

Regular Session, 2014

SENATE BILL NO. 636

BY SENATORS WHITE AND CLAITOR

SCHOOLS. Provides relative to the organization and management of large school systems.
(8/1/14)

1 AN ACT
2 To enact Subpart D of Part II of Chapter 1 of Title 17 of the Louisiana Revised Statutes of
3 1950, to be comprised of R.S. 17:131 through 137, relative to school systems serving
4 large populations; to provide for governance and administration of such systems; to
5 provide for powers and duties of the school board and superintendent of such
6 systems and of school principals; to provide for establishment of enrollment zones
7 and an enrollment system; to provide for community school councils and community
8 academic coordinators; to provide relative to legacy costs; to provide for effective
9 and implementation dates; and to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. Subpart D of Part II of Chapter 1 of Title 17 of the Louisiana Revised
12 Statutes of 1950, comprised of R.S. 17:131 through 137, is hereby enacted to read as
13 follows:

14 SUBPART D. ADMINISTRATION AND
15 GOVERNANCE OF LARGE SCHOOL SYSTEMS
16 §131. Legislative findings; statement of purpose; large school system defined;
17 applicability

1 A. The legislature finds that, within large school systems, the principals
2 and educators within the local school are best able to administer the local
3 school. The legislature further finds that large school systems face additional
4 obstacles due to system size that prohibit local school principals and teachers
5 from making administrative decisions that would most impact those local
6 schools.

7 B. This Subpart is enacted to provide increased authority and
8 decision-making power to school principals of schools within large school
9 systems, to provide for significant parental involvement of those parents who
10 have children attending schools in large school systems, and to provide strict
11 accountability standards for local schools.

12 C. For purposes of this Subpart, a large school system is defined as any
13 school system serving any parish with a population in excess of four hundred
14 forty thousand persons, as established by the most recent federal decennial
15 census, that serves more than forty thousand public school students, according
16 to the latest Louisiana Department of Education October total enrollment
17 count.

18 D. The provisions of this Subpart shall supplement and be in addition
19 to other provisions of law relative to parish school boards, superintendents, and
20 public schools. The provisions of this Subpart shall be construed broadly to
21 effect its purposes and shall supersede any provision of law, excluding R.S.
22 17:158, in conflict with its provisions.

23 E. This Subpart shall apply only to large school systems as defined in
24 Subsection C of this Section.

25 F. Unless otherwise provided in this Subpart, the provisions of this
26 Subpart shall not apply to any charter school as defined in R.S. 17:3973.

27 §132. References and definitions

28 For purposes of this Subpart:

29 (1) Any reference to a "school system" shall be to a large school system

1 as defined in R.S. 17:131, and any reference to "central office", "local school
2 board ", "school district", "superintendent", "school", "local school", and any
3 other generally applicable terminology shall be to that of a large school system
4 as defined in R.S. 17:131.

5 (2) "Council" means a community school council established as provided
6 in R.S. 17:136.

7 (3) "Common enrollment system" means an enrollment process as
8 provided in R.S.17:134(C), (D), and (E).

9 (4) "Enrollment zone" means a zone established as provided in R.S.
10 17:134.

11 (5) "Excess Capacity" means the remaining capacity of a local school
12 when the total number of students enrolled in a local school is less than the total
13 capacity of the local school.

14 (6) "Excess Demand" means the additional capacity that would be
15 required of a local school when the total number of students seeking enrollment
16 in a local school is greater than the total capacity of the local school.

17 (7) "Retiree legacy costs" means post-employment financial obligations
18 of the system.

19 §133. General powers of local school boards of large school systems;
20 superintendent, powers, duties

21 A. The local school board shall have responsibility for examination and
22 approval of the following duties of the superintendent:

23 (1) Financial operations and adoption of a budget for the school system,
24 including but not limited to the development and adoption of a budget for the
25 central office; however, the local school board shall have no responsibility for
26 the development, adoption, or approval of a budget for any individual school
27 within the school system.

28 (2) Collection and monitoring of all revenue for the school system.

29 (3) Allocation of funds for school system costs, including operations,

1 retiree legacy costs, and bonded indebtedness. The superintendent, with school
2 board approval, shall establish a dedicated account solely for the deposit and
3 expenditure of funds for retiree legacy costs as provided in R.S. 17:1224.

