Introduction

First and foremost, thank you for your service as a Charter School Board Member. A successful charter school begins with a well-informed, engaged board. As a volunteer, you have agreed to contribute your time and energy to help provide high-quality educational options to children across the state of Louisiana—quite an admirable task.

The goal of this handbook is to help explain many of the complex rules and regulations that apply to charter schools, as well as help you understand your roles and responsibilities as a Charter School Board Member. Please note that this handbook is a summary of the existing rules and regulations 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. Be sure to check with your Authorizer as to the most current laws and policies that apply.

Essentially, the role of a Charter School Board is two-fold: (1) to exercise final authority in matters affecting the charter school; and, (2) to ultimately be held accountable to the Charter Authorizer for the school’s academic performance, financial health, and compliance with applicable laws and regulations. To help you better understand these roles and duties, this handbook is split into three major sections – Board Governance, Public Laws, and School Oversight. The Board Governance section covers the general responsibilities, requirements, and restrictions placed upon Charter School Board Members; the Public Laws section deciphers the five public laws Charter School Board Members must comply with; and, the School Oversight section expounds upon a Charter School Board Member’s duties in overseeing the school’s students and personnel.

Moreover, this handbook also includes information about the history of charter schools, the laws and policies that govern Louisiana’s charter schools, a glossary of commonly used terms, and various appendices that should be useful tools for you.

Should you or your board still have questions after reviewing this handbook, Louisiana Appleseed and the Louisiana Association of Public Charter Schools may have resources available to help guide you. Again, thank you for willingness to volunteer as a Charter School Board Member. Your dedication to Louisiana’s students is much appreciated.
### Table of Contents

**I. Louisiana Charter Schools: Overview**

A. What are Charter Schools? .......................................................... 7  
B. Types of Charters. ........................................................................ 8  
C. The Charter Contract .................................................................... 10  
D. Accountability, Renewal, and Revocation ...................................... 11  
E. Contract Amendments ................................................................. 12

**II. Charter School Boards**

A. Purpose and Structure ................................................................. 15  
B. General Responsibilities .............................................................. 16  
C. Governance .................................................................................. 17  
D. Responsibility Matrix ................................................................... 18  
E. Restrictions (All Charter Schools) ............................................... 19  
F. Restrictions (BESE-Authorized Schools) ....................................... 20  
G. Requirements (BESE-Authorized Schools) .................................... 21

**III. Board Compliance with Public Laws**

A. Public Laws .................................................................................. 25  
B. Code of Ethics .............................................................................. 26  
   1. Reporting.................................................................................... 26  
   2. Employment ............................................................................ 26  
   3. Nepotism .................................................................................. 26  
   4. Compensation ......................................................................... 27  
   5. Recusal .................................................................................... 27  
C. Open Meetings Law ...................................................................... 28  
   1. Applying Open Meetings Law .................................................. 28  
   2. Giving Notice of Meetings ....................................................... 30  
   3. Executive Session .................................................................... 32  
   4. Board Meeting Minutes ............................................................ 33  
D. Local Government Budget Act ..................................................... 34  
   1. Sound Financial Practices ........................................................ 34  
   2. Mandatory Financial Reports ................................................ 35  
   3. Budget Preparation .................................................................. 35
IV. Board Oversight Duties

A. Personnel
   1. School Leader Compass Evaluations
   2. Teacher Requirements
   3. Employee Policies

B. Students
   1. Enrollment Admissions
   2. Enrollment Special Education Requirements
   3. Enrollment English Language Learner Requirements
   4. Transportation
   5. Discipline and Complaint Procedure

V. Appendices
Louisiana Charter Schools: Overview

What are Charter Schools?
Types of Charters
The Charter Contract
Accountability, Renewal, and Revocation
Contract Amendments
I. Louisiana Charter Schools: Overview

A. Charter Schools: What are Charter Schools?

Unlike traditional public schools—where schools located within a certain jurisdiction are subject to uniform rules and regulations set by a local parish 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. **Flexibility:** Charter schools are free to make timely decisions on issues specific to their school such as developing curricula, structuring the school day, creating a balanced budget, and hiring teachers 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 of charter school.


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

1. **Law:** Charter School Demonstration Programs – La. R.S. 17:3971, et seq.
   - Charter Law is typically updated or amended annually during the Legislative Session.

2. **Policy:** The Louisiana Board of Elementary and Secondary Education’s (“BESE”) Bulletin 126 (28 La. Admin. Code, Bulletin 126) governs the implementation of Charter School Law. Most of its provisions apply to Type 2 & 5 charter schools only, but some provisions apply to all charter schools.
   - Parish school boards may have specific rules that differ from BESE’s. Be sure to check local rules if authorized by a Local School Board (“LSB”).
   - BESE & LSB policies are updated often. Regularly check in with 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 Charters

In Louisiana, there are 7 Types of Charter Schools:

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


**LCAs**: To qualify as a Local Charter Authorizer, an entity must meet certain qualifications including: being a state agency or a non-profit corporation with an educational mission; being incorporated for at least 3 years; having at least $500,000 in assets net of liabilities; and planning to open at least 5 charter schools.

**Type 3B Charter Schools**: This Type was created to account for the return of a formerly failing Type 5 charter school under the RSD to an 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, it 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 processes for student enrollment, expulsion, and transportation. Additionally, Type 3B schools are permitted to remain as their own Local Education Agency (“LEA”).

## Types of Charter Schools Chart:

<table>
<thead>
<tr>
<th>Type</th>
<th>Authorizer</th>
<th>Contract</th>
<th>Start-Up vs. Conversion</th>
<th>Admissions</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Local School Board</td>
<td>LSB + non-profit board</td>
<td>Start-up</td>
<td>At-risk percentage requirements; may have admission requisites consistent with mission</td>
</tr>
<tr>
<td>1B</td>
<td>Local Charter Authorizer</td>
<td>LCA + non-profit board</td>
<td>Either</td>
<td>May have admission requisites consistent with mission</td>
</tr>
<tr>
<td>2</td>
<td>BESE</td>
<td>BESE + non-profit board</td>
<td>Either</td>
<td>At-risk percentage requirements; may have admission requisites consistent with mission</td>
</tr>
<tr>
<td>3</td>
<td>Local School Board</td>
<td>LSB + non-profit board</td>
<td>Conversion</td>
<td>May have admission requisites consistent with mission</td>
</tr>
<tr>
<td>3B</td>
<td>Local School Board *with financial oversight from BESE</td>
<td>LSB + non-profit board</td>
<td>Conversion *former Type 5 returned to an LSB</td>
<td>Open enrollment only</td>
</tr>
<tr>
<td>4</td>
<td>BESE</td>
<td>BESE + local school board</td>
<td>Either</td>
<td>At-risk percentage requirements; may have admission requisites consistent with mission</td>
</tr>
<tr>
<td>5</td>
<td>BESE</td>
<td>BESE + non-profit 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** = an LSB, an LCA, 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).
- **Charter Management Organizations (CMOs)** = Charter Operators authorized to operate more than one charter school through a non-profit network are commonly referred to as Charter Management Organizations (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 your Contract.

*Law > Policy > Contract*

**Insider Tip:** Know the terms of your charter agreement and always check with your Authorizer as to 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 violates 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 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—particularly changes to academic performance standards.

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.

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. The school’s extension review is held during its 4th year of operation.
- Charters may be renewed for additional periods of 3-10 years based on performance.
- An Authorizer must notify an Operator of its renewal decision by January 31 of the year in which the contract term expires.

Automatic Renewal:

- BESE permits its high-performing charter schools to bypass the renewal process and be automatically renewed if they meet certain benchmark standards (particularly around academic and financial performance). Check with your Authorizer and the most current version of BESE Bulletin 126 to see if your school is eligible for automatic renewal.

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.
- **Non-Material Amendments** are effective upon approval by the Charter School’s Board.

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

**Note:** Generally, *material amendments make substantive changes* to a charter school’s governance, operational, or academic structure, while *non-material amendments make non-substantive changes*, such as designated contact information for the school.

**Amendment Requirements:**

- 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.

Charter School Boards

Purpose and Structure
General Responsibilities
Governance
Responsibility Matrix
Restrictions (All Charter Schools)
Restrictions (BESE-Authorized Schools)
Requirements (BESE-Authorized Schools)
II. Charter School Boards

A. The Charter School Board: Purpose & Structure

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 matters affecting the school. The Board may utilize any power and perform any function (not prohibited by law) 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.


Fundamentally, the Board is a group of dedicated, committed individuals that come together as a collective unit to:

- Share their time and expertise to govern the school;
- Provide the school with strategic leadership;
- Protect the public’s interest; and
- Enable the school to achieve its mission.

**Ideal Qualities of Charter School Board Members:**

- Passionate about the school’s mission.
- Time to commit as volunteers.
- Willingness and ability to serve as the school’s governor, ambassador, sponsor, and consultant.
- Ability to understand the distinctions between governance and management.
- Comfortable with a start-up environment.
- Ability to ask tough questions.

B. **The Charter School Board: General Responsibilities**

Charter School Board Members, like other non-profit boards, are required to act in good faith and to exert the same level of diligence, care, judgment, and skill that an ordinarily prudent person would exercise under similar circumstances and in like positions. As such, Board Members have three basic fiduciary duties:

1. **Duty of Care**: exercising sound, legal, and ethical board best practices and acting on an informed basis—examples:
   - Being an active Board Member and participant.
   - Participating in risk assessment and strategic planning discussions.
   - Routinely evaluating the school, School Leader, and Board to assess the organization’s performance.
   - Implementing and enforcing any policies that safeguard the financial and operational integrity of the school.
   - Purchasing all necessary board and school liability insurance as required by your Authorizer.

2. **Duty of Loyalty**: giving undivided allegiance when making decisions affecting your school—examples:
   - Avoiding conflicts of interests/abiding by conflicts of interests policies.
   - Never using school/board information for personal gain.
   - Being strong promoters and advocates for your school.

3. **Duty of Obedience**: acting in furtherance of the law and the school’s goals and mission—examples:
   - Complying with all applicable state and federal laws governing charter schools, including laws applicable to Louisiana public bodies.
   - Acting in congruence with the Board’s purpose, articles of incorporation and bylaws, and Charter Contract.
   - Being mission-aligned so that your actions are consistent with the school’s goals, vision, and mission.

