

Regular Session, 2013

HOUSE BILL NO. 115

BY REPRESENTATIVE JAMES

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

SCHOOLS/DISTRICTS: Provides for parent petitions relative to the transfer of certain schools from the Recovery School District back to the local school system

1 AN ACT

2 To enact R.S. 17:10.5(G), relative to schools transferred to the Recovery School District; to
3 provide for the submission of petitions by parents requesting that a school be
4 removed from the Recovery School District and returned to the local school system
5 under certain conditions; to require rules and regulations to be adopted by the State
6 Board of Elementary and Secondary Education for the petition process; and to
7 provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 17:10.5(G) is hereby enacted to read as follows:

10 §10.5. School and district accountability; failing schools; transfer to Recovery
11 School District; parent petitions

12 * * *

13 G.(1) Notwithstanding the provisions of Paragraph (A)(1) of this Section, a
14 school shall be removed from the jurisdiction of the Recovery School District and
15 returned to the administration and management of the school system from which it
16 was transferred if such return is approved by the State Board of Elementary and
17 Secondary Education and both of the following conditions are met:

18 (a) Parents or legal guardians representing at least a majority of the students
19 attending the school sign a petition requesting that the school be removed from the

1 jurisdiction of the Recovery School District and returned to the administration and
2 management of the school system from which it was transferred.

3 (b) The school has received a letter grade of "D" or "F" or any variation
4 thereof, pursuant to the Louisiana School and District Accountability System, for
5 three consecutive years while under the jurisdiction of the Recovery School District.

6 (2) The State Board of Elementary and Secondary Education shall develop
7 and adopt rules and regulations for implementation of this Subsection which shall
8 include but not be limited to:

9 (a) The format and procedures for submitting a petition pursuant to this
10 Subsection to the state superintendent of education to be brought by him before the
11 State Board of Elementary and Secondary Education for review, consideration, and
12 action.

13 (b) A requirement that each student may be signed for by his parents or legal
14 guardians only one time on any given petition such that each student equals one
15 signature.

16 (c) Signature validation procedures that include the following requirements:

17 (i) That upon submission of a petition, the state Department of Education
18 shall determine if the number of signatures represents at least a majority of the
19 students attending the school.

20 (ii) That the signatures be assumed valid unless challenged or there is
21 reasonable doubt of their validity. If validity is challenged or doubted, the
22 department shall, within forty-five calendar days, review and verify the signatures.
23 If the department finds that the number of valid signatures is fewer than a majority
24 required, parents or legal guardians shall have thirty calendar days, commencing
25 with a date specified by the department, to resolve such discrepancies and collect the
26 signatures of additional parents or legal guardians. Signatures shall not be discounted
27 over technicalities if the clear intent of the parent or legal guardian was to support
28 the petition.

- 1 (d) Transfer procedures for students who choose not to remain enrolled at
- 2 the school as a result of the state board's decision to return the school to the
- 3 administration and management of the school system from which it was transferred.
- 4 (3) The state Department of Education shall maintain records regarding the
- 5 contents and outcomes of the petitions.
- 6 (4) Parents or legal guardians shall be free from harassment, threats, and
- 7 intimidation related to circulation of or signing a petition.
- 8 (5) School and district resources shall not be used to support or oppose any
- 9 effort by petitioning parents or legal guardians to gather signatures and submit a
- 10 petition.

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)]

James

HB No. 115

Abstract: Allows parents to submit petitions to BESE for the return to the local school system of certain schools that were transferred to the RSD.

Present law (R.S. 17:10.5) provides for the transfer to the Recovery School District (RSD), subject to approval by the State Board of Elementary and Secondary Education (BESE), of schools that have been labeled academically unacceptable for four consecutive years or failed schools for which the local school board has failed to present or implement an acceptable reconstitution plan under the school accountability program. Provides that the RSD shall retain jurisdiction of any school transferred to it for not less than five school years. Requires the RSD to report to BESE at least nine months prior to the expiration of the transfer period as to whether the school should continue in the RSD under certain conditions, close, or be returned to the transferring school system. Provides that the RSD shall retain the school for an additional five-year period upon BESE approval unless a lesser time is adopted by BESE.

Proposed law retains present law and adds that parents of students attending a school in the RSD with a letter grade of "D" or "F" for three consecutive years while in the RSD may submit a petition to BESE requesting that the school be transferred from the RSD back to the local school system from which it was transferred. Requires signatures of parents representing at least a majority of the students attending the school. Requires BESE to adopt rules and regulations for implementation of the petition process, including a petition format and submission process, signature validation procedures, and student transfer procedures. Prohibits the use of local school and school district resources to support or oppose any effort by parents to gather signatures or sign petitions.

(Adds R.S. 17:10.5(G))