

RÉSUMÉ DIGEST

ACT 91 (SB 432)

2016 Regular Session

Peterson

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

- (1) New 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 prior law.
- (2) To the extent new law conflicts with the Charter School Law, the provisions of new 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 prior 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 members who shall represent 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 school 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.

Prior law allowed 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.

New law retains prior 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 new law.

Prior law provided that the local school board shall remain the local education agency for any Type 1, 3, or 4 charter school. New law exempts charter schools authorized to act as their own local education agency from prior law.

New 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 new 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.

(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))