C. The Charter School Board: Governance

In addition to its general responsibilities, a Charter School Board is specifically charged with overseeing the school’s performance. But while the 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). Indeed, a successful Charter School Board has a clear understanding of its direct and indirect duties, as well as its primary and secondary responsibilities:

**Governance Duties:**

- Academic Performance
  - The Board indirectly governs the school’s academic success through its oversight and evaluation of the School Leader.
- Financial Performance
  - The Board directly governs the school’s finances by developing and maintaining a balanced budget and ensuring adequate resources.
- Legal Compliance
  - The Board is directly responsible for its ability to comply with the various laws applicable to Louisiana public bodies.
  - The Board is indirectly responsible for the school’s ability to comply with the various laws applicable to public schools through its creation and enforcement of school, student, and employee policies.

**Governance Responsibilities:**

- **Primary**
  - Hire, support, and evaluate the School Leader.
  - Strategically plan for the school’s future through policy.
  - Maintain legal and ethical integrity and provide financial oversight.
  - Develop and maintain an effective and competent Board.
- **Secondary**
  - Secure adequate resources for the school (fundraising).
    - Charter School Boards may solicit, accept, and administer donations or any other financial assistance (not prohibited by law) for educational purposes on behalf of the charter school.
  - Serve as the school’s ambassador to the community and greater public.
  - Uphold the promises made in the Charter Contract.

### D. The Charter School Board: Responsibility Matrix

The role of a Charter School Board Member is distinguishable from that of the School Leader. As the governing entity, the Board is charged with developing school policies and setting goals and expectations. The School Leader serves as the school’s manager and is in charge of implementing the Board’s policies and carrying out the school’s academic and operational programs on a day-to-day basis.

**The Board assesses “what” needs to get done, while the School Leader is entrusted with “how” to do it.**

<table>
<thead>
<tr>
<th>Responsibility</th>
<th>Board</th>
<th>School Leader</th>
</tr>
</thead>
<tbody>
<tr>
<td>Financial Management</td>
<td>• Approves annual budget</td>
<td>• Prepares annual budget with input from Board/finance committee</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><img src="bullet" alt="List item" /> <a href="bullet">Approves annual budget</a>]</td>
<td><img src="bullet" alt="List item" /> <a href="bullet">Prepares annual budget</a>]</td>
</tr>
<tr>
<td></td>
<td><img src="bullet" alt="List item" /> <a href="bullet">Reviews periodic financial reports</a></td>
<td><img src="bullet" alt="List item" /> <a href="bullet">Oversees preparation of periodic financial reports</a></td>
</tr>
<tr>
<td></td>
<td><img src="bullet" alt="List item" /> <a href="bullet">Ensures proper internal controls are in place</a></td>
<td><img src="bullet" alt="List item" /> <a href="bullet">Implements proper financial controls</a>]</td>
</tr>
<tr>
<td></td>
<td><img src="bullet" alt="List item" /> <a href="bullet">Establishes personnel policies</a></td>
<td><img src="bullet" alt="List item" /> <a href="bullet">Determines qualifications &amp; hires staff</a>]</td>
</tr>
<tr>
<td>Academic Excellence</td>
<td>• Ensures academic benchmarks: examines whether the what are being met or on target to be met</td>
<td>• Delivers academic program aligned with Charter Contract’s specifications</td>
</tr>
<tr>
<td></td>
<td>• Offers oversight of academic program through academic committee</td>
<td>• Determines how the instructional program is delivered</td>
</tr>
<tr>
<td>Compliances and Human Resources</td>
<td>• Establishes personnel policies that adhere to state, federal, &amp; local requirements</td>
<td>• Determines qualifications &amp; hires staff</td>
</tr>
<tr>
<td></td>
<td>• Approves salary scale &amp; benefits packages offered by school</td>
<td>• Conducts performance evaluations of staff</td>
</tr>
<tr>
<td></td>
<td><img src="bullet" alt="List item" /> <a href="bullet">Establishes personnel policies</a></td>
<td><img src="bullet" alt="List item" /> <a href="bullet">Responsible for management of school personnel</a></td>
</tr>
<tr>
<td></td>
<td><img src="bullet" alt="List item" /> <a href="bullet">Approves salary scale &amp; benefits packages offered by school</a></td>
<td><img src="bullet" alt="List item" /> <a href="bullet">Determines qualifications &amp; hires staff</a>]</td>
</tr>
</tbody>
</table>
E. The Charter School Board: Restrictions (All Charter Schools)

The following prohibitions are applicable to all Charter School Boards:

Employment/Compensation:

- Board Members cannot be employees of any school operated by that Board or Operator.
  - Board Members are prohibited from being employed by the charter school for 2 years following termination or resignation from the Board.
  - Board Members are prohibited from employing any immediate family members – exception permitted for classroom teachers.
- Board Members cannot receive compensation for services to the school other than reimbursement of actual expenses.
  - Board Members cannot solicit or accept personal gifts from any person or entity doing business, or seeking to do business, with the Board or school.

Nepotism:

- For Non-BESE Authorized Schools:
  - No more than 20% of a Charter Board can be members of the same immediate family.
- For BESE-Authorized Schools:
  - No Board Members can be members of the same immediate family.*


Note: For a more in-depth analysis of Board Restrictions, please review the “Code of Ethics” Section of this Handbook, p. 26.
F. The Charter School Board: Restrictions (BESE-Authorized Schools)

The following prohibitions are applicable to only those charter schools authorized by BESE:

- There must be at least 7 Members of the Board of Directors.
- No Member of BESE can be a Board Member.
- At least 60% of the Board’s Members must reside in the parish or immediate neighboring parishes of where the school is located.
  - For Type 2 Schools, specifically, at least 60% of the Board Members must reside in any parish that is included in the charter’s attendance zone.
  - For Charter Operators that operate multiple charter schools in different communities, at least 60% of the Board must reside in the communities in which the schools are located.
- For Type 5 Charter School Boards, specifically:
  - Board Members cannot be a member of any city, parish, or other local public school board that is located in the same jurisdiction as that Type 5 charter school.
  - Current elected officials cannot serve as a Type 5 Board Member; former elected officials must be retired from the elected position for at least 1 year before serving as a Type 5 Board Member.


Note: If authorized by an LSB or a certified LCA, be sure to check with your Authorizer as to any additional prohibitions or restrictions that apply to your Board.
G. The Charter School Board: Requirements (BESE-Authorized Schools)

Charter Boards for BESE-Authorized schools must immediately notify their Authorizer when:

- Any conditions exist that may cause the school to not comply with the Charter Contract, state law, or BESE policy.
- A default on any obligation, including debts for which payments are past due by 60 days or more.
- Any change in the Charter Operator’s standing with the Louisiana Secretary of State.
- An enrollment decrease of 10% or more, compared to the most recent student count submitted to the Authorizer.
- Any circumstances that require the school to unexpectedly close (including natural disasters, emergencies, damage to school facilities, etc.).
- The arrest of any Charter Board Member, school employee, school contractor or sub-contractor, or any person directly or indirectly employed by the school for:
  - Any crime related to the misappropriation of funds or theft; or
  - Any crime listed in La. R.S. 15:587.1(C)(crimes related to homicide, kidnapping, sex offenses, etc.).
- The Operator’s contract with a Education Management Organization is terminated or not renewed:
  - The LDOE must receive written notification with reasons therefore within two business days of the termination of the contractual relationship.
  - Type 5 charter schools must submit a formal plan to the state superintendent of education for the continued operation of the school within ten days of the contract’s termination.
- Any change to the Charter Board’s “President of the Board” designation.


**Note:** If authorized by a LSB or a certified LCA, be sure to check with your Authorizer as to any additional notification requirements that apply to your Board.
Board Compliance with Public Laws

Public Laws
Code of Ethics
Open Meetings Law
Local Government Budget Act
Public Records Act
Public Bid Law
III. Board Compliance with Public Laws

A. Board Compliance: Public Laws

Because charter schools are public schools, Charter School Law mandates that Charter School Boards—like traditional public school boards—comply with the following laws applicable to Louisiana’s public entities:

- **Code of Governmental Ethics** – La. R.S. 42:1101 et seq.
  - Avoiding conflicts of interests

- **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.
  - Applies to awarding contracts for either food service providers or public works contracts in excess of $150,000


**Note:** Violation of these public laws can subject individual Board Members to civil penalties, as well as impact an Authorizer’s decision to extend or renew a school’s Charter Contract.
B. Board Compliance: Code of Ethics

Charter School Board Members must abide by the Code of Ethics so as to protect the school from conflicts of interest and undue influence. Compliance with the Code of Ethics ensures that decisions made by the Board are in the school’s (and the greater public’s) best interest.

**Note:** Board Members should read in full the La. Code of Ethics (La. R.S. 42:1101 et seq.) and annually complete any one-hour training program offered by the La. Board of Ethics to stay current on conflicts of interest rules (http://ethics.la.gov/).

You should always contact your school’s attorney for ethical issues specific to your school. However, the following rules are common to Charter Schools:

1. **Reporting:**
   - 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.
   - Board Members must disclose to the Board of Ethics any situation in which they or their immediate family might benefit from a proposed action.
     - **Immediate family** = children, spouses of children, siblings, spouses of siblings, parents, spouse, and parents of spouse.

   *Source: La. R.S. 42:1102(13)), 42:1124.3*

2. **Employment:**
   - Board Members cannot be employees of any school operated by that Board or Operator.
   - Board Members are prohibited from being employed by the charter school for 2 years following termination or resignation from the Board.
   - Board Members are prohibited from employing any immediate family members – *exception* permitted for classroom teachers.


3. **Nepotism:**
   - Number of Board Members from the same immediate family:
     - For **Non-BESE Authorized Schools**: No more than 20% of a charter board can be members of the same immediate family.
     - For **BESE-Authorized Schools**: No Board Members can be members of the same immediate family.
       - **Immediate family** = children, spouses of children, siblings, spouses of siblings, parents, spouse, and parents of spouse.

