Louisiana Charter School Handbook

FOR SCHOOL ADMINISTRATORS
Introduction

The goal and purpose of this handbook is to help explain many of the complex rules and regulations that apply to public charter schools. Please note that this handbook is a summary of the majority of the existing rules and regulations that apply to your school and is not intended to cover all scenarios your school may face, nor is it designed to provide legal advice. It is always wise to consult with an attorney regarding issues specific to your school. Also, be sure to check with your school’s authorizer as to the most current laws and policies that may apply.

This handbook is split into five major sections: (1) Charter School Overview; (2) Charter School Operations; (3) Compliance with State Public Laws; (4) Charter School Exemptions and Requirements per La. R.S. 17:3996; and (5) Special Programs Relating to English Language Learners and Students with Disabilities.

This handbook is only a reference guide and is not a comprehensive description or explanation of all laws that apply to a charter school. Should your school have further questions after reviewing this handbook, Louisiana Appleseed, the Louisiana Association of Public Charter Schools, your school’s authorizer, the Louisiana Department of Education, and your school’s attorney may have resources available to help you.

Thank you for your dedication to serving and educating Louisiana’s students.

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Glossary of Commonly Used Abbreviations and Acronyms

ADA: Americans with Disabilities Act
BESE: Louisiana Board of Elementary and Secondary Education
CMO: Charter Management Organization
ELL: English Language Learners
EMO: Education Management Organization
FAPE: Free and Appropriate Public Education
FERPA: Family Educational Rights and Privacy Act
IDEA: Individuals with Disabilities Education Act
IEP: Individualized Education Program
LDE: Louisiana Department of Education
LEA: Local Education Agency
LSB: Local School Board
RSD: Recovery School District
Section 504: Section 504 of the Rehabilitation Act of 1973
SPED: Special Education (specifically, students who have been identified as a student with an exceptionality, not including gifted and talented, per La. R.S. 17:1942(B))
I. Louisiana Charter Schools: Overview

A. Charter Schools: What are Charter Schools?

Unlike with traditional public schools—where schools located within a certain jurisdiction are subject to rules, regulations, and attendance zones set by a local school board—charter schools are independent public schools that are given educational and operational autonomy in exchange for performance-based accountability.

In essence, charter schools operate from 3 basic principles:

1. **Choice**: Parents select the school their child attends.

2. **Autonomy**: Charter schools are free to make timely decisions on issues specific to their school such as developing curricula, structuring the school day and year, creating a balanced budget, and hiring staff who meet the needs of their students.

3. **Accountability**: In exchange for autonomy, charter schools are held accountable via a performance-based contract and must meet certain academic, financial, and legal standards within an allotted time frame or risk closure.

In Louisiana there are 3 primary sources for charter school laws, rules, and regulations:

   - Charter school law is typically updated or amended annually during the legislative session.

2. **Policy**: Bulletin 126 of the Louisiana Board of Elementary and Secondary Education (BESE) governs the implementation of charter school law. Most of its provisions apply to Type 2 and 5 charter schools only, but some provisions apply to all charter schools – 28 La. Admin. Code, Bulletin 126.
   - Parish and city school boards may have specific rules that differ from BESE. Be sure to check local rules if authorized by a Local School Board (LSB).
   - BESE and LSB policies are updated often. Regularly ask your authorizer for the most current version.

3. **Contract**: Charter contracts are unique to each individual school. Always review your contract for requirements specific to your school and its mission.
   - Contracts can be amended during the contract term (often subject to authorizer approval) or renegotiated during the renewal process.
B. Charter Schools: Types of Charter Schools

In Louisiana, there are 6 types of charter schools:

1. **Type 1**: a new school chartered by a LSB.
2. **Type 2**: a new school or a converted pre-existing school chartered by BESE.
3. **Type 3**: a converted pre-existing school chartered by a LSB.
4. **Type 3B**: a former Type 5 charter school transferred from the Recovery School District (RSD) to a LSB.
5. **Type 4**: a new school or a converted pre-existing school chartered by BESE to a LSB.
6. **Type 5**: a formerly “failing” school chartered by BESE and supervised by the RSD.


**Type 3B Charter Schools**: This type was created to account for the return of a Type 5 charter school from the RSD back to a LSB. The LSB shall permit a Type 3B charter school to remain in the facility in which it was located at the time of transfer or provide it with another facility for use. Pursuant to rules and regulations adopted by BESE, the LSB may require a Type 3B charter school to participate in unified processes common to other public schools located in the same parish or school district boundaries, such as those processes relating to student enrollment, expulsion, and transportation. Additionally, Type 3B schools are permitted to remain as their own Local Education Agency (LEA).

**Economically Disadvantaged** means any one of the following characteristics of a student: (a) Is eligible for Louisiana’s food assistance program for low-income families; (b) Is eligible for Louisiana’s disaster food assistance program; (c) Is eligible for Louisiana’s program for assistance to needy families with children to assist parents in becoming self-sufficient; (d) Is eligible for Louisiana’s healthcare program for families and individuals with limited financial resources; (e) Is eligible for reduced price meals based on the latest available data; (f) Is an English Language Learner; (g) Is identified as homeless or migrant pursuant to the McKinney-Vento Homeless Children and Youth Assistance Act and the Migrant Education Program within the Elementary and Secondary Education Act; (h) Is incarcerated with the office of juvenile justice or in an adult facility; or (i) has been placed into the custody of the state.

Note: See Section IV(B)(2) of this handbook for an explanation of the Economically Disadvantaged and SPED enrollment requirements.

<table>
<thead>
<tr>
<th>Type</th>
<th>Authorizer</th>
<th>Charter Contract Parties</th>
<th>New School vs. Conversion</th>
<th>Admissions</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>LSB</td>
<td>LSB + Nonprofit Board</td>
<td>New School</td>
<td>Economically Disadvantaged &amp; Special Education (SPED) enrollment requirements; may have admission requisites consistent with mission</td>
</tr>
<tr>
<td>2</td>
<td>BESE</td>
<td>BESE + Nonprofit Board</td>
<td>Either</td>
<td>Economically Disadvantaged &amp; SPED requirements; may have admission requisites consistent with mission</td>
</tr>
<tr>
<td>3</td>
<td>LSB</td>
<td>LSB + Nonprofit Board</td>
<td>Conversion</td>
<td>Economically Disadvantaged &amp; SPED requirements; may have admission requisites consistent with mission</td>
</tr>
<tr>
<td>3B</td>
<td>LSB</td>
<td>LSB + Nonprofit Board</td>
<td>Conversion; former Type 5 returned to a LSB</td>
<td>Open enrollment only</td>
</tr>
<tr>
<td>4</td>
<td>BESE</td>
<td>BESE + LSB</td>
<td>Either</td>
<td>Economically Disadvantaged &amp; SPED requirements; may have admission requisites consistent with mission</td>
</tr>
<tr>
<td>5</td>
<td>BESE</td>
<td>BESE + Nonprofit Board</td>
<td>Conversion; under the jurisdiction of the RSD</td>
<td>Open enrollment only</td>
</tr>
</tbody>
</table>

C. Charter Schools: The Charter Contract

A public charter school comes to life through, and is governed by, a charter contract between a charter operator and a charter authorizer.

Similar to all other service contracts, the charter contract is a legal agreement that sets the expectations for the operator and authorizer over a set term. It defines both the operator’s rights to manage the school and the authorizer’s monitoring and oversight responsibilities.

- **Charter Operator**: The non-profit corporation or LSB (Type 4) authorized to operate a charter school.
- **Charter Authorizer**: LSB or BESE; responsible for monitoring and overseeing authorized charter schools.
- **Education Service Providers (ESPs)/Education Management Organizations (EMOs)**: Charter operators may hire a third-party to manage the school’s academic, fiscal, and operational services on behalf of the school’s board of directors. These for-profit companies are commonly referred to as Education Service Providers (ESPs) or Education Management Organizations (EMOs). Any charter operator that enters into a contract with an ESP/EMO must notify the authorizer and give the authorizer a copy of the contract.
- **Charter Management Organizations (CMOs)**: Charter operators authorized to operate more than one charter school through a non-profit network are commonly referred to as CMOs.

**Note**: Even though the charter contract encompasses the agreed-to provisions between an operator and an authorizer over a set term charter school law, an authorizer’s policy, and BESE policy may at times override provisions of the contract.

- Know the terms of your charter agreement and always check with your authorizer regarding any policy changes that may affect your contract.


D. Charter Schools: Accountability, Renewal, and Revocation

Regardless of type, the validity of each charter contract is contingent upon the school’s ability to meet certain academic, financial, and legal standards within an allotted time frame. If the school meets those requirements, then the contract can be renewed for another set time period; but if the school fails to do so, the contract cannot be renewed and the school will either be closed altogether or transferred to a different operator. Additionally, the charter contract can be revoked at any time by a majority vote of the authorizer if the authorizer finds that the operator violated the contract, fiscal standards, or the law (this type of revocation generally occurs when there is a gross violation or the health and safety of students are at risk).

**Renewal Timeline**: All charter schools are initially authorized for a single 4-year term that may be extended for a maximum initial term of 5 years. Thereafter, charter contracts may be renewed for additional periods of 3-10 years based on performance.

- **All renewal decisions must be made by January 31 of the year in which the contract term expires**. As a result, renewal decisions are based upon the cumulative performance data collected from the beginning of the charter term through the school year immediately preceding the final year.

**Automatic Renewal**: Charter school law and BESE policy permit high-performing charter schools to be automatically renewed if they meet certain benchmark standards (particularly around academic and financial performance). Check with your authorizer to see if your school is eligible for automatic renewal.

- **Renewal Changes**: The academic, financial, and legal standards for charter schools are periodically revised by authorizers; be sure to check with your authorizer as to any policy changes that may impact your school’s renewal.

- **Revocation Terms**: Be familiar with the specific policy and contractual provisions that permit your authorizer to immediately revoke the contract, as well as the related procedures for revocation.

E. Charter Schools: Contract Amendments

An operator, through its governing board, may seek to amend its charter contract during the course of the contract’s term. All amendments must be submitted to the authorizer:

- **Material Amendments** require subsequent approval by the authorizer. Generally, these types of amendments make substantive changes to a charter school’s governance, operational, or academic structure.

- **Non-Material Amendments** are effective upon approval by the charter school’s board. These are non-substantive changes to the contract, such as designated contact information for the school.

Authorizers regularly update what qualifies as “material” and “non-material” amendments, so always check with your authorizer before amending the contract.

**Amendment Requirements and Restrictions**

- No amendment may be the basis of extending a contract’s term.
- The amendment must be designed to help further the stated objectives of the school.
- An amendment must be proposed and approved by the school’s governing authority (the charter school board).
- Charter schools seeking to enroll more than 120% of the total number of students approved in the charter contract must formally amend the contract to permit the enrollment increase.

II. Charter School Operations

A. Charter School Operations: Chain of Command

A charter operator must be organized as a non-profit corporation, and its board of directors—as holder of the charter contract—exercises final authority in all matters affecting the school. The board may utilize any power and perform any function (not prohibited by law) that is necessary, requisite, or proper for the management of the school. Accordingly, the board is ultimately held responsible for the academic, financial, and legal performance of the school.

But while a charter school board’s overall purpose is to govern the charter school, it is not tasked with running the school’s daily operations—that duty belongs to the school’s leader (i.e. either the principal of an individual charter school or the chief executive officer of a charter management organization).

- The board develops school policies and sets goals and expectations; the school leader implements the board’s policies and carries out the school’s academic and operational programs on a day-to-day basis.
- The board assesses “what” needs to get done; the school leader is entrusted with “how” to do it.
- The board hires and evaluates the school leader; the school leader hires and evaluates all other staff.

<table>
<thead>
<tr>
<th>Responsibility</th>
<th>Board</th>
<th>School Leader</th>
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<tbody>
<tr>
<td>Financial Management</td>
<td>- Approves annual budget</td>
<td>- Prepares/proposes annual budget</td>
</tr>
<tr>
<td></td>
<td>- Reviews periodic financial reports</td>
<td>- Oversees preparation of periodic financial reports</td>
</tr>
<tr>
<td></td>
<td>- Ensures proper internal controls are in place</td>
<td>- Implements proper financial controls</td>
</tr>
<tr>
<td></td>
<td>- Ensures annual financial audit is performed by an independent firm</td>
<td></td>
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<tr>
<td>Academic Excellence</td>
<td>- Ensures academic benchmarks: examines whether the what are being</td>
<td>- Delivers academic program aligned with the charter contract’s specifications</td>
</tr>
<tr>
<td></td>
<td>met or on target</td>
<td>- Determines how the instructional program is delivered</td>
</tr>
<tr>
<td></td>
<td>- Offers oversight of academic program; approves pupil progression plan</td>
<td></td>
</tr>
<tr>
<td></td>
<td>&amp; test security policy</td>
<td></td>
</tr>
<tr>
<td>Compliance &amp; Human Resources</td>
<td>- Hires &amp; sets compensation for school leader; approves benefits offered to all staff</td>
<td>- Determines qualifications &amp; hires staff</td>
</tr>
<tr>
<td></td>
<td>- Approves all required local, state, &amp; federal student and staff</td>
<td>- Responsible for school personnel management and evaluations</td>
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<tr>
<td></td>
<td>policies</td>
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B. Charter School Operations: At-Will Employment, Collective Bargaining, and Benefits

Charter schools may, but are not required to, enter into fixed-term contracts with their employees. While contractual promises of certain benefits or a level of job security may serve as a recruiting tool for certain employees—particularly higher-level employees such as the school leader—charter schools may hire employees for any position on an at-will basis.

At-Will Employment: The employer or employee can terminate the employment relationship at any time and for any reason, including for no reason at all, so long as the reason is not for a discriminatory or unlawful purpose.

- At-will status can be negated by any references made by the employer that employment is for a specific length of time and can only be terminated for just cause.
- All offer letters and employee handbooks should contain clear at-will provisions, and any verbal agreements or employment discussions should not be misleading as to at-will status.

Fixed-Term Contracts: The employer and employee have agreed to a set term for employment (e.g., 3 years or until “x” is accomplished) and can only be terminated for specified reasons.

Collective Bargaining Agreements: Any collective bargaining agreement entered into by the LSB in whose jurisdiction a charter school is located applies to that charter school unless the school’s approved charter contract provides otherwise. Additionally, charter schools may become subject to a collective bargaining agreement asserted upon it by its employees.

Benefits: All potential charter school employees must be notified of the specific benefits they will be offered.

- As public schools, a charter school may elect to participate in the state’s employees’ and teachers’ retirement systems, or it may offer a private benefit plan (such as a 401k or 403b plan)—as provided for in the charter contract.
- Each charter school must offer its employees the opportunity to participate in the Louisiana Public Employees Deferred Compensation Plan.

C. Charter School Operations: Personnel Requirements and Policies

1. Equal Opportunity Employer: A charter school shall recruit, employ, and train teachers, administrators, and other employees without regard to race, color, religion, sex, or national origin. Charter schools must comply with all state and federal laws otherwise applicable to public schools with respect to civil rights and individuals with disabilities.

Source: La. R.S. 17:399(c).

2. Teacher Certifications: Per charter school law, charter school instructional staff may, but are not required to, be state-certified teachers; at a minimum, they must have a baccalaureate degree and be subject to all provisions of state law relative to background checks. However, per some funding sources (e.g. federal or state grants), some charter school staff may be required to be certified for certain programs (e.g. Pre-K and SPED teachers).


