

Regular Session, 2013

HOUSE BILL NO. 615

BY REPRESENTATIVES HENRY AND HODGES

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

SCHOOLS/CHARTER: Provides prohibitions for charter schools and charter school proposals relative to staffing positions

1 AN ACT

2 To amend and reenact R.S. 17:3973(6) and (7) and 3997(A)(1)(a) and (b) and to enact R.S.
3 17:3973(8), 3983(A)(5) and (G), and 3997(G) and R.S. 25:653(E)(3), relative to
4 charter schools; to provide conditions for approval of certain charter school
5 proposals; to prohibit the approval of charter school proposals under certain
6 circumstances; to provide prohibitions for charter schools relative to staffing
7 positions; to provide exceptions; to provide for recommendations by the Council for
8 the Development of French in Louisiana relative to French immersion curriculum
9 charter schools; to provide for definitions; to provide for legislative findings; and
10 to provide for related matters.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. R.S. 17:3973(6) and (7) and 3997(A)(1)(a) and (b) are hereby amended
13 and reenacted and R.S. 17:3973(8), 3983(A)(5) and (G), and 3997(G) and R.S. 25:653(E)(3)
14 are hereby enacted to read as follows:

15 §3973. Definitions

16 As used in this Chapter, the following words, terms, and phrases shall have
17 the meanings ascribed to them in this Section except when the context clearly
18 indicates a different meaning:

19 * * *

20 (6) "Nonimmigrant foreign worker" means an individual who has obtained
21 a visa pursuant to the Immigration and Nationality Act of 1965, Section

1 Section 2. R.S. 25:653(E)(3) is hereby enacted to read as follows:

2 §653. Duties, powers, and functions

3 * * *

4 E. The council may:

5 * * *

6 (3)(a) Give a written recommendation as provided in R.S. 17:3983(A)(5)(b)
7 for a charter school proposal to charter a French immersion curriculum charter
8 school.

9 (b) Review and make recommendations for any French immersion
10 educational curriculum including but not limited to a French immersion curriculum
11 charter school.

12 Section 3. The legislature finds all of the following:

13 (A) For centuries, the American educational system has provided a great source of
14 hope for immigrants from all nations of the world who come to America to assimilate into
15 American culture and become productive members of American society.

16 (B) The American educational system was the vehicle for upward mobility whereby
17 those with fewer advantages were afforded access to greater opportunities in American
18 society.

19 (C) The preservation of our unique American culture in American schools is key to
20 ensuring the continuation of our freedoms and liberties for generations to come.

21 (D) Louisiana charter schools were designed to provide increased and innovative
22 educational opportunities for Louisiana children.

23 (E) Louisiana charter schools should embody American ideals and exceptionalism
24 and, whenever possible, promote the unique culture of Louisiana.

25 (F) Louisiana charter schools should ensure that they do not use immigration visa
26 programs to employ foreign nationals as teachers when qualified American teachers are
27 available and willing to serve the needs of Louisiana children.

28 (G) Louisiana charter schools should be governed and administered by American
29 citizens and, when possible, by Louisiana citizens.

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)]

Henry

HB No. 615

Abstract: Provides conditions for the approval of certain charter school proposals and provides relative to prohibitions on employing a certain percentage of nonimmigrant foreign workers in charter schools, with exceptions.

Present law, relative to charter schools, permits the formation of nonprofit corporations (by teachers, citizens, public service organizations, businesses, and others) to propose charters. Requires that a group submitting a proposal include at least three La. certified teachers. Provides for the chartering process, including submitting, reviewing, and approving proposals. Permits charter school governing authorities to employ faculty and staff it deems necessary. Provides that the nonprofit organization shall have exclusive authority over all employment decisions at the charter schools. Permits the nonprofit organization to enter into a contract with a for-profit organization to manage the charter school and to delegate authority over employment decisions to the for-profit organization. Provides, with certain exceptions, that charter school employees shall be considered public school employees and shall be eligible for all benefits provided to public school employees including membership in the state retirement systems.

Proposed law retains present law except provides that:

- (1) A charter authorizer shall not approve a proposal for a new charter school if the proposal includes plans to staff positions at the school with nonimmigrant foreign workers in excess of 3-1/2% of the total number of positions at any single school location for any school year, unless the group submitting the proposal has received written recommendations from the Council for the Development of French in Louisiana or any other board or commission created by the legislature and dedicated to promoting a foreign language in La.
- (2) The governing authority of a charter school shall not staff positions with nonimmigrant foreign workers in excess of 3-1/2% of the total number of positions at any single school location for any school year unless the group submitting the proposal has received written recommendations from the Council for the Development of French in Louisiana or any other board or commission created by the legislature and dedicated to promoting a foreign language in Louisiana.
- (3) A nonprofit organization may enter into a contract with a for-profit organization to manage the charter school and have authority over employment decisions only if the for-profit organization meets the staffing requirements in proposed law.

Defines "nonimmigrant foreign worker" as an individual who has a visa pursuant to certain provisions of the federal Immigration and Nationality Act of 1965.

Proposed law adds that no proposal for a new charter school submitted pursuant to present law (by teachers, citizens, public service organizations, and businesses) shall be approved unless each member of the group submitting the proposal is a U.S citizen or the group has received written recommendations from the Council for the Development of French in Louisiana or any other board or commission created by the legislature and dedicated to promoting a foreign language in Louisiana.

Present law, relative to the Council for the Development of French in Louisiana, provides for council duties, powers, and functions including cooperating with public institutions of education and other state agencies. Proposed law adds that the council may give written recommendations for a charter school proposal to charter a French immersion curriculum charter school and to review and make recommendations for any French immersion educational curriculum including a French immersion curriculum charter school.

(Amends R.S. 17:3973(6) and (7) and 3997(A)(1)(a) and (b); Adds R.S. 17:3973(8), 3983(A)(5) and (G), and 3997(G) and R.S. 25:653(E)(3))