4 (4) Except as provided in Subsection B of this Section, allocation of all
5 local, state, and federal funds available to the school system to individual
6 schools on a per-pupil basis. Allocations shall include funds for populations of
7 students having special characteristics or needs as provided in the Minimum
8 Foundation Program formula.

9 (5) Oversight of expenditures, excluding expenditures in an individual
10 school budget.

11 (6) Construction of new schools and other appropriate facilities and
12 maintenance of existing and future schools and facilities of the school system,
13 except as provided in R.S. 17:134(B), including major repairs to the physical
14 plant of any local school, including but not limited to electrical, plumbing,
15 HVAC, and roofing repairs.

16 (7) Enrollment zones as established by the superintendent and as
17 provided in R.S. 17:134.

18 (8) Preparation for and response to emergencies and disasters.

19 B. The school system shall annually retain a maximum of three percent
20 of the total per-pupil amount established for each student enrolled in the school
21 system for expenditure for school system costs as provided in Paragraph (A)(3)
22 of this Section, excluding retiree legacy costs and bonded indebtedness.

23 C. The local school board shall adopt policies and procedures for its own
24 government, consistent with law and with the regulations of the State Board of
25 Elementary and Secondary Education, as it may deem proper.

26 D. The local school board shall require the superintendent to:

27 (1) Enter into management contracts for independent operating
28 management authority with the principal of each school as provided in R.S.
29 17:134.

1 **(2) Hire and review the performance of principals.**

2 **(3) Remove principals and reconstitute schools that do not meet state**
3 **minimum benchmarks as provided by the state school and district**
4 **accountability system and performance goals as provided in R.S. 17:135(B).**

5 **(4) Create and manage a common enrollment system.**

6 **(5) Establish enrollment zones, subject to the provisions of R.S. 17:134.**

7 **(6) Oversee personnel management of central office staff, including**
8 **recruiting, hiring, reviewing, and removing of such personnel.**

9 **(7) Review local school budgets for fiscal accountability and compliance**
10 **with governmental and accounting regulations and law.**

11 **(8) Create a plan to address excess capacity and demand.**

12 **(9) Identify, recruit, retain, and train the best principals.**

13 **(10) If requested by the principal of a local school, provide support**
14 **services for the school pursuant to written agreements with the principal of the**
15 **school for such services as school food services, financial and accounting**
16 **services, student appraisal for special education services, student transportation**
17 **services, special services for at-risk students, special education services other**
18 **than gifted and talented, gifted and talented student services, custodial and**
19 **maintenance services, media services, technology services, library services,**
20 **health services, and health benefits for active employees. The local school shall**
21 **reimburse the local school board for the actual cost of providing such services**
22 **unless an amount less than the actual cost is agreed to by both parties.**
23 **Annually, the superintendent shall prepare and submit to each local school a**
24 **written report detailing the actual cost of the services provided to the school and**
25 **shall prepare and submit a summary of this report to the local school board.**

26 **(11) Process and report data for purposes of the state school and**
27 **accountability system.**

28 **(12) Provide legal representation for the school system.**

29 **(13) Provide communications and public relations for the school system.**

1 **(14) Create a plan for implementation of the provisions of this Subpart**
2 **by December 31, 2014, which shall include provisions for training of principals.**

3 **§134. Schools; independent operating management; enrollment zones**

4 **A. The local school board shall require the superintendent to develop**
5 **and implement criteria and procedures for independent operating management**
6 **authority by means of management contracts with principals that establish and**
7 **hold principals and schools responsible for performance goals established as**
8 **provided in R.S. 17:135(B) in exchange for independent management authority.**
9 **Management contracts with principals may vary from principal to principal,**
10 **provided the performance goals established as provided in R.S. 17:135(B) are**
11 **addressed. Management contracts shall establish principals' salaries. The**
12 **duration of management contracts entered into prior to July 1, 2017, shall not**
13 **exceed two years. The duration of management contracts entered into on or**
14 **after July 1, 2017, shall be no more than five years and no less than one year. A**
15 **principal's management contract may be terminated for failure to meet the**
16 **performance goals specified in the contract and for willful neglect of duty,**
17 **incompetency, dishonesty, or immorality.**

