

2015 Regular Session

SENATE BILL NO. 267

BY SENATORS CLAITOR AND MURRAY

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

STUDENTS. Provides relative to charter school funding and enrollment of at-risk students.
(gov sig)

1 AN ACT

2 To amend and reenact R.S. 17:3991(B)(1)(a)(i) and (b), the introductory paragraph of R.S.

3 17:3995(A)(1), and R.S. 17:3995(A)(1)(a), and to repeal R.S. 17:3995(A)(3), relative

4 to charter schools; to provide relative to charter school funding and the determination

5 of the per-pupil amount received by certain charter schools; and to provide for

6 related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 17:3991(B)(1)(a)(i) and (b), the introductory paragraph of R.S.

9 17:3995(A)(1), and R.S. 17:3995(A)(1)(a) are hereby amended and reenacted to read as

10 follows:

11 §3991. Charter schools; requirements; limitations; renewal; amendment; revocation

12 * * *

13 B. Each proposed charter shall contain or make provision for the following:

14 (1)(a)(i) That for Type 1 and Type 2 charter schools created as new schools,

15 the percentage of the total number of pupils enrolled in the charter school based on

16 the October first pupil membership who are at-risk, in the manner provided in R.S.

17 17:3973(1)(a) **and (e)**, shall be equal to not less than eighty-five percent of the

1 average percentage of pupils enrolled in the local public school districts from which
2 the charter school enrolls its students who are eligible to participate in the federal
3 free and reduced lunch program, and shall be equal to not less than eighty-five
4 percent of the average percentage of pupils enrolled in the local public school
5 districts from which the charter school enrolls its students who have been
6 identified as a student with an exceptionality as defined in R.S. 17:1942, not
7 including gifted and talented. The remaining number of pupils enrolled in the
8 charter school which would be required to have the same percentage of at-risk pupils
9 as the percentage of pupils in the district who are eligible to participate in the federal
10 free and reduced cost lunch program or who have been identified as a student with
11 an exceptionality as defined in R.S. 17:1942, not including gifted and talented,
12 may be comprised of pupils who are at-risk as is otherwise provided in R.S.
13 17:3973(1). For the purposes of fulfilling the provisions of this Section, the at-risk
14 percentage for the city or parish school system shall remain fixed during the term of
15 the approved charter at the percentage which existed during the school year that the
16 charter proposal was approved, unless otherwise specified in the charter that the
17 charter school will reflect the current year's at-risk percentage.

18 * * *

19 (b)(i) That for Type 2 charter schools created as a result of a conversion,
20 Type 3 and Type 4 charter schools, the percentage of the total number of pupils
21 enrolled in the charter school based on the October first pupil membership who are
22 at-risk, in the manner provided in R.S. 17:3973(1)(a) **and (e)**, unless otherwise
23 agreed to as part of the charter agreement, by the chartering authority, shall be equal
24 to not less than the percentage of the total of pupils enrolled in the school in the
25 school year prior to the establishment of the charter school that were eligible to
26 participate in the federal free and reduced cost lunch program, and shall be equal
27 to not less than the percentage of the total of pupils enrolled in the school in the
28 school year prior to the establishment of the charter school who were identified
29 as a student with an exceptionality as defined in R.S. 17:1942, not including

gifted and talented.

(ii) Notwithstanding the provisions of Item (i) of this Subparagraph, that for Type 2, Type 3, and Type 4 charter schools in Richland Parish, the percentage of the total number of pupils enrolled in the charter school based on the October first pupil membership who are at risk, in the manner provided in R.S. 17:3973(1)(a) **and (e)**, shall be, as near as practicable, not more than the percentage of the total number of pupils enrolled in the public elementary and secondary schools and in the state-approved nonpublic elementary and secondary schools located in the local public school district in which the charter school is located who are eligible to participate in the federal free and reduced lunch program **or who have been identified as a student with an exceptionality as defined in R.S. 17:1942, not including gifted and talented.** However, in no case shall the initial enrollment of such a school nor the cohort of students enrolled for each new school year have, as near as practicable, fewer than fifty percent students who are at risk in the manner provided in R.S. 17:3973(1)(a) **and (e)**.

