

SENATE BILL NO. 267

BY SENATORS CLAITOR AND MURRAY AND REPRESENTATIVE FOIL

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

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AN ACT

To amend and reenact R.S. 17:3991(B)(1)(a)(i) and (b), the introductory paragraph of R.S. 17:3995(A)(1), and R.S. 17:3995(A)(1)(a) and (3) and to enact R.S. 17:3991(B)(1)(e), relative to charter schools; to provide relative to charter school funding and the determination of the per-pupil amount received by certain charter schools; to provide for implementation; to provide for effectiveness; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:3991(B)(1)(a)(i) and (b), the introductory paragraph of R.S. 17:3995(A)(1), and R.S. 17:3995(A)(1)(a) and (3) are hereby amended and reenacted, and R.S. 17:3991(B)(1)(e) is hereby enacted to read as follows:

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

\* \* \*

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

(1)(a)(i) That for Type 1 and Type 2 charter schools created as new schools, 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 equal to not less than eighty-five percent 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 lunch program, **and shall be equal to not less than eighty-five percent of the average percentage of pupils enrolled in the local public school**

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

14 \* \* \*

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

27 (ii) Notwithstanding the provisions of Item (i) of this Subparagraph, that for  
 28 Type 2, Type 3, and Type 4 charter schools in Richland Parish, the percentage of the  
 29 total number of pupils enrolled in the charter school based on the October first pupil  
 30 membership who are at risk, in the manner provided in R.S. 17:3973(1)(a) **and (e)**,

1 shall be, as near as practicable, not more than the percentage of the total number of  
 2 pupils enrolled in the public elementary and secondary schools and in the state-  
 3 approved nonpublic elementary and secondary schools located in the local public  
 4 school district in which the charter school is located who are eligible to participate  
 5 in the federal free and reduced lunch program or who have been identified as a  
 6 student with an exceptionality as defined in R.S. 17:1942, not including gifted  
 7 and talented. However, in no case shall the initial enrollment of such a school nor  
 8 the cohort of students enrolled for each new school year have, as near as practicable,  
 9 fewer than fifty percent students who are at risk in the manner provided in R.S.  
 10 17:3973(1)(a) and (e).

11 \* \* \*

12 (e)(i) The state board shall develop and administer a process for  
 13 determining if a charter school is meeting the student enrollment requirements  
 14 of this Paragraph. The process shall provide for an investigation of a charter  
 15 school that fails to meet the requirements to determine the reasons for such  
 16 failure and all actions taken by the school toward meeting the requirements.  
 17 The process also shall include a clear identification of the responsibilities of the  
 18 charter school, the local school board of the district in which the charter school  
 19 is located, and the state board for meeting the needs of the students.

20 (ii) The state board shall promulgate rules in accordance with the  
 21 Administrative Procedure Act for the implementation of this Subparagraph.

22 \* \* \*

23 §3995. Charter school funding

24 A.(1) For the purpose of funding, a Type 1, Type 3, Type 3B not acting as  
 25 its own local education agency, and Type 4 charter school shall be considered an  
 26 approved public school of the local school board entering into the charter agreement  
 27 and shall receive a per pupil amount each year from the local school board based on  
 28 the October first membership count of the charter school. Type 1B and Type 2  
 29 charter schools and a Type 3B charter school acting as its own local education  
 30 agency shall receive a per pupil amount each year authorized by the state board each

1 year as provided in the **approved** minimum foundation program ~~approved~~ formula.  
 2 The per pupil amount provided to a Type 1, 1B, 2, 3, 3B, or 4 charter school shall be  
 3 computed annually and shall be equal to ~~no less than~~ the per pupil amount **provided**  
 4 **through the minimum foundation program formula, determined by the**  
 5 **allocation weights in the formula based upon student characteristics or needs,**  
 6 received by the school district in which the ~~charter school is located~~ **student resides**  
 7 from the following sources based on the district's ~~October first~~ membership count:  
 8 **used in the minimum foundation program formula:**

9 (a) The state-funded per pupil allocation, **based upon the weighted student**  
 10 **membership count,** received by the district pursuant to the most recent legislatively  
 11 approved minimum foundation program formula ~~resolution,~~ including all levels **and**  
 12 **allocation weights based upon student characteristics or needs as provided in**  
 13 **the formula except any supplementary allocations for specific purposes.**  
 14 **Supplementary allocations for specific purposes shall be provided to charter**  
 15 **schools based solely on the funds generated by the charter school within each**  
 16 **specific allocation.**

17 \* \* \*

18 (3) Notwithstanding Paragraph (1) of this Subsection; **and unless otherwise**  
 19 **provided for in the approved minimum foundation program formula:**

20 (a) **Through June 30, 2016, Type 3B charter schools shall receive funds**  
 21 **according to the district-level allocation formula based on weights for student**  
 22 **characteristics or needs used for Type 5 charter schools within the same**  
 23 **geographic boundaries as determined by the state board.**

24 (b) **Beginning July 1, 2016, for** a district with one or more Type 3B charter  
 25 schools ~~shall distribute minimum foundation program formula funds to each Type~~  
 26 ~~1, 3, 3B, and 4 charter school using the weighted allocations provided for in the most~~  
 27 ~~recently adopted minimum foundation program formula, except that any school~~  
 28 ~~board in a parish that contains a municipality with a population of three hundred~~  
 29 ~~thousand or more persons according to the latest federal decennial census, shall use~~  
 30 ~~the allocation method provided for in this Paragraph no earlier than the 2018-2019~~

1           fiscal year for all Type 1 and 3 charter schools authorized by the school board and  
2           in operation prior to the 2013-2014 school year. Until that time, those schools shall  
3           be funded as provided in Paragraph (1) of this Subsection. For all other Type 1, 3,  
4           and 4 charter schools in such a parish, the school board may request the use of a  
5           differentiated distribution methodology to be approved by the state Department of  
6           Education prior to implementation: **the total amount of minimum foundation**  
7           **program formula funds allocated to the local school board and to Type 1, 1B,**  
8           **3, 3B, 4, and 5 charter schools that are located within the district shall be**  
9           **allocated using a district-level computation based on student characteristics or**  
10          **needs as determined by the state board. The state Department of Education**  
11          **shall facilitate a collaborative process that includes representatives from the**  
12          **Recovery School District, the Louisiana Association of Public Charter Schools,**  
13          **any affected local school board and any organization representing its authorized**  
14          **charter schools, and advocates for students with disabilities in the development**  
15          **of the district-level allocation policy that shall take effect on July 1, 2016.**

16           Section 2. This Act shall become effective upon signature by the governor or, if not  
17           signed by the governor, upon expiration of the time for bills to become law without signature  
18           by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
19           vetoed by the governor and subsequently approved by the legislature, this Act shall become  
20           effective on the day following such approval.

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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_