18 **B. The local school board shall require the superintendent to develop**
19 **and implement policies to allow the local school to have the right to use its**
20 **designated school building and all facilities and property otherwise part of the**
21 **school and recognized as part of the facilities or assets of the school and to allow**
22 **access to such additional facilities as are typically available to the school, its**
23 **students, and faculty and staff. Such use shall be unrestricted, except that the**
24 **local school shall be responsible for and obligated to provide for routine**
25 **maintenance and repair such that the facilities and property are maintained in**
26 **as good an order as when the principal's management contract term began.**
27 **There shall be no requirement for the local school to provide for the type of**
28 **extensive repair to buildings or facilities that would be considered to be a**
29 **capital expense or as set forth in R.S. 17:133(A)(6). Such extensive repairs shall**

1 be provided by the school system or other public entity which is responsible for
2 the facility.

3 C. The local school board shall require the superintendent to develop an
4 enrollment system for enrollment of students in all public schools in the school
5 system. It shall include at least five community-based enrollment zones
6 approved by the local school board. The enrollment system shall include
7 provisions for student choice, priority of schools for a student within the
8 enrollment zone in which the student resides, access to schools across zones, and
9 access to magnet schools and programs, and special education schools,
10 programs, and services.

11 D. The enrollment system shall include all public schools in all zones in
12 which such schools are eligible to enroll students.

13 E. Charter schools located within the geographic boundaries of the large
14 school system shall be included as an enrollment option in any enrollment zone
15 from which they are eligible to enroll students.

16 F. If a student's parent or legal guardian fails to choose a school through
17 the enrollment system, the large school system shall assign the student to a
18 school with excess capacity. In no case shall a student be assigned to, or
19 required to attend, a charter school, a school under the jurisdiction of the
20 Recovery School District, or a school outside the jurisdiction of the large school
21 system in which he resides.

22 §135. Principals

23 A. The principal of each local school shall be the school's chief executive
24 officer. The local school board shall require that each principal shall have, as
25 a minimum, responsibility for:

26 (1) Development of a school budget for submission to the
27 superintendent.

28 (2) Personnel management, including recruiting, hiring, reviewing, and
29 removing of personnel necessary for school operation and instruction. The

1 principal shall make all employment-related decisions based upon performance,
2 effectiveness, and qualifications. Effectiveness, as determined pursuant to R.S.
3 17:3881 through 3905, shall be used as the primary criterion for making
4 personnel decisions; however, in no case shall seniority or tenure be used as the
5 primary criterion when making decisions regarding the hiring, assignment, or
6 dismissal of teachers and other school employees.

7 (3) Student discipline.

8 (4) Student health and safety.

9 (5) Ensuring a safe workplace environment for teachers and other
10 school personnel.

11 (6) Preparation and maintenance of a daily school schedule.

12 (7) Development of the school curriculum and provision of related
13 training.

14 (8) Instruction methods, instruction materials, and instructional
15 support.

16 (9) Examinations and assessments not required by state law.

17 (10) School operations, including but not limited to resource
18 management and procurement.

19 (11) Professional development.

20 (12) Compliance with district enrollment policies.

21 B. Each principal shall be accountable for achieving performance goals
22 established in management contracts as provided for in R.S. 17:134(A),
23 including but not limited to goals in each of the following areas:

24 (1) Student performance on state examinations, end-of-course tests, and
25 other examinations, such as the American College Test (ACT) and Advanced
26 Placement.

27 (2) Additional student achievement benchmarks as determined by the
28 superintendent.

29 (3) Health and safety.

1 (4) Attendance.

2 (5) Retention.

3 (6) Promotion.

4 (7) Course and examination passage rates.

5 (8) Graduation rates, at the high school level.

6 (9) College acceptance rates, at the high school level.

7 (10) Sound financial operation.

8 (11) School governance, leadership, and management.

9 §136. Community school councils; community academic coordinator

10 A. This Section shall not be applicable to or include charter schools.

11 B. The principals of all schools within an enrollment zone, except
12 charter schools, shall establish one community school council for the enrollment
13 zone. A council shall support school principals, act as an advocate for schools,
14 and engage surrounding communities.

15 C. A council's responsibilities shall include the following:

16 (1) Actively engaging the community in which the local schools are
17 located, driving support for the schools, and cultivating a sense of community
18 ownership.

