

2016 Regular Session

HOUSE BILL NO. 1111

BY REPRESENTATIVE ABRAMSON

SCHOOLS: Provides for the return of certain schools in the Recovery School District to the transferring school system

1 AN ACT

2 To amend and reenact R.S. 17:3999 and to enact R.S. 17:10.7.1 and 100.11(I), relative to  
3 schools transferred to and from the Recovery School District; to provide relative to  
4 the return of certain schools from the Recovery School District to the local school  
5 system; to provide for the establishment of an advisory committee to assist with the  
6 plan for the return of the schools; to provide for the membership and duties of the  
7 advisory committee; to provide relative to school facilities and the rights and  
8 responsibilities of ownership of facilities of the returned schools; to provide for the  
9 powers, duties, and authority of local school boards and superintendents with regard  
10 to charter schools under the jurisdiction of the local school board; to provide for  
11 applicability; and to provide for related matters.

12 Be it enacted by the Legislature of Louisiana:

13 Section 1. R.S. 17:3999 is hereby amended and reenacted and R.S. 17:10.7.1 and  
14 100.11(I) are hereby enacted to read as follows:

15 §10.7.1. Return of certain schools in the Recovery School District to the transferring  
16 school system; time line; conditions

17 A. The provisions of this Section shall be applicable to any school system  
18 from which one or more schools have been transferred to the Recovery School  
19 District pursuant to R.S. 17:10.7.

1           B. To the extent that the provisions of this Section conflict with the  
2           provisions of Chapter 42 of Title 17 of the Louisiana Revised Statutes of 1950, the  
3           provisions of this Section shall prevail.

4           C.(1) Not later than July 1, 2018, each school transferred to the Recovery  
5           School District shall be returned to the governance, administration, and jurisdiction  
6           of the local school system. However, the local school board may delay the return of  
7           a school until July 1, 2019, provided that two-thirds of the members of the board  
8           vote to approve such delay.

9           (2) Not later than July 1, 2017, not less than ten schools in the Recovery  
10          School District with a school performance score higher than the most recent average  
11          state performance score, pursuant to the state school and district accountability  
12          system, are encouraged to be returned, with the approval of the local school board.

13          D.(1) Each Type 5 charter school returned to the local school system shall  
14          be converted to a Type 3B charter school in accordance with the provisions of R.S.  
15          17:3973(2)(b)(vii).

16          (2) The initial term of the charter for such Type 3B charter school shall be  
17          equal to the number of years remaining on the school's prior Type 5 charter contract.

18          E.(1) All buildings, facilities, property, and other assets of a school shall be  
19          transferred to the local school system at the time the school is returned to the  
20          governance, administration, and jurisdiction of the local school system.

21          (2) Notwithstanding the provisions of this Subsection, unless as otherwise  
22          agreed to by the Recovery School District and the local school system, subject to any  
23          necessary approval by the appropriate federal agency, the following shall apply:

24          (a) A school facility under the control of the Recovery School District that  
25          is under construction or scheduled to be under construction pursuant to a federal  
26          recovery plan shall remain under the control of the Recovery School District until  
27          construction is substantially complete.

28          (b) The Recovery School District and the state Department of Education  
29          shall continue to operate as the federal grant applicant for projects completed by the

1        Recovery School District pursuant to a federal recovery plan and shall retain  
2        responsibility for the execution and administration of contractual warranties, grant  
3        close-outs, and financing compliance periods for such projects.

4                (c)(i) The Recovery School District shall return all buildings, facilities, and  
5        property related to a school returned to the local school system free of any  
6        encumbrances, including liens and judgements, other than those financing  
7        transactions to which the local school board is a party.

8                (ii) The local school board shall have no obligation to reimburse the  
9        Recovery School District, the state Department of Education, or the State Board of  
10       Elementary and Secondary Education for any maintenance, alterations, or other  
11       repairs made to any of the school's buildings, facilities, or property before the  
12       school's return to the local school system.

13               (d) The local school board and its individual members shall be immune from  
14       civil liability for any damages arising from acts, omissions, or incidents occurring  
15       during the time a school returned to the local school system was under the  
16       jurisdiction of the Recovery School District.

17               (e) The local school board and its individual members shall be immune from  
18       any liability or responsibility for any obligation, claim, demand for reimbursement,  
19       or other indebtedness asserted by the Federal Emergency Management Agency, the  
20       United States Department of Housing and Urban Development, or any other federal  
21       or state governmental agency or entity with respect to construction projects managed  
22       by the Recovery School District.

