

Regular Session, 2013

HOUSE BILL NO. 457

BY REPRESENTATIVE HOLLIS

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

SCHOOLS/CHOICE: Provides relative to a petition process for requesting that a school be transferred to the Recovery School District

1 AN ACT

2 To amend and reenact R.S. 17:10.5(F) and 22(7)(a)(iv), relative to the transfer of schools to  
3 the Recovery School District; to provide for the submission of petitions by parents  
4 requesting that a school be transferred to the Recovery School District under certain  
5 conditions; to require rules and regulations to be adopted by the State Board of  
6 Elementary and Secondary Education for the petition process and to stipulate with  
7 respect to the content of such rules and regulations; to provide relative to records and  
8 the petitioning process; to provide relative to certain reports by the state  
9 superintendent of education; and to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 17:10.5(F) and 22(7)(a)(iv) are hereby amended and reenacted to  
12 read as follows:

13 §10.5. School and district accountability; failing schools; transfer to Recovery  
14 School District; parent petitions

15 \* \* \*

16 F.(1) Notwithstanding the provisions of Paragraph (A)(1) of this Section, a  
17 public school shall be removed from the jurisdiction of the city, parish, or other local  
18 public school board or other public entity and transferred to the jurisdiction of the  
19 Recovery School District if such transfer is approved by the State Board of  
20 Elementary and Secondary Education and both of the following conditions are met:

1 (a) Parents or legal guardians representing at least a majority of the students  
2 attending the school sign a petition requesting that the school be transferred to the  
3 Recovery School District.

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

7 (2) The State Board of Elementary and Secondary Education shall develop  
8 and adopt rules and regulations for implementation of this Subsection which shall  
9 include but not be limited to:

10 (a) The format and procedures for submitting a petition pursuant to this  
11 Subsection to the state superintendent of education to be brought by him before the  
12 State Board of Elementary and Secondary Education for review pursuant to the  
13 process established for the consideration of schools eligible for transfer to the  
14 Recovery School District as provided in this Section.

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

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

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

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

1 discounted over technicalities if the clear intent of the parent or legal guardian was  
2 to support the petition.

3 (d) Transfer procedures for students who choose not to remain enrolled at  
4 the school as a result of the state board's decision to transfer the school to the  
5 jurisdiction of the Recovery School District.

6 (3) The state Department of Education shall maintain records regarding the  
7 contents and outcomes of the petitions.

8 (4) Parents or legal guardians shall be free from harassment, threats, and  
9 intimidation related to circulation of or signing a petition.

10 (5) School and district resources shall not be used to support or oppose any  
11 effort by petitioning parents or legal guardians to gather signatures and submit a  
12 petition.

13 \* \* \*

14 §22. Superintendent; functions and duties

15 The superintendent shall:

16 \* \* \*

17 (7)(a) Make an annual report to the board, the governor, and the legislature  
18 on the condition of, the progress made, and the improvements needed in the public  
19 elementary and secondary schools. The report shall contain the following:

20 \* \* \*

21 (iv) A report on the implementation of a total system of choice.

22 \* \* \*

23 Section 2. This Act shall become effective upon signature by the governor or, if not  
24 signed by the governor, upon expiration of the time for bills to become law without signature  
25 by the governor, as provided in Article III, Section 18 of the Constitution of Louisiana. If  
26 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
27 effective on the day following such approval.

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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)]

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Hollis

HB No. 457

**Abstract:** Provides relative to a petition process for requesting that a school be transferred to the Recovery School District.

Present law provides that parents of students attending a school with a letter grade of "D" or "F" for three consecutive years may submit a petition to the State Board of Elementary and Secondary Education (BESE) requesting that the school be transferred from the local school system to the Recovery School District (RSD). 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.

Present law requires that the state superintendent of education make an annual report to BESE, the governor, and the legislature on implementation of a total system of choice.

Proposed law retain present law.

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

(Amends R.S. 17:10.5(F) and 22(7)(a)(iv))