

Regular Session, 2014

HOUSE BILL NO. 817

BY REPRESENTATIVE NANCY LANDRY

SCHOOLS/DISTRICTS: Provides for parent petitions for changes in management of schools and school districts

1 AN ACT

2 To enact R.S. 17:81.1, relative to governing authorities of schools and school systems; to
3 provide for transfer of schools and school systems to alternative governing
4 authorities upon petition of parents of affected children; to provide for procedures
5 and approvals; to provide for alternative governing authorities; to provide for rules
6 and for transfer of students; to provide with respect to records of petitions, protection
7 of parents who sign petitions, and use of school and district resources; and to provide
8 for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 17:81.1 is hereby enacted to read as follows:

11 §81.1. Transfer of schools and school systems to alternative governing authority;
12 parent petitions; responsibilities of state board

13 A. For purposes of this Section:

14 (1) "Alternative governing authority" means the state board, the Recovery
15 School District, the governing authority of a charter school as provided in a charter
16 for the school, or other governing authority approved by the state board as provided
17 in this Section.

18 (2) "Local public school board" means a city, parish, or other local public
19 school board.

1 (3) "Local school system" means a city, parish, or other local school system,
2 including all schools and administrative personnel under the jurisdiction of a local
3 public school board.

4 (4) "State board" means the State Board of Elementary and Secondary
5 Education.

6 B.(1) A public school shall be removed from the jurisdiction of the local
7 public school board or other public entity and transferred by the state board to the
8 jurisdiction of an alternative governing authority as provided in this Section if such
9 transfer is approved by the state board and both of the following conditions are met:

10 (a) Parents or legal guardians representing at least a majority of the students
11 attending the school sign a petition requesting that the school be transferred to the
12 alternative governing authority specified in the petition.

13 (b) The school board having jurisdiction of the school is not in compliance
14 with R.S. 17:54, 81, 81.4, 229, 414.1, or 418 as determined by the attorney general
15 or by the legislative auditor based upon an audit of the school board and system filed
16 with his office as required by law.

17 (2) A local school system shall be removed from the jurisdiction of the local
18 public school board and transferred by the state board to the jurisdiction of an
19 alternative governing authority as provided in this Section if such transfer is
20 approved by the state board and both of the following conditions are met:

21 (a) Parents or legal guardians representing at least a majority of the students
22 attending the schools in the local school system sign a petition requesting that the
23 local school system be transferred to the alternative governing authority specified in
24 the petition.

25 (b) The school board having jurisdiction of the local school system is not in
26 compliance with R.S. 17:54, 81, 81.4, 229, 414.1, or 418 as determined by the
27 attorney general or by the legislative auditor based upon an audit of the school board
28 and system filed with his office as required by law, or a majority of the members of
29 the school board having jurisdiction of the local school system has been guilty of

1 malfeasance in office as certified to the state board by the district attorney for the
2 parish in which the school system is located.

3 C. The state board shall develop and adopt rules and regulations for
4 implementation of this Section which shall include but not be limited to:

5 (1) The format and procedures for submitting a petition pursuant to this
6 Section to the state superintendent of education to be brought by him before the state
7 board for review pursuant to the process established for the consideration of schools
8 or school systems eligible for transfer to an alternative governing authority as
9 provided in this Section.

10 (2) A requirement that each student may be signed for by his parents or legal
11 guardians only one time on any given petition such that each student equals one
12 signature.

13 (3) Signature validation procedures that include the following requirements:

14 (a) That upon submission of a petition, the state Department of Education
15 shall determine if the number of signatures represents at least a majority of the
16 students attending the school or attending the schools in the school system, as the
17 case may be.

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

27 (4) Transfer procedures for students who choose not to remain enrolled at
28 a school as a result of the state board's decision to approve the transfer of a school

1 to the jurisdiction of an alternative governing authority pursuant to Paragraph (B)(1)
2 of this Section.

3 D. The state Department of Education shall maintain records regarding the
4 contents and outcomes of the petitions.

5 E. No person shall harass, threaten, or intimidate any parent or legal guardian
6 regarding activities pursuant to this Section.

7 F. School or district resources shall not be used to support or oppose any
8 effort by petitioning parents or legal guardians to gather signatures and submit a
9 petition.

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)]

Nancy Landry

HB No. 817

Abstract: Provides for transfer of schools and school systems to alternative governing authorities upon petition of parents of affected children under certain circumstances.

