

2016 Regular Session

SENATE BILL NO. 432

BY SENATORS PETERSON, APPEL, BARROW, BISHOP, BOUDREAUX, BROWN,
CARTER, CLAITOR, COLOMB, MILLS 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) and (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 a charter school acting as its 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) and (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

1 follows:

2 §10.7.1. Return of certain schools from the Recovery School District to the
3 transferring school system; time line; conditions; funding

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

7 B. To the extent that the provisions of this Section conflict with the
8 provisions of Chapter 42 of Title 17 of the Louisiana Revised Statutes of 1950,
9 the provisions of this Section shall prevail.

10 C.(1) Not later than July 1, 2018, every school transferred to the
11 Recovery School District pursuant to R.S. 17:10.5 or 10.7 shall be returned to
12 the governance, administration, and jurisdiction of the local school system from
13 which the school was transferred.

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

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

20 (c) Each Type 5 charter school returned to the local school system shall
21 remain subject to any active federal consent judgments or settlement
22 agreements as a Type 3B charter school under the jurisdiction of the local
23 school board.

24 D.(1) All buildings, facilities, and property owned by, or under the
25 control of, the Recovery School District shall be transferred to the local school
26 system at the time the school is returned to the governance, administration, and
27 jurisdiction of the local school system from which the school was transferred.
28 However, any assets acquired by the charter school shall remain the property
29 of the charter school, as provided in R.S. 17:3991(H).

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

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

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

15 **(c)(i) The Recovery School District shall return all buildings, facilities,**
16 **and property related to a school which are owned by, or under the control of,**
17 **the district to the local school system free of any encumbrances, including liens**
18 **and judgments, other than those financing transactions to which the local school**
19 **board is a party.**

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

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

29 **(e) The local school board and its individual members shall be immune**

1 from any liability or responsibility for any obligation, claim, demand for
2 reimbursement, or other indebtedness asserted by the Federal Emergency
3 Management Agency, the United States Department of Housing and Urban
4 Development, or any other federal or state governmental agency or entity, with
5 respect to construction projects managed by the Recovery School District.

6 E. Notwithstanding any law to the contrary, in order to support and
7 protect the interests and rights of the children it serves, the local school board:

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

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

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

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

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

1 required by R.S. 17:3991.

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

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

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

24 (9) Shall provide for the distribution of deferred local revenues to
25 charter schools under the board's jurisdiction in any year that such revenues
26 exist. Deferred local revenues shall be defined as the amount of local revenues
27 specified in R.S. 17:3995(A)(1) for distribution to all charter schools under the
28 board's jurisdiction that vary from the total amount of local revenues
29 distributed to all charter schools pursuant to R.S. 17:3995(A)(3) due to a

1 collection of local revenues that is higher or lower than the amount projected
2 by the board. In the event that actual local revenues are lower than the amount
3 projected, the board may carry forward the amount of any loss, to be recovered
4 from deferred revenues in any future year in which such revenues exceed
5 projections, prior to distribution of such revenues to charter schools.

6 F. In order to determine quality standards for all schools and intervene
7 appropriately in instances when student needs are not being met, the local
8 superintendent shall:

9 (1)(a) Present recommendations to the local school board regarding the
10 approval, extension, renewal, or revocation of the charter for any charter school
11 under the board's jurisdiction.

12 (b) Unless vetoed by a two-thirds vote of the full membership of the
13 board, the local superintendent may implement any such recommendation
14 submitted to the board.

15 (c) Any action by the board to veto a recommendation made by the local
16 superintendent pursuant to Subparagraph (b) of this Paragraph shall occur no
17 later than the first board meeting held after the meeting during which the
18 recommendation was submitted to the board.

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

22 (3) Be authorized to require one or more charter schools under the
23 school board's jurisdiction to temporarily close, dismiss students, or evacuate
24 in the event that there are credible threats of terror, or an official state of
25 emergency is declared for the area in which any school under the board's
26 jurisdiction is located.

