

**LAPCS**

**LOUISIANA  
ASSOCIATION  
OF PUBLIC  
CHARTER  
SCHOOLS**

# **2013 Legislative Update**

**What Charters Need to Know**

# 2013 Legislative Session

- Less “reform-friendly” than in the past
- Governor was less hands on
- Trended towards “...and charters, too!”
- Had to play a decent amount of defense—was incredibly helpful to have support and hear from charter leaders, board members, and supporters

# Major Areas of Change



**Budget**



**School  
Safety**



**ACT  
Testing**



**TOPS**



**Return of  
Schools**

**And, as always, many other miscellaneous, but important changes as well!**

# Budget: HB 1

- An additional \$69m appropriated for public schools → ~ half going towards pay raises/retirement; ~ half going to Scholarship Program (vouchers)
- ~ \$18m to reimburse local districts as a result of court ruling and return to the 2011-12 MFP formula

# Budget cont.

- Pay Raises

- Payable out of the State General Fund (Direct) to the Minimum Foundation Program to increase funding for city, parish, special schools, lab schools and charter schools, and the Recovery School District, which shall be allocated in the same manner as provided in the **FY 2011-12 MFP Formula, for a certificated classroom teacher pay raise, related employer retirement contributions and other expenditures**, be it more or less estimated \$69,000,000.
- Provided, however, that **each city, parish, special school, lab school and charter school and the Recovery School District receiving increased funding as a result of this appropriation shall use no less than fifty percent of the increase in funds from this appropriation for a pay raise and employer retirement contributions for certificated classroom teachers**. Provided, however, for purposes of determining the use of these funds, certificated classroom teachers are defined per state Board of Elementary and Secondary Education Bulletin 1929 as classroom teachers (function code series 1000 through 1600, object code 112), including those certificated classroom teachers on sabbatical. Provided, further, that the expenditure of these funds shall be monitored in accordance with the Department of Education's 70% Instructional Expenditure Requirements.

- At least half of your increase must be used to a) give pay raises to, or b) cover employer retirement contributions for certified teachers. However, there are no prohibitions around the other 50% of the increase in funds.

- Please note: The 70% instructional rule does apply!

**\* Further guidance from LDE coming soon!**

# School Safety: HB 718/Act 50

- Crisis management plans must now also address school shootings and focus on preventing loss of life
- Plans must be prepared jointly with local law enforcement, fire, public safety, & emergency preparedness officials (and resource officer or JROTC instructor, if applicable)\*
- Each year, there must be an in-service training on the plan for teachers and staff
- In the event of a shooting or other violent incident, there should be plan to counsel students (mental health professionals)
- Plan must be reviewed annually and if there are revisions, CEO must approve
  - CEO must submit an annual report to the governing board (charter board)
- Within the first 30 days of the school year, each principal must conduct a safety drill to rehearse the components of the plan
  - Not later than 7 days after the drill, the principal must submit a written report summarizing the details of the drill to the CEO and consider revisions.
- Classroom doors with locks must remain locked during instructional time (as long as within fire marshal code)
- Each of the following must keep a copy of the plan in his/her office: principal, president of board, CEO, chief of police where school is located, and local fire chief
- School crisis management and response plans are NOT subject to Public Records Law

**\*In New Orleans, LAPCS has contacted Homeland Security. LAPCS will work with Homeland Security to create guidelines and language that schools can then incorporate into their plans, if they so choose.**

## **School Safety: HB 368**

- Contradicts HB 718 slightly by requiring at least two drills per school year
- Allows school resource officers to be armed with a firearm at all times while on duty as long as authorized by law enforcement agency

# ACT Testing: HB 343/Act 151

- A high school student with an exceptionality (except gifted/talented) who is not pursuing a high school diploma cannot be given any standardized test, including the ACT, unless one or both of the following apply:
  - The student's IEP indicates the exam is an appropriate assessment for the student
  - The student's parent/legal guardian requests in writing that the student take the exam
- A SPED student cannot be penalized for not taking these exams (can't withhold credits or deny graduation; can't take away extra-curriculars; can't hold student back in grade; etc.)
- The absence of test results due to the implementation of this Act will not be factored into or negatively impact the performance score/letter grade of schools. Schools will not be penalized as long as no violations of NCLB or IDEA.



