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Title 28 EDUCATION

Part CXXXIX. Bulletin 126—Charter Schools

Chapter 1. General Provisions

§101. Purpose, Scope, and Effect

A. The purpose of this bulletin is to provide rules to govern the implementation of R.S. 17:3971 et seq., the "Charter School Demonstration Programs Law" (hereafter, the "Charter School Law").

B. This bulletin is established to set forth the requirements for applying for a charter to operate an independent public school, the principles and requirements of authorizing the operation of a charter school, the requirements of performance contracting, the funding of charter schools, and the implementation of and enactment of regulatory requirements that must be met in the operation of a charter school. It is further established to set forth procedures for monitoring and evaluating charter schools, and amending, renewing, and revoking charters approved by the Board of Elementary and Secondary Education.

C. The regulations set forth in this bulletin are incorporated into all charters approved by BESE and shall bind all charter schools approved by BESE.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:3981.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 34:1357 (July 2008).

§103. Definitions

A. The words defined in this Section shall have the meanings set forth below whenever they appear in this policy, unless:

1. the context in which they are used clearly requires a different meaning; or

2. a different definition is prescribed for a particular provision.

Appropriate Technical Infrastructure—any servers, programs, internet access, and/or management systems that allow user interaction, provide sufficient bandwidth to host courses or online services, and sustain peak periods of usage without a reduction in performance.

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

i. 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;

ii. is under the age of 20 and has been withdrawn from school prior to graduation for not less than one semester;

iii. 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;

iv. 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;

v. has been identified as an exceptional child as defined in R.S. 17:1943, not including gifted and talented; or

vi. is the mother or father of a child.

BESE and/or Board—the state Board of Elementary and Secondary Education as created by the Louisiana Constitution and the *Louisiana Revised Statutes*.

Charter—the agreement and authorization to operate a charter school, which includes the charter contracts and exhibits.

Charter Operator—the nonprofit corporation or school board authorized to operate a charter school.

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.

Charter School Application—the proposal submitted to BESE, which includes but is not limited to, responses to questions concerning:

- i. a charter school's education program;
- ii. governance, leadership, and management;
- iii. financial plan; and
- iv. facilities.

Charter School Law—Louisiana laws, R.S. 17:3971 et seq., governing the operation of a charter school.

Chartering Authority—a local school board or the state Board of Elementary and Secondary Education.

Core Subject—shall include those subjects defined as core subjects in Bulletin 741.

Department of Education or LDE or Department—the Louisiana Department of Education. The Department of Education includes the recovery school district, or RSD, where references are made to type 5 charter schools.

Domicile—the place where the student predominantly sleeps, takes meals, and maintains personal belongings.

Hearing Officer—the individual assigned by BESE to perform adjudicatory functions at charter school revocation hearings.

Instructional and Communication Hardware—any equipment used to ensure students can access and engage with the educational program (e.g., headphones, wireless air cards, learning management systems, web-based communication tools).

Instructional Coach—a parent or guardian, extended adult family member, or other adult designated by the parent or guardian who works in person with each virtual charter school student under the guidance of the Louisiana-licensed professional teacher.

Legal Custody—the legal status created by a court order which establishes in a custodian the right to have physical custody of the child. Custody for educational purposes only or provisional custody by mandate will not be accepted.

Local School Board—any city, parish, or other local education agency.

Management Organization—a for-profit company that manages academic, fiscal, and operational services on behalf of boards of directors of BESE-authorized charter schools through contractual agreements.

Public Service Organization—any community-based group of 50 or more persons incorporated under the laws of this state that meets all of the following requirements:

i. has a charitable, eleemosynary, or philanthropic purpose; and is qualified as a tax-exempt organization under section 501(c) of the United States *Internal Revenue Code* and is organized for a public purpose.

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.

Technical Access—computer and internet availability sufficient to ensure access for all students.

Virtual School—an educational program operated for a minimum of one academic year and covering specified educational learning objectives for the purpose of obtaining a Louisiana certified diploma, the delivery of such a program being through an electronic medium such that the students are not required to be at a specific location in order receive instruction from a teacher, but instead access instruction remotely through computers and other technology, which may separate the student and teacher by time and space. This does not preclude the ability of said program to host face-to-face meetings, including field trips, extracurricular activities, conferences between the student, parents, and teachers, or any such related events.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:3981, and R.S. 17:3973.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 34:1357 (July 2008), amended LR

37:867 (March 2011), LR 37:2383 (August 2011), LR 38:37 (January 2012), LR 38:750 (March 2012), repromulgated LR 38:1392 (June 2012), amended LR 38:1583 (July 2012), LR 39:3062 (November 2013), LR 40:1321 (July 2014), LR 42:1018 (July 2016).

§105. Purpose of Charter Schools

A. The charter school law was enacted by the Louisiana Legislature to create a structure whereby city, parish, and other local public school boards and BESE can authorize the creation of innovative kinds of independent public schools for students in Louisiana.

B. The Charter School Law provides a mechanism for all persons with valid ideas and motivation to participate in the development of innovative schools and a mechanism to analyze results of charter schools. Analysis of results allows for the positive results to be repeated or replicated, if appropriate, and the negative results identified and eliminated.

C. The Charter School Law expresses the intention of the legislature that the best interests of at-risk pupils shall be the overriding consideration in implementing the provisions of the law.

D. The purposes of charter schools include providing opportunities for educators and others interested in educating pupils to form, operate, or be employed within a charter school, with each such school designed to accomplish one or more of the following objectives:

1. improve pupil learning and, in general, the public school system;
2. increase learning opportunities and access to quality education for pupils;
3. increase educational opportunities for students in formerly failing schools;
4. increase learning opportunity choices for parents and students;
5. encourage the use of different and innovative teaching methods and a variety of governance, management, and administrative structures;
6. require appropriate assessment and measurement of academic learning results;
7. account better and more thoroughly for educational results;
8. create new professional opportunities for teachers and other school employees, including the opportunity to be responsible for the learning program at the school site;
9. provide competition within the public school system in order to stimulate continued improvement in all public schools; and/or
10. expand the capacity of the public school system.

E. It is not a purpose of the Charter School Law or this bulletin to permit the establishment of a charter school to be used as the means of keeping open an existing public school that otherwise would be closed. Such a circumstance,

however, shall not preclude approval of a proposed charter that otherwise fulfills a purpose of the Charter School Law and for which the application/proposal clearly demonstrates that the educational program proposed to be offered will improve the achievement levels of the students enrolled in that school.

1. For the purposes of this bulletin, the term *existing public school* shall be defined as a school that is open during the school year in which the charter applicant is submitting a charter application or was open in the school year immediately preceding the school year in which the charter applicant is submitting a charter application.

