

Regular Session, 2012

HOUSE BILL NO. 976

BY REPRESENTATIVES CARTER, KLECKLEY, BROADWATER, CHAMPAGNE,
CONNICK, HENRY, HENSGENS, LIGI, LORUSSO, PONTI, ROBIDEAUX,
SCHRODER, SEABAUGH, TALBOT, AND THOMPSON

SCHOOLS/CHOICE: Provides relative to the Student Scholarships for Educational
Excellence Program, parent petitions for certain schools to be transferred to the RSD,
charter school authorizers, and course providers

1 AN ACT

2 To amend and reenact R.S. 17:22(7)(a), 158(A)(1), 3973(3) through (6), 3981(4),

3 3982(A)(1)(a) and (2) and (B), 3983(A)(2)(a)(i), (3)(a), and (4)(a), (b), and (d),

4 (B)(2), and (D), 3991(B)(3) and (13), (C)(1)(c)(iv) and (6), (D)(2)(a)(i), and (H),

5 3992(A)(1), 3995(A)(1)(introductory paragraph) and (c) and (4)(a), 3996(C) and (G),

6 3998, 4001(A) and (C)(1) and (2), and Part I of Chapter 43 of Title 17 of the

7 Louisiana Revised Statutes of 1950, to be comprised of R.S. 17:4011 through 4025,

8 to enact R.S. 17:10.5(F), 3973(2)(b)(vi) and (7), 3974, 3981(7) and (8), 3981.1,

9 3981.2, 3982(A)(3), 3983(A)(2)(a)(iii) and (d) and (3)(d) and (E)(3), 3992(D), and

10 Part VII of Chapter 42 of Title 17 of the Louisiana Revised Statutes of 1950, to be

11 comprised of R.S. 17:4002.1 through 4002.6, and to repeal R.S. 17:3991(B)(9) and

12 3996(A)(16) and (B)(4), relative to school choice; to provide relative to reports by

13 the superintendent of education; to provide relative to the Student Scholarships for

14 Educational Excellence Program; to provide relative to program eligibility and

15 participation requirements for students and schools; to provide relative to selection

16 and enrollment of eligible students; to provide relative to funding and payments to

17 eligible schools including eligible nonpublic schools; to provide for reports; to

18 provide for the submission of petitions by parents requesting that a school be

1 transferred to the Recovery School District under certain conditions; to require rules
2 and regulations to be adopted by the State Board of Elementary and Secondary
3 Education for the petition process; to change charter proposal submission time lines;
4 to provide a mechanism for Type 1 and Type 3 charter schools to convert to a Type
5 2 charter school under certain conditions; to authorize the state board to allow the
6 state superintendent of education and the superintendent of the Recovery School
7 District to amend the charter of Type 5 charter schools to accommodate a unified
8 enrollment system; to modify the initial charter period; to provide for charter school
9 admission requirements; to allow foreign language immersion schools to establish
10 special admission standards; to provide for the qualifications of teachers; to provide
11 relative to the evaluation of charter school teachers and other school employees; to
12 provide relative to teacher certification requirements; to remove the requirement that
13 charter schools comply with laws relative to the length of the school year; to provide
14 for the Course Choice Program; to provide for program definitions and funding; to
15 provide for the powers of the State Board of Elementary and Secondary Education
16 and local public school systems relative to course providers; to provide relative to
17 entities that authorize charter schools; to provide for certification of certain state
18 agencies and nonprofit corporations as charter authorizers; to provide relative to the
19 responsibilities of the State Board of Elementary and Secondary Education with
20 respect to certification of such authorizers; to provide relative to requirements,
21 powers, responsibilities, and limitations of such authorizers; to provide relative to
22 schools whose charter is authorized by such entities, including matters related to
23 funding for such schools; to provide for procedures, processes, fees, and regulations;
24 to prohibit persons who have been convicted of any crime defined as a felony from
25 being a local charter authorizer, member, officer or director of a charter school; and
26 to provide for related matters.

27 Be it enacted by the Legislature of Louisiana:

28 Section 1. R.S. 17:22(7)(a), 158(A)(1), 3973(3) through (6), 3981(4), 3982(A)(1)(a)
29 and (2) and (B), 3983(A)(2)(a)(i), (3)(a), and (4)(a), (b), and (d), (B)(2), and (D), 3991(B)(3)

1 and (13), (C)(1)(c)(iv) and (6), (D)(2)(a)(i), and (H), 3992(A)(1), 3995(A)(1)(introductory
 2 paragraph) and (c) and (4)(a), 3996(C) and (G), 3998, 4001(A) and (C)(1) and (2), and Part
 3 I of Chapter 43 of Title 17 of the Louisiana Revised Statutes of 1950, comprised of R.S.
 4 17:4011 through 4025 are hereby amended and reenacted and R.S. 17:10.5(F),
 5 3973(2)(b)(vi) and (7), 3974, 3981(7) and (8), 3981.1, 3981.2, 3982(A)(3),
 6 3983(A)(2)(a)(iii) and (d) and (3)(d) and (E)(3), 3992(D), and Part VII of Chapter 42 of Title
 7 17 of the Louisiana Revised Statutes of 1950, comprised of R.S. 17:4002.1 through 4002.6,
 8 are hereby enacted to read as follows:

9 §10.5. School and district accountability; failing schools; transfer to Recovery
 10 School District; parent petitions

11 * * *

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

17 (a) Parents or legal guardians representing at least fifty-one percent of the
 18 students attending the school sign a petition requesting that the school be transferred
 19 to the Recovery School District.

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

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

26 (a) The format and procedures for submitting a petition pursuant to this
 27 Subsection to the state superintendent of education to be brought by him before the
 28 State Board of Elementary and Secondary Education for review pursuant to the

1 process established for the consideration of schools eligible for transfer to the
2 Recovery School District as provided in this Section.

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

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

7 (i) That upon submission of a petition, the state Department of Education
8 shall determine if the number of signatures represents at least fifty-one percent of the
9 students attending the school.

10 (ii) That the signatures be assumed valid unless challenged or there is
11 reasonable doubt of their validity. If validity is challenged or doubted, the
12 department shall, within forty-five calendar days, review and verify the signatures.
13 If the department finds that the number of valid signatures is fewer than the fifty-one
14 percent required, parents or legal guardians shall have thirty calendar days,
15 commencing with a date specified by the department, to resolve such discrepancies
16 and collect the signatures of additional parents or legal guardians. Signatures shall
17 not be discounted over technicalities if the clear intent of the parent or legal guardian
18 was to support the petition.

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

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

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

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

29 * * *

1 §22. Superintendent; functions and duties

2 The superintendent shall:

3 * * *

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

7 (i) A complete financial report on the receipts and expenditures of the
8 department and of the various schools.

9 (ii) Data concerning faculty, enrollment, graduates, courses of study, and any
10 other information required to show the condition, progress, and needs of these
11 schools.

12 (iii) An abstract of the reports of the city, parish, and other local public
13 school superintendents to the state superintendent, as well as all other facts and
14 statistics that are of interest to the public schools.

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

16 (v) Such other information as is necessary to effectuate the purposes of this
17 Paragraph.

18 * * *

19 §158. School buses for transportation of students; employment of bus operators;
20 alternative means of transportation; improvement of school bus turnarounds

21 A.(1) Except as provided by Subsection H of this Section and in accordance
22 with the requirements of Subsection F of this Section, each city, parish, and other
23 local public school board shall provide free transportation for any student attending
24 a school of suitable grade approved by the State Board of Elementary and Secondary
25 Education within the jurisdictional boundaries of the local board if the student
26 resides more than one mile from such school. This requirement shall not apply to
27 any student attending a nonpublic school pursuant to R.S. 17:4011 through 4025.

28 * * *

1 §3973. Definitions

2 As used in this Chapter, the following words, terms, and phrases shall have
3 the meaning ascribed to them in this Section except when the context clearly
4 indicates a different meaning:

5 * * *

6 (2)

7 * * *

8 (b) Charter schools shall be one of the following types:

9 * * *

10 (vi) Type 1B, which means a new school or a preexisting public school
11 operated as the result of and pursuant to a charter between the nonprofit corporation
12 created to operate the school and a local charter authorizer. Within such charter
13 schools, pupils who reside within the state will be eligible to attend as provided in
14 the charter.

15 (3) "Chartering authority" means either a local school board, a local charter
16 authorizer, or the State Board of Elementary and Secondary Education.

17 (4) "Local charter authorizer" means an entity certified by the state board in
18 accordance with this Chapter to enter into agreements with chartering groups.

19 (5) "Local school board" means any city, parish, or other local public school
20 board.

21 ~~(5)~~ (6) "Public service organization" means any community-based group of
22 fifty or more persons incorporated under the laws of this state that meets all of the
23 following requirements:

24 (a) Has a charitable, eleemosynary, or philanthropic purpose.

25 (b) Is qualified as a tax-exempt organization under Section 501(c) of the
26 United States Internal Revenue Code and is organized for a public purpose.

27 ~~(6)~~ (7) "State board" means the State Board of Elementary and Secondary
28 Education.

1 proposal by a third party with educational, organizational, legal, and financial
2 expertise.

3 * * *

4 (7) Approve common charter applications developed by the state Department
5 of Education for use by all chartering authorities in the state. The application shall
6 allow a potential chartering group to propose any number of charter schools through
7 a single application.

8 (8) Actively recruit chartering groups that offer a program of study or
9 propose to offer a program of study that effectively addresses regional workforce
10 needs, such as career and technical education, industry-based certifications, and
11 vocational course work.

12 §3981.1. State board; powers and duties relative to local charter authorizers

13 A. The state board shall:

14 (1) Approve a process for certifying entities as local charter authorizers as
15 more fully specified in this Section.

16 (2) Not certify any entity as a local charter authorizer under this Section
17 unless it is in compliance with procedures and regulations established by the state
18 board and the entity meets all of the following requirements:

19 (a) The entity is either a state agency or a nonprofit corporation having an
20 educational mission, including but not limited to a nonprofit corporation of a
21 philanthropic or policy nature, a Louisiana public postsecondary education
22 institution, or a nonprofit corporation established by the governing authority of a
23 parish or municipality.

24 (b) The entity does not operate any charter schools. An entity which
25 operates charter schools may not be certified as a local charter authorizer.

26 (c) The entity has been incorporated for not less than three years.

27 (d) The entity has in its possession not less than five hundred thousand
28 dollars in assets net of liabilities as reported to the Louisiana Department of
29 Revenue.

1 (3) Review each proposed local charter authorizer in a timely manner and
2 determine whether each proposed local charter authorizer complies with the law and
3 rules and whether the proposal is valid, complete, financially well-structured, and
4 educationally sound, whether it provides for a master plan of academic excellence
5 relative to the schools it shall oversee, whether it provides a plan for developing the
6 capacity to authorize not fewer than five schools and assures the state board that it
7 intends to authorize not fewer than five schools, and whether it offers potential for
8 fulfilling the purposes of this Chapter. The board shall engage in an application
9 review process that complies with the latest Principles and Standards for Quality
10 Charter School Authorizing, as promulgated by the National Association of Charter
11 School Authorizers, and shall provide for an independent evaluation of the charter
12 proposal by a third party with educational, organizational, legal, and financial
13 expertise.

14 (4) Certify not more than five local charter authorizers to operate in any
15 regional labor market area, as defined by the Louisiana Workforce Commission, at
16 any given time.

17 (5) Approve a process by which charter schools authorized by a local charter
18 authorizer shall be transferred to the state board as Type 2 or Type 5 charter schools
19 should the local charter authorizer lose its certification by the state board or
20 otherwise cease to exist.

21 (6) Monitor and evaluate the schools authorized by a local charter authorizer
22 in accordance with the school and district accountability system.