27 G. In order to ensure the appropriate level of autonomy to enable
28 educators to successfully prepare students for success in college and career:

29 (1) Unless mutually agreed to by both the charter school's governing

1 authority and the local school board pursuant to a duly authorized resolution
2 adopted by each governing entity, the local school board shall not impede the
3 operational autonomy of a charter school under its jurisdiction in the areas of
4 school programming, instruction, curriculum, materials and texts, yearly school
5 calendars and daily schedules, hiring and firing of personnel, employee
6 performance management and evaluation, terms and conditions of employment,
7 teacher or administrator certification, salaries and benefits, retirement,
8 collective bargaining, budgeting, purchasing, procurement, and contracting for
9 services other than capital repairs and facilities construction.

10 (2) Type 3B charter schools and, with the approval of the local school
11 board, any other type of charter school under the board's jurisdiction may act
12 as its own local educational agency for one or more funding purposes or
13 statutory definitions, in accordance with R.S. 17:3995, and rules adopted by the
14 State Board of Elementary and Secondary Education.

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

20 H.(1)(a) The local school superintendent shall develop a plan to effect the
21 return of schools from the Recovery School District to the local school board,
22 as provided in this Section.

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

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

29 (3) The advisory committee shall be comprised of thirteen members as

1 follows:

2 (a) The local school superintendent.

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

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

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

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

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

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

14 (h) One member who shall represent an educational advocacy
15 organization, appointed by the superintendent of the Recovery School District.

16 (i) Two members jointly appointed by the local school superintendent
17 and the superintendent of the Recovery School District.

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

20 (a) Consideration of equitable funding for governmental functions
21 deemed appropriate for the efficient operation of a system of autonomous
22 schools under the jurisdiction of the local school board.

23 (b) An implementation time line that shall include a detailed list of tasks
24 and benchmarks that are appropriately sequenced to efficiently facilitate the
25 transfer of such functions and related funding from the Recovery School
26 District with respect to the return of schools to the local school system.

27 (5) After the local school board has approved the plan, the local school
28 superintendent shall convene the advisory committee as often as he deems
29 necessary, but at least on a quarterly basis, until all schools have been returned

1 from the Recovery School District to the local school system.

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

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

9 (ii) The local school board.

10 (iii) The Recovery School District.

11 (iv) The state Department of Education.

12 (v) The education committees of the Senate and the House of
13 Representatives.

14 (b) A final report shall be prepared and submitted to the entities
15 enumerated in Subparagraph (a) of this Paragraph not later than August 1,
16 2018.

17 I.(1) The final transfer of schools from the Recovery School District to
18 the local school board as provided in this Section may be postponed only by a
19 majority vote of the full membership of the local school board or the full
20 membership of the State Board of Elementary and Secondary Education, and
21 at least one of the following must apply:

22 (a) The local school board is not financially stable.

23 (b) The local school board lacks a comprehensive expulsion and reentry
24 program for students.

25 (c) The local school board cannot assure the stability of employee
26 retirement benefits.

27 (d) The local school board cannot ensure or provide sufficient insurance
28 coverage.

29 (e) The local school superintendent and the superintendent of the

1 Recovery School District provide written certification that it is not feasible to
 2 meet the time lines, tasks, and benchmarks established in the plan to effect the
 3 return of schools from the Recovery School District to the jurisdiction of the
 4 local school board as provided in Subsection H of this Section.

5 (f) The advisory committee, by a majority vote of its full membership,
 6 officially requests the local school board or the State Board of Elementary and
 7 Secondary Education to consider such postponement.

8 (2) Any action taken by the local school board or the State Board of
 9 Elementary and Secondary Education to postpone the final transfer of schools
 10 from the Recovery School District to the local school board must occur no later
 11 than January 31, 2018, and in no instance shall such postponement extend the
 12 final transfer date beyond July 1, 2019.

* * *

§100.11. School facilities preservation; certain districts

* * *

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

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

* * *

§3995. Charter school funding

A.(1) * * *

* * *

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

27 ~~(a) Through June 30, 2016, Type 3B charter schools shall receive funds~~
 28 ~~according to the district-level allocation formula based on weights for student~~
 29 ~~characteristics or needs used for Type 5 charter schools within the same geographic~~

1 ~~boundaries as determined by the state board.~~

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

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

21 (4)(a)(i) * * *

22 * * *

23 (ii) The state Department of Education may withhold and retain from state
24 funds otherwise allocated to a local public school system through the minimum
25 foundation program formula an amount equal to one quarter of one percent of the fee
26 amount charged to a Type 3B charter school **acting as its own local education**
27 **agency** pursuant to Item (i) of this Subparagraph, **or a Type 1, 3, or 4 charter**
28 **school acting as its own education agency pursuant to R.S. 17:10.7.1,** for
29 administrative costs incurred by the department for providing financial oversight and

1 monitoring of such charter schools.