# TOPS: SB 202

- Beginning with students in the graduating Class of 2018, the calculation of the minimum GPA for TOPS will change to 5-point scale for grades earned in AP, IB, gifted, and dual enrollment courses
  - A: 5 points
  - B: 4 points
  - C: 3 points
  - D: 2 points
  - F: 0 points
- Beginning with students in the graduating Class of 2018, the standards for admissions to college will depend on completion of core curriculum consisting of 19 units. See handout.

# Return of Schools: HB 661

- Creates a Type 3B charter school
  - Type 5 charter that is transferred from the RSD to local school board after BESE has determined it is no longer failing
  - School has option to remain its own LEA for funding and statutory purposes
    - If 3B fails to meet financial and programmatic obligations, the State Superintendent can rescind LEA status
- Local school board must:
  - Allow 3B charter to remain in its facility or provide it with another to use
  - Distribute MFP funds to all of its charters using the weighted allocations provided in the adopted MFP formula except if the school board includes a parish that contains a municipality with 300,000+ people. If so, the district's Type 1 and Type 3 schools that were authorized prior to 2013-14 will be grandfathered in (2018-19), meaning they do not have to participate in weighted formula.
- State board may:
  - Require a Type 3B charter to participate in unified processes common to other public schools located in the same parish or district
  - Withhold and retain  $\frac{1}{4}$  of 1 percent of the fee amount charged to a Type 3B charter school (out of MFP) to cover financial oversight costs

# Reverse Parent Trigger: HB 115

- Assuming an RSD direct-run school hasn't been identified for conversion to a charter, and the following criteria is met, that school can be returned to the local school board
  - Criteria:
    - Both BESE and local school board approve
    - Majority of parents of students in school (have to have been enrolled for at least 2 years) sign a petition requesting removal from RSD
    - School has received grade of D or F for five consecutive years while under the jurisdiction of the RSD

\*\*LDE tasked with creating rules and procedures around petitions, as well as around transfer of students and records

# Public Records: HCR 129

- Public bodies (including charter boards), if there is a custodian of public records, should make the identity and contact information of the custodian available to the public, preferably by posting it on their website.

# Restraining Students: HB 89/Act 1

- Present law requires the State Board of Elementary and Secondary Education (BESE) to prepare and adopt rules and guidelines for the appropriate use of seclusion, physical restraint, and mechanical restraint of students with exceptionalities
- Present law further requires the governing authority of each public elementary and secondary school:
  - (1) To adopt written guidelines and procedures regarding the use of seclusion and physical restraint.
  - (2) To provide these written guidelines and procedures to all school employees and to every parent of a child with an exceptionality.
- New law adds that these rules shall not be applicable to a student who has been deemed to be gifted or talented unless he has been identified as also having a disability

# Discipline: HCR 91

- Discipline bill failed to pass House
- However, via a resolution, a task force will be formed to study best practices as related to anti-bullying, the amount of paperwork associated with current anti-bullying legislation, etc.

## **Boarding Charter Schools: HCR 30**

- Requires BESE to study the feasibility and advisability of pursuing a residential charter school model in Louisiana, including identification of potential sources of funding for residential charter schools such as the Minimum Foundation Program or other state, local, and federal funding sources

# Big Wins, but Some Cautions

- Retirement bills that would have cost schools absurd amounts of money did not pass
  - But almost guaranteed that this fight will continue and come up again next year. LAPCS will be working proactively to draft protections into law.
- Bill that would have reversed certification rules for charters did not pass
  - Again, this fight is probably not over. LAPCS will be working on messaging around teacher pipelines and the importance of focusing on outcomes and not inputs, such as credentials.
- Anti-international teachers bill was not passed
- Anti Common Core bill failed
  - Reminder that the reform community must remain diligent in educating the public