4. Compensation:

- Board Members cannot receive compensation (anything of economic value) for services to the school other than reimbursement of actual expenses.
  - Board Members cannot solicit or accept personal gifts from any person or entity doing business, or seeking to do business, with the school.
  - Board Members may not accept food and drink at a single event or meeting (as a form of compensation for services or from those doing business, or seeking to do business, with the school) that has a total value greater than approximately $50.00.*

*Note: The exact amount may fluctuate every year in accordance with an increase in the unadjusted Consumer Price Index (CPI-U) (Food and Beverage) as published by the U.S. Department of Labor, Bureau of Labor Statistics in January each year. As of 2014, the current food and drink limit is $57.00.


5. Recusal:

- A Board Member must recuse him or herself from participating in any transaction in which he or she has a personal substantial economic interest. This prohibition also extends to situations in which a Board Member knows any of the following persons has a substantial economic interest in a transaction:
  - Immediate family members; any entity of which the Board Member is an officer, director, trustee, partner, or employee; anyone with whom the Board Member is negotiating with or has an arrangement for prospective employment; any legal entity of which the Board Member controls or owns an interest greater than 25%.
- Board Members may participate in the discussion or debate concerning the transaction but must disclose the conflict of interest and are prohibited from voting on the matter.


Board Members who Work for an Entity that does Business with the School

In general, the Code of Ethics prohibits a Board Member and a legal entity in which a Board Member exercises control or owns an interest in greater than 25% from receiving anything of economic value for services rendered to or for any person during service as a Charter Board Member, unless such services are neither performed for nor compensated by any person that has or is seeking to have a contractual, business, or financial relationship with the Board Member’s agency.

The Exception to this Rule: A person who works for a company that does business with the school may serve as that school’s Board Member when the following factors are met:

- The Board Member must be a salaried or wage-earning employee;
- The Board Member’s salary must remain substantially unaffected by the school’s contractual relationship with the Board Member’s company;
- The Board Member must own less than a “controlling interest” in the company; and
- The Board Member cannot be an officer, director, trustee, or partner in the company.

C. Board Compliance: Open Meetings Law

Any matter conducted on behalf of the school by the Charter Board or a Committee thereof must be done in a manner that is open and transparent to the public.

- Boards and Committees should err on the side of caution and abide by Open Meetings Law, especially when discussing any matter that will impact the school’s Board, employees, and students (including governance facilities, budget, and academics).
- A Board’s failure to comply with Open Meetings Law can subject individual Members to civil penalties and render null any decisions made by the Board.

Though Board Members are encouraged to read Louisiana’s Open Meetings Law in its entirety (La. R.S. 42:11 et seq.), the following is a list of Frequently Asked Questions as to how to properly conduct a Charter School Board Meeting:

1. When Does Open Meetings Law Apply?

- Open Meetings Law applies anytime there is a convening or meeting of a quorum (simple majority) to deliberate or act on a matter over which the Board or Committee has supervision, control, jurisdiction, or advisory power.
  - Open Meetings Law applies to both Charter School Boards and their Committees.
  - Open Meetings Law applies to Board retreats.
  - Board Members participating via phone cannot be counted in determining if a quorum exists and cannot vote.
  - Open Meetings Law cannot be circumvented by discussing substantive matters via e-mail (as a quorum or a “rolling quorum”) or by polling Board Members on school issues.


**Note:** A person who willfully disrupts a meeting and seriously compromises the ability of the meeting to be conducted in an orderly manner can be removed. La. R.S. 42:17.
A Quorum is also needed for Voting:

- Any action (voting) by a Board or Committee can only take place if there is a quorum of members *physically present in attendance* during the open meeting. If a Board or Committee Member leaves the meeting (for whatever reason—whether temporarily or permanently) then he or she is no longer considered in attendance while absent and the remaining Members must recalculate whether a quorum exists before proceeding with the meeting.
- Members *cannot vote* if participating via phone, video, or Internet, nor can they be considered “in attendance” for determining whether a quorum exists.
- All votes must be live, cast aloud, and recorded.
- Voting by proxy or secret ballot is prohibited.
- Generally, a vote can only be taken on items listed on the posted agenda.

**Note:** See below for more details on how to make last minute changes to a posted agenda. But note: making last minute changes to an agenda is not recommended as such changes typically do not give the public adequate advance notice of the Board’s discussions and action items.

Voting Requires Public Comment:

- Items that are to be voted upon should be listed on the agenda to give the public adequate prior notice. Inadequate public notice can render decisions made by the Board null and void.
- There must be a public comment period before a vote can be taken on an individual agenda item (public comment is not required for items that will not be voted upon).
- One general comment period for all agenda items will not suffice.
- Public comment rules and procedures (e.g., time limits, comment cards, sign-in sheets, etc.) may be adopted by the Board or Committee if the rules are reasonable and made known to the public.

*Source: La R.S. 42:13, 42:14, 42:15, 42:19.*
2. How/When Does a Board or Committee Give Public Notice for Meetings?

Charter School Boards and Committees must give written notice of meetings periodically throughout the year:

- **Annual Notice:**
  - Create and post a public schedule of planned, regular Board or Committee meetings at the beginning of each school or calendar year.
  - Posted notice must include the anticipated dates, times, and locations of the planned meetings.

- **24-Hour Notice:**
  - Written public notice of any regular, special, or re-scheduled meeting must be given at least 24 hours in advance of the meeting.
  - Posted notice must include the agenda, date, time, and location of the meeting.
  - In cases of an extraordinary emergency (i.e., a natural disaster), notice may be appropriately given as circumstances permit.

- **Posting Notice:**
  - At a minimum, all Annual and 24-Hour meeting notices must be posted at **one** of these locations:
    - The principal office of the Charter Board or Committee, **or**
    - At the building in which the meeting is to be held, **or**
    - By publication in the Board’s official journal (i.e., the newspaper)
  -- **PLUS** --
    - If a school has a website, then notice **must** be posted on the charter school’s website **in addition** to one of the above locations.

- **Media Requests:**
  - If any member of the news media requests to receive meeting notices, then a copy of all meeting notices must be mailed to that news media **and** the Board or Committee must give notice of all meetings to that news media member in the same manner as is given to members of that school’s Board or Committee (e.g., sending notice via e-mail if the Board receives notice via e-mail).

**Note:** Your Authorizer may also require notification of all Board or Committee meetings. Be sure to check your Contract and ask your Authorizer for any additional meeting notification requirements.

A posted AGENDA must include the following information:

- *Everything* that the Board or Committee plans to discuss or act upon (vote) during the meeting must be listed on the agenda.
- Each agenda item must be listed separately, described with reasonable specificity, and read aloud during the meeting.
- Agendas should indicate what matters will be discussed in executive session. If discussing litigation, then the court, case name, case number, and parties must be listed.

**Note:** The purpose of the Open Meetings Law is transparency and providing adequate notice to the public as to what matters will actually be discussed or voted on in a meeting. The more organized and detailed an agenda is, the more efficient the meeting will be.

**Last Minute Changes to the Agenda:**

- Agenda items should not be changed less than 24 hours prior to the meeting.
- If the Board or Committee needs to discuss an item not listed on the agenda, then the Board or Committee must: (1) identify by motion the item and purpose for adding it to the agenda; (2) give the public an opportunity to comment on whether the item should be added; and, (3) the motion to add the agenda item must be unanimously approved by the Board or Committee—only then can the Board or Committee begin to discuss and take action on an item not previously listed on the agenda. If taking action on a newly added item, the Board must also give the public an opportunity to comment on that item’s substantive issues prior to taking the vote.

**Note:** You can always call a special meeting at a later time and date to discuss an issue, but that special meeting must also be open to the public and follow normal open meetings rules regarding notice and agendas.

3. How and When may a Board use Executive Session?

Executive Session is an exception to Open Meetings Law that permits closed discussions on certain, qualifying matters. It should be used sparingly and cannot be used to circumvent the Open Meetings Law. Permissible uses of executive session for Charter Boards include:

- **Discussion of the character, professional competence, or physical or mental health of a person.**
  - The person must be notified in writing at least 24 hours prior to the meeting and that person can require that the discussion 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 sessions 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—which are limited to:**
  - Natural disasters, threat of epidemics, civil disturbances, suppression of insurrections, the repelling of invasions, or other matters of similar magnitude.

- **Discussions between the Board and individual students or parents or tutors of students, (or both) regarding problems of that student:**
  - The parent or tutor or student can require that the discussion be held in open meeting.

- **Or any other matters as may be provided for by the legislature.**

**Proper Etiquette for Using Executive Session:**

- Anticipated executive session discussions must be listed on the published agenda. If discussing litigation, the court, case name, case number, and parties must be cited.
- A motion to move into executive session must be made in open meeting.
- Two-thirds (2/3) of members must approve the motion and the vote of each member and the reasons for moving into executive session must be recorded in the official minutes.
- Only the specific matters that qualify can be discussed in executive session.
- No final or binding action (voting) can take place in executive session. All votes (including any sort of processes of elimination) must occur, and be recorded, in open meeting.

*Source: La. R.S. 42:16.*

**4. Board Meeting Minutes**

Charter Boards and Committees *must* keep written minutes of all open meetings. Additionally, meeting minutes are *public records* and must be made available to the public.

Minutes must include the following information:

- The date, time, and location of the meeting;
- The attendance or absence of each member;
  - Be sure to record the time each member joins or leaves the meeting
- The substance of all matters decided;
  - Minutes do not need to be overly detailed with specifics
- The individual votes of each member; and
- If applicable, the reasons for moving into executive session and the voting records of individual members with respect to moving into executive session.

*Note:* Meetings may be video recorded or video streamed live by the Board or Committee or by members of the public.

*Source: La. R.S. 42:15.*
D. **Board Compliance: Local Government Budget Act**

One of the most significant duties of the Charter Board is to create and maintain a balanced school budget. Because charter schools are public schools, the Board must adopt, finalize, amend, and implement the school’s budget in accordance with the Local Government Budget Act (La. R.S. 39:1301 et seq.), BESE Bulletin 126, and BESE Bulletin 1929 (Accounting and Uniform Government Handbook):

1. **Sound Financial Practices**

   - Boards are to engage in sound financial practices, reporting, and audits to ensure proper use of public funds and the successful fiscal operation of the school.
   - 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.
   - Boards are to establish a reliable accounting system, as well as maintain accurate accounts and documentations for all allocated and accrued funds.
   - Boards should keep proper documentation of the use of public versus private funds. If not recorded, property purchased with private funds will be presumed to have been purchased with public funds and will be retained by the state.

