receipt of a waiver, and which has not met its accountability system growth target when the memorandum of understanding expires or the waiver period is terminated, shall be transferred to the RSD.

New law provides that a low-performing school under the jurisdiction of the RSD that has been granted a waiver and has not met its accountability system growth targets at the end of the waiver period is subject to one of the following actions as determined by BESE:

- (1) A low-performing school that is directly operated by the RSD shall be converted to a charter school. If the school is a charter school, the RSD shall terminate the school's charter contract and enter into a contract with a new chartering group.
- (2) The school shall be closed and its students transferred to a higher performing school within the RSD.

New law authorizes BESE to issue a waiver as requested or grant a waiver subject to specified modifications. Provides that the waiver is effective for a specified period of up to four years. Further provides that the terms and conditions of any waivers granted shall be reduced to writing, approved by BESE, and agreed to and signed by the local superintendent with governing authority approval. Specifies that the written document shall not constitute a contract between BESE and the school governing authority.

New law provides that BESE may extend the waiver period if it determines that the waiver has been effective and has contributed to improved instructional quality and student academic achievement. Specifies that a waiver extension does not prevent a school otherwise eligible from being subject to transfer to the RSD.

New law requires the governing authority of any school that is granted a waiver to provide periodic progress reports and to report on the uses and effectiveness of the waiver if so requested by BESE.

New law requires BESE to submit a report to the Senate and House committees on education, not later than March 1 of each year, regarding the use of granted waivers and whether such waivers increased the quality of instruction and improved student academic achievement. Further provides that such report include any recommendations for changes in existing provisions of law.

New law authorizes BESE to terminate waivers, completely or with respect to particular schools, prior to the end of the waiver period.

New law requires BESE to terminate a waiver as applied to a low-performing school if the school fails to implement new law within two years of being granted the waiver 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.

New law requires BESE to adopt rules to implement new law.

Effective upon signature of governor (June 29, 2010).

(Adds R.S. 17:4031-4039)