

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Education to Original House Bill No. 643
by Representative Miller

1 AMENDMENT NO. 1

2 On page 1, line 2, change "R.S. 17:3995(A)(1)(introductory paragraph) and (a)," to "R.S.
3 17:1990(C)(1), 3995(A)"

4 AMENDMENT NO. 2

5 On page 1, line 10, change "R.S. 17:3995(A)(1)(introductory paragraph) and (a)," to "R.S.
6 17:1990(C)(1), 3995(A)"

7 AMENDMENT NO. 3

8 On page 1, delete line 12 in its entirety and delete the remainder of the page in its entirety
9 and delete page 2 in its entirety and insert in lieu thereof:

10 "§1990. Recovery School District; creation; governance; operation
11 * * *

12 C.(1)(a) The state shall annually appropriate sufficient monies to fund any
13 school in the school district created in this Part in an amount equal to but not less
14 than the school's student membership count times one hundred percent of the state
15 share per student as provided in the Minimum Foundation Program approved
16 formula for the city, parish, or other local public school system in which each school
17 placed under the jurisdiction of the district is located as contained in the Minimum
18 Foundation Program budget letter approved by the State Board of Elementary and
19 Secondary Education. The appropriation shall be made to the administering agency
20 for the district and may be expended by the agency for the provision of services to
21 students in the district.

22 (b) For funding pursuant to this Paragraph, the state Department of
23 Education as the administering agency shall make calculations for each charter
24 school within the school district pursuant to R.S. 17:3995(A)(1)(a), (2)(a), or (3)(a)
25 as applicable.

26 (c) No public monies shall be used to discriminate against protected classes
27 or have the effect of discriminating in providing and ensuring equal education
28 opportunities in Louisiana.
29 * * *

30 §3995. Charter school funding

31 A.(1) For the purpose of funding; a charter school that participates in the
32 Teachers' Retirement System of Louisiana and the Louisiana School Employees'
33 Retirement System, such Type 1, Type 3, ~~and Type 4,~~ or Type 5 charter school shall
34 be considered an approved public school of the local school board entering into the
35 charter agreement and shall receive a per pupil amount each year from the local
36 school board based on the October first membership count of the charter school.
37 Type 1B and Type 2 charter schools that participates in the Teachers' Retirement
38 System of Louisiana and the Louisiana School Employees' Retirement System shall
39 receive a per pupil amount each year authorized by the state board each year as
40 provided in the ~~Minimum Foundation Program~~ minimum foundation program
41 approved formula. The per pupil amount provided to a such Type 1, 1B, 2, 3, ~~or 4,~~
42 ~~or 5~~ charter school shall be computed annually and shall be equal to no less than the
43 per pupil amount received by the school district in which the charter school is located
44 from the following sources based on the district's October first membership count:

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 (a) The state-funded per pupil allocation received by the district pursuant to
 2 the most recent legislatively approved minimum foundation program formula
 3 resolution, including all levels.

4 (b)(i) Local revenues received during the prior year by the school district
 5 from the following sources:

6 (aa) Sales and use taxes, less any tax collection fee paid by the school
 7 district.

8 (bb) Ad valorem taxes, less any tax collection fee paid by the school district.

9 (cc) Earnings from sixteenth section lands owned by the school district.

10 (ii) For the purposes of this Subparagraph, local revenues shall exclude any
 11 portion which has been specifically dedicated by the legislature or by voter approval
 12 to capital outlay or debt service.

13 (iii) For the purposes of this Subparagraph, local revenues of the Orleans
 14 Parish School Board also shall exclude the amounts set forth in R.S.
 15 17:1990(C)(2)(a)(iii) until such provisions relative to the specified amounts expire.

16 (c) The provisions of this Paragraph permitting the calculation of the per
 17 pupil amount to be provided to a Type 1, 1B, 2, 3, or 4 charter school to exclude any
 18 portion of local revenues specifically dedicated by the legislature or by voter
 19 approval to capital outlay or debt service, shall be applicable only to a charter school
 20 housed in a facility or facilities provided by the district in which the charter school
 21 is located.