19 (2) Developing a written parent and guardian involvement policy for the
20 local schools in the enrollment zone that outlines the roles of parents and
21 guardians.

22 (3) Developing a school compact for parents, guardians, and students of
23 the local schools in the zone that outlines each school's goals, academic focus,
24 and behavioral and disciplinary expectations.

25 D. Each council shall have at least five members but no more than
26 eleven members. At least fifty percent of the council membership shall be
27 comprised of parents or guardians of students currently attending a school
28 within the enrollment zone. At least forty percent of the council membership
29 shall include community and business members whose residence or place of

1 business is located within the enrollment zone. No member of a council shall be
2 employed by the school system within the enrollment zone of the council. No
3 current local school board member shall serve on a council. Council members
4 shall serve terms of two years, but no council member shall serve for more than
5 six successive years. Service on a council shall be uncompensated.

6 E. Each council may be assisted by a community academic coordinator,
7 who shall be responsible for assisting the council in carrying out the duties
8 described in this Section. The community academic coordinator shall be hired
9 by and report to the principals leading schools within the enrollment zone
10 served by the council. The principals in each enrollment zone shall be
11 collectively and equally responsible for the salary, benefits, and related costs of
12 employing the community academic coordinator.

13 §137. Legacy costs; determination and payment

14 A. All public schools eligible to enroll students who reside within the
15 geographic boundaries of the large school system shall pay the large school
16 system a per-pupil amount for reimbursement of legacy costs. This per-pupil
17 amount shall be determined by an independent third-party expert selected by
18 the superintendent of the large school system from a list of three names
19 submitted by the state superintendent of education. The school system may
20 retain the legacy costs owed by each school from the per-pupil amount
21 established for students attending the school.

22 B. Every charter school that enrolls students who reside within the
23 geographic boundaries of the large school system is subject to the provisions of
24 this Section and shall remit the amount of the legacy costs determined for the
25 charter school to the large school system.

26 Section 2. This Act shall become effective on August 1, 2014. The provisions of this

27 Act shall be fully implemented no later than July 1, 2017.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Jeanne C. Johnston.

DIGEST

White (SB 636)

Proposed law provides for the governance and administration of large school systems as follows:

- (1) Defines a large school system as any school system serving any parish with a population in excess of 440,000 persons according to the latest federal census and serving more than 40,000 school students according to the latest La. Dept. of Education October total enrollment count.
- (2) Provides that proposed law is enacted to provide increased authority and decision-making power to school principals, to provide for significant parental involvement, and to provide strict accountability standards for schools. Provides that it applies only to large school systems and does not apply to charter schools except as specifically provided.
- (3) Specifies that proposed law is supplemental and in addition to present law relative to parish school boards, superintendents, and public schools, that it should be construed broadly to effect its purposes, and that it supersedes any law in conflict, excluding provisions in present law relative to transportation of students.
- (4) Provides that the school board for the system shall be responsible for examination and approval of the following duties of the superintendent:
 - (a) Financial operations and adoption of a school system budget, including development and adoption of a central office budget. Specifies that the school board shall have no responsibility for the development, adoption, or approval of a budget for any individual school.
 - (b) Collection and monitoring of all school system revenue.
 - (c) Allocation of funds for school system costs, including operations, retiree legacy costs, and bonded indebtedness. Requires the superintendent, with board approval, to establish a dedicated account solely for the deposit and expenditure of funds for retiree legacy costs as provided in present law.
 - (d) Allocation to schools on a per-pupil basis of all local, state, and federal funds available to the school system. Requires that allocations include funds for populations of students having special characteristics or needs as provided in the Minimum Foundation Program (MFP) formula.
 - (e) Oversight of expenditures, excluding expenditures in an individual school budget.
 - (f) Construction of new schools and other appropriate facilities and maintenance of existing and future schools and facilities, except routine maintenance, but including major repairs to the physical plant of any local school, including electrical, plumbing, HVAC, and roofing repairs.
 - (g) Enrollment zones as established by the superintendent. (See 8(c) below)
 - (h) Preparation for and response to emergencies and disasters.
- (5) Requires the school system annually to retain up to three percent of the total per pupil amount established for each student in the system for expenditure for school system costs (See 4(c) above), excluding legacy costs and bonded indebtedness.
- (6) Requires the school board to adopt policies and procedures for its own government, consistent with law and with State Board of Elementary and Secondary Education regulations, as it deems proper.