**Qualified & Competent Business Professionals – Charter Types 2 & 5 Only:**

BESE-Authorized charter schools 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:

- Has an undergraduate degree with at least 24 hours of business-related courses; is a Louisiana C.P.A.; or has a M.A. in public or business administration.

**PLUS**

- Has at least 3 years of work experience in a relevant field (e.g., accounting, finance, etc.), and
- Must acquire Certified La. School Business Administration (CLSBA) certification (or C.P.A. certification) within seven years from date of hire.

2. Mandatory Financial Reports

- All budgets must follow the **fiscal year of July 1 – June 30.**
- All Charter Operators must submit quarterly reports to the La. Dept. of Ed.:
  - July 31: Annual Operating Budget
  - October 31: First Quarter Financial Report
  - January 31: Second Quarter Financial Report
  - April 30: Third Quarter Financial Report

- All adopted budgets and the school's Annual Financial Report (AFR) must be submitted to the La. Dept. of Ed. no later than September 30 of each year.

**Note:** If authorized by a LSB, be sure to check with your Authorizer or your Contract as to any additional financial reporting requirements.


3. Budget Preparation

- The budget must be comprehensive and present a complete financial plan for the fiscal year.
  - It must include itemized revenues and expenditures.
  - Total of proposed expenditures cannot exceed total of estimated funds available for the ensuing fiscal year.
- The budget must be prepared by either the school's chief executive or administrative officer.
  - It must include a summary of the proposed plan, policies and objectives, assumptions, budgetary basis, and a discussion of important features.
  - It must be submitted on forms required by the La. Dept. of Ed. and comply with BESE Bulletins 126 and 1929.
  - It should include a budget adoption instrument:
    - This instrument must be an appropriation ordinance, adoption resolution, or other legal instrument necessary to adopt and implement the budget document.
- The school's chief executive or administrative officer must retain and file certified copies of the adopted budget, budget adoption instrument, duly authorized budget amendments, and copies of supporting schedules and correspondence related to the budget at the domicile of the governing authority (e.g., the principal office of the school or Charter Board).

4. **Budget Notice and Public Participation**

- Boards must give the public an opportunity to comment on the proposed budget before the budget can be approved.

- **15-Day Rule:** The budget must be made available for public inspection at least 15 days prior to the budget’s adoption.

- **10-Day Rule:** Notice must be published in the Board’s official journal (i.e. the local newspaper) at least 10 days prior to the first meeting at which the Board will discuss the proposed budget. This notice must include the date, time, and location of where the first meeting on the budget will be held.
  - You can meet both the 15-day public inspection rule and 10-day published notice rule by both publishing and making available all necessary information at least 15 days before the first meeting on the budget is held.
  - All subsequent meetings that include discussion of the budget follow normal Open Meetings Law notice requirements.

- **A budget cannot be adopted the first time it is discussed in a Board meeting.** At a minimum, there must be at least one meeting 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 can 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.
  - It is recommended that, at a minimum, published certification should include when the budget was first made available (15-day rule); when notice was first published in the paper (10-day rule); dates of all meetings at which the proposed budget was discussed; and, date budget was adopted.


5. **Budget Adoption/Amendments**

- All actions to adopt, finalize, amend and implement the budget must be discussed and approved in Open Meeting.

- The adopted budget must be balanced.

- Annual operating budgets must be submitted by July 31; general fund budget Form A must be submitted by September 30.

E. Board Compliance: Public Records Act

Charter schools and Charter School Boards must adhere to Louisiana’s Public Records Act, which provides public access to school and Board records.

1. What Qualifies as a Public Record?
   - Public records are essentially any type of documentation (including e-mails) that are used or retained for use in the management of a public business/entity, including the operation of a public charter school.
   - Public records are records that actually exist. If a requested record does not exist, you do not have to create a new record to comply with the request.


2. What are Common Exemptions to the Public Records Act?

The following are generally considered NOT to be public records and cannot be freely given to the public upon request:

   - The name, home address, and telephone number of any enrolled student.
     - A school official, LDOE, and BESE can have access to that information if necessary for official reasons.
   - The social security number of any teacher or school employee.
     - A school official, LDOE, and BESE can have access to that information if necessary for official reasons.
   - A school employee’s home address and phone number if that employee requests that the information remain confidential.
   - See also La. R.S. 44:4.1(9) for other exceptions regarding: sabbatical and personal leave; access to personnel files; and, disclosure of student files under The Family Educational Rights and Privacy Act (FERPA).

Note: Because charter schools are public schools, the names of their employees, job titles/positions, and salaries are public records.

Family Educational Rights and Privacy Act (FERPA):

FERPA is a federal law that gives parents and students certain rights with respect to students’ educational records. These rights include the right to access, inspect, and request correction of these records. Every school has the duty to ensure that these rights are protected. For more information, see:


As a general rule under FERPA, a student’s academic information (test scores, grades, etc.) may be disclosed without the student’s/parent’s consent ONLY if there is a legitimate educational reason to do so (e.g., information to pass on to the school where the student is transferring to or discussion of a student’s ability to stay in an academic program).

Source: 20 U.S.C.A. § 1232g.

3. Protecting Public Records

• Charter schools and Charter Boards must exercise diligence and care in preserving the original public record for the period of time required by law.
  – If no specific time is mandated for a particular record, then the default rule is that the record must be preserved and maintained for at least 3 years from the date it was made.

• The records custodian can take actions necessary to prevent the alteration of any record while it is being examined (e.g., you can require that any record examination take place in a room that is easily observed by the custodian).

• You can convert original documents into electronic form for ease and convenience of preservation and storage, when deemed appropriate.

Note: Designated public record custodians (and their contact information) should be listed on the school’s website.

Source: La. R.S. 44:36, 44:32.
4. Who can Request Public Record?

- Anyone over the age of 18 may request to inspect, copy, or reproduce any public record.
  - You cannot ask why the person wants the record.
  - You can ask for identification to confirm the person is of majority age.


5. Responding to a Public Records Request

- If the record is immediately available:
  - The record must be presented to the person making the request.
- If the record is not immediately available:
  - You must respond within 3 days (exclusive of weekends and legal holidays) as to if and when the request will be granted.
- If denying a records request:
  - If the requested information is unavailable, does not exist, or is privileged, then you must state why the request is being denied.

Source: La. R.S. 44:33, 44:34, 44:32.

6. Fees and Accommodations

- You can charge a reasonable fee for making copies of the public record.
  - But you cannot charge a fee for just reviewing or examining the record in person.

Note: Title IV of the Louisiana Administrative Code provides a uniform fee schedule for copies of public records of state agencies (as of December 2013, the fee schedule is approximately $0.25 per page).

- You can segregate a public record from other records so that the only requested record is available for review.
  - If segregating the record would be unreasonably burdensome or expensive, or if the record is maintained in a fashion that makes it readily identifiable and renders further segregation unnecessary, you must state so in writing and state the location of the requested record.
- You can require that any and all examinations take place during regular office and working hours.
- You must extend to the requesting person, a reasonably comfortable facility available while reviewing the record.

F. Board Governing Duties: Public Bid Law

The goal of 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.

Charter schools are **required** to follow public bid law when awarding contracts for:

- Public works projects in excess of $150,000
- Food services.

Complying with Public Bid Law can often be a difficult task because of its many detailed rules. The following are highlights and summaries of Public Bid Law, but it is highly recommended that Board Members check with their Authorizer and/or school's attorney before letting a project out for public bid.

**Responsible Bidder:**

A responsible bidder is one who:

- Has an established business;
- Is capable of providing goods and services *in accordance with the terms of the contract, plan, and specifications*;
- Does not have a documented record of past projects resulting in arbitration or litigation in which he or she was found to be at fault.

A responsible bidder must also have a negotiable net worth, or be underwritten by an entity with a negotiable net worth, that is equal to or exceeds in value the total cost amount of the public contract.

**Note:** Make sure to include the desired level of qualities/goods/services you want from a responsible bidder in the Request for Proposal.

**Bond Requirements:**

- Bid: 5% bid bonds or other forms of bid security are required.
- Performance: Not less than 50% of contract for public works contracts of $50,000 or more are required.

1. Public Bid: Public Works Projects

Public Works are:

- The erection, construction, alteration, improvement, or repair of any public facility or immovable property that is owned, used, or leased by the school.

- The **total cost** of the project must **exceed $150,000**.
  - Total cost *includes* the cost of labor, equipment, and materials.
  - You *cannot* divide or separate the project into smaller divisions to avoid public bid law requirements.

- If the project exceeds $150,000 then the contract must be awarded through the public bid process.

*Source: La. R.S. 17:3996, 38:2212.*

2. Public Bid: Public Works Projects less than or equal to $150,000

Even though projects or contracts less than or equal to $150,000 are not subject to public bid law, the following is recommended by the Legislative Auditor and LDOE:

- Contracts/Purchases less than $1,000:
  - Best practice to obtain at least 3 verbal quotes.

- Contracts in excess of $5,000:
  - Terms of contract should be in writing.

- Contracts/Purchases less than $10,000:
  - Best practice to obtain at least 3 written quotes.

- Contracts/Purchases between $10,000 - $30,000:
  - Best practice to obtain at least 3 telephone or fax quotes and give written confirmation of accepted offer.
  - If a lower quote is available than accepted offer, you should submit reason for rejection to lowest bidder.

- Contracts valued between $25,000 - $150,000:
  - Awarded via Request for Proposal and/or solicitation of at least 3 bids.

