



**2014
Legislative
Update**

LAPCS

**LOUISIANA ASSOCIATION
OF PUBLIC CHARTER SCHOOLS**

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**LOUISIANA ASSOCIATION
OF PUBLIC CHARTER SCHOOLS**

General Overview

This year, the Louisiana School Boards Association, the Louisiana Superintendents Association, and the teacher unions worked together to file a multitude of anti-charter bills. While the bills varied in purpose, ultimately, each was aimed at limiting families' educational options by either reducing charter autonomy, cutting charter school funding, or restricting charter school expansion.

Luckily, with your help, we were able to beat back most of the bills that would have wreaked the most havoc on charter schools, including:

- ∞ **HB 37/HB 44/HB 89/SB 666:** Would have had catastrophic financial impacts on charter schools and would have redirected funds towards the state's debt-laden retirement system. Was able to curb all bills within committees, with SB 666 being changed from a bill into a benign study resolution.
- ∞ **HB 101/HB 124:** Would have decreased charter hiring autonomy. Stopped in committee.
- ∞ **HB 129/HB 184/HB 870/HB 999/SB 162/SB 225:** Varied, but all were targeted at shutting down for-profit education service providers (all charters are governed by nonprofit boards but are allowed and sometimes do hire companies to provide certain services) or severely limiting their scope. Some of these bills were dropped before even being debated in committee, while the others were defeated in committee.
- ∞ **HB 703:** Would have prohibited groups applying for charter schools from appealing to BESE if located in A, B, or C districts—an attempt to limit options and pare down charter movement growth. The bill was trounced in the Senate Education Committee only to be brought back as an amendment on another bill, but thankfully, the amendment was also defeated.

In addition, as most of you are aware, Common Core and PARCC were and remain quite controversial. At the time of this publication, the Louisiana Board of Elementary and Secondary Education (BESE) had proposed withdrawing from the PARCC consortium, but keeping PARCC questions on the LEAP test for the 2014-15 school year.

SPED changes and data privacy were also big issues, and there are some changes that all schools should be sure to become familiar with to ensure compliance with the law.

As always, if you have any questions, please do not hesitate to reach out to our LAPCS team. Veronica Brooks, our Policy Director, and Sarah Vandergriff, our Legal Director, are happy to help you find answers.

2014 Laws and Resolutions

Common Core and PARCC

Again, as of July 10, 2014, what will happen with Common Core and PARCC remains somewhat fuzzy. Rep. Walt Leger passed a bill (HB 953) that would have added an additional year for the state to transition into PARCC testing. Though it had overwhelming support (Vote: 70-17), Governor Jindal vetoed the bill in June.

Recently, BESE announced they would be proposing to withdraw from the PARCC consortium while still maintaining Common Core Standards and some PARCC questions for the LEAP test. Most likely, this issue will have to go before the Courts. Until it is resolved, we encourage all schools to continue preparing for Common Core and PARCC as before.

Special Education Changes

Beginning August 1, 2014, all public schools, including charter schools, will need to ensure that they are in compliance with Act 833 (HB 1015). This bill mandates BESE to adopt rules so that students with IEPs (sans gifted students) move on to the next grade level based on the decision of the IEP team, and not solely test performance.

Students with IEPs may also obtain high school diplomas if they meet the requirements set out by the IEP team. A diploma issued to a student based on achieving his IEP goals and objectives will count equally and be assigned the same number of points in the SPS calculation for high schools as are assigned for a diploma issued to any other student.

For more information, stay tuned for updates from us about BESE and see:
<https://www.legis.la.gov/legis/BillInfo.aspx?s=14RS&b=HB1015&sbi=y>

Data Privacy

Data privacy became a controversial issue during the 2014 Session. There were many bills filed, but there were two significant ones that affect charter schools, in addition to traditional public schools.