23 B. The initial certification of a local charter authorizer shall be for a period
24 of five years. After the third year of operation of any charter school authorized by
25 the local chartering authorizer, the state board shall conduct a thorough review of the
26 authorizer's activities and the performance of the charter schools authorized by the
27 local charter authorizer, in accordance with the school and district accountability
28 system. If the average performance of these charter schools is a letter grade of "C",
29 "D", or "F" or any variation thereof, the authorizer shall be placed on probation and

1 submit a plan for improving the performance of the schools under its authority to the
2 state board.

3 C.(1) If the average performance of the charter schools authorized by the
4 local charter authorizer is a letter grade of "C" or any variation thereof after the
5 initial certification period, the state board may recertify the local charter authorizer
6 under the condition that the local charter authorizer may not authorize any additional
7 schools until the average performance of the charter schools authorized by the local
8 charter authorizer is a letter grade of "A" or "B" or any variation thereof. The local
9 charter authorizer may maintain the charter schools it has previously approved.

10 (2) If the average performance of the charter schools authorized by the local
11 charter authorizer is a letter grade of "D" or "F" or any variation thereof after the
12 initial certification period, the state board shall not recertify the local charter
13 authorizer and shall provide for the transfer of the charter schools authorized by the
14 local charter authorizer to the state board as Type 2 or Type 5 charter schools.

15 D. After the initial certification period, the state board may grant renewal of
16 certification for additional periods of not less than three years nor more than ten
17 years after thorough review of the local chartering authority's activities and the
18 performance of the charter schools authorized by the local charter authorizer. The
19 state board shall continue to conduct a thorough review of the authorizer's activities
20 and the performance of the charter schools authorized by the local charter authorizer,
21 in accordance with the school and district accountability system, every three years.

22 E. If the average performance of the charter schools authorized by the local
23 charter authorizer is a letter grade of "C" or any variation thereof after any three-year
24 review, the local charter authorizer may not authorize any additional schools until
25 the average performance of those schools is a letter grade of "A" or "B" or any
26 variation thereof. If the average performance of the charter schools authorized by
27 the local charter authorizer is a letter grade of "D" or "F" or any variation thereof
28 after any three-year review, the state board shall cancel the local charter authorizer's

1 certification and provide for the transfer of those schools to the state board as Type
2 2 or Type 5 charter schools.

3 F. The state board may rescind a charter approval or agreement between a
4 local charter authorizer and a chartering group if the state board finds that in
5 approving the applicant or entering the agreement the authorizer has failed to comply
6 with laws and regulations, including but not limited to whether the local charter
7 authorizer has engaged in a transparent application review process that complies with
8 the latest Principles and Standards for Quality Charter School Authorizing, as
9 promulgated by the National Association of Charter School Authorizers, and has
10 provided for an independent evaluation of the charter proposal by a third party with
11 educational, organizational, legal, and financial expertise.

12 §3981.2. Local charter authorizers; powers and duties

13 A.(1)(a) A local charter authorizer shall comply with R.S. 17:3983 and shall
14 review and formally act upon charter proposals received within time lines established
15 by the State Board of Elementary and Secondary Education that are consistent with
16 national best practices in charter school authorizing. Such time lines shall require,
17 at a minimum, an annual charter process in which local charter authorizers are
18 afforded at least ninety days to evaluate such applications. In conducting such
19 review, the local charter authorizer shall determine whether the proposed charter
20 complies with the law and rules, whether the proposal is valid, complete, financially
21 well-structured, and educationally sound, whether it provides for a master plan for
22 improving behavior and discipline in accordance with R.S. 17:252, whether it
23 provides a plan for collecting data in accordance with R.S. 17:3911, and whether it
24 offers potential for fulfilling the purposes of this Chapter. The local charter
25 authorizer shall engage in a transparent application review process that complies
26 with the latest Principles and Standards for Quality Charter School Authorizing, as
27 promulgated by the National Association of Charter School Authorizers, and shall
28 provide for an independent evaluation of the charter proposal by a third party with
29 educational, organizational, legal, and financial expertise. Each local charter

1 authorizer shall use a common charter application developed by the state Department
2 of Education and approved by the state board, but may request additional
3 information from applicants as needed.

4 (b) A local charter authorizer may accept charter proposals and notify charter
5 applicants of its final decision pursuant to time lines approved by the state board.
6 Notifications of charter proposals denied shall include written explanation of the
7 reasons for such denial.

8 (2) The local charter authorizer shall make public through its website, and
9 in printed form upon request, the following:

10 (a) The guidelines for submitting a charter proposal in accordance with
11 Paragraph (1) of this Subsection.

12 (b) All forms required for submission of a charter proposal.

13 (c) The time lines established for accepting and reviewing charter proposals.

14 (d) The process that will be used to review charter proposals submitted to the
15 board.

16 (e) The name and contact information for a primary point of contact for
17 charter proposals.

18 (3) If a charter applicant believes that a local charter authorizer has not
19 complied with Paragraphs (1) and (2) of this Subsection in its evaluation of an
20 application, the charter applicant may submit its proposal to the state board for its
21 review and approval as a Type 2 charter. If the state board determines that the local
22 charter authorizer failed to comply with Paragraphs (1) and (2) of this Subsection,
23 it shall notify the local charter authorizer of that determination and may proceed with
24 its own review of the charter application. The state board shall review each proposal
25 according to the process set forth in R.S. 17:3981(4) and shall provide written
26 notification of its final decision to the charter applicant pursuant to time lines
27 established by the state board.

28 B. If a local charter authorizer loses its certification from the state board or
29 otherwise ceases to exist, all of its public assets which it has acquired as a local

1 charter authorizer pursuant to this Chapter shall become the property of the state
2 board. Each charter school authorizer shall document all assets acquired with private
3 funds.

4 §3982. Local school boards; duties

5 A.(1)(a)(i) Local school boards shall comply with R.S. 17:3983 and shall
6 review and formally act upon each ~~proposed~~ charter proposal received within time
7 lines established by the State Board of Elementary and Secondary Education that are
8 consistent with national best practices in charter school authorizing ~~within ninety~~
9 ~~days of its submission and in the order in which submitted.~~ Such time lines shall
10 require, at a minimum, an annual charter application process in which local school
11 boards are afforded at least ninety days to evaluate such applications. In ~~doing~~
12 conducting such review, the local school board shall determine whether each
13 proposed charter complies with the law and rules, whether the proposal is valid,
14 complete, financially well-structured, and educationally sound, whether it provides
15 for a master plan for improving behavior and discipline in accordance with R.S.
16 17:252, whether it provides a plan for collecting data in accordance with R.S.
17 17:3911, and whether it offers potential for fulfilling the purposes of this Chapter.
18 The local board shall engage in a transparent application review process that
19 complies with the latest Principles and Standards for Quality Charter School
20 Authorizing, as promulgated by the National Association of Charter School
21 Authorizers, and shall provide for an independent evaluation of the charter proposal
22 by a third party with educational, organizational, legal, and financial expertise. Each
23 local board shall use a common charter application developed by the state
24 Department of Education and approved by the state board, but may request
25 additional information from applicants as needed.

26 (ii) A local school board may accept charter proposals ~~until February twenty-~~
27 ~~eighth of each year and shall provide written notification of its final decision to the~~
28 ~~chartering group~~ and notify charter applicants of its final decision pursuant to time

1 lines approved by the state board. Notifications of charter proposals denied shall
2 include written explanation of the reasons for such denial.

3 * * *

4 (2) The local school board shall make public through its website, and in
5 printed form upon request, the guidelines for submitting a charter proposal, all forms
6 required for submission of a charter proposal, the ~~timelines~~ time lines established for
7 accepting and reviewing charter proposals in accordance with Item (1)(a)(ii) of this
8 Subsection, the process that will be used to review charter proposals submitted to the
9 board, and the name and contact information for a primary point of contact for
10 charter proposals. ~~If no final decision is received within ninety days after the~~
11 ~~submission of the proposal, then the chartering group may submit its proposal to the~~
12 ~~state board for its review.~~

13 (3) If a charter applicant believes that a local school board has not complied
14 with Paragraphs (1) and (2) of this Subsection in its evaluation of an application, the
15 charter applicant may submit its proposal to the state board for its review and
16 approval as a Type 2 charter. If the state board determines that the school board
17 failed to comply with Paragraphs (1) and (2) of this Subsection, it shall notify the
18 school board of that determination and may proceed with its own review of the
19 charter application. The state board shall review each proposal according to the
20 process set forth in R.S. 17:3981(4) and shall provide written notification of its final
21 decision to the charter applicant pursuant to time lines established by the state board.

22 B. Local school boards shall make available to chartering groups any vacant
23 school facilities or any facility slated to be vacant for lease or purchase up to fair
24 market value. In the case of a Type 1B or a Type 2 charter school created as a result
25 of a conversion, the facility and all property within the existing school shall be made
26 available to that chartering group. In return for the use of the facility and its
27 contents, the chartering group shall pay a proportionate share of the local school
28 board's bonded indebtedness to be calculated in the same manner as set forth in R.S.
29 17:1990(C)(2)(a)(i). If such facilities were constructed at no cost to the local school

1 board, then such facilities, including all equipment, books, instructional materials,
2 and furniture within such facilities, shall be provided to the charter school at no cost.

3 §3983. Chartering process by type; eligibility; limitations; faculty approval; parental
4 approval

5 A.

6 * * *

7 (2)(a)(i) Each proposal for a Type 1 or Type 3 charter school shall first be
8 made to the local school board with jurisdiction where the school is to be located,
9 ~~except in the case of a local system in academic crisis as provided for in Item (ii)~~
10 Item (ii) or (iii) of this Subparagraph, involving the submission of by submitting a
11 written proposal. If, after review as required by R.S. 17:3982, the local school board
12 denies the proposal, or if conditions placed on the proposal by the local school board,
13 as provided in Paragraph (B)(2) of this Section, are not acceptable to those proposing
14 the charter the chartering group, then a proposal for a Type 2 charter school may be
15 made to the State Board of Elementary and Secondary Education state board.

16 * * *

17 (iii) If the local school system in which a chartering group intends to apply
18 to operate a school has received a letter grade designation of "D" or "F" or any
19 variation thereof, then a proposal for a Type 2 charter school may be made to the
20 state board.

21 * * *

22 (d) Each proposal for a Type 1B charter school shall be made to a certified
23 local charter authorizer. If, after review as required by R.S. 17:3981.2, the local
24 charter authorizer denies the proposal, or if conditions placed on the proposal by the
25 local charter authorizer, as provided in Paragraph (B)(2) of this Section, are not
26 acceptable to those proposing the charter, then a proposal for a Type 2 charter school
27 may be made to the state board.

28 (3)(a) ~~The State Board of Elementary and Secondary Education shall accept~~
29 ~~applications for charters only from April first through October thirty-first of each~~

1 admission requirements. No local board shall assign any pupil to attend a charter
2 school.

3 * * *

4 (13) ~~Manner in which~~ Assurance that teachers and other school employees
5 will be evaluated in accordance with R.S. 17:3997.

6 * * *

7 C. A charter school shall:

8 (1)

9 * * *

10 (c)

11 * * *

12 (iv) Unless otherwise provided for within the charter, charter schools may
13 not enroll in any given year more than one hundred twenty percent of the total
14 number of students which had been approved in their charter without formally
15 amending their charter. The state board may authorize the state superintendent of
16 education and the superintendent of the Recovery School District to amend the
17 charter of any Type 5 charter school participating in a unified enrollment system
18 administered by the Recovery School District for the purpose of adjusting student
19 enrollment limitations.

20 * * *

21 (6)(a)(i) ~~Except for Type 5 charter schools to which the requirements~~
22 ~~provided in Subparagraph (b) of this Paragraph apply, employ teachers certified by~~
23 ~~the state board or the French Ministry of Education for at least seventy-five percent~~
24 ~~of the instructional staff employed by the charter school.~~

25 (ii) ~~The remaining portion of the instructional staff shall meet at least one of~~
26 ~~the following requirements~~ Employ instructional staff who have at least a
27 baccalaureate degree and who shall be subject to all provisions of state law relative
28 to background checks applicable to the employment of public school personnel.

