

Regular Session, 2014

SENATE BILL NO. 385

BY SENATOR LAFLEUR

SCHOOLS. Provides for empowered community schools. (7/1/14)

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AN ACT

To enact Chapter 45 of Title 17 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 17:4051 through 4057, relative to empowered community schools; to provide for the designation of such schools; to provide for the authority of principals of such schools; to provide for the applicability of school board policies; to provide for funding, reports, and audits; to provide for the liability of school boards; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Chapter 45 of Title 17 of the Louisiana Revised Statutes of 1950, comprised of R.S. 17:4051 through 4057, is hereby enacted to read as follows:

**CHAPTER 45. EMPOWERED COMMUNITY SCHOOLS ACT**

**§4051. Title**

**This Chapter shall be known as the "Empowered Community Schools Act".**

**§4052. Legislative findings**

**The legislature hereby finds and declares that:**

**(1) Public elementary and secondary schools throughout the state have**

1 diverse needs according to student population, geography, human and financial  
2 resources, and local economic conditions that require local strategies to meet the  
3 needs of students.

4 (2) In order to prepare all Louisiana students for college or a sustainable  
5 career, those closest to students, especially parents and educators who know and  
6 serve their needs firsthand, must be afforded the ability to make decisions to  
7 support their academic and developmental growth.

8 (3) Capable school leaders, when empowered to make decisions to  
9 effectively lead their schools, can bring about significant growth in student  
10 achievement through the thoughtful management of human and financial  
11 resources.

12 (4) Superintendents annually evaluate the effectiveness of principals  
13 based on a rigorous combination of on-the-job observation and progress in  
14 student achievement.

15 §4053. Empowered community school; declaration; designation

16 A. Beginning with the 2014-2015 fiscal year, any public elementary or  
17 secondary school principal who is rated "highly effective" pursuant to the  
18 performance evaluation program established by the State Board of Elementary  
19 and Secondary Education, hereinafter referred to as the "state board", in  
20 accordance with R.S. 17:3881 through 3905, may declare his school an  
21 empowered community school for the following school year, beginning with the  
22 2015-2016 school year, and receive school-level decision-making authority to  
23 meet the unique needs of the school and its students. Designation as an  
24 empowered community school shall confer upon the school principal the  
25 authority to manage instructional, personnel, and financial decisions as  
26 provided in this Chapter.

27 B. Designation as an empowered community school shall remain in effect  
28 as long as the principal retains a rating of "highly effective" pursuant to  
29 standards adopted by the state board or until the principal voluntarily reverses

1 the empowered community school designation.

2 C. Designation as an empowered community school shall remain in effect  
3 if the school's principal is replaced by another principal whose most recent  
4 evaluation rating is "highly effective" and who retains a rating of "highly  
5 effective" pursuant to standards adopted by the state board.

6 D. Beginning with the 2015-2016 fiscal year, the superintendent of a city,  
7 parish, or other local public school system may designate an elementary or  
8 secondary school in the system an empowered community school. Designation  
9 as an empowered community school shall remain in effect for a period of time  
10 determined by the superintendent.

11 §4054. Principals of empowered community schools; authority; limitations

12 A. The principal of an empowered community school shall be given the  
13 sole authority to:

14 (1) Design and implement an instructional plan tailored to the needs of  
15 the school, its students, and its faculty, including professional development,  
16 curriculum, textbooks, and other instructional resources. The principal of an  
17 empowered community school shall have the authority to manage the school's  
18 daily schedule and instructional time. However, any changes to the daily  
19 schedules, instructional time, or school calendars requiring the coordination of  
20 district school bus schedules shall be subject to the superintendent's approval.  
21 The superintendent may require the principal of an empowered community  
22 school to participate in district professional learning communities or participate  
23 in any required professional development activities in which effective  
24 instructional strategies may be shared with other principals in the district.