3. Background Checks and Criminal Reporting: Charter schools must conduct a background check on all employees—including those who have been given a position of supervisory or disciplinary authority over children (e.g. teachers, bus drivers, and substitutes) as well as those who might reasonably be expected to be placed in a position of supervisory authority over students (e.g. maintenance staff and cafeteria workers). The charter school itself, and not a third party contractor, must submit background check requests and fingerprints of all employee candidates to the Louisiana Bureau of Criminal Identification and Information of the Louisiana State Police. Criminal background checks cannot be transferred between schools and must be conducted every time an employee changes employers.

- La. Bureau of Criminal Identification and Information
  P.O. Box 66614, #A-6
  Baton Rouge, LA 70896-6614
  (225) 925-6095
  http://www.lsp.org/technical.html

- Hiring Prohibitions: No person who has been convicted of or has pled nolo contendere to a crime listed in La. R.S. 15:587.1(C) (see appendix) shall be hired as a charter school teacher/substitute teacher, bus driver/substitute, janitor, or as a temporary, part-time, or permanent school employee. An “expunged” record does not negate this requirement. Hiring exceptions may only be made with written approval of the district judge and district attorney or written documentation that the conviction was reversed or vacated.

- Arrest Notifications: If a current employee is arrested for one or more of the specified offenses relative to sexual morality affecting minors in La. R.S. 17:16, any of the crimes listed in La. R.S. 15:587.1, or any justified complaint of child abuse or neglect on file in the central registry pursuant to Article 615 of the Louisiana Children’s Code, the employee must report the incident to the school and the school must report the employee to proper authorities (e.g. the charter board, authorizer, and/or LDE) within 24 hours of the arrest or before the employee’s next shift if the arrest occurs on a weekend or legal holiday—even if the employee was not performing a work-related task at the time of the offense.

- DUI: Any school bus operator who has been arrested for driving under the influence of alcohol or drugs must report the incident to the charter school within 24 hours of the arrest or before the start of his or her next shift, whichever time period is shorter—even if the arrest occurred when the bus operator was driving his or her personal vehicle or not performing work-related duties at the time of the arrest.

4. **Employee Thresholds for Major Federal Employment Laws**:

**At least 1 Employee:**
- **Equal Pay Act**: Prohibits sex-based wage discrimination between men and women in the same establishment who perform jobs that require substantially equal skill, effort, and responsibility under similar working conditions. **Source:** 29 U.S.C. § 206(d).
- **Fair Labor Standards Act (FLSA)**: Establishes minimum wage, overtime pay, recordkeeping, and youth employment standards. **Source:** 29 U.S.C. §§ 201 et seq.
- **Federal Income Tax Withholding**: Requires employers to withhold a certain amount of taxes from an employee's paycheck based upon the number of exemptions that an employee claims and the amount of income that is being paid. **Source:** 26 U.S.C. § 3402.
- **Employment Retirement Income Security Act (ERISA)**: Establishes minimum standards for pension plans in private industry and provides for extensive rules on the federal income tax effects of transactions associated with employee benefit plans. **Source:** 29 U.S.C. §§ 1001 et seq.
- **Occupational Safety and Health Act (OSHA)**: Ensures that employers provide employees with an environment free from recognized hazards, such as exposure to toxic chemicals and unsanitary conditions. **Source:** 29 U.S.C. §§ 651 et seq.
- **Health Insurance Portability and Accountability Act (HIPAA)**: Provides privacy standards to protect an individual's medical records and other health information. **Source:** 42 U.S.C. §§ 18000 et seq., 42 U.S.C. §§ 1320d et seq.
- **Uniformed Services Employment and Reemployment Rights Act**: Protects civilian job rights and benefits for veterans and members of Reserve components. **Source:** 38 U.S.C. §§ 4301-4331.

**At least 15 Employees:**
- **Title VII of the Civil Rights Act**: Prohibits discrimination on the basis of race, sex, national origin, and religion; enforced by the Equal Employment Opportunity Commission (EEOC). **Source:** 42 U.S.C. §§ 2000(a) et seq.
- **Americans with Disabilities Act (ADA)**: Prohibits discrimination against a qualified individual with a disability; requires employers to provide reasonable accommodations. **Source:** 42 U.S.C. §§ 12101 et seq.
- **Pregnancy Discrimination Act**: Prohibits discrimination based on pregnancy when it comes to any aspect of employment, including hiring, firing, pay, job assignments, promotions, layoff, training, fringe benefits, and any other term or condition of employment. **Source:** 42 U.S.C. §§ 2000e(j) et seq.

**At least 20 Employees:**
- **Age Discrimination in Employment Act (ADEA)**: Prohibits discrimination against people age 40 or older. **Source:** 29 U.S.C. §§ 621 et seq.
- **Consolidated Omnibus Benefits Reconciliation Act (COBRA)**: Gives workers and their families who lose their health benefits the ability to continue group health benefits provided by their group health plan for limited periods of time under certain circumstances such as voluntary or involuntary job loss. **Source:** 29 U.S.C. §§ 1161 et seq.

**At least 50 Employees:**
- **Family and Medical Leave Act (FMLA)**: Entitles eligible employees to take unpaid, job-protected leave for specified family and medical reasons. Eligible employees are those who have worked for at least 12 months, have worked at least 1,250 hours during the 12 months immediately preceding leave, and work at a location where their employer has at least 50 employees within 75 miles. **Source:** 29 U.S.C. §§ 2081 et seq.

**Note:** Charter schools should consult with a labor and employment attorney to learn of other applicable state and federal employment laws.

5. **FLSA and Proper Employee Classification**: Charter schools must take great care to properly classify each employee in accordance with the federal **Fair Labor Standards Act (FLSA)**. All employees are first presumed to be non-exempt and be paid at least minimum wage as well as overtime (at least 1.5 times the employee's regular hourly rate) for work that exceeds 40 hours in a workweek. In order for an employee to be paid a salary with no overtime eligibility, an analysis must be conducted (based upon actual duties) to determine whether the employee meets the criteria for a particular exemption—such as **Executive**, **Administrative**, **Professional**, **Computer Employee**, **Highly Compensated, Instructional Teacher**, and **Academic Administrative**.

**Note:** On May 18, 2016, the U.S. Department of Labor announced changes to overtime regulations to take effect on December 1, 2016. Those regulations would have reset the salary level for overtime exemption from $23,660 ($455/week) to $47,476 ($913/week). However, on November 22, 2016, a federal court in the Eastern District of Texas granted a nationwide injunction blocking the enforcement of the DOL's overtime rule. Charter schools should consult with a labor and employment attorney regarding the status of the proposed rule, the injunction, and development of overtime regulations under the FLSA.

**Source:** Defining and Delimiting the Exemptions for Executive, Administrative, Professional, Outside Sales and Computer Employees, 81 Fed. Reg. 32391 (May 23, 2016) (to be codified at 29 C.F.R. §415).
Non-Exempt Workers: Not all school employees will meet one of the tests for a qualifying exemption. 

• Common examples of non-exempt employees include those who engage in administrative or clerical functions such as a receptionist, secretary, assistant, or those who primarily engage in manual labor such as custodians, maintenance workers, and cafeteria staff.

• All individuals who do not qualify for an exemption must accurately track daily hours worked, be paid at least minimum wage, and receive overtime pay for all hours worked that exceeded 40 hours in a workweek.

Common exemptions that may apply to public charter school employees:

• Instructional Teacher Exemption: Teachers are exempt if their primary duty is teaching, tutoring, instructing or learning in the activity of imparting knowledge, and if they are employed and engaged in this activity as a teacher in an educational establishment (for example: K-12 classroom teachers, depending on actual duties performed, coaching staff and paraprofessionals may also meet this criteria).
  – There is no minimum salary requirement for this exemption.

• Educational Administrator Exemption: Available to employees who: (i) are compensated in accordance with the guidelines (at a rate of $455/week), or on a salary basis which is at least equal to the entrance salary for teachers in the same educational establishment; and (ii) whose primary duty is performing administrative functions directly related to academic instruction or training in an educational establishment.
  – Common examples: superintendents, school leaders, principals, and any assistants responsible for administration of such matters as curriculum, quality and methods of instructing, measuring and testing the learning potential and achievement of students, establishing and maintaining academic and grading standards, and other aspects of the teaching program, etc.

• Other Administrative Professional Exemption: A school employee may also be exempt if: (i) they are compensated in accordance with the guidelines (at a rate of $455/week); (ii) their “primary duty” is the performance of office work directly related to the management or general business operations of the school; and (iii) their primary duty includes the “exercise of discretion and independent judgment with respect to matters of significance.”

• Executive Exemption: School employees may also be exempt if they: (i) are compensated in accordance with the guidelines (at a rate of $455/week); (ii) have a primary duty of managing the school or managing a customarily recognized department; (iii) customarily and regularly direct the work of at least two or more other full-time employees, and (iv) have the authority to hire or fire other employees, or have the ability to recommend the hiring, firing, or advancement of employees.

Note: Charter schools should regularly review all job descriptions and job classifications for all school employees with an employment attorney to ensure proper compliance with FLSA. Charter Schools should seek advice regarding developments to the $455/week salary threshold for overtime exemptions.


6. Common Employee Handbook Provisions: Each charter school should consult with its school attorney when creating employee policies specific to their school. No school should merely copy an employee handbook of another school. However, as merely a reference guide and starting point in crafting your school’s individualized employee handbook, the following provisions are commonly covered in school employee policies:

• Acknowledgment of Receipt of Handbook
• Alcohol, Smoking, and Drugs
• Americans with Disabilities Act Compliance Statement and Procedures
• Attendance and Leave
• At-Will Employment Disclaimer
• Background Checks and Requirement to Report Future Arrests and Convictions
• Benefits Eligibility
• Confidentiality of Student Records and Personally Identifiable Information
• Conflicts of Interest
• Employee Discipline and Grievance Procedures
• Employment Classification and Compensation
• Equal Opportunity Employment Statement
• Harassment (including Sexual Harassment)
• Health and Safety
• Intellectual Property and School Property
• Labor-Related Provisions (Protections under the National Labor Relations Act)
• Mandatory Reporting of Suspected Child Abuse/Neglect Requirements
• Mission Statement
• Payroll and Expense Reimbursement
• Personnel Files (Medical and Evaluation File Confidentiality)
• Technology and Telecommunications Usage
• Title IX Compliance
• Whistleblower
• Workplace Norms, Employee Conduct, and Social Media

Again, each charter school should consult an employment attorney in crafting employment policies specific to an individual charter school’s mission and culture.
D. Charter School Operations: Federal Compliance for Student Issues

Because charter schools receive federal funding directly or indirectly through programs or activities with federal financial assistance, federal civil rights laws, regulations, and guidance concerning student issues apply to charter schools, such as the following:

- **Title VI of the Civil Rights Act of 1964**: Prohibits discrimination based on race, color, or national origin in any program or activity receiving federal financial assistance; enforced by the U.S. Department of Education Office for Civil Rights.
  - Schools must take action to overcome barriers to students’ equal participation in educational programs, including taking affirmative steps to help students with limited English proficiency so that they can meaningfully participate in the school’s educational programs.

- **Title IX of the Education Amendments of 1972**: Prohibits discrimination on the basis of sex in any federally funded education program or activity.
  - Though Title IX does not, generally, apply to school admissions, there are many strict parameters regarding the creation and operation of single-sex public schools and other uses of sex-based criteria (http://www2.ed.gov/about/offices/list/ocr/t9-guidelines-ss.html).

- **Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990**: Prohibit discrimination based on disability.
  - Every student must be provided a Free Appropriate Public Education (FAPE)—i.e., regular or special education and related aids and services designed to meet the student’s individual educational needs as adequately as the needs of students without disabilities are met.
  - FAPE cannot be waived and schools must provide nonacademic and extracurricular services and activities in such a manner that students with disabilities are given an equal opportunity to participate.

- **Student Discipline**: Schools are obligated to avoid and redress discrimination in the administration of school discipline on the basis of race, color, national origin, disability, and sex (obligation applies over the entire course of the disciplinary process).

- **Parent Communications**: Schools must effectively communicate with disabled or disadvantaged parents and provide them with meaningful access to the same school information as they do with other parents (i.e. providing free interpreters/translation services and appropriate auxiliary aids).

III. Charter School Compliance with State Public Laws

A. Charter School Compliance: Public Laws

Because charter schools are public schools, charter school law mandates that the board members and employees of charter schools—like those of traditional public schools—comply with the following laws applicable to Louisiana’s public entities, which are described in more detail throughout this section of the handbook:

  - Avoiding conflicts of interest.
- **Open Meetings Law** – La. R.S. 42:11 et seq.  
  - Conducting public business openly.
  - Openly adopting and amending public budgets.
- **Public Records Act** – La. R.S. 44:1 et seq.  
  - Allowing access to public records and documents.
- **Public Bid Law** – La. R.S. 38:2211 et seq.  
  - Awarding contracts for either food service providers or public works contracts in excess of $150,000.


**Note:** Violation of these public laws, including failure of charter school staff to receive one hour of ethics training annually, can subject charter school employees to civil penalties, as well as impact an authorizer’s decision to extend or renew a school’s charter contract.

Charter school employees (as well as charter school board and committee members) must abide by the Louisiana Code of Ethics to protect the school from conflicts of interest and undue influence. Compliance with the Code of Ethics ensures that decisions made by school leaders are in the school's (and the greater public's) best interests.

1. Definitions

- **Agency Head**: The chief executive or administrative officer of an agency or any member of a board or commission who exercises supervision over the agency—e.g., charter school leaders, principals, and board members.

- **Public Employee/Public Servant**: Anyone, whether compensated or not, who is engaged in the performance of a governmental function—e.g., all charter school employees and board/committee members.

- **Immediate Family**: A public employee’s children, spouses of children, siblings, spouses of siblings, parents, spouse, and parents of spouse.

2. Conflicts of Interest—Gifts from Prohibited Sources

Charter school employees are prohibited from receiving or soliciting gifts (anything of economic value) from certain individuals or persons, referred to as prohibited sources, which can be any of the following:

- A person who has or is seeking a contractual, business, or financial arrangement with the charter school;

- Someone who, for compensation, attempts to influence any legislation or ordinance of an elected body;

- A person who conducts activities that are regulated by the charter school; and

- A person who has a substantial economic interest that can be affected by the performance or non-performance of the public employee's job duties.

Common examples of prohibited gifts from prohibited sources (such as school vendors) include: tickets, gift cards, discounts, and trips. However, the following are permitted exceptions to the “gift” rule:

- **Teacher Gift Exception**: Charter school teachers may receive gifts from or on behalf of a student or former student if an individual gift does not exceed $25 and the total amount of gifts received per student does not exceed $75 in a calendar year.

- **Promotional Items**: The items must have no substantial resale value and are imprinted with the company’s or organization’s logo (e.g., notepads, coffee mugs, cups, etc.).

- **Food and Drink**: The food and drink must be consumed in the presence of the giver and the food and drink at a single event or meeting cannot exceed approximately $50-$60 per person (exact amount fluctuates each year in accordance with the national unadjusted Consumer Price Index by the U.S. Department of Labor).

- **Volunteer Board Members**: Charter school law prohibits charter school board members from receiving compensation from the school other than reimbursement of actual expenses incurred while fulfilling board duties.

3. Prohibitions on Income/Compensation

Charter school employees, as public employees, cannot receive compensation or benefits from anyone other than their employer for doing the job they were hired by the school to do (e.g., a teacher cannot receive payment from a parent of a current student to tutor that student).

