

Regular Session, 2010

HOUSE BILL NO. 962

BY REPRESENTATIVES CARTER, BOBBY BADON, HENRY BURNS, TIM BURNS, CARMODY, CHAMPAGNE, CONNICK, GISCLAIR, HARDY, HOFFMANN, KATZ, LABRUZZO, LIGI, NOWLIN, RICHARD, ROBIDEAUX, SIMON, SMILEY, WILLIAMS, AND WOOTON AND SENATORS APPEL, BROOME, DONAHUE, DUPLESSIS, MARTINY, AND QUINN

SCHOOLS/CHARTER: Provides relative to the review process for charter school applications

1 AN ACT

2 To amend and reenact R.S. 17:3982(A)(1)(a) and (2) and (B) and 3992(A)(1) and (2),
3 relative to charter schools; to provide relative to the process for submission, review,
4 and approval of charter school proposals and renewal of charters; to provide relative
5 to the use of local school board facilities and property by a chartering group; and to
6 provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 17:3982(A)(1)(a) and (2) and (B) and 3992(A)(1) and (2) are hereby
9 amended and reenacted to read as follows:

10 §3982. Local school boards; duties

11 A.(1)(a)(i) Local school boards shall comply with R.S. 17:3983 and shall
12 review and formally act upon each proposed charter within ~~thirty~~ ninety days of its
13 submission and in the order in which submitted. In doing such review, the local
14 school board shall determine whether each proposed charter complies with the law
15 and rules, whether the proposal is valid, complete, financially well-structured, and
16 educationally sound, and whether it offers potential for fulfilling the purposes of this
17 Chapter. The local board shall engage in ~~an~~ a transparent application review process
18 that complies with the latest Principles and Standards for Quality Charter School

1 Authorizing, as promulgated by the National Association of Charter School
2 Authorizers, and shall provide for an independent evaluation of the charter proposal
3 by a third party with educational, organizational, legal, and financial expertise.

4 (ii) A local school board may accept charter proposals until February twenty-
5 eighth of each year and shall provide written notification of its final decision on a
6 charter proposal submitted for its review to the chartering group not later than May
7 thirty-first. Notifications of charter proposals denied shall include written
8 explanation of the reasons for such denial.

9 * * *

10 (2) ~~Such formal review and action does not require final approval or~~
11 ~~disapproval of such charter school proposal within thirty days, but within such time~~
12 ~~the local school board shall indicate whether it is interested in working with the~~
13 ~~charter school group on its proposal and what specific time line and procedures the~~
14 ~~local school board will follow prior to coming to a final decision. If the local school~~
15 ~~board expresses within thirty days no interest in working with the group, or if The~~
16 ~~local school board shall make public through its website, and in printed form upon~~
17 ~~request, the guidelines for submitting a charter proposal, all forms required for~~
18 ~~submission of a charter proposal, the timelines established for accepting and~~
19 ~~reviewing charter proposals, the process that will be used to review charter proposals~~
20 ~~submitted to the board, and the name and contact information for a primary point of~~
21 ~~contact for charter proposals. If no final decision is received within ~~sixty~~ ninety days~~
22 ~~after the submission of the proposal, then the chartering group may submit its~~
23 ~~proposal to the state board for its review. ~~The local board shall make public the~~~~
24 ~~process used to review any charter proposals received.~~

25 B. Local school boards shall make available to chartering groups any vacant
26 school facilities or any facility slated to be vacant for lease or purchase at up to fair
27 market value. In the case of a Type 2 charter school created as a result of a
28 conversion, the facility and all property within the existing school shall ~~also~~ be made
29 available to that chartering group ~~under similar terms~~. In return for the use of the

1 facility and its contents, the chartering group shall pay a proportionate share of the
2 local school board's bonded indebtedness to be calculated in the same manner as set
3 forth in R.S. 17:1990(C)(2)(a)(i). If such facilities were constructed at no cost to the
4 local school board, then such facilities including all equipment, books, instructional
5 materials, and furniture within such facilities shall be provided to the charter school
6 at no cost.

