

Regular Session, 2014

HOUSE BILL NO. 129

BY REPRESENTATIVE HAVARD

SCHOOLS/CHARTER: Prohibits a charter school from contracting with a for-profit organization to operate the charter school

1 AN ACT

2 To amend and reenact R.S. 17:1990(B)(2)(a) and 3997(A)(1)(b) and to enact R.S.
3 17:3991(E)(6), relative to management and operation of charter schools; to prohibit
4 a charter school from contracting or otherwise entering into an agreement with a for-
5 profit organization, corporation, or other legal entity to manage or operate the
6 school; to specify applicability of the prohibition to schools under the jurisdiction of
7 the Recovery School District; to remove authority for such contracts; to provide for
8 effectiveness and implementation; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 17:1990(B)(2)(a) and 3997(A)(1)(b) are hereby amended and
11 reenacted and R.S. 17:3991(E)(6) is hereby enacted to read as follows:

12 §1990. Recovery School District; creation; governance; operation

13 * * *

14 B.

15 * * *

16 (2)(a) The school district may provide for the supervision, management, and
17 operation of a school placed under its jurisdiction and receive, control, and expend
18 the local, state, and federal funding attributable to that school, with all the same
19 power and authority as the prior system from which it was transferred subject to the
20 requirements of this Section, R.S. 17:10.5, or 10.7, or with any other power and

1 authority otherwise granted to the district by law. As it relates to schools transferred
2 pursuant to R.S. 17:10.7, the authority of the school district is also subject to the
3 approval by the state board of the plan submitted pursuant to R.S. 17:10.7(B)(2)(b).
4 ~~The~~ Except as provided in R.S. 17:3991(E)(6), the district may contract with for-
5 profit providers for the general operation of and any needed services for a school
6 under its jurisdiction.

7 * * *

8 §3991. Charter schools; requirements; limitations; renewal; amendment; revocation

9 * * *

10 E. A charter school shall not:

11 * * *

12 (6) Enter into a contract or other agreement with a for-profit organization,
13 corporation, or other legal entity to manage or operate the charter school. Any
14 contract or agreement entered into prior to July 1, 2014, between a charter school and
15 a for-profit organization, corporation, or other legal entity for the management or
16 operation of a charter school shall terminate on June 30, 2015, unless otherwise
17 terminated prior to such date.

18 * * *

19 §3997. Charter school employees

20 A.(1)

21 * * *

22 (b) The nonprofit organization shall have exclusive authority over all
23 employment decisions at the charter schools school. ~~However, as provided for in the~~
24 ~~charter, a nonprofit organization may enter into a contract with a for-profit~~
25 ~~organization to manage the charter school and may delegate to the for-profit~~
26 ~~organization such authority over employment decisions at the charter school as the~~
27 ~~nonprofit organization deems necessary and proper. Any delegation of this authority~~
28 ~~must be specifically delegated in a service provider agreement.~~

29 * * *

1 Section 2. This Act shall become effective on July 1, 2014; if vetoed by the governor
 2 and subsequently approved by the legislature, this Act shall become effective on July 1,
 3 2014, or on the day following such approval by the legislature, whichever is later.

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)]

Havard

HB No. 129

Abstract: Prohibits a charter school from contracting or otherwise entering into an agreement with a for-profit entity to manage or operate the school.

Present law (R.S. 17:3997(A)(1)(b)) grants the nonprofit organization that establishes a charter school exclusive authority over school employment decisions. Proposed law retains present law.

Present law authorizes the nonprofit organization, as provided in the charter, to contract with a for-profit organization to manage the charter school and to delegate to the for-profit organization authority over employment decisions, such delegation to be specified in a service provider agreement. Proposed law removes present law.

Proposed law (R.S. 17:3991(E)(6)) prohibits a charter school from entering into a contract or agreement with a for-profit entity to manage or operate a charter school. Provides that any such contract or agreement entered into prior to July 1, 2014, shall terminate on June 30, 2015, unless otherwise terminated prior to such date.

Present law (R.S. 17:1990(B)(2)(a)), relative to the Recovery School District, provides that the district may contract with for-profit providers for the general operation of and any needed services for a school under its jurisdiction. Proposed law specifies that present law is subject to proposed law that prohibits a charter school from contracting for management or operation of a school with a for-profit entity.

Effective July 1, 2014.

(Amends R.S. 17:1990(B)(2)(a) and 3997(A)(1)(b); Adds R.S. 17:3991(E)(6))