2 * * *

3 I. The local school board shall remain the local education agency for any
4 Type 1, 3, or 4 charter school, **unless the charter school is authorized to act as its**
5 **own local education agency, pursuant to R.S. 17:10.7.1.**

6 * * *

7 **K. The State Board of Elementary and Secondary Education shall**
8 **promulgate rules in accordance with the Administrative Procedure Act**
9 **regarding a charter school acting as its own local education agency, pursuant**
10 **to R.S. 17:10.7.1. Such rules shall:**

11 **(1) Delineate the financial and programmatic obligations of the charter**
12 **school as related to the receipt of public funds.**

13 **(2) Authorize the state superintendent of education to rescind a charter**
14 **school's authority to act as its own local education agency if the school fails to**
15 **meet the financial and programmatic obligations established by the board.**

16 * * *

17 §3999. Application of Chapter

18 **A.** All charter schools shall be governed by the law in effect on August 15,
19 2003. Thereafter, if the provisions of this Chapter are amended, all charter schools
20 shall comply with the law as amended within ninety days of its effective date.

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

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

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Jeanne C. Johnston.

DIGEST

SB 432 Reengrossed

2016 Regular Session

Peterson

Proposed law provides for the return of certain charter schools from the Recovery School District (RSD) to the transferring local school system as follows:

- (1) Proposed law is only applicable to a school system from which one or more schools were transferred to the RSD from a school district declared to be "academically in crisis" in accordance with present law.
- (2) To the extent proposed law conflicts with the Charter School Law, the provisions of proposed law will prevail.
- (3) Not later than July 1, 2018, every school transferred to the RSD shall be returned to the jurisdiction of the local school system from which the school was transferred.
- (4) Each Type 5 charter returned to the local school system shall be converted to a Type 3B charter with the authority to act as its own local education agency.
- (5) The initial term of the charter for a Type 3B charter which was a former Type 5 charter shall be equal to the number of years remaining on the school's prior Type 5 contract.
- (6) Each Type 5 charter school returned to the local school system remains subject to any active federal consent judgments or settlement agreements as a Type 3B charter school under the jurisdiction of the local school board.
- (7) Requires the RSD to return all buildings, facilities, and property owned by, or under the control of the RSD, at the time the school is returned to the local school system, but provides that facilities under the control of the RSD under construction pursuant to a federal recovery plan will remain with the RSD until construction is substantially complete. Additionally provides that the RSD and the Dept. of Education (DOE) shall continue to operate as the federal grant applicant for such projects.
- (8) Provides that any assets acquired by the charter school prior to its return to the local school board remains the property of the charter school.
- (9) Requires the RSD to return all buildings, facilities, and property related to a school which are owned by, or under the control of, the district to the local school system free of any encumbrances, including liens and judgments, other than those to which the local school board is a party.
- (10) Specifies that the local school board shall have no obligation to reimburse the RSD, DOE, or BESE for any maintenance, alterations, or other repairs made to any of a school's buildings, facilities, or property before the school's return to the local school system.
- (11) Exempts the local school board, and its individual members, from civil liability for any damages arising from acts, omissions, or incidents occurring during the time the school was under the jurisdiction of the RSD.
- (12) Exempts the local school board, and its individual members, from any liability or responsibility asserted by the Federal Emergency Management Agency (FEMA), the

U.S. Dept. of Housing and Urban Development, or any other federal or state governmental agency or entity, with respect to construction projects managed by the RSD.