Act 837 (HB 1076) by Rep. Schroder established personally identifiable information as a protected right under Louisiana’s Constitution and prohibits the sharing or selling student data. There are some exceptions, but schools will need to be more cautious about who can access data (no one unless authorized by Superintendent—so, for charters, this means your CEO or equivalent), how data is shared (needs to be completely anonymous), and be sure to ask for parental consent (starting at 8th grade) to collect or disclose of student info. For more information, please stay tuned for our BESE reports and see:

<https://www.legis.la.gov/legis/BillInfo.aspx?s=14RS&b=HB1076&sbi=y>

Act 677 (HB 1283) by Rep. Ivey requires the LDE **and** all local education agencies (LEAs—school districts, as well as Type 2 and Type 5 charter schools) to post the following information by January 1, 2015 on their websites whenever they provide student data to another organization/agency:

- ∞ A profile of each authorized recipient of such information
- ∞ A copy of the signed agreement between the LEA and the authorized recipient
- ∞ A complete listing of all the data elements authorized to be transferred
- ∞ A statement of the intended use of the information, including references to legal authority or legal requirements associated with the transfer of such information
- ∞ The name and contact information of the individual serving as the primary point of contact for inquiries about the agreement

This information must be provided on the website no later than 10 business days following the execution of this kind of agreement. You must also design a process by which parents of students attending your school may complain if they believe there has been an unauthorized transfer of student data. For more information, please see: <https://www.legis.la.gov/legis/ViewDocument.aspx?d=915342&n=HB1283%20Act%20677>

School Choice Expansion

While not directly impacting charters, Act 853 (SB 61) by Senator Nevers is an interesting new law that provides more public school options to students in Louisiana. Beginning in the 2014-15 school year, the parent or other legal guardian of any student may enroll their child in the public school of their choice, without regard to residence, school system geographic boundaries, or attendance zones, provided both of the following apply:

- The student was enrolled in D or F school
- The school in which the student seeks to enroll received a letter grade of A, B, or C for the most recent school year *and* has sufficient capacity at the appropriate grade level

A student enrolled in a public school pursuant to proposed law will be counted by the school system in which he is enrolled for purposes of the MFP, and any other available state or federal funding for which the student is eligible.

Participating districts will not be required to provide transportation if the student is outside their geographic boundaries. For more information, please see:

<https://www.legis.la.gov/legis/BillInfo.aspx?s=14RS&b=SB61&sbi=y>

Curriculum Changes

We always try to fight any encroachment on schools' curricula, but unfortunately, it often seems to be a losing battle. There are three new requirements (actually two are just expansions of existing requirements).

∞ Act 506 (Dixon): Dating Violence

- Requires governing authority of each school with students in grades 7th thru 12th to provide instruction to all employees about dating violence, warning signs, reporting, etc.
- Requires student codes of conduct to include definition of dating violence, warning signs, and how to seek help
- Requires schools to collect data about # of incidents related to dating violence
- Requires each Superintendent to make oral report to governing authority about dating violence data
- For more information, please see:
<https://www.legis.la.gov/legis/BillInfo.aspx?s=14RS&b=ACT506&sbi=y>

∞ Act 525 (Jackson): Child Assault

- Requires governing authority of each school to provide age and grade appropriate classroom instruction about assault and how to report assaults; can be integrated into curriculum of an existing course
- For more information, please see:
<https://www.legis.la.gov/legis/BillInfo.aspx?s=14RS&b=ACT525&sbi=y>

∞ Act 517 (Wilmott): CPR

- Requires the governing authority of each school with students in grades 9th through 12th to provide instruction on CPR and the use of an automated defibrillator; can be integrated into curriculum of existing course
- Instruction must include hands-on practice
- Teachers do not have to be certified in CPR to provide or oversee the instruction
- For more information, please see:
<https://www.legis.la.gov/legis/BillInfo.aspx?s=14RS&b=ACT517&sbi=y>