23               F. In order to support and protect the interests and rights of the children it  
24       serves, the local school board:

25               (1) May use local revenues from new or repurposed taxes levied by the board  
26       and approved by voters after September 1, 2016, for parish-wide functions or  
27       programs specifically approved by the voters.

28               (2) Shall approve contracts for all charter schools under the board's  
29       jurisdiction that are limited to provisions which are common to all such charter

1 contracts, unless terms specific to an individual school are authorized pursuant to  
2 policies of the board in accordance with applicable state law.

3 (3) Shall require all charter schools under the board's jurisdiction to  
4 participate in the parish-wide enrollment system and student expulsion process,  
5 according to policies established by the board.

6 (4) May adopt a policy for charter schools under the school board's  
7 jurisdiction that are in good standing in regard to compliance with the board's  
8 parish-wide enrollment system and student expulsion process policies, so that such  
9 schools shall be exempted from the minimum enrollment percentages required by  
10 R.S. 17:3991.

11 (5) May provide a lottery preference for enrollment at elementary and middle  
12 schools under the board's jurisdiction for students residing within defined geographic  
13 zones as one of the factors to determine student assignment, according to policies  
14 adopted by the board. Such preference shall be applied to no more than fifty percent  
15 of the seats available in each grade level to ensure that seats in all schools are  
16 accessible to students residing outside of a school's respective geographic zones.  
17 Notwithstanding the provisions of this Subsection, any Type 1 or Type 3 charter  
18 school which was first authorized by the board on, or prior to, July 1, 2016, and  
19 whose charter contract includes a geographic preference in accordance with R.S.  
20 17:3991, may maintain such preference with the approval of the board, in accordance  
21 with board policy adopted for this purpose.

22 (6) May adopt a policy for cooperatively and annually establishing  
23 enrollment projections and targets for every school under the school board's  
24 jurisdiction and which requires enrollment of additional or fewer students throughout  
25 the school year as necessary. The policy may consider factors including past trends  
26 in enrollment and school performance.

27 (7) Shall adopt a policy establishing a process which allows the local  
28 superintendent to limit the percentage of system enrollment that any single operator

1 of schools or charter governing authority may serve to ensure that a diverse system  
2 of schools led by multiple high quality operators exists at all times.

3 G. In order to determine quality standards for all schools and intervene  
4 appropriately in instances when student needs are not being met, the local  
5 superintendent shall:

6 (1) Present recommendations to the local school board regarding the  
7 approval, extension, renewal, or revocation of the charter for any charter school  
8 under the board's jurisdiction.

9 (2) Monitor and require corrective actions by a charter school with respect  
10 to compliance with board policy, state law, or terms of the charter contract.

11 (3) Require charter schools under the school board's jurisdiction to  
12 temporarily close, dismiss students, or evacuate in the event that there are credible  
13 threats of terror or an official state of emergency is declared for the area in which  
14 any school under the board's jurisdiction is located.

15 H. In order to ensure the appropriate level of autonomy to enable educators  
16 to successfully prepare students for success in college and career:

17 (1) The local school board shall not impede the operational autonomy of a  
18 charter school under its jurisdiction, as provided in the school's charter, in the areas  
19 of school programming, instruction, curriculum, materials and texts, yearly school  
20 calendars and daily schedules, hiring and firing of personnel, employee performance  
21 management and evaluation, terms and conditions of employment, teacher or  
22 administrator certification, salaries and benefits, retirement, collective bargaining,  
23 budgeting, purchasing, procurement, and contracting for services other than capital  
24 repairs and facilities construction.

25 (2) With the approval of the local school board, any charter school under the  
26 board's jurisdiction may act as its own local educational agency for one or more  
27 funding purposes or statutory definitions, in accordance with R.S. 17:3995, and rules  
28 adopted by the State Board of Elementary and Secondary Education.

1           (3) Beginning July 1, 2017, each charter school under the local school  
2           board's jurisdiction shall provide for independent test monitoring from a third party  
3           entity approved by the local school board.

4           I.(1) The local school superintendent shall convene an advisory committee  
5           to assist in the development of a plan to effect the return of schools from the  
6           Recovery School District to the local school board.