- (7) Requires the school board to require the superintendent to:
- (a) Enter into contracts for independent operating management authority with the principal of each school (See 8 below).
 - (b) Hire and review performance of principals.
 - (c) Remove principals and reconstitute schools that do not meet state minimum accountability system benchmarks and performance goals established for principals (See 10 below).
 - (d) Create and manage a common enrollment system.
 - (e) Establish enrollment zones (See 8(c) below).
 - (f) Oversee personnel management of central office staff, including recruiting, hiring, reviewing, and removing personnel.
 - (g) Review local school budgets for fiscal accountability and compliance with governmental and accounting regulations and law.
 - (h) Create a plan to address school excess capacity and excess demand for schools.
 - (i) Identify, recruit, retain, and train the best principals.
 - (j) If requested by a principal, provide support services for the school pursuant to written agreements with the principal for such services as school food services, financial and accounting services, student appraisal for special education services, student transportation services, special services for at-risk students, special education services other than gifted and talented, gifted and talented student services, custodial and maintenance services, media services, technology services, library services, health services, and health benefits for active employees. Requires the school to reimburse the school board for the actual cost of such services unless an amount less than the actual cost is agreed to by both parties. Requires the superintendent to prepare and submit annually to each local school a written report of actual cost of services provided to the school and to prepare and submit a summary of this report to the local school board.
 - (k) Process and report data for state accountability system purposes.
 - (l) Provide legal representation for the school system.
 - (m) Provide communications and public relations for the school system.
 - (n) Create a plan for implementation of proposed law by December 31, 2014. Requires the plan to include provisions for principal training.
- (8) Requires the school board to require the superintendent to:
- (a) Develop and implement criteria and procedures for independent operating management authority by means of management contracts with principals that establish and hold principals and schools responsible for performance goals (See 10 below) in exchange for independent management authority, which contracts may vary from principal to principal, provided the performance goals are addressed. Provides that the principal's salary be established in the management contract. Provides that the duration of management contracts entered into prior to July 1, 2017 shall not exceed two years and the duration of management contracts entered into on or after July 1, 2017 shall be no more than five years and no less than one year. Provides that a principal's management contract may be terminated for failure to meet the performance goals specified in the contract and for willful neglect of duty, incompetency, dishonesty, or immorality.
 - (b) Develop and implement policies to allow a school to have the right to use its designated school building and related facilities and property and to allow access to such additional facilities as are typically available to the school, its students, faculty, and staff. Provides that use be unrestricted, except makes the school responsible for routine maintenance and repair. Provides that extensive repair to buildings or facilities that would be considered a capital expense or as provided in (4)(f) above be provided by the school system or

- other public entity which is responsible for the facility.
- (c) Develop an enrollment system for enrollment of students in all public schools in the school system. Requires that the enrollment system include at least five community-based enrollment zones approved by the school board and provisions for student choice, priority of schools for a student within the enrollment zone in which the student resides, access to schools across zones, and access to magnet schools and programs and special education schools, programs, and services. Requires that the enrollment system include all public schools in all zones in which such schools are eligible to enroll students and that charter schools located within the geographic boundaries of the large school system shall be included as an enrollment option in any enrollment zone from which they are eligible to enroll students. Provides that if a student's parent or legal guardian fails to choose a school through the enrollment system, the large school system shall assign the student to a school with excess capacity. Provides that in no case shall a student be assigned to, or required to attend, a charter school, a school under the jurisdiction of the Recovery School District, or a school outside the jurisdiction of the large school system in which he resides.
- (9) Provides that the principal of each school is the school's chief executive officer and that requires that the school board require each principal to have, as a minimum, responsibility for:
- (a) Development of a school budget for submission to the superintendent.
 - (b) Personnel management, including recruiting, hiring, reviewing, and removing of personnel necessary for school operation and instruction. Requires the principal to make all employment-related decisions based upon performance, effectiveness, and qualifications. Provides that effectiveness, as determined pursuant to state law relative to evaluation of school personnel shall be the primary criterion for personnel decisions and that seniority or tenure shall not be the primary criterion in decisions regarding the hiring, assignment, or dismissal of teachers and other school employees.
 - (c) Student discipline.
 - (d) Student health and safety.
 - (e) Ensuring a safe workplace environment for teachers and other school personnel.
 - (f) Preparation and maintenance of a daily school schedule.
 - (g) Development of the school curriculum and provision of related training.
 - (h) Instruction methods, instruction materials, and instructional support.
 - (i) Examinations and assessments not required by state law.
 - (j) School operations, including resource management and procurement.
 - (k) Professional development.
 - (l) Compliance with district enrollment policies.
- (10) Provides that each principal is accountable for achieving performance goals established in management contracts (See 8(a) above) including but not limited to goals in each of the following areas:
- (a) Student performance on state examinations, end-of-course tests, and other examinations such as the American College Test (ACT) and Advanced Placement.
 - (b) Additional student achievement benchmarks determined by the superintendent.
 - (c) Health and safety.
 - (d) Attendance.
 - (e) Retention.
 - (f) Promotion.
 - (g) Course and examination passage rates.