- **Volunteer Board Members**: Charter school law prohibits charter school board members from receiving compensation from the school other than reimbursement of actual expenses incurred while fulfilling board duties.

- **2-year Employment Prohibition**: Charter school board members, agency heads (school leaders) and employees are, essentially, prohibited from contracting with (and assisting others, for compensation for contracting with) the charter school for a period of two years following the termination of their position with the charter school.

*Note*: The Code of Ethics’ prohibition on income for public employees to receive compensation or anything of economic value from prohibited sources also extends to income that may be received by the spouse of a public employee or to a legal entity in which the spouse or the public employee exercises more than 25% control.

4. **Nepotism**: Charter school principals, leaders, and board members (as agency heads) are prohibited from employing their immediate family members to work at the charter school.

   - **Certified Classroom Teacher Exception**: School leaders may hire their immediate family members as a classroom teacher (only) so long as the family member is certified to teach or is temporarily authorized to teach while pursuing certification.
   
   - **One-Year Exception**: The continued employment and normal promotional advancement of a charter school employee is permitted if that employee had been employed by the charter school for at least one year prior to that staff member’s immediate family member becoming an agency head.

   Source: La. R.S. 42:1119

5. **Prohibited Transactions**: Charter school employees, board members, and their immediate family members or legal entities in which they have a controlling interest are prohibited from bidding on or entering into any contract, subcontract, or other transaction with the charter school.

   - **Participation**: Charter school employees and board members are also prohibited from participating in school transactions that will convey a substantial economic interest to: (i) themselves; (ii) an immediate family member; (iii) any person in which he has a substantial economic interest of which he may reasonably be expected to know; (iv) any person of which he is an officer, director, trustee, partner, or employee; (v) any person with whom he is in negotiation or has a prospective employment relationship with; or (vi) any person who is a party to an existing contract with the school employee or board member or with any legal entity in which they exercise control or owns an interest greater than 25%, and who by reason thereof is in a position to affect directly the economic interest of that public servant.

   – In such instances, school employees and board members must recuse themselves from voting on the matter.

   - **Disclosure**: In the event that a charter school employee or his/her immediate family member receive anything of economic value from a person who is regulated by the charter school board or has bid on or entered into a contract with the charter school, that charter school employee or his/her immediate family member must disclose such information.


6. **Abuse of Office**: Charter school board members and employees cannot use their office or position in a manner intended to compel or coerce anyone to provide them or someone else a thing of economic value. They are also prohibited from using the authority of their office or position to compel or coerce any person to participate in certain political activities.

   Source: La. R.S. 42:1116

7. **Board Reporting Requirements**: Charter school board members must annually file by May 15 a Tier 3 financial disclosure statement with the Board of Ethics as to personal financial information from the previous year, for all years served.

   Source: La. R.S. 42:1124.3

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C. **Charter School Compliance: Open Meetings Law, La. R.S. 42:11 et seq.**

The following is a brief summary of Louisiana’s Open Meetings Law:

1. **Application**: Charter school boards and their committees must conduct business on behalf of the charter school in a manner that is open and transparent to the public.

   - **Quorum Requirement**: Open Meetings Law applies when there is a quorum (simple majority) of board/committee members present to deliberate, act, or receive information on a matter over which they have supervision, control, jurisdiction, or advisory powers (including board retreats).
     
     - Open Meetings Law does not apply to chance meetings or social gatherings.
     
     - Board/committee members cannot circumvent Open Meetings Law by discussing school matters via a “rolling quorum,” polling, or via e-mail, phone, or text.

     - Board/committee members participating via phone cannot be counted in determining if a quorum exists and cannot vote.


2. **Action Items**: Any action (voting) by the board/committee can only take place if there is a quorum of members physically present during the open meeting.

   - All votes must be live, cast aloud, and recorded; voting by proxy or secret ballot is prohibited.

   - There must be a public comment period before a vote can be taken on an individual agenda item (public comment is not required for non-action items); one general comment period for all agenda items will not suffice.

   - Public comment rules and procedures (e.g. comment cards, time limits, etc.) may be used by board/committees if the rules are reasonable and made known to the public.

3. **Annual and 24-Hour Meeting Notice:** Charter schools must give the public advanced annual notice of all regularly scheduled board and committee meetings for the school year and post notice 24 hours in advance of scheduled regular and special meetings.

- All meeting notices must include the agenda, date, time, and location of the meeting.
- **Posting Notice:** All notices must be posted on the school’s website as well as one of the following locations:
  - The school’s main office;
  - The building where the meeting will be held; or
  - Via publication in the school’s official journal (i.e., the local newspaper).
- **Media Notice:** If any member of the news media requests to receive meeting notices, then a copy must be mailed to that news media outlet as well as given to actual board/committee members. (e.g., sending notice via e-mail if board/committee members receive meeting notices/reminders via e-mail).
- Any reference to 24-hour notice does not include weekends or legal holidays.


4. **Meeting Agendas:** Everything the board/committee plans to discuss or act upon (vote) during the meeting must be listed on the agenda.

- Agenda items must be listed separately, described with reasonable specificity, and read aloud during each meeting. Agenda must also indicate what matters will be discussed in executive session; if discussing litigation, then the court name, case number, and parties must be listed.
- Agendas should not be changed less than 24 hours prior to the meeting. If an item must be added, then the board/committee must:
  - Identify by motion the item and purpose for adding to agenda;
  - Permit public comment on whether item should be added; and
  - **Unanimously** approve the motion to add the agenda item. Once approved, normal Open Meetings rules apply to the new agenda item.


5. **Meeting Minutes:** Written minutes must be kept of all board and committee meetings and, at a minimum, include the following information: (i) date, time, and location of the meeting; (ii) attendance or absence of each member; (iii) substance of all matters discussed and decided; (iv) individual votes of each member; and, if applicable, (v) the reasons for moving into executive session (including the vote of each member to move into executive session).

- **Website Requirement:** A copy of the minutes must be posted on the school’s website within a reasonable time after the meeting and be maintained on the website for at least 3 months.


6. **Executive Session:** Executive session is an exception that permits closed discussions on certain, qualifying matters and cannot be used to circumvent Open Meetings Law. A two-thirds vote is required to use executive session and no final or binding action can be taken during executive session. Permissible uses of executive session for charter schools include:

- Discussing the character, professional competence, physical or mental health of a person.
  - The person must be notified in writing at least 24 hours prior to the meeting (exclusive of weekends and legal holidays) and can require the discussion to be held openly.
  - Cannot be used to discuss the appointment of a person to a public body, or except as provided in the Procurement Code, for discussing the award of a public contract.
- Strategy session or negotiation discussions with respect to: collective bargaining agreements; prospective litigation (after formal written demand); or litigation when an open meeting would have a detrimental effect on the bargaining or litigation position of the board.
- Discussions regarding security personnel, plans, or devices.
- Investigative proceedings regarding allegations of misconduct.
- Cases of extraordinary emergency (as defined in law—i.e., natural disasters, etc.).
- Discussions between the board and an individual student or parent or tutor thereof regarding problems of that student (the parent, tutor, or student can require that the discussion be held in open meeting).
- Any other matters as provided for by law.


Charter schools must adopt, finalize, amend, and implement the school’s budget in accordance with the Louisiana Government Budget Act, BESE Bulletin 126, and BESE Bulletin 1929 (the Accounting and Uniform Government Handbook)—as summarized below:

1. Financial Best Practices: Charter schools must engage in sound financial practices, reporting, and audits to ensure proper use of public funds and the successful fiscal operation of the school. They must also establish a reliable accounting system, as well as maintain accurate accounts and documentation for all allocated and accrued funds. The school’s annual audit must be conducted by a Certified Public Accountant (CPA), in accordance with La. R.S. 24:513 et seq. (laws pertaining to the legislative auditor).


2. Qualified Professionals: BESE-authorized charter schools (Types 2 and 5) are specifically required to retain a Qualified and Competent Business Professional to produce all financial and accounting information and reporting as required by law.

- This professional must meet one of the following qualifications: (i) has an undergraduate degree with at least 24 hours of business-related courses; (ii) is a Louisiana CPA; or (iii) has a M.A. in public or business administration.
- Additionally, the qualified and competent business professional must also have at least 3 years work experience in a relevant field and must acquire a Certified Louisiana School Business Administration certification or a CPA certification within 7 years from date of hire.


3. Reporting Requirements: Charter schools must follow the fiscal year of July 1 – June 30.

- The budget must be adopted by September 15 and submitted to the Louisiana Department of Education (LDE) by September 30, the school’s Annual Financial Report must also be submitted by September 30.
- All charter schools must submit quarterly financial reports to the LDE in their specified format.

Note: Be sure to check with your authorizer as to any additional financial reporting requirements.


4. Budgets: Charter school budgets must be comprehensive, present a complete financial plan for the fiscal year, and be prepared by either the school’s chief executive or administrative officer in accordance with forms required by LDE and BESE Bulletins 126 and 1929.

- Budgets must be balanced, include itemized revenues and expenditures, and the total of proposed expenditures cannot exceed the total of estimated funds available for the ensuing fiscal year.


5. Budget Notice and Public Participation: Charter schools must give the public an opportunity to comment on the proposed budget before the budget can be formally approved by the charter school board:

- 15-Day Rule: The budget must be made available for public inspection at least 15 days before the budget is approved by the charter school board.
- 10-Day Rule: Notice must be published in the school’s official journal (i.e. local newspaper) that the proposed budget is available for inspection at least 10 days prior to the first meeting at which the board will discuss the proposed budget. This publication must include the date, time, and location of where the first meeting to discuss the budget will be held.
- A budget cannot be formally adopted the first time it is discussed: At a minimum, there must be at least one board meeting to discuss the budget prior to the meeting at which the board votes to approve the budget. You do not have to have a separate meeting to discuss only the budget—other agenda items may be discussed.
- Certification Rule: Once the budget is approved, the board must certify completion of the budget process by publishing notice thereof in the newspaper.

Note: All subsequent actions to amend and implement the budget must be discussed and approved in an open meeting and follow normal Open Meetings Law notice requirements.


The following is a brief summary of Louisiana’s Public Records Act, which provides public access to public documents, including public charter school records:

1. Public Records: Public records are essentially any type of documentation (including e-mails) that is used or retained for use in the management of a public business, including the operation of a public charter school. Public records are records that actually exist; if a requested record does not exist, the public entity does not have to create a new record in order to comply with the request.
   - Record Preservation: Charter schools must exercise diligence and care in preserving the original public record for the period of time required by law. If no time is specified, the default rule is to preserve a record for 3 years from the date it was made.
     - Record custodians are permitted to convert original documents into electronic form for ease and convenience of preservation and storage when appropriate.
   - Website Requirement: Charter schools, as public entities, must publicize the contact information for the custodian of records in such a way to permit the public to quickly determine the appropriate contact person, such as placing the information on the school’s website.

2. Common Exemptions and Exceptions to the Public Records Act: The following are generally considered not public records and cannot be freely given to the public upon request:
   - The name, home address, and telephone number of any enrolled student.
   - The social security number of any teacher, student, or school employee.
   - A school employee’s home address and phone number if that employee requests that the information remain confidential. Schools should keep a record of each employee’s request for such information to either remain or not remain confidential.
   - See also La. R.S. 44:4 and 44:4.1 for the full list of exemptions and exceptions to the Public Records Act.

3. Public Records Requests and Responses:
   - Requests: Any person of majority age (18 years or older) may request to inspect, copy, or reproduce any public record.
     - The records custodian may only inquire as to a person’s age and name, and cannot inquire as to the reason for the request.
   - Responses: If the record is immediately available then it must be presented to the person making the request.
     - If the record is not immediately available, or if there is a question as to whether the requested document is a public record, then the records custodian must respond in writing within 3 days (exclusive of weekends and legal holidays) as to if and when the request will be granted.
     - If the requested information is unavailable, does not exist, or is privileged, then the records custodian must state why the request is being denied.
     - If any record contains information that is not a public record, the records custodian may segregate the public record from other records so that only the requested record is available for review. If segregating the record would be unreasonably burdensome or expensive, the records custodian must state so in writing and state the location of the requested record.
   - Fees and Accommodations:
     - The records custodian may require that any and all examinations take place during regular office and working hours and charge a reasonable fee for copies; a fee cannot be charged for simply reviewing or examining a record in person.
     - The records custodian must extend to the requesting person a reasonably comfortable facility while reviewing the record.

Note: Though the Public Records Act technically permits a school official, LDE, and BESE access to a student’s personal information if necessary for official reasons, schools must also abide by the Federal Family Educational Rights and Privacy Act (FERPA) and Louisiana’s Student Information Privacy Act (La. R.S. 17:3913-3914), which further limit the ability of public schools to share certain student information with others, including state officials.


F. Charter School Compliance: Public Bid Law, La. R.S. 38:2211 et seq.

The goal of Louisiana’s Public Bid Law is to prevent corruption and waste by requiring entities that spend public dollars to award major contracts to the lowest responsible bidder via the Request for Proposals (RFPs) and Public Bid process. Complying with Public Bid Law can often be a difficult task because of its many detailed rules. It is highly recommended that charter school leaders and board members consult with an attorney before letting contracts out for bid.

Note: The Legislative Auditor annually publishes an easy-to-use Public Bid Law summary guide. Be sure to check its website (https://www.lla.la.gov/), under Legal Assistance FAQs (https://www.lla.la.gov/legalFAQs/).

1. Application: Charter schools are only required to follow Public Bid Law when awarding contracts for:

- Food Services: LDE requires all public schools that participate in the National School Lunch program to award school food service contracts via public bid in order to ensure that the food service provider meets all federal requirements.
  - A charter school’s authorizer, LDE, or the Child Nutrition Programs Office of Student Programs Division of Nutrition Support (http://cnp.doe.state.la.us/) can assist with this process.

- Public Works Projects: Contracts for the erection, construction, alteration, improvement, or repair of a public facility or immovable property when the total cost of the project exceeds approximately $150,000 (exact amount annually fluctuates with the Consumer Price Index).


2. Public Bid Law Basics: The following is a brief summary of the major public bid laws for public works projects:

- Advertising: Advertisements for the public bid process must be published once a week for 3 different weeks in the local newspaper of the location where the public works project will take place.
  - The first ad must appear at least 25 days before the opening of bids; the first ad cannot occur on a weekend or legal holiday.
  - Advertisements may be placed online, but not exclusively; any ads via electronic media must be in addition to ads in a local print newspaper.
  - Complete plans and specifications must be made available for the first day of advertising until 24 hours before the bid opening date.
  - Each ad must specify: (i) where detailed specifications can be obtained; (ii) where bids will be received and opened; and (iii) if attendance at a pre-bid conference is required, then the ad must include the date, place, and time of the pre-bid conference.

- Change Orders and Addenda: Advertised public bids can only be amended via change orders and addenda.
  - Change orders within the scope of the contract may either be negotiated in the best interest of the school or let out for public bid; those outside the scope of the contract and those that exceed the contract limit must be let for public bid.
  - Addenda can be used to make changes to bid documents, including extending the bid period up to 30 days without re-advertising.

- Bid Opening: All timely received bids must be opened publicly and read aloud at the time and place advertised. The low bid or the award may not be discussed at the opening.

- Bid Evaluations and Award: After evaluating all timely submitted bids, the school must (within 45 days) award the contract to the lowest, responsible bidder, reject all bids for cause, or extend the bid deadline by mutual consent with the lowest responsible bidder.

- Bid Documents and Preservation: All bids are public records subject to inspection. Records and documentation of all elements of the public bid process must be retained for a minimum of 6 years following the completion of the public works project.