7           (2) The advisory committee shall be subject to the provisions of the Open  
8           Meetings Law, the Public Records Law, and all local school board policies regarding  
9           public meetings and public documents.

10          (3) The advisory committee shall be comprised of eleven members as  
11          follows:

12           (a) The local school superintendent.

13           (b) The superintendent of the Recovery School District.

14           (c) Two members who shall represent Type 5 charter school operators,  
15           appointed by the local school superintendent.

16           (d) Two members who shall represent Type 5 charter school operators,  
17           appointed by the superintendent of the Recovery School District.

18           (e) Two members who shall represent either a Type 1 or Type 3 charter  
19           school operator, appointed by the local school superintendent.

20           (f) One member who shall represent a school directly operated by the local  
21           school board, appointed by the local school superintendent.

22           (g) One member who shall represent an educational advocacy organization,  
23           appointed by the local school superintendent.

24           (h) One member jointly appointed by the local school superintendent and the  
25           superintendent of the Recovery School District.

26          (4) The advisory committee shall submit the plan to the local school board  
27          for approval by September 1, 2016, which shall include:

28           (a) Consideration for equitable funding of all schools under the jurisdiction  
29           of the local school board.

1           (b) An implementation time line that shall include a detailed list of tasks and  
2           benchmarks that are appropriately sequenced to efficiently facilitate the return of the  
3           school to the local school system.

4           (5) After the local school board has approved the plan, the local school  
5           superintendent shall convene the advisory committee as often as he deems necessary,  
6           but at least on a quarterly basis, until all schools have been returned from the  
7           Recovery School District to the local school system.

8           (6)(a) The local school superintendent shall prepare a written progress report  
9           regarding implementation of the approved plan to return schools from the Recovery  
10           School District to the local school system not later than December 1, 2016, March  
11           1, 2017, June 1, 2017, September 1, 2017, December 1, 2017, March 1, 2018, and  
12           June 1, 2018, and submit the report to the following:

- 13           (i) The State Board of Elementary and Secondary Education.
- 14           (ii) The local school board.
- 15           (iii) The Recovery School District.
- 16           (iv) The state Department of Education.
- 17           (v) The education committees of the Senate and the House of  
18           Representatives.

19           (b) A final report shall be prepared and submitted to the entities enumerated  
20           in Subparagraph (a) of this Paragraph not later than August 1, 2018.

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22           §100.11. School facilities preservation; certain districts

23   \*       \*       \*

24           I.(1) Until July 1, 2017, the provisions of this Section shall be implemented  
25           in accordance with a plan or agreement between the school board and the Recovery  
26           School District.

27           (2) Beginning on July 1, 2017, the provisions of this Section shall be  
28           implemented in accordance with the plan approved pursuant to R.S. 17:10.7.1(I).

29   \*       \*       \*

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 §3999. Application of Chapter

2 A. All charter schools shall be governed by the law in effect on August 15,  
3 2003. Thereafter, if the provisions of this Chapter are amended, all charter schools  
4 shall comply with the law as amended within ninety days of its effective date.

5 B. To the extent that the provisions of this Chapter conflict with the  
6 provisions of R.S. 10.7.1, the provisions of R.S. 17:10.7.1 shall prevail.

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

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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)]

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HB 1111 Original

2016 Regular Session

Abramson

**Abstract:** Provides relative to the return of certain schools from the Recovery School District to the local school system.

Present law creates the Recovery School District (RSD) to administer and manage any public school which fails to meet the standards of the statewide system of accountability.

Present law (R.S. 17:10.5 and 10.7) provides that the RSD shall retain jurisdiction over any school transferred to it for a period of not less than five school years not including the school year in which the transfer occurred if the transfer occurred during a school year.

Proposed law, relative to schools transferred to the RSD pursuant to present law, R.S. 17:10.7, requires all such schools to be returned to the governance, administration, and jurisdiction of the local school system. Requires such return by not later than July 1, 2018, but permits the school board to delay the return of a school until July 1, 2019, with a two-thirds vote of the board. Encourages the return of at least 10 schools with certain school performance scores by July 1, 2017. Provides that all buildings, facilities, property, and other assets of a returned school also shall be transferred to the local school system. Provides that the RSD retains control of certain school facilities under construction and continues to operate as the federal grant applicant (along with the state Dept. of Education) for certain federal recovery projects.