* * *

§3995. Charter school funding

A.(1) For the purpose of funding, a Type 1, Type 3, Type 3B, 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 **approved** minimum foundation program ~~approved~~ formula. The per pupil amount provided to a Type 1, 1B, 2, 3, 3B, or 4 charter school shall be computed annually and shall be equal to ~~no less than~~ the per pupil amount **provided through the minimum foundation program formula, determined by the allocation weights in the formula based upon special student characteristics or needs,** received by the school district in which the ~~charter school is located~~ **student resides** from the

1 following sources based on the district's October first membership count:

2 (a) The state-funded per pupil allocation, **based upon the weighted student**
 3 **membership count**, received by the district pursuant to the most recent legislatively
 4 approved minimum foundation program formula ~~resolution~~, including all levels **and**
 5 **allocation weights based upon special student characteristics or needs as**
 6 **provided in the formula.**

7 * * *

8 Section 2. R.S. 17:3995(A)(3) is hereby repealed.

9 Section 3. This Act shall become effective upon signature by the governor or, if not
 10 signed by the governor, upon expiration of the time for bills to become law without signature
 11 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 12 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 13 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part
 of the legislative instrument, were prepared by Jeanne C. Johnston.

DIGEST

SB 267 Reengrossed

2015 Regular Session

Claitor

Charter School Enrollment of At-Risk Pupils

Present law (R.S. 17:3973(1)) defines "at-risk pupil" as any pupil about whom at least one
 of the following is true:

- (1) Is eligible to participate in the federal free or reduced lunch program.
- (2) Is under age 20 and withdrawn from school prior to graduation for not less than one semester.
- (3) Is under age 20 and has failed to achieve the required score on any portion of the examination required for high school graduation.
- (4) Is in the eighth grade or below and is reading two or more grade levels below grade level as determined by one or more of the tests required pursuant to the state accountability system.
- (5) Has been identified as a student with an exceptionality as defined in R.S. 17:1942, not including gifted and talented.
- (6) Is the mother or father of a child.

Present law (R.S. 17:1942(B)) defines "student with an exceptionality" as a student with a disability, who is evaluated according to state and federal regulation or policy and is deemed to have a mental disability, hearing impairment (including deafness), multiple disabilities,

deaf-blindness, speech or language impairment, visual impairment (including blindness), emotional disturbance, orthopedic impairment, other health impairment, specific learning disability, traumatic brain injury, autism, or as deemed to be gifted or talented, and as a result requires special education and related services.

Proposed law retains present law.

Present law (R.S. 17:399B)(1)(a)(i) and (b)) provide as follows relative to charter school enrollment of at-risk pupils:

- (1) For Type 1 and Type 2 charter schools created as new schools, the percentage of the total number of at-risk pupils (by reason of eligibility to participate in the federal free and reduced cost lunch program) enrolled in the charter school based on the October 1 pupil membership shall be equal to not less than 85% of the average percentage of pupils enrolled in the local public school districts from which the charter school enrolls its students who are eligible to participate in the federal free and reduced cost lunch program. Provides that the remaining number of pupils enrolled in the charter school which would be required to have the same percentage of at-risk pupils as the percentage of pupils in the district who are eligible to participate in the federal free and reduced cost lunch program may be comprised of pupils who are otherwise at risk as defined in present law.
- (2) For Type 2 charter schools created as the result of a conversion, Type 3, and Type 4 charter schools, the percentage of the total number of at-risk pupils (by reason of eligibility to participate in the federal free and reduced cost lunch program) enrolled in the charter school based on the October 1 pupil membership (unless otherwise agreed to as part of the charter agreement by the chartering authority) shall be equal to not less than the percentage of the total of pupils enrolled in the school in the school year prior to the establishment of the charter school that were eligible to participate in the federal free and reduced cost lunch program.
- (3) Notwithstanding the requirements of present law as delineated in (2) above, for Type 2, Type 3, and Type 4 charter schools in Richland Parish, the percentage of the total number of pupils enrolled in the charter school based on the October 1 pupil membership who are at-risk (by reason of eligibility to participate in the federal free and reduced cost lunch program) shall be, as near as practicable, not more than the percentage of the total number of pupils enrolled in the public and state approved nonpublic schools located in the public school district in which the charter school is located who are eligible to participate in the federal free and reduced cost lunch program. Additionally provides that the initial enrollment of such a school, nor the cohort of students enrolled for each new school year, have (as near as practicable) fewer than 50% students who are at-risk by reason of eligibility to participate in the federal free and reduced cost lunch program.

