

Regular Session, 2013

HOUSE BILL NO. 115

BY REPRESENTATIVE JAMES

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

SCHOOLS/DISTRICTS: Provides for parent petitions relative to the transfer of certain schools from the Recovery School District back to the local school system

1 AN ACT

2 To enact R.S. 17:10.5(G), relative to schools transferred to the Recovery School District; to  
3 provide for the submission of petitions by parents requesting that a school be  
4 removed from the Recovery School District and returned to the local school system  
5 under certain conditions; to require rules and regulations to be adopted by the State  
6 Board of Elementary and Secondary Education for the petition process; and to  
7 provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 17:10.5(G) is hereby enacted to read as follows:

10 §10.5. School and district accountability; failing schools; transfer to Recovery  
11 School District; parent petitions

12 \* \* \*

13 G.(1) Notwithstanding the provisions of Paragraph (A)(1) of this Section, a  
14 school that is directly operated by the Recovery School District and that has not been  
15 identified for conversion to a charter school pursuant to a charter contract between  
16 the State Board of Elementary and Secondary Education and a nonprofit charter  
17 organization shall be removed from the jurisdiction of the Recovery School District  
18 and returned to the administration and management of the school system from which  
19 it was transferred if such return is approved by the State Board of Elementary and

1        Secondary Education and the respective local school board and the following  
2        conditions are met:

3                (a) Parents or legal guardians representing at least a majority of the students  
4        attending the school sign a petition requesting that the school be removed from the  
5        jurisdiction of the Recovery School District and returned to the administration and  
6        management of the school system from which it was transferred.

7                (b) The school has received a letter grade of "D" or "F" or any variation  
8        thereof, pursuant to the Louisiana School and District Accountability System, for  
9        five consecutive years while under the jurisdiction of the Recovery School District.

10               (2) The State Board of Elementary and Secondary Education shall develop  
11        and adopt rules and regulations for implementation of this Subsection which shall  
12        include but not be limited to:

13               (a) The format, procedures, and timelines for submitting a petition pursuant  
14        to this Subsection to the state superintendent of education to be brought by him  
15        before the State Board of Elementary and Secondary Education for review,  
16        consideration, and action.

17               (b) A requirement that each student may be signed for by his parents or legal  
18        guardians only one time on any given petition such that each student equals one  
19        signature.

20               (c) Signature validation procedures that include the following requirements:

21               (i) That upon submission of a petition, the state Department of Education  
22        shall determine if the number of signatures represents at least a majority of the  
23        students attending the school.

24               (ii) That the signatures be assumed valid unless challenged or there is  
25        reasonable doubt of their validity. If the validity is challenged or doubted, the  
26        department shall, within forty-five calendar days, review and verify the signatures.  
27        If the department finds that the number of valid signatures is fewer than the majority  
28        required, parents or legal guardians shall have thirty calendar days, commencing  
29        with a date specified by the department, to resolve such discrepancies and to collect

1        the signatures of additional parents or legal guardians. Signatures shall not be  
2        discounted over technicalities if the clear intent of the parent or legal guardian was  
3        to support the petition.

4                (d) Transfer procedures for students who choose not to remain enrolled at  
5        the school as a result of the state board's decision to return the school to the  
6        administration and management of the school system from which it was transferred.

7                (3) The state Department of Education shall maintain records regarding the  
8        contents and outcomes of the petitions.

9                (4) Parents or legal guardians shall be free from harassment, threats, and  
10       intimidation related to circulation of or signing a petition.

11               (5) School and district resources shall not be used to support or oppose any  
12       effort by petitioning parents or legal guardians to gather signatures and submit a  
13       petition.

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#### 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)]

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James

HB No. 115

**Abstract:** Allows parents to submit petitions to BESE for the return to the local school system of certain schools that were transferred to the RSD.

Present law (R.S. 17:10.5) provides for the transfer to the Recovery School District (RSD), subject to approval by the State Board of Elementary and Secondary Education (BESE), of schools that have been labeled academically unacceptable for four consecutive years or failed schools for which the local school board has failed to present or implement an acceptable reconstitution plan under the school accountability program. Provides that the RSD shall retain jurisdiction of any school transferred to it for not less than five school years. Requires the RSD to report to BESE at least nine months prior to the expiration of the transfer period as to whether the school should continue in the RSD under certain conditions, close, or be returned to the transferring school system. Provides that the RSD shall retain the school for an additional five-year period upon BESE approval unless a lesser time is adopted by BESE.

Proposed law retains present law and adds that parents of students attending a school in the RSD that is directly operated by the RSD and has not been identified for conversion to a charter school pursuant to a charter contract between BESE and a non-profit charter organization and had a letter grade of "D" or "F" for five consecutive years while in the RSD may submit a petition to BESE requesting that the school be returned to the local school system from which it was transferred. Requires approval of BESE and the respective local school board for such transfer to occur. Requires signatures of parents representing at least a majority of the students attending the school. Requires BESE to adopt rules and regulations

for implementation of the petition process, including a petition format and submission process, signature validation procedures, timelines, and student transfer procedures. Prohibits the use of local school and school district resources to support or oppose any effort by parents to gather signatures or sign petitions.

(Adds R.S. 17:10.5(G))

Summary of Amendments Adopted by House

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

1. Adds a condition that to be eligible for return, a school shall be directly operated by the RSD and not identified for conversion to a charter school.
2. Adds that in addition to BESE approval, a transfer requires the approval of the respective local school board.
3. Requires that a school must have had a letter grade of "D" or "F" for five consecutive years while in the RSD instead of for three consecutive years.
4. Adds requirement that BESE rules and regulations include time lines for submitting petitions.