

---

## 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

2016 Regular Session

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))