

# ACT No. 35

HOUSE BILL NO. 121

BY REPRESENTATIVES CRANE, ALARIO, DEWITT, DORSEY, HAMMETT, SALTER, AND SCALISE AND SENATORS DUPLESSIS, HEITMEIER, HINES, MOUNT, CHAISSON, DARDENNE, QUINN, THEUNISSEN, AND ULLO

1 AN ACT

2 To amend and reenact R.S. 17:1990(A), (B)(1), (2)(a), and (4), (C)(1)(a), (2)(a), and (3),  
3 3973(2)(b)(v)(aa), 3982(A)(1), and 3983(A)(2)(a) and to enact R.S. 17:10.7,  
4 1990(F)(3), 3973(2)(b)(v)(cc), 3983(A)(1)(g), and 3997(A)(1)(c), relative to the  
5 Recovery School District; to provide for the transfer of certain schools to the  
6 recovery district; to provide for the operation and management of such schools; to  
7 require the development and approval of a plan for the operation of all schools  
8 transferred and to specify the contents of such plan; to provide for the duration and  
9 continuation of the transfer; to require the recovery district to make certain reports  
10 relative to the recovery district; to subject the administration of the recovery district  
11 to the approval of the State Board of Elementary and Secondary Education; to  
12 authorize the recovery district to manage and retain certain funding, including the  
13 authorization for retaining fund balances; to specify that the expenditure of certain  
14 funds by the recovery district is subject to the requirements of the approved  
15 Minimum Foundation Program formula; to provide with regard to the authority of  
16 the recovery district to contract with for-profit providers; to provide for the exercise  
17 of limited rights of ownership over property of transferred schools by the recovery  
18 district; to provide for the transfer of certain funding to the recovery district; to  
19 provide for the process for the transfer of such funds and for a limitation on the  
20 transfer of such funds; to provide for the expenditure of certain retained funds by  
21 certain city, parish, or other local public school systems; to provide for the eligibility  
22 of a student to attend a school operated under the jurisdiction of the recovery district;  
23 to provide for the obligations of the recovery district in providing services to

1 students; to expand the definition of a Type 5 charter school to include charters  
 2 involving certain schools transferred to the recovery district; to provide for the  
 3 review of Type 5 charter proposals in compliance with certain standards; to provide  
 4 prohibitions relative to the membership of the governing or management boards of  
 5 certain recovery district charter schools; to prohibit certain local school boards from  
 6 considering or acting on Type 1 charter school applications under certain  
 7 circumstances; to provide with regard to the authority of the governing authority of  
 8 a Type 5 charter school to bargain and enter into a collectively bargained contract;  
 9 to authorize the state Department of Education to enter into a charter to operate a  
 10 charter school under certain circumstances; to provide for effectiveness; and to  
 11 provide for related matters.

12 Be it enacted by the Legislature of Louisiana:

13 Section 1. R.S. 17:1990(A), (B)(1), (2)(a), and (4), (C)(1)(a), (2)(a), and (3),  
 14 3973(2)(b)(v)(aa), 3982(A)(1), and 3983(A)(2)(a) are hereby amended and reenacted and  
 15 R.S. 17:10.7, 1990(F)(3), 3973(2)(b)(v)(cc), 3983(A)(1)(g), and 3997(A)(1)(c) are hereby  
 16 enacted to read as follows:

17 §10.7. School and district accountability; schools in districts in academic crisis;  
 18 transfer to Recovery School District  
 19 A.(1) Each elementary or secondary school that participates in a Spring cycle  
 20 of student testing and has a baseline school performance score below the state  
 21 average and each alternative school, established pursuant to R.S. 17:100.5, that  
 22 provides educational services to students a majority of whose test scores are reported  
 23 back to such an elementary or secondary school under a uniform statewide program  
 24 of school accountability established pursuant to rules adopted under authority of law  
 25 by the State Board of Elementary and Secondary Education, referred to in this  
 26 Section as "the state board", that is a school in or granted a charter by a city, parish,  
 27 or other local public school system that has been declared to be academically in  
 28 crisis pursuant to R.S. 17:10.6, and that has at least one school eligible to transfer to  
 29 the Recovery School District pursuant to R.S. 17:10.5, shall be designated a failing  
 30 school and shall be transferred to the jurisdiction of the Recovery School District

1 established in R.S. 17:1990. The Recovery School District, referred to in this  
2 Section as "the recovery district", shall provide all educational services required of  
3 any city, parish, or other local public school system in order to meet the educational  
4 needs of all students residing in the jurisdiction of the transferring local school  
5 system who were attending a transferred school or who would have been eligible to  
6 attend such transferred school because of the residential location of the student or as  
7 the result of any other option or program available to the student.

8 (2) On and after November 15, 2008, no additional schools shall be  
9 transferred to the jurisdiction of the recovery district pursuant to this Section.

10 B.(1) Any school transferred to the recovery district pursuant to this Section  
11 shall be reorganized as necessary and operated by the recovery district, pursuant to  
12 its authority, in whatever manner is determined by the administering agency of the  
13 recovery district to be most likely to improve the academic performance of each  
14 student in the school.

