

Regular Session, 2010
HOUSE BILL NO. 420
BY REPRESENTATIVE LEGER

ACT No. 370

1 AN ACT

2 To amend and reenact R.S. 17:3995(A)(1) and (2) and to repeal R.S. 17:3995(A)(3), relative
3 to charter school funding; to provide relative to the use of certain local revenues for
4 computing and allocating the per pupil amount provided to all charter schools; to
5 provide exceptions; to remove provisions requiring certain minimum per pupil
6 funding amounts pursuant to the most recent legislatively approved minimum
7 foundation program formula; to provide an effective date; and to provide for related
8 matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 17:3995(A)(1) and (2) are hereby amended and reenacted to read as
11 follows:

12 §3995. Charter school funding

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

1 received by the school district in which the charter school is located from the
 2 following sources based on the district's October first membership count:

3 (a) The state-funded per pupil allocation received by the district pursuant to
 4 the most recent legislatively approved minimum foundation program formula
 5 resolution, including all levels.

6 (b)(i) Local revenues received during the prior year by the school district
 7 from the following sources; ~~excluding any portion which has been specifically~~
 8 ~~dedicated by the legislature or by voter approval to capital outlay or debt service:~~

9 (i)(aa) Sales and use taxes, less any tax collection fee paid by the school
 10 district.

11 (ii)(bb) Ad valorem taxes, less any tax collection fee paid by the school
 12 district.

13 (iii)(cc) Earnings from sixteenth section lands owned by the school district.

14 (ii) For the purposes of this Subparagraph, local revenues shall exclude any
 15 portion which has been specifically dedicated by the legislature or by voter approval
 16 to capital outlay or debt service.

17 (iii) For the purposes of this Subparagraph, local revenues of the Orleans
 18 Parish School Board also shall exclude the amounts set forth in R.S.
 19 17:1990(C)(2)(a)(iii) until such provisions relative to the specified amounts expire.

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

26 (2)(a) Initial allocation of the per pupil amount required in Paragraph (1) of
 27 this Subsection shall be based on estimates provided by the state Department of
 28 Education using the most recent projected prior year local revenue data and projected
 29 pupil counts available. Allocations shall be adjusted during the year to reflect actual
 30 pupil counts and actual prior year local revenue collections.

1 (b) In order to provide for adjustments in allocations made to Type 2 charter
 2 schools as a result of changes in enrollment, the State Board of Elementary and
 3 Secondary Education may provide annually for a February fifteenth pupil
 4 membership count to reflect any changes in pupil enrollment that may occur after
 5 October first of each year. Any allocation adjustment made pursuant to this
 6 Subparagraph shall not be retroactive and shall be applicable for the period from
 7 March first through the end of the school year. The provisions of this Subparagraph
 8 relative to an allocation adjustment shall not be applicable to any Type 2 charter
 9 school that has had an increase or decrease in student enrollment of five percent or
 10 less in any school year for which the February fifteenth membership count occurs.

11 * * *

12 Section 2. R.S. 17:3995(A)(3) is hereby repealed in its entirety.

13 Section 3. The provisions of R.S. 17:3995(A)(1)(b)(iii) as contained in this Act shall
 14 become effective if Senate Bill No. 240 of the 2010 Regular Session of the Legislature is
 15 enacted and becomes effective.

16 Section 4. This Act shall become effective on July 1, 2010; if vetoed by the governor
 17 and subsequently approved by the legislature, this Act shall become effective on July 1,
 18 2010, or on the day following such approval by the legislature, whichever is later.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____