- (13) Provides for local school board duties as follows:
- (a) Shall adopt a policy that establishes a process to determine the district-level funding allocation to be effective beginning July 1, 2017, based upon student characteristics or needs, as determined by the board, to distribute the total amount of MFP funds allocated to the local school board and to Type 1, 1B, 3, 3B, 4, and 5 charter schools located within the geographic boundaries of the local school system.
 - (b) May use local revenues from new or repurposed taxes approved after Sept. 1, 2016, for parish-wide functions or programs specifically approved by the voters.
 - (c) Shall approve charter operating agreements for all charter schools limited to provisions common to all charters under the board's jurisdiction, unless otherwise authorized by state law.
 - (d) Shall require all charter schools to participate in the parish-wide enrollment system and student expulsion process, in accordance with local board policy.
 - (e) Allows the board to exempt charter schools in good standing with such board policy from the minimum enrollment percentages required by the general charter school law with regard to enrollment of at-risk students.
 - (f) May provide a lottery preference for enrollment at elementary and middle schools for students residing within defined geographic zones as a factor to determine student assignment. Such preference shall be applied to not more than one-half of the seats available in each grade level. A charter school authorized on or prior to July 1, 2016, may maintain any existing geographic preferences.
 - (g) May adopt a policy to annually establish enrollment projections and targets for every school under the board's jurisdiction.
 - (h) Shall adopt a policy establishing a process to allow the local superintendent to limit the percentage of system enrollment that any single charter operator or charter governing authority may serve to ensure a diverse system of schools.
 - (i) Shall provide for the distribution of deferred local revenues to charter schools under the board's jurisdiction in any year that such revenues exist. Defines "deferred local revenues" as the amount of local revenues for distribution to all charter schools under the board's jurisdiction that vary from the total amount of local revenues distributed to all charter schools pursuant to present law due to a collection of local revenues that is higher or lower than the amount projected by the board. Further provides that in the event that actual local revenues are lower than the amount projected, the board may carry forward the amount of any loss, to be recovered from deferred revenues in any future year in which such revenues exceed projections, prior to distribution of such revenues to charter schools.
- (14) Requires the local school superintendent to:
- (a) Present recommendations to the local school board regarding the approval,

- extension, renewal, or revocation of the charter for any charter school under the board's jurisdiction. Provides that the local superintendent may implement such recommendations, unless vetoed by a 2/3 vote of the full membership of the board. Further provides that any such veto shall occur no later than the first board meeting held after the meeting during which the recommendation was submitted to the board.
- (b) Monitor and require corrective actions by a charter school that does not comply with board policy, state law, or terms of the charter contract.
 - (c) Require a school(s) to temporarily close, or dismiss or evacuate students in case of a threat of terror or declared state of emergency.
- (15) Prohibits the local school board from impeding the operational autonomy of a charter school under its jurisdiction, as provided in the school's charter, in the areas of programming, instruction, curriculum, materials and texts, school calendars, daily schedules, employment decisions and evaluation, teacher/administrator certification, salaries and benefits, collective bargaining, budgeting, purchasing, procurement, and contracting for services other than capital repairs and facilities construction, unless mutually agreed to by both the charter school's governing authority and the local school board.
- (16) Specifies that a Type 3B charter school may act as its own local education agency. Further allows any charter school under the school board's jurisdiction, with board approval, to act as its own local educational agency for funding purposes.
- (17) Requires each charter school, beginning July 1, 2017, to provide for independent test monitoring from a board approved third-party entity.
- (18) Requires the local superintendent to develop a plan to effect the return of schools from the RSD to the local school board that includes:
- (a) Consideration for equitable funding for governmental functions deemed appropriate for the efficient operation of a system of autonomous schools under the jurisdiction of the local school board.
 - (b) An implementation time line that shall include a detailed list of tasks and benchmarks that are appropriately sequenced to efficiently facilitate the return of schools to the local school system.
- (19) Requires the local superintendent to consult with the superintendent of the RSD to convene an advisory committee to assist in developing the plan.
- (20) Provides that the advisory committee be composed of 13 members as follows:
- (a) The local school superintendent.
 - (b) The superintendent of the Recovery School District.
 - (c) Two members who represent Type 5 charter school operators, appointed by the local school superintendent.
 - (d) Two representatives of Type 5 charter school operators, appointed by the superintendent of the RSD.
 - (e) Two members who represent either a Type 1 or Type 3 charter school operator, appointed by the local school superintendent.