25 (2) Hire and evaluate personnel, assign personnel within the school, and  
26 dismiss personnel from the school, per applicable state law.

27 (3) Establish a budget for school-based expenditures using the following  
28 funds:

29 (a) A percentage of the Minimum Foundation Program formula per

1 pupil amount, including any weighted amounts generated by the student  
2 population attending the empowered community school, as determined by the  
3 state board.

4 (b) All federal and other state funds received at a rate or formula  
5 equivalent to the rate or formula by which the district distributes such funds to  
6 all schools, pursuant to applicable regulations.

7 (4) Plan all expenditures associated with the daily operations of the  
8 school, other than costs associated with personnel, retirement, capital  
9 infrastructure, employee benefits, and district debt service.

10 (5) Coordinate with the city, parish, or other local public school board  
11 for the provision of support services, including student transportation and  
12 school food service, provided that the school board is reimbursed for the actual  
13 cost of providing such services.

14 (6) Enter into any contract to support the school's operating needs. The  
15 length of any such contract shall not exceed one year, but may be renewed on  
16 an annual basis provided the principal retains a rating of "highly effective"  
17 pursuant to standards adopted by the state board.

18 (7) Participate in any program or pilot program offered through the  
19 state board or the Department of Education.

20 (8) Apply for publicly or privately sponsored grants on behalf of the  
21 school.

22 (9) Offer specialized instructional programs to meet local needs.

23 (10) Receive other flexibilities and waivers from state board regulations  
24 as determined by the state board.

25 B. Any action taken by the principal of an empowered community school  
26 must be in accordance with any court-ordered desegregation plan in effect  
27 which applies to the school.

28 §4055. City, parish, or other local public school system policies; funding;  
29 liability

1           **A. Empowered community schools shall abide by city, parish, or local**  
 2           **school board policies with regard to grade configuration and services to**  
 3           **students with exceptionalities.**

4           **B. A city, parish, or other local public school system with empowered**  
 5           **community schools shall retain a percentage of the Minimum Foundation**  
 6           **Program formula, federal, and other state funds attributable to each**  
 7           **empowered community school in order to address the capital needs of the**  
 8           **empowered community school, retirement and other legacy costs associated**  
 9           **with the empowered community school, and administrative overhead expenses**  
 10           **associated with the empowered community school as determined by the state**  
 11           **board.**

12           **§4056. Reports**

13           **The superintendent of a district with empowered community schools**  
 14           **may request and shall be provided by the principal of each empowered school**  
 15           **progress reports related to academic progress and school finances at intervals**  
 16           **determined by the superintendent.**

17           **§4057. Audits**

18           **The financial practices of the empowered community school shall be**  
 19           **specifically included in the independent audit of the city, parish, or other local**  
 20           **public school system.**

21           Section 2. This Act shall become effective on July 1, 2014.

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The original instrument was prepared by Alan Miller. The following digest, which does not constitute a part of the legislative instrument, was prepared by Jeanne Johnston.

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DIGEST

LaFleur (SB 385)

Proposed law provides for the "Empowered Community Schools Act".

Provides the following legislative findings:

- (1) Public elementary and secondary schools throughout the state have diverse needs according to student population, geography, human and financial resources, and local economic conditions, that require local strategies to meet the needs of students.

- (2) In order to prepare all Louisiana students for college or a sustainable career, those closest to students, especially parents and educators who know and serve their needs firsthand, must be afforded the ability to make decisions to support their academic and developmental growth.
- (3) Capable school leaders, when empowered to make decisions to effectively lead their schools, can cause significant growth in student achievement through the thoughtful management of human and financial resources.
- (4) Superintendents annually evaluate effectiveness of principals based on a rigorous combination of on-the-job observation and progress in student achievement.

