

Student Scholarships for Educational Excellence Program

Existing law provides for a voucher program known as the Student Scholarships for Educational Excellence Program. Prior law provided that the program was for eligible students in kindergarten through grade six in Orleans Parish from families with a total income not exceeding 250% of the current federal poverty guidelines. Provided for scholarships to be awarded to eligible students to attend public and nonpublic schools in Orleans Parish that volunteered to participate in the program and met certain eligibility requirements. Provided for a random selection process coordinated by the department and conducted by participating schools if there were more program applicants than seats available. Limited enrollment of scholarship recipients at participating nonpublic schools that had been operating for less than two years to 20% of total enrollment but permitted waivers of this limitation by the state Dept. of Education. New law instead provides that:

- (1) Eligible students are those residing in Louisiana from families with a total income not exceeding 250% of the current federal poverty guidelines who are entering kindergarten, were enrolled in a La. public school that had a letter grade of C, D, or F, or received a scholarship the previous school year.
- (2) Eligible participating schools are public and nonpublic schools throughout Louisiana that meet program requirements. Public school participation is subject to any applicable court-ordered desegregation plans.
- (3) The state Dept. of Education will conduct the random selection process until each seat is filled. Authorizes enrollment preferences to students enrolled in the Nonpublic School Early Childhood Development Program at the participating school, students transferring from an ineligible school, and students residing in parishes as may be specified by eligible participating schools. After students from "D" and "F" public schools are placed in participating schools, students from "C" schools shall be entered into the random selection process. Requires parents to indicate their choices of participating schools and requires that scholarship recipients be placed according to the indicated preferences.
- (4) A participating nonpublic school has to have been approved for more than two years, instead of in operation for such time, in order to admit scholarship recipients as more than 20% of total enrollment. Removes authority for the department to waive this requirement.

Prior law provided for scholarship amounts equivalent to 90% of the per-pupil amount for the Orleans Parish school system from combined state and local sources (or the amount of tuition and fees for participating nonpublic schools) and provided for an added amount for special education services. Prohibited participating public schools from receiving any minimum foundation program (MFP) funds for scholarship recipients. Specified that funding be provided by legislative appropriation from the state general fund. New law instead provides that:

- (1) MFP funds be allocated to each participating school in an amount equal to the per-pupil amount allocated to the local school system where the participating student resides. Provides that the amount be counted toward the equitable allocation of funds appropriated to local school systems as provided in existing constitution (Art. 8, §13). For participating schools that charge tuition, requires that under certain circumstances, any remaining funds be returned to the state or to the local public school system according to the pro rata share for the annual per-pupil amount as determined by the MFP. Provides that scholarship recipients be considered public school students for MFP funding purposes.
- (2) Parents of special education students receiving scholarships may make a parental placement to receive special education services from a nonpublic school that has demonstrated capacity to offer the services. Allows participating nonpublic schools to charge higher tuition for special education students. Requires MFP funds be allocated to each participating school in a per-pupil amount equal to a special education tuition amount which is in addition to the nonpublic school's maximum

scholarship payment. Prohibits the total of the payment and the special education tuition from exceeding the amount allocated for that student to the local school system.

New law additionally provides that:

- (1) Local school boards shall delegate authority to participate in the program to the local superintendent.
- (2) The department shall develop an accountability system for participating students at participating schools and prohibits any change to such system except by an act of the legislature.
- (3) The department shall annually publish certain student test result data, a list of public schools with certain letter grades, cohort graduation rates, retention rates, and parental satisfaction rates for participating schools as applicable.
- (4) Participating nonpublic schools shall provide parents with the results of the state examinations required to be administered to scholarship recipients.
- (5) Scholarship recipients attending participating nonpublic schools are exempt from existing law that requires local school boards to provide free transportation to students who reside more than one mile from school.

Existing law permits scholarship recipients to remain eligible to receive scholarships in each succeeding year that they remain enrolled in a participating school through grade 12. Allows for enrollment preferences to siblings of scholarship recipients. Requires participating nonpublic schools to ensure that scholarship recipients are administered all examinations required pursuant to the state's school and district accountability program. Provides for administration of the program by the state Dept. of Education in accordance with rules and regulations adopted by the State Board of Elementary and Secondary Education (BESE). Requires the department annually to report to the House and Senate education committees and the Joint Legislative Committee on the Budget on the implementation of the program including specified information.

Parent Petitions for Transferring Schools to the RSD

New law permits parents of students attending a public school with a letter grade of D or F for three consecutive years to submit a petition to BESE requesting that the school be transferred to the Recovery School District. Requires signatures of parents representing at least a majority of the students attending the school. Requires BESE to adopt rules and regulations for implementation of the petition process including a petition format and submission process, signature validation procedures, and student transfer procedures. Prohibits the use of local school and school district resources to support or oppose any effort by parents to gather signatures or sign petitions.

