

2016 Regular Session

SENATE BILL NO. 170

BY SENATOR MORRISH

SCHOOLS. Provides relative to BESE authorization of Type 2 charters. (gov sig)

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AN ACT

To amend and reenact R.S. 17:3981(2) and 3983(A)(3)(b), relative to charter schools; to provide relative to the approval of proposed charter schools by the State Board of Elementary and Secondary Education; to provide for prohibitions and conditions relative to such approval; to require the state board to prepare and publish an academic and fiscal needs assessment and a written response relative to certain proposed charter schools; to provide for public testimony with regard to such needs assessment; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:3981(2) and 3983(A)(3)(b) are hereby amended and reenacted to read as follows:

§3981. State Board of Elementary and Secondary Education; powers and duties relative to charter schools; **prohibitions**

The State Board of Elementary and Secondary Education shall:

\* \* \*

(2) Enter into any proposed charter that complies with this Chapter and the rules adopted pursuant to the authority in this Chapter that the board determines is

1 a valid, complete, financially well-structured, and educationally sound proposal that  
 2 offers potential for fulfilling the purposes of this Chapter. **However, the state board**  
 3 **shall not enter into a proposed charter if the proposed school would be located**  
 4 **in a school system that, in its most recent evaluation under the school and**  
 5 **district accountability system, received a letter grade of "A" or "B" or any**  
 6 **variation thereof and the local school board that governs the school system**  
 7 **previously denied or placed conditions on the same or a substantially similar**  
 8 **proposal.**

9 \* \* \*

10 §3983. Chartering process by type; eligibility; limitations; faculty approval; parental  
 11 approval; **state board review; written response; academic and**  
 12 **fiscal needs assessment**

13 A. \* \* \*

14 (3) \* \* \*

15 (b) For Type 2 charter school proposals **that the state board is not**  
 16 **prohibited from considering by R.S. 17:3981(2)**, the state board shall notify the  
 17 local school board of the district in which the proposed charter school is to be located  
 18 about the receipt of such proposal. **Prior to any determination by the state board**  
 19 **relative to the proposal, the state board shall:**

20 **(i) Prepare and publish on its website an academic and fiscal needs**  
 21 **assessment relative to the proposed charter school.**

22 **(ii) Allow the** ~~The local~~ **school** board, as well as other interested groups **and**  
 23 **individuals**, ~~shall be allowed~~ to provide written information regarding the proposal  
 24 **and the academic and fiscal needs assessment** and ~~allowed~~ to present information  
 25 **and testimony on the proposal and needs assessment** at a scheduled public  
 26 meeting of the state board ~~prior to any determination being made by the state board.~~

27 **(iii) Review and prepare a written response, which it shall publish on its**  
 28 **website, to address each reason given by the local school board for its denial of**  
 29 **the proposal as provided pursuant to R.S. 17:3982(A)(1)(a)(ii).**

\* \* \*

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

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

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## DIGEST

SB 170 Original

2016 Regular Session

Morrish

Present law provides for submission of charter school proposals to local school boards or to BESE. Provides that local school boards and BESE shall enter into any proposed charter that each determines is a valid, complete, financially well-structured, and educationally sound proposal that offers potential for fulfilling the purposes of present law.

Present law provides that each proposal for a Type 1 or Type 3 charter school shall first be made to the local school board with jurisdiction where the school is to be located by submitting a written proposal. If the local school board denies the proposal, if conditions placed on the proposal by the local school board are not acceptable to the chartering group, or a charter school applicant believes the local board did not comply with present law application evaluation requirements, then the proposal may be submitted to BESE for approval as a Type 2 charter school. Requires a local school board to notify a charter applicant of its final decision including a written explanation of the reasons for denial.

Proposed law retains present law but prohibits BESE from entering into a proposed charter if the proposed school would be located in a school system that, in its most recent evaluation under the accountability system, received a letter grade of "A" or "B" and the school board that governs the local school system previously denied or placed conditions on the same or a substantially similar proposal.

Present law relative to Type 2 charter school proposals, requires BESE to notify the local school board of the district in which the proposed charter school would be located about the receipt of such proposal. Requires that the local school board and other interested groups be allowed to provide written information regarding the proposal and present information at a scheduled public BESE meeting prior to any BESE determination.

Proposed law additionally requires BESE, prior to a determination relative to a Type 2 charter proposal that is not prohibited by proposed law, to:

- (1) Prepare and publish on its website an academic and fiscal needs assessment relative to the proposed charter school.
- (2) Allow the local school board and other groups and individuals to provide written information and testimony on both the proposal and the needs assessment, at a public BESE meeting.
- (3) Review and prepare a written response, which it shall publish on its website, to address each reason for the school board's denial of the proposal as provided pursuant to present law.

Proposed law otherwise retains present law.

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

(Amends R.S. 17:3981(2) and 3983(A)(3)(b))