

2016 Regular Session

HOUSE BILL NO. 281

BY REPRESENTATIVE STEVE CARTER

EDUCATION: Authorizes principals and local superintendents to request waivers of laws and regulations from the State Board of Elementary and Secondary Education

1 AN ACT

2 To amend and reenact R.S. 17:4042, 4043(A) and (B)(introductory paragraph),  
3 4044(A)(introductory paragraph), 4045(B) and (C), and 4046(A), relative to waivers  
4 of education regulations from the State Board of Elementary and Secondary  
5 Education; to provide relative to authority to request such waivers; to provide  
6 relative to stipulations for approval; to provide relative to the state board's authority  
7 to adopt regulations governing its issuance of waivers; and to provide for related  
8 matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 17:4042, 4043(A) and (B)(introductory paragraph),  
11 4044(A)(introductory paragraph), 4045(B) and (C), and 4046(A) are hereby amended and  
12 reenacted to read as follows:

13 §4042. Authority of the board to grant waivers

14 Notwithstanding any provision of law to the contrary, the board may, upon  
15 receipt of a waiver application from a ~~governing authority~~ superintendent or  
16 principal as set forth in this Chapter and with the goal of improving quality of  
17 instruction and student academic achievement, issue a waiver to any school,  
18 combination of schools, or school district.

1 §4043. Requests for waivers

2 A. A ~~governing authority~~ superintendent may request a waiver for any  
3 school, any combination of schools, or all schools under his district's jurisdiction.  
4 A principal may request a waiver for the school at which he is the principal.  
5 ~~However, a governing authority shall not request a waiver for any school unless a~~  
6 ~~majority of the classroom teachers employed in the school, voting by secret ballot,~~  
7 ~~vote in favor of inclusion of such school in the waiver request.~~

8 B. A ~~governing authority~~ superintendent or principal requesting a waiver  
9 shall submit to the board a written waiver request that does all of the following:

10 \* \* \*

11 §4044. Terms and conditions of waivers for low-performing schools

12 A. The board shall require any low-performing school covered by a waiver  
13 to meet certain terms and conditions aimed at improving teacher effectiveness,  
14 quality of instruction, and student academic achievement. The ~~governing authority~~  
15 ~~of~~ superintendent or principal who requested the waiver for such school shall:

16 \* \* \*

17 §4045. Grant, denial, or extension of waivers

18 \* \* \*

19 B. The terms and conditions of any waiver granted pursuant to this Chapter  
20 shall be reduced to writing by and approved by the board and agreed to and signed  
21 by the superintendent or principal, ~~subject to the approval of the governing authority,~~  
22 in the manner prescribed by the board. The written document containing the terms  
23 and conditions of the waiver shall not constitute a contract between the board and the  
24 ~~governing authority~~ superintendent or principal.

25 C. The board may, upon request from the ~~governing authority~~ appropriate  
26 superintendent or principal and a recommendation from the department, extend the  
27 waiver period if it determines that the waiver has been effective in enabling the  
28 school to carry out the activities for which the waiver was requested and the waiver  
29 has contributed to improved quality of instruction and student academic

1 achievement. Any such extension shall not prevent a school otherwise eligible from  
2 being subject to transfer to the Recovery School District.

3 §4046. Reporting requirements

4 A. The ~~governing authority~~ superintendent or principal, as applicable, of any  
5 school that receives a waiver pursuant to this Chapter shall provide periodic reports  
6 on progress in achieving specific benchmarks set forth by the board and shall  
7 provide, upon the request of the board, periodic reports on the uses and effectiveness  
8 of the waiver.

9 \* \* \*

10 Section 2. The Board of Elementary and Secondary Education shall not adopt or  
11 enforce any regulation placing limitations on the issuance of waivers except as specifically  
12 authorized by Chapter 44 of Title 17 of the Louisiana Revised Statutes of 1950.

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)]

HB 281 Original

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Steve Carter

**Abstract:** Relative to the authority of the State Board of Elementary and Secondary Education (BESE) to waive applicability of laws and regulations to public schools and districts, changes who may apply for such a waiver from the district governing authority to the principal or superintendent. Also removes a requirement for teacher approval of a waiver request.

Present law authorizes BESE to exempt school districts from certain laws, rules, regulations, and policies applicable to public schools and to public school officers and employees. Such exemptions are granted through issuance of a waiver applicable to any school, any combination of schools, or all schools in a district. Proposed law retains present law.

Present law prohibits a school's governing authority from requesting a waiver for a school unless a majority of the classroom teachers employed in the school, voting by secret ballot, approve inclusion of the school in the waiver request. Proposed law repeals present law.

Present law specifies laws, rules, regulations, and polices which may not be waived, including those relative to nutrition, transportation, evaluations, alternative education, accountability, and graduation requirements. Further prohibits waiving of limitations on outsourcing specified services. Proposed law retains present law.

Present law provides that the governing authority of a public elementary or secondary school must submit a written request for the waiver. Requires that the request include specified elements. Proposed law removes authority for the governing authority to request a waiver and instead authorizes a principal or superintendent to request a waiver. Provides that a principal may only request a waiver for his school but otherwise retains present law.

Proposed law retains present law relative to waivers including the following:

- (1) A waiver is effective for a specified period of up to four years. Authorizes BESE to terminate waivers, completely or with respect to particular schools, prior to the end of the waiver period.
- (2) Authorizes BESE to extend the waiver period if it determines that the waiver has been effective and has contributed to improved instructional quality and student academic achievement.
- (3) Requires periodic progress reports and reports on the uses and effectiveness of the waiver if so requested by BESE.
- (4) Requires BESE to report annually to the legislative education committees regarding the use of granted waivers and whether such waivers increased the quality of instruction and improved student academic achievement.
- (5) Provides relative to requirements of a low-performing school covered by a waiver.

Proposed law prohibits BESE from adopting regulations that limit issuance of waivers except as authorized by present law and proposed law.

(Amends R.S. 17:4042, 4043(A) and (B)(intro. para.), 4044(A)(intro. para.), 4045(B) and (C), and 4046(A))