Regular Session, 2013

HOUSE BILL NO. 615

#### BY REPRESENTATIVES HENRY AND HODGES

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

SCHOOLS/CHARTER: Provides prohibitions for charter schools and charter school proposals relative to staffing positions

1	AN ACT
2	To amend and reenact R.S. 17:3973(6) and (7) and 3997(A)(1)(a) and (b) and to enact R.S.
3	17:3973(8), 3983(A)(5) and (G), and 3997(G) and R.S. 25:653(E)(3), relative to
4	charter schools; to provide conditions for approval of certain charter school
5	proposals; to prohibit the approval of charter school proposals under certain
6	circumstances; to provide prohibitions for charter schools relative to staffing
7	positions; to provide exceptions; to provide for recommendations by the Council for
8	the Development of French in Louisiana relative to French immersion curriculum
9	charter schools; to provide for definitions; to provide for legislative findings; and
10	to provide for related matters.
11	Be it enacted by the Legislature of Louisiana:
12	Section 1. R.S. 17:3973(6) and (7) and 3997(A)(1)(a) and (b) are hereby amended
13	and reenacted and R.S. 17:3973(8), 3983(A)(5) and (G), and 3997(G) and R.S. 25:653(E)(3)
14	are hereby enacted to read as follows:
15	§3973. Definitions
16	As used in this Chapter, the following words, terms, and phrases shall have
17	the meanings ascribed to them in this Section except when the context clearly
18	indicates a different meaning:
19	* * *
20	(6) "Nonimmigrant foreign worker" means an individual who has obtained
21	a visa pursuant to the Immigration and Nationality Act of 1965, Section

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1	<u>1101(a)(15)(H)(i)(b) or (b1) or Section 1101(a)(15)(J) of Title 8 of the United States</u>
2	Code.
3	(6) (7) "Public service organization" means any community-based group of
4	fifty or more persons incorporated under the laws of this state that meets all of the
5	following requirements:
6	(a) Has a charitable, eleemosynary, or philanthropic purpose.
7	(b) Is qualified as a tax-exempt organization under Section 501(c) of the
8	United States Internal Revenue Code and is organized for a public purpose."State
9	board" means the State Board of Elementary and Secondary Education.
10	(7) (8) "State board" means the State Board of Elementary and Secondary
11	Education.
12	* * *
13	§3983. Chartering process by type; eligibility; limitations; faculty approval; parental
14	approval: exceptions
15	А.
16	* * *
17	(5) Notwithstanding any provision of this Section to the contrary, no
18	proposal for a new charter school submitted pursuant to Subparagraphs (A)(1) (a)
19	through (d) of this Section shall be approved unless one of the following criteria is
20	<u>met:</u>
21	(a) Each person in the group submitting the proposal is a United States
22	citizen.
23	(b) The group submitting the proposal has received a written
24	recommendation from the Council for the Development of French in Louisiana
25	pursuant to R.S. 25:653(E)(3) or has received a written recommendation from any
26	other board or commission created by the legislature and dedicated to promoting a
27	foreign language in Louisiana.
28	* * *

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1	G. A charter authorizer shall not approve a proposal for a new charter school
2	if the proposal includes plans to staff positions for teachers, administrators, ancillary
3	support personnel, or other employees at the charter school by employing
4	nonimmigrant foreign workers in excess of three and one-half percent of the total
5	number of positions at any single school location for any school year unless the
6	criteria in Subparagraph (A)(5)(b) of this Section is met.
7	* * *
8	§3997. Charter school employees
9	A.(1)(a) The Except as provided in Subsection G of this Section, the
10	governing authority of any charter school may employ such faculty and staff
11	members as it deems necessary. All potential charter school employees shall be
12	notified of the specific benefits they will be offered, as specified in the school's
13	charter agreement.
14	(b) The Except as provided in Subsection G of this Section, the nonprofit
15	organization shall have exclusive authority over all employment decisions at the
16	charter schools;. However, as provided for in the charter, a nonprofit organization
17	may enter into a contract with a for-profit organization to manage the charter school
18	and may delegate to the for-profit organization such authority over employment
19	decisions at the charter school as the nonprofit organization deems necessary and
20	proper if the for-profit organization meets the staffing requirements in Subsection G
21	of this Section. Any delegation of this authority must be specifically delegated in a
22	service provider agreement.
23	* * *
24	G. The governing authority of a charter school shall not staff positions for
25	teachers, administrators, ancillary support personnel or other employees by
26	employing nonimmigrant foreign workers in excess of three and one-half percent of
27	the total number of positions at any single school location for any school year unless
28	the criteria in R.S. 17: 3983(A)(5)(b) is met.
29	* * *