Charter School Exemptions and Requirements
IV. Charter School Exemptions and Requirements, La. R.S. 17:3996

A. Charter School Exemptions and Requirements: La. R.S. 17:3996 Overview

Charter schools in Louisiana are typically exempt from any rules and regulations that apply to traditional school districts, with the exception of those requirements listed in charter school law, La. R.S. 17:3996 — provided below. The purpose of this section is to not only list the additional rules and regulations that apply to charter schools, but to also briefly describe them so that this handbook can serve as a quick reference tool for school leaders.

Note: The legislature regularly makes changes as to what “traditional public school” rules apply to charter schools. School leaders should check La. R.S. 17:3996 before the start of each school year to see what changes, if any, were made during the most recent legislative session.

La. R.S. 17:3996(A) Notwithstanding any state law, rule, or regulation to the contrary and except as may be otherwise specifically provided for in an approved charter, a charter school established and operated in accordance with the provisions of this Chapter and its approved charter and the school’s officers and employees shall be exempt from all rules and regulations of the state board and those of any local school board that are applicable to public schools and to public school officers and employees except for the following rules and regulations otherwise applicable to public schools regarding:

1. Building maintenance
2. Facility accessibility
3. Asbestos detection and abatement
4. The Sanitary Code
5. Pesticide use and safety
6. Fire safety
7. Safe work environments
8. The possession and safe use of weapons and hazardous materials
9. Adolescent health initiatives and school health centers
10. Hearing and vision screenings
11. Immunization and health records
12. Communicable disease prevention
13. Drug use prevention
14. Eye safety and the use of protective goggles
La. R.S. 17:3996(B) Notwithstanding any state law, rule, or regulation to the contrary and except as may be otherwise specifically provided for in an approved charter, a charter school established and operated in accordance with the provisions of this Chapter and its approved charter and the school’s officers and employees shall be exempt from all statutory mandates or other statutory requirements that are applicable to public schools and to public school officers and employees except for the following laws otherwise applicable to public schools with the same grades:

1. School entrance age, R.S. 17:222
2. Corporal punishment and suspension of students, R.S. 17:223
3. Expulsion of students, R.S. 17:224
5. Attendance reporting, R.S. 17:232
6. Admission of home study students, R.S. 17:236.2
7. Unauthorized use of electronic communication devices, R.S. 17:239
8. Smoking, R.S. 17:240
9. Open Meetings, R.S. 42:11 et seq.
11. Teaching re: the U.S. Constitution, R.S. 17:261
14. Teaching re: Civics and Free Enterprise, R.S. 17:274.1
15. Teaching re: sex, R.S. 17:281
16. Religious liberty of students, R.S. 17:2115 et seq.
17. Pupil assessment, R.S. 17:24.4
18. School and district accountability system, R.S. 17:10.1
19. Public Bids (for public works contracts), R.S. 38:2211 et seq.
21. Electronic communication between employees and students, R.S. 17:81(Q)
22. Teaching re: state’s safe haven relinquishment law, R.S. 17:81(R)
23. Inspection and operation of fire safety and prevention equipment, R.S. 17:81(S)
24. Teaching re: dating violence, R.S. 17:81(T)
25. School bus operator reporting, R.S. 17:491.3
26. School master plans for supporting student behavior and discipline, R.S. 17:252
27. Data collection system, R.S. 17:3911
28. School employee criminal reporting, R.S. 17:491.3
29. Seclusion and physical restraint of students, R.S. 17:416.21
30. Teaching re: internet and cell phone safety, R.S. 17:280
31. Teaching re: Founding Principles of the USA, R.S. 17:265
32. Procedures on bullying, R.S. 17:416.13
33. Crisis management and response plans, R.S. 17:416.16
34. Instruction re: CPR, R.S. 17:81(X)
35. Instruction re: child assault awareness and prevention, R.S. 17:81(Y)
36. Deferred compensation plans, R.S. 17:81(Z)
37. School bus loading and unloading, R.S. 17:158(J)
38. Student information, R.S. 17:3913-3914
39. Notification of homework assistance services, R.S. 17:182.1
40. Prohibits suspension or expulsion of students in grades prekindergarten through 5, R.S. 17:416(J)
41. Deaf Child’s Bill of Rights, R.S. 17:1960
42. Instruction in cursive writing, R.S. 17:266
43. Louisiana Expectant and Parenting Students Act, R.S. 17:221.7

La. R.S. 17:3996(C) A charter school established and operated in accordance with the provisions of this Chapter shall comply with state and federal laws and regulations otherwise applicable to public schools with respect to civil rights and individuals with disabilities.

- A charter school established and operated in accordance with the provisions of this Chapter shall accordingly recruit, employ, and train teachers, administrators, and other employees without regard to race, color, religion, sex, or national origin. Race, color, religion, sex, and national origin shall not constitute bona fide occupational qualifications. Proficiency in a foreign language may constitute a bona fide occupational qualification for a teacher who spends more than half of his daily instruction time providing instruction in or teaching in a foreign language.

La. R.S. 17:3996(D) Notwithstanding any state law, rule, or regulation to the contrary, the provisions of any collective bargaining agreement entered into by the local school board in whose jurisdiction the charter school is located shall apply to a charter school established and operated in accordance with the provisions of this Chapter and its approved charter and the school’s officers and employees, except as otherwise provided for in the approved charter.
B. Charter School Exemptions and Requirements: Student Enrollment

1. Admission Requirements, Preferences, and Lottery: Charter schools are open enrollment schools of choice that cannot charge tuition or an attendance fee of any kind. However, they may have specific admission requirements—as permitted by law or an authorizer’s policy:

   • Admission Requirements: No admission requirement can exclude students based on race, religion, gender, ethnicity, national origin, intelligence level (as ascertained by an intelligence quotient examination), or identification as a student with an exceptionality as defined in R.S. 17:1942(B).
     – Any admission requirement must be related to the school’s mission such as auditions for schools with a performing arts mission or proficiency in a foreign language for schools with a language immersion mission.
     – Only schools chartered prior to July 1, 2012 that incorporated achievement of a certain academic record as part of its admission requirements may continue to utilize such admission requirements.

   • Enrollment Preferences: Charter schools may give the following enrollment preferences:
     – To students previously enrolled in the school and their siblings; if the charter was created as a conversion of a preexisting school, students enrolled in the preexisting school shall be given preference over all other applicants.
     – Elementary and middle charter schools, other than Type 2s, may request and be granted by their authorizer a neighborhood enrollment preference for students residing within the neighborhood immediately surrounding the school.

   • Lotteries: Charter schools must enroll all eligible students who submit a timely application within the application period designated by the school. If fewer students apply than the school’s maximum enrollment, then all eligible students must be admitted; if the total number of applicants exceeds the capacity of a program, class, grade level, or school, then admission must be determined via lottery.
     – Admission lotteries should be conducted in a transparent manner that is open to the public to attend.
     – For schools located in Orleans Parish, charter school admissions practices are conducted through the unified enrollment system, OneApp.

   • Max enrollment: No charter school shall enroll more than 120% of its maximum enrollment, as approved in the charter contract, without formally amending the contract.

2. Required Economically Disadvantaged Student Enrollment. All charter schools, except for Types 3B and 5 charter schools, are required to enroll a certain percentage of Economically Disadvantaged students and those who have been identified as students with exceptionalities, as defined in La. R.S. 17:1942(B), not including gifted and talented:

- **New Types 1 and 2 Charter Schools.** Must enroll a percentage of students who are eligible to participate in the federal free or reduced lunch program ("low-income") and students with exceptionalities, not including gifted and talented (SPED), that is at least 85% of the average percentage of low income and SPED students enrolled in the local school district where the charter school resides or the average of districts from which students served by the charter school reside. The remaining number of students enrolled in the charter school that would be required to have the same percentage of low-income and SPED students as the local district may be comprised of students who are Economically Disadvantaged as otherwise provided in La. R.S. 17:3973(1) (i.e., over-age, is a parent, or is in eighth grade or below and is reading two or more grade levels behind).

- **Converted Types 2, 3, and 4 Charter Schools.** Must enroll a percentage of low-income and SPED students that is equal to or greater than the percentage of low-income and SPED students previously enrolled in the school, prior to its conversion to a charter school.

- **Exceptions (i):** Types 3B and 5 charter schools are not subject to these low-income and SPED enrollment requirements; (ii) For charter schools whose educational mission is to meet the needs of students who are dependent children of military personnel, the low-income and SPED enrollment requirements do not apply to the enrollment of dependent children of military personnel, but the enrollment requirements will apply to general population students who are also enrolled in the school (and will be based upon the general population of students admitted).

- **Enrollment Prohibition.** Charter schools cannot require the parent or legal guardian of any student to disclose medical information or SPED needs prior to enrollment; charter schools may, however, give an enrollment preference to students with special needs when the student’s parent or legal guardian has voluntarily provided the school with such information.

**Note:** A charter school’s required Economically Disadvantaged and SPED student enrollment percentages shall remain fixed during the term of its approved charter at the percentage that existed during the school year that the charter school’s application was approved, unless otherwise specified in the charter contract.


3. School Entrance Age. All children entering kindergarten must be at least 5 years old on or before September 30; all children entering first grade must be at least 6 years old on or before September 30.

- **Birth Verification Requirements.** All children entering a Louisiana public or private school for the first time shall be required to present a copy of their birth record. If a birth certificate/verification form cannot be obtained, the school may accept whatever positive proof of age, race, and parentage is available. In addition, the child, at the discretion of the School Leader, may continue school even upon failure to produce such records.


- **Home Study.** An approved curriculum program implemented by a parent or tutor.
  - Each school must adopt all policies, rules, and regulations necessary to screen and evaluate home study students in the admissions process.
  - The school may require the student to take an examination on any subject matter for which credit is claimed. Students in grades 5 through 9, transferring from a home study program shall be required to pass the English language arts and mathematics components of the state-developed placement test.
  - The school issuing the high school diploma shall account for all credits required for graduation, and its records will show when and where the credit was earned.


- **Homebound Students.** Children who, as a result of healthcare treatment, physical illness, accident, or the treatment thereof, are temporarily unable to attend school, and are provided instructional services in the home or hospital environment.
  - Once a student has been absent for 10 consecutive school days for a qualifying illness, the school must provide for homebound instruction by a properly certified teacher beginning on the eleventh day of absence. If the student has not already been identified as a student with a disability, the school must also refer the student to be reviewed for Section 504 services (as part of the federal requirement under the Rehabilitation Act of 1973 for public schools to provide reasonable accommodations to students with disabilities).
  - At a minimum, homebound instruction must cover the core academic subjects: English, math, science, and social studies; at a minimum, 4 hours of instruction must be provided per week, unless otherwise required by the student’s physician.

• **Homeless Students**: Students are considered homeless if they: (i) lack a fixed, regular, and adequate nighttime residence; (ii) have a primary nighttime residence that is a private or public place not designed for or ordinarily used as a regular sleeping accommodation for human beings; (iii) are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; or (iv) migratory children who qualify as homeless because they are living in circumstances described above.
  - Each LEA must establish a policy for enrolling homeless students.
  - No school can deny enrollment to any student solely because the student is homeless, has been abandoned by his parents, or is in foster care. Schools must immediately enroll homeless students, even if the student lacks records normally required for enrollment.
    • Each school must ensure that students in foster care are allowed to remain in the school in which the student was enrolled at the time he/she entered foster care for the duration of the student's stay in the custody of the state or until he/she completes the highest grade offered at the school if the Dept. of Children and Family Services (DCFS) determines that remaining in that school is in the best interest of the child.
    - If the foster care placement is outside the jurisdictional boundaries of the school, the school is responsible for providing free transportation for the student to and from a designated location that: is within that school district, is located nearest the student’s residence, and is determined to be appropriate by the school and DCFS.
  • Likewise, a homeless student has the right to attend his/her school of origin for the duration of homelessness; if the student becomes permanently housed during the academic year, he/she is entitled to stay in the school of origin for the remainder of the academic year.
    - Each LEA/school must designate an appropriate staff person to serve as a homeless advocate to coordinate services and ensure that there are no barriers to the enrollment, transportation, attendance, and success in school for homeless children and youth.


5. **Custody by Mandate**: Louisiana law permits non-parents to enroll students via affidavit rather than obtaining a court order. This alternative process permits student enrollment through 2 types of valid affidavits:

- **Provisional Custody Affidavits**: A non-parent custodian who presents a properly executed Provisional Custody affidavit (i.e., a Custody by Mandate affidavit) is not and should not be required to present a court order to establish custody or residency for the purpose of enrolling a student in a Louisiana public school. These affidavits, per state law, have the same legal effect as a court order.
  - This type of affidavit is valid if signed by the appropriate parties as well as a notary, and appears to transfer custody of a child to the adult attempting to enroll that student, as well as transfers the responsibility for that child's health, welfare, and education to the named adult for a period up to 1 year.
  - The following persons may sign a provisional custody affidavit: married parents acting jointly; if parents are divorced, the natural tutor, tutrix, or co-tutors acting jointly; a grandparent awarded custody of a child; or any person who could qualify as a natural tutor, tutrix, or co-tutor even if he does not have a court order appointing him as such.

- **Non-Legal Custodial Affidavits**: These affidavits (i.e., a Section 9:975 Affidavit) give any adult, non-parent custodian living with a child the power to give legal consent for that child to receive any medical or educational services for which parental consent is usually required.
  - This type of affidavit is valid when it is signed and dated by an appropriate non-parent living with the child and the affidavit substantially contains the information outlined in the law and is effective for a period up to 1 year.
  - The following persons may sign a non-legal custodial affidavit: an adult non-parent custodian living with a child who is not a foster parent (per law, an adult's representation that he/she meets these criteria should be accepted on its face and school officials have no obligation to make further inquiry or investigation).

6. Reporting, Compulsory Attendance, and Truancy. Each school must annually record the name, birthdate, race, parents, and residence of each student in attendance within 30 days after the beginning of the school term, and at such other times as may be required by law, BESE, or LDE.

- **Attendance Reporting**: Must be checked each school day and at the beginning of each class period. Any unexplained, unexcused, illegal absence, or habitual tardiness must be reported. The school must make all reasonable efforts to verbally notify the parent/legal guardian of any prohibited absence.

- **Compulsory Attendance**: Children ages 7-18 must attend a public or private school, unless the student graduates from high school prior to his/her 18th birthday. Those who violate this law can be subject to fines and community service activities, as well as mandatory parenting classes or family counseling sessions.
  - The driving privileges of students under age 18 may be denied or suspended if the student withdraws from school prior to graduation or has been determined to be habitually absent or tardy.
  - Students may not dismiss themselves from school attendance during the day under his/her own authority.

- **Truancy**: Any minor student who is habitually absent from school or is habitually tardy shall be reported as truant to the family or juvenile court of the parish or city of the truant child.
  - After the fifth unexcused absence or occurrence of being tardy within any school semester, a student is considered habitually absent or habitually tardy when either condition continues to exist after all reasonable efforts have failed to correct the condition.
  - The school shall notify the parent or legal guardian in writing or before the student's third unexcused absence or occurrence of being tardy, and shall hold a conference with the student's parent or legal guardian. The notification must include information relative to the parent's/legal guardian's legal responsibility to enforce the student's attendance at school and the civil penalties that may occur. The parent/legal guardian must sign a receipt of such notification.


7. Enrollment Verification. All Type 2 charter schools must annually collect and verify residency documentation for each enrolled student prior to the start of each school year and submit the information to the statewide student information system.