22 (2) For the purpose of funding a charter school that does not participate in
 23 either the Teachers' Retirement System of Louisiana or the Louisiana School
 24 Employees' Retirement System, such Type 1, Type 3, Type 4, or Type 5 charter
 25 school shall be considered an approved public school of the local school board
 26 entering into the charter agreement and shall receive a per pupil amount each year
 27 from the local school board based on the October first membership count of the
 28 charter school. Type 1B and Type 2 charter schools that does not participate in
 29 either the Teachers' Retirement System of Louisiana or the Louisiana School
 30 Employees' Retirement System shall receive a per pupil amount each year authorized
 31 by the state board each year as provided in the minimum foundation program
 32 approved formula. The per pupil amount provided to such Type 1, 1B, 2, 3, 4, or 5
 33 charter school shall be computed annually from the following sources based on the
 34 district's October first membership count:

35 (a)(i) The state-funded per pupil allocation received by the district pursuant
 36 to the most recent legislatively approved minimum foundation program formula
 37 resolution, including all levels, but shall not include "employer retirement costs".
 38 For the purposes of this Subparagraph,"employer retirement costs" means the cost
 39 per pupil of retirement expenses paid by the school district and includes the normal
 40 cost and unfunded accrued liability payments paid by the school district to the
 41 Teachers' Retirement System of Louisiana and the Louisiana School Employees'
 42 Retirement System as well as costs paid by the school district to cover health care
 43 or health insurance for retired teachers and school employees.

44 (ii) The per pupil employer normal cost shall be calculated by multiplying
 45 the salary amount of the employees of the school district who are members of the
 46 applicable state retirement system by the employer's normal cost rate for that system
 47 as contained in the most recently approved system valuation and then dividing the
 48 resulting figure by the district's October first membership count. The resulting
 49 amount shall be multiplied by the number of pupils in the applicable charter school,
 50 and the total resulting therefrom shall be retained by the school district.

51 (iii) The per pupil unfunded accrued liability cost shall be calculated by
 52 subtracting from the employer's contribution rate for the applicable system the
 53 normal cost percentage for the applicable retirement system and multiplying the
 54 resulting figure by the salary amount of the employees of the school district who are
 55 members of such system. The resulting figure shall then be divided by the district's
 56 October first membership count. The resulting amount shall be multiplied by the
 57 number of pupils in the applicable charter school, and the total resulting therefrom
 58 shall be remitted directly to the applicable retirement system by the chartering
 59 authority.

1 (iv) The per pupil cost of providing healthcare or health insurance for retired
 2 teachers and school employees shall be calculated by summing the applicable costs
 3 and dividing the resulting figure by the district's October first membership count.
 4 The resulting amount shall be multiplied by the number of pupils in the applicable
 5 charter school, and the total resulting therefrom shall be retained by the school
 6 district.

7 (b)(i) Local revenues received during the prior year by the school district
 8 from the following sources:

9 (aa) Sales and use taxes, less any tax collection fee paid by the school
 10 district.

11 (bb) Ad valorem taxes, less any tax collection fee paid by the school district.

12 (cc) Earnings from sixteenth section lands owned by the school district.

13 (ii) For the purposes of this Subparagraph, local revenues shall exclude any
 14 portion which has been specifically dedicated by the legislature or by voter approval
 15 to capital outlay or debt service.

16 (iii) For the purposes of this Subparagraph, local revenues of the Orleans
 17 Parish School Board also shall exclude the amounts set forth in R.S.
 18 17:1990(C)(2)(a)(iii) until such provisions relative to the specified amounts expire.

19 (c) The provisions of this Paragraph permitting the calculation of the per
 20 pupil amount to be provided to a Type 1, 1B, 2, 3, or 4 charter school to exclude any
 21 portion of local revenues specifically dedicated by the legislature or by voter
 22 approval to capital outlay or debt service shall be applicable only to a charter school
 23 housed in a facility or facilities provided by the district in which the charter school
 24 is located.