F. It is not a purpose of the Charter School Law or this bulletin to provide a means of funding for nonpublic schools or any home study program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:3972, and R.S. 17:3981.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 34:1358 (July 2008), amended LR 40:1322 (July 2014).

§107. Types of Charter Schools

A. A type 1 charter school is a new school operated as the result of and pursuant to a charter between the nonprofit corporation created to operate the school and a local school board.

B. A type 2 charter school is a new school or a preexisting public school converted and operated as the result of and pursuant to a charter between the nonprofit corporation created to operate the school and the state Board of Elementary and Secondary Education.

C. A type 3 charter school is a preexisting public school converted and operated as the result of and pursuant to a charter between a nonprofit corporation and the local school board.

D. A type 3B charter school is 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, R.S. 17:10.7 and Bulletin 129, §505.

E. A type 4 charter school is a preexisting public school converted and operated or a new school operated as the result of and pursuant to a charter between a local school board and the state Board of Elementary and Secondary Education.

F. A type 5 charter school is 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 R.S. 17:10.7 and operated as the result of and pursuant to a charter between a nonprofit corporation and the state Board of Elementary and Secondary Education.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:3981, and R.S. 17:3973.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 34:1358 (July 2008), amended LR 39:3249 (December 2013), LR 43:306 (February 2017).

Chapter 3. Charter School Authorizers

§301. Charter School Authorizers

A. The state Board of Elementary and Secondary Education authorizes the operation of type 2, type 4, and type 5 charter schools.

B. Local school boards authorize the operation of type 1, type 3, and type 3B charter schools.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:3981, and R.S. 17:3982.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 34:1359 (July 2008), amended LR 39:473 (March 2013), LR 39:3249 (December 2013), LR 43:306 (February 2017).

§303. BESE Authorizing Responsibilities

A. BESE, as the authorizer of type 2, type 4, and type 5 charter schools, has the following authorizing responsibilities:

1. to implement a comprehensive application process with fair procedures and rigorous criteria that results in applications recommended for approval that demonstrate strong capacity for establishing and operating a quality charter school;

2. to review each proposed charter in a timely manner to determine whether each charter school application complies with the charter school law and this bulletin and whether the application is valid, complete, financially well-structured, educationally sound, whether it provides for a master plan for improving behavior and discipline in accordance with R.S. 17: 252, whether it provides a plan for collecting data in accordance with R.S. 17:3911, and offers potential for fulfilling the purposes of the charter school law. BESE shall engage in an application review process that complies with the latest principles and standards for quality charter school authorizing, as promulgated by the National Association of Charter School Authorizers, and shall provide for an independent evaluation of the charter proposal by a third party with educational, organizational, legal, and financial expertise;

3. to enter into any proposed Type 2, Type 4, or Type 5 charter only after there has been a specific determination by BESE that the proposed school will be operated in compliance with all applicable state and federal laws, rules, and regulations; that the accounting and financial practices to be used are sound and in accordance with generally accepted standards for similar entities; and that the educational program to be offered will comply with all requirements of the Charter School Law and be based on generally accepted education research findings applicable to the pupils to be served;

4. to enter into performance contracts with approved charter schools that articulate the rights and responsibilities of each party regarding school autonomy, expected outcomes, measures for evaluating success or failure, performance consequences, operating terms, and other material terms;

5. to direct the Department of Education in providing adequate administrative and programmatic support and oversight; monitoring compliance; measuring progress; and implementing interventions, when necessary, with respect to type 2, type 4 and type 5 charter schools; and

6. to implement a transparent and rigorous process that uses comprehensive academic data and financial, legal, and contractual reporting and compliance to make merit-based recommendations for charter extension, renewal, and revocation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:3981, and R.S. 17:3983.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 34:1359 (July 2008), amended LR 37:868 (March 2011), LR 39:3063 (November 2013).

§305. BESE Duties Relating to Charter Schools

A. BESE has the following duties relating to charter schools:

1. subject to the availability of funds, to administer loans pursuant to the Charter School Law for assisting in meeting the costs required to establish a charter school as well as the costs of operation;

2. to determine the policy and provide direction to the Department of Education for providing oversight of the operation of charter schools chartered by BESE;

3. upon the request of any school system with fewer than 5,000 students, to provide technical assistance to the system in determining the potential financial impact of any proposed charter school on the operation of the system;

4. to notify local school boards of the receipt of any Type 2 charter school application for a school which is proposed to be located within the district. In addition, the local board as well as other interested groups shall be allowed to provide written information regarding any charter application and be allowed to present information at a scheduled public meeting of BESE prior to any determination being made by BESE; and

5. to fulfill all other obligations created by state and federal law with respect to students attending charter schools.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:3981, and R.S. 17:3983.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 34:1359 (July 2008), amended LR 37:2383 (August 2011).

§306. Local School Board Authorizing Responsibilities

A. Local school boards, as the authorizer of type 1 and type 3 charter schools, have the following authorizing responsibilities:

1. except as otherwise provided herein relating to local school systems in academic crisis, as defined in Bulletin 111, §4901, to review and formally act upon each charter proposal submitted in conducting such a review, the local school board shall determine whether each proposed charter complies with the law and rules, whether the proposal is valid, complete, financially well-structured, and educationally sound, whether

it provides for a master plan for improving behavior and discipline in accordance with R.S. 17:252, whether it provides a plan for collecting data in accordance with R.S. 17:3911, and whether it offers potential for fulfilling the purposes of the law;

2. engage in a transparent application review process that complies with the latest *Principles and Standards for Quality Charter School Authorizing*, as promulgated by the National Association of Charter School Authorizers, and shall provide for an independent evaluation of the charter proposal by a third party with educational, organizational, legal, and financial expertise;

3. make public through its website, and in printed form upon request, the guidelines for submitting a charter proposal, all forms required for submission of a charter proposal, the timelines established for accepting and reviewing charter proposals, the process that will be used to review charter proposals submitted to the board, and the name and contact information for a primary point of contact for charter proposals;

4. prior to approving a charter for a Type 1 or Type 3 school, to hold a public meeting for the purpose of considering the proposal and receiving public input. Such meeting shall be held after reasonable efforts have been made by the local school board to notify the public of the meeting and its content.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:3981, and R.S. 17:3983.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 37:868 (March 2011), amended LR 39:3063 (November 2013).