15 (2)(a)(i) The recovery district, as directed by its administering agency, shall  
16 manage the schools so transferred in a fashion that provides the best educational  
17 opportunity to all students who attended or were eligible to attend such schools  
18 without regard to the attendance zones related to such schools prior to the transfer.  
19 The authority provided in this Paragraph includes the authority to determine and act  
20 on which schools should be operated, which schools should be closed, which schools  
21 should be relocated or rebuilt, and what range of grades should be operated in each  
22 school.

23 (ii) However, the recovery district shall provide for and ensure that schools  
24 of appropriate grade that have open enrollment policies are operating and available  
25 for the enrollment of students in reasonable proximity to the neighborhoods where  
26 concentrations of students reside. The recovery district shall use the best information  
27 available to make the determinations of the location of such neighborhoods. The  
28 requirements of this Item shall be reflected in all planning, presenting, reviewing,  
29 and approving required by Subparagraph (b) of this Paragraph.

1           **(b)(i) Within six months after the transfer of a school to the recovery district**  
2           **pursuant to this Section, the recovery district shall develop and present to the state**  
3           **board, for its approval, a plan for the operation of all schools transferred. The plan**  
4           **shall be annually updated and reviewed by the state board.**

5           **(ii) The plan required in this Subparagraph shall address each of the**  
6           **following:**

7           **(aa) The educational needs of all students.**

8           **(bb) The number and location of schools to be operated to provide**  
9           **appropriate educational services to all students. This plan element shall include**  
10           **provision for changes in the student population being served.**

11           **(cc) A method for maintaining clear communication among interested**  
12           **parties, including the recovery district, the Louisiana Recovery Authority, the chief**  
13           **executive officer of the governing authority of the relevant municipality or parish,**  
14           **the parents and guardians of children for whom the recovery district is required to**  
15           **provide educational services, and the city, parish, or other local public school board**  
16           **from which schools were transferred.**

17           **(iii) The requirements of this Subparagraph shall not preclude the operation**  
18           **of a limited number of schools prior to completion and approval of the required plan**  
19           **provided that such schools are operated in direct response to the present needs of**  
20           **students and provided that the operation of such schools is approved by the state**  
21           **board after a review by the board of the data presented by the recovery district**  
22           **supporting the operation of the schools and review and consideration by the board**  
23           **of the efforts made by the recovery district to seek and consider input from the**  
24           **community and its leaders and the input gained from those efforts.**

25           **(3) The recovery district shall make an annual report to the House and Senate**  
26           **committees on education concerning the status, management, and operation of any**  
27           **school transferred to the recovery district pursuant to the provisions of this Section.**

28           **C.(1) The recovery district shall retain jurisdiction over any school**  
29           **transferred to it for a period of not less than five school years not including the**

1 school year in which the transfer occurred if the transfer occurred during a school  
 2 year.

3 (2)(a) No later than nine months prior to the expiration of the five-year  
 4 period, the recovery district shall make a report to the state board.

5 (b) The report shall include at a minimum each of the following elements:

6 (i) The status of each school transferred, the nature of its faculty and  
 7 administration, the demographics and size of its student body, its organizational and  
 8 management structure, whether there has been improvement in student academic  
 9 performance and, if so, how much and, if not, why not.

10 (ii) A recommendation as to whether the school should be:

11 (aa) Continued in the recovery district pursuant to its reported operational  
 12 status.

13 (bb) Continued in the recovery district with a change in its operational status  
 14 and the nature of the recommended change.

15 (cc) Closed and the reasons therefor.

16 (dd) Returned to the administration and management of the transferring  
 17 system with proposed stipulations and conditions for the return.

18 (3) No later than six months prior to the expiration of the five-year period,  
 19 the state board shall take action on the recommendations of the recovery district.  
 20 Any action that results in an affirmative agreement to maintain the school in the  
 21 recovery district shall retain the school in the recovery district for an additional five-  
 22 year period, unless a lesser time is adopted by the state board. The report and the  
 23 action required in this Paragraph shall occur no later than six months prior to each  
 24 period of continuation.

25 D. At the time of the transfer of a school to the recovery district, the parent  
 26 or guardian with responsibility for decisions regarding the education of any student  
 27 attending a transferred school or any student who would be assigned to attend a  
 28 transferred school shall be able to continue to have their child enrolled in and attend  
 29 a school under the jurisdiction of the recovery district or may exercise an option, if  
 30 one is made available by the city, parish, or other local public school board from









1                   (2)(a)(i) In addition to the appropriation required in Paragraph (1) of this  
 2                   Subsection, any city, parish, or other local public school board which had jurisdiction  
 3                   of a school prior to its transfer to this district annually shall ~~either; (i) Allocate~~  
 4                   allocate and transfer to the school district an amount of money equal to the number  
 5                   of students enrolled in such a school times the local per pupil amount received ~~in the~~  
 6                   as provided in the  
 7                   Minimum Foundation Program approved formula, excluding any portion which has  
 8                   been specifically dedicated by the legislature or by voter approval to capital outlay  
 9                   or debt service or which was actually expended by the school board for facilities  
 10                  acquisition and construction as reported to the state Department of Education:

