

2016 Regular Session

SENATE BILL NO. 432

BY SENATORS PETERSON, BISHOP, CARTER AND MORRELL AND REPRESENTATIVES BAGNERIS, GARY CARTER, JIMMY HARRIS, HILFERTY, LEGER AND MORENO

SCHOOLS. Provides for return of certain RSD schools to the transferring school board. (gov sig)

AN ACT

To amend and reenact R.S. 17:3995(A)(3), (4)(a)(ii), and (I), and 3999, and to enact R.S. 17:10.7.1, 100.11(I), and 3995(K), relative to the return of certain schools from the Recovery School District to the transferring school system; to provide for the governance, funding, and status of such schools; to provide for the return of school buildings, facilities, and property; to provide relative to charter contracts and enrollment and discipline policies; to provide relative to testing; to provide for the duties and responsibilities of the local school board, the local school superintendent, the Recovery School District, and the State Board of Elementary and Secondary Education; to provide for an implementation plan and an advisory committee to help develop the plan; to provide for immunity from civil liability for local school board members; to provide with respect to the funding of charter schools acting as their own local education agency; to provide for rules; to provide for effectiveness; to provide for reporting; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:3995(A)(3), (4)(a)(ii), and (I), and 3999 are hereby amended and reenacted, and R.S. 17:10.7.1, 100.11(I), and 3995(K) are hereby enacted to read as follows:

1 be transferred to the local school system at the time the school is returned to the
2 governance, administration, and jurisdiction of the local school system from
3 which the school was transferred.

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

8 (a) A school facility under the control of the Recovery School District
9 that is under construction or scheduled to be under construction pursuant to a
10 federal recovery plan, shall remain under the control of the Recovery School
11 District until construction is substantially complete.

12 (b) The Recovery School District and the state Department of Education
13 shall continue to operate as the federal grant applicant for projects completed
14 by the Recovery School District pursuant to a federal recovery plan and shall
15 retain responsibility for the execution and administration of contractual
16 warranties, grant close-outs, and financing compliance periods for such
17 projects.

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

22 (ii) The local school board shall have no obligation to reimburse the
23 Recovery School District, the state Department of Education, or the State Board
24 of Elementary Education for any maintenance, alterations, or other repairs
25 made to any of the school's buildings, facilities, or property before the school's
26 return to the local school system.

27 (d) The local school board and its individual members shall be immune
28 from civil liability for any damages arising from acts, omissions, or incidents
29 occurring during the time a school returned to the local school system was

1 under the jurisdiction of the Recovery School District.

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

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

10 (1) Shall adopt a policy that establishes a process to determine the
11 district-level funding allocation to be effective beginning July 1, 2017, and as
12 revised in subsequent years as appropriate, based upon student characteristics
13 or needs to distribute the total amount of minimum foundation program
14 formula funds allocated to the local school board and to Type 1, 1B, 3, 3B, 4,
15 and 5 charter schools that are located within the geographic boundaries of the
16 local school system.

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

20 (3) Shall approve contracts for all charter schools under the board's
21 jurisdiction that are limited to provisions which are common to all such charter
22 contracts, unless terms specific to an individual school are authorized pursuant
23 to policies of the board in accordance with applicable state law.

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

27 (5) May adopt a policy for charter schools under the school board's
28 jurisdiction that are in good standing in regard to compliance with the board's
29 parish-wide enrollment system and student expulsion process policies, so that

1 such schools shall be exempted from the minimum enrollment percentages
2 required by R.S. 17:3991.

3 (6) May provide a lottery preference for enrollment at elementary and
4 middle schools under the board's jurisdiction for students residing within
5 defined geographic zones as one of the factors to determine student assignment,
6 according to policies adopted by the board. Such preference shall be applied to
7 not more than one-half of the seats available in each grade level to ensure that
8 seats in all schools are accessible to students residing outside of a school's
9 respective geographic zones. Notwithstanding the provisions of this Subsection,
10 any Type 1 or Type 3 charter school which was first authorized by the board on,
11 or prior to, July 1, 2016, and whose charter contract includes a geographic
12 preference in accordance with R.S. 17:3991, may maintain such preference with
13 the approval of the board, in accordance with board policy adopted for this
14 purpose.