§307. Local School Board Duties

A. Local school boards have the following duties relating to charter schools:

1. to report any charter entered into; and to report the number of schools chartered, the status of those schools, and any recommendations relating to the charter school program to BESE no later than July 1 of each year;

2. provide each charter school with the criteria and procedures that will be used when considering whether to renew a school's charter;

3. to notify the chartering group in writing of any decisions made relative to the renewal or nonrenewal of a school's charter not later than January 31 of the year in which the charter would expire. A notification that a charter will not be renewed shall include written explanation of the reasons for such non-renewal;

4. to make available to chartering groups any vacant school facilities or any facility slated to be vacant for lease or purchase at up to fair market value. In the case of a type 2 charter school created as a result of a conversion, the facility and all property within the existing school shall also be made available to the chartering group. In return for the use of the facility and its contents, the chartering group shall pay a proportionate share of the local school board's bonded

indebtedness to be calculated in the same manner as set for in R.S. 17:1990(C)(2)(a)(i). If such facilities were constructed at no cost to the local school board, then such facilities, including all equipment, books, instructional materials, and furniture within such facilities, shall be provided to the charter school at no cost;

5. if requested by a charter school, provide transportation services to a charter school student pursuant to R.S. 17:158.

a. The charter school shall reimburse the local school board for the actual cost of providing such transportation unless an amount less than the actual cost is agreed upon by both parties.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:3981, R.S. 17:3982, and R.S. 17:3983.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 34:1359 (July 2008), amended LR 37:868 (March 2011), LR 38:3117 (December 2012), LR 39:3064 (November 2013), LR 43:307 (February 2017).

§309. Charter Authorizer Reporting Requirements

A. All charter authorizers including BESE and local school boards shall notify state legislators regarding initial charter school proposals and applications according to the following requirements.

1. At the time a chartering group submits its initial proposal or application to operate a charter school, the chartering authority shall notify each state senator and state representative in whose district the charter school is to be located that such proposal or application has been submitted.

2. Such notification shall be limited to the date the proposal or application was submitted, the charter authorizer to which the proposal or application was submitted, the type of charter school the chartering group seeks to operate, and the location of the proposed school.

3. The charter authorizer shall also notify each state senator and state representative in whose district the charter school is to be located whether the proposal or application to operate a charter school was approved or denied.

4. The notifications shall be sent by both postal mail and electronic mail to each legislator's district office.

5. This Section shall not apply to renewals of the charter of an existing charter school.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:3981, R.S. 17:3982, and R.S. 17:3983.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 40:2517 (December 2014), amended LR 43:307 (February 2017).

Chapter 5. Charter School Application and Approval Process

§501. Organization of Nonprofit Corporation

A. A nonprofit corporation may be formed for the purpose of submitting a charter school by:

1. a group of three or more teachers;

2. a group of 10 or more citizens;

3. a public service organization;

4. a business or corporate entity registered to do business in Louisiana pursuant to law, excluding any business or corporate entity subject to the provisions of R.S. 18:1505.2(L) as provided in R.S. 18:1505.2(L)(3);

5. a Louisiana college or university, licensed by the Board of Regents, pursuant to R.S. 17:1808;

6. the faculty and staff of any city or parish public school or any local school board; or

7. the Department of Education, subject to the approval of BESE.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:3981(3), and R.S. 17:3983.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 34:1360 (July 2008).

§503. Eligibility to Apply for a Type 2 Charter School

A. To be eligible to submit a type 2 charter school application, a group must:

1. be organized as a nonprofit corporation under Chapter 2 of Title 12 of the *Louisiana Revised Statutes*, Nonprofit Corporation Law;

2. be recognized as or have applied for recognition as a nonprofit corporation under applicable federal law;

3. have a board of directors with a minimum of three members;

4. include three or more persons holding valid and current Louisiana teaching certificates in the development of the charter application;

5. except as provided in Subsection B or C of this Section, has submitted a proposal for a type 1 or type 3 charter school to the local school board in whose jurisdiction the charter school is proposed to be located which:

- a. has been denied, as evidenced by a motion or resolution of the local school board; or

- b. has conditions that have been placed on it that are unacceptable to the group proposing the charter; or

- c. the local school board has made no final decision in accordance with the timelines established by BESE for consideration of type 1 and 3 charter applications by local school boards; and

- d. have met the requirement set forth in §507, if proposing to convert from a pre-existing school to a charter school.

B. Applicants applying to operate a charter school which is to be located in a local school system in academic crisis, as defined in Bulletin 111, §4901, are not required to submit a type 1 charter application to such local school system and may submit a proposal for a type 2 charter school directly to BESE.

C. If the local school system in which a charter group intends to apply to operate a type 1 or type 3 charter school

has received a letter grade designation of “D” or “F” or any variation thereof, then a proposal for a type 2 charter school may be made to the state board.

D. The eligibility criteria set forth in this section shall be the minimum criteria necessary to be approved for a type 2 charter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:3973, R.S. 17:3981, R.S. 17:3982, R.S. 17:3983, and R.S. 17:3991.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 34:1360 (July 2008), amended LR 37:868 (March 2011), LR 38:3117 (December 2012), LR 39:1431 (June 2013), LR 39:3064 (November 2013).

§505. Eligibility to Apply for a Type 4 Charter School

A. To be eligible to submit a type 4 charter school proposal, a group must:

1. be a local school board;
2. include three or more persons holding valid and current Louisiana teaching certificates in the development of the charter application; and
3. have met the requirement set forth in §507, if proposing to convert from a pre-existing school to a charter school.

B. The eligibility criteria set forth in this Section shall be the minimum criteria necessary to be approved for a type 4 charter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:3973, R.S. 17:3981, and R.S. 17:3983.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 34:1360 (July 2008), amended LR 39:1431 (June 2013), LR 40:1322 (July 2014).

§507. Existing Public Schools Converting to Charter Schools

A. Prior to applying for a type 2 charter school, which proposes to be a school converted from a preexisting public school to a charter school, BESE shall require an applicant to receive approval from the professional faculty and staff of the pre-existing school and the parents or guardians of children enrolled in the school.

B. Prior to applying for a type 3, or type 4 charter school, which proposes to be a school converted from a preexisting public school to a charter school, the chartering authority may require an applicant to receive approval from the professional faculty and staff of the pre-existing school and the parents or guardians of children enrolled in the school.

C. Approval of the professional faculty and staff requires a favorable vote of the majority of the faculty and staff who are certified by BESE and who were employed at the pre-existing school. The number needed for approval shall be determined by the number of professional faculty and staff assigned to the pre-existing school on October 1 preceding the election.

1. An election must be held for the purpose of voting to convert a preexisting public school to a charter school.

2. Employees eligible to vote in an election are members of the faculty and staff who are employed at the pre-existing school and who are certified by BESE.