Present law (R.S. 17:54, 81, 81.4, 229, 414.1, and 418, as amended by Acts 2012, No. 1) provides relative to the powers and duties of school boards and local superintendents of schools. Requires local school boards to delegate authority for personnel decisions to the local superintendent, including policies related to reductions in force. Provides for appointments of principals by the local superintendent. Requires the superintendent to delegate hiring and placement decisions to school principals, subject to his approval. Requires that all school personnel employment decisions be based upon performance, effectiveness, and qualifications. Provides for effectiveness as the primary criterion when making personnel decisions and prohibits the use of seniority or tenure as such. Relative to reduction in force policies provides that policies for teachers and administrators be based solely on demand, performance, and effectiveness; that policies for noncertified school personnel be based on performance and effectiveness as determined by local board policy; and that seniority or tenure cannot be the primary criterion for reduction in force.

Present law further requires local school boards to include specified performance targets in employment contracts with the local superintendent and to submit copies of such contracts to the state superintendent of education. Provides that any employment contract executed, negotiated, or renegotiated after July 1, 2012, between a board and superintendent that does not meet requirements of law is null and void. Requires that a local superintendent be removed from office upon being found incompetent, unworthy, or inefficient or to have failed to fulfill the terms and performance objectives of his contract or to comply with school board policy.

Present law also requires all public school governing authorities (public schools, state special schools, and schools and programs of the special school district) to establish salary schedules and specifies certain factors schedules shall be based upon. Provides that salaries shall be considered as full compensation for all work required. Prohibits any teacher or administrator rated as "ineffective" by a performance evaluation from receiving a higher salary in the year

following the evaluation than he received in the year of the evaluation. Prohibits salary reductions, with certain exceptions. Provides for vocational agricultural teachers to teach and be paid on a 12-month basis.

Proposed law provides for transfer of schools and school systems to alternative governing authorities upon petition of parents of affected children as follows:

- (1) Provides definitions:
 - (a) "Alternative governing authority" means the State Board of Elementary and Secondary Education (BESE), the Recovery School District, the governing authority of a charter school as provided in a charter for the school, or other governing authority approved by the state board.
 - (b) "Local public school board" means a city, parish, or other local public school board.
 - (c) "Local school system" means a city, parish, or other local school system, including all schools and administrative personnel under the jurisdiction of a local public school board.
- (2) Requires that a public school be removed from the jurisdiction of the local public school board or other public entity and transferred by the BESE to the jurisdiction of an alternative governing authority if the transfer is approved by BESE and both of the following conditions are met:
 - (a) Parents or legal guardians representing at least a majority of the students attending the school sign a petition requesting that the school be transferred to the alternative governing authority specified in the petition.
 - (b) The school board is not in compliance with present law (described above) as determined by the attorney general or by the legislative auditor based upon an audit of the school board and system filed with his office as required by law.
- (3) Requires that a local school system be removed from the jurisdiction of the local public school board and transferred by BESE to the jurisdiction of an alternative governing authority if the transfer is approved by BESE and both of the following conditions are met:
 - (a) Parents or legal guardians representing at least a majority of the students attending the schools in the local school system sign a petition requesting that the school be transferred to the alternative governing authority specified in the petition.
 - (b) The school board is not in compliance with present law (described above) as determined by the attorney general or by the legislative auditor based upon an audit of the school board and system filed with his office as required by law, or a majority of the school board members has been guilty of malfeasance in office as certified to BESE by the district attorney.
- (4) Requires BESE to adopt rules to implement proposed law to include:
 - (a) Format and procedures for submitting a petition to the state superintendent of education to be brought by him before BESE for review pursuant to the process established for the consideration of schools or school systems eligible for transfer to an alternative governing authority.

- (b) A requirement that each student may be signed for by his parents or legal guardians only one time on any given petition such that each student equals one signature.
- (c) Signature validation procedures that include requirements:
 - (i) That upon submission of a petition, the state Dept. of Education determines if the number of signatures represents at least a majority of the students attending the school or attending the schools in the school system, as the case may be.
 - (ii) That the signatures be assumed valid unless challenged or there is reasonable doubt of their validity. That if validity is challenged or doubted, within 45 calendar days, the department shall review and verify the signatures; if the department finds valid signatures that are fewer in number than a majority required, parents or legal guardians have 30 calendar days from a date specified by the department to resolve discrepancies and collect additional signatures. Prohibits discounting signatures over technicalities if the clear intent of the parent or legal guardian was to support the petition.
- (d) Transfer procedures for students who choose not to remain enrolled at a school as a result of approval of the school's transfer to an alternative governing authority.
- (5) Requires the state Dept. of Education to maintain records regarding the contents and outcomes of the petitions.
- (6) Requires that parents or legal guardians be free from harassment, threats, and intimidation related to circulation of or signing a petition.
- (7) Prohibits use of school and district resources to support or oppose any effort by petitioning parents or legal guardians to gather signatures and submit a petition.

(Adds R.S. 17:81.1)