*Source: La. R.S. 38:2241; see also Legislative Auditor’s Recommendations.*

**Note:** The Legislative Auditor annually publishes an easy-to-use Public Bid Law summary guide. Be sure to check its website, under Legal Assistance-Public Contracts-Public Bid Law Summary FAQs, for links to the most current version: http://app1.lla.state.la.us/llala.nsf. The LDOE also provides a Public Bid Law guide for charter schools: http://www.louisianabelieves.com/resources/library/school-choice.
3. Public Bid: Contracts for School Food Services

The Louisiana Department of Education (LDOE) requires all public schools that participate in the National School Lunch Program (a federal breakfast and lunch program for low-income students) to award contracts for School Food Services through public bid. By requiring this, the LDOE helps schools ensure that the food service providers meet all federal requirements. The LDOE and its Child Nutrition Program Division can assist your school with this process:

- http://cnp.doe.state.la.us/

4. Public Bid: Advertising Requirements

If required to award a contract by public bid, then the following Request For Proposal (RFP) bid advertising requirements must be met:

- All advertisements must be published once a week for 3 different weeks in the local newspaper of the location for where the 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 Saturday, Sunday, or legal holiday.
- You may advertise online, but may not do so exclusively. Any ads via electronic media must be in addition to ads via local print newspaper.
- Complete plans and specifications must be made available the first day of advertising and until 24 hours before the bid opening date.
- Must specify in each ad:
  - Where detailed specifications can be obtained.
  - Where bids will be received and opened.
  - If attendance at a pre-bid conference is required, the ad must include the date, place, and time of pre-bid conference.

Source: La. R.S. 38:2212.
5. Public Bid: Change Orders & Addenda

Public bids and contracts can be amended through change orders and addenda.

- A **change order** is an alteration, deviation, addition, or omission as to a preexisting public work contract. All change orders must be in writing.
  - A change order **within** the scope of the contract:
    - Does not alter the nature of the thing to be constructed and is an integral part of the project objective.
    - Is not required to be put out for bid but must either be negotiated in the best interest of the school or let out for public bid.
  - Change orders **outside** the scope of the contract:
    - Alters the nature of the thing to be constructed or is not an integral part of the project objective.
    - Change orders outside the scope of the contract that exceed the contract limit must be let for bid.

- **Addenda** are used to make changes to the bid documents, often to extend the bid period.
  - Can be used to extend the bid period up to 30 days without re-advertising.
  - If an addendum is issued within 72 hours of the bid opening:
    - The opening of bids must be extended at least 7 days but no more than 21 working days without re-advertising. The addendum must state the revised time and date of bid opening.
  - If the addendum is issued within 7 days of the bid opening:
    - You must transmit a copy (by hand, fax, or e-mail) of the addendum to all prime bidders who have requested bid documents within 24 hours. It must be followed-up with a mailed paper copy.

*Source: La. R.S. 38:2211, 38:2212.*

6. Public Bid: Opening of Bids

- Bids must be opened at the advertised time and place.
  - Bids not timely received cannot be considered and must be returned to the bidder unopened.
- Sealed bids must be opened and read aloud, if possible.
- Bids are public records subject to inspection and copying.
- The low bid or the award may not be discussed at the opening.

*Source: La. R.S. 38:2214.*
7. Public Bid: Evaluation and Award

After evaluating all timely submitted bids, you must do one of the following within 45 days:

- **Award** the contract to the lowest responsible bidder who bid according to the contract, plans, and specifications as advertised – OR –
- **Reject** all bids for cause – OR –
- **Extend** the deadline by mutual consent with the lowest responsible bidder.

Failure to do one of these options may result in a court order granting the contract to the lowest responsible bidder.

**Note:** Written confirmation of the accepted offer must be made a part of the contract file, and records of all elements of the public bid process must be retained for at least 6 years following the completion of the project.


8. Public Bid: Bid Cancellation and Withdrawal

A submitted bid solicitation may be withdrawn from consideration for the following reasons:

- **Before bids are opened:**
  - A bid solicitation may be canceled for any reason.

- **After bids are opened:**
  - A bid solicitation may only be canceled for just cause—including, but not limited to insufficient funds, all bids coming in over budget, major changes in scope or design of project, or decision to not go forward with the project for at least 12 months.

Board Oversight
Duties

Personnel
Students
IV. Board Oversight Duties:

As previously mentioned, a Charter School Board is ultimately held accountable to its Authorizer for the school’s academic, financial, and legal performance. Even though the Board’s role is not to micro-manage the School Leader, successful Charter Boards should still have a working knowledge of the school’s operations and legal responsibilities and liabilities with respect to its personnel and students.

A. Board Oversight Duties: Personnel

Aside from hiring the School Leader, the Charter Board lacks the direct authority to make employment decisions as to all other school instructional staff—that authority, instead, lies with the School Leader. However, the Board plays two key roles when it comes to school personnel: evaluating the School Leader and enacting and overseeing employee policies:

1. School Leader Compass Evaluations

As the governing entity of the charter school, the Charter Board is charged with overseeing and evaluating the school’s leader. For Boards of CMOs, the Board is to evaluate the CMO leader (who in turn, evaluates the principals of each school within the network). For Boards of non-CMO charter schools, the Board evaluates the school’s principal (or otherwise designated School Leader). In all instances, however, the school’s principal should directly evaluate the school’s teachers.

Compass Evaluations:

- All public school teachers and principals or leaders, including those of charter schools, are supposed to be annually evaluated using the state’s value-added assessment model and measurements of student growth, commonly referred to as “Compass.”
- Compass is designed to provide all educators with regular, meaningful feedback on their performance and aligned supports to foster continuous improvement.
- Under Compass, teachers and principals or leaders are to be evaluated annually using a four-tier rating system: (i) Highly Effective, (ii) Effective: Proficient, (iii) Effective: Emerging, and (iv) Ineffective.
- Charter Boards should check with their Authorizer or LDOE to ensure that the school’s staff are properly evaluated in accordance with the state’s Compass rubrics.

2. Teacher Requirements

Currently, charter school instructional staff are not required to be state-certified teachers. Instead, they are required to have a baccalaureate degree, be highly-qualified, and be subject to all provisions of state law relative to background checks.


---

**Background Checks:**

- Charter schools must conduct a background check on all persons who apply for or who have been given a position of supervisory or disciplinary authority over children. Employment must be conditioned upon a favorable result.
- Candidates or staff cannot be convicted of, or have pleaded *nolo contendere*, to any crime listed in La. R.S. 15:587.1(C).
- The Board must establish regulations, requirements, and procedures to ensure that such checks are done by submitting fingerprints of all potential employees to the Louisiana Bureau of Criminal Identification and Information.


---

3. Employee Policies

Charter schools are *not* required to enter into fixed-term contracts with their employees, but rather, may hire employees on an *at-will* basis:

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

*Source: La Civ. Code §§ 2024, 2747; Quebedeaux v. Dow Chemical Co., 820 So.2d 542 (La. 6/21/02).*
Employee Benefits & Collective Bargaining Rights:

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

• Charter school employees are deemed public school employees and are eligible to participate in the state’s school employees’ and teachers’ retirement systems if the Charter Board permits the school and its employees to participate in such systems, as provided for in the Charter Contract. However, as of 2014, schools cannot have bifurcated systems.

• 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.

B. Board Oversight Duties: Students

When it comes to student issues, the Board’s role is two-fold: (1) the Board must develop and govern enrollment and transportation policies; and, (2) the Board, like an appellate court, must review a School Leader’s actions and determine whether he or she has adhered to various school laws and policies, particularly those involving student discipline.

1. Enrollment - Admissions

Charter schools, like traditional public schools, are open enrollment schools that must accept all students who seek to enroll. If more students apply than there are seats available, a randomized lottery must be conducted to determine enrollment. Additionally, a few enrollment preferences are permitted, such as:

- **Geographic:**
  - Each elementary and middle charter school, except a Type 2 charter school, may request and be granted by its Authorizer the right to give an enrollment preference to students residing within the neighborhood immediately surrounding the school.
  - Type 5 charter schools can reserve up to 50% of a school’s seats for students who live in the school’s immediate geographic area.

- **Mission:**
  - Admission requirements must match the school’s role, scope, and mission; be approved by the Authorizer; and, be listed in the Charter Contract.
    - No school chartered after July 1, 2012 may require or administer academic performance tests for selective admission purposes.

- **Previous Attendance/Sibling** – the following students may be given an enrollment preference and automatically admitted to a charter school:
  - Students whose previous school converted into a charter school.
  - Siblings of enrolled students.
  - Students who previously attended an approved Pre-K or early childhood program operated by the charter school.
  - Students at BESE- Authorized charter schools who are either matriculating or transferring into eighth grade or below between two schools operated by the same Charter Operator or matriculating or transferring into ninth grade or above between eligible BESE- Authorized charter schools.

**Note:** Type 2 and Type 5 charter schools in New Orleans are required to enroll their students through the RSD’s unified enrollment system (“OneApp”), which automatically factors in any applicable preferences.
• **Corporate:**
  – Up to 50% of a school’s seats may be reserved for dependent children of permanent employees of a charter school’s corporate partner.

**Note:** Be sure to check La. R.S. 17:3991.1 as to who may qualify as a corporate partner.

• **At-Risk Status Compliance:**
  – New Type 1 and Type 2 charter schools are required to maintain an at-risk student population that is equal to the percentage of at-risk students in the district in which the charter school is located or the average of the districts from which the students served by the charter school reside.
    - At the charter school, 85% of these at-risk students must be eligible for the federal free and reduced lunch program. The remaining 15% of the school’s at-risk population may consist of students who qualify as “at-risk” for purposes other than free or reduced lunch eligibility, such as any student who:
      - Is younger than 20 years old and has been withdrawn from school prior to graduation for at least one semester;
      - Is younger than 20 years old and has failed to achieve the required score on any portion of the exam required for high school graduation;
      - Is in eighth grade or below and is reading two or more grade levels below grade level;
      - Has been identified as a student with an exceptionality (not including gifted and talented); or
      - Is the mother or father of a child.
  – For charter schools created as a result of conversion, the at-risk percentage of the new school must match that of the previous school.

• **Desegregation Compliance:**
  – Charter schools located in an area where the city or parish school system is subject to a court-ordered desegregation plan must abide by any court-ordered enrollment or lottery requirements.

**Note:** Charter schools may not enroll more than 120% of the total number of students approved in the school’s Charter Contract without formally amending the contract and obtaining the Authorizer’s approval.

