

ACT No. 659

2024 Regular Session

HOUSE BILL NO. 708

BY REPRESENTATIVE FREIBERG

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AN ACT

To amend and reenact R.S. 17:3973(2)(b)(v)(aa), 3983(F)(1), 3991(B)(1)(a)(i), (3), (6), and (7), (C)(1)(a), (b), and (c)(i) and (iii), and (E)(6), and 3991.1(E)(2) and to enact R.S.17:3991(B)(1)(f) and 3991(C)(1)(e), relative to charter schools; to provide relative to charter school proposals and applications; to provide relative to admissions lotteries; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:3973(2)(b)(v)(aa), 3983(F)(1), 3991(B)(1)(a)(i), (3), (6), and (7), (C)(1)(a), (b), and (c)(i) and (iii), and (E)(6), and 3991.1(E)(2) are hereby amended and reenacted and R.S.17:3991(B)(1)(f) and 3991(C)(1)(e) are hereby enacted to read as follows:

§3973. Definitions

As used in this Chapter, the following terms have the following meanings unless the context clearly indicates otherwise:

(2)

* * *

(b) Charter schools shall be one of the following types:

* * *

(v)(aa) Type 5, which means a preexisting public school transferred to the Recovery School District as a school determined to be failing pursuant to R.S. 17:10.5 or 10.7 and operated as the result of and pursuant to a charter between a nonprofit corporation and the State Board of Elementary and Secondary Education. The chartering authority shall review each Type 5 charter proposal in compliance with the Principles and Standards for Quality Charter School Authorizing as

1 promulgated by the National Association of Charter School Authorizers. Except as
 2 otherwise provided in R.S. 17:10.7 or 1990, ~~and notwithstanding the provisions of~~
 3 ~~R.S. 17:3991(B)(1)~~; within such Type 5 charter school, only pupils who would have
 4 been eligible to enroll in or attend the preexisting school under the jurisdiction of the
 5 city, parish, or other local public school board or other public school entity prior to
 6 its transfer to the Recovery School District may attend. However, all such pupils
 7 shall be eligible to attend notwithstanding any other provision of this Chapter to the
 8 contrary.

9 * * *

10 §3983. Chartering process by type; eligibility; limitations; faculty approval; parental
 11 approval

12 * * *

13 F. As it relates to Type 5 charters:

14 (1) The limitations specified in ~~R.S. 17:3991(B)(1) and (3)~~ R.S.
 15 17:3991(B)(3) and the provisions of Subparagraphs (A)(3)(a) and (4)(b) and (e) and
 16 Subsections C and D of this Section shall not apply to or limit or restrict the number
 17 of such charters.

18 * * *

19 §3991. Charter schools; requirements; limitations; renewal; amendment; revocation;
 20 board membership

21 * * *

22 B. Each proposed charter shall contain or make provision for the following:

23 (1)(a)(i) That for charter schools created as new schools and charter schools
 24 created as a result of a conversion after the 2011-2012 school year, the percentage
 25 of the total number of students enrolled in the charter school based on the October
 26 first student membership who are economically disadvantaged and students with
 27 exceptionalities as defined in R.S. 17:1942, not including gifted and talented, shall
 28 be equal to not less than ~~eighty-five~~ seventy percent of the average percentage of
 29 students enrolled in the local public school districts from which the charter school
 30 enrolls its students who are economically disadvantaged and shall be equal to not

1 less than ~~eighty-five~~ seventy percent of the average percentage of students enrolled
 2 in the local public school districts from which the charter school enrolls its students
 3 who have been identified as a student with an exceptionality as defined in R.S.
 4 17:1942, not including gifted and talented. For the purposes of fulfilling the
 5 provisions of this Section, the economically disadvantaged and students with
 6 exceptionalities percentage for the local public school district shall remain fixed
 7 during the term of the approved charter at the percentage which existed during the
 8 school year that the charter proposal was approved or renewed.

* * *

9
 10 (f) Notwithstanding any provision of law to the contrary, if the aggregate
 11 student enrollment data for all of the charter schools located within the boundaries
 12 of the city or parish school system in which a charter school is located meets the
 13 enrollment requirements of economically disadvantaged students and students with
 14 exceptionalities, not including gifted and talented, as provided in this Paragraph,
 15 every charter school located within the boundaries of the school system shall be
 16 deemed to be in compliance with the provisions of this Paragraph.

* * *

17
 18 (3) Admission requirements, if any, that are consistent with the school's role,
 19 scope, and mission may be established pursuant to rules promulgated by the state
 20 board. Such admission requirements shall be specific and shall include a system for
 21 admission decisions which precludes exclusion of pupils based on race, religion,
 22 gender, ethnicity, national origin, intelligence level as ascertained by an intelligence
 23 quotient examination, ~~or~~ identification as a student with an exceptionality as defined
 24 in R.S. 17:1942(B), or identification as a student who is economically disadvantaged.
 25 Such admission requirements may include, however, specific requirements related
 26 to a school's mission such as auditions for schools with a performing arts mission or
 27 proficiency in a foreign language for schools with a language immersion mission.
 28 Any school which was chartered prior to July 1, 2012, and which incorporated
 29 achievement of a certain academic record as part of its admission requirements may
 30 continue to use such admission requirements. No local board shall assign any pupil

1 to attend a charter school, except that a local board in a district in which fifty percent
 2 or more of the public schools in the district are charter schools and that uses a single
 3 application and enrollment process adopted by the local board for public school
 4 enrollment may assign a pupil to a charter school based on such enrollment process,
 5 the preferences of the pupil's parent or legal guardian, the charter school's admission
 6 requirements, the charter contract, and the local board's policies.

