Regular Session, 2013

HOUSE BILL NO. 661

BY REPRESENTATIVES WESLEY BISHOP AND BROSSETT

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

1	AN ACT
2	To amend and reenact R.S. 17:3973(2)(a) and (b)(v)(aa), 3991(B)(1)(d) and (23) and (H),
3	3995(A)(1)(introductory paragraph) and (c) and (4)(a) and (B), and 3996(C) and (G)
4	and to enact R.S. 17:3973(2)(b)(v)(dd) and (vii) and 3995(A)(3), (H), (I), and (J),
5	relative to charter schools; to create a Type 3B charter school; to provide relative to
6	charter school funding including funding for Type 3B charter schools; to provide for
7	the applicability of certain provisions to Type 3B schools including student
8	enrollment, acquired assets, and budget submission; to provide that a Type 5 charter
9	school shall be considered the local education agency for funding purposes; to
10	provide relative to administrative fees charged to certain charter schools; to provide
11	for rules adopted by the State Board of Elementary and Secondary Education; to
12	provide for definitions; and to provide for related matters.
13	Be it enacted by the Legislature of Louisiana:
14	Section 1. R.S. 17:3973(2)(a) and (b)(v)(aa), 3991(B)(1)(d) and (23) and (H),
15	3995(A)(1)(introductory paragraph) and (c) and (4)(a) and (B), and 3996(C) and (G) are
16	hereby amended and reenacted and R.S. 17:3973(2)(b)(v)(dd) and (vii) and 3995(A)(3), (H),
17	(I), and (J) are hereby enacted to read as follows:
18	§3973. Definitions
19	As used in this Chapter, the following words, terms, and phrases shall have
20	the meanings ascribed to them in this Section except when the context clearly
21	indicates a different meaning:
22	* * *
23	(2)(a) "Charter school" means an independent public school that provides a
24	program of elementary or secondary education, or both, established pursuant to and

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CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

in accordance with the provisions of this Chapter to provide a learning environment that will improve pupil achievement. Nothing in this Chapter shall be construed to prohibit a Type 1, <u>Type 1B</u>, Type 2, Type 3, <u>Type 3B</u>, or Type 4 charter school from having a residential component.

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(v)(aa) Type 5, which means a preexisting public school transferred to the Recovery School District as a school determined to be failing pursuant to R.S. 17:10.5 or 10.7 and operated as the result of and pursuant to a charter between a nonprofit corporation and the State Board of Elementary and Secondary Education, or between a nonprofit corporation and a city, parish, or other local school board or other public entity in the case of the renewal of a Type 5 charter of a school that has been transferred back to the jurisdiction of the local school board or other public entity pursuant to R.S. 17:10.5(C). The chartering authority shall review each Type 5 charter proposal in compliance with the Principles and Standards for Quality Charter School Authorizing as promulgated by the National Association of Charter School Authorizers. Except as otherwise provided in R.S. 17:10.7 or 1990, and notwithstanding the provisions of R.S. 17:3991(B)(1), within such Type 5 charter school, only pupils who would have been eligible to enroll in or attend the preexisting school under the jurisdiction of the city, parish, or other local public school board or other public school entity prior to its transfer to the Recovery School District may attend. However, all such pupils shall be eligible to attend notwithstanding any other provision of this Chapter to the contrary.

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(dd) A Type 5 charter school that is transferred from the Recovery School

District to the administration and management of the transferring local school system

pursuant to R.S. 17:10.5 or 10.7 and rules adopted by the state board shall no longer

be determined to be failing and shall be converted to a Type 3B charter school.

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1	(vii) Type 3B, which means a former Type 3 charter school transferred from
2	the Recovery School District to the administration and management of the
3	transferring local school system pursuant to R.S. 17:10.5 or 10.7 and rules adopted
4	by the state board. The local school board shall permit a Type 3B charter school to
5	remain in the facility in which it was located at the time of transfer or shall provide
6	the Type 3B charter school with another facility for use. Pursuant to rules and
7	regulations adopted by the state board, the state board may require a Type 3B charter
8	school to participate in unified processes common to other public schools located in
9	the same parish or school district boundaries that are critical to providing equity and
10	access to students and families, such as processes for student enrollment, expulsion,
11	and transportation.
12	* * *
13	§3991. Charter schools; requirements; limitations; renewal; amendment; revocation
14	* * *
15	B. Each proposed charter shall contain or make provision for the following:
16	(1)
17	* * *
18	(d) The provisions of R.S. 17:3991(B)(1) and (3) this Paragraph and
19	Paragraph (3) of this Subsection shall not apply to Type 5 or 3B charters.
20	* * *
21	(23) Provisions regarding the security of the school. If a local school board
22	provides security services for its schools then it shall make such services available
23	to any of its type Type 1, 3, 3B, or 4 charter schools on terms as provided within the
24	charter agreement.
25	* * *
26	H. Any assets acquired by a Type 1, 1B, 2, 3, <u>3B</u> , or 5 charter school are the
27	property of that charter school for the duration of that school's charter agreement.
28	Any assets acquired by a Type 4 charter school are the property of the local school
29	board. If the charter agreement of any Type 1, 1B, 2, 3, <u>3B</u> , or 5 charter school is

revoked or the school otherwise ceases to operate, all assets purchased with any

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public funds become the property of the chartering authority. Assets that become the property of a local charter authorizer pursuant to this Subsection shall be used solely for purposes of operating charter schools. Charter schools are to maintain records of any assets acquired with any private funds which remain the property of the nonprofit group operating the charter school.