1 eligible to open and operate two additional schools that serve the same grade levels
 2 and the same enrollment boundaries as defined in the charter agreement of the school
 3 meeting the criteria of Subparagraph (A)(2)(c) of this Section without formal
 4 application to the chartering authority with which the charter agreement for the
 5 school that meets the criteria of Subparagraph (A)(2)(c) of this Section is held. The
 6 chartering group shall notify its chartering authority of its intent to open one or two
 7 additional charter schools pursuant to this Subsection at least one hundred twenty
 8 calendar days prior to the day on which each additional school shall enroll students.
 9 At least ninety calendar days prior to the day on which each additional school shall
 10 enroll students, the chartering authority shall enter into a charter agreement with the
 11 chartering group for each additional school and shall notify the state board of its
 12 action.

* * *

14 §3995. Charter school funding

15 A.(1) ~~Except as otherwise provided by this Subsection, for~~ For the purpose
 16 of funding, a Type 1, Type 3, and Type 4 charter school shall be considered an
 17 approved public school of the local school board entering into the charter agreement
 18 and shall receive a per pupil amount each year from the local school board based on
 19 the October first membership count of the charter school. ~~Except as otherwise~~
 20 ~~provided by this Subsection, Type 1B and Type 2 charter schools shall receive a per~~
 21 ~~pupil amount each year from the state Department of Education using state funds~~
 22 ~~specifically provided for this purpose. Type 2 charter schools authorized by the State~~
 23 ~~Board of Elementary and Secondary Education after July 1, 2008, shall receive a per~~
 24 ~~pupil amount~~ state board each year as provided in the Minimum Foundation Program
 25 approved formula. The per pupil amount provided to a Type 1, 1B, 2, 3, or 4 charter
 26 school shall be computed annually and shall be equal to no less than the per pupil
 27 amount received by the school district in which the charter school is located from the
 28 following sources based on the district's October first membership count:

* * *

1 (c) The provisions of this Paragraph permitting the calculation of the per
2 pupil amount to be provided to a Type 1, 1B, 2, 3, or 4 charter school to exclude any
3 portion of local revenues specifically dedicated by the legislature or by voter
4 approval to capital outlay or debt service, shall be applicable only to a charter school
5 housed in a facility or facilities provided by the district in which the charter school
6 is located.

7 * * *

8 (4)(a) ~~A chartering authority~~ The state board, a local school board, and a
9 local charter authorizer may annually charge each charter school ~~it authorizes~~ they
10 authorize a fee in an amount equal to two percent of the total per pupil amount as
11 defined by this Subsection that is received by a charter school for administrative
12 overhead costs incurred by the chartering authority for considering the charter
13 application and any amendment thereto, providing monitoring and oversight of the
14 school, collecting and analyzing data of the school, and for reporting on school
15 performance. Such fee amount shall be withheld from the per pupil amount in
16 monthly increments and shall not be applicable to any federal money or grants
17 received by the charter school. Administrative overhead costs shall not include any
18 cost incurred by the chartering authority to provide purchased services to the charter
19 school. As provided by Subparagraph (b) of this Paragraph, a chartering authority
20 or the Recovery School District, if applicable, may provide other services for a
21 charter school and charge the actual cost of providing such services, but no such
22 arrangement shall be required as a condition for authorizing the charter school.

23 * * *

24 §3996. Charter schools; exemptions; requirements

25 * * *

26 C. A charter school established and operated in accordance with the
27 provisions of this Chapter shall comply with state and federal laws and regulations
28 otherwise applicable to public schools with respect to civil rights and individuals
29 with disabilities. Any Type 1B, Type 2, or Type 5 charter school shall be considered

1 the local education agency for the purposes of any special education funding or
2 statutory definitions, while the local school board shall remain the local education
3 agency for any Type 1, 3, or 4 charter school.

4 * * *

5 G. All charter schools established and operated in accordance with the
6 provisions of this Chapter shall comply with the provisions of R.S. 39:1301 through
7 1315. Each Type 1, 3, and 4 charter school annually shall submit its budget to the
8 local school board that approved its charter, and such board shall submit the charter
9 school's budget to the state superintendent of education in accordance with the
10 provisions of R.S. 17:88. Each Type 1B charter school annually shall submit its
11 budget to its authorizer. Each Type 2 and Type 5 charter school annually shall
12 submit its budget directly to the state superintendent of education.

13 * * *

14 §3998. Reports; review

15 A.~~(1)~~ Each chartering authority shall report to the state board on the number
16 of schools chartered, the status of those schools, and any recommendations by July
17 first of each year.

18 ~~(2)~~ B. Each charter school shall ~~provide a comprehensive report to be~~
19 ~~reviewed by its chartering authority at the end~~ after the completion of the third year.
20 If the charter school is achieving its stated goals and objectives pursuant to its
21 approved charter, then the chartering authority shall extend the duration of the
22 charter for ~~the additional two-year period~~ a maximum initial term of five years as
23 provided in R.S. 17:3992(A)(1). If the charter school is not achieving its stated goals
24 and objectives pursuant to its approved charter, then the chartering authority shall not
25 extend the duration of the charter, and the charter shall expire at the end of the
26 school's fourth year.

27 ~~B.~~ ~~The state board shall review information regarding the laws, regulations,~~
28 ~~and policies from which charter schools were exempt pursuant to this Chapter to~~

1 ~~determine if the exemptions assisted or impeded the charter schools in meeting their~~
2 ~~stated goals and objectives.~~

3 ~~C. The state board shall report to the governor and to the Senate and House~~
4 ~~Committees on Education no later than January 1, 2001, on its initial findings~~
5 ~~including recommendations to modify, expand, or terminate the approach.~~

6 ~~D. In preparing the report required by this Section, the state board shall~~
7 ~~compare to the extent statistically possible the performance of charter school pupils~~
8 ~~with the performance of ethnically and economically comparable groups of pupils~~
9 ~~in other schools who are enrolled in academically comparable courses, including a~~
10 ~~fiscal and programmatic analysis based on the total per pupil funding in each charter~~
11 ~~school in relation to the total per pupil funding in the respective local public school~~
12 ~~system that has been invested in instruction.~~

13 * * *

14 §4001. Louisiana Charter School Start-Up Loan Fund; creation; purpose;
15 distribution

16 A. The Louisiana Charter School Start-Up Loan Fund, hereafter referred to
17 as the "fund", is hereby created within the state treasury for the purposes of
18 providing a source for funding no-interest loans to assist both existing and new ~~type~~
19 Type 1, Type 1B, type Type 2, or type Type 3 charter schools with initial start-up
20 funding and for funding the administrative and legal cost associated with the charter
21 school program.

22 * * *

23 C.(1) ~~The State Board of Elementary and Secondary Education~~ state board
24 shall administer the use of the monies appropriated from the fund and shall adopt
25 rules in accordance with the Administrative Procedure Act. The adopted rules shall
26 specify that state board approval of any ~~type Type 2~~ Type 2 charter school proposal that
27 includes within its budget a request for loan funding which complies with the
28 provisions of this Section and details regarding how those loan funds are to be
29 expended, shall constitute the approval of that loan amount. No additional loan

1 application paperwork shall be required. Any ~~type~~ Type 1 or ~~type~~ Type 3 charter
 2 school approved by their local school board and a Type 1B charter school approved
 3 by a certified local charter authorizer shall be required to submit no more than their
 4 approved charter proposal and a detailed budget identifying how any loan funds are
 5 to be expended and how such request complies with the provisions of this Section.
 6 The state board may reject any such request which does not comply with terms of
 7 this Section. Such rules shall also note that any loan funding may ~~only be used~~ be
 8 used only to purchase tangible items such as equipment, technology, instructional
 9 materials, and facility acquisition, upgrade, and repairs. Such equipment or other
 10 items shall become the property of the state if the loan is not fully repaid by virtue
 11 of the school ceasing to operate during the three years of automatic loan repayment
 12 as noted in Paragraph (3) of this Subsection.

13 (2) Loans shall be made only to ~~type~~ Type 1, Type 1B, ~~type~~ Type 2, and ~~type~~
 14 Type 3 charter schools and shall not exceed one hundred thousand dollars to pay for
 15 charter school start-up and early operating expenses. No money lent as provided in
 16 this Section may be used to pay prior debts of the nonprofit corporation which
 17 formed the charter school, any of the natural persons principally involved in forming
 18 the charter school, or any former or current business or nonprofit venture of any such
 19 natural persons for any purchase not related to the creation of the charter school, or
 20 to pay to members of the immediate family of any such natural persons, or to make
 21 any investments.

22 * * *

23 PART VII. COURSE PROVIDERS

24 §4002.1. Course providers; short title

25 This Part shall be known as the "Course Choice Program".

26 §4002.2. Legislative findings

27 The legislature finds and declares that:

28 (1) It is in the public interest that all Louisiana school children have access
 29 to the type and format of education that best meets the needs of the individual

1 student, that each student has different needs that merit a variety of course choices
2 on the individual student level, and that the state has the right, responsibility, duty,
3 and obligation to accomplish the objective of a quality, individualized education for
4 all Louisiana children.

5 (2) Enrollment of children in course work offered by course providers is in
6 compliance with the objectives of Louisiana's compulsory attendance law; course
7 providers in Louisiana make a significant educational and economic contribution
8 towards meeting the goal of a quality, individualized education for every Louisiana
9 school child; and Louisiana has recognized and encouraged that contribution through
10 online education and dual enrollment in postsecondary education institutions for
11 many years.

12 (3) Effective course providers exist in Louisiana.

13 (4) Course providers can offer a quality, individualized education to students
14 and it is in the public interest to offer students the means of accessing the educational
15 opportunities offered by course providers by providing students with the public funds
16 allocated to them from local and state sources to enroll in such courses.

17 (5) Postsecondary education institutions can serve as quality course
18 providers for students who seek advanced level course work or technical or
19 vocational instruction.

20 (6) Online or virtual course providers can serve as quality course providers
21 for students who desire additional access to high quality courses, especially but not
22 limited to students enrolled in low-performing public schools, students who for
23 reasons of geography may not be able to exercise their right to educational choice,
24 and students who may desire an alternative schooling schedule or calendar.

25 (7) Business and industry can serve as quality course providers that offer
26 course work in their particular field or expertise with the goal of increasing the
27 skilled workforce required for a robust Louisiana economy.

1 §4002.3. Definitions

2 As used in this Part, unless otherwise clearly indicated, the following terms
3 mean:

4 (1) "Course provider" means an entity that offers individual courses in
5 person or online, including but not limited to online or virtual education providers,
6 postsecondary education institutions, and corporations that offer vocational or
7 technical course work in their field, and have been authorized to provide such
8 courses by the state board.

9 (2) "Eligible funded student" means any student who resides in Louisiana
10 and meets one of the following criteria:

11 (a) Is attending a public school that received a letter grade of "C", "D", or
12 "F", or any variation thereof, according to the Louisiana School and District
13 Accountability System.

14 (b) Is attending a public school that does not offer the course in which the
15 student desires to enroll, as determined by the state board.

16 (c) Is a scholarship recipient pursuant to R.S. 17:4013 and attends a
17 participating school in accordance with R.S. 17:4011 through 4025.

18 (3) "Eligible participating student" means any student who resides in
19 Louisiana and meets one of the following criteria:

20 (a) Is attending a public school that has received a letter grade of "A" or "B",
21 or any variation thereof, according to the school and district accountability system.

22 (b) Is attending a nonpublic school that is approved, provisionally approved,
23 or probationally approved by the state board pursuant to R.S. 17:11.

24 (c) Is enrolled in a home study program approved by the state board.

25 (4) "State board" means the State Board of Elementary and Secondary
26 Education.

27 §4002.4. State board; powers and duties relative to course providers

28 A.(1) Not later than January 1, 2013, the state board shall create a process
29 for authorizing course providers that shall determine whether each proposed course

1 provider complies with the law and rules, whether the proposal is valid, complete,
2 financially well-structured, and educationally sound, whether it provides a plan for
3 collecting data in accordance with R.S. 17:3911, and whether it offers potential for
4 fulfilling the purposes of this Part. The state board shall provide for an independent
5 evaluation of the proposal by a third party with educational, organizational, legal,
6 and financial expertise.