25 (3) For the purpose of funding a charter school that participates in either the
 26 Teachers' Retirement System of Louisiana or the Louisiana School Employees'
 27 Retirement System, but not both systems, such Type 1, Type 3, Type 4, or Type 5
 28 charter school shall be considered an approved public school of the local school
 29 board entering into the charter agreement and shall receive a per pupil amount each
 30 year from the local school board based on the October first membership count of the
 31 charter school. Type 1B and Type 2 charter schools that participates in either the
 32 Teachers' Retirement System of Louisiana or the Louisiana School Employees'
 33 Retirement System, but not both systems, shall receive a per pupil amount each year
 34 authorized by the state board each year as provided in the minimum foundation
 35 program approved formula. The per pupil amount provided to such Type 1, 1B, 2,
 36 3, 4, or 5 charter school shall be computed annually from the following sources
 37 based on the district's October first membership count:

38 (a)(i) The state-funded per pupil allocation received by the district pursuant
 39 to the most recent legislatively approved minimum foundation program formula
 40 resolution, including all levels, but shall not include "employer retirement costs".
 41 For the purposes of this Subparagraph, "employer retirement costs" means the cost
 42 per pupil of retirement expenses paid by the school district and includes the normal
 43 cost and unfunded accrued liability payments paid by the school district to the
 44 Teachers' Retirement System of Louisiana and the Louisiana School Employees'
 45 Retirement System as well as costs paid by the school district to cover health care
 46 or health insurance for retired teachers and school employees.

47 (ii) The per pupil employer normal cost shall be calculated by multiplying
 48 the salary amount of the employees of the school district who are members of the
 49 applicable state retirement system not being participated in by the charter school by
 50 the employer's normal cost rate for that system as contained in the most recently
 51 approved system valuation and then dividing the resulting figure by the district's
 52 October first membership count. The resulting amount shall be multiplied by the
 53 number of pupils in the applicable charter school, and the total resulting therefrom
 54 shall be retained by the school district.

55 (iii) The per pupil unfunded accrued liability cost shall be calculated by
 56 subtracting from the employer's contribution rate for the system not being
 57 participated in by the charter school the normal cost percentage for the applicable
 58 retirement system not being participated in and multiplying the resulting figure by
 59 the salary amount of the employees of the school district who are members of such

1 system. The resulting figure shall then be divided by the district's October first
 2 membership count. The resulting amount shall be multiplied by the number of pupils
 3 in the applicable charter school, and the total resulting therefrom shall be remitted
 4 directly to the applicable system by the chartering authority.

5 (iv) The per pupil cost of providing healthcare or health insurance for retired
 6 teachers and school employees shall be calculated by summing the applicable costs
 7 and dividing the resulting figure by the district's October first membership count.
 8 The resulting amount shall be multiplied by the number of pupils in the applicable
 9 charter school, and the total resulting therefrom shall be retained by the school
 10 district.

11 (b)(i) Local revenues received during the prior year by the school district
 12 from the following sources:

13 (aa) Sales and use taxes, less any tax collection fee paid by the school
 14 district.

15 (bb) Ad valorem taxes, less any tax collection fee paid by the school district.

16 (cc) Earnings from sixteenth section lands owned by the school district.

17 (ii) For the purposes of this Subparagraph, local revenues shall exclude any
 18 portion which has been specifically dedicated by the legislature or by voter approval
 19 to capital outlay or debt service.

20 (iii) For the purposes of this Subparagraph, local revenues of the Orleans
 21 Parish School Board also shall exclude the amounts set forth in R.S.
 22 17:1990(C)(2)(a)(iii) until such provisions relative to the specified amounts expire.

23 (c) The provisions of this Paragraph permitting the calculation of the per
 24 pupil amount to be provided to a Type 1, 1B, 2, 3, or 4 charter school to exclude any
 25 portion of local revenues specifically dedicated by the legislature or by voter
 26 approval to capital outlay or debt service shall be applicable only to a charter school
 27 housed in a facility or facilities provided by the district in which the charter school
 28 is located.

29 (4)(a) Initial allocation of the per pupil amount required in Paragraphs (1),
 30 (2), and (3) of this Subsection shall be based on estimates provided by the state
 31 Department of Education using the most recent projected prior year local revenue
 32 data and projected pupil counts available. Allocations shall be adjusted during the
 33 year to reflect actual pupil counts and actual prior year local revenue collections.

34 (b) In order to provide for adjustments in allocations made to Type 2 charter
 35 schools as a result of changes in enrollment, the State Board of Elementary and
 36 Secondary Education may provide annually for a February fifteenth pupil
 37 membership count to reflect any changes in pupil enrollment that may occur after
 38 October first of each year. Any allocation adjustment made pursuant to this
 39 Subparagraph shall not be retroactive and shall be applicable for the period from
 40 March first through the end of the school year. The provisions of this Subparagraph
 41 relative to an allocation adjustment shall not be applicable to any Type 2 charter
 42 school that has had an increase or decrease in student enrollment of five percent or
 43 less in any school year for which the February fifteenth membership count occurs.