Course Providers

New law provides for the Course Choice Program. Requires BESE to create a process for authorizing course providers, including online or virtual providers, postsecondary education institutions, and corporations that offer vocational or technical courses. Provides for an initial authorization period of three years and provides for reauthorization for additional periods of three to five years.

New law requires BESE to adopt rules for implementation of new law. Provides for monitoring and evaluation of course providers by BESE. Further requires BESE to create a common course numbering process and course catalogue for all courses and a reciprocal teacher certification process for certain teachers employed by course providers. Requires local school systems to establish policies and procedures for counting credits earned by and administering state tests to eligible students and for all services to be provided to eligible students, including those with Individual Education Plans.

New law requires that course providers receive a per course amount for each eligible funded student (including students attending certain low-performing public schools and students

receiving scholarships pursuant to the Student Scholarships for Educational Excellence Program) which shall be 1/6 of 90% of the annual MFP per-pupil amount. Requires any remaining funds (with certain exceptions) to be returned to the state or the local school system in accordance with certain annual MFP per-pupil amounts. Provides for certain amounts of funds to remain with local school systems and schools participating in the scholarship program. Allows course providers to charge tuition to eligible participating students (including students attending certain high-performing public schools, approved nonpublic schools, and approved home study programs) in an amount determined by the provider. Provides that under specified circumstances, the course provider shall receive 40% of the course amount if the student fails to complete the course in the time required by the provider.

Charter School Process

Existing law, relative to the duties of BESE in the chartering process, requires the board to determine whether a proposed charter is valid, complete, financially well-structured, and educationally sound, whether it provides for a master plan for improving behavior and discipline, whether it provides a plan for collecting data, and whether it offers potential for fulfilling the purposes of the charter school law. Requires an application review process that complies with standards established by the National Association of Charter School Authorizers. Requires an independent evaluation of the charter proposal by a third party with educational, organizational, legal, and financial expertise.

New law additionally requires BESE to:

- (1) Approve a common charter application, developed by the Dept. of Education, for use by all chartering authorities (local school boards, BESE, and local charter authorizers).
- (2) Recruit chartering groups that offer programs that address regional workforce needs; such programs may include vocational and technical education and industry-based certifications.
- (3) Relative to the evaluation of charter proposals, create a process for authorizing multiple charter schools for chartering groups that have a demonstrated record of success including groups that do not operate any schools in La. A group that meets qualifications established by BESE may enter agreements with BESE to operate more than one charter school under a single agreement.
- (4) Determine whether a local school board failed to comply with existing law and new law charter application requirements, and if it so determines, it may review the charter proposal.

Prior law required BESE to review information regarding the laws, regulations, and policies from which charter schools are exempt and to make specified determinations and report to the governor and the legislative education committees on its findings. New law repeals prior law.

Existing law, relative to the duties of local school boards in the chartering process, requires school boards to determine whether a proposed charter is valid, complete, financially well-structured, and educationally sound, whether it provides for a master plan for improving behavior and discipline, whether it provides a plan for collecting data, and whether it offers potential for fulfilling the purposes of the charter school law. Requires a transparent application review process that complies with standards established by the National Association of Charter School Authorizers. Requires that school boards post specified information regarding charter applications on their websites.

Prior law authorized school boards to accept charter applications until Feb. 28 each year and required school boards to act upon charter applications within 90 days after submission and in the order of submission. New law requires instead that school boards act within time lines established by BESE that are consistent with national best practices. Requires that the time lines provide for an annual charter application process and afford school boards at least 90 days to evaluate applications. New law further requires that school boards use the common

charter application developed by the department and approved by BESE, but authorizes school boards to request additional information.

Prior law provided that if an applicant had not received a decision from the school board after 90 days, the chartering group could apply to BESE for a charter. New law provides instead that if a school board fails to comply with existing law and new law charter application requirements, the charter applicant may submit its proposal to BESE.

Existing law requires an independent evaluation of every charter proposal by a third party with educational, organizational, legal, and financial expertise. Prior law required that prior to final consideration by BESE or the school board, the chartering group be afforded an opportunity to revise and resubmit an application in response to the independent evaluation. New law removes requirement for opportunity to revise and resubmit an application and provides instead for opportunity to submit a written response and that such a response be available to the independent reviewer before it makes its final recommendation.

Prior law, relative to the duties of charter schools, required that all charter schools, except those in the Recovery School District (RSD), employ certified teachers for at least 75% of the instructional staff. Provided that the remaining staff had to either be authorized to teach temporarily or have at least a bachelor's degree or at least 10 years of experience, demonstrate exemplary skills, and be supervised by a certified teacher. Required that in the second and third years of operation, RSD charter schools had to have at least the same percentage of BESE-certified teachers as the school had prior to its transfer to the RSD and a BESE-certified teacher teaching every core subject. Provided that other instructional staff had to meet the same requirements as applicable to other types of charter schools. New law deletes these requirements and instead requires that all instructional staff at a charter school have at least a baccalaureate degree.