Proposed law retains present law and additionally requires charter schools to enroll students identified with an exceptionality (other than gifted and talented) proportionally to the percentage of such pupils enrolled in the local public school district, in the same manner as pupils eligible to participate in the federal free and reduced lunch program.

Charter School Funding

Present law (R.S. 17:3995(A)(1)) provides that for funding purposes, Types 1, 3, 3B, and 4 charter schools shall be considered approved public schools 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 Oct. 1 membership count of the charter school. Provides that Type 1B and Type 2 charter schools shall receive a per pupil amount each year authorized by the state board as provided in the minimum foundation program (MFP) formula.

Present law specifies that the per pupil amount provided to Type 1, 1B, 2, 3, and 4 charter schools 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 Oct. 1 membership count:

- (1) The state-funded per pupil allocation received by the district pursuant to the most recent legislatively approved minimum foundation program (MFP) formula, including all levels.
- (2) Local revenues received during the prior year by the school district from the following sources:
 - (a) Sales and use taxes, less any tax collection fee paid by the school district.
 - (b) Ad valorem taxes, less any tax collection fee paid by the school district.
 - (c) Earnings from 16th section lands owned by the school district.

Relative to local revenues received during the prior year from the specified sources (see (2) above), present law provides that such revenues shall exclude any portion which has been specifically dedicated by the legislature or by voter approval to capital outlay and debt service. Further provides that such exclusion 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.

Relative to local revenues received during the prior year from the specified sources (see (2) above), present law additionally provides that such revenues received by the Orleans Parish School Board also shall exclude certain other amounts.

Proposed law retains present law, but specifies that the per pupil amount provided to Type 1, 1B, 2, 3, and 4 charter schools shall be equal to the per pupil amount provided through the MFP formula determined by the allocation weights in the formula based upon special student characteristics or needs. Further specifies that the per pupil amount provided to such charter schools shall be the per pupil amount received by the school district in which the student resides instead of the district in which the charter school is located.

Proposed law retains present law as delineated in (1) above, but specifies that the state-funded per pupil allocation used for computing the per pupil amount for charter schools will be based upon the weighted student membership count received by the district pursuant to the most recent legislatively approved MFP formula including all levels and allocation weights based upon special student characteristics or needs as provided in the formula.

Present law (R.S. 17:3995(A)(3)) requires a district with one or more Type 3B charter schools to distribute MFP funds to each Type 1, 3, 3B, and 4 charter school using the weighted allocations provided for in the most recently adopted MFP formula, but exempts the school board in a parish that contains a municipality of 300,000 or more persons from using this weighted funding distribution requirement until the 2018-2019 fiscal year for Type 1 and Type 3 charter schools in operation prior to the 2013-2014 school year. Specifies that until that time, these schools shall be funded as provided in present law. Further specifies that 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 Dept. of Education prior to implementation.

Proposed law deletes these provisions.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 17:3991(B)(1)(a)(i) and (b), 3995(A)(1)(intro para) and R.S. 17:3995

(A)(1)(a); repeals R.S. 17:3995(A)(3)).

Summary of Amendments Adopted by Senate

Senate Floor Amendments to engrossed bill

1. Requires charter schools to enroll students with an exceptionality (other than gifted and talented) proportionally to the percentage of such pupils enrolled in the local public school district.