2. Enrollment – Special Education Requirements

Charter schools cannot deny, reject, punish, dismiss, expel, or otherwise discriminate against any student on the basis of his or her exceptionality or disability. Moreover, charter schools that are their own Local Education Agencies (LEA)—Type 1Bs, Type 2s, Type 5s, and some Type 3Bs—are legally responsible for putting all of the necessary systems in place to ensure that children with exceptionalities or disabilities enjoy their right to a Free and Appropriate Public Education (FAPE), as guaranteed by these state and federal special education laws:

2. Louisiana Education of Children with Exceptionalities Act, La. R.S. 17:1941 et seq.

**IDEA & Louisiana Education of Children with Exceptionalities Act:**

- Central mandate is that public schools must provide children with exceptionalities with a free and appropriate public education (FAPE) that to the greatest extent possible includes them in a regular education environment.

**ADA & Section 504 of the Rehabilitation Act of 1973:**

- Reinforces the central idea of IDEA: a school must include children with exceptionalities in its regular activities and curriculum, in the **least restrictive environment possible**.
- The ADA requires schools to modify its physical facilities to provide students with exceptionalities the greatest possible access.
- Section 504 requires schools to actively seek out and identify children with disabilities so that it may provide them with the FAPE required by IDEA.

**Note:** For charter schools authorized by a Local School Board (Types 1, 3, and 4), the LSB serves as the LEA and is responsible for ensuring that the needs of charter school students with disabilities are met.

3. Enrollment – ELL Requirements

Because charter schools are public schools, they must also comply with all legal requirements governing the education of English Language Learners (ELLs). The primary sources that protect the rights of ELL students and students with Limited English Proficiency (LEP) include:

   - Prohibits discrimination on the basis of race, color, or national origin.
   - Schools are required to provided ELL/LEP students with educational benefits and opportunities equal to those provided to other students.

   - Requires State Education Agencies (SEAs) and Local Education Agencies (LEAs) to take appropriate action to overcome ELL/LEP students’ language barriers that impede their equal participation in the instructional program.

   - Schools are held accountable for two key elements:
     - Ensuring ELL/LEP students develop English proficiency based on state expectations; and
     - Providing ELL/LEP students the opportunity to achieve the same academic content and achievement standards all students are expected to meet.

**ELL Parental Communication Requirements:**

- Schools must also provide parents of ELL/LEP students with the same information about school activities and functions as that given to English-speaking parents. Notification must be sufficient so that parents can make well-informed decisions about the participation of their children in a district’s programs and services.
- It may be necessary to translate school policies and documents into different languages in order to effectively communicate with all parents.
- It may also be necessary in some circumstances to have qualified, professional translators on-hand for school events where parental involvement is expected, such as parent-teacher conferences.

4. Transportation

Charter Law does not require charter schools to provide transportation to their students—but it may be required by your Authorizer. For example, Type 5 charter schools located in New Orleans are required to provide transportation by the Recovery School District (RSD).

**Note:** Be sure to check with your Authorizer and your Charter Contract as to any transportation requirements for your school.

- Schools may contract with a Local School Board in whose jurisdiction the school is located to provide transportation and other support services for the actual costs of providing those services.


5. Discipline & Complaint Procedure

When it comes to student discipline, the Charter Board is akin to an appellate court. Its primary role is to be the mechanism by which parents and students can seek redress for various school issues. As such, Board Members should create a complaint procedure that outlines the process by which interested parties can formally file complaints with the school or appeal a School Leader’s decision.

- This complaint procedure should address any forms that must be completed by a complainant, the progression of a complaint, and the timeframes for consideration and action.

Additionally, when reviewing student suspension and expulsion decisions, the Board should make sure that:

- The school’s disciplinary policies and procedures conform to the model master discipline plan required in accordance with La. R.S. 17:252;
- A proper investigation and hearing on the matter was conducted;
- The School Leader’s actions are aligned with all applicable laws and school and Authorizer policies; and,
- The student is placed in an appropriate setting.

**Note:** Be sure to check with your Authorizer as to any particular requirements for your school regarding student suspensions and expulsions. For example, all expulsion decisions for New Orleans’ Type 5 charter schools are required to go through the RSD’s Student Hearing Office.

Appendices
APPENDIX 1: GLOSSARY

1. ABBREVIATIONS/ACRONYMS

*ADA*—Americans with Disabilities Act

*AFR*—Annual Financial Report

*BESE*—The Louisiana Board of Elementary and Secondary Education

*CLSBA*—Certified Louisiana School Business Administration

*CMO*—Charter Management Organization

*CPA*—Certified Public Accountant

*EEOA*—Equal Educational Opportunities Act of 1974

*ELL*—English Language Learner

*EMO*—Education Management Organization

*ESEA*—Elementary and Secondary Education Act (a.k.a. No Child Left Behind Act)

*ESP*—Education Service Provider

*FAPE*—Free and Appropriate Public Education

*FAQ*—Frequently Asked Questions

*FERPA*—Family Educational Rights and Privacy Act

*IDEA*—Individuals with Disabilities Education Act

*IEP*—Individualized Education Program

*LCA*—Local Charter Authorizer

*LDOE*—Louisiana Department of Education

*LEA*—Local Education Agency

*LEP*—Limited English Proficiency

*LSB*—Local School Board

*NCLB*—No Child Left Behind

*OPO*—The Louisiana Department of Education Office of Parental Options

*RFP*—Request For Proposal

*RSD*—Recovery School District

*SEA*—State Education Agency
2. DEFINITIONS

_Americans with Disabilities Act (ADA)_—laws that prohibit discrimination against people with disabilities in employment, transportation, public accommodation, communications, and governmental activities. 42 U.S.C. §12101.

_At-Risk Pupil_—any pupil about whom at least one of the following is true:

1. Is eligible to participate in the federal free or reduced lunch program by demonstrating that he meets the income requirements established for participation in the program, not necessarily by participating in the program;
2. Is under the age of 20 and has been withdrawn from school prior to graduation for not less than one semester;
3. Is under the age of 20 and has failed to achieve the required score on any portion of the examination required for high school graduation;
4. Is in the eighth grade or below and is reading two or more grade levels below grade level as determined by one or more of the tests required pursuant to R.S. 17:24.4;
5. Has been identified as an exceptional child as defined in R.S. 17:1943 not including gifted and talented; or
6. Is the mother or father of a child.

_BESE_—the Louisiana State Board of Elementary and Secondary Education as created by the Louisiana Constitution and the Louisiana Revised Statutes.


_Charter Contract_—the agreement and authorization to operate a charter school, which includes the Charter Contract and exhibits, which incorporate the charter school application.

_Charter Management Organization_—charter operators authorized to operate more than one charter school through a non-profit network.

_Charter School_—an independent public school that provides a program of elementary and/or secondary education established pursuant to and in accordance with the provisions of the Louisiana Charter School Law to provide a learning environment that will improve pupil achievement.

1. **Type 1**: a new school with a Charter Contract between a non-profit corporation and a local school board. Only pupils who would be eligible to attend a public school operated by the local school board within the same city or parish are eligible to attend.
2. **Type 1B**: a new or preexisting public school with a Charter Contract between a non-profit corporation and a local charter authorizer. Pupils who reside within the state are eligible to attend, as provided in the charter.
3. **Type 2**: a new school or a preexisting public school converted into a charter school with a Charter Contract between a non-profit corporation and BESE. For preexisting public schools, the conversion to a charter school must be first approved by the professional faculty and staff of the preexisting school and by the parents or guardians of children enrolled in the school as provided in R.S. 17:3983(C). Pupils who reside within the state will be eligible to attend as provided in the charter.
4. **Type 3**—a preexisting public school converted into a charter school with a Charter Contract between a non-profit corporation and the local school board. Prior to creating a Type 3 charter school, the local school board may require approval by the members of the faculty and staff of the preexisting school who are certified by BESE and by the parents or guardians of children enrolled in the school as provided in R.S. 17:3983(C). Only pupils who would be eligible to attend a public school operated by the local school board granting the charter, or pupils from the same area as those permitted to attend the preexisting school will be eligible to attend as provided in the charter.
5. **Type 3B**—a former Type 5 charter school transferred from the Recovery School District to the administration and management of the transferring local school system pursuant to R.S. 17:10.5 or 10.7 and rules adopted by BESE. The local school board shall permit a Type 3B charter school to remain in the facility in which it was located at the time of transfer or shall provide the Type 3B charter school with another facility for use. Pursuant to rules and regulations adopted by BESE, BESE 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 that are critical to providing equity and access to students and families, such as processes for student enrollment, expulsion, and transportation.

6. **Type 4**—a preexisting public school converted into a charter school with a Charter Contract between a local school board and BESE. Prior to the creation of such a charter to convert a preexisting school, BESE may require approval of a proposal to create such a charter by the professional faculty and staff of the preexisting school and by the parents or guardians of children enrolled in the school as provided in R.S. 17:3983(C). Within such Type 4 schools, unless an agreement with another city, parish, or other local public school board is reached to allow students to attend the charter school, only pupils who would be eligible to attend a public school operated by the local school board or pupils from the same areas as those permitted to attend the preexisting school will be eligible to attend as provided in the charter.

7. **Type 5**—a preexisting public school transferred to the Recovery School District as a school determined to be failing pursuant to R.S. 17:10.5 or 10.7 and operated as the result of and pursuant to a charter between a non-profit corporation and BESE. Except as otherwise provided in R.S. 17:10.7 or R.S. 17:1990, and notwithstanding the provisions of R.S. 17:3991(B)(1), within such Type 5 charter school only pupils who would have been eligible to enroll in or attend the preexisting school under the jurisdiction of the city, parish, or other local public school board or other public school entity prior to its transfer to the RSD may attend. In addition, any student who is eligible to participate in a school choice program by the prior system shall be permitted to enroll in a Type 5 charter, which has capacity for another student in the appropriate grade.

**Charter School Application**—the proposal submitted by a non-profit corporation to a charter school authorizer, which includes but is not limited to, response to questions concerning a charter school’s education program; governance, leadership, and management; financial plan; and, facilities.

**Charter School Authorizer**—a local school board, local charter authorizer, or the State Board of Elementary and Secondary Education.