- (f) One member who represents a school directly operated by the local board, appointed by the local school superintendent.
 - (g) One member who represents an educational advocacy organization, appointed by the local school superintendent.
 - (h) One member who represents an educational advocacy organization, appointed by the superintendent of the RSD.
 - (i) Two members jointly appointed by the local school superintendent and the superintendent of the RSD.
- (21) Requires the local superintendent, after the school board has approved the plan to return the RSD schools to the local school system, to convene the advisory committee quarterly and as otherwise deemed necessary, until all schools have been returned to the local school system.
- (22) Requires the local superintendent to prepare a progress report regarding implementation of the approved plan to return RSD schools to the local school system not later than 12/1/16, 3/1/17, 6/1/17, 9/1/17, 12/1/17, 3/1/18, and 6/1/18. Further requires the superintendent to prepare a final report not later than 8/1/18. Provides that all reports shall be submitted to BESE, the local school board, the RSD, DOE, and the Senate and House committees.
- (23) Provides that the final transfer of schools from the RSD to the local school board may only be postponed by a majority vote of the full membership of the local school board or the full membership of BESE, and at least one of the following applies:
- (a) The local school board is not financially stable.
 - (b) The local school board lacks a comprehensive expulsion and reentry program for students.
 - (c) The local school board cannot assure the stability of employee retirement benefits.
 - (d) The local school board cannot ensure or provide sufficient insurance coverage.
 - (e) The local school superintendent and the superintendent of the RSD provide written certification that it is not feasible to meet the time lines, tasks, and benchmarks established in the plan to effect the return of schools to the jurisdiction of the local school board.
 - (f) The advisory committee, by a majority vote of its full membership, officially requests the local school board or BESE to consider such postponement.

Provides that the local school board or BESE shall consider such postponement at a regular or special meeting upon official request by a majority vote of the full membership of the advisory committee.

Provides that any action taken by the local school board or BESE to postpone the final transfer of schools from the RSD to the local school board must occur no later than January 31, 2018.

Provides that postponement of the final transfer date shall not extend beyond July 1, 2019.

Present law allows DOE to retain from state MFP funds allocated to a local public school

system, an amount equal to one quarter of one percent of the fee amount charged to a Type 3B charter school for administrative costs incurred by the department for financial oversight and monitoring of the school.

Proposed law retains present law and additionally authorizes DOE to retain such amount for a Type 3B charter acting as its own local education agency and any Type 1, 3, or 4 charter school acting as its own local education agency pursuant to proposed law.

Present law provides that the local school board shall remain the local education agency for any Type 1, 3, or 4 charter school. Proposed law exempts charter schools authorized to act as their own local education agency from present law.

Proposed law requires BESE to promulgate rules in accordance with the Administrative Procedure Act regarding a charter school acting as its own local education agency pursuant to proposed law. Provides that such rules shall:

- (1) Delineate the financial and programmatic obligations of the charter school as related to the receipt of public funds.
- (2) Authorize the state superintendent of education to rescind a charter school's authority to act as its own local education agency if the school fails to meet such financial and programmatic obligations.

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

(Amends R.S. 17:3995(A)(3), (4)(a)(ii), and (I), and 3999; adds R.S. 17:10.7.1, 100.11(I), and 3995(K))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Education to the original bill

1. Eliminates requirement that at least 10 schools be returned to the local school system by 7/1/17.
2. Provides for the distribution of deferred local revenues.
3. Authorizes the local superintendent to implement recommendations relative to charter contract approval, extension, renewal, or revocation unless vetoed by the local school board.
4. Clarifies that a Type 3B charter may act as its own local education agency.
5. Increases the membership of the advisory committee.
6. Clarifies funding computations and requirements.
7. Changes provisions relative to postponement of the final transfer of schools from the RSD to the local school system to require action by the local board and BESE, predicated upon specified triggering events. Prohibits postponement of transfer of schools beyond July 1, 2019.

Senate Floor Amendments to engrossed bill

1. Provides that charter schools returned to the local school system remain subject to any active federal consent judgments or settlement agreements.

2. Restricts school assets to be transferred to the control of the local school system to buildings, facilities, and property.
3. Provides that assets acquired by a charter school prior to transfer remain the property of the school.
4. Clarifies language relative to charter operating agreements.
5. Makes language relative to discipline programs consistent.
6. Allows the advisory committee to request local school board or BESE to consider postponing the transfer of schools back to the local school system.