15 (7) May adopt a policy for cooperatively and annually establishing
16 enrollment projections and targets for every school under the school board's
17 jurisdiction and which requires enrollment of additional or fewer students
18 throughout the school year as necessary. The policy may consider factors
19 including past trends in enrollment and school performance.

20 (8) Shall adopt a policy establishing a process which allows the local
21 superintendent to limit the percentage of system enrollment that any single
22 operator of schools or charter governing authority may serve to ensure that a
23 diverse system of schools led by multiple high quality operators exists at all
24 times.

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

28 (1) Present recommendations to the local school board regarding the
29 approval, extension, renewal, or revocation of the charter for any charter school

1 under the board's jurisdiction.

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

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

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

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

19 (2) With the approval of the local school board, any charter school under
20 the board's jurisdiction may act as its own local educational agency for one or
21 more funding purposes or statutory definitions, in accordance with R.S.
22 17:3995, and rules adopted by the State Board of Elementary and Secondary
23 Education.

24 (3) Beginning July 1, 2017, each charter school under the local school
25 board's jurisdiction shall provide for independent test monitoring from a third
26 party entity approved by the school board for the testing period immediately
27 preceding the board's consideration of renewal of the charter school's contract.

28 I.(1)(a) The local school superintendent shall develop a plan to effect the
29 return of schools from the Recovery School District to the local school board,

1 as provided in this Section.

2 (b) The local school superintendent, in consultation with the
3 superintendent of the Recovery School District, shall convene an advisory
4 committee to assist in the development of the plan.

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

8 (3) The advisory committee shall be comprised of eleven members as
9 follows:

10 (a) The local school superintendent.

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

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

14 (d) Two representatives of Type 5 charter school operators, appointed
15 by the superintendent of the Recovery School District.

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

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

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

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

24 (4) The local school superintendent shall submit the plan to the local
25 school board for approval by September 1, 2016. The plan shall include:

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

28 (b) An implementation time line that shall include a detailed list of tasks
29 and benchmarks that are appropriately sequenced to efficiently facilitate the

1 return of schools to the local school system.

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

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

11 (i) The State Board of Elementary and Secondary Education.

12 (ii) The local school board.

13 (iii) The Recovery School District.

14 (iv) The state Department of Education.

15 (v) The education committees of the Senate and the House of
16 Representatives.

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

20 J. The local school board, by a two-thirds vote of its full membership,
21 may postpone the final transfer of schools from the Recovery School District to
22 the local school board provided for in this Section. The school board shall
23 consider such postponement at a regular or special school board meeting upon
24 official request by a two-thirds majority vote of the full membership of the
25 advisory committee. The length of such postponement shall be determined by
26 the local school board; provided, however, that no such postponement shall
27 extend the final transfer date beyond July 1, 2019.

28 * * *

29 §100.11. School facilities preservation; certain districts

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

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

* * *

§3995. Charter school funding

A.(1) * * *

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

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

~~(b)~~**(a)(i)** Beginning July 1, 2016, for a district with one or more Type 3B charter schools in a parish that contains a municipality with a population of three hundred thousand or more persons according to the latest federal decennial census, the total amount of minimum foundation program formula funds allocated to the local school board and to Type 1, 1B, 3, 3B, 4, and 5 charter schools that are located within the district shall be allocated using a district-level computation based on student characteristics or needs as determined by the state board. The state Department of Education shall facilitate a collaborative process that includes representatives from the Recovery School District, the Louisiana Association of Public Charter Schools, any affected local school board and any organization representing its authorized charter schools, and advocates for students with disabilities in the development of the district-level allocation policy that shall take effect on July 1, 2016.