**Charter School Law**—Louisiana Laws, R.S. 17:3971 et seq., governing the operation of a charter school (also referred to as “Charter School Demonstration Programs Law”).

**Charter School Operator**—the non-profit corporation or school board authorized to operate a charter school.

**Compass**—the state’s educator support and evaluation system.

**Compensation**—any thing of economic value which is paid, loaned, granted, given, donated, or transferred or to be paid, loaned, granted, given, donated, or transferred for or in consideration of personal services to any person. La. R.S. 42:1102(7).

**Controlling Interest**—any ownership in any legal entity or beneficial interest in a trust, held by or on behalf of an individual or a member of his immediate family, either individually or collectively, which exceeds twenty-five percent of that legal entity. La. R.S. 42:1102(8).

**Department of Education or LDOE**—the Louisiana Department of Education.

**Department of Education Office of Parental Options or OPO**—the unit within the Louisiana Department of Education responsible for the administration of the state charter school program and for providing oversight of the operation of charter schools chartered by BESE.

**Duty of Care**—legal duty placed on the charter operator’s board of directors to exercise sound, legal, and ethical board best practices, and to act on an informed basis.
**Duty of Loyalty**—legal duty placed on the charter operator’s board of directors to give undivided allegiance when making decisions affecting the charter school.

**Duty of Obedience**—legal duty placed on the charter operator’s board of directors to act in furtherance of the law, as well as the school’s Charter Contract, goals, and mission.

**Education Management Organization**—a for-profit company that manages academic, fiscal, and operational services on behalf of the Charter School Board through contractual agreements (also referred to as a “Education Service Provider”).

**Education Service Providers**—a for-profit company that manages academic, fiscal, and operational services on behalf of the Charter School Board through contractual agreements (also referred to as a “Education Management Organization”).

**Elementary and Secondary Education Act (ESEA)**—a federal law that emphasizes equal access to education and establishes high standards and accountability. 20 U.S.C. §§6301 et seq.

**Equal Educational Opportunities Act of 1974 (EEOA)**—a federal law that prohibits discrimination against faculty, staff, and students, including racial segregation of students, and requires school districts to take action to overcome barriers to students’ equal participation. 20 U.S.C. §§1701 et seq.

**Family Educational Rights and Privacy Act (FERPA)**—a federal law that protects the privacy of student education records. This law applies to all schools that receive under an applicable program of the U.S. Department of Education. 20 U.S.C. §1232g; 34 CFR Part 99.

**Immediate Family**—as the term relates to a public servant, means his children, the spouses of his children, his brothers and their spouses, his sisters and their spouses, his parents, his spouse, and the parents of his spouse. La. R.S. 42:1102(13).

**Individuals with Disabilities Education Act (IDEA)**—a law ensuring services to children with disabilities throughout the nation. IDEA governs how states and public agencies provide early intervention, special education, and related services to children with disabilities. 20 U.S.C. §§1400-1485.

**Individualized Education Program (IEP)**—a written statement of specially designed instruction developed, reviewed and revised by a group of qualified education personnel and the parent/guardian for each student with a disability.

**Least Restrictive Environment**—the educational placement of an exceptional child in a manner consistent with the Least Restrictive Rules in 1448 of Bulletin 1706—Regulations for Implementation for the Exceptional Children’s Act and R.S. 17:1941 et seq.

**Local Charter Authorizer**—an entity certified by BESE in accordance with Charter School Law to enter into agreements with chartering groups.

**Local Educational Agency (LEA)**—a public board of education or other public authority legally constituted within the state either to provide administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, parish school district, or other political subdivision of the state. The term includes an educational service agency and any other public institution or agency having administrative control and direction of a public elementary or secondary school, including a public charter school that is established as an LEA under state law.

**Local School Board**—any city, parish, or other local education agency/public school board.

**Louisiana Education of Children with Exceptionalities Act**—laws governing the duty of Louisiana state and local educational agencies to provide a free appropriate public education in the least restrictive environment to every student with an exceptionality, ages three through twenty-one, who is a resident therein. La. R.S. 17:1941 et seq.

**Meeting**—Convening of a quorum of a public body to deliberate or act on a matter over which the public body has supervision, control, jurisdiction, or advisory power. It shall also mean the convening of a quorum of a public body by the public body or by another public official to receive information regarding a matter over which the public body has supervision, control, jurisdiction, or advisory power. La. R.S. 42: 13.

**OneApp**—the Recovery School District’s unified enrollment system.
Public Body—village, town, and city governing authorities; parish governing authorities; school boards and boards of levee and port commissioners; boards of publicly operated utilities; planning, zoning, and airport commissions; and any other state, parish, municipal, or special district boards, commissions, or authorities, and those of any political subdivision thereof, where such body possesses policy making, advisory, or administrative functions, including any committee or subcommittee. La. R.S. 42: 13.

Public Record—all books, records, writings, accounts, letters and letter books, maps, drawings, photographs, cards, tapes, recordings, memoranda, and papers, and all copies, duplicates, photographs, including microfilm, or other reproductions thereof, or any other documentary materials, regardless of physical form or characteristics, including information contained in electronic data processing equipment, having been used, being in use, or prepared, possessed, or retained for use in the conduct, transaction, or performance of any business, transaction, work, duty, or function which was conducted, transacted, or performed by or under the authority of the constitution or laws of this state, or by or under the authority of any ordinance, regulation, mandate, or order of any public body or concerning the receipt or payment of any money received or paid by or under the authority of the constitution or the laws of this state. La. R.S. 44:1(A)(2)(a).

Public Work—the operation, erection, construction, alteration, improvement, or repair of any public facility or immovable property owned, used, or leased by a public entity. La. R.S. 38:2211(A)(12).

Section 504 of the Rehabilitation Act of 1973—a national law that protects qualified individuals from discrimination based on their disability. 29 U.S.C. §§701 et seq.

State Superintendent—the Superintendent of Education, who is the chief administrative officer of the Louisiana Department of Education, and who shall administer, coordinate, and supervise the activities of the department in accordance with law, regulation, and policy.

Title VI of the Civil Rights Act of 1964—federal laws that prohibit discrimination on the basis of race, color, and national origin in programs and activities receiving federal financial assistance. 42 U.S.C. §§2000d et seq.

Qualified and Competent Business Professional—one who meets the following minimum requirements:

1. Possess a baccalaureate degree with a minimum of 24 hours of business-related courses, such as accounting, finance, or management;

2. Possess a certified public accountant license in Louisiana or possess a minimum of two years of full-time, directly relevant accounting and/or bookkeeping experience;

3. Possess a master’s degree in public or business administration. 28 La. Adm. Code, Bulletin 126, §2501(B).

Quorum—simple majority of the total membership of a public body. La. R.S. 42: 13.

APPENDIX 2: RESOURCES

1. Websites:

Louisiana Appleseed:
www.appleseednetwork.org/louisiana-appleseed/louisiana

Louisiana Association of Public Charter Schools:
www.lacharterschools.org

Louisiana Board of Elementary and Secondary Education:
http://bese.louisiana.gov

Louisiana Board of Ethics:
http://www.ethics.state.la.us/

Louisiana Charter Discovery:
http://www.charterdiscovery.com/

Louisiana Department of Education:
www.louisianabelieves.com

LDOE Child Nutrition Program:
http://cnp.doe.state.la.us/

LDOE National School Lunch Program:
http://wwwprd.doa.louisiana.gov/laservices/publicpages/ServiceDetail.cfm?service_id=3297

Louisiana Legislative Auditor (Public Bid Law & Sunshine Laws Assistance):
http://app1.lla.state.la.us/llala.nsf

Louisiana Recovery School District:
http://www.rsdla.net/

RSD OneApp New Orleans Enrollment Process:

RSD Discipline/Hearing Office/Code of Conduct:

Louisiana School Finder:
http://www.laschoolfinder.com/

Louisiana State Legislature (Louisiana Laws):
www.legis.la.gov/legis/home.aspx

National Alliance for Public Charter Schools:
http://www.publiccharters.org/

United States Department of Education:
http://www.ed.gov/
APPENDIX 3: EXEMPTIONS

Charter Schools in Louisiana are typically exempt from any rules and regulations that apply to traditional school districts, with the exemption of those requirements listed in La. R.S. 17:3996—provided below:

La. R.S. 17:3996 – Charter School Exemptions

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.
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. Immunizations and health records.
17. School and district accountability system.
La. R.S. 17:3996 – Charter School Exemptions (continued)

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.


8. Smoking, R.S. 17:240.

9. Open meetings, R.S. 42:11 et seq.

10. Public records, R.S. 44:1 et seq.


15. Teaching regarding 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. Any school and district accountability system required by law of a public school of similar grade or type.

19. Public bids for the erection, construction, alteration, improvement, or repair of a public facility or immovable property, Part II of Chapter 10 of Title 38 of the Louisiana Revised Statutes of 1950.


21. Electronic communication by an employee at a school to a student enrolled at that school, R.S. 17:81(Q).

22. Teaching regarding the state's safe haven relinquishments law, R.S. 17:81(R).

23. Inspection and operation of fire safety and prevention equipment, R.S. 17:81(S).

24. Teaching regarding dating violence, R.S. 17:81(T).
La. R.S. 17:3996 – Charter School Exemptions (continued)

25. Reporting by a school bus operator employed by the governing authority of a public elementary or secondary school of his arrest for one or more of the specified offenses relative to operating a vehicle, 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. Reporting by a school employee employed by the governing authority of a public elementary or secondary school of his arrest for one or more of the specified offenses relative to sexual morality affecting minors, R.S. 17:16, any of the crimes provided in 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 Children's Code.

29. Seclusion and physical restraint of students with exceptionalities, R.S. 17:416.21.

30. Teaching regarding Internet and cell phone safety, R.S. 17:280.

31. Instruction on the Founding Principles of the United States of America in American history and civics courses, R.S. 17:265.


33. School crisis management and response plans, R.S. 17:416.16.

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.

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.