Re-admittance of Students

Act 411 (Carter) actually does not technically include charter schools; however, we highly suggest that charter schools voluntarily comply with this new law. It requires that any student who meets the following criteria to be allowed admission/readmission to school:

- Resides within the geographic boundaries of the school system
- Meets the eligibility requirements for school entrance pursuant to present law, which requires that a child be six by Sept. 30 of the calendar year in which the school year begins
- Is 19 or younger on Sept. 30 of the calendar year in which the school year begins or is 20 on Sept 30 and has sufficient credits to graduate within a year
- Has not received a high school diploma or its equivalent
- Is otherwise eligible for enrollment in a public school pursuant to present law and the policies of the local public school board and BESE

Act 407 also states that a school cannot deny admission/readmission of a student if they meet the following criteria:

- Withdrew from school
- Is pregnant
- Is a parent
- Is married

For more information, please see: <https://www.legis.la.gov/legis/BillInfo.aspx?i=224250>

Retirement

Generally, due to capacity issues, we do not follow all of the retirement bills. We encourage charter schools in TRSL to read TRSL's annual legislative update carefully to understand new technical changes.

However, there is a bill that was passed that affects all schools, even those not in TRSL. Act 547 (Pearson) requires all school boards and charter schools to offer their employees the opportunity to participate in the Louisiana Public Employees Deferred Compensation Plan. All this means is that you will need to inform your employees of the option. Details about the plan can be found at:

<https://louisianadepretire.gwrs.com/login.do>

If an employee chooses to participate, you may need to align your payroll system to allow for direct-deposit.

For more information, please see:

<https://www.legis.la.gov/legis/BillInfo.aspx?s=14RS&b=HB171&sbi=y>

Transportation

House Concurrent Resolutions (HCRs) are not laws, but do often mandate governmental agencies and other organizations to study issues or encourage said agencies and organizations to do something. HCR 187 asks BESE in conjunction with the Louisiana Association of School Superintendents, the Louisiana School Boards Association, and the Louisiana Association of Public Charter Schools to study and explore options for providing free transportation to charter school students. A written report of the findings and recommendations must be made to the House and Senate Education Committees. LAPCS is currently beginning some research on the topic and will be contacting schools for input soon.

For more information, please see:

<https://www.legis.la.gov/legis/BillInfo.aspx?s=14RS&b=HCR187&sbi=y>

STEM Education

HCR 156 encourages the governing authority of each public school to “make capital investments in building and upgrading science labs for middle and high school students a budget priority, to aggressively seek public-private partnerships to increase the availability of professional development opportunities for teachers in the sciences, especially engineering, and to encourage middle and high schools to establish STEM-related clubs for students and actively encourage female students to join them.”

Again, this isn't a mandate, but a suggestion. It's a potential signal that the state is interested in focusing on STEM education more. Time shall tell.

For more information, please see:

<https://www.legis.la.gov/legis/BillInfo.aspx?s=14RS&b=HCR156&sbi=y>

Summary

Sessions are getting tougher every year. Due to the many successes of the charter movement, the anti-charter folks have been backed into a corner, and are swinging like mad.

Furthermore, the Governor is getting closer to being lame-duck and is trying to establish as much power as he can before he has none.

Ever heard the saying, “The enemy of my enemy is my friend”? Well, even though we certainly don’t consider the traditional school system an enemy, some in traditional schools have decided that we are theirs. This leads to some “strange bedfellows” if you will, including unions partnering with far-right activists.

All of that to say: We **need you** to be engaged. We cannot do this important work alone, and it often helps for a legislator to hear not just from advocates but also their constituents! There are many ways to be involved—invite a legislator/elected official to your school to see the great work you are doing with kids; come to BESE meetings and committee meetings to speak up about issues you care about; help LAPCS spread the message about your successes. As always, if you have any questions, don’t hesitate to reach out to the LAPCS staff. We are happy to serve our member schools! To join LAPCS, please reach out to Simone Green.

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