

2016 Regular Session

HOUSE BILL NO. 167

BY REPRESENTATIVE SMITH

SCHOOLS/CHARTER: Prohibits the State Bd. of Elementary and Secondary Education (BESE) from authorizing certain types of charter schools under certain fiscal circumstances

1 AN ACT

2 To enact R.S. 17:3981(9), relative to charter schools; to provide relative to the powers and
3 duties of the State Board of Elementary and Secondary Education with respect to
4 charter schools; to prohibit the board from authorizing certain types of charter
5 schools under specified fiscal conditions; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 17:3981(9) is hereby enacted to read as follows:

8 §3981. State Board of Elementary and Secondary Education; powers and duties
9 relative to charter schools

10 The State Board of Elementary and Secondary Education shall:

11 * * *

12 (9) Cease authorizing Type 2 and Type 5 charter schools for the remainder
13 of a fiscal year if the appropriation for the minimum foundation program for that
14 year is reduced as provided in Article VII, Section 10(F) or Article VIII, Section
15 13(B) of the Constitution of Louisiana.

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)]

HB 167 Original

2016 Regular Session

Smith

Abstract: Prohibits the State Bd. of Elementary and Secondary Education from authorizing Type 2 and Type 5 charter schools in any fiscal year that the governor or the legislature reduces the minimum foundation program (MFP) appropriation.

Present law provides generally relative to charter schools, including that they may be authorized by a local school board, a local charter authorizer, or the State Bd. of Elementary and Secondary Education (BESE). Defines seven types of charter schools, including Type 2 and Type 5 charter schools, both of which types are BESE-authorized. A Type 2 is a new or preexisting school, and a Type 5 is a failing school transferred to the Recovery School District.

Proposed law retains present law but prohibits BESE from authorizing Type 2 and Type 5 charter schools for the remainder of a fiscal year if the appropriation for the minimum foundation program (MFP) is reduced by the governor or the legislature as authorized in present constitution.

Present constitution requires BESE to annually develop and adopt a formula used to determine the cost of a minimum foundation program (MFP) of education in all public schools and to equitably allocate the funds to public school systems. Requires the legislature to annually appropriate funds sufficient to fully fund the current cost to the state of such a program as determined by applying the approved formula in order to ensure a minimum foundation of education in all public schools. Present constitution provides scenarios under which the governor or the legislature may reduce the MFP appropriation; these scenarios vary depending on certain factors, including if there is a projected deficit and if the reduction would occur in consideration of the operating budget of the current fiscal year or the next.

(Adds R.S. 17:3981(9))