Proposed law provides that the local school board is not obligated to reimburse the RSD, the state Dept. of Education, or the State Board of Elementary and Secondary Education for any maintenance, alterations, or other repairs made to any of the school's buildings, facilities, or property before the school's return to the local school system. Provides that the local school board and its individual members are immune from civil liability for any damages arising from acts, omissions, or incidents occurring during the time a school returned to the local



school system was under the jurisdiction of the RSD. Further provides that the local school board and its individual members are immune from any liability or responsibility for any obligation, claim, demand for reimbursement, or other indebtedness asserted by specified federal agencies and entities, with respect to construction projects managed by the RSD.

Proposed law provides for the local school board's powers, duties, and authority relative to the governance of schools under its jurisdiction, including charter schools, as follows:

- (1) Authorizes the local board to:
  - (a) Use local revenues from taxes levied by the board and approved by voters after September 1, 2016, for parish-wide functions or programs specifically approved by the voters.
  - (b) Adopt a policy for certain charter schools to exempt such schools from present law requirements for minimum enrollment percentages.
  - (c) Provide a lottery preference for enrollment at elementary and middle schools for students residing within defined geographic zones. Such preference shall be applied to no more than 50% of the seats available in each grade level to ensure that seats in all schools are accessible to students residing outside of a school's respective geographic zones. Permits certain charter schools to maintain such preference with the approval of the board.
  - (d) Adopt a policy for establishing enrollment projections and targets that provide for enrollment of additional or fewer students throughout the school year as necessary.
- (2) Requires the local board to:
  - (a) Approve contracts for charter schools that are limited to provisions which are common to all such charter contracts, with certain exceptions.
  - (b) Require charter schools to participate in the parish-wide enrollment system and student expulsion process.
  - (c) Adopt a process which allows the local superintendent to limit the percentage of system enrollment that any single operator of schools or charter governing authority may serve.

Proposed law provides for the local superintendent's powers, duties, and authority relative to charter schools under the jurisdiction of the local school board as follows:

- (1) Requires the superintendent to present recommendations to the local school board regarding the approval, extension, renewal, or revocation of a charter.
- (2) Requires the superintendent to monitor and require corrective actions by a charter school with respect to compliance with board policy, state law, or terms of the charter contract.
- (3) Requires the superintendent to require charter schools to temporarily close, dismiss students, or evacuate in the event of threats of terror or an official state of emergency.

Proposed law requires the local school superintendent to convene an advisory committee to assist in the development of a plan to effect the return of schools from the RSD to the local school board. Provides for membership and duties of the advisory committee. Provides that the advisory committee is subject to the Open Meetings Law, the Public Records Law, and

all local school board policies regarding public meetings and public documents. Provides for the plan to be submitted to the local school board for approval and requires the local superintendent to report in writing on the plan implementation to the State Board of Elementary and Secondary Education, the local school board, the RSD, the state Dept. of Education, and the House and Senate education committees.

Proposed law, relative to charter schools under the jurisdiction of the local school board, provides as follows:

- (1) Prohibits the local school board from impeding the operational autonomy of a charter school in the areas of school programming, instruction, curriculum, materials and texts, yearly school calendars and daily schedules, hiring and firing of personnel, employee performance management and evaluation, terms and conditions of employment, teacher or administrator certification, salaries and benefits, retirement, collective bargaining, budgeting, purchasing, procurement, and contracting for services other than capital repairs and facilities construction.
- (2) Provides that with the approval of the local school board, a charter school may act as its own local educational agency for one or more funding purposes or statutory definitions.
- (3) Requires, beginning July 1, 2017, each charter school to provide for independent test monitoring from a third party entity approved by the local school board.

Present law (R.S. 17:100.11) provides relative to the school facilities preservation program for the Orleans Parish school system. Provides for funding, structure, and operation of the program. Proposed law provides that until July 1, 2017, present law shall be implemented in accordance with a plan or agreement between the local school board and the RSD and after that date, present law shall be implemented in accordance with the plan approved pursuant to proposed law (R.S. 17:10.7.1(I)). Otherwise retains present law.

Present law (R.S. 17:3999) provides for the general application of the charter school law. Proposed law specifies that if present law and proposed law (R.S. 10.7.1) conflict, proposed law shall prevail.

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

(Amends R.S. 17:3999; Adds R.S. 17:10.7.1 and 100.11(I))