44 ~~(4)~~ (5)(a) The state board, a local school board, and a local charter authorizer
 45 may annually charge each charter school they authorize a fee in an amount equal to
 46 two percent of the total per pupil amount as defined by this Subsection that is
 47 received by a charter school for administrative overhead costs incurred by the
 48 chartering authority for considering the charter application and any amendment
 49 thereto, providing monitoring and oversight of the school, collecting and analyzing
 50 data of the school, and for reporting on school performance. Such fee amount shall
 51 be withheld from the per pupil amount in monthly increments and shall not be
 52 applicable to any federal money or grants received by the charter school.
 53 Administrative overhead costs shall not include any cost incurred by the chartering
 54 authority to provide purchased services to the charter school. As provided by
 55 Subparagraph (b) of this Paragraph, a chartering authority or the Recovery School
 56 District, if applicable, may provide other services for a charter school and charge the
 57 actual cost of providing such services, but no such arrangement shall be required as
 58 a condition for authorizing the charter school.

1 (b) A charter school may contract with the chartering authority, or with the
2 Recovery School District for a Type 5 charter school, for the direct purchase of
3 specific services in addition to those included in administrative overhead costs,
4 including but not limited to food services, special education services, transportation
5 services, custodial and maintenance services, media services, technology services,
6 library services, health services, and health benefits for active and retired employees.
7 Such services shall be provided to the charter school at the actual costs incurred by
8 the chartering authority or the Recovery School District as applicable. The amount
9 paid by a charter school for such purchased services shall be in accordance with a
10 written agreement entered into for this purpose by the charter school and the
11 chartering authority or the Recovery School District as applicable. Such agreement
12 shall be negotiated and executed prior to the beginning of each school year. Absent
13 such an agreement as provided by this Subparagraph, the chartering authority or, if
14 applicable, the Recovery School District shall have no authority to withhold from the
15 charter school any funds relative to providing such services.

16 (c) At least thirty days prior to the beginning of each fiscal year, each charter
17 school shall be provided by its chartering authority with a projected budget detailing
18 anticipated administrative overhead costs and planned uses for fees charged for such
19 costs. By not later than ninety days following the end of each fiscal year, each
20 charter school shall be provided by its chartering authority an itemized accounting
21 of all administrative overhead costs. Additionally, by not later than ninety days
22 following the end of each fiscal year, each charter school shall be provided by its
23 chartering authority or the Recovery School District, if applicable, an itemized
24 accounting of the actual cost of each purchased service provided to the charter
25 school.

26 ~~(5)~~ (6) Within fifteen days of the receipt of any state, local, or other funding
27 to which the charter school is entitled or which came as a result of students enrolled
28 in the charter school, the chartering authority shall ensure that those funds are
29 available for use by such charter schools.

30 ~~(6)~~ (7)(a) A Type 2 school that participates in a state retirement system
31 which has been renewed as provided in R.S. 17:3992(A) annually shall be funded in
32 the full amount calculated as provided for in Paragraphs (1), (2), or (3) of this
33 Subsection, as applicable. Such full funding shall be provided as a priority prior to
34 the allocation of state funding to any other charter school funded by the state.

35 (b) The full funding required in this Subsection shall include in any
36 calculation all pupils enrolled pursuant to any authority of a renewed Type 2 charter
37 to increase the enrollment of such school whether caused by increasing the number
38 of pupils in authorized grades or by adding sequential grades pursuant to the school's
39 charter or other authority granted by the state board.

40 * * *

41 AMENDMENT NO. 4

42 On page 5, between lines 3 and 4, insert the following:

43
44 "Section 2. The Louisiana State Law Institute shall redesignate any citations in the
45 law affected by the renumbering, by this Act, of Paragraphs in R.S. 17:3995(A), including
46 changing the citation to "R.S. 17:3995(A)(2)" in R.S. 39:75(C)(1)(c) to "R.S. 17:3995(A)(3)"
47 and the citation to "R.S. 17:3995(A)(6)" in R.S. 17:3992(A)(3) to "R.S. 17:3995(A)(7)".

48 AMENDMENT NO. 5

49 On page 5, at the beginning of line 4, change "Section 2." to "Section 3."

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.