
DIGEST

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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))