- Acceptable student residency verification documents include the following:
  - Mortgage (if owned); tax assessor's bill (if owned); current lease of residence for the school year (if leased); current rent receipt (if leased); previous 2 months utility bills (gas, water or sewer, land line telephone, cable or satellite television, or internet service—note, utility disconnect notices are not acceptable); current driver's license or government-issued identification; current official letter from a government agency such as the Department of Social Services, etc.; and bank statements.
  - The name of the parent or legal custodian must appear on each document and the addresses must match on all documents.
  - If the parent or legal guardian neither owns nor rents a residence and is therefore living with another individual, the parent or legal guardian must provide a notarized Affidavit of Residency signed by the parent or legal guardian of the enrolled student as well as the individual with whom the parent or legal guardian is living.
    - The Affidavit of Residency must attest to the following: student's name; name of parent or legal custodian; address of parent or legal custodian; name of the person with whom the parent or legal custodian is living; a statement of attestation by the parent or legal custodian that the student is living with him/her at the address of record recorded on the affidavit and that the student has no other residence or domicile; and a statement of attestation by the person with whom the parent or legal custodian is living that these persons in fact live with the individual listed.
    - The person with whom the parent or legal custodian and student are living (who has signed the notarized affidavit) must provide 3 forms of evidence of residency from the acceptable list of documents listed above.
  - If parents are separated, divorced, or if the legal custodian is other than the biological parents, legal custody documents, signed by a judge with a docket number, indicating the legal custodian or domiciliary parent must be provided.
  - Nothing in this enrollment verification policy shall prohibit the admission or readmission to a Type 2 charter school of a student who meets the definition of homeless under the Federal McKinney-Vento Act (42 U.S.C. 11431 et seq.).

Note: Type 2 charter schools, upon request by a local school district, may also be required to exchange student information necessary to verify student enrollment and residency status with a local school district via an MOU. All other charter school types should check with their authorizer as to any specific student-enrollment verification requirements.

C. Charter School Exemptions and Requirements: Curriculum

1. **Teaching re: U.S. Constitution** Beginning in the eighth grade, all public schools must provide regular courses of study on the Constitution of the United States.
   

2. **Teaching re: The Federalist Papers and the Declaration of Independence**: The Declaration of Independence is a required study for all elementary schools, all high schools are required to provide studies on The Federalist Papers.
   

3. **Teaching re: Founding Principles of the United States**: Each school that offers courses in American history and civics as prerequisites to graduation must integrate into such courses instruction regarding the Founding Principles of the United States of America. Instruction shall include, but is not limited to, the following information:
   - The creator-endowed unalienable rights of the people; structure of government and separation of powers with checks and balances; frequent and free elections in a representative government; rule of law; equal justice under the law; private property rights; federalism; due process; individual rights as set forth in the Bill of Rights, and individual responsibility.


4. **Teaching re: Civics and Free Enterprise**: All public high schools must give instruction in Civics and Free Enterprise as a prerequisite to graduation. Instruction shall be given for 2 semesters, equal to 1 unit of credit (though the following courses may be substituted for this course requirement: Government Advanced Placement (AP) US Government and Politics: Comparative, or AP US Government and Politics: United States).
   - Free Enterprise instruction shall include coursework on personal finance (i.e. income, money management, spending and credit, and savings and investing).
   - Beginning with the 2016-2017 school year: Civics instruction must contain a unit of study that includes civics-related subject matter of which naturalized citizens are required to demonstrate knowledge; students must be administered a test based upon the civics portion of the naturalization test used by the United States Citizenship and Immigration Services.


5. **Teaching re: Sex**: Any public school may, but is not required to, offer instruction designated as “sex education,” provided that the instruction is integrated into an existing course of study such as biology, science, physical hygiene, or physical education. No instruction relating to sex education can be offered to students in grades kindergarten through 6 (exception: OPSB may offer sex education at the third grade level or higher).
   - No contraceptive or abortifacient drug, device, or other similar product shall be distributed at any public school. No sex education course offered in the public schools shall utilize any sexually explicit materials depicting male or female homosexual activity. No instruction shall in any way counsel or advocate abortion.
   - The major emphasis of any sex education instruction shall be to encourage abstinence between unmarried persons. Any materials used must be approved by the school’s governing board and by a parental review committee. Any student may be excused from receiving sex education at the option and discretion of his/her parent/legal guardian.


6. **Teaching re: Safe Haven Law**: All public high schools must provide grade appropriate classroom instruction relative to the state’s safe haven law found in articles 1149 et seq. of the Louisiana Children’s Code. These laws allow a parent to anonymously relinquish care of an infant that is 60 days old or younger to the state without fear of prosecution. This instruction must include, but is not limited to, providing students with the following information:
   - What it means to relinquish an infant with the intent to forego all parental responsibilities;
   - The process by which a parent relinquishes the child;
   - The general locations where an infant may be left in the care of certain others;
     - Any designated emergency care facility: Louisiana-licensed hospital, public health unit, emergency medical service provider, medical clinic, fire station, police station, pregnancy crisis center, or child advocacy center;
     - Other options a parent has if he/she cannot go to an emergency care facility;
       - If the parent is unable to travel to an emergency care facility, he/she may call “911” and a law enforcement officer or emergency medical service provider shall immediately be dispatched to meet the parent and transport the child to a hospital;
   - The number a parent can call in the event of an emergency; and
   - How and when to reclaim parental rights if the parent desires to do so.

7. **Teaching re: Dating Violence**: All seventh through twelfth grade students enrolled in Health Education must annually receive age and grade appropriate classroom instruction relative to dating violence. This instruction must include, but need not be limited to, the following information:

- **“Dating Violence”** definition: A pattern of behavior where one person threatens to use, or actually uses, physical, sexual, verbal, or emotional abuse to control his or her dating partner;
- Dating violence warning signs; and
- Characteristics of healthy relationships.

Additionally, each school that enrolls students in grades 7 through 12 must:

- Provide instruction to all school employees at the beginning of each school year relative to the definition of dating violence, warning signs, and how to properly address suspected or reported dating violence involving students, including but not limited to counseling and notification of law enforcement;
- Provide information relative to dating violence to parents of students in such grades;
- Include in student codes of conduct the definition of dating violence, warning signs, and instructions for reporting or seeking help relative to dating violence; and
- Collect data relative to the number of incidents of dating violence reported to school employees and the actions taken by school employees to assist victims of dating violence. The results shall be reported by the school leader to the school’s governing board in the spring of each school year and shall include information as to how the school has complied with this law, the aggregate data, and any recommendations for reducing violence among students.


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8. **Instruction re: Child Assault Awareness and Prevention**: Every public school shall integrate into the curriculum of an existing required course age and grade appropriate classroom instruction to all students relative to child assault awareness and prevention. Such instruction shall be limited to education on what constitutes abuse or an assault, and how students may safely and confidentially report abuse or assault to school officials.


9. **Drug Use and Prevention**: The Drug Abuse Resistance Education (D.A.R.E.) was created in 1991 to develop, promote, monitor, and evaluate the D.A.R.E. program throughout the state and serve as an advisory board to the Louisiana Commission on Law Enforcement.

- D.A.R.E. is a substance abuse prevention program designed to equip school children with skills for resisting peer pressure to experiment with tobacco, drugs, and alcohol. The program uses uniformed law enforcement officers to teach a formal curriculum to students in a classroom setting.


10. **Teaching re: Internet and Cell Phone Safety**: Every public school must provide age and grade appropriate classroom instruction regarding Internet and cell phone safety. Copies of the teaching materials must also be provided to the students’ parents and legal guardians. Such instruction (as prescribed by BESE) must be integrated into an existing course of study and shall include the following information:

- The safe and responsible use of social networking websites, chat rooms, electronic mail, bulletin boards, instant messaging, and other means of electronic communication;
- The risks of transmitting personal information;
- Recognizing, avoiding, and reporting solicitations by sexual predators;
- Recognizing and reporting illegal activities and communications;
- Recognizing and reporting harassment and cyberbullying;
- Recognizing and avoiding unsolicited or deceptive communications; and
- Copyright laws on written materials, photographs, music, and video.


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**Note**: The following organizations can provide your school with more information on appropriate materials and resources for your school regarding dating violence prevention curriculum:

- Louisiana Appleseed: http://louisianaappleseed.org/
- Hazelden Betty Ford Foundation’s “Safe Dates” curriculum: https://www.hazelden.org/web/go/safedates
- Center for Disease Control’s Striving to Reduce Youth Violence Everywhere (“STRYVE”) resource program: http://vetoviolence.cdc.gov/apps/stryve/
- Break the Cycle: http://loveisrespect.org
- FUTURES: futureswithoutviolence.org
11. **Instruction re: CPR and the use of Automatic External Defibrillators**: Every public high school must provide instruction relative to cardiopulmonary resuscitation (CPR) and the use of an automated external defibrillator (AED). Instruction shall be integrated into the curriculum of an existing course—such as health education, physical education, or another course that is required for graduation and deemed appropriate.
   
   - The required instruction must be modeled on a nationally recognized, evidence-based emergency cardiovascular care program like those provided by the American Heart Association or American Red Cross. Instruction must include training for students on the skills necessary to perform CPR (though it shall not result in the certification of students in CPR or use of AEDs, unless specifically structured and intended to do so with parental consent).
   - Classroom teachers need not be required to be a certified CPR trainer in order to facilitate, provide, or oversee the instruction; schools may partner with certified CPR trainers in providing the instruction—such as Emergency Medical Technicians, nurses, physicians, police officers, athletic trainers, or representatives of the American Heart Association or of the American Red Cross, etc.

   Source: La. R.S. 17:81(X), 17:3996(B)(34).

12. **Notification of Homework Assistance Services**: Every public school must actively promote and provide information to students and parents on how to access the after-school online homework assistance services offered through the State Library of Louisiana and their local public library.
   
   - Links to these online services shall be included in each school’s student handbook, posted on the home page of the school's website, and posted in a prominent location on campus where it can be seen by all students on a daily basis.
   - Website address: http://www.homeworkla.org/


13. **Cursive Writing**: Beginning July 1, 2017, cursive writing shall be taught in all public schools. Each public school must ensure that such instruction is introduced by the third grade and incorporated into the curriculum in grades 4 through 12.


D. **Charter School Exemptions and Requirements: Student Assessment and Accountability**

1. **School and District Accountability System**: BESE is required by law to provide for a statewide system of accountability for all public schools and school districts based on student achievement and minimum standards for the approval of schools. This system must be based, in part, on growth in student achievement using a value-added assessment model as determined by BESE. It must also include, at a minimum, clear and appropriate standards for schools and school districts, indicators for the assessment of schools and school districts, a review process for evaluating growth targets, and technical assistance. Through this system, BESE shall develop a letter grade system reflective of school and district performance, whereby any school that has been labeled academically unacceptable shall be assigned a grade of “F.”


2. **Teacher Evaluations**: Charter schools must annually evaluate every teacher and administrator using the Value-Added Assessment Model (VAM) and measures of student growth as determined by BESE per La. R.S. 17:3902.
   
   - Fifty percent of each evaluation must be based on evidence of growth in student achievement as determined by BESE. Of that 50 percent, 35 percent must be data derived from VAM for grade levels and subjects for which value-added data is available.
   - Charter schools must terminate any teacher or administrator determined to be ineffective for 3 consecutive years.

   Source: La. R.S. 17:3997(D), 17:3902.

3. **Pupil Assessment**: The Louisiana Educational Assessment Program (LEAP) is a process of measuring pupil performance in relation to grade appropriate skills, state content standards, and national educational indices. BESE is required to develop the state content standards for required subjects to be taught in all public schools, and LDE shall implement those content standards.

4. **Data Collection System** LDE is required to establish a standardized collection and analysis system that shall be used to collect the following data on a per school basis:

- The results of all tests required by law or BESE,
- College readiness test information, including the American College Test (ACT);
- School performance scores pursuant to La. R.S. 17:10.1;
- Dropout rates, as defined by BESE;
- Student attendance rates;
- High school completion rates;
- Faculty information;
- Financial information;
- Student discipline information, including suspensions and expulsions;
- Class size information; and
- Such other data as approved or required by BESE.

Note: Each charter school board must ensure that each school under its jurisdiction accurately reports student discipline information using the uniform reporting form developed by BESE (per La. R.S. 17:416(A)(4)(a)(iii)), which may also be collected by LDE as part of its data collection system.


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E. **Charter School Exemptions and Requirements: Student Rights**

1. **Religious Liberty of Students**

- **Pledge of Allegiance**: Schools may permit group recitation of the “Pledge of Allegiance” at the beginning of the first class of each day for all grades.

- **Student Prayer/Meditation**: Every public school shall permit students and teachers (who desire to do so) to observe a brief time in silent prayer or meditation at the start of each school day; schools may adopt rules to reasonably limit the amount of classroom time that may be devoted to such student expression. No public school shall adopt or use any official or standard prayer.
  - Any voluntary, student-initiated, student-led prayer offered must be done in accordance with the religious views of the student offering the prayer.
  - No student can be required to participate in any religious activity held at school; nor can any student be denied the right to participate in any voluntary, student-initiated, student-led prayer before or after school or during free time; and student athletes cannot be prohibited from engaging in voluntary, student-led prayer.
  - Students who preside over a school organization meeting or assembly shall be permitted to randomly call upon a student volunteer to offer an inspirational quotation or statement, a voluntary prayer, or lead in silent meditation, without respect to the student’s individual religious beliefs or lack thereof.
  - No student organization can be denied any recognition, privilege, or benefit solely because it is religious in nature or has (or doesn’t have) a religious affiliation.
  - If a high school student is invited to speak at a commencement ceremony, school officials cannot censor the speech for religious content.

- **Student Prayer and School Facilities**: If requested by students, the school may permit students to gather for prayer in a classroom, auditorium, or other space that is not in use, at any time before school, during school, and after school provided that at least one student club or organization is meeting at that time or at any non-instructional time during the school day.
  - School employees may be assigned to supervise the gathering if requested by students and the employee volunteers to do so; employees may attend and participate if it occurs before or after the employee’s working hours.
  - Parents may attend the gathering if they adhere to school approved procedures for campus visitors.
  - Members of the community may be invited to attend if other school clubs are allowed to make similar invitations.

2. Louisiana Student Privacy Laws: In 2014, Louisiana enacted La. R.S. 17:3913-14 relating to the transfer of student information to third parties. Violations of these laws can subject a person to criminal and civil penalties.

- **Unique Student Identification Number**: Each school must assign a unique student identification number to every student enrolled, which cannot include or be based on social security numbers; it must be retained by the student for his/her tenure in Louisiana public elementary and secondary schools. Louisiana has contracted with eScholar to generate these numbers; charter schools should check with LDE for any questions regarding the process of generating unique student identification numbers.

- **Personally Identifiable Information (PII)**: Information about an individual that can be used on its own or with other information to identify, contact, or locate a single individual; including but not limited to the following:
  - Full name, social security number, date and place of birth, mother’s maiden name, or biometric records;
  - Medical, educational, financial, and employment information; and
  - Two or more pieces of information that separately or when linked together can be used to reasonably ascertain the identity of the person.

- **Sharing PII with Others**: LEAs may share student PII under the following, limited conditions:
  - If a parent/legal guardian gives written consent (for whatever specified purpose);
  - For authorized state auditing and student enrollment verification purposes;
  - For contracting for student and other education services (as permitted by law); and
  - Transferring records to a school in which the student is now enrolled.