11                   (aa) Sales and use taxes, less any tax collection fee paid by the school  
 12                  system;;

13                   (bb) Ad valorem taxes, less any tax collection fee paid by the school system;;

14                   (cc) Earnings from sixteenth section lands owned by the school system; or,

15                   (ii)(aa) Such allocation and transfer shall be accomplished by a  
 16                  reduction in the amount of state funds otherwise to be allocated to the city, parish,  
 17                  or other local public school system as contained in the Minimum Foundation  
 18                  Program budget letter approved by the State Board of Elementary and Secondary  
 19                  Education equal to the amount provided in ~~Item (i) of this Subparagraph~~ this  
 20                  Paragraph which reduction shall be allocated to the school district.

21                   (bb) In the case that there are insufficient funds available to provide the total  
 22                  due the school district under this Paragraph if all state funds are reduced and  
 23                  allocated to the school district, the prior system shall transfer a sufficient amount of  
 24                  money remaining from the sources provided in Item (i) of this Subparagraph to the  
 25                  school district. In the case that the prior system's local revenues are insufficient to  
 26                  allow for the allocation to the school district and to allow the prior system to  
 27                  maintain a minimum balance of ten percent of state Minimum Foundation Program  
 28                  funding and ten percent of the local revenues listed in Item (i) of this Subparagraph,  
 29                  local revenues otherwise required to be allocated to the school district shall be  
 30                  reduced to an amount necessary to allow the prior system to maintain such balances.



1 §3973. Definitions

2 As used in this Chapter, the following words, terms, and phrases shall have  
3 the meaning ascribed to them in this Section except when the context clearly  
4 indicates a different meaning:

5 \* \* \*

6 (2)

7 \* \* \*

8 (b) Charter schools shall be one of the following types:

9 \* \* \*

10 (v)(aa) Type 5, which means a preexisting public school transferred to the  
11 Recovery School District pursuant to R.S. 17:10.5 or 10.7 and operated as the result  
12 of and pursuant to a charter between a nonprofit corporation and the State Board of  
13 Elementary and Secondary Education, or between a nonprofit corporation and a city,  
14 parish, or other local school board or other public entity in the case of the renewal  
15 of a Type 5 charter of a school that has been transferred back to the jurisdiction of  
16 the local school board or other public entity pursuant to R.S. 17:10.5(C). The  
17 chartering authority shall review each Type 5 charter proposal in compliance with  
18 the Principles and Standards for Quality Charter School Authorizing as promulgated  
19 by the National Association of Charter School Authorizers. ~~Notwithstanding~~ Except  
20 as otherwise provided in R.S. 17:10.7 or 1990, and notwithstanding the provisions  
21 of R.S. 17:3991(B)(1), within such Type 5 charter school, only pupils who would  
22 have been eligible to enroll in or attend the preexisting school under the jurisdiction  
23 of the city, parish, or other local public school board or other public school entity  
24 prior to its transfer to the Recovery School District may attend. However, all such  
25 pupils shall be eligible to attend notwithstanding any other provision of this Chapter  
26 to the contrary.

27 \* \* \*

28 (cc)(aaa) No member of the State Board of Elementary and Secondary  
29 Education shall be a member of the governing or management board of any Type 5  
30 charter school. No member of any city, parish, or other local public school board



1 submitting the charter school proposal includes three or more persons holding valid  
2 and current Louisiana teaching certificates:

3 \* \* \*

4 (g) The state Department of Education, subject to the approval of the state  
5 board.

6 (2)(a)(i) Each proposal for a ~~type~~ Type 1 or ~~type~~ Type 3 charter school shall  
7 first be made to the local school board with jurisdiction where the school is to be  
8 located, except in the case of a local system in academic crisis as provided for in  
9 Item (ii) of this Subparagraph, involving the submission of a written proposal. If,  
10 after review as required by R.S. 17:3982, the local school board denies the proposal,  
11 or if conditions placed on the proposal by the local school board, as provided in  
12 Paragraph (B)(2) of this Section, are not acceptable to those proposing the charter,  
13 then a proposal for a ~~type~~ Type 2 charter school may be made to the State Board of  
14 Elementary and Secondary Education.

15 (ii) A proposal for a Type 1 charter school that would otherwise be made to  
16 a local school board except that the local system is in academic crisis shall, in the  
17 discretion of the proponents of the proposal, be made to the state board as a Type 2  
18 proposal.

19 \* \* \*

20 §3997. Charter school employees

21 A.(1)

22 \* \* \*

23 (c) The governing authority of any Type 5 charter school may bargain and  
24 enter into a collectively bargained contract on behalf of all or any group of its  
25 employees. The provisions of this Subparagraph supersede the provisions of R.S.  
26 17:3996(D) as it relates to Type 5 charter schools.

27 \* \* \*

28 Section 2. This Act shall become effective upon signature by the governor or, if not  
29 signed by the governor, upon expiration of the time for bills to become law without signature  
30 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If

1 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
2 effective on the day following such approval.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_