

Regular Session, 2013

ACT No. 275

HOUSE BILL NO. 115

BY REPRESENTATIVE JAMES AND SENATOR BROOME

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

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AN ACT

To enact R.S. 17:10.5(G), relative to schools transferred to the Recovery School District; to provide for the submission of petitions by parents requesting that a school be removed from the Recovery School District and returned to the local school system under certain conditions; to require rules and regulations to be adopted by the State Board of Elementary and Secondary Education for the petition process; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:10.5(G) is hereby enacted to read as follows:

§10.5. School and district accountability; failing schools; transfer to Recovery School District; parent petitions

* * *

G.(1) Notwithstanding the provisions of Subsection C of this Section, a school that is directly operated by the Recovery School District and that has not been identified for conversion to a charter school pursuant to a charter contract between the State Board of Elementary and Secondary Education and a nonprofit charter organization shall be removed from the jurisdiction of the Recovery School District and returned to the administration and management of the school system from which it was transferred if such return is approved by the State Board of Elementary and Secondary Education and the respective local school board and the following conditions are met:

(a) Parents or legal guardians representing at least a majority of the students who have been enrolled in the school for at least two years sign a petition requesting that the school be removed from the jurisdiction of the Recovery School District and

1 returned to the administration and management of the school system from which it
2 was transferred.

3 (b) The school has received a letter grade of "D" or "F" or any variation
4 thereof, pursuant to the Louisiana School and District Accountability System, for
5 five consecutive years while under the jurisdiction of the Recovery School District.

6 (2) By October 1, 2013, the State Board of Elementary and Secondary
7 Education shall develop and adopt rules and regulations for implementation of this
8 Subsection which shall include but not be limited to:

9 (a) The format, procedures, and timelines for submitting a petition pursuant
10 to this Subsection to the state superintendent of education to be brought by him
11 before the State Board of Elementary and Secondary Education for review,
12 consideration, and action.

13 (b) A requirement that each student may be signed for by his parents or legal
14 guardians only one time on any given petition such that each student equals one
15 signature.

16 (c) Signature validation procedures that include the following requirements:

17 (i) That upon submission of a petition, the state Department of Education
18 shall determine if the number of signatures represents at least a majority of the
19 students attending the school.

20 (ii) That the signatures be assumed valid unless challenged or there is
21 reasonable doubt of their validity. If the validity is challenged or doubted, the
22 department shall, within forty-five calendar days, review and verify the signatures.
23 If the department finds that the number of valid signatures is fewer than the majority
24 required, parents or legal guardians shall have thirty calendar days, commencing
25 with a date specified by the department, to resolve such discrepancies and to collect
26 the signatures of additional parents or legal guardians. Signatures shall not be
27 discounted over technicalities if the clear intent of the parent or legal guardian was
28 to support the petition.

- 1 (d) Transfer procedures for students who choose not to remain enrolled at
- 2 the school as a result of the state board's decision to return the school to the
- 3 administration and management of the school system from which it was transferred.
- 4 (3) The state Department of Education shall maintain records regarding the
- 5 contents and outcomes of the petitions.
- 6 (4) Parents or legal guardians shall be free from harassment, threats, and
- 7 intimidation related to circulation of or signing a petition.
- 8 (5) School and district resources shall not be used to support or oppose any
- 9 effort by petitioning parents or legal guardians to gather signatures and submit a
- 10 petition.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____