7 (2) The process shall provide for an agreement between the state and board
8 and the course provider that shall include, at a minimum, a plan for implementing
9 or providing the following:

10 (a) Administration of state assessments as required by the school and district
11 accountability system, except to students as defined by R.S. 17:4002.3(2)(c).

12 (b) The parishes or local school systems in which the course provider will
13 operate.

14 (c) Proposed courses offered, alignment of the courses by the course
15 provider with the requirements of R.S. 17:24.4, and the designated length of each
16 course offered.

17 (d) Alignment of the courses offered by the course provider with any type
18 of approved Louisiana diploma, including those provided in R.S. 17:183.2, 183.3,
19 and 236.1.

20 (e) Assurances that the course provider shall, to the best of its ability,
21 collaborate and coordinate with a local school system in which a eligible funded
22 student or eligible participating student is enrolled full time.

23 B.(1) The initial authorization of the course provider shall be for a period of
24 three years. After the second year of the initial authorization period, the state board
25 shall conduct a thorough review of the course provider's activities and the academic
26 performance of the students enrolled in courses offered by the course provider in
27 accordance with the school and district accountability system. If the performance
28 of the students enrolled in courses offered by the course provider pursuant to the

1 school and district accountability system does not meet performance standards set
2 by the state board, the state board shall place the course provider on probation.

3 (2) After the initial three-year authorization period, the state board may
4 reauthorize the course provider for additional periods of not less than three years nor
5 more than five years after thorough review of the course provider's activities and the
6 achievement of students enrolled in courses offered by the course provider.

7 (3) The state board shall monitor and evaluate the course provider in
8 accordance with performance expectations set forth by the state board in which
9 student achievement is the predominant criterion.

10 (4) The state board shall create a process for common course numbering of
11 all courses listed in the course catalogue and for determining whether courses are in
12 compliance with R.S. 17:24.4. For courses offered by postsecondary education
13 institutions that are authorized course providers, the state board shall consult with the
14 Board of Regents.

15 C. Not later than January 1, 2013, the state board shall create a reciprocal
16 teacher certification process for teachers who reside in other states but who are
17 employed by authorized course providers and teach virtual education courses to
18 satisfy the state certification requirements pursuant to R.S. 17:7.1.

19 D. Prior to the 2013-2014 school year, the state board shall create a course
20 catalogue for all courses offered, by parish.

21 §4002.5. Local school systems; per course providers

22 A. Each local school board shall establish policies and procedures whereby
23 for each student identified in R.S. 17:4002.3(2)(a) and (b) and (3)(a) the following
24 shall apply:

25 (1) Credits earned through the course provider shall appear on each such
26 student's official transcript and count fully towards the requirements of any approved
27 Louisiana diploma.

28 (2) Tests required pursuant to R.S. 17:24.4 shall be administered to each
29 such student attending a public school.

1 (3) All services to which each such student attending public school would
2 be entitled if attending the school in which he is enrolled full time for all courses,
3 including but not limited to special education services pursuant to the student's
4 Individual Education Plan shall be provided.

5 B. Each local public school system shall make available to all students the
6 course catalogue as provided by the state board during the annual course enrollment
7 process for that local school system.

8 C. No local public school system shall actively discourage, intimidate, or
9 threaten an eligible funded student or an eligible participating student during the
10 course enrollment process or at any time for that local school system.

11 D. The aggregate test scores of students who are enrolled in a course
12 pursuant to this Part and in accordance with Subsection A of this Section shall be
13 counted in the school performance score for the school in which the student is
14 enrolled full time. The test scores shall be reported to and published by the state
15 Department of Education for each course provider in an easy to understand format
16 and on the department's website.

17 E. Each student identified in R.S. 17:4002.3(2)(a) and (b) and (3)(a) shall
18 enroll in at least one course at the school in which he is enrolled full time.

19 F. The state board shall adopt rules necessary to implement this Part,
20 including but not limited to the requirements of school governing authorities or local
21 school systems whose students enroll in courses offered by authorized course
22 providers.

23 §4002.6. Course providers; funding

24 A.(1) The course provider shall receive a course amount for each eligible
25 funded student.

26 (2) For purposes of this Part, the per course amount means an amount equal
27 to the market rate as determined by the course provider and reported to the state
28 Department of Education up to one-sixth of ninety percent of the per pupil amount
29 each year as determined by the Minimum Foundation Program for the local school

1 system in which the eligible funded student resides. Any remaining funds, except
2 those specified in Paragraph (3) of this Subsection, for that student shall be returned
3 to the state or to the local school system according to the pro rata share for the per
4 pupil amount each year as determined by the minimum foundation program for the
5 local school system in which the student resides. Transfers of course payments shall
6 be made by the state Department of Education on behalf of the responsible city or
7 parish school system in which the student resides to the authorized course provider.

8 (3) For each student identified in R.S. 17:4002.3(2)(a) and (b), an amount
9 equal to ten percent of the per pupil amount according to the pro rata share as
10 determined each year by the Minimum Foundation Program for the local school
11 system in which such student resides shall remain with the local school system in
12 which the eligible funded student is enrolled full time. These funds shall be used to
13 finance any administrative or operational costs to support students enrolled in
14 courses offered by course providers, as determined by the state board.

15 (4) For students identified in R.S. 17:4002.3(2)(d), the course provider shall
16 receive payment only for the courses in which the student is enrolled in accordance
17 with Subsection C of this Section. The remaining funds for each of these students
18 up to the maximum amount for the parish in which the participating student resides
19 as determined each year by the Minimum Foundation Program or actual tuition and
20 fees, as applicable, shall remain with the participating school in which the student
21 is enrolled in accordance with R.S. 17:4011 through 4025.

22 B.(1) The course provider may charge tuition to any eligible participating
23 student in an amount equal to the amount determined by the course provider and
24 reported to the state Department of Education in accordance with Paragraph (A)(2)
25 of this Section.

26 (2) The course provider shall accept the amount specified in Paragraph
27 (A)(2) of this Section as total tuition and fees for the eligible participating student.

28 C.(1) Fifty percent of the amount of tuition to be paid or transferred through
29 the Minimum Foundation Program to the course provider shall be paid or transferred

1 upon student enrollment in a course and fifty percent shall be paid or transferred
2 upon course completion according to the published course length.

3 (2) If a student does not complete a course according to the published course
4 length in which the course provider has received the first payment pursuant to
5 Paragraph (1) of this Subsection, the provider shall receive forty percent of the
6 course amount as defined in Paragraph (A)(2) of this Section only if the student
7 completes the course and receives credit for the course prior to leaving school
8 pursuant to R.S. 17:221 or graduating from high school pursuant to R.S. 17:24.4.

9 (3) The remaining ten percent of the per pupil amount according to the pro
10 rata share as determined each year by the Minimum Foundation Program for the
11 local public school system in which the eligible funded student resides shall remain
12 with the school in which the eligible funded student is enrolled full time. This shall
13 be in addition to the ten percent specified in Paragraph (A)(3) of this Section.

14 * * *

15 §4011. Short title

16 This Chapter shall be known and may be cited as the "Student Scholarships
17 for Educational Excellence Act".

18 §4012. Legislative findings

19 The legislature finds and declares that:

20 (1) It is in the public interest that all Louisiana schoolchildren receive the
21 best education that its citizens can provide, and the state of Louisiana has the right,
22 responsibility, duty, and obligation to accomplish the objective of quality education
23 for all Louisiana children, ~~particularly for those children in school systems that have~~
24 ~~been declared to be academically in crisis.~~

25 (2) Attendance of children at nonpublic schools constitutes compliance with
26 the objectives of Louisiana's compulsory attendance law; nonpublic schools in
27 Louisiana make a significant educational and economic contribution towards
28 meeting the goal of a quality education for every Louisiana school child; and
29 Louisiana has recognized and encouraged that contribution through providing

1 textbooks and transportation to students attending approved nonpublic schools for
2 many decades.

3 (3) Effective nonpublic schools exist in Louisiana's school systems;
4 ~~including those that are academically in crisis.~~

5 (4) Nonpublic schools can offer a quality education to students ~~in systems~~
6 ~~that are academically in crisis~~, and it is in the public interest to offer students in such
7 all systems the means of accessing the educational opportunities offered by
8 nonpublic schools by providing them with scholarships to attend such schools.

9 (5) Academically acceptable public schools can serve as quality alternatives
10 for students attending low-performing public schools.

11 (6) It is the intent of this Chapter to create additional options for all children,
12 including those with special needs or requiring special education services.

13 (7) Any delay in implementation of this Chapter would work to the detriment
14 of children.

15 §4013. Definitions

16 As used in this Chapter, unless otherwise clearly indicated, the following
17 terms ~~shall~~ mean:

18 (1) ~~"Covered district" means a local public school system which meets all~~
19 ~~of the following criteria:~~

20 ~~(a) Has been found to be academically in crisis pursuant to R.S. 17:10.6.~~

21 ~~(b) Has had schools transferred to the jurisdiction of the Recovery School~~
22 ~~District pursuant to R.S. 17:10.7.~~

23 ~~(c) Is located in a municipality with a population of at least three hundred~~
24 ~~thousand persons according to the latest federal decennial census and includes the~~
25 ~~Recovery School District established pursuant to R.S. 17:1990 to the extent that~~
26 ~~schools under the district's jurisdiction are located within the geographic boundaries~~
27 ~~of a covered district.~~

28 (2) "Department" means the state Department of Education.

1 ~~(3)~~ (2) "Eligible student" means a student who resides ~~within the geographic~~
2 ~~boundaries of a covered district; in Louisiana,~~ is a member of a family with a total
3 income that does not exceed two hundred fifty percent of the current federal poverty
4 guidelines as established by the federal office of management and budget, and who
5 meets any one of the following criteria:

6 (a) Is entering kindergarten and has enrolled in the local school system in
7 which the public school he would have otherwise attended is located or in a school
8 under the jurisdiction of the Recovery School District. Each local school system or
9 the Recovery School District shall conduct its annual kindergarten enrollment
10 process and shall report such enrollment to the department prior to the program
11 enrollment process.

12 (b) Was enrolled in a public school ~~located within a covered district during~~
13 ~~the previous~~ in Louisiana on October first and on February first of the most recent
14 school year pursuant to the definition of student membership established by the state
15 board for purposes of the Minimum Foundation Program formula, school year in a
16 program-eligible grade and such school has been identified as academically
17 ~~unacceptable or has a school performance score or an assessment index of sixty or~~
18 ~~less as defined by the State Board of Elementary and Secondary Education~~ received
19 a letter grade of "C", "D", or "F" or any variation thereof, for the most recent year
20 ~~pursuant to policies developed and adopted by the board for implementation of the~~
21 ~~school and district accountability system.~~

22 (c) Received a scholarship pursuant to this Chapter in the previous school
23 year ~~and remains otherwise eligible.~~

24 ~~(4)~~ (3) "Participating school" means a nonpublic school that meets program
25 requirements and seeks to enroll scholarship recipients pursuant to this Chapter or
26 a public school ~~located within the geographic boundaries of a covered district that~~
27 meets program requirements and seeks to enroll scholarship recipients pursuant to
28 this Chapter subject to any court-ordered desegregation plan in effect for the school
29 system in which the public school is located.

1 ~~(5)~~ (4) "Program" means the Student Scholarships for Educational
2 Excellence Program.

3 ~~(6)~~ (5) "Scholarship" means the funds awarded to a parent or other legal
4 guardian on behalf of an eligible student to attend a participating public or nonpublic
5 school pursuant to this Chapter.

6 ~~(7)~~ (6) "Scholarship recipient" means an eligible student who is awarded a
7 scholarship pursuant to this Chapter.

8 §4014. Student Scholarships for Educational Excellence Program; creation

9 The Student Scholarships for Educational Excellence Program is hereby
10 created and shall be administered by the ~~state Department of Education~~ department.