3. Each eligible employee may cast only one vote.

4. The election must be held by secret ballot.

5. Type 2 conversion votes by professional faculty and staff will follow the process established by the department.

D. Approval by the parents or guardians requires a favorable vote of the majority of the voting parents or guardians of pupils enrolled in the school.

1. An election must be held for the purpose of voting to convert a pre-existing public school to a charter school.

2. The number of votes cast by the parents or guardians in an election must equal at least 50 percent of the number of students enrolled in the school at the time of the election.

3. Only one vote may be cast by one parent or guardian for each student enrolled in the school at the time of the election.

4. Type 2 conversion votes by parents or guardians will follow the process established by the department.

E. An election of the professional faculty and staff or of the parents and guardians may be repeated in any school for approval of the same or a different charter proposal; however, such an election may not occur more than once in any school year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:3973, and R.S. 17:3983.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 34:1361 (July 2008), amended LR 37:869 (March 2011), LR 39:1431 (June 2013), LR 39:3064 (November 2013).

§509. Eligibility to Apply for a Type 5 Charter School

A. To be eligible to submit a Type 5 charter school proposal, a group must:

1. be organized as a nonprofit corporation under Chapter 2 of Title 12 of the *Louisiana Revised Statutes*, Nonprofit Corporation Law;

2. be recognized as or have applied for recognition as a nonprofit corporation under applicable federal law;

3. have a board of directors with a minimum of three members;

4. include three or more persons holding valid and current Louisiana teaching certificates in the development of the charter application; and

5. include a person, whether a natural person or artificial entity, who or which has at least five years of significant experience operating or working for or with a person who operates a public, private, or charter school; a public or private postsecondary institution; or a for-profit business or a nonprofit entity which provides academic instruction to students.

B. The eligibility criteria set forth in this Section shall be the minimum criteria necessary to be approved for a type 5 charter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:3973, R.S. 17:3983, and R.S. 17:3991.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 34:1361 (July 2008), amended LR 37:2383 (August 2011), LR 39:1431 (June 2013).

§511. Charter School Application Process

A. Application Cycle

1. All type 2, type 4, and type 5 charter applications will be received, reviewed, and approved pursuant to a charter application cycle.

2. All proposed charter application cycles must be approved by BESE.

3. Type 2, type 4, and type 5 charter applications must be submitted in accordance with a charter application cycle approved by BESE to be considered by BESE.

4. There shall be at least one charter application cycle per year for the submission of type 2, type 4, and type 5 charter school applications.

5. BESE may approve additional cycles for the submission of type 2, type 4, and type 5 charter school applications.

B. Competitive Process

1. The charter application process shall be a competitive process whereby any entity meeting eligibility requirements may be approved.

2. The charter application shall be in the form of a request for applications.

3. The release of a request for applications must include:

- a. public notice;
- b. notice to national, regional, and state organizations that support charter schools; and
- c. notice to all known interested parties.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:3981, R.S. 17:3981, and R.S. 17:3983.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 34:1361 (July 2008), amended LR 39:1431 (June 2013), LR 39:3064 (November 2013).

§512. Application Process for Locally Authorized Charter Schools

A. Application Cycle

1. Effective January 1, 2014, local school boards shall accept charter applications from applicants according to the local district timeline established by the department and approved by BESE. Local school boards may request supplementary materials once the initial application has been submitted. Final decisions regarding the approval of charter applications must be made by local school boards according

to the local district charter application timeline. Notifications of charter proposal denied shall include written explanation of the reasons for such denial.

2. Prior to the consideration of a charter school proposal by any local school board, each charter applicant shall be afforded the opportunity to provide a written response to the independent evaluation of the application. Such response shall be available to the independent reviewers for consideration prior to issuing a final recommendation to the chartering authority.

3. If a proposal is not approved by the local school board and then also not approved by BESE within the same approval cycle, then the proposal shall be submitted to the local school board for its consideration during the next approval cycle prior to being submitted to the state board.

B. Common Charter Application

1. Each local school board shall use a common charter application developed by the department and approved by BESE, but may request additional information from applicants as needed.

2. BESE shall annually approve the common application to be used by local school boards. If there are no changes to be made to the common application from a previous year, BESE will not be required to vote to approve the common charter application.

C. Appeals to State Process

1. If a charter applicant believes that a local school board has not complied with the requirements in §306 of this policy, the charter applicant may submit its proposal to the state board for its review and approval as a type 2 charter as part of the annual request for applications.

a. Upon local receipt of the application from the local charter applicant, the department shall investigate and make a determination as to whether the local school board failed to comply with §306 of this policy.

b. If the department determines that the local school board failed to comply with §306, it shall notify the local school board of that determination within 30 days, and BESE may proceed with its own review of the charter application.

2. If the local system in which a charter group intends to apply to operate a school has received a letter grade designation of "D" or "F" or any variation thereof, then a proposal for a type 2 charter school may be made to the state board.

D. Partnerships with the Department

1. A local school board may enter into an agreement with the Louisiana Department of Education by which the department will conduct the local school board's charter applications and evaluation process. Local school boards that have entered into such agreements shall be exempt from Subsection A of this Section, and shall instead follow timelines established by the department.

2. The department shall create the process and timeline by which such agreements can be created and implemented.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:3981, R.S. 17:3981, and R.S. 17:3983.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 37:869 (March 2011), amended LR 38:750 (March 2012), repromulgated LR 38:1392 (June 2012), amended LR 38:3118 (December 2012), LR 39:81 (January 2013), LR 40:761 (April 2014).

**§513. Stages of Application Cycle for BESE-
Authorized Charter Schools**

A. Each charter application process shall be approved by BESE on an annual basis.

B. Application Evaluation by Team of Evaluators

1. Teams of local, state, and national evaluators with expertise in charter schools and charter school authorizing, curriculum and instruction, governance and management, and finance shall be assembled for the review of charter applications.

2. Each charter application will be reviewed by the evaluation team and scored with a uniform evaluation rubric.

C. Evaluator Recommendations. Evaluators shall make recommendations to the Department of Education for approval or denial of each charter school application.

D. Prior to the consideration of a charter school proposal by BESE, each charter applicant shall be afforded the opportunity to provide a written response to the independent evaluation of the application. Such response shall be available to the independent reviewers for consideration prior to issuing a final recommendation to BESE.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:3981.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 34:1361 (July 2008), amended LR 37:869 (March 2011), LR 38:750 (March 2012), repromulgated LR 38:1392 (June 2012), amended LR 38:3118 (December 2012), LR 39:1431 (June 2013).