- **Data Collection Prohibition**: No school employee can collect any of the following information from students, unless voluntarily disclosed by the parent/legal guardian:
  - Political affiliations; mental or psychological problems; sexual behavior or attitudes; illegal behavior; critical appraisals of other individuals with student family members; privileged relationships; religious affiliations; family income; biometric information; social security number; gun ownership; home internet protocol address; and external digital identity.

- **Information for Enrollment in Postsecondary Programs**: With written consent of parents/legal guardians, charter schools may disclose a student’s full name, date of birth, social security number, and transcript data to postsecondary education institutions or the Office of Student Financial Assistance.

- **Computer System Access**: Schools may only grant access to the computer systems on which PII is stored to the following individuals:
  - Student, parent, legal guardian, or a third party who has the consent of the student, parent, or legal guardian; current teacher of record; school principal and school registrar; school system employee with access limited to information necessary to perform authorized duties; person authorized by the school leader to maintain or repair the computer system; and person authorized by the state to audit student records.
  - Any person authorized to access a public school computer system must maintain the confidentiality of any PII to which the person has access.
  - Each charter school must adopt a policy as to the ability of the school leader to grant appropriate employees access to PII.

- **Contracts with Third Parties**: The following provisions apply to any contract with a third party that is given access to PII by the school:
  - The contract must include:
    - Guidelines for authorizing access to PII; privacy compliance standards; privacy and security audits performed under the direction of the school leader; breach planning, notification, and remediation procedures; informational storage, retention, and disposition policies; and disposal of all information upon termination of the contract.
  - Schools must collect and maintain the following information for inspection by the general public:
    - Profile of recipient; copy of the signed agreement; list of all data elements transferred from the school to the third party; statement of intended use; and name and contact information of primary point of contact.
  - Information relating to the transfer of PII must be made available within 10 days following the execution of the agreement and must remain available for the duration of the agreement. The school must also develop a process for students, parents, and legal guardians to register a complaint related to an unauthorized transfer of PII.

- **Prohibited Transfers**: No school system, public or private entity, or any person (except students, parents, and legal guardians) with access to PII shall sell, transfer, share, or process PII for use in commercial advertising, marketing, or any other commercial purpose.

3. Louisiana Expectant and Parenting Student Act: Title IX of the Education Amendments of 1972 (Title IX) protects the rights of expectant and parenting students, and encompassed in that protection is the right to a safe and supportive school environment. As such:

- Each governing authority of a public secondary school receiving (directly or indirectly) federal financial assistance must adopt a policy that complies with the requirements of Title IX, including—but not limited to—the following policy provisions:
  - Maintaining student confidentiality; ensuring a safe and supportive learning environment; promoting academic success; and implementing sensible attendance policies.
  - Such a policy must be readily available to the public by posting on the school’s website or by other appropriate means.

Source: La. R.S. 17:221.7, and 17:3996(B)(38).
F. Charter School Exemptions and Requirements: Student Conduct and Discipline

1. School Master Plans for Supporting Student Behavior and Discipline: Each school must develop a master plan for improving behavior and discipline based upon the model master plan developed and approved by BESE.

- BESE’s master plan must include such guidelines as improving school safety, revising schools’ zero-tolerance policies, and improving mental health services.
- The school’s plan must also include provisions for pre-service and ongoing grade appropriate classroom management training for school personnel regarding positive behavioral supports and reinforcement, conflict resolution, mediation, cultural competence, restorative practices, guidance and discipline, and adolescent development.


2. Corporal Punishment and Suspension of Students: All teachers are authorized to hold each student to a strict accountability for any disorderly conduct during school, on school grounds, and on any school bus. A school may use corporal punishment, but if elected to do so, the governing board must adopt rules and regulations relating to its implementation. School leaders may suspend from school any student for good cause, as stated below in La. R.S. 17:416. Upon the suspension of any student, the school must notify the parent, school leader, and teacher or supervisor of child welfare and/or attendance in writing of the facts concerning the suspension, including reasons and terms thereof.

- Discipline of Students, Suspension: A school principal may suspend from school or suspend from riding on the school bus any student who:
  - Is guilty of willful disobedience; treats a school employee or board member with intentional disrespect; makes unfounded charges against any one of them; uses unchaste or profane language; is guilty of immoral or vicious practices, or of conduct or habits injurious to his associates; uses tobacco or possesses alcoholic beverages or any controlled dangerous substance in school buildings, on school grounds, or on school buses; disturbs the school and habitually violates any rule; cuts, defaces, or injures any part of the school building or school property, including school buses; writes/draws any profane or obscene language or pictures in or on any school materials or property, including a school bus; is found carrying firearms, knives, or other weapons; throws missiles liable to injure other persons on school grounds or on school bus; instigates or participates in fights while under school supervision; violates traffic and safety regulations; leaves school premises without permission; leaves his classroom or detention without permission; is habitually tardy or absent; has engaged in bullying; and/or commits any other serious offense.


3. Expulsion of Students: Notwithstanding any contrary provisions of La. R.S. 17:416 below, students who regularly disrupt the orderly process of school, have an incorrigible attitude, or any other discipline problems in general, may be recommended by the principal for expulsion or assignment to an alternative education program.

- Discipline of Students, Expulsion: Upon committing any of the offenses that can result in a suspension, the principal may recommend expulsion instead. If expulsion is recommended, a hearing must be conducted to determine the facts and to make a finding of whether the student is guilty of conduct warranting expulsion. The student may be represented by any person of his/her choice during the hearing, and a concerned teacher may attend and present any relevant information. Until the hearing takes place, the student must remain suspended from school.

- Mandatory Expulsions:
  - Any student in grade 6 or above who is found guilty of being in possession of a firearm on school property, on a school bus, or at a school-sponsored event.
  - Any student in grade 6 or above who is found guilty of possession of, or knowledge of and intentional distribution of, or possession with intent to distribute, any illegal narcotic, drug, or other controlled substance on school property, on a school bus, or at a school-sponsored event.

- New Orleans’ Common Expulsion Process: Similar to the common enrollment system, New Orleans charter schools use a common student expulsion process whereby a centralized, third-party student hearing officer reviews expulsion recommendations, conducts any expulsion hearings, and places an expelled student in an alternative setting.


4. Prohibition of Suspending or Expelling Students in Grades Pre-K through Five: Students enrolled in grades pre-kindergarten through 5 cannot be suspended or expelled from school or suspended from riding on any school bus for a uniform violation that is not tied to willful disregard of school policies.

Source: La. R.S. 17:416(d), 17:3996(B)(46).
5. **Seclusion and Physical Restraint of Students.** Schools may seclude and physically restrain students so long as those methods are not used as a form of punishment or discipline; a threat to control, bully, or obtain behavioral compliance; or for the convenience of school personnel. No student can be subjected to unreasonable, unsafe, or unwarranted use of seclusion or physical restraint. Seclusion or physical restraint cannot be used on a student who has a known medical or psychological condition that precludes such actions, as certified in writing by a licensed health care provider. Students placed in seclusion or physically restrained must be monitored continuously, which shall also be documented every 15 minutes. The student must be released as soon as the reason for justifying such actions has subsided.

- **Seclusion:** A procedure that temporarily isolates and confines a student in a separate room or area until the student is no longer an imminent threat of danger (i.e. could cause substantial physical injury) to self or others. May only be used if there is an imminent risk of harm to student/others and is used as a last resort when all other de-escalation attempts have failed. Cannot be used as a means to address behaviors such as general noncompliance, self-stimulation, and academic refusal.
  - A seclusion room must be free of any dangerous objects, have an observation window, and be an appropriate size with appropriate ventilation and lighting accommodations.
  - The secluded student must be supervised by a school employee and must be able to be seen and heard by the supervisor the entire time the student is placed in the seclusion room.
  - Only 1 student may be placed in a seclusion room at any given time.

- **Physical Restraint:** Intentional, unsolicited, or nonconsensual bodily force used to limit a person’s movement; does not include the momentary blocking of a student’s action if the student’s action is likely to result in harm to the student or any other person. May only be used when there is an imminent risk of harm to student/others and is used as a last resort to protect student/others’ safety.
  - Can only be used to the degree necessary to stop dangerous behavior and cannot cause physical injury, interfere with a student’s breathing or ability to communicate with others, or place excessive pressure on the student’s chest or back.
  - No mechanical restraints (i.e. the application of any device or object used to limit a person’s movement) can be used. Any efforts used to physically restrain a student must be directly proportionate to the circumstances and the student’s size, age, and severity of behavior.

- **Documentation Requirements for Restraining Students:** The charter board must adopt written guidelines and procedures regarding reporting and follow-up procedures; notifying school officials and parents/legal guardians; explanation of the methods of physical restraint; and school employee training. Such guidelines and procedures must be provided to all employees and every parent of a student with an exceptionality.
  - **Parent Notification:** The parents/legal guardians of a student who has been secluded or physically restrained must be notified of the incident as soon as possible, and given written notification with details of the event within 24 hours (reasons therefor, procedures used, length of time, and the names and titles of the employees involved).
  - **Reporting:** The school employee who secluded or restrained a student must document and report the incident in accordance with the school’s policies and submit the report to the school’s principal no later than the following school day. A copy of that report must be provided to the student’s parent or legal guardian. The charter school must also report all instances where seclusion or physical restraint was used to address student behavior to the Department of Education.
  - **Special Education:** The school’s director or supervisor of special education must also be notified any time a student is secluded or physically restrained. If a student is involved in 5 incidents involving the use of physical restraint or seclusion within a single school year, the student’s Individualized Education Plan (IEP) team must review and revise the student’s Behavior Intervention Plan (BIP). Thereafter, if the student’s challenging behavior continues or escalates requiring repeated use of seclusion or physical restraint practices, the special education director or his/her designee must review the student’s IEP plans at least once every 3 weeks.
  - **School Policy Posting:** The school’s guidelines and procedures concerning the use of seclusion and physical restraint in addressing challenging student behavior must be posted at school and on the school’s website.

6. Procedures on Bullying: Each school must develop and integrate into its student code of conduct an anti-bullying policy that includes the bullying definition, is regularly reviewed and amended as necessary, is implemented throughout the year, and is integrated into the school’s curriculum, discipline policies, and other violence prevention efforts.

- Bullying Definition: A pattern of any one or more of the following that is exhibited toward a student by another student/group of students or is received by a student while on school property, at a school-sponsored activity, on any school bus, or at any designated school bus stop:
  - (i) Gestures—including obscene gestures and making faces;
  - (ii) Written, Electronic, or Verbal Communications—such as calling names, threatening harm, taunting, malicious teasing, or spreading untrue rumors; communications include but are not limited to email, instant/text message, blog, or social media;
  - (iii) Physical Acts—such as hitting, kicking, pushing, tripping, choking, damaging personal property, or unauthorized use of personal property; and
  - (iv) Repeatedly and purposefully Shunning or Excluding from activities.

- The pattern of bullying behavior must have the effect of: physically harming a student/instilling reasonable fear of physical harm, damaging a student’s property/instilling reasonable fear of property damage, or must be sufficiently severe, persistent, and pervasive enough to either create an intimidating or threatening educational environment, substantially interfere with a student’s performance in school, or substantially disrupt the orderly operation of the school.

- Staff Training: Every school must develop and implement 4 hours of training for new staff and 2 hours of annual training for all staff that includes:
  - Recognizing bullying behavior; identifying likely victims; using appropriate interventions; properly reporting bullying incidents; and, providing information on suicide prevention.

- Student/Parent Notice: Within the first 5 days of school, students must be annually informed (orally and in writing) of the anti-bullying policy, the nature and consequences of such actions, including potential criminal consequences and loss of driver’s license, and the proper process and procedure for reporting any bullying incidents. A copy of the written notice must also be delivered to each student’s parent/legal guardian.

- Bullying Report Forms: Schools must develop a procedure and form for reporting bullying incidents (form samples can be found on LDE’s website: http://www.louisianabelieves.com/schools/public-schools/bullying).

  - Student Bullying Reports: Any student who believes that he has been, or is currently, the victim of bullying, or any student/parent/legal guardian who witnesses bullying or has good reason to believe bullying is taking place, may report the situation to a school official (or to any parent chaperoning/supervising a school activity). Any reports of alleged bullying must remain confidential.

  - School Employee Bullying Reports: Any teacher, counselor, bus driver, other school employee, or parent chaperoning/supervising a school activity who witnesses bullying or learns of bullying must report the incident to a school official. A verbal report must be submitted by the same day the incident is witnessed/learned of, and a written report must be filed within 2 days thereafter.

  - Bullying Investigations: Once a bullying complaint is received, an investigation must be launched by the following school day and must be completed within 10 days.

    - Investigations must include an interview of the reporter, victim, alleged bully, witnesses, and any evidence thereof.

    - The school official must also notify the student’s parent/legal guardian of the complaint and investigation, and give them an opportunity to attend any interviews of minor students. Only if the parent gives permission or does not respond after 3 attempts in a 48-hour period can a minor student be interviewed as part of an investigation.

    - Any investigative meeting with the victim and alleged bully must be conducted separately.

  - Bullying Documentation: The school must compose a written document that includes findings of the investigation, input from the students’ parents/guardians, and the decision by the school official.

    - This documentation must be kept in the school’s records for every student involved in the incident, and all bullying complaints and investigative reports must be kept for 3 years.

    - The school must also report all documented incidences of bullying to LDE, as well as notify the person who originally filed the bullying complaint of the investigation findings and that remedial action has been taken, as long as the release of that information does not violate the law.

G. Charter School Exemptions and Requirements: Student Health and Safety

1. Hearing and Vision Screenings: Every LEA, during the first semester of the school year or within 30 days after the admission of students entering school late in the session, must test the sight (including color screening) for all first graders, and the hearing of each and all enrolled students, except those students whose parent/tutor/legal guardian object to such examinations.
   - The examinations must be conducted by appropriately trained personnel and must be completed in accordance with the schedule established by the American Academy of Pediatrics.
   - Each LEA must keep a record of such examinations and must follow up on the deficiencies within 60 days, as well as notify the parent or tutor of every student, in writing, found to have any defect of sight or hearing.


2. Immunization and Health Records: Every student entering a school for the first time must present upon registration satisfactory evidence of immunization records according to a schedule approved by the Louisiana Department of Health and Hospitals, Office of Public Health. Every student entering the sixth grade in any school must also present satisfactory evidence of immunization records.
   - Immunization Records: Records should include, but not be limited to measles, mumps, rubella, diphtheria, tetanus, whooping cough, poliomyelitis, and hemophilius influenza type B invasive infections.
     - Each school must provide each student's parent/legal guardian with information relative to the risks associated with meningococcal and human papillomavirus diseases and the availability, effectiveness, and known contraindications of immunization against such diseases.
   - Opting Out: No student shall be required to comply with immunization requirements if the student/parent/legal guardian submits either a written statement from a physician stating that the procedure is contraindicated for medical reasons, or a written dissent from the student/parent/legal guardian.
     - In the event of an outbreak of a vaccine-preventable disease at the school, the school leader is empowered, upon the recommendation of the Office of Public Health, to exclude from attendance unimmunized students until the appropriate disease incubation period has expired or the unimmunized student presents evidence of immunization.