E. To graduate from a charter high school, pupils shall be able to demonstrate competency in the content of every course required for high school graduation. The state board shall provide by rule relative to a determination that such competencies have been acquired. In addition, any examination required by the state board or by law as a requirement for graduation from public high schools shall apply to pupils at charter high schools. Charter schools choosing to have their students demonstrate course competencies in a manner different from the traditional Carnegie unit approach where students take specific courses shall describe in their charter proposal how the school plans to work with the public higher education management boards regarding the acceptance by public institutions of higher education of such competencies.

F. Notwithstanding any other provision of law to the contrary, a charter school established and operated in accordance with the provisions of this Chapter shall be subject to appropriate financial audits in accordance with R.S. 24:513 et seq.

G. All charter schools established and operated in accordance with the provisions of this Chapter shall comply with the provisions of R.S. 39:1301 through 1315. Each Type 1, 3, 3B, and 4 charter school annually shall submit its budget to the local school board that approved its charter, and such board shall submit the charter school's budget to the state superintendent of education in accordance with the provisions of R.S. 17:88. Each Type 1B charter school annually shall submit its budget to its authorizer. Each Type 2 and Type 5 charter school annually shall submit its budget directly to the state superintendent of education.
La. R.S. 17:3996 – Charter School Exemptions (continued)

H. In addition to the requirements of Subsection G of this Section, the State Board of Elementary and Secondary Education shall adopt rules and regulations for prescribing forms and practices for budgeting, accounting, and financial reporting, both interim and annual, for Type 2 and Type 5 charter schools.
Pgs. 26-27, Code of Ethics:

- **Ethics Training Clarification**: All charter school board members and employees must complete, annually, a one-hour training program on the Code of Ethics.
  - Training can be conducted online via the Board of Ethics' free official webinar training program or via any live training seminar approved by the Board of Ethics.
  - Individual charter schools, particularly CMOs, are encouraged to have a school representative or staff member become a Certified Ethics Trainer to assist your school’s community with this training requirement.
  - More information can be found on the Board of Ethics’ website: www.ethics.la.gov


Pgs. 28-33, Open Meetings Law:

- **Notice Clarification**: When the law requires 24-hours advance notice—e.g., notice for your upcoming meeting and agenda items, as well as written notice to a person whose character, professional competence, or physical/mental health is the intended subject of an executive session discussion—that notice period does not include Saturdays, Sundays, and legal holidays.

- **Minutes Clarification**: If your school has a website, you must post a copy of your meeting minutes on your website within a reasonable time after the meeting and you must maintain a copy of those minutes on the website for at least three (3) months after the posting.


Pgs. 37-39, Public Records Act:

- **Student Privacy Update**: State student data privacy laws were enacted in 2014 and revised in 2015. These laws heavily restrict what personally identifiable information of students can be shared with others, as well as what school contractual information is considered a matter of public record and how that information must be stored and be made available.
  - Charter Boards should familiarize themselves with these rules because violation of these rules can lead to civil and criminal penalties. See below for a more detailed explanation of these rules.

Source: R.S. 17:3913-3914

Pg. 50-54, Board Oversight Duties, Students:

- **SPED Compliance**: In addition to the At-Risk enrollment quota placed upon charter schools, new Type 1 and Type 2 charter schools must enroll a percentage of students who have been identified as a student with an exceptionality as defined in R.S. 17:1942, not including gifted and talented, that is equal to or greater than 85% of similarly identified students enrolled in the local school districts from which the charter school enrolls its students; for charter schools created as a result of conversion, the percentage of students identified with an exceptionality as defined by R.S. 17:1942, not including gifted and talented, must match that of the previous school.

Source: R.S. 17:3991
• **Textbook Selection:** In 2015 new laws were established that outline rules and procedures that BESE and LDE will use to review school selected textbooks and other instructional materials in the core subject areas of ELA, math, science, and social studies.
  - Charter Boards, specifically, must adopt policies for the selection and use of textbooks and other instructional materials, including the establishment of review committees for the adoption of textbooks and instructional materials that have not been reviewed by LDE.

  *Source: R.S. 17:351.1*

**Transfer of Personally Identifiable Information (PII)**

• Enacted in 2014 and amended in 2015. Requires all schools to collect and maintain the following information related to third party contractors:
  1. Profile of Recipient
  2. Copy of signed agreement
  3. List of all data elements transferred
  4. Statement of intended use
  5. Name and contact of primary point of contact

• All schools must maintain this information for inspection and must develop a process for students/parents/legal guardians to register a complaint related to unauthorized transfer of PII.

  *Source: R.S. 17:3913*

**Student Information—Privacy, Prohibitions, Parental Access, Penalties**

• Enacted in 2014 and amended in 2015.

  *Definition: 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.

• **Information for Enrollment in Postsecondary:** School systems may collect the following data with written consent from parents/legal guardians:
  - Full name; date of birth; social security number; and, student transcript data.
  - This information can only be disclosed to postsecondary education institutions and to the Office of Student Financial Assistance.
  - **Note:** a parent’s/legal guardian’s consent continues unless such consent is withdrawn in writing. Schools must annually notify parents/legal guardians about the right and process used to withdraw consent.

• **Prohibition on Collection of Data:** No school employee shall collect any of the following unless voluntarily disclosed by the parent or 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 (i.e. lawyers, physicians, ministers); religious affiliations; family income; biometric information; social security number; gun ownership; home internet protocol address; and, external digital identity.
• **Exceptions:** LEAs may share PII with external entities as long as the data sharing meets one of the following *limited* exceptions:
  1. Parent/Legal Guardian has given written consent to share that information.
  2. A person authorized by the state to audit processes, including student enrollment counts.
  3. LEA’s contract for student and other education services include specific terms outlined in the law.
  4. Transfer of records to school in which student is now enrolled.

• **Computer System Access:** Individual schools may only grant the following individuals access to the computer system on which PII is stored:
  1. Student/Parent/Legal Guardian or a third party with Student/Parent consent.
  2. Teacher of record.
  4. School System Employee, but access is limited to student information necessary to perform duties.
  5. Person authorized by Superintendent to maintain or repair computer system.
  6. Personnel authorized by state to audit student records.

• **Requirements for Contracts:** LEAs may share PII with third parties through contract, but any such contract must include the following:
  - Guidelines for authorizing access to PII.
  - Privacy compliance standards.
  - Privacy and security audits performed under the direction of the local school superintendent/Charter School CEO.
  - Breach planning, notification, and remediation procedures.
  - Information storage, retention, and disposition policies.
  - Disposal of all information upon termination of the contract.

• **Prohibition on Transfer:** No school system, public or private entity, or any person (except students/parents/legal guardian) with access to PII shall sell, transfer, share, or process PII for use in commercial advertising, marketing, or any other commercial purpose.

*Source: R.S. 17:3914*
Appendix 3: Exemptions

Charter Schools in Louisiana are typically exempt from any rules and regulations that apply to traditional school districts, with the exemption of those requirements listed in La. R.S. 17:3996—provided below:

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.
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. Immunizations and health records.
17. School and district accountability system.

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.


8. Smoking, R.S. 17:240.

9. Open meetings, R.S. 42:11 et seq.

10. Public records, R.S. 44:1 et seq.


15. Teaching regarding 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. Any school and district accountability system required by law of a public school of similar grade or type.

19. Public bids for the erection, construction, alteration, improvement, or repair of a public facility or immovable property, Part II of Chapter 10 of Title 38 of the Louisiana Revised Statutes of 1950.


21. Electronic communication by an employee at a school to a student enrolled at that school, R.S. 17:81(Q).

22. Teaching regarding the state’s safe haven relinquishments law, R.S. 17:81(R).

23. Inspection and operation of fire safety and prevention equipment, R.S. 17:81(S).

24. Teaching regarding dating violence, R.S. 17:81(T).

25. Reporting by a school bus operator employed by the governing authority of a public elementary or secondary school of his arrest for one or more of the specified offenses relative to operating a vehicle, 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. Reporting by a school employee employed by the governing authority of a public elementary or secondary school of his arrest for one or more of the specified offenses relative to sexual morality affecting minors, R.S. 17:16, any of the crimes provided in 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 Children’s Code.

29. Seclusion and physical restraint of students with exceptionalities, R.S. 17:416.21.

30. Teaching regarding Internet and cell phone safety, R.S. 17:280.

31. Instruction on the Founding Principles of the United States of America in American history and civics courses, R.S. 17:265.

33. School crisis management and response plans, R.S. 17:416.16.

34. Instruction relative to cardiopulmonary resuscitation and the use of automatic external defibrillators, R.S. 17:81(X).

35. Instruction relative to child assault awareness and prevention, R.S. 17:81(Y).


37. School bus loading and unloading provisions, R.S. 17:158(J).

38. Student information, R.S. 17:3913 and 3914.


40. Prohibits suspension or expulsion of students in grades prekindergarten through five, R.S. 17:416(J).


C.(1) 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.

C.(2) 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.

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.

E. To graduate from a charter high school, pupils shall be able to demonstrate competency in the content of every course required for high school graduation. The state board shall provide by rule relative to a determination that such competencies have been acquired. In addition, any examination required by the state board or by law as a requirement for graduation from public high schools shall apply to pupils at charter high schools. Charter schools choosing to have their students demonstrate course competencies in a manner different from the traditional Carnegie unit approach where students take specific courses shall describe in their charter proposal how the school plans to work with the public higher education management boards regarding the acceptance by public institutions of higher education of such competencies.

F. Notwithstanding any other provision of law to the contrary, a charter school established and operated in accordance with the provisions of this Chapter shall be subject to appropriate financial audits in accordance with R.S. 24:513 et seq.

G. All charter schools established and operated in accordance with the provisions of this Chapter shall comply with the provisions of R.S. 39:1301 through 1315. Each Type 1, 3, 3B, and 4 charter school annually shall submit its budget to the local school board that approved its charter, and such board shall submit the charter school’s budget to the state superintendent of education in accordance with the provisions of R.S. 17:88. Each Type 1B charter school annually shall submit its budget to its authorizer. Each Type 2 and Type 5 charter school annually shall submit its budget directly to the state superintendent of education.

H. In addition to the requirements of Subsection G of this Section, the State Board of Elementary and Secondary
Education shall adopt rules and regulations for prescribing forms and practices for budgeting, accounting, and financial reporting, both interim and annual, for Type 2 and Type 5 charter schools.