11 §4015. Program administration

12 In administering the program pursuant to this Chapter, the department shall:

13 (1) Determine student eligibility for scholarships.

14 (2) Receive ~~the~~ notice of intent from schools seeking to participate in the
15 program; which shall include the number of available seats per grade and whether
16 the school elects to offer an enrollment preference to a student based on the parish
17 in which the student resides, and qualify such schools for participation in the
18 program, ~~and determine the number of available seats, by grade, at participating~~
19 ~~schools.~~ For eligible public schools, the notice of intent shall be submitted by the
20 principal of the school with the approval of the local superintendent. The local
21 school board shall delegate the authority to participate in the program to the local
22 superintendent.

23 (3)(a) Accept applications from parents ~~and other~~ or legal guardians of
24 eligible students and award scholarships to eligible students ~~who submit applications,~~
25 ~~up to the number of available seats in each grade at all participating schools.~~ Each
26 application shall indicate the parent or legal guardian's choice or choices of
27 participating schools.

28 (b) In the event there are more eligible students who submit applications than
29 there are available seats at participating schools for any grade, the department shall

1 ~~utilize~~ conduct a random selection process to award scholarships that provides each
2 eligible student an equal opportunity for selection. Only after each student who
3 attended or otherwise would be attending a public school that received a letter grade
4 of "D" or "F" or any variation thereof has been placed at a participating school which
5 the parent or legal guardian indicated as a choice on the eligible student's application
6 shall a student who attended a public school that received a letter grade of "C" or any
7 variation thereof be entered into the random selection process. At such time, each
8 student who attended or otherwise would be attending a public school that received
9 a letter grade of "C" or any variation thereof shall be provided an equal opportunity
10 for selection into that particular participating school. However, the department may
11 give preference to the following:

- 12 (i) Siblings of students already enrolled in the participating school.
- 13 (ii) Students enrolled in the Nonpublic School Early Childhood Development
14 Program at the participating school.
- 15 (iii) Participating students transferring from an ineligible school pursuant to
16 this Section.
- 17 (iv) Students residing in the parishes as indicated pursuant to the notice of
18 intent, if applicable.
- 19 (c) For the purposes of the random selection process, twins, triplets,
20 quadruplets, and other such multiple births shall constitute one individual.
- 21 (4) Notify parents ~~and other~~ or legal guardians of eligible students who
22 applied for scholarships whether they have been awarded a scholarship and ~~of the~~
23 ~~process that must be followed to enroll in a~~ placed at a particular participating
24 school. The scholarship recipient shall be placed through the random selection
25 process and according to his indicated preferences as provided in Paragraph (3) of
26 this Subsection. For the purposes of this Section, a unified enrollment system
27 administered by the Recovery School District may be considered the random
28 selection process. The department shall continue the random selection process until
29 each seat is filled according to the time line established by the department.

1 (5) Remit scholarship payments to participating schools on behalf of a
2 scholarship recipient.

3 (6) Receive independent financial audits from participating nonpublic
4 schools as required by ~~this Chapter~~ R.S. 17:4022(3).

5 ~~(7) In the event that there are more scholarship recipients applying for~~
6 ~~enrollment in a participating school than there are available seats, ensure that the~~
7 ~~school shall select scholarship recipients for admission utilizing a random selection~~
8 ~~process that provides each scholarship recipient with an equal opportunity for~~
9 ~~selection. The department shall establish a time line that coordinates a random~~
10 ~~selection process at all participating schools and shall ensure that each participating~~
11 ~~school adopts procedures for conducting such random selection process and notifies~~
12 ~~the parents or legal guardians of scholarship recipients of the procedures to be~~
13 ~~followed should a random selection process be required.~~

14 (8) For students enrolled in the program, annually verify the eligibility status
15 of each student and notify his parent or other legal guardian of his status by not later
16 than April thirtieth or a date determined by the department that would provide
17 students who are no longer eligible for a scholarship sufficient time to apply to
18 another school within the covered district.

19 (9) ~~Provide~~ (7) Annually publish each scholarship recipient and their parent
20 ~~or legal guardian with a list of~~ the following information for all schools participating
21 in the program.;

22 (a) The most recent aggregate average proficiency rates on state assessments
23 for scholarship recipients enrolled at each participating school.

24 (b) A list of all public schools with a letter grade of "C", "D", or "F", or any
25 variation thereof.

26 (c) The rate at which scholarship recipients finish the highest grade level
27 offered at a participating school, by entering cohort.

28 (d) The retention rate for scholarship recipients.

1 (f) The percentage of parents or legal guardians of scholarship recipients
2 who are satisfied with the participating school.

3 ~~(10)~~ (8)(a) Place any participating school that fails to comply with the audit
4 provisions pursuant to R.S. ~~17:4022(4)~~ 17:4022(3) on probation for a period of one
5 year during which such school shall not be permitted to enroll additional scholarship
6 recipients.

7 (b) If such school ~~has not come into~~ is not in full compliance by the end of
8 the one-year probationary period, the school shall be ineligible to participate in the
9 program until such time as the department has determined that the school is in full
10 compliance.

11 (c) The department shall assist any scholarship recipient attending a school
12 that is ~~no longer eligible~~ ineligible to participate in the program ~~to transfer in~~
13 transferring to another participating school, provided such school has sufficient
14 capacity at the appropriate grade level.

15 (9) On or before August 1, 2012, develop criteria for participation that
16 includes an accountability system for participating students at participating schools.
17 After August 1, 2012, the accountability system shall not be altered except by an act
18 of the legislature.

19 §4016. Scholarship amounts; funding

20 A. The state board shall allocate annually from the minimum foundation
21 program an ~~The~~ amount per pupil to each participating school equal to the amount
22 allocated per pupil to the local school system in which the scholarship recipient
23 resides, considering all student characteristics. This amount shall be counted toward
24 the equitable allocation of funds appropriated to parish and city school systems as
25 provided in Article VIII, Section 13(B) of the Constitution of Louisiana. ~~of the~~
26 ~~scholarship provided on behalf of a scholarship recipient shall be an amount~~
27 ~~equivalent to ninety percent of the per pupil amount the covered district receives~~
28 ~~from combined state and local sources or~~ For a participating school that charges
29 tuition, if the maximum amount of tuition plus incidental or supplementary fees that

1 are charged to non-scholarship students enrolled in such school and any costs
2 incurred in administering the tests required pursuant to R.S. 17:4023 is less than the
3 amount allocated per pupil to the local school system in which the student resides,
4 ~~whichever is less. any remaining funds shall be returned to the state or to the local~~
5 school system in which the scholarship recipient attended or otherwise would be
6 attending public school for that year according to the pro rata share for the per pupil
7 amount each year as determined by the minimum foundation program for the local
8 school system in which the scholarship recipient attended or otherwise would be
9 attending public school for that year.

10 ~~B. The amount of the scholarship provided on behalf of a scholarship~~
11 ~~recipient that enrolls in a participating school that does not charge tuition shall be an~~
12 ~~amount equivalent to ninety percent of the per pupil amount the covered district~~
13 ~~receives from combined state and local sources or the participating school's actual~~
14 ~~cost of educating a student plus any costs incurred in administering the tests required~~
15 ~~pursuant to R.S. 17:4023, whichever is less.~~

16 ~~C. B.(1) For If~~ a scholarship recipient who is enrolled in a participating
17 nonpublic school would have been entitled to receive special education services
18 ~~there shall be added to the amount of the scholarship an amount equivalent to special~~
19 ~~education funding provided to a covered district for such a student from federal~~
20 ~~sources. A participating public school receiving a scholarship payment for a~~
21 ~~scholarship recipient pursuant to this Chapter shall not receive any funds through the~~
22 ~~Minimum Foundation Program for such student. in the public school he would~~
23 otherwise be attending, his parent or legal guardian shall acknowledge in writing, as
24 part of the enrollment process that the parent or legal guardian agrees to accept only
25 such services as are available to all students enrolled in the nonpublic school.

26 (2) The parent or legal guardian may make a parental placement to receive
27 special education and related services from a participating nonpublic school that has
28 demonstrated the capacity to offer such services. In such case, the nonpublic school
29 may charge a higher tuition for students receiving such services, the state board shall

1 allocate annually from the minimum foundation program an amount per pupil to each
2 participating nonpublic school equal to a special education tuition amount based on
3 the cost of providing special education services identified for that student to the
4 participating nonpublic school. This amount shall be in addition to the participating
5 nonpublic school's maximum scholarship payment as described in Subsection A of
6 this Section but the total of the payment and the special education tuition shall not
7 exceed the amount allocated for that student to the local school system if the student
8 otherwise would be attending public school.

9 (3)(a) A participating nonpublic school shall not discriminate against a child
10 with special educational needs during the program admissions process. However,
11 as a nonpublic school, a participating school is required to offer only those services
12 that it already provides or such services as necessary to assist students with special
13 needs that it can provide with minor adjustments. A nonpublic school may partner
14 with the local school system to provide special education services.

15 (b) Information regarding the services a participating school is able to and
16 shall provide, the services the local school system is able to and shall provide, and
17 the services the local school system currently provides to children with special needs
18 who are enrolled in a nonpublic school shall be made available by the department to
19 parents and legal guardians prior to the enrollment process.

20 (4) To be determined to have demonstrated capacity to offer special
21 education services pursuant to Paragraph (2) of this Subsection, a participating
22 nonpublic school shall meet all of the following criteria:

23 (a) Has existed and provided educational services to students with
24 exceptionalities as defined in R.S. 17:1942, excluding students deemed to be gifted
25 or talented, for at least two years prior to participation in the program and such
26 provision of services shall be pursuant to an established program in place at the
27 school that includes instruction by teachers holding appropriate certification in
28 special education or other appropriate education or training as defined by the
29 department and that is in accordance with a student's Individual Education Plan.

1 **(b) In accordance with time lines as determined by the department, inform**
2 **the department of the types of student exceptionalities as defined in R.S. 17:1942(B)**
3 **that the school is able to serve.**

4 ~~D. C. Funding for scholarships awarded to parents or other legal guardians~~
5 ~~of eligible students pursuant to this Chapter shall be provided by an appropriation~~
6 ~~from the legislature from the state general fund. Each scholarship recipient is a~~
7 ~~member of the local school system in which he attended or otherwise would be~~
8 ~~attending public school for that school year. Prior to the program enrollment process~~
9 ~~and in accordance with a time line specified by the department for this purpose,~~
10 ~~students entering kindergarten shall enroll in the membership of the local school~~
11 ~~system in which they otherwise would be attending public school for that school~~
12 ~~year. Each local school system shall conduct its annual kindergarten enrollment~~
13 ~~process in accordance with the department's time line and shall report such~~
14 ~~enrollment to the department prior to the program enrollment process.~~

15 ~~E. The total amount of state funds expended to implement the provisions of~~
16 ~~this Chapter for Fiscal Year 2008-2009 shall not exceed ten million dollars.~~

17 §4017. Payment of scholarships

18 A. ~~The Department of Education~~ department shall ~~remit~~ transfer scholarship
19 payments ~~directly~~ to each participating school on behalf of the ~~parent or other legal~~
20 ~~guardian of a scholarship recipient. The parent or other legal guardian shall assign~~
21 ~~the full value of the scholarship to the participating school~~ responsible city or parish
22 ~~school district. No locally levied school district tax revenues shall be transferred to~~
23 ~~any participating school located outside of the school district where the tax is levied~~
24 ~~or any participating nonpublic school within the district.~~

25 B. The amount to be paid for a scholarship shall be divided into four equal
26 payments to be made to each participating school in September, ~~November,~~
27 ~~December,~~ February, and May of each school year. Payments shall be based on per
28 pupil count dates as determined by the department. No refunds shall be made to the
29 department or to the parent or ~~other~~ legal guardian if the scholarship recipient

1 withdraws from the program or is otherwise not enrolled prior to the next count date.

2 The school in which the scholarship recipient is enrolled on the next count date shall

3 receive the next payment.

