
DIGEST

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HB 537 Original

2015 Regular Session

Smith

Abstract: Specifies relative to "right of use" of a school building and requires maintenance and repair of such property by the RSD, provides for return of school property to the local school system in cases of underutilization or neglect of such property by the RSD, and further requires charter schools to use a school building for the grade levels for which the building was originally purchased or transferred.

Recovery School District

Present law provides for the creation, governance, and operation of the Recovery School District (RSD). Further provides that the RSD is established to provide an appropriate education for children attending any public elementary or secondary school operated under the jurisdiction and direction of any city, parish, or other local public school board or any other public entity which has been transferred to its jurisdiction pursuant to present law.

Present law provides for two types of transfers to the school district; one for failing schools (R.S. 17:10.5) and the other for schools in districts in academic crisis (an R.S. 17:10.7, which are schools limited to Orleans Parish). Proposed law retains present law.

Present law provides that for both an R.S. 17:10.5 and an R.S. 17:10.7 transfer, the school district is granted the right to use any school building and all facilities and property otherwise part of the school and have access to such additional facilities as are typically available to the school, its students, faculty, and staff. Proposed law retains present law.

Proposed law further provides that the right of use of school facilities is unrestricted, except that the school district must provide routine maintenance and repair as needed but extensive repairs must be provided by the public school system from which the property was transferred. Proposed law requires that all repairs, including extensive repairs, are the responsibility of the school district.

Present law provides additional authorities regarding property used pursuant to an R.S. 17:10.7 transfer. Proposed law retains and specifies the applicability of present law to only the R.S. 17:10.7 transfers.

Proposed law sets forth the legal limitations inherent in the right of use of property (including buildings and facilities) conferred under an R.S. 17:10.5 transfer by specifying that such right does not include the alienation of the property such as selling, leasing, exchanging, or destroying the property.

Proposed law provides that for transfers made pursuant to R.S. 17:10.5, when a school building is not being used for educational purposes, the right of use of the building reverts to the school system from which it came. Proposed law defines "educational purpose" and "building". Proposed law provides that any attempt by the school district to exceed the extent of its right of use or fails to maintain or repair the property creates a presumption that the district lacks an educational purpose for the building.

Charter Schools

Present law, relative to assets of charter schools, provides that any asset acquired by a charter school is the property of the school for the duration of the school's charter agreement. Provides, if a school's charter agreement is revoked or the school otherwise ceases to operate, that any asset purchased with public funds become the property of the chartering authority. (The "chartering authority" is a local school board, a local charter authorizer, or the State Board of Elementary and Secondary Education (BESE). A local charter authorizer is an entity certified by BESE to enter into agreements with chartering groups to establish a charter school.) Provides that assets that become the property of a local charter authorizer pursuant to present law must be used solely for purposes of operating charter schools. Present law does not apply to Type 4 charter schools, which are chartered by local school boards and assets acquired by a Type 4 charter school are the property of the local school board.

Proposed law provides that a school building of a charter school which was purchased or renovated with public funds, including a school building transferred for use to a charter school, must be used for the same grade or grade levels for which the building was originally acquired or transferred. Proposed law further provides that a school building not so used becomes the property or otherwise under the control of the chartering authority and must be used solely for charter school students in the grade level or levels for which the school building was originally acquired or transferred. In the case of a Type 5 school (preexisting public school transferred to the Recovery School District) which is not being used by the local charter authorizer for educating students in the grade level or levels for which the building was originally acquired or transferred, such building is to be returned to the local public school system.

(Amends R.S. 17:1990(B)(4)(a) and 3991(H); Adds R.S. 17:1990(B)(4)(b)(v) and (c))