Prior law required that each charter school provide a comprehensive report to its chartering authority after three years of operation. If the school was achieving its goals, the charter was extended for an additional two years. New law requires instead that the chartering authority review each charter school after three years; if the school is meeting its goals, the initial charter period may be extended to include the fifth year; if not, the charter expires at the end of the fourth year.

Existing law permits charter schools to have admission requirements related to a school's mission such as auditions for performing arts schools. New law deletes prior law that specifically authorized such admission requirements to include academic achievement for college preparatory schools. Provides instead that schools chartered prior to July 1, 2012, with academic achievement as part of the admission requirements may continue to use such requirements. New law further adds an allowance for proficiency in a foreign language for schools with a language immersion mission.

New law adds that:

- (1) Under specified circumstances, charter schools may apply directly to BESE for a charter instead of applying to local school boards or local charter authorizers.
- (2) A chartering group with a letter grade of "A" or "B" may operate additional schools but specified limitations and requirements will apply.
- (3) Persons convicted of or having pled nolo contendere to specified crimes listed in existing law (R.S. 15:587.1(C)-including murder, sexual battery, and drug possession) are prohibited from being hired by a charter school as a teacher, substitute teacher, bus driver, substitute bus driver, or janitor, or as a temporary, part-time, or permanent school employee of any kind.

Local Charter Authorizers

New law requires BESE to establish procedures for certifying local charter authorizers for the purpose of accepting, evaluating, and approving applications for charter schools from chartering groups. State agencies and nonprofit corporations with an educational mission may be certified as local charter authorizers. Prohibits BESE from certifying:

- (1) A nonprofit corporation as a local charter authorizer unless it has been in existence for at least three years, and it has not less than \$500,000 in assets.
- (2) A chartering group as a local charter authorizer.
- (3) More than five local charter authorizers to operate in any Regional Labor Market Area, as defined by the La. Workforce Commission, at any given time.
- (4) A local charter authorizer which has any person having managerial authority who has been convicted of or has pled nolo contendere to any crime defined as a felony, with certain exceptions.

New law provides that the initial certification of a local charter authorizer is five years. Certification may be renewed for periods of not less than three and not more than 10 years. Provides that BESE shall monitor and set standards for local charter authorizers and the schools they charter. Requires BESE to conduct a thorough review of schools chartered by the local charter authorizer every three years. If a local charter authorizer loses its certification, its schools are transferred to BESE or the RSD as charter schools.

New law authorizes BESE to rescind a charter issued by a local charter authorizer if BESE finds that the local charter authorizer failed to comply with procedures and requirements in approving the charter or if the chartering group has had a pattern of abuse, neglect, and mistreatment of students.

New law generally provides that a local charter authorizer is subject to the same requirements regarding the process for charter applications and evaluations as provided for local school boards in existing law and new law. Subjects nonprofit corporations certified as local charter authorizers to the Open Meetings Law, the Public Records Law, and the Ethics Code. Requires these authorizers annually to submit financial audits to the state Dept. of Education and the legislative auditor.

New law provides that local charter authorizers may charter new schools or existing schools which convert to charter schools; any such school is referred to as a Type 1B charter school. Provides that pupils who reside within the state are eligible to attend as provided in the charter.

New law provides for applicability of existing law to local charter authorizers as it relates to designation as a local education agency for purposes of special education funding, use of assets acquired by a charter school, adopting budgets in accordance with the La. Local Government Budget Act, and eligibility for loans from the La. Charter School Start-Up Loan Fund.

Effective August 1, 2012.

(Amends R.S. 17:22(7)(a), 158(A)(1), 3973(3)-(6), 3981(4), 3982(A)(1)(a) and (2) and (B), 3983(A)(2)(a)(i), (3)(a), and (4)(a), (b), and (d), (B)(2), and (D), 3991(B)(3) and (13), (C)(1)(c)(iv) and (6), (D)(2)(a)(i), and (H), 3992(A)(1), 3995(A)(1)(intro. para.) and (c) and (4)(a), 3996(C) and (G), 3998, 4001(A) and (C)(1) and (2), and 4011-4025; Adds R.S. 17:10.5(F), 3973(2)(b)(vi) and (7), 3974, 3981(7) and (8), 3981.1, 3981.2, 3982(A)(3), 3983(A)(2)(a)(iii) and (d) and (3)(d) and (E)(3), 3992(D), and 4002.1-4002.6; Repeals R.S. 17:3991(B)(9) and 3996(A)(16) and (B)(4))