

Regular Session, 2009

SENATE BILL NO. 146

BY SENATORS DUPLESSIS, APPEL, CROWE, MICHOT, SMITH AND WALSWORTH
AND REPRESENTATIVES HENRY BURNS, CHAMPAGNE,
CORTEZ, FOIL, LITTLE, PUGH, ROBIDEAUX, SIMON, SMILEY,
JANE SMITH AND THIBAUT

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

SCHOOLS. Provides relative to charter schools. (gov sig)

1 AN ACT

2 To amend and reenact R.S. 17:3981(4), 3982(A)(1)(a) and (B), 3983(C)(1)(a), and

3 3991(C)(1)(c)(iii) and (E), relative to charter schools; to provide relative to the

4 review and evaluation of charter school proposals; to provide relative to public

5 school facilities and property made available to charter schools; to provide relative

6 to the vote required to convert an existing public school to a charter school; to

7 provide relative to enrollment preferences; to provide relative to support or affiliation

8 with charter schools by certain religious organizations or institutions; and to provide

9 for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 17:3981(4), 3982(A)(1)(a) and (B), 3983(C)(1)(a), and

12 3991(C)(1)(c)(iii) and (E) are hereby amended and reenacted to read as follows:

13 §3981. State Board of Elementary and Secondary Education; powers and duties

14 relative to charter schools

15 The State Board of Elementary and Secondary Education shall:

16 * * *

17 (4) Review each proposed charter in a timely manner and in the order in

1 which submitted and determine whether each proposed charter complies with the law
 2 and rules and whether the proposal is valid, complete, financially well-structured,
 3 educationally sound, and whether it offers potential for fulfilling the purposes of this
 4 Chapter. **The board shall engage in an application review process that complies**
 5 **with the latest Principles and Standards for Quality Charter School**
 6 **Authorizing, as promulgated by the National Association of Charter School**
 7 **Authorizers, and shall provide for an independent evaluation of the charter**
 8 **proposal by a third party with educational, organizational, legal, and financial**
 9 **expertise.**

10 * * *

11 §3982. Local school boards; duties

12 A.(1)(a) Local school boards shall comply with R.S. 17:3983 and shall
 13 review and formally act upon each proposed charter within thirty days of its
 14 submission and in the order in which submitted. In doing such review, the local
 15 school board shall determine whether each proposed charter complies with the law
 16 and rules, whether the proposal is valid, complete, financially well-structured, and
 17 educationally sound, and whether it offers potential for fulfilling the purposes of this
 18 Chapter. **The local board shall engage in an 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**
 22 **proposal by a third party with educational, organizational, legal, and financial**
 23 **expertise.**

24 * * *

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 fair market
 27 value. In the case of a type 2 charter school created as a result of a conversion, **the**
 28 **facility and** all property within the existing school shall also be made available to
 29 that chartering group under similar terms. If such facilities were constructed at no

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

4 * * *

5 §3983. Chartering process by type; eligibility; limitations; faculty approval; parental
6 approval

7 * * *

8 C.(1)(a) Approval by the faculty and staff who are certified by the state board
9 of a preexisting school proposed to be converted to a charter school requires a
10 favorable vote of ~~two-thirds~~ **the majority** of the members of such faculty and staff,
11 voting together each with one vote, at the preexisting school at an election held for
12 such purpose. The number needed for approval shall be determined by the number
13 of eligible employees assigned to such school on October first preceding the election.
14 The election shall be held by secret ballot.

15 * * *

16 §3991. Charter schools; requirements; limitations; renewal; amendment; revocation

17 * * *

18 C. A charter school shall:

19 (1) * * *

20 (c) * * *

21 (iii) ~~For the second year of operation and thereafter, a~~ **A** charter school may
22 modify its enrollment procedures in order to give preference to students previously
23 enrolled in the school and their siblings **and to give preference to siblings**
24 **submitting their applications to enroll in the school for the first time**, as long as
25 there is compliance with the provisions of Paragraph (B)(1) of this Section.

26 * * *

27 E. A charter school shall not:

28 ~~(1) Be supported by or affiliated with any religion or religious organization~~
29 ~~or institution.~~

The original instrument was prepared by Jeanne Johnston. The following digest, which does not constitute a part of the legislative instrument, was prepared by Nancy Vicknair.

DIGEST

Duplessis (SB 146)

Present law (R.S. 17:3981(4)) requires BESE to review each proposed charter submitted to it in a timely manner and in the order in which submitted and determine whether each proposed charter complies with the law and rules and whether the proposal is valid, complete, financially well-structured, educationally sound, and whether it offers potential for fulfilling the purposes of the Charter School Demonstration Programs Law.

Proposed law retains present law. Provides additionally that BESE shall engage in an application review process that complies with the latest Principles and Standards for Quality Charter School Authorizing as promulgated by the National Association of Charter School Authorizers. Also requires BESE to provide for an independent evaluation of the charter proposal by a third party with educational, organizational, legal, and financial expertise.

Present law (R.S. 17:3982(A)(1)(a)) requires a local school board to review and formally act upon each proposed charter within 30 days of its submission and in the order in which submitted. Provides that in doing such review, the local school board shall determine whether each proposed charter complies with the law and rules, whether the proposal is valid, complete, financially well-structured, and educationally sound, and whether it offers potential for fulfilling the purposes of the Charter School Demonstration Programs Law.

Proposed law retains present law. Provides additionally that the local school board shall engage in an application review process that complies with the latest Principles and Standards for Quality Charter School Authorizing as promulgated by the National Association of Charter School Authorizers. Also requires the local school board to provide for an independent evaluation of the charter proposal by a third party with educational, organizational, legal, and financial expertise.

Present law (R.S. 17:3982(B)) requires a local school board to make available to chartering groups any vacant school facilities or any facility slated to be vacant for lease or purchase at fair market value. Additionally provides that in the case of a type 2 charter school created as the result of a conversion, all property within the existing school shall also be made available to the chartering group under similar terms. Also provides that if such facilities were constructed at no cost to the local school board, then such facilities including all equipment, books, instructional materials, and furniture within shall be provided to the charter school at no cost.

Proposed law retains present law and clarifies that in the case of a type 2 conversion that the facility and all property within the existing school shall be made available to the chartering group.

Present law (R.S. 17:3983(C)(1)(a)) provides that approval by the faculty and staff who are certified by the state board of a preexisting school proposed to be converted to a charter school requires a favorable vote of two-thirds of the members of such faculty and staff. Provides that members will each have one vote and shall vote together by secret ballot at the preexisting school at an election held for such purpose. Further provides that the number needed for approval shall be determined by the number of eligible employees assigned to each school on October 1st preceding the election.

Proposed law retains present law but changes the favorable vote needed for approval from a 2/3 vote to a majority vote.

Present law (R.S. 17:3991(C)(1)(c)(iii)) provides that for the second year of operation and thereafter, a charter school may modify its enrollment procedures to give preference to students previously enrolled in the school and their siblings.

Proposed law removes the requirement that enrollment procedures wait until the second year of operation and authorizes the charter school to also give preference to siblings submitting their enrollment applications for the first time.

Present law (R.S. 17:3991(E)(1)) provides that a charter school shall not be supported by or affiliated with any religion or religious organization or institution.

Proposed law deletes this provision.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 17:3981(4), 3982(A)(1)(a) and (B), 3983(C)(1)(a), and 3991(C)(1)(c)(iii) and (E))

Summary of Amendments Adopted by Senate

Senate Floor Amendments to engrossed bill.

1. Makes technical changes.
2. Replaces "qualified third party" with "third party with educational, organizational, legal, and financial expertise."