3. Adolescent Health Initiatives and School Health Centers: The Louisiana Department of Health and Hospitals is to facilitate and encourage development of comprehensive health centers in public middle and secondary schools in order to provide preventive health services, counseling, acute health services, and appropriate referral for acute health services.
   - School health centers shall not counsel or advocate abortion in any way or refer any student to any organization for counseling or abortion. School health centers shall not distribute any contraceptive or abortifacient drug, device, or other similar product. More information on this program can be found here:


4. Communicable Disease Prevention: The school leader may exclude a student or staff member for not more than 5 days, or the amount of time required by state or local public health officials, from school or employment when reliable evidence or information from a public health officer or physician confirms him/her of having a communicable disease or infestation that is known to be spread by any form of casual contact and is considered a health threat to the school population.
   - Irrespective of the disease presence, routine procedures must be used and adequate sanitation facilities must be available for handling blood or bodily fluids within the school setting or on school buses; such procedures must be strictly adhered to by all school personnel.
   - Students and staff must be provided with age-appropriate instruction on the principal modes by which communicable diseases are spread and the best methods to restrict and prevent these diseases.
   - Communicable diseases that are not spread by casual contact (e.g., AIDS, Hepatitis B and other like diseases) must be addressed on a case-by-case basis by a review panel that includes the physician of the infected person, a local parish health department official; a child/employee advocate; a school representative, the employee or student/parent/legal guardian, or his/her representative; and the school system superintendent.
     - If an affected student cannot attend school, the LEA must provide the student with an alternative education setting.
     - If a public health officer determines there is a risk of infection to an employee through casual contact, the employee will not be required to provide educational services; if there is no risk of infection, then the employee is expected to participate in the delivery of educational services.


5. Eye Safety and Use of Protective Goggles: Any student using any device dangerous or hazardous to the eyes in the course of his studies, such as welding equipment, acid or abrasives, or any other dangerous devices, shall be furnished with and shall wear safety or protective glasses or goggles made of a material suitable to protect the eyes from such hazards.


6. Missing Children Identification: Each student whose parent/legal guardian has been sent a notification form and has not indicated that the student will not participate, must receive an identification card—the purpose of which is to assist in the recovery of missing children.
   - Each school leader must request from the sheriff, prior to the beginning of each school year, a supply of parent notification forms sufficient to provide for the anticipated number of entering and transferring students. La. R.S. 40:2516.
   - Each school must deliver parent notification forms no less than 2 weeks prior to the date on which the creation of child identification cards is scheduled. Schools must retain all returned parent notification forms. La. R.S. 40:2516.
   - Each school must keep each child’s identification card on the school premises and shall not permit the inspection, copying, or removal of any card without written permission of the child’s parent/legal guardian, except as provided by law. La. R.S. 40:2518.

7. Mandatory Reporting and Child Protection Hotline Website Posting: All teaching or child care providers (anyone who provides or assists in the teaching, training, and supervision of a child), as well as organizational or youth activity providers (amongst many other mandatory reporters) must report to the proper authorities in instances where they have reason to believe that a child’s physical or mental health or welfare is endangered as a result of abuse or neglect, or that abuse or neglect was a contributing factor in a child’s death. Additionally, anyone 18 years old or over who witnesses the sexual abuse of a child must report the abuse.

- Failure to report can result in fines and criminal prosecution.
- Reports of suspected abuse should be immediately reported to Department of Children and Family Services (DCFS), as well as a local or state law enforcement agency.
  - DCFS website: http://www.dss.louisiana.gov/
  - DCFS toll-free hotline: 1-855-4LA-KIDS (1-855-452-5437)
  - All schools must post on their websites DCFS’ toll-free hotline


8. Crisis Management and Response Plans: Each charter school must develop a crisis management and response plan that:

- Focuses on preventing loss of life and the injury of students, teachers, and staff;
- Details the roles and responsibilities of each employee, as well as any relevant coordination agreements, services, and security measures to be taken in the event of a crisis;
- Is jointly prepared by the school principal and local law enforcement, public safety, and emergency preparedness officials (if the school has a resource officer or a Junior Reserve Officer Training Corps instructor, those officers must also be included in plan preparation); and
- Is reviewed at least once annually, revised as necessary, and submitted to the local school superintendent (charter school leader) for approval, who in turn, must make an annual report to the charter school board on the status of the plan.

Note: The plan may also provide for the counseling of students by mental health professionals following a crisis event, encouraging peer helper programs, and identifying students who may have experienced rejection or other traumatic life events.

- Annual Crisis Training Requirements: The school must annually provide in-service training for all school employees on the crisis management and response plan. A safety drill to rehearse the plan must be conducted within the first 30 days of each school year. Within 7 days of the drill, the principal must submit a written report to the school leader, who may revise the plan (and notify the staff as to any changes).

- Door Lock Requirements: Classroom doors must remain locked during instructional time. Door locks must comply with all state fire and safety standards and cannot obstruct egress.

- Plan Storage: Copies of the approved plan must be kept in the principal’s office and given to the following individuals so that it can be readily accessible:
  - President of the charter school board; charter school leader; the city’s chief of police or the parish’s sheriff where the school is located; and the local fire chief whose office is in closest geographic proximity to the school.

- Public Access to Crisis Plans: School crisis management and response plans are not subject to the Public Records Law (La. R.S. 44:3.1), and may be discussed in executive session (La. R.S. 42:17(A)(3)).


H. Charter School Exemptions and Requirements: School Facilities and Operations

1. Tobacco in Schools: No person can smoke, chew, or otherwise consume any tobacco product at any elementary and secondary school (except as permitted in a designated smoking area), or on any school bus. Schools may adopt necessary rules prohibiting such use and may provide for appropriate penalties, including disciplinary action or a fine up to $200.00, or both.


2. Inspection and Operation of Fire Safety and Prevention Equipment: Every charter school board must adopt and implement policies providing for inspections by qualified persons of all fire safety and prevention equipment, including but not limited to, fire alarm and smoke detection devices at each school at least twice during each school year and to require that all necessary actions be taken by appropriate persons in a timely manner to assure that all such equipment is in good working order and meets the need for which it was intended.

Note: Charter school employees who perform such inspections must have received the appropriate training necessary to do so, and the school must keep copies of such documentation in that employee’s personnel file.


3. Building Maintenance: The school site and building must include adequate facilities and custodial services that meet the needs of the educational program and safeguard the health and safety of each student.

- Each LEA must designate a site safety officer to supervise the safe practice in storage, use, and distribution of all chemicals on the school site.
- Each LEA must assess the safety of the facilities and equipment in all schools, including the location, quantity, and states of all regulated hazardous substances.
  - A copy of the inventory must be kept on site, and the plan to redistribute unwanted substances must also be kept on file.


4. Safe Work Environments: All charter schools must comply with the federal Occupational Safety and Health Act of 1970, which is regulated by the Occupational Safety and Health Administration of the United States Department of Labor (OSHA).


5. Facility Accessibility: All facilities used by a school and the LEA must be accessible to and usable by persons with disabilities.

- New facilities must be constructed to at least meet the current level of accessibility provided by the Americans with Disabilities Act (ADA).
- Facilities to be used by students with disabilities and the services and activities provided therein must meet the same standards and level of quality as the facilities, services, and activities provided to other students.

6. **The Sanitary Code**: All charter schools must comply with the state’s Sanitary Code and accompanying rules set by the Office of Public Health of the Department of Health and Hospitals.

- The purpose of the Sanitary Code is to help protect the public from food-borne disease by requiring that all food products are produced from a safe and sanitary source, and are prepared, processed, packaged, handled, stored, and transported in a sanitary manner that will prevent contamination, spoilage, or adulteration.


7. **Asbestos Detection and Abatement**: All charter schools and LEAs must abide by Chapter 27 (Asbestos-Containing Materials in Schools and State Buildings) of the Louisiana Environmental Regulatory Code, which regulates the safe identification and removal of asbestos-containing materials from school properties.

- More information on asbestos removal and training can be found at the website for the Louisiana Department of Environmental Quality: http://www.deq.louisiana.gov/portal/HOME.aspx

Source: La. R.S. 17:3996(A)(9); §§ 2701-2799 of the Louisiana Environmental Regulatory Code (ERC), Title 33: Part III (Louisiana Air Quality Regulations).

8. **Pesticide Use and Safety**: The Louisiana Department of Agriculture and Forestry (LDAF) regulates pesticide use and application. Per LDAF’s requirements, schools must submit an Integrated Pest Management Plan to LDAF by August 1 of each year. For more information on the rules and requirements for pesticide use, see below:

- http://www.ldaf.state.la.us/ldaf-programs/pesticide-environmental-programs/


9. **Unauthorized Use of Electronic Communication Devices**: Unless authorized by the school leader or his/her designee, no student shall use or operate any electronic telecommunication devices (mobile phones, facsimile system, intercom, radio paging service, etc.) in any school buildings, on any school grounds, or on any school bus. Violation may be grounds for disciplinary action, including but not limited to, suspension.

- Students may be permitted to use such devices in the event of an emergency—i.e., an actual or imminent threat to public health or safety, which may result in loss of life, injury, or property damage.


10. **Electronic Communication Between Employees and Students**: Each charter school must create and implement policies and procedures related to permissible electronic communications by school employees to enrolled students. At a minimum, these policies must:

- Define the multiple means available for electronic communication—i.e., direct (voice or text-based communication) and indirect (Internet-based social networks).
- Require that all electronic communication by employees to students are related to educational services/purposes and is prohibited for any non-educational purpose (except any communications with immediate family members that is specifically authorized via school policy).
- Specify that employees must report any electronic communications with students that occur via means not otherwise permitted by the school; the school’s board must maintain records of such reports for at least 1 year.
- Specify that failure to comply with the school’s electronic communications policies may result in disciplinary action as established by the school; and that any alleged policy violations that are also violations of state or federal law are reported to proper authorities.
- Provide a means to assure that all employees and parents are made aware of these school policies and possible consequences. Parents may request that a school employee not contact a student through electronic communication unless the purpose is directly related to the student’s educational services and is sent to and received by more than 1 student.


11. **Transportation**: Charter School Law does not require charter schools to provide school transportation for students, but an authorizer may do so via the charter contract. For all BESE-authorized charter schools (Types 2 and 5), the following school transportation rules apply:

- Each operator must offer free daily transportation to and from school to any student who: (i) resides more than 1 mile from the school where the student is enrolled; and (ii) resides within the parish or local school district in which the school is physically located.
- All BESE-authorized charter schools that began operations during the 2015-16 school year or before must offer transportation to all eligible students no later than the beginning of the 2018-19 school year; all BESE-authorized charter schools that began operations with the 2016-17 school year and thereafter must offer transportation upon opening.
- Each charter operator must adopt policies and procedures concerning school bus loading and unloading rules.
- Charter operators may seek a waiver from LDE to be exempt from some or all of these transportation rules if the school: (i) has a unique mission to serve students with exceptionalities; (ii) is a virtual school; or (iii) can show that complying with these requirements would create a substantial financial burden.

12. **School Bus Loading and Unloading.** Each charter school board must adopt policies and procedures, or make provisions to its bus transportation service agreement, to do all of the following:

- **At School:** Prohibit a bus driver from loading/unloading students while the bus is in a traffic lane and require that students be loaded or unloaded on a shoulder, in a school parking lot, or at other appropriate off-road locations (does not apply if the shoulder of a municipal road is the only available alternative and the shoulder has not been designated as a student loading/unloading area during designated school zone hours).

- **At or Near Students’ Homes:** Prohibit a bus driver from loading/unloading students while the bus is in a traffic lane and require that students be loaded/unloaded on a shoulder unless there is no shoulder or the shoulder is less safe for the student, then the students may load/unload while the bus is in a lane of traffic but only if the bus is in the lane farthest to the right side of the road so that there is not a lane of traffic between the bus and the right-side curb or other edge of the road.

- **Divided Highways:** Prohibit a bus driver from loading/unloading a student in a location on a divided highway such that a student would be required to cross a roadway of the highway on which traffic is not controlled by the visual signals of the school bus in order to walk from the bus to his home or school.

*Source: La. R.S. 17:158(J), 17:3996(B)(37).*

**Special Programs:**

**English Language Learners and Students with Disabilities**
V. Special Programs: English Language Learners and Students with Disabilities

1. Federal and State Law Compliance: In addition to the federal and state laws described in more detail below (i.e., the Deaf Child’s Bill of Rights, Serving Students with Disabilities, and Serving English Language Learners), charter school leaders should familiarize themselves with the following federal and state laws and regulations that guarantee a student with a disability has a full educational opportunity to benefit from a free appropriate public education (FAPE).

Federal Laws

- **Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §§ 1400 et seq.**
  - Provides protections for students with learning and other disabilities. Among the key provisions are: (i) the right to FAPE; (ii) placement in the least restrictive environment; (iii) parent participation; and (iv) safeguards to ensure enforcement.

- **Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. §§ 701 et seq.**
  - Prohibits discrimination against persons with disabilities in programs that receive federal financial assistance, requires the needs of students with disabilities to be met as adequately as the needs of the non-disabled are met.

- **Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g.**
  - Essentially grants students the right to access their student records and to provide consent prior to the disclosure of their records.

- **Americans with Disabilities Act of 1990 (ADA), 42 U.S.C. §§ 12101 et seq.**
  - Provides equal access and opportunity for people with disabilities. Requires institutions/schools to make reasonable accommodations.

State Law

- **The Education of Students with Exceptionalities Act, La. R.S. 17:1941 et seq.**
  - Requires the state and all LEAs to provide FAPE in the least restrictive environment to every student with an exceptionality, ages 3 through 21. Specific responsibilities of LEAs include: (i) grouping SPED classes to provide the most efficient delivery of services in accordance with the student’s IEP; (ii) establish and maintain cooperative special education and related services facilities and programs; and (iii) provide transportation necessary to implement a student’s IEP.

BESE Regulations and Bulletins

- **Bulletin 1706:** Regulations for Implementation of the Children with Exceptionalities Act
- **Bulletin 1508:** The Pupil Appraisal Handbook
- **Bulletin 1573:** Complaint Management Procedures
2. Deaf Child’s Bill of Rights: Per state law, all public schools, including charter schools, must provide children who are deaf, hard of hearing, or deaf-blind:

- Appropriate screening and assessment of hearing and vision capabilities and communication and language needs at the earliest possible age, as well as continued screening services throughout the educational experience;
- Individualized and appropriate early intervention to support the acquisition of solid language bases developed at the earliest possible age;
- Opportunities to meet and associate with their peers in the school environment and during school sponsored activities, as well as full access to all programs in their educational settings;
- Access to qualified teachers, interpreters, and resource personnel who communicate effectively with each child in that child’s mode of communication;
- An appropriate communication plan in the student’s Individualized Education Program (IEP);
- Placement that is best suited to each child’s needs, including but not limited to social, emotional, and cultural needs, with consideration for the child’s age, degree and type of hearing loss, academic level, mode of communication, style of learning, motivational level, and amount of family support;
- Individual considerations for free, appropriate education across a full spectrum of educational programs; and
- Full support services provided by qualified professionals in their educational settings.

Charter schools must also:

- Inform the parents/legal guardians of such children of all BESE policies and regulations relative to placement considerations and options available and provide opportunities for parents/legal guardians to fully participate in the development and implementation of their child’s education plan;
- Strive to provide such children opportunities to meet and associate with adult role models who are also deaf, hard of hearing, or deaf-blind to learn advocacy skills, including self-advocacy; and
- Where possible, have deaf and hard of hearing adults directly involved with students concerning medical, cultural, and linguistic issues of individuals who are deaf, hard of hearing, or deaf-blind.


