

Regular Session, 2014

HOUSE BILL NO. 1243

BY REPRESENTATIVES HODGES AND POPE

SCHOOLS/CHARTER: Provides conditions and prohibitions relative to approval of certain charter school proposals

1 AN ACT

2 To amend and reenact R.S. 17:3973(6) and (7) and 3997(A)(1)(a) and (b) and to enact R.S.
3 17:3973(8), 3983(G), and 3997(G), relative to charter schools; to provide conditions
4 for approval of certain charter school proposals; to prohibit charter schools taking
5 certain actions regarding personnel; to provide for definitions; and to provide for
6 related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 17:3973(6) and (7) and 3997(A)(1)(a) and (b) are hereby amended
9 and reenacted and R.S. 17:3973(8), 3983(G), and 3997(G) are hereby enacted to read as
10 follows:

11 §3973. Definitions

12 As used in this Chapter, the following words, terms, and phrases shall have
13 the meanings ascribed to them in this Section except when the context clearly
14 indicates a different meaning:

15 * * *

16 (6) "Nonimmigrant foreign worker" means an individual who has obtained
17 a visa pursuant to the Immigration and Nationality Act of 1965, Section
18 1101(a)(15)(H)(i)(b) or (b1) or Section 1101(a)(15)(J) of Title 8 of the United States
19 Code. "Nonimmigrant foreign worker" shall not mean a teacher who spends more

1 than half of his daily instruction time providing instruction in or teaching in a foreign
2 language.

3 ~~(6)~~(7) "Public service organization" means any community-based group of
4 fifty or more persons incorporated under the laws of this state that meets all of the
5 following requirements:

6 (a) Has a charitable, eleemosynary, or philanthropic purpose.

7 (b) Is qualified as a tax-exempt organization under Section 501(c) of the
8 United States Internal Revenue Code and is organized for a public purpose. "State
9 board" means the State Board of Elementary and Secondary Education.

10 ~~(7)~~(8) "State board" means the State Board of Elementary and Secondary
11 Education.

12 * * *

13 §3983. Chartering process by type; eligibility; limitations; faculty approval; parental
14 approval; exceptions

15 * * *

16 G. A charter authorizer shall not approve a proposal for a new charter school
17 if the proposal includes plans to staff positions for teachers, administrators, ancillary
18 support personnel, or other employees by employing nonimmigrant foreign workers
19 unless the charter school evidences that in order to provide equal opportunity
20 regardless of race, color, religion, sex, national ancestry, or national origin, the
21 proposal includes a plan to take affirmative action to recruit, select, employ, and
22 train nonimmigrant foreign workers regardless of race, color, religion, sex, national
23 ancestry, or national origin. Race, color, religion, sex, national ancestry, and
24 national origin shall not constitute bona fide occupational qualifications for
25 employment of a nonimmigrant foreign worker by a charter school.

26 * * *

27 §3997. Charter school employees

28 A.(1)(a) ~~The~~ Except as provided in Subsection G of this Section, the
29 governing authority of any charter school may employ such faculty and staff

1 members as it deems necessary. All potential charter school employees shall be
2 notified of the specific benefits they will be offered, as specified in the school's
3 charter agreement.

4 (b) ~~The~~ Except as provided in Subsection G of this Section, the nonprofit
5 organization shall have exclusive authority over all employment decisions at the
6 charter schools. However, as provided for in the charter, a nonprofit organization
7 may enter into a contract with a for-profit organization to manage the charter school
8 and may delegate to the for-profit organization such authority over employment
9 decisions at the charter school as the nonprofit organization deems necessary and
10 proper if the for-profit organization meets the staffing requirements in Subsection G
11 of this Section. Any delegation of this authority must be specifically delegated in a
12 service provider agreement.

13 * * *

14 G. The governing authority of a charter school shall not staff positions for
15 teachers, administrators, ancillary support personnel, or other employees by
16 employing nonimmigrant foreign workers unless the governing authority of the
17 charter school takes affirmative action to recruit, select, employ, and train
18 nonimmigrant foreign workers regardless of race, color, religion, sex, national
19 ancestry or national origin. Race, color, religion, sex, national ancestry, and national
20 origin shall not constitute bona fide occupational qualifications for employment of
21 a nonimmigrant foreign worker by a charter school.

22 * * *

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)]

Hodges

HB No. 1243

Abstract: Provides conditions for the approval of certain charter school proposals and provides relative to prohibitions on the employment of nonimmigrant foreign workers in charter schools, with exceptions.

Present law, relative to charter schools, permits the formation of nonprofit corporations (by teachers, citizens, public service organizations, businesses, and others) to propose charters. Requires that a group submitting a proposal include at least three La. certified teachers. Provides for the chartering process, including submitting, reviewing, and approving proposals. Permits charter school governing authorities to employ faculty and staff it deems necessary. Provides that the nonprofit organization shall have exclusive authority over all employment decisions at the charter schools. Permits the nonprofit organization to enter into a contract with a for-profit organization to manage the charter school and to delegate authority over employment decisions to the for-profit organization. Provides, with certain exceptions, that charter school employees shall be considered public school employees and shall be eligible for all benefits provided to public school employees including membership in the state retirement systems.

Proposed law retains present law except provides that:

- (1) A charter authorizer shall not approve a proposal for a new charter school if the proposal includes plans to staff positions with nonimmigrant foreign workers unless the charter school plans to take affirmative action to recruit, select, employ, and train nonimmigrant foreign workers regardless of race, color, religion, sex, national ancestry, or national origin. Race, color, religion, sex, national ancestry, or national origin shall not constitute a bona fide occupational qualification for employment of a nonimmigrant foreign worker by a charter school.
- (2) The governing authority of a charter school shall not staff positions with nonimmigrant foreign workers unless the governing authority of the charter school takes affirmative action to recruit, select, employ, and train nonimmigrant foreign workers regardless of race, color, religion, sex, national ancestry or national origin. Race, color, religion, sex, national ancestry, or national origin shall not constitute a bona fide occupational qualification for employment of a nonimmigrant foreign worker by a charter school.
- (3) A nonprofit organization may enter into a contract with a for-profit organization to manage the charter school and have authority over employment decisions only if the for-profit organization meets the staffing requirements in proposed law.

Defines "nonimmigrant foreign worker" as an individual who has a visa pursuant to certain provisions of the federal Immigration and Nationality Act of 1965. Further states that "nonimmigrant foreign worker" shall not mean a teacher who spends more than half of his daily instruction time providing instruction in or teaching a foreign language.

(Amends R.S. 17:3973(6) and (7) and 3997(A)(1)(a) and (b); Adds R.S. 17:3973(8), 3983(G), and 3997(G))