§515. Charter School Application Components

A. The BESE charter school application shall be prepared as a request for applications. Each request for applications shall consist of sections that provide applicants with information on charter schools in Louisiana, an explanation of the application process and timelines, charter school application questions, and any other information which is necessary for an applicant to be able to respond to the charter application questions.

B. A framework of all BESE requests for applications, which shall include an assurance that all required sections are or will be included in the final request for applications, must be submitted to the state board by the department prior to the release of the request. In cases of a type 5 charter operator voluntarily relinquishing its charter, the state superintendent of education may issue an emergency request for applications and BESE shall be notified of such action within two business days. The Department of Education may accept charter

applications in a single submission or may structure a process to accept applications in a set of sequential, cumulative submissions.

C. The charter school application questions contained in the BESE request for applications shall consist of questions in the following areas: executive summary, education program, governance, leadership and management, financial plan, and facilities.

D. The charter school application questions for all types of charter schools shall address the following:

1. an executive summary;
2. the role, scope, and mission of the proposed public charter school, including identification of the targeted student population and the community the school hopes to serve;
3. admission requirements, if any, that are consistent with the school's role, scope, and mission may be established in accordance with that permitted in charter school law and this bulletin;
4. a description of the jurisdiction within which a pupil shall reside or otherwise be eligible to attend a public school in order to be eligible for admission;
5. beginning with the 2011-2012 school year, for each elementary and middle charter school, other than a Type 2 charter school, a description of the geographic boundaries circumscribing the neighborhood immediately surrounding the charter school from which students residing within may be given preference for enrollment in accordance with R.S. 17:3991;
6. the grades to be served each year for the full term of the charter contract;
7. minimum, planned, and maximum enrollment per grade per year for the term of the charter contract;
8. evidence of community support for the proposed public charter school;
9. a description of how the proposed charter school fulfills one or more of the purposes specified in the charter school law and this bulletin;
10. background information on the proposed founding governing board members and, if identified, the proposed school leadership and management team;
11. the school's proposed calendar and sample daily schedule;
12. the school's proposed curriculum, a description of how it aligns with state standards, and how it will meet the needs of the targeted student population;
13. a description of the school's instructional design, including the type of learning environment (such as classroom-based or independent study), class size and structure, curriculum overview, and teaching methods, and how that program will meet the needs of the at-risk students to be served;

14. the school's plans for identifying and successfully serving students with disabilities, students who are English language learners, students who are academically behind, and gifted students in order to comply with applicable laws and regulations;

15. the school's plan for using internal and external assessments to measure and report student progress and a description of how such assessments align with state standards;

16. a description of co-curricular or extracurricular programs and how they will be funded and delivered;

17. plans and timelines for the school's recruitment, enrollment, and admission process;

18. school rules and regulations applicable to students, including disciplinary policies and procedures for all students, including those with exceptionalities, that incorporate research-based discipline practices such as positive behavior interventions and supports restorative justice principles in accordance with R.S. 17:252;

19. an organizational chart that clearly presents the school's organizational structure, including lines of authority and reporting between the governing board, staff, any related bodies (such as advisory bodies or parent and teacher councils), and any external organizations that will play a role in managing the school;

20. a plan for complying with applicable public body laws;

21. a clear description of the roles and responsibilities for the governing board, the school's leadership and management team, and any other entities shown in the organization chart;

22. a staffing chart for the school's first year, and a staffing plan for the term of the charter;

23. plans for recruiting and developing school leadership and staff;

24. personnel policies and employment practices applicable to the school's officers and employees;

25. the manner in which teachers, leaders, and other school employees will be evaluated;

26. proposed governing bylaws;

27. explanations of any partnerships or contractual relationships central to the school's operations or mission;

28. the school's plans for providing transportation, food service, and all other significant operational or ancillary services;

29. policies, programs, and practices to ensure parental involvement and procedures to respond to parental complaints;

30. a detailed school start-up plan, identifying tasks, timelines and responsible individuals;

31. description of the school's financial plan and policies sufficient to permit a government audit, including financial controls and audit requirements;

32. management and accounting practices to be employed;

33. a description of the insurance coverage the school will obtain;

34. start-up and five-year budgets with clearly stated assumptions;

35. start-up and first-year cash-flow projections with clearly stated assumptions;

36. evidence of anticipated fundraising contributions, if claimed in the application; and

37. the specific academic and other educational results to be achieved, the timelines for such achievement, and how results will be measured and assessed;

38. an agreement to provide a report at the end of each semester to parents of pupils enrolled in the school, the community, the local school board, and the state board indicating progress toward meeting the performance objectives as stated in the charter;

39. information concerning the school location and the adequacy of its facilities and equipment. Such information shall include a statement of the procedures to be followed and disposition of facilities and equipment should the charter be terminated or not renewed;

40. management and accounting practices to be employed;

41. provisions regarding liability issues;

42. assurance that the curriculum of the proposed charter school shall be focused on the intellectual domain with intellectual development defined as acquisition of discrete technical and academic skills;

43. assurance that the proposed charter school will regularly assess the academic progress of its students, including the participation of such students in the state testing programs, and the sharing of such information with parents;

44. assurance that students shall have a mastery of grade-appropriate skills before they can be recommended for promotion or promoted;

45. provisions regarding the safety and security of the school;

46. provisions regarding electronic communications by an employee of the charter school to a student enrolled at the charter school;

47. provisions regarding the inspection and operation of all fire prevention and safety equipment at the school; and

48. a plan for collecting data in accordance with R.S. 17:3911;

49. a description of any proposed corporate partnerships as specified in Chapter 39 of this bulletin.

E. In the case of a proposed public charter school that intends to contract with a management organization for substantial educational services, management services, or both types of services, the request for proposals shall additionally require the applicants to:

1. provide evidence of the management organization's success in serving student populations similar to the targeted population, including demonstrated academic achievement as well as successful management of non-academic school functions if applicable;

2. provide a term sheet setting forth the proposed duration of the service contract; roles and responsibilities of the governing board, the school staff, and the service provider; scope of services and resources to be provided by the service provider; performance evaluation measures and timelines; compensation structure, including clear identification of all fees to be paid to the management organization; methods of contract oversight and enforcement; investment disclosure; and conditions for renewal and termination of the contract; and

3. disclose and explain any existing or potential conflicts of interest between the school governing board and proposed management organization or any affiliated business entities.

F. In the case of a public charter school proposal from an applicant that is itself or is using a management organization that currently operates one or more schools in any state or nation, the request for proposals shall additionally require the applicant to provide evidence of past performance and current capacity for growth.

G. Type 1 and Type 2 charter school applications shall describe how the charter school will serve the percentage of at-risk students defined in the charter school law and in Section 2713 of this bulletin.