3. Students with Disabilities

- Individuals with Disabilities Education Act (IDEA): Part B of the IDEA sets forth requirements in providing special education and related services to children with disabilities, ages 3 through 21. IDEA includes two fundamental requirements: (1) that the child will receive a free appropriate public education (FAPE), (2) in the least restrictive environment (LRE).
  - To be eligible for special education services under IDEA, the student must be found to have 1 of the 13 kinds of disabilities that IDEA covers:
    - Autism; Deaf-Blindness; Deafness; Emotional Disturbance; Hearing Impairment; Intellectual Disability; Multiple Disabilities; Orthopedic Impairment; Other Health Impairments; Specific Learning Disability; Speech or Language Impairment; Traumatic Brain Injury; and Visual Impairment.
  - For those who qualify, and whose disability requires special education in order to make progress in school, the student must receive an Individualized Education Program (IEP), which must also be developed, reviewed, and revised accordingly.
  - The charter school must also ensure that decisions concerning educational placement be made by a group of persons knowledgeable about the student, include the parents and is made in conformity with the LRE. The charter school also must take steps, including providing supplementary aids and services as determined by a student’s IEP team, to provide nonacademic and extracurricular services and activities to afford children with disabilities an equal opportunity to participate in those services and activities.

- Section 504 of the Rehabilitation Act: Students not eligible for support under IDEA might still be eligible for support under Section 504 of the Vocational Rehabilitation Act—which provides for a broader qualifying definition of “disability” than the IDEA.
  - Individual with a Disability is any person who: (i) has a mental or physical impairment that substantially limits one or more major life activity; (ii) has a record of such an impairment; or (iii) is regarded as having such an impairment.
  - Impairment may include any disability, long-term illness, or various disorder that “substantially” reduces or lessens a student’s ability to access learning in the educational setting because of a learning-, behavior-, or health-related condition.
  - Thus, per Section 504, if a student has any disability that interferes with the student’s ability to learn in a general education setting, including many learning or attention issues, the student may be eligible to receive a Section 504 education plan.

# IEP and Section 504 Plan Comparison Chart:

<table>
<thead>
<tr>
<th>IEPs</th>
<th>504 Plans</th>
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<tbody>
<tr>
<td><strong>Purpose</strong>: blueprint for a student’s special education experience at school; a federal law designed for children with disabilities.</td>
<td><strong>Purpose</strong>: blueprint for how a student will have access to learning at school; a federal civil rights law to stop discrimination against people with disabilities.</td>
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<tr>
<td><strong>What it does</strong>: provides individualized special education and related services to meet the unique needs of the student, at no cost to students or parents.</td>
<td><strong>What it does</strong>: provides services and changes to the learning environment to meet the needs of the student as adequately as other students, at no cost to students or parents.</td>
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<tr>
<td><strong>Eligibility</strong>: (i) student has one or more of the 13 qualifying disabilities; and (ii) the disability must affect the student's educational performance and/or ability to learn and benefit from the general education curriculum.</td>
<td><strong>Eligibility</strong>: (1) student has any disability; and (ii) the disability interferes with the student’s ability to learn in a general education classroom.</td>
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<td><strong>Evaluation Requests</strong>: parents may ask the school/LEA to pay for an Independent Educational Evaluation (IEE) by an outside expert; if the LEA declines, then parents may pay.</td>
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<td><strong>Evaluation Teams</strong>: strict legal requirements. Evaluation team must include: (i) student’s parent; (ii) at least one of the student’s general education teachers; (iii) at least one special education teacher; (iv) school psychologist or other specialist who can interpret evaluation results; and (v) a district/LEA representative with authority over special education services. With a few exceptions, the entire team must be present for IEP meetings.</td>
<td><strong>Evaluation Teams</strong>: less strict requirements. The evaluation team must include people who are familiar with the student and understand the evaluation data and special services options, such as: the student’s parent, general and special education teachers, and the school principal.</td>
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<td><strong>Plan Requirements</strong>: sets in writing the learning goals for a student and describes the services to be provided by the school. An IEP must include: (i) the student’s current levels of academic and functional performance; (ii) annual education goals for the student and how the school will track progress; (iii) the services the student will receive; (iv) the frequency of services offered; (v) any accommodations to be made for the student’s learning environment; (vi) any modifications as to what the student is expected to learn or know; (vii) how the student will participate in standardized tests; and, (viii) how the student will be included in general education classes and school activities.</td>
<td><strong>Plan Requirements</strong>: no standard plan requirements, does not have to be a written document. Generally, a 504 Plan includes: specific accommodations, supports and services for the student; names of who will provide each service; and, name of the person responsible for ensuring the plan is implemented.</td>
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<th><strong>IEPs</strong></th>
<th><strong>504 Plans</strong></th>
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<td><strong>Consent Requirements</strong>: a parent must consent in writing for the school to evaluate a student. Parents must also consent in writing before the school can provide the services set forth in an IEP.</td>
<td><strong>Consent Requirements</strong>: a parent must give consent for the school to evaluate a student.</td>
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<td><strong>Review Requirements</strong>: the IEP team must review the IEP at least once a year. The student must be re-evaluated every 3 years to determine if services are still needed.</td>
<td><strong>Review Requirements</strong>: must be reviewed each year. Student must be re-evaluated every 3 years or when needed.</td>
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<td><strong>Notification Requirements</strong>: school must notify parents in writing before making changes to a student’s services or placement. The school must also notify parents before any IEP meeting or evaluation. If a parent disagrees with the proposed action, they have “stay put” rights to keep services in place while resolving the dispute.</td>
<td><strong>Notification Requirements</strong>: school must notify parents about an evaluation or a “significant change” in placement.</td>
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<td><strong>Dispute Resolutions</strong>: parents may resolve IDEA disputes via mediation, due process complaint, resolution session, civil lawsuit, or state complaint.</td>
<td><strong>Dispute Resolutions</strong>: parents may resolve 504 Plan disputes via mediation, alternative dispute resolution, impartial hearing, complaint to the Office for Civil Rights, or civil lawsuit.</td>
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</table>

**Note**: Public schools cannot use any funds received specifically for IDEA plans to serve students with 504 Plans.

4. English Language Learners (ELLs). Under Title VI of the Civil Rights Act of 1964 (Title VI) and the Equal Educational Opportunities Act of 1974 (EEOA), public schools must take action to overcome barriers to students’ equal participation in educational programs, which includes educating students with limited English proficiency in programs that are based on a sound educational theory, adequately supported with effective staff and resources so that the program has a realistic chance of success, and periodically evaluated and revised.

The Office for Civil Rights has identified the following as an ELL plan overview for schools:

- **Educational Approach**: Select a sound educational approach for providing English language development and meaningful program participation for its students.
- **Identification**: Screen all enrolled students to identify those who are potential ELL students; utilize criteria to classify a student as a potential ELL student; and assess those identified as ELL to determine appropriate services.
- **Assessment**: Each school must assess each identified potential ELL student for English language proficiency. Each district/LEA must provide notices within 30 days of the beginning of the school year to all parents of ELL students regarding the student’s identification and placement in a language instruction educational program.
- **Placement into ELL Program Services**: Each ELL student’s English proficiency level, grade level, and educational background, as well as language background for bilingual programs, must be considered when determining which programs are most appropriate for the student.
- **Staffing and Resources**: In order to properly implement an ELL program, schools must have highly qualified teachers to provide language assistance services, trained administrators to evaluate the teachers, and adequate and appropriate materials for the ELL programs.
- **Transition from ELL Services**: Schools must establish the criteria for determining when a student has achieved sufficient English language proficiency.
- **Monitoring**: Schools must ensure that students who have transitioned from the ELL program have an opportunity to meaningfully participate in the education program.
- **Program Evaluation**: Schools must develop evaluation procedures to periodically evaluate and revise, as necessary, its ELL program.

Employees and Board of Directors: Training Requirements and Policies

- Background checks must be conducted on all employees.
- Employees and board/committee members must attend 1-hour ethics training annually.
- Board members must annually submit financial disclosure forms by May 15 to the Board of Ethics.
- School/Board must adopt rules and policies for the following (but not limited to):
  - School crisis plan
  - Anti-bullying
  - Student discipline, including use/non-use of corporal punishment
  - School master plan for improving behavior and discipline
  - Physical seclusion and restraining of students
  - Electronic communications between students and teachers
  - Expectant and parenting student rights
  - Enrollment verification and enrolling homeless students, including designating a homeless advocate (staff)
  - Compliance with student privacy laws and the sharing of student personally identifiable information
  - Pupil progression plans and testing security
- Staff must receive the following training (including but not limited to):
  - School crisis plan (annually & within first 30 days of school)
  - Bullying (annually)
  - School master plan for improving behavior and discipline
  - Physical seclusion and restraining of students
  - Dating violence (grades 7-12)
  - Communicable disease prevention

Student Notification and Instruction Requirements

- Students must be annually informed (verbally and in writing) of anti-bullying policy within 5 days of school; policy must be given to parents/legal guardians.
- Student handbook must include a reference to the state’s homework assistance website: www.homeworkla.org
- Required curriculum (including but not limited to):
  - Elementary School and Older:
    - Cursive Writing (3rd grade+)
    - U.S. Constitution (8th grade+)
    - Declaration of Independence
    - Dating Violence (7th grade+)
  - High School and Older:
    - Federalist Papers
    - U.S. founding principles
    - Civics and Free Enterprise
    - CPR and AED use
- Age Appropriate:
  - Sex education (suggested but not required)
  - Safe Haven Law
  - Child assault awareness & prevention
  - Internet & cell phone safety
  - Communicable disease prevention
- Student health & safety requirements (including but not limited to):
  - Vision screenings (1st grade+)
  - Hearing screenings
  - Proof of immunization records (entering students and 6th grade)
  - Issuance of child identification cards
  - Crisis plan safety drill (within first 30 days of school)

*This checklist outlines basic required actions and programs. It is not a comprehensive list of laws or regulations that apply to your charter school. See the handbook for additional information on listed items and applicable law.
School Website Requirements

- Board/committee meeting notices (dates, times, locations, and agendas) and minutes (for at least 3 months)
- Contact information for the school’s custodian of records
- Link to the state’s homework assistance website: [www.homeworkla.org](http://www.homeworkla.org)
- Expectant and parenting student rights policy
- Physical seclusion and restraining policy
- Department of Children and Family Services toll-free hotline and website: [www.dss.louisiana.gov/1-855-4LA-KID (1-855-452-5437)]

Not required but recommended:

- School calendar
- Student handbook and student/parent grievance procedures
- List of school’s board of directors
- Contact information for school administrators

Open Meetings Law Requirements

- Post annual and 24-hour meeting notices
  - Notices must include: date, location, time, and an agenda described with reasonable specificity
  - If requested, news media must receive notices by mail and by the same method as board/committee members
  - Notices must be posted on website and physically posted at school’s main office, location of meeting, or via newspaper
  - Minutes must be posted to website within a reasonable time after the meeting and remain on website for at least 3 months

Finance and Budget Requirements

- Annual audit must be conducted by a CPA
- BESE-authorized schools must retain a Qualified and Competent Business Professional to produce all financial and accounting information and reporting
- Must use fiscal year of July 1 – June 30; budget must be adopted by Sept. 15 and submitted to LDE no later than Sept. 30; the Annual Financial Report must also be submitted by Sept. 30
  - The budgeting process:
    - Must be made available for public inspection 15 days prior to approval
    - Notice must be published in local paper at least 10 days before the first meeting at which the proposed budget will be discussed
    - Budget cannot be approved the first time it is publicly discussed
    - Certification of completion of the budgetary process must be published in the local paper once the budget is approved

Facilities Requirements

- Must physically post information concerning (including but not limited to):
  - Appropriate federal employee rights notifications (e.g., FLSA, OSHA, FMLA, EEOC, etc.)
  - State’s homework assistance website: [www.homeworkla.org](http://www.homeworkla.org)
  - Student physical seclusion & restraint policy
- Fire safety & prevention equipment must be tested at least twice a year
- Every LEA must designate a site safety officer
- Every LEA must assess safety of facilities & all hazardous substances
- All school facilities must be accessible to persons with disabilities
- All classroom doors must remain locked during instructional time

APPENDIX

The following are the list of crimes referenced in La. R.S. 15:587.1:

R.S. 14:30 - 14:31: First Degree Murder, Second Degree Murder, & Manslaughter
R.S. 14:32.6 - 14:32.8: First Degree Feticide, Second Degree Feticide, & Third Degree Feticide
R.S. 14:41 - 14:43: Rape, Aggravated Rape, Forcible Rape, & Simple Rape
R.S. 14:43 - 14:43.3: Sexual Battery, Second Degree Sexual Battery, & Oral Sexual Battery
R.S. 14:43.5: Intentional Exposure to AIDS virus
R.S. 14:43.6: Administration of MPA to certain sex offenders
R.S. 14:44 - 14:45: Aggravated Kidnapping, Second Degree Kidnapping, Aggravated Kidnapping of a Child, & Simple Kidnapping
R.S. 14:46.4: Re-Homing of a Child
R.S. 14:74: Criminal Neglect of Family
R.S. 14:78 & 14:78.1: Incest & Aggravated Incest
R.S. 14:79.1: Criminal Abandonment
R.S. 14:80 - 14:81.5: Felony Carnal Knowledge of a Juvenile, Misdemeanor Carnal Knowledge of a Juvenile, Indecent Behavior with Juveniles, Pornography Involving Juveniles, Sexting, Molestation of a Juvenile or a Person with a Physical or Mental Disability, Computer-Aided Solicitation of a Minor, Prohibited Sexual Conduct between an Educator and Student, & Unlawful Possession of Videotape of Protected Persons under R.S. 15:440.1 et seq
R.S. 14:82 - 14:86: Prostitution, Prostitution – Persons Under 17, Soliciting for Prostitutes, Inciting Prostitution, Promoting Prostitution, Prostitution by Massage, Massage – Sexual Conduct Prohibited, Pandering, Letting Premises for Prostitution, & Enticing Persons into Prostitution
R.S. 14:2(B) - “Crimes of Violence”: Solicitation for Murder, First Degree Murder, Second Degree Murder, Manslaughter, Aggravated Battery, Second Degree Battery, Aggravated Assault, Mingling Harmful Substances, Assault by Drive-By Shooting, Aggravated Second Degree Battery, Aggravated Assault upon a Peace Officer with a Firearm, Aggravated Assault with a Firearm, Aggravated Rape, Forcible Rape, Simple Rape, Sexual Battery, Second Degree Sexual Battery, Intentional Exposure to AIDS Virus, Aggravated Crime Against Nature, Battery of a Police Officer, Aggravated Kidnapping, Second Degree Kidnapping, Simple Kidnapping, Stalking, Trafficking of Children for Sexual Purposes, Human Trafficking, Aggravated Arson, Aggravated Criminal Damage to Property, Aggravated Burglary, Armed Robbery, First Degree Robbery, Simple Robbery, Purse Snatching, Extortion, Carjacking, Second Degree Robbery, Home Invasion, Illegal Use of Weapons or Dangerous Instrumentalities, Terrorism, Disarming of a Peace Officer, Aggravated Flight from an Officer, Second Degree Cruelty to Juveniles, and Aggravated Incest

*This checklist outlines basic required actions and programs. It is not a comprehensive list of laws or regulations that apply to your charter school. See the handbook for additional information on listed items and applicable law.

R.S. 14:106: Obscenity

R.S. 14:282: Operation of Places of Prostitution Prohibited

R.S. 14:283 - 14:284: Video Voyeurism, Voyeurism, & Peeping Tom

R.S. 14:286: Sale of Minor Children

R.S. 40:966(A), 40:967(A), 40:968(A), & 40:970: Manufacture &/or Distribution of Narcotics/Controlled Substances