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§3995. Charter school funding

A.(1) For the purpose of funding, a Type 1, Type 3, <u>Type 3B</u>, and Type 4 charter school shall be considered an approved public school of the local school board entering into the charter agreement and shall receive a per pupil amount each year from the local school board based on the October first membership count of the charter school. Type 1B and Type 2 charter schools shall receive a per pupil amount each year authorized by the state board each year as provided in the <u>Minimum Foundation Program minimum foundation program</u> approved formula. The per pupil amount provided to a Type 1, 1B, 2, 3, <u>3B</u>, or 4 charter school shall be computed annually and shall be equal to no less than the per pupil amount received by the school district in which the charter school is located from the following sources based on the district's October first membership count:

* * *

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

* * *

(3) Notwithstanding Paragraph (1) of this Subsection, a district with one or more Type 3B charter schools shall distribute minimum foundation program formula funds to each Type 1, 3, 3B, and 4 charter school using the weighted allocations provided for in the most recently adopted minimum foundation program formula,

except that any school board in a parish that contains a municipality with a population of three hundred thousand or more persons according to the latest federal decennial census shall use the allocation method provided for in this Paragraph no earlier than the 2018-2019 fiscal year for all Type 1 and 3 charter schools authorized by the school board and in operation prior to the 2013-2014 school year. Until that time, those schools shall be funded as provided in Paragraph (1) of this Subsection. For all other Type 1, 3, and 4 charter schools in such a parish, the school board may request the use of a differentiated distribution methodology to be approved by the state Department of Education prior to implementation.

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

(ii) The state Department of Education may withhold and retain from state funds otherwise allocated to a local public school system through the minimum foundation program formula an amount equal to one quarter of one percent of the fee amount charged to a Type 3B charter school pursuant to Item (i) of this

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Subparagraph for administrative costs incurred by the department for providing

2	financial oversight and monitoring of such charter schools.
3	* * *
4	B. For each pupil enrolled in a charter school who is entitled to special
5	education services, any state special education funding beyond that provided in the
6	minimum foundation program and any federal funds for special education for that
7	pupil that would have been allocated for that pupil shall be allocated to the charter
8	school which the pupil attends. Any Type 2 charter school shall be considered the
9	local education agency for the purposes of any special education funding or statutory
10	definitions, while the local school board shall remain the local education agency for
11	any Type 1, 3, or 4 charter school.
12	* * *
13	H. Any Type 1B, 2, or 5 charter school shall be considered the local
14	education agency for funding purposes and statutory definitions pursuant to rules
15	adopted by the state board.
16	I. The local school board shall remain the local education agency for any
17	Type 1, 3, or 4 charter school.
18	J. A Type 5 charter school shall have the option to remain its own local
19	education agency for funding purposes and statutory definitions upon conversion to
20	a Type 3B charter school pursuant to rules adopted by the state board. Pursuant to
21	this Subsection, the state board shall adopt rules for a Type 3B charter school
22	considered its own local education agency and such rules shall:
23	(1) Provide for the delineation of financial and programmatic obligations of
24	the charter school related to the receipt of funds as a local education agency.
25	(2) Authorize the state superintendent of education to rescind the local
26	education agency status of a charter school should the charter school fail to meet the
27	financial and programmatic obligations approved by the state board pursuant to this
28	Subsection.
29	§3996. Charter schools; exemptions; requirements
30	* * *

C. A charter school established and operated in accordance with the provisions of this Chapter shall comply with state and federal laws and regulations otherwise applicable to public schools with respect to civil rights and individuals with disabilities. Any Type 1B, Type 2, or Type 5 charter school shall be considered the local education agency for the purposes of any special education funding or statutory definitions, while the local school board shall remain the local education agency for any Type 1, 3, or 4 charter school.

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G. All charter schools established and operated in accordance with the provisions of this Chapter shall comply with the provisions of R.S. 39:1301 through 1315. Each Type 1, 3, <u>3B</u>, and 4 charter school annually shall submit its budget to the local school board that approved its charter, and such board shall submit the charter school's budget to the state superintendent of education in accordance with the provisions of R.S. 17:88. Each Type 1B charter school annually shall submit its budget to its authorizer. Each Type 2 and Type 5 charter school annually shall submit its budget directly to the state superintendent of education.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES
DDEGIDENT OF THE GENATE
PRESIDENT OF THE SENATE
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____