Provides that beginning with the 2014-2015 fiscal year, any public elementary or secondary school principal who is rated "highly effective" pursuant to the performance evaluation program established by the State Board of Elementary and Secondary Education (BESE), may declare his school an empowered community school for the following school year, beginning with the 2015-2016 school year, and receive school-level decision-making authority to meet the unique needs of the school and its students. Designation as an empowered community school shall confer upon the school principal the authority to manage instructional, personnel, and financial decisions as provided for in proposed law.

Provides that designation as an empowered community school shall remain in effect as long as the principal retains a rating of "highly effective" pursuant to BESE standards or until the principal voluntarily reverses the empowered community school designation.

Provides that designation as an empowered community school shall remain in effect if the school's principal is replaced by another principal whose most recent evaluation rating is "highly effective" and who retains a rating of "highly effective" pursuant to BESE standards.

Provides that beginning with the 2015-2016 fiscal year, the superintendent of a city, parish, or local public school system may designate an elementary or secondary school in the system an empowered community school. Designation as an empowered community school shall remain in effect for a period of time determined by the superintendent.

Provides that the principal of an empowered community school shall be given the sole authority to:

- (1) Design and implement an instructional plan tailored to the needs of the school, its students, and its faculty, including professional development, curriculum, textbooks and other instructional resources. The principal of an empowered community school shall have the authority to manage the school's daily schedule and instructional time. However, any changes to the daily schedules, instructional time, or school calendars requiring the coordination of district school bus schedules shall be subject to the superintendent's approval. The superintendent may require the principal of an empowered community school to participate in district professional learning communities or participate in any required professional development activities in which effective instructional strategies may be shared with other principals in the district.
- (2) Hire and evaluate personnel, assign personnel within the school, and dismiss personnel from the school, per applicable state laws.
- (3) Establish a budget for school-based expenditures using the following funds:
  - (a) A percentage of the Minimum Foundation Program (MFP) formula per pupil amount, including any weighted amounts generated by the student population attending the empowered community school, as determined by BESE.

- (b) All federal and other state funds received at a rate or formula equivalent to the rate or formula by which the district distributes such funds to all schools, pursuant to applicable regulations.
- (4) Plan all expenditures associated with the daily operations of the school, other than costs associated with personnel, retirement, capital infrastructure, employee benefits, and district debt service.
- (5) Coordinate with the city, parish, or other local public school board for the provisions of support services, including student transportation and school food service, provided that the school board is reimbursed for the actual cost of providing such services.
- (6) Enter into any contracts to support the school's operating needs. Provides that the length of such contracts shall not exceed one year, but may be renewed on an annual basis provided the principal retains his "highly effective" rating.
- (7) Participate in any program or pilot program offered through BESE or the Department of Education.
- (8) Apply for publicly or privately sponsored grants on behalf of the school.
- (9) Offer specialized instructional programs to meet local needs.
- (10) Receive other flexibilities and waivers from BESE regulations as determined by BESE.

Requires that any action taken by the principal of an empowered community school be in accordance with any court-ordered desegregation plan in effect which applies to the school.

Requires that empowered community schools abide by city, parish, or local public school board policies with regard to grade configuration and services to students with exceptionalities.

Requires that city, parish, and other local public school systems with empowered community schools retain a percentage of the MFP formula, federal, and other state funds attributable to each empowered community school in order to address the capital needs of the empowered community school, retirement and other legacy costs associated with the empowered community school, and administrative overhead expenses associated with the empowered community school as determined by BESE.

Provides that the superintendent of a district with empowered community schools may request and shall be provided progress reports by the principal of each empowered community school related to academic progress and school finances at intervals determined by the superintendent.

Provides that the financial practices of the empowered community school must be specifically included in the independent audit of the city, parish, or other local public school system.

Effective July 1, 2014.

(Adds R.S. 17:4051- 4057)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Education to the original bill

1. Limits length of contracts the principal of an empowered school can enter into to one year but allows for annual renewal if principal retains "highly effective" rating.
2. Deletes provisions denying a cause of action against a school district or a school board arising from a contract entered into by the principal of an empowered school.