H. In the case of a proposed virtual charter school, the request for applications shall additionally require the applicants to provide:

1. a testing plan that meets the requirements set forth in Section 317 of Bulletin 118;

2. a plan for delivering instruction in the event of technical and other course delivery problems which prevent normal course delivery;

3. a summary of data protection and recovery procedures in the event of catastrophic system failure;

4. a staff/teacher acceptable use policy for technology that complies with R.S. 17:3996(21);

5. a school electronic communication policy that complies with the federal Child Internet Protection Act and R.S. 17:100.7, including information on school Internet safety and filtering practices and policies;

6. a plan for providing professional development appropriate to the delivery method used and the acceptable use and electronic communication policies;

7. a plan for providing adequate, timely, and appropriate technical support to students, teachers, facilitators, and instructional coaches;

8. a plan for providing orientations to enrolled students, their parents, and their instructional coaches on the course delivery model prior to the beginning of the class;

9. a plan outlining the nature, frequency, and location of all required and optional in-person meetings and interactions between parents and school faculty, including but not limited to parent/teacher conferences, open houses, and school community meetings;

10. a plan for verifying student participation and performance, including specific intervention procedures the school will take when students are not participating as required; and

11. a plan for complying with Title 28, Chapter 11, §1119, Health Screening as part of enrollment and the ongoing functioning of the school.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:3981, and R.S. 17:3991.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 34:1362 (July 2008), amended LR 37:869 (March 2011), LR 37:2383 (August 2011), LR 38:38 (January 2012), LR 38:750 (March 2012), repromulgated LR 38:1392 (June 2012), amended LR 38:1583 (July 2012), LR 38:3118 (December 2012), LR 39:1432 (June 2013).

§517. Consideration of Charter Applications and Awarding of Charters by BESE

A. BESE shall consider each type 2 and type 4 charter school application and vote to approve or deny the application.

B. BESE shall consider each type 5 charter school application that is recommended by the state superintendent of education, based on a recommendation by the Department of Education, and may vote to approve or deny the recommended application.

C. BESE shall carefully review each type 2, type 4, and type 5 charter school application it receives and may approve a charter application only after it has made a specific determination that the proposed school will be operated in compliance with all applicable state and federal laws, rules, and regulations; that the accounting and financial practices to be used are sound and in accordance with generally accepted standards for similar entities; and that the educational program to be offered will comply with all requirements of the charter school law and be based on generally accepted education research findings applicable to the pupils to be served, including but not limited to school discipline practices and policies that incorporate positive behavior interventions and supports, restorative justice, and other research-based discipline practices and classroom management strategies and otherwise conform to the other model master discipline plan required in accordance with R.S. 17:252.

D. Approval of type 2, type 4, and type 5 charter schools shall require an affirmative vote of at least six board members.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:3981, and R.S. 17:3983.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 34:1363 (July 2008), amended LR 37:870 (March 2011), LR 38:750 (March 2012), repromulgated LR 38:1392 (June 2012), amended LR 39:1432 (June 2013), LR 39:3064 (November 2013).

§518. BESE Pre-Opening Procedures Following Approval

A. Following charter application approval by BESE, approved nonprofit corporations must complete pre-opening requirements developed by the department prior to executing a charter contract and prior to opening a school.

B. The department must certify completion of the pre-opening requirements prior to the opening of the school.

C. A charter operator may open additional schools included in its approved charter application if the academic, financial, and organizational performance requirements in this section are met prior to the operator entering pre-opening for the subsequent approved school.

1. Charter schools currently operated by the charter operator shall meet specific academic criteria as described within this Paragraph.

a. Schools currently operating under the oversight of the charter operator shall meet either of the following academic performance criteria:

i. an average school performance score equivalent to a letter grade of C, or higher, calculated in a manner that correlates to the district performance score formula outlined in *Bulletin 111—The Louisiana School, District, and State Accountability System*; or

ii. an average of five or more points of growth per year from the school's pre-assessment index, if available, for all schools awarded a T, D, or F letter grade.

b. If the charter operator contracts with a management organization, the state superintendent may consider the academic performance of all schools operating in Louisiana affiliated with the management organization in determining whether or not the charter operator is allowed to open a subsequent approved school.

c. The state superintendent may waive the academic performance criteria if likely new enrollees would otherwise predominantly be enrolled in schools performing at levels lower than or equivalent to the participating school.

2. The majority of the charter operator's schools have received a "meets expectations" designation in the most recent evaluation of financial performance according to the charter school performance compact.

3. The majority of the charter operator's schools have received a "meets expectations" designation in the most recent evaluation of organizational performance according to the charter school performance compact, and each school has no unresolved notices of concern or breach.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:3981, and R.S. 17:3983.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 37:870 (March 2011), amended LR 37:2385 (August 2011), LR 39:1432 (June 2013), LR 41:1263 (July 2015).

§519. Local School Board Consideration of Charter Application, Awarding of Charters

A. Local school boards shall carefully review each type 1 and type 3 charter school application they receive and may approve a charter application only after it has made a specific determination whether each proposed charter complies with the law and rules, whether the proposal is valid, complete, financially well-structured, and educationally sound, whether it provides for a master plan for improving behavior and discipline in accordance with R.S. 17:252, whether it provides a plan for collecting data in accordance with R.S. 17:3911.

B. Local school boards may approve requests to establish a type 3B charter school pursuant to the process outlined in Bulletin 129, §505.

1. A type 3B charter school is 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, R.S. 17:10.7 and Bulletin 129, §505.

2. A type 3B charter school shall retain its type 5 academic accountability history, including, but not limited to prior school performance scores. The performance of a type 3B charter school shall be included in the local school district's district performance score.

3. Throughout initial and all subsequent renewal charter terms, the type 3B charter contract shall:

a. comply with any transfer conditions previously specified by BESE at the time BESE made the determination to allow the transfer;

b. permit the charter school to remain in its facility or designate an alternative facility for use by the charter school;

c. prohibit the charter school from establishing admissions requirements; and

d. require any school that participated as a type 5 charter school 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 to continue to participate in such processes. At a minimum, the contract shall require the charter school to:

i. continue to participate in any unified enrollment system and expulsion process established by the RSD for the parish or region where the charter school is located. The charter school shall follow all policies and procedures applicable to type 5 charter schools participating in the enrollment system and expulsion process; and

ii. continue to provide transportation services for students who reside more than one mile away from the school.

4. The length of the initial term for the type 3B charter school shall be equal to the number of years remaining on the charter school’s former type 5 charter contract or the number of years approved by BESE for the renewal term of the type 5 charter school if the charter contract for the type 5 charter school was set to expire at the conclusion of the school year in which the charter school makes a request to transfer to the local school board pursuant to this Section.

