ORIGINAL

2023 Regular Session

SENATE CONCURRENT RESOLUTION NO. 34

BY SENATOR BOUIE

SCHOOLS. Creates a task force to study and make recommendations relative to the implementation of the "Charter School Demonstration Programs Law".

1	A CONCURRENT RESOLUTION
2	To create and provide for the Task Force on Charter School Demonstration Programs Law.
3	WHEREAS, the Charter School Demonstration Programs Law was originally
4	enacted as Act 192 of the 1995 Regular Session, as a pilot program to allow a small number
5	of school systems to volunteer to participate; and
6	WHEREAS, as stated in R.S. 17:3972, it was the intention of the legislature, in
7	enacting the Charter School Demonstration Programs Law, to authorize experimentation by
8	city and parish school boards by authorizing the creation of innovative kinds of independent
9	public schools for students; and
10	WHEREAS, it was also the intention of the legislature to provide a framework for
11	such experimentation by the creation of such schools, a means for all persons with valid
12	ideas and motivation to participate in the experiment, and a mechanism by which experiment
13	results can be analyzed, the positive results repeated or replicated, if appropriate, and the
14	negative results identified and eliminated; and
15	WHEREAS, finally, it was the intention of the legislature that the best interests of
16	students who are economically disadvantaged must be the overriding consideration in
17	implementing the provisions of the Charter School Demonstration Programs Law; and
18	WHEREAS, the legislature declared the purposes of Act 192 were to provide

1	opportunities for educators and others interested in educating pupils to form, operate, or be
2	employed within a charter school with each such school designed to accomplish one or more
3	of the following objectives:
4	(a) Improve pupil learning and, in general, the public school system;
5	(b) Increase learning opportunities and access to quality education for pupils;
6	(c) Encourage the use of different and innovative teaching methods and a variety of
7	governance, management, and administrative structures;
8	(d) Require appropriate assessment and measurement of academic learning results;
9	(e) Account better and more thoroughly for educational results;
10	(f) Create new professional opportunities for teachers and other school employees,
11	including the opportunity to be responsible for the learning program at the school site; and
12	WHEREAS, R.S. 24:177 states in part, "the text of a law is the best evidence of
13	<i>legislative intent</i> "; and
14	WHEREAS, the law was amended in 1997 to allow the State Board of Elementary
15	and Secondary Education and local public school boards to be chartering authorities; and
16	WHEREAS, the law currently authorizes six types of charter schools throughout the
17	state; and
18	WHEREAS, Type 1, Type 3, and Type 3B charter schools are authorized by local
19	school boards; and
20	WHEREAS, Type 2, Type 4, and Type 5 charter schools are authorized by the state
21	Board of Elementary and Secondary Education (BESE); and
22	WHEREAS, in 2008, BESE promulgated "Part CXXXIX. Bulletin 126-Charter
23	Schools" §105 Purpose of Charter Schools, in Louisiana Register 34:1358 (July 2008); and
24	WHEREAS, Paragraph C of §105 states "the charter school law expresses the
25	intention of the legislature that the best interests of economically-disadvantage pupils shall
26	be the overriding consideration in implementing the provisions of the law."; and
27	WHEREAS, in Paragraphs A, B, and D of Bulletin 126-Charter Schools §105, the
28	language found in R.S. 17:3972 was intentionally altered to purposely change the statement
29	of legislative intent and purpose of the Charter School Demonstration Programs Law; and
30	WHEREAS, unintended consequences and adverse effects have resulted for

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1 Louisiana's children in school districts most affected by the intentional alteration of the 2 legislative intent and purpose of the Charter School Demonstration Programs Law; and 3 WHEREAS, several legislative instruments have been introduced over the years that 4 addressed issues and concerns presented by the intent and purpose of the Charter School 5 Demonstration Programs Law; and 6 WHEREAS, those issues and concerns are more pressing today and need to be 7 addressed to clarify the specific intent and purpose of the legislature in enacting the Charter 8 School Demonstration Programs Law. 9 THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby 10 establish and provide for the Task Force on Charter School Demonstration Programs Law 11 to study and to propose recommendations, together with specific proposals for legislation, 12 by written report to the legislature and to the David R. Poynter Legislative Research Library 13 as required by R.S. 24:771 and 772, no later than January 5, 2024. 14 BE IT FURTHER RESOLVED that as part of its duties the task force shall: 15 (1) Clarify which state entity drafted the language altering the legislature's stated 16 intent and purpose contained in R.S. 17:3972. (2) Address the process used by BESE to approve the alteration of the language 17 18 contained in R.S. 17:3972 and to promulgate an illegal rule, §105 Purpose of Charter 19 Schools, in Louisiana Register 34:1358 (July 2008). 20 (3) Address the impact of the intentional alteration of the Charter Demonstration 21 Programs Law on the most affected school districts and their students. BE IT FURTHER RESOLVED that the task force shall be staffed by the Senate 22 23 Committee on Education. 24 BE IT FURTHER RESOLVED that the task force shall consist of the following 25 members: (1) The president of the Senate or his designee, who shall serve as the chairman of 26 the task force. 27 (2) The speaker of the House of Representatives or his designee. 28 (3) The chairman of the Senate Committee on Education or his designee. 29 30 (4) The chairman of the House Committee on Education or his designee.

1	(5) The president of BESE or his designee.
2	(6) The superintendent of the Department of Education or his designee.
3	(7) The president of the Louisiana Association of School Superintendents or his
4	designee.
5	(8) The executive director of the Louisiana Association of Public Charter Schools or
6	his designee.
7	(9) The president of the Louisiana Federation of Teachers or his designee.
8	(10) The president of the Louisiana Association of Educators or his designee.
9	(11) The president of the Orleans Parish School Board.
10	(12) The president of the East Baton Rouge Parish School Board.
11	BE IT FURTHER RESOLVED that each ex officio member who is allowed a
12	designee shall submit the name of the designee to the task force to the secretary of the Senate
13	no later than July 15, 2023.
14	BE IT FURTHER RESOLVED that no later than August 1, 2023, the chairman of
15	the task force shall convene the first meeting of the task force. At the first meeting, the
16	members may elect a vice chairman and other officers as the task force may deem
17	appropriate.
18	BE IT FURTHER RESOLVED that meetings of the task force shall be subject to the
19	Open Meetings Law, R.S. 42:11 et seq., and records of the task force shall be subjected to
20	the Public Records Law, R.S. 44:1 et seq.
21	BE IT FURTHER RESOLVED that a majority of the task force shall constitute a
22	quorum for the transaction of business. All official actions of the task force shall require the
23	affirmative vote of a majority of the members present and voting.
24	BE IT FURTHER RESOLVED that the members of the task force shall serve
25	without compensation, except per diem or expenses reimbursement to which they may be
26	individually entitled as members of their constituent organizations.
27	BE IT FURTHER RESOLVED that the task force shall terminate on the date of the
28	submission of its report or January 5, 2024, whichever occurs first.
29	BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the
30	president of the State Board of Elementary and Secondary Education, the state

- 1 superintendent of education, the executive director of the Louisiana Association of Public
- 2 Charter Schools, the president of the Louisiana Association of School Superintendents, the
- 3 president of the Louisiana Federation of Teachers, the president of the Louisiana Association
- 4 of Educators, the president of the Orleans Parish School Board, and the president of the East
- 5 Baton Rouge Parish School Board.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Michael Bell.

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DIGEST 2023 Regular Session

Bouie

Creates the Task Force on Charter School Demonstration Programs Law to study the intent and purposes of the Charter School Demonstration Programs Law and to submit a report to the legislature by February 1, 2024, on its findings and recommendations.