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1	Section 2. R.S. $25:653(E)(3)$ is hereby enacted to read as follows:
2	§653. Duties, powers, and functions
3	* * *
4	E. The council may:
5	* * *
6	(3)(a) Give a written recommendation as provided in R.S. 17:3983(A)(5)(b)
7	for a charter school proposal to charter a French immersion curriculum charter
8	school.
9	(b) Review and make recommendations for any French immersion
10	educational curriculum including but not limited to a French immersion curriculum
11	charter school.
12	Section 3. The legislature finds all of the following:
13	(A) For centuries, the American educational system has provided a great source of
14	hope for immigrants from all nations of the world who come to America to assimilate into
15	American culture and become productive members of American society.
16	(B) The American educational system was the vehicle for upward mobility whereby
17	those with fewer advantages were afforded access to greater opportunities in American
18	society.
19	(C) The preservation of our unique American culture in American schools is key to
20	ensuring the continuation of our freedoms and liberties for generations to come.
21	(D) Louisiana charter schools were designed to provide increased and innovative
22	educational opportunities for Louisiana children.
23	(E) Louisiana charter schools should embody American ideals and exceptionalism
24	and, whenever possible, promote the unique culture of Louisiana.
25	(F) Louisiana charter schools should ensure that they do not use immigration visa
26	programs to employ foreign nationals as teachers when qualified American teachers are
27	available and willing to serve the needs of Louisiana children.
28	(G) Louisiana charter schools should be governed and administered by American
29	citizens and, when possible, by Louisiana citizens.

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#### 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)]

#### Henry

HB No. 615

**Abstract:** Provides conditions for the approval of certain charter school proposals and provides relative to prohibitions on employing a certain percentage of nonimmigrant foreign workers in charter schools, with exceptions.

<u>Present law</u>, relative to charter schools, permits the formation of nonprofit corporations (by teachers, citizens, public service organizations, businesses, and others) to propose charters. Requires that a group submitting a proposal include at least three La. certified teachers. Provides for the chartering process, including submitting, reviewing, and approving proposals. Permits charter school governing authorities to employ faculty and staff it deems necessary. Provides that the nonprofit organization shall have exclusive authority over all employment decisions at the charter schools. Permits the nonprofit organization to enter into a contract with a for-profit organization to manage the charter school and to delegate authority over employment decisions to the for-profit organization. Provides, with certain exceptions, that charter school employees shall be considered public school employees and shall be eligible for all benefits provided to public school employees including membership in the state retirement systems.

<u>Proposed law</u> retains <u>present law</u> except provides that:

- (1) A charter authorizer shall not approve a proposal for a new charter school if the proposal includes plans to staff positions at the school with nonimmigrant foreign workers in excess of 3-1/2% of the total number of positions at any single school location for any school year, unless the group submitting the proposal has received written recommendations from the Council for the Development of French in Louisiana or any other board or commission created by the legislature and dedicated to promoting a foreign language in La.
- (2) The governing authority of a charter school shall not staff positions with nonimmigrant foreign workers in excess of 3-1/2% of the total number of positions at any single school location for any school year unless the group submitting the proposal has received written recommendations from the Council for the Development of French in Louisiana or any other board or commission created by the legislature and dedicated to promoting a foreign language in Louisiana.
- (3) A nonprofit organization may enter into a contract with a for-profit organization to manage the charter school and have authority over employment decisions <u>only if</u> the for-profit organization meets the staffing requirements in <u>proposed law</u>.

Defines "nonimmigrant foreign worker" as an individual who has a visa pursuant to certain provisions of the federal Immigration and Nationality Act of 1965.

<u>Proposed law</u> adds that no proposal for a new charter school submitted pursuant to <u>present</u> <u>law</u> (by teachers, citizens, public service organizations, and businesses) shall be approved unless each member of the group submitting the proposal is a U.S citizen or the group has received written recommendations from the Council for the Development of French in Louisiana or any other board or commission created by the legislature and dedicated to promoting a foreign language in Louisiana. <u>Present law</u>, relative to the Council for the Development of French in Louisiana, provides for council duties, powers, and functions including cooperating with public institutions of education and other state agencies. <u>Proposed law</u> adds that the council may give written recommendations for a charter school proposal to charter a French immersion curriculum charter school and to review and make recommendations for any French immersion educational curriculum including a French immersion curriculum charter school.

(Amends R.S. 17:3973(6) and (7) and 3997(A)(1)(a) and (b); Adds R.S. 17:3973(8), 3983(A)(5) and (G), and 3997(G) and R.S. 25:653(E)(3))

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