5. If granted a renewal, in determining the length of the term for the first renewal of the type 3B charter contract, the local school board shall set the length of the renewal term to be three or more years, not to exceed the number of years the charter school would be granted under the “Maximum Charter Renewal Terms” contained in Section 1503 of this Bulletin. Differing academic performance standards for the first renewal of the charter contract must be approved by BESE. Subsequent renewal term lengths shall be determined by the local school board.

6. At the time of transfer, the type 3B charter school shall have the option to remain its own local educational agency or have the local school system serve as the charter school’s local education agency. A type 3B charter school acting as its own local education agency shall comply with the requirements provided for in §2303 of this bulletin.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:3981.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 37:2385 (August 2011), amended LR 39:3065 (November 2013), LR 39:3249 (December 2013), LR 42:1869 (November 2016), LR 43:635 (April 2017).

§523. Charter School Replication

A. A charter operator may open and operate up to two additional charter schools under the same chartering authority without making a formal application to its chartering authority if the charter schools currently operated by the charter operator meet the performance criteria outlined below:

1. all charter schools currently operated by the charter operator must meet the following performance criteria:

a. an averaged letter grade of A or B based upon the most recent school performance scores for all charter schools currently in operation under the charter operator;

b. demonstrated growth in student academic achievement as measured by an averaged increased school performance score over the three proceeding school years based upon the school performance scores for all charter schools currently in operation under the charter operator;

c. has received meets expectations designations in the most recent evaluations in organizational performance according to the charter school performance compact for the majority of the charter operator’s schools;

d. has received meets expectations designation in the most recent evaluation in financial performance according to

the charter school performance compact for the majority of the charter operator’s schools; and

2. in addition, at least one of the charter operator’s currently operating schools must meet the following performance criteria:

a. currently has a letter grade of A or B;

b. has demonstrated growth in student academic achievement as measured by an increased school performance score over the three proceeding school years;

c. has received a meets expectations designation in the most recent evaluation in organizational performance according to the charter school performance compact; and

d. has received a meets expectations designation in the most recent evaluation in financial performance according to the charter school performance compact;

3. should the charter operator meet the criteria outlined in Paragraphs 1 and 2, above, the charter operator may open and operate up to two additional charter schools for each currently operating charter school meeting the specific criteria outlined in Paragraph 2, above, under the same chartering authority, without making a formal application to the chartering authority;

4. the new charter schools must serve the same grade levels and enrollment boundaries as the operator’s charter school that meets the eligibility criteria outlined above in Paragraph 2;

5. the type of charter schools the charter operator may open shall be determined as follows;

Charter School Meeting Eligibility Requirements	Permitted New Types of Charter Schools
Type 1	<ul style="list-style-type: none"> • Type 1; • May be a Type 3 subject to the permission of the school board
Type 2	<ul style="list-style-type: none"> • New Type 2; • May be a Type 2 conversion charter school upon receiving approval from the professional faculty, staff, and parents or guardians of the pre-existing school, as required in §507; • May be a Type 5 subject to siting by the RSD to transform a current RSD direct-run or Type 5 charter school
Type 3	<ul style="list-style-type: none"> • Type 1; • May be a Type 3 subject to the permission of the school board
Type 3B	<ul style="list-style-type: none"> • Type 3B, subject to the charter operator’s ability to provide a facility or enter into an agreement with the local school board for use of a school board facility
Type 4	<ul style="list-style-type: none"> • Type 4
Type 5	<ul style="list-style-type: none"> • Type 2; • May be a Type 2 conversion charter school upon receiving approval from the professional faculty, staff, and parents or guardians of the pre-existing school, as required in §507; • May be a Type 5 subject to siting by the RSD to transform a current RSD direct-run or Type 5 charter school

6. the chartering group shall notify its chartering authority of its intent to open one or two additional charter schools pursuant to this Section at least 120 calendar days prior to the day on which each additional school shall enroll students;

7. at least 90 calendar days prior to the day on which each additional school shall enroll students, the chartering authority shall enter into a charter agreement with the chartering group for each additional school and shall notify BESE of its action;

8. the charter operator must complete all processes and required by law and BESE policy to open a school, including, but not limited to the procurement of all required permits, inspections and approvals necessary to safeguard student safety and welfare.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:3981, and R.S. 17:3992(A).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education LR 39:1432 (June 2013), amended LR 39:3250 (December 2013), LR 43:308 (February 2017).

Chapter 7. Charter School Performance Contract

§701. Charter School Contract with BESE

A. The charter school contract shall represent the legal agreement between BESE and the charter operator, which defines the rights and responsibilities of the parties.

B.1. The charter school contract shall define the performance standards to which the charter school will be held accountable and the general terms and conditions under which the charter school will operate. The charter school contract template shall include, but not be limited to:

- a. provisions regarding the establishment of the charter school;
- b. the operation of the charter school;
- c. charter school financial matters;
- d. charter school personnel;
- e. charter term, renewal and revocation; and
- f. other provisions determined necessary by BESE.

2. The charter school contract shall also include exhibits that provide detailed information about the terms and conditions under which the school will operate.

C. Each contract entered into by BESE for the operation of a charter school shall contain provisions set forth in a standard contract template; however, BESE shall not be precluded from allowing for provisions that may be specific to an individual charter operator.

D. Any contracts entered into between a charter operator and a management organization shall:

1. set forth material terms including but not limited to: performance evaluation measures; methods of contract oversight and enforcement by the charter school board;

compensation structure and all fees to be paid to the management organization; and conditions for contract renewal and termination;

2. contain provisions relative to the submission of documents, including but not limited to student records and financial information, upon request and in a timely manner. The contract shall specify that any documents not provided by a management organization to the charter operator must be reported by the charter operator to the department. If such documents are financial documents, the department shall notify BESE and the Office of the Louisiana Legislative Auditor. Failure to comply with requests for documents may render the management organization ineligible to contract with any BESE-authorized charter school as a management organization for up to five years.

E. Contracts between charter operators and management organizations may be reviewed by the department to ensure compliance with the provisions of Subsection D of this Section. Any contracts entered into between charter operators for the provision of services shall require an assurance statement signed by the presidents of the charter operators' board of directors to be submitted to the department. The assurance statement shall indicate that both parties have complied with the provisions of Subsection D of this Section.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:3981.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 34:1363 (July 2008), amended LR 37:2385 (August 2011), LR 38:751 (March 2012), repromulgated LR 38:1393 (June 2012), LR 38:3118 (December 2012), LR 39:3065 (November 2013).