4 §4018. Student eligibility

5 ~~A. For the 2008-2009 academic year, students shall be eligible to receive~~
6 ~~their initial scholarships when entering kindergarten or when entering the first,~~
7 ~~second, or third grade if they attended public school in the covered district during the~~
8 ~~previous school year. Students in grades four through twelve shall be eligible for~~
9 ~~scholarships as additional grade levels are added to the program.~~

10 B. Scholarship recipients shall remain eligible to receive scholarships in each
11 succeeding year that they remain enrolled in a participating school through grade
12 twelve. ~~As the 2008-2009 cohort of scholarship recipients advances in grade level,~~
13 ~~one additional grade level of eligibility shall be added to the program, beginning in~~
14 ~~2009-2010. Student eligibility continues~~ Eligibility shall continue if a student
15 recipient transfers from one participating school to another participating school.

16 ~~§4019. District eligibility~~

17 ~~A covered district that is eligible for inclusion in the program on June 25,~~
18 ~~2008, shall be considered a covered district for the duration of the program.~~

19 §4020. School participation; application

20 A. Participation in this program by a school is voluntary, and nothing in this
21 Chapter shall ~~not~~ be construed to authorize any additional regulation of participating
22 schools beyond that specifically authorized by this Chapter.

23 B. Any school that wishes to participate in the program and enroll
24 scholarship recipients annually shall notify the department of its intent to participate
25 in the program by February first of the previous school year; except that for the
26 ~~2008-2009~~ 2012-2013 school year, a school that seeks to participate in the program
27 shall notify the department of its intent to participate not later than ~~July 30, 2008.~~
28 June 30, 2012. The notice shall specify the number of seats the school will have

1 available for scholarship recipients at each grade level and the maximum amount of
2 tuition attributable to each available seat, as applicable.

3 §4021. School eligibility

4 A. To be eligible to participate in the program, a nonpublic school shall meet
5 all of the following criteria:

6 (1) Be approved, provisionally approved, or probationally approved by the
7 State Board of Elementary and Secondary Education pursuant to R.S. 17:11.

8 (2) Comply with the criteria set forth in *Brumfield, et al. v. Dodd, et al.* 425
9 F. Supp. 528.

10 (3)~~(a)~~ Enrollment of scholarship recipients in a participating school that has
11 been ~~in operation~~ approved, provisionally approved, or probationally approved for
12 less than two years shall not exceed twenty percent of such school's total student
13 enrollment.

14 ~~(b) The department may grant a waiver of this requirement to a participating~~
15 ~~school if the governing authority of such school demonstrates a proven record of~~
16 ~~successful operation of other schools.~~

17 B. To be eligible to participate in the program, a public school shall ~~be~~
18 ~~determined to be academically acceptable~~ have received a letter grade of "A" or "B",
19 or any variation thereof, for the most recent school year pursuant to the ~~Louisiana~~
20 ~~School and District Accountability Program~~ school and district accountability
21 system.

22 C. Scholarship recipients enrolled in a participating school that fails to meet
23 the eligibility criteria established in this Section may transfer to another participating
24 school for the succeeding school year without loss of eligibility, and such ~~students~~
25 recipients shall be given preference for enrollment at other participating schools.

1 §4022. Participating schools; requirements

2 Each participating school shall:

3 (1) ~~Within sixty days after the scholarship program admissions period as~~
4 ~~scheduled by the department, notify the applicant in writing whether the applicant~~
5 ~~has been accepted.~~

6 (2) Use an open admissions process in enrolling scholarship recipients in the
7 program and shall not require any additional eligibility criteria other than those
8 specified in R.S. 17:4013(3)(2). ~~In the event that there are more scholarship~~
9 ~~recipients applying for enrollment in a participating school than there are available~~
10 ~~seats, select scholarship recipients for admission utilizing a random selection process~~
11 ~~that provides each scholarship recipient with equal opportunity for selection.~~
12 ~~However, a participating school may give preference to siblings of a student who is~~
13 ~~already enrolled in the participating school. For the purposes of such random~~
14 ~~selection process, twins, triplets, quadruplets, and other such multiple births shall~~
15 ~~constitute one individual. Participating schools shall notify the department of any~~
16 ~~scholarship recipient not selected by random selection so that the department may~~
17 ~~notify those students of other participating schools with an available seat. In the~~
18 ~~event that the student not selected does not wish to enroll in another participating~~
19 ~~school, the school shall add the student to a waiting list so that he may be enrolled~~
20 ~~when a seat becomes available. Students may remain on more than one participating~~
21 ~~school's waiting list, however, upon enrolling in a participating school, their names~~
22 ~~shall be removed from waiting lists maintained by other participating schools.~~

23 (3) ~~Notify~~ (2) Within ten business days of the first day of school as
24 determined by the participating school, notify the department of scholarship
25 recipients enrolled.

26 (4) (3) Submit to the department an independent financial audit of the school
27 conducted by a certified public accountant who has been approved by the legislative
28 auditor. Such audit shall be accompanied by the auditor's statement that the report
29 is free of material misstatements and fairly presents the participating school's

1 maximum tuition or actual cost of educating a student pursuant to R.S. 17:4016. The
2 audit shall be limited in scope to those records necessary for the department to make
3 scholarship payments to the participating school and shall be submitted to the
4 legislative auditor for review and investigation of any irregularities or audit findings.
5 The participating school shall return to the state any funds that the legislative auditor
6 determines were expended in a manner inconsistent with state law or program
7 regulations. The cost of such audit shall be paid by the department from funds
8 appropriated by the legislature to implement the provisions of this Chapter.

9 ~~(5)~~ (4) Accept the scholarship amounts provided to scholarship recipients as
10 full payment of all educational costs, including incidental or supplementary fees; that
11 are charged to all enrolled students; including but not limited to meals, field trips,
12 and before- or after-school care.

13 ~~(6)~~ (5) ~~Upon enrolling scholarship recipients pursuant to this Chapter, allow~~
14 ~~such students~~ Allow scholarship recipients to remain enrolled in the school for the
15 duration of the school year at no additional cost to the state or the recipients' parents
16 or legal guardians if the school voluntarily withdraws from the program ~~provided~~
17 ~~that continued funding is appropriated by the legislature for the program.~~ However,
18 ~~students~~ a scholarship recipient may be expelled from the school according to the
19 school's discipline policy ~~or disqualified from enrollment in subsequent years if the~~
20 ~~student is no longer eligible for the program as determined by the department. In the~~
21 ~~event~~ and the school shall report such dismissal to the department within two
22 business days of such dismissal. If funding is not available to continue the program,
23 the participating school shall allow a scholarship recipient to remain enrolled in such
24 school, provided such ~~student~~ recipient meets the school's requirements for continued
25 enrollment and ~~the student's~~ his parent or legal guardian assumes responsibility for
26 paying the tuition and fees charged to all students enrolled in the school.

27 ~~(7)~~ (6) Prior to enrollment, inform the parent or ~~other~~ legal guardian of a
28 scholarship recipient of any and all rules, policies, and procedures of such school,
29 including but not limited to academic policies, disciplinary rules, and procedures of

1 the school. Enrollment of a scholarship recipient in a participating school constitutes
2 acceptance of any such rules, policies, and procedures of such school.

3 §4023. Testing

4 A participating nonpublic school shall ensure that scholarship recipients are
5 administered all examinations required pursuant to the ~~Louisiana School and District~~
6 ~~Accountability System~~ school and district accountability system at the prescribed
7 grade levels ~~including the Louisiana Educational Assessment Program, the integrated~~
8 ~~Louisiana Educational Assessment Program (iLEAP), and graduation exit~~
9 ~~examinations~~ and that the results of such examinations are provided to parents or
10 legal guardians.

11 §4024. Reports

12 The ~~Department of Education~~ department annually shall report to the Senate
13 Committee on Education, the House Committee on Education, and the Joint
14 Legislative Committee on the Budget regarding the implementation of the program,
15 including the number of eligible students receiving scholarships, a list of
16 participating schools and the number of scholarship recipients each such school
17 enrolled, and aggregate test result data for the scholarship recipients enrolled in each
18 participating school.

19 §4025. Rules; severability

20 A. The State Board of Elementary and Secondary Education shall adopt and
21 promulgate rules and regulations in accordance with the Administrative Procedure
22 Act to implement the provisions of this Chapter.

23 B. If any provision of this Chapter or the application thereof is held invalid,
24 such invalidity shall not affect other provisions or applications of this Chapter which
25 can be given effect without the invalid provisions or applications, and to this end the
26 provisions of this Chapter are hereby declared severable.

27 C. The severability provision hereof shall be broadly construed so as to give
28 effect to each and every possible provision or application of this Chapter which is not
29 specifically held invalid, unlawful, or unconstitutional.

1 Section 2. R.S. 17:3991(B)(9) and 3996(A)(16) and (B)(4) are hereby repealed in
2 their entirety.

3 Section 3. The legislature finds that any delay in implementation of the provisions
4 of this Act would work to the detriment of children. Therefore, should any part of this Act
5 be legally challenged, the courts are urged to minimize all unnecessary delays, give
6 preferential docketing to such matter, and expedite judicial review, and may suspend all
7 applicable rules of court in contravention hereof and for this limited purpose.

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)]

Carter

HB No. 976

Abstract: Provides relative to school choice including the Student Scholarships for Educational Excellence Program; parent petitions for certain schools to be transferred to the RSD; and charter school authorizers, the chartering process, and course providers.

Parent Petitions for Transferring Schools to the RSD

Proposed law (R.S. 17:10.5(F)) provides for a public school to be transferred to the Recovery School District (RSD) if such transfer is approved by BESE and both of the following conditions are met:

- (1) Parents or legal guardians representing at least 51% of the students attending the school sign a petition requesting the transfer.
- (2) The school has received a letter grade of "F" or any variation thereof, for three consecutive years.

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. Requires the state Dept. of Education to maintain records regarding petition contents and outcomes. Provides that parents/legal guardians shall be free from harassment, threats, and intimidation related to the circulation or signing of petitions. Prohibits the use of school and district resources to support or oppose any effort by petitioning parents/legal guardians to gather signatures or sign petitions.

Provides that proposed law shall be in addition to present law (R.S. 17:10.5(A)) process for transferring certain schools to the RSD.

Charter Schools

Present law provides generally for charter schools, which are public schools that operate somewhat independently of the local school board but pursuant to a charter agreement. Generally, a nonprofit organization that wishes to run a charter school, the "chartering group", applies to the local school board or to the State Board of Elementary and Secondary Education (BESE), the "chartering authority", for permission to operate a school. If the

application is approved, the chartering authority enters an agreement with the chartering group, and the agreement specifies the goals and objectives and terms and conditions applicable to the particular school.

Proposed law amends the chartering process (see **Chartering Process** in this digest); provides for a new type of chartering authority (see **Local Charter Authorizers** in this digest); and provides for the chartering of providers of individual courses other than schools (see **Course Providers** in this digest).

Chartering Process

Proposed law requires that BESE approve a common charter application, developed by the Dept. of Education, for use by all chartering authorities including school boards and BESE pursuant to present law and local charter authorizers pursuant to proposed law.

Proposed law requires that BESE recruit chartering groups that offer programs that address regional workforce needs; such programs may include vocational and technical education and industry-based certifications.

