
DIGEST

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Scalise

HB No. 93

Abstract: Requires all elementary and secondary schools operating under the jurisdiction and direction of a local school board which is academically in crisis to be removed from the jurisdiction of such board and transferred to the jurisdiction of the state's Recovery School District if BESE approves the transfer. Provides guidelines and conditions for such transfers. Provides relative to the reorganization and operation of such transferred schools. Prohibits certain persons from being a member of the governing authority or management board of Recovery School District Type 5 charter schools.

Proposed law provides an additional means by which public elementary and secondary schools may be transferred to the state's Recovery School District as follows:

Specifies that all elementary and secondary schools operating under the jurisdiction and direction of any local school board which is academically in crisis shall be removed from the jurisdiction of such board and transferred to the jurisdiction of the Recovery School District, provided the State Board of Elementary and Secondary Education (BESE) approves the transfer.

Provides, for proposed law purposes, that "academically in crisis" means any city, parish, or other local public school board having a school system in which for the 2004-2005 school year more than 30 schools are academically unacceptable under a uniform statewide program of school accountability established pursuant to rules adopted by BESE or more than 50% of its students attend schools that are academically unacceptable.

Present law provides that a failed school that is transferred to the Recovery School District shall be reorganized, as necessary, and operated by the district pursuant to its authority in whatever manner is determined by the administering agency (the state Department of Education) to be most likely to bring the school to an acceptable level of performance as determined pursuant to the state's accountability plan.

Proposed law retains present law. Provides additionally that a school that is transferred to the Recovery School District pursuant to proposed law that has not been designated as a failed school may be reorganized, as necessary, and shall be operated by the district pursuant to its authority in whatever manner is determined by the administering agency to be most likely to maintain the school at an acceptable level of performance as determined pursuant to the accountability plan.

Present law provides that the Recovery School District shall retain jurisdiction over any school transferred to it until BESE, upon the recommendation of the district's administering agency,

enters into an agreement with the local school board or any other public entity from which the school was transferred for its return to the jurisdiction of such school board or public entity.

Proposed law retains present law.

Present law provides that when a school in the recovery district is no longer academically unacceptable, BESE shall require the administering agency of the district to seek agreement for the return of the school. Also provides relative to the content of such an agreement.

Proposed law exempts from this requirement schools transferred to the recovery district pursuant to proposed law.

Present law provides, with certain exceptions, that when a school has been transferred to the jurisdiction of the recovery district, has been operating pursuant to arrangements established by the district for four years, and has failed to improve sufficiently to no longer be academically unacceptable, BESE shall take one of the following action:

- (1) Revoke all school approval.
- (2) Require the recovery district to terminate the operational arrangement and provide a different operational arrangement.
- (3) Return the school to the jurisdiction of the local school board or other public entity from which it was transferred.

Proposed law retains present law but exempts schools transferred to the recovery district pursuant to proposed law from present law provisions relative to return of the school to the jurisdiction from which transferred.

Present law provides that at the time of the transfer of a school to the recovery district, the parent or guardian with responsibility for decisions regarding the education of any student attending the school or any student who would be assigned to attend the school may choose to continue to have their child be enrolled in and attend the school under the jurisdiction of the recovery district or may exercise an option which shall be made available by the local school board or any other public entity from which the school is being transferred to enroll in and attend another school operated by the school board or entity.

Proposed law provides an exception from present law for a school transferred to the recovery district pursuant to proposed law.

Relative to Type 5 charter schools in the Recovery School District, proposed law prohibits a BESE member from being a member of the governing or management body of any Type 5 charter school. Also prohibits a member of any local school board from being a member of the governing authority or management board of any Type 5 charter school within the jurisdictional area of such school board.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 17:10.5(A)(1), (B), (C)(1)(a) and (2)(a)(iii) and (b)(i), and (D); Adds R.S. 17:3973(2)(b)(v)(cc))

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Education to the original bill.

1. Adds proposed law provision prohibiting certain persons from being a member of the governing authority or management board of Recovery School District Type 5 charter schools.
2. Relative to the definition of "academically in crisis" changes definition by removing school systems which meet the criteria after the 2004-2005 school year.