§703. Performance Measures

A. The charter school contract shall provide for specific student performance, financial, and legal and contractual standards which must be met by the charter operator during the term of the charter contract.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:3981.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 34:1363 (July 2008).

§705. Contract Execution

A. A duly authorized officer of the board of directors of the charter operator shall sign the charter contract on behalf of the charter operator.

B. The president of BESE shall sign the charter contract on behalf of BESE.

C. The charter contract shall not be fully executed until the charter operator completes all pre-opening requirements identified for completion prior to contract execution.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:3981.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 34:1363 (July 2008).

Chapter 9. Opening of Charter School

§901. Timeline for Charter School Opening

A. A charter school shall begin operation by not later than 24 months after the final approval of the charter, unless such charter school is engaged in desegregation compliance issues and, therefore, must begin operation by not later than 36 months. However, upon request, the chartering authority may extend the time period within which any charter school must begin operation.

B. If a charter school fails to begin operation within the time periods set forth in §901.A, the charter for that school shall be automatically revoked although a new charter may be proposed in a subsequent application cycle.

C. A charter school other than a Type 5 shall not begin operation sooner than eight months after approval of the charter school has been granted, unless the chartering authority agrees to a lesser time period.

D. A charter school other than a type 5 shall not begin operation sooner than eight months after approval of the charter school has been granted, unless the chartering authority agrees to a lesser time period.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:3981, and R.S. 17:3983.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 34:1363 (July 2008), amended LR 37:870 (March 2011), LR 37:2385 (August 2011), LR 38:751 (March 2012), repromulgated LR 38:1393 (June 2012), amended LR 39:1433 (June 2013).

Chapter 11. Ongoing Review of Charter Schools

§1101. Charter School Evaluation

A. BESE authorizes the operation of charter schools to provide schools with increased educational and operational autonomy in exchange for accountability for performance.

B. The performance of type 2, type 4, and type 5 charter schools will be reviewed and/or evaluated annually in the following categories:

1. student performance;
2. financial performance; and
3. organizational performance.

C. BESE shall approve a charter school performance compact that will articulate the specific criteria the Department of Education will use to annually evaluate the student, financial, and organizational performance of BESE-authorized charter schools. As necessary, the Department of Education may revise the charter school performance compact, subject to BESE approval of all material changes. All criteria used in the charter school performance compact shall correspond to one of the categories listed above.

D. In measuring the organizational and financial performance of schools as part of the charter school

performance compact, charter schools will be given one of the following ratings:

1. meets expectations;
2. approaches expectations;
3. fails to meet expectations.

E. The charter school performance compact may include other supporting evidence to be included in evaluating school performance.

F. BESE shall receive a report on the review of type 2, type 4, and type 5 charter schools not later than January of each year. This annual report will include charter contract extension determinations.

1. During its renewal term, each charter school will be subject to regular site visits and contract review on a schedule established by the Department of Education.

2. A charter school under long-term renewal (five or more years), whose academic performance declines for three consecutive years, will be subject to a formal evaluation and contract review by LDOE. Based on the results of its evaluation, the department may recommend one of the following actions:

- a. the charter school be placed under a memorandum of understanding (MOU) that outlines specific recommendations for improving performance; or
- b. revocation.

G. Student Performance

1. Student performance is the primary measure of school quality. BESE shall use the state's assessment and accountability programs as objective and verifiable measures of student achievement and school performance. Student performance is the primary indicator of school quality; therefore, BESE will heavily factor all annual evaluations and contract extensions and renewal decisions on a school's achievement of the student performance standards.

2. Charter schools are required to administer all state assessments and are subject to the Louisiana School and District Accountability System as required by Bulletin 111.

3. Pre-Assessment Index

a. In the fall of each charter school's second year of operation, the Department of Education shall provide each charter school with a pre-assessment index, as available.

b. The pre-assessment index will consist of the test results of the students enrolled in the charter school from the immediately preceding spring state testing prior to the creation of the new charter school, where available.

4. The charter school performance compact shall articulate the specific criteria the Department of Education will use to evaluate academic performance.

H. Financial Performance

1. Charter schools are required to engage in financial practices, financial reporting, and financial audits as set forth

in charter school law, this bulletin, and the charter. The requirements imposed by law, regulation, and contract ensure the proper use of public funds and the successful fiscal operation of the charter school.

2. Charter schools will be evaluated annually on the timely submission of budgets, audits, annual financial reports, and all other financial reporting and compliance with applicable financial budgeting; accounting; and auditing laws, regulations, and procedures.

3. Financial performance shall be assessed annually using the financial risk assessment framework approved and adopted by BESE. The financial risk assessment shall:

a. monitor the following external conditions encountered by charter operators that, if not addressed, could render the school financially vulnerable; and

i. student enrollment factors:

(a). declines in public school enrollment;

ii. trends in fiscal conditions:

(a). total current expenditures per pupil is 90 percent or less of state average;

(i). short-term reaction of school systems is to reduce expenditures. This serves as indicator of ability of school system to cut expenditures if required;

(b). relationship between accountability scores and per pupil expenditure: another measure of ability of school system to cut expenditures and expected outcome on accountability scores;

iii. future obligations:

(a). school systems with 15 percent above the state average of school employees projected to retire within the next five years:

(i). indicates that over 45 percent of school system personnel has 15 or more years of service;

iv. status of business certification of business official:

(a). is current business official in process of being certified under R.S. 17:84.2;

b. identify the following internal factors that could lead to weaknesses or challenges in the financial operations of an operator.

i. Level 1—Fiscal Management/Behavior. School systems meeting the criteria in this category have problems because they have not implemented financial management practices that are designed to ensure good internal controls in their systems; therefore, if not addressed the risk is higher that these smaller problems could lead to more severe problems in the future:

(a). submittal of general fund budget form A by September 30 as required by law (submittal of annual operating budget by July 31 for charter schools);

(b). submittal of final AFR by October 31;

(c). audit opinion—internal control on government auditing standards;

(d). single audits—consecutive audit findings;

(e). known material fraud in any program.

ii. Level 2—Identified Problems Having Fiscal Impact. Items in this category may indicate the mismanagement of a program to the degree that funds must be repaid (referred to as a questioned cost). The school system is required to repay these funds to the federal government, unless a CAROI agreement is established by the LDE. This agreement allows for funds to remain in the school system to correct the systematic problem and enhance the program. These types of problems can be corrected but must be directly addressed and closely monitored to ensure this does not continue:

(a). questioned costs from A-133—single audit report;

(b). questioned costs from program monitoring review;

(c). questioned costs from fiscal monitoring review.

iii