Present law provides for the duties of local school boards in chartering schools. Proposed law amends present law as follows:

- (1) Present law requires the school board to determine whether a proposed charter is valid, complete, financially well-structured, and educationally sound, whether it provides for a master plan for improving behavior and discipline in accordance with present law, whether it provides a plan for collecting data in accordance with present law, and whether it offers potential for fulfilling the purposes of the charter school law. Requires a transparent application review process that complies with standards established by the National Association of Charter School Authorizers. Requires that school boards post specified information regarding charter applications on their websites. Proposed law retains present law.
- (2) Present law requires an independent evaluation of the charter proposal by a third party with educational, organizational, legal, and financial expertise. Present law requires that prior to final consideration by the school board, the chartering group be afforded an opportunity to revise and resubmit an application in response to the independent evaluation. Proposed law removes requirement for opportunity to revise and resubmit and provides instead for opportunity to submit a written response and that such a response shall be available to the independent reviewer before it makes its final recommendation.
- (3) Present law authorizes school boards to accept charter applications until Feb. 28 each year and requires school boards to act upon charter applications within 90 days after submission and in the order of submission. Proposed law requires instead that school boards act within time lines established by BESE that are consistent with national best practices. Provides that the BESE time lines shall provide for an annual charter application process and afford school boards at least 90 days to evaluate applications. Proposed law further requires that each school board use the common charter application developed by the department and approved by BESE, but authorizes the school board to request additional information.
- (4) Present law provides that if an applicant has not received a decision from the school board after 90 days, the chartering group may apply to BESE for a charter. Proposed law removes this provision and provides instead that if a local board fails to comply with present law and proposed law regarding application for charters, the charter applicant may submit its proposal to BESE. Requires BESE to determine whether the local board failed to comply with present law and proposed law, and if it so determines, it may review the charter proposal.

Relative to the evaluation of charter proposals by BESE, proposed law requires that BESE create a process for authorizing multiple charter schools for chartering groups that have a demonstrated record of success including groups that do not operate any schools in La. A group that meets qualifications established by BESE may enter agreements with BESE to operate more than one charter school under a single agreement.

Present law provides that a charter may be approved subject to other conditions if the parties agree. Proposed law additionally provides that if the local board or local charter authorizer seeks to amend the charter agreement in a manner that is unacceptable to the charter school or if the charter school finds requested terms for charter renewal to be unacceptable, the charter school may apply to BESE for a charter. Requires BESE to notify the local board or local charter authorizer of the request and permit the local board to respond prior to any action.

Present law provides that if a school system is academically in crisis, a charter application that would otherwise be made to the local school board may be made to BESE. Proposed law retains present law and provides that if the local school system has received a "D" or an "F" under the school and district accountability system, the chartering group may apply directly to BESE.

Relative to admission requirements for proposed charters, present law requires that such charters contain or provide for a system for admission decisions that prohibits exclusion of students based on race, religion, special education needs, and other specified factors. Permits admission requirements related to a school's mission such as auditions for performing arts schools and academic achievement for college preparatory schools. Proposed law retains present law except deletes present law allowance for inclusion of academic achievement for college preparatory schools and provides instead that schools chartered prior to July 1, 2012, with certain academic achievement as part of the admission requirements may continue to use such requirements. Proposed law further adds an allowance for proficiency in a foreign language for schools with a language immersion mission.

Present law requires that all charter schools, except those in the Recovery School District, employ teachers certified by the state board or the French Ministry of Education for at least 75% of the instructional staff. Provides that the remaining staff shall meet one of the following requirements:

- (1) Be authorized under law or BESE regulation to teach temporarily while seeking a regular teaching certificate.
- (2) Have at least a bachelor's degree or at least 10 years of experience related to the teaching position, demonstrate exemplary skills in his field of expertise, and be providing instruction under the supervision of a certified teacher.

With respect to charter schools in the Recovery School District, present law requires each school:

- (1) Beginning no later than the second school year of operation, have not less than the percentage of BESE-certified teachers than was the case in the school prior to its transfer to the Recovery School District.
- (2) Beginning no later than the third school year of operation, have a BESE-certified teacher teaching every core subject.
- (3) Other instructional staff shall meet the same requirements that other types of charter schools are required to meet.

Proposed law removes these requirements and requires that all instructional staff at a charter school have at least a baccalaureate degree.

Present law provides that approved charters are valid for an initial period of five years. Proposed law provides that the initial period is four years but the initial period may be extended for an additional year. Present law provides that after the initial period, a charter may be renewed for periods of not less than three nor more than 10 years. Proposed law retains present law.

Present law provides that the process for renewing a charter shall be the same as for initial charter approval, with a written report being provided annually to the chartering authority regarding the school's academic progress that year. Proposed law removes present law.

Present law requires that each charter school provide a comprehensive report to its chartering authority after three years of operation. If the school is achieving its goals, the charter is extended for an additional two years. Proposed law requires instead that the chartering authority review each charter school after three years; if the school is meeting its goals, the initial charter period may be extended to include the fifth year; if not, the charter expires at the end of the fourth year.

Present law provides that a charter is automatically renewed if the school has met or exceeded for the three preceding years the benchmarks established for it in accordance with present law, has demonstrated growth in student academic achievement for the three preceding schools years, and has had no significant audit findings during the term of the charter agreement. Proposed law provides that the chartering group that qualifies for automatic renewal and has received a letter grade of "A" or "B" or any variation thereof is eligible to open and operate two additional schools that serve the same grade levels and the same enrollment boundaries without formal application. Requires that the chartering group notify the chartering authority of its intent to open additional charter schools at least 120 calendar days prior to enrolling students and enter a charter agreement at least 90 calendar days prior to enrolling students.

Present law requires BESE to review information regarding the laws, regulations, and policies from which charter schools are exempt to determine if the exemptions assisted or impeded the charter schools in meeting their stated goals and objectives. Further requires BESE to report to the governor and to the legislative education committees, no later than Jan. 1, 2001, on its findings. Requires that the report include statistical analysis of performance. Proposed law repeals present law.

Proposed law prohibits persons convicted of or having pled nolo contendere to specified crimes listed in present law (R.S. 15:587.1(C)) from being hired by a charter school as a teacher, substitute teacher, bus driver, substitute bus driver, or janitor, or as a temporary, part-time, or permanent school employee of any kind, unless approved in writing by a district judge and the district attorney or, if employed on an emergency basis, unless approved in writing by the administrator of a chartering authority. Present law crimes include but are not limited to first and second degree murder, aggravated rape, sexual battery, aggravated kidnaping, incest, carnal knowledge of a juvenile, molestation of a juvenile, prostitution, crime against nature, child desertion, cruelty to the infirmed, obscenity, and distribution or possession with intent to distribute certain narcotic drugs.

Local Charter Authorizers

Proposed law requires that BESE establish procedures for certifying other entities, other than BESE itself and local school boards, as "local charter authorizers". State agencies and nonprofit corporations with an educational mission may be certified as local charter authorizers. An entity which has been certified by BESE as a local charter authorizer may accept, evaluate, and approve applications for charter schools from chartering groups.

With respect to the local charter authorizers, proposed law provides that BESE:

- (1) Shall not certify a nonprofit corporation as a charter authorizer unless it has been in existence for at least three years and it has not less than \$500,000 in assets.
- (2) Shall not certify a chartering group as a local charter authorizer.
- (3) Shall not certify more than five local charter authorizers to operate in any Regional Labor Market Area, as defined by the La. Workforce Commission, at any given time.

Proposed law provides for monitoring and standards for local charter authorizers and the schools they charter by BESE.

Proposed law provides that the initial certification of a local charter authorizer shall be for a period of five years. Certification may be renewed for periods of not less than three and not more than 10 years. Proposed law requires BESE to conduct a thorough review of schools chartered by the local charter authorizer every three years, renewal of certification and continuing authority to authorize charter schools are dependent on the grades received by the schools chartered by the authorizer. If a local charter authorizer loses its certification, its schools are transferred to BESE or the Recovery School District as charter schools.

Proposed law authorizes BESE to rescind a charter issued by a local charter authorizer if BESE finds that the local charter authorizer failed to comply with procedures and requirements in approving the charter.

Proposed law prohibits the certification of any local charter authorizer which has an officer, administrator, director, or any person having managerial authority who has been convicted of or has pled nolo contendere to any crime defined as a felony or has been convicted under the laws of any other state or of the U.S. or of any foreign government or country of a crime which, if committed in this state, would be a felony. Provides that this prohibition shall not apply to any person who has been pardoned or if more than 15 years have elapsed after the date of the completion of his original sentence.

Proposed law generally provides that a local charter authorizer is subject to the same requirements regarding the process for charter applications and evaluations as present law and proposed law provides for local school boards (see discussion of duties of local school boards in chartering schools under Chartering Process in this digest).

Proposed law provides that local charter authorizers may charter new schools or existing schools which convert to charter schools; any such school is referred to as a Type 1B charter school. Provides that pupils who reside within the state are eligible to attend as provided in the charter.

Present law provides that a state chartered school is a local education agency for purposes of special education funding and that the local school board is the local education agency for charter schools it has authorized. Proposed law provides that a school authorized by a local charter authorizer is a local education agency.

Present law provides that assets acquired by a charter school (except Type 4) are the property of that school for the duration of that school's charter agreement. Proposed law retains present law and makes it applicable to charter schools authorized by local charter authorizers. Proposed law requires that assets that become the property of a local charter authorizer be used solely for purposes of operating charter schools.

Present law requires that charter schools adopt budgets in accordance with the La. Local Government Budget Act. Proposed law retains present law and makes it applicable to charter schools authorized by local charter authorizers. Requires that such schools submit their budgets to their local charter authorizer.

Present law establishes the La. Charter School Start-Up Loan Fund to provide no-interest loans to assist charter schools get started. Proposed law provides that schools authorized by local charter authorizers are eligible for loans from the fund.

Course Providers

Proposed law (R.S. 17:4002.1-4002.6) provides for the Course Choice Program. Requires the State Board of Elementary and Secondary Education (BESE) to create a process for authorizing course providers, including online or virtual providers, postsecondary education institutions, and corporations that offer vocational or technical courses. Provides that the process shall include certain required information to be provided by proposed authorizers, including the administration of state assessments, the parishes or school systems where the provider will operate, the proposed courses offered, and the alignment of the courses with any approved La. diploma. Provides for an initial authorization period of three years and provides for reauthorization for additional periods of three to five years.

Requires BESE to adopt rules for implementation of proposed law. Provides for monitoring and evaluation of course providers by BESE. Further requires BESE to create a common course numbering process and course catalogue for all courses and a reciprocal teacher certification process for certain teachers residing in other states who are employed by course providers. Requires local school systems to establish policies and procedures for counting credits earned by and administering state tests to eligible students and for all services to be provided to eligible students, including those with Individual Education Plans.

Specifies that course providers shall receive a per course amount for each eligible funded student which shall be 1/6 of 90% of the annual Minimum Foundation Program (MFP) per pupil amount. Requires any remaining funds (with certain exceptions) to be returned to the state or the local school system according to the pro rata share for the annual MFP per pupil amount for the school system in which the student resides. Further requires 10% of the per pupil amount according to such pro rata share to remain with the local school system in which the student is enrolled full time to be used to finance any administrative or operational costs to support students enrolled in courses offered by course providers as determined by BESE. For eligible students who receive scholarships pursuant to present law and proposed law (R.S. 17:4011-4025), requires that the course provider shall receive payment only for the courses in which the student is enrolled pursuant to proposed law and the remaining funds for each student, up to the maximum amount as determined by the MFP, stay with the participating school in which the student is enrolled.

Allows course providers to charge tuition to eligible participating students in an amount determined by the provider. Provides that 51% of the tuition to be paid or transferred through the MFP to the course provider shall be done so upon student enrollment in a course, and 51% shall be paid or transferred upon course completion. Provides that under specified circumstances, the course provider shall receive 40% of the course amount if the student fails to complete the course in the time required by the provider.

Defines eligible students as those enrolled in certain public schools, home study programs, and nonpublic schools. Provides that certain test scores of eligible students shall be counted in the school performance score for the school where the student is enrolled full time. Requires the state Dept. of Education to publish such test scores on its website.

Student Scholarships for Educational Excellence Program

Present law provides for the Student Scholarships for Educational Excellence Program for eligible K-six students. Provides that eligible students shall be those in Orleans Parish from families with a total income not exceeding 250% of the current federal poverty guidelines. Provides for scholarships to be awarded to eligible students to attend public and nonpublic schools in Orleans Parish that volunteer to participate in the program and meet certain eligibility requirements including that public schools be academically acceptable. Limits

enrollment of scholarship recipients at a nonpublic school that has been in operation for less than two years to 20% of total enrollment but permits waivers of this limitation by the state Dept. of Education.

