
DIGEST

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Hodges

HB No. 1243

Abstract: Provides conditions for the approval of certain charter school proposals and provides relative to prohibitions on the employment 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 with nonimmigrant foreign workers unless the charter school plans to take affirmative action to recruit, select, employ, and train nonimmigrant foreign workers regardless of race, color, religion, sex, national ancestry, or national origin. Race, color, religion, sex, national ancestry, or national origin shall not constitute a bona fide occupational qualification for employment of a nonimmigrant foreign worker by a charter school.
- (2) The governing authority of a charter school shall not staff positions with nonimmigrant foreign workers unless the governing authority of the charter school takes affirmative action to recruit, select, employ, and train nonimmigrant foreign workers regardless of race, color, religion, sex, national ancestry or national origin. Race, color, religion, sex, national ancestry, or national origin shall not constitute a bona fide occupational qualification for employment of a nonimmigrant foreign worker by a charter school.
- (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. Further states that "nonimmigrant foreign worker" shall not mean a teacher who spends more than half of his daily instruction time providing instruction in or teaching a foreign language.

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