

2016 Regular Session

SENATE BILL NO. 198

BY SENATOR GATTI

BESE. Prohibits BESE from granting Type 2 charters in certain school districts. (gov sig)

1 AN ACT

2 To amend and reenact R.S. 17:3981(2) and 3983(A)(3)(b) and (c), relative to charter
3 schools; to provide relative to the approval of proposed charter schools by the State
4 Board of Elementary and Secondary Education; to provide for prohibitions and
5 conditions relative to such approval; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

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

9 §3981. State Board of Elementary and Secondary Education; powers and duties
10 relative to charter schools; prohibitions

11 The State Board of Elementary and Secondary Education shall:

12 * * *

13 (2) Enter into any proposed charter that complies with this Chapter and the
14 rules adopted pursuant to the authority in this Chapter that the board determines is
15 a valid, complete, financially well-structured, and educationally sound proposal that
16 offers potential for fulfilling the purposes of this Chapter. **However, the state board**
17 **shall not enter into a proposed charter if the proposed school, including an**

1 online or virtual charter school, would be located in a school system that, in
2 either of its last two evaluations under the school and district accountability
3 system, received a letter grade of "A", "B", or "C" or any variation thereof and
4 the local school board that governs the school system previously denied or
5 placed conditions on the proposal.

6 * * *

7 §3983. Chartering process by type; eligibility; limitations; faculty approval; parental
8 approval; state board review

9 A. * * *

10 (3) * * *

11 (b) For Type 2 charter school proposals that the state board is not
12 prohibited from considering by R.S. 17:3981(2), the state board shall notify the
13 local school board of the district in which the proposed charter school is to be located
14 about the receipt of such proposal. The local school board, as well as other interested
15 groups, shall be allowed to provide written information regarding the proposal and
16 allowed to present information at a scheduled public meeting of the state board prior
17 to any determination being made by the state board.

18 (c) Each proposal received by the state board shall be identical to the
19 proposal originally submitted to the local school board. Each proposal received
20 by the state board shall be carefully reviewed and shall be approved only after
21 there has been a specific determination by the board that the proposed school will be
22 operated in compliance with all applicable state and federal laws, rules, and
23 regulations, that the accounting and financial practices to be used are sound and in
24 accordance with generally accepted standards for similar entities, and that the
25 educational program to be offered will comply with all requirements of this Chapter
26 and be based on generally accepted education research findings applicable to the
27 pupils to be served, including but not limited to school discipline practices and
28 policies that incorporate positive behavior interventions and supports, restorative
29 justice, and other research-based discipline practices and classroom management

1 strategies and otherwise conform to the model master discipline plan required in
2 accordance with R.S. 17:252.

3 * * *

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

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

DIGEST

SB 198 Original 2016 Regular Session Gatti

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 either of its two last evaluations under the accountability system, received a letter grade of "A", "B" or "C" and the school board that governs the local school system previously denied or placed conditions on the 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 retains present law. Proposed law provides that each Type 2 charter proposal received by the board must be identical to the proposal originally submitted to the local school board.

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

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