7 * * *

8 (6) A description of how the proposed charter school fulfills one or more of
 9 the purposes specified in this Chapter, including how the best interests of students
 10 who are economically disadvantaged will be considered.

11 (7) A description of the education program offered by the school, ~~and how~~
 12 ~~specifically that program will meet the needs of the economically disadvantaged~~
 13 ~~students to be served~~ including how the program will meet the educational needs of
 14 students who qualify as economically disadvantaged and students with
 15 exceptionalities as defined in R.S. 17:1942(B).

16 * * *

17 C. A charter school shall:

18 (1)(a) Enroll an eligible pupil who is eligible under the residency
 19 requirements established in the charter as required in Paragraph (B)(4) of this
 20 Section and who submits a timely application unless the total number of eligible
 21 applicants exceeds the capacity of a program, class, grade level, or school, in which
 22 case the charter school shall conduct an admissions lottery as provided in
 23 Subparagraph (c) of this Paragraph.

24 (b)(i) An application shall be timely if it is submitted within the period
 25 designated by the charter school, which period shall not be less than one month nor
 26 more than three months. There shall be an established application period for each
 27 successive school year.

1 (ii) Application information, including enrollment eligibility, any applicable
 2 enrollment preferences, program enrollment capacity, the application period, and any
 3 important application and enrollment dates, shall be made available to all applicants
 4 and posted on the school's website.

5 (c)(i) Except as is provided in Items (ii) and (iii) of this Subparagraph, the
 6 charter school shall admit no pupil during the application period, but shall wait until
 7 the period has ended. If fewer eligible pupils have applied than is the maximum the
 8 school can admit, then all eligible pupils shall be admitted and additional pupils may
 9 apply and be admitted for the school year to which the application period applies
 10 until the maximum number is admitted, ~~except as is necessary to meet the~~
 11 ~~requirements of Paragraph (B)(1) of this Section.~~ If the total number of eligible
 12 applicants exceeds the capacity of a program, class, grade level, or school, admission
 13 to the program, class, grade level, or school shall be based on an admissions lottery
 14 conducted from among the total number of eligible applicants done in such a fashion
 15 as to ~~assure compliance with Paragraph (B)(1) of this Section.~~ ensure enrollment
 16 transparency. Lottery information, including when and where the lottery will be
 17 conducted, the mechanism by which the lottery will be conducted, and the results of
 18 the lottery, including any waiting list information, shall be made available to all
 19 applicants. Applicants placed on a lottery enrollment waiting list shall be notified
 20 of their waiting list ranking and notified of any changes to the enrollment waiting list
 21 throughout the school year. There shall be an established lottery each successive
 22 school year as necessary. Lottery enrollment waiting lists shall not roll over from
 23 one school year to the next.

* * *

25 (iii) A charter school may modify its enrollment procedures in order to give
 26 preference to students previously enrolled in the school and their siblings and to give
 27 preference to siblings submitting their applications to enroll in the school for the first
 28 time, ~~as long as there is compliance with the provisions of Paragraph (B)(1) of this~~
 29 ~~Section.~~

* * *

1 (e) The state board shall develop rules and regulations for determining a
 2 charter school's compliance with the application and enrollment transparency
 3 requirements set forth in this Subsection. The state board shall also provide for a
 4 process to investigate allegations of discriminatory practices of a charter school that
 5 shall include but not be limited to the review of data related to a charter school's
 6 enrollment, discipline, parent complaints, and identification of students with
 7 exceptionalities, not including gifted and talented. The state board shall annually
 8 produce a status report regarding enrollment percentages of economically
 9 disadvantaged students and students with disabilities.

10 E. A charter school shall not:

11 * * *

12 (6)(a) Require the parent or legal guardian of any student to disclose any
 13 medical information or special education needs, income, or economically
 14 disadvantaged status prior to the student's being enrolled in the charter school, unless
 15 otherwise specifically required by law.

16 (b) Nothing in this Paragraph shall prohibit a charter school from providing
 17 an enrollment preference to a student with special needs or who is economically
 18 disadvantaged when the student's parent or legal guardian has voluntarily provided
 19 the school with information regarding such needs.

20 * * *

21 §3991.1. Corporate partners; enrollment preferences and board membership

22 * * *

23 E.

24 * * *

25 (2) Enrollment at the school shall otherwise be as provided by this Chapter
 26 ~~except that the requirement of R.S. 17:3991(B)(1)(a)(i) shall apply to and be based~~

1 ~~upon only students who are not dependent children of permanent employees of a~~
 ~~corporate partner.~~

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____