Provides for a random selection process coordinated by the department and conducted by participating schools when there are more program applicants than seats available. Permits participating schools to give enrollment preferences to siblings of students already enrolled in the participating school. Permits scholarship recipients to remain eligible to receive scholarships in each succeeding year that they remain enrolled in a participating school through grade 12 unless determined ineligible by the department. Requires notice from schools seeking to participate. Requires participating nonpublic schools to ensure that scholarship recipients are administered all examinations required pursuant to the state's school and district accountability program.

Provides for scholarship amounts equivalent to 90% of the per pupil amount for Orleans Parish school system from combined state and local sources (or the amount of tuition and fees for participating nonpublic schools) and provides for an added amount for special education services. Prohibits participating public schools from receiving any MFP funds for scholarship recipients. Specifies that funding shall be provided by legislative appropriation from the state general fund. Requires the department to remit scholarship payments to participating schools on behalf of the parents/legal guardians who shall assign the full value of the scholarship to the participating school.

Provides for administration of the program by the state Dept. of Education in accordance with rules and regulations adopted by the State Board of Elementary and Secondary Education (BESE). Requires the department annually to report to the House and Senate education committees and the Joint Legislative Committee on the Budget on the implementation of the program including specified information.

Proposed law changes the program as follows:

- (1) Eligible students shall be those residing in La. (instead of Orleans Parish only) from families with a total income not exceeding 250% of the current federal poverty guidelines who are entering kindergarten, were enrolled in a La. public school on Feb. 1 of the previous year that had a letter grade of C, D, or F or any variation thereof, or received a scholarship the previous school year. Specifies that those students entering kindergarten shall have enrolled in the local school system where the public school they otherwise would have attended is located or in an RSD school.
- (2) Eligible participating schools shall be those throughout La. (instead of in Orleans Parish only) that meet program requirements. Adds that public school participation shall be subject to any applicable court-ordered desegregation plans.
- (3) Provides that the state Dept. of Education shall conduct the random selection process until each seat is filled. Authorizes the department to give enrollment preferences to siblings and to students enrolled in the Nonpublic School Early Childhood Development Program at the participating school, students transferring from an ineligible school, and students residing in parishes as may be specified by eligible participating schools. Permits a unified enrollment system administered by the Recovery School District to be the random selection process.
- (4) Requires that only after students from "D" and "F" public schools are placed in participating schools indicated on the students' applications, students from "C" schools shall be entered into the random selection process and shall be provided an equal opportunity for selection into that particular participating school.
- (5) Requires the principal of an eligible public school to submit the notice of intent for program participation with the local superintendent's approval and further requires

- the local school board to delegate the authority to participate in the program to the local superintendent. Requires that the notice include the number of seats available per grade and whether the school will offer enrollment preferences to students based on the parishes where they reside.
- (6) Changes/updates notification deadlines for participating schools.
 - (7) Requires that applications from parents/legal guardians shall indicate their choices of participating schools and requires that scholarship recipients be placed according to the indicated preferences.
 - (8) Deletes requirements that the department annually verify student eligibility status.
 - (9) Relative to nonpublic schools accepting scholarship students as more than 20% of total enrollment, requires that the school has to have been approved, provisionally approved, or probationally approved for more than two years instead of in operation for such time and removes authority for the department to waive this requirement.
 - (10) Deletes eligibility requirement that a public school be academically acceptable and instead requires that the school have a letter grade of A or B or any variation thereof, for the most recent school year.
 - (11) Deletes that a scholarship recipient already participating in the program may be determined ineligible and disqualified from participating in the program in subsequent years.
 - (12) Specifies that if a scholarship recipient remains enrolled in a school after the school withdraws from the program, it shall be at no cost to the state or the parents.
 - (13) Excludes scholarship recipients attending participating nonpublic schools from present law that requires local school boards to provide free transportation to students who reside more than one mile from school.
 - (14) Requires the department annually to publish certain student test result data, a list of public schools with certain letter grades, cohort graduation rates, retention rates, and parental satisfaction rates for participating schools as applicable. Requires participating schools to inform parents of certain test result data compiled and received from the department.
 - (15) Deletes requirement that the scholarship amount for participating schools be 90% of the per pupil amount or applicable tuition costs and instead requires BESE annually to allocate from the MFP to each participating school, an amount equal to the amount allocated per pupil to the local school system in which the participating student resides. Provides that such amount shall be counted toward the equitable allocation of funds appropriated to local school systems as provided in present constitution (Art. 8, §13). For participating schools that charge tuition, provides that under certain circumstances, any remaining funds shall be returned to the state or to the local public school system according to the pro rata share for the annual per pupil amount as determined by the MFP.
 - (16) Requires transfers of scholarship payments to be made by the department to participating schools on behalf of the responsible local school districts and prohibits the transfer of any locally levied school district tax revenues to any participating school located outside of the school district where the tax is levied or any participating nonpublic school within the district.
 - (17) Provides that scholarship recipients shall be considered public school students for MFP funding purposes.

- (18) For program funding purposes, requires students entering kindergarten to enroll in their local public school system or in an RSD school and requires school systems and the RSD to conduct and report their annual kindergarten enrollment in accordance with a time line specified by the department prior to the program enrollment process.
- (19) Deletes the requirement that federal special education funding be added for special education students receiving scholarships, the prohibition on participating schools receiving any MFP funds for scholarship recipients, and the requirement that funding be provided by legislative appropriation from the state general fund.
- (20) Provides that parents of scholarship recipients in participating nonpublic schools who are entitled to special education services shall acknowledge their acceptance of only such services that are available to all students enrolled in the nonpublic school. Permits the parents to make a parental placement to receive the services from a nonpublic school that has demonstrated capacity to offer the services. Allows participating nonpublic schools to charge higher tuition for special education students. Requires that to be determined to have demonstrated capacity to offer special education services, a participating nonpublic school shall meet certain criteria including having had provided special education services for at least two years under specified conditions.
- (21) Requires BESE annually to allocate from the MFP to each participating school a per pupil amount equal to a special education tuition amount which is in addition to the nonpublic school's maximum scholarship payment. Prohibits the total of the payment and the special education tuition from exceeding the amount allocated for that student to the local school system.
- (22) Prohibits a participating nonpublic school from discriminating against a child with special educational needs during the program admissions process. Specifies that a participating school is required to offer only those services that it already provides or those that it can provide with minor adjustments. Permits a nonpublic school to partner with the local school system to provide special education services. Requires the department to make available to parents information regarding the services a participating school will provide, the services the local school system will provide, and the services the local school system currently provides to children with special needs who are enrolled in a nonpublic school.
- (23) Requires the department, by Aug. 1, 2012, to develop criteria for participation that includes an accountability system for participating students at participating schools and prohibits any change to such system except by an act of the legislature.
- (24) Provides for severability if any provision of present law or proposed law is held invalid, unlawful, or unconstitutional.

Judicial Review

Proposed law provides that if any part of present law and proposed law is legally challenged, the courts are urged to minimize all unnecessary delays, give preferential docketing, and expedite judicial review, and may suspend all applicable rules of court for this limited purpose.

(Amends R.S. 17:22(7)(a), 158(A)(1), 3973(3)-(6), 3981(4), 3982(A)(1)(a) and (2) and (B), 3983(A)(2)(a)(i), (3)(a), and (4)(a), (b), and (d), (B)(2), and (D), 3991(B)(3) and (13), (C)(1)(c)(iv) and (6), (D)(2)(a)(i), and (H), 3992(A)(1), 3995(A)(1)(intro. para.) and (c) and (4)(a), 3996(C) and (G), 3998, 4001(A) and (C)(1) and (2), and 4011-4025; Adds R.S. 17:10.5(F), 3973(2)(b)(vi) and (7), 3981(7) and (8), 3981.1, 3981.2, 3982(A)(3), 3983(A)(2)(a)(iii) and (d) and (3)(d) and (E)(3), 3992(D), and 4002.1-4002.6; Repeals R.S. 17:3991(B)(9) and 3996(A)(16) and (B)(4))

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Education to the original bill.

1. Deletes present law allowing proposed charters to include academic achievement for college preparatory schools as admission requirements and provides instead that schools chartered prior to July 1, 2012, with certain academic achievement as part of the admission requirements may continue to use such requirements.
2. Permits that admission requirements of proposed charters may include proficiency in a foreign language for schools with a language immersion mission.
3. Makes present law requirement that assets acquired by a charter school (except Type 4) remain the property of that school for the duration of that school's charter agreement applicable to charter schools authorized by local charter authorizers.
4. Adds that assets that become the property of a local charter authorizer shall be used solely for purposes of operating charter schools.
5. Requires that in addition to qualifying for automatic renewal to be eligible to open and operate two additional schools without formal application, a chartering group also shall have received a letter grade of "A" or "B" or any variation thereof.
6. Relative to course providers, removes home study students from the definition of "eligible funded student" and instead includes such students in the definition of "eligible participating student".
7. Relative to funding for eligible participating students (in the Course Choice Program) who receive scholarships pursuant to the scholarship program, requires that the course provider shall receive payment only for the courses in which the student is enrolled pursuant to proposed law and the remaining funds for each student, up to the maximum amount as determined by the MFP, stay with the participating school in which the student is enrolled.
8. Relative to the Student Scholarships for Education Excellence Program, adds to enrollment requirements for students entering kindergarten that they enroll in their local public school system or in an RSD school and also requires the RSD to conduct and report its annual kindergarten enrollment.
9. Adds requirement that the notice of intent from a school seeking to participate in the program include whether the school elects to offer enrollment preferences to students based on the parishes where they reside.
10. Adds authorization for the state Dept. of Education to give enrollment preferences to students residing in parishes as may be specified by eligible participating schools in their notices of intent.
11. Provides that the state Dept. of Education shall conduct the random selection process until each seat is filled according to the department's established time line instead of prior to the start of the school year.
12. Provides that in order to accept scholarship students as more than 20% of total enrollment, a nonpublic school has to have been approved, provisionally approved, or probationally approved for more than two years instead of in

operation for such time and deletes present law and proposed law waiver authority and related criterion.

House Floor Amendments to the engrossed bill.

1. Prohibits persons convicted of or that pled nolo contendere to specified crimes listed in present law from being hired by a charter school unless approved in writing by a district judge and the district attorney or, if employed on an emergency basis, unless approved in writing by the administrator of a chartering authority.
2. Prohibits, with exceptions, the certification of any local charter authorizer which has any person having managerial authority who has been convicted of or has pled nolo contendere to any felony crime or has been convicted of a crime anywhere which, if committed in this state, would be a felony.
3. Relative to the scholarship program: Requires that only after students from "D" and "F" public schools are placed in participating schools shall students from "C" schools be entered into the random selection process.
4. Prohibits the transfer of any local school district tax revenues to any participating school located outside of the school district or any participating nonpublic school.
5. Requires the department, by Aug. 1, 2012, to develop criteria for participation that includes an accountability system for participating students and prohibits any change to such system except by an act of the legislature.
6. Deletes requirement that parents of scholarship recipients in participating nonpublic schools who are entitled to special education services indicate how or if the student will receive special education services and instead requires parents to acknowledge their acceptance of only such services as are available to all students enrolled in the nonpublic school.
7. Permits parents to make a parental placement to receive special education services from a nonpublic school that has demonstrated capacity to offer the services.
8. Prohibits a participating nonpublic school from discriminating against a child with special educational needs during the program admissions process.
9. Requires participating schools to offer only those special education services that it already provides or such services as it can provide with minor adjustments and permits a nonpublic school to partner with the local school system to provide special education services.
10. Requires the department to make available to parents information regarding special education services.
11. Provides for severability of any provisions of present law or proposed law relative to the scholarship program.
12. Provides that if any part of the Act is legally challenged, the courts are urged to minimize all unnecessary delays, give preferential docketing to such matter, expedite judicial review, and may suspend all applicable rules of court in contravention hereof and for this limited purpose.