7 * * *

8 §3992. Charter revision and renewal

9 A.(1) Unless revoked as provided for in Subsection C of this Section, an
10 approved school charter shall be valid for an initial period of five years, contingent
11 upon the results of the reporting requirements at the end of the third year as provided
12 in R.S. 17:3998(A)(2), and may be renewed for additional periods of not less than
13 three nor more than ten years after thorough review by the approving chartering
14 authority of the charter school's operations and compliance with charter
15 requirements. The process for renewing a school charter shall be the same as for
16 initial charter approval, with a written report being provided annually to the
17 chartering authority regarding the school's academic progress that year. The
18 chartering authority shall notify the chartering group in writing of any decisions
19 made relative to the renewal or non-renewal of a school's charter not later than
20 January thirty-first of the year in which the charter would expire. Notifications of
21 charter proposals denied shall include written explanation of the reasons for such
22 denial. Pursuant to Subsection C of this Section and using such annual review
23 process, a charter may be revoked for failure to meet agreed-upon academic results
24 as specified in the charter.

25 (2)(a) No charter shall be renewed unless the charter renewal applicant can
26 demonstrate, using standardized test scores, improvement in the academic
27 performance of pupils over the term of the charter school's existence.

Proposed law deletes provisions that allow a local school board to refrain from final action on a submitted charter proposal within the specified time frame and instead requires the local school board to make public through its website, and in printed form upon request, the following:

- (1) Guidelines for submitting a charter proposal.
- (2) Forms required for submission of a charter proposal.
- (3) The timelines established for accepting and reviewing charter proposals.
- (4) The process that will be used to review charter proposals.
- (5) The name and contact information for the primary point of contact for charter proposals.

Proposed law deletes the 30-day time frame provided for response to a submitted charter proposal and instead provides that if no final decision is received within 90 days, the chartering group may submit its proposal to BESE for review.

Present law requires that local school boards make vacant school facilities of any facility slated to be vacant available to chartering groups for lease or purchase at fair market value.

Proposed law makes fair market value a maximum for the lease or purchase price.

Present law requires the chartering group, in return for use of such facilities, to pay a share of the local board's bonded indebtedness associated with such facilities, to be calculated in accordance with applicable law.

Proposed law specifies that the chartering group shall pay a proportionate share of the local school board's bonded indebtedness related to such facilities.

Present law provides that for a Type 2 charter created as the result of a conversion, the facility and all property within the existing school shall also be made available to the chartering group under similar terms.

Proposed law deletes the requirement that facilities be provided to these Type 2 charters "under similar terms".

Present law provides that an approved charter shall be valid for an initial period of five years and may be renewed for additional periods of not less than three nor more than 10 years. Provides that the process for renewing a school charter shall be the same as for initial charter approval.

Proposed law retains these provisions and additionally provides that the chartering authority shall notify a chartering group in writing of any decisions made relative to the renewal or non-renewal of a school's charter not later than Jan. 31 of the year in which the charter would expire. Further provides that notifications of charter proposals denied shall include a written explanation of the reasons for such denial.

Present law provides that no charter shall be renewed unless the charter renewal applicant can demonstrate using standardized test scores, improvement in the academic performance of pupils over the term of the charter school's existence.

Proposed law retains these provisions and additionally provides that:

- (1) Each charter school must be provided by the chartering authority with the criteria and procedures that will be used when considering whether to renew a school's charter.
- (2) A charter school which has met or exceeded for the three preceding school years the benchmarks established for it in accordance with the school and district accountability system, has demonstrated growth in student achievement for the three preceding school years, and has had no significant audit findings during the term of the charter agreement shall be deemed a high-performing school, and its charter shall be automatically renewed.

(Amends R.S. 17:3982(A)(1)(a) and (2) and (B) and 3992(A)(1) and (2))

Summary of Amendments Adopted by House

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

1. Changed proposed law relative to automatic renewal of charter schools that have met specified benchmarks and have demonstrated growth in student achievement to specify that such criteria shall have been met and demonstrated for the three preceding school years.