- (h) Graduation rates, at the high school level.
 - (i) College acceptance rates, at the high school level.
 - (j) Sound financial operation.
 - (k) School governance, leadership, and management.
- (11) Provides for community school councils as follows:
- (a) Provides that these provisions don't apply to or include charter schools.
 - (b) Requires the principals of all schools within an enrollment zone to establish one community school council for the enrollment zone. Provides that a council support school principals, act as an advocate for schools, and engage surrounding communities.
 - (c) Provides that a council's responsibilities shall include:
 - (I) Actively engaging the community where the schools are located, driving support for the schools, and cultivating a sense of community ownership.
 - (II) Developing a written parent involvement policy for the schools in the enrollment zone that outlines the roles of parents and guardians.
 - (III) Developing a school compact for parents, guardians, and students of schools in the zone that outlines each school's goals, academic focus, and behavioral and disciplinary expectations.
 - (d) Requires that each council have at least five members but no more than eleven members, and that at least 50% of the membership be comprised of parents or guardians of students currently attending a school within the enrollment zone and at least 40% include community and business members whose residence or place of business is located within the enrollment zone. Prohibits employment of a council member by the school system within the council's enrollment zone. Prohibits a current local school board member from serving on a council. Provides that council members serve two-year terms but prohibits service for more than six successive years. Provides that council service shall be uncompensated.
- (12) Permits each council to be assisted by a community academic coordinator, who is responsible for assisting the council in carrying out its duties. Provides that the coordinator be hired by and report to the principals of schools within the enrollment zone served by the council and that the principals be collectively and equally responsible for the salary, benefits, and related costs of employing the community academic coordinator.
- (13) Requires all public schools eligible to enroll students who reside within the geographic boundaries of the large school system to pay the large school system a per-pupil amount for reimbursement of legacy costs. Provides that this per-pupil amount shall be determined by an independent third-party expert selected by the superintendent of the large school system from a list of three names submitted by the state superintendent of education. Provides that the school system may retain the legacy costs owed by each school from the per-pupil amount established for students attending the school. Provides that a charter school that enrolls students who reside within the geographic boundaries of the large school system is subject to the provisions of the Section and shall remit the amount of the legacy costs determined for the charter school to the large school system.
- (14) Requires full implementation of the Act no later than July 1, 2017.

Effective August 1, 2014.

(Adds R.S. 17:131-137)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Education to the original bill

1. Makes technical corrections.
2. Specifies that proposed law does not supersede present law provisions relative to student transportation.
3. Provides for a dedicated account, instead of a trust fund, for funds to be deposited and expended for legacy costs.
4. Specifies that the school system may retain up to three percent of the total per pupil amount established for each student, instead of the per pupil amount established in the MFP formula.
5. Requires for the creation of an implementation plan by December 31, 2014, which includes provision of principal training.
6. Provides for the duration and provisions of management contracts, including grounds for termination.
7. Clarifies which charter schools will be included as an enrollment option in a given enrollment zone.
8. Provides for school assignments for students whose parents fail to choose a school through the enrollment system.
9. Provides that the school principal is responsible for ensuring a safe workplace environment.
10. Requires all public schools, including charter schools, that enroll students residing within the school system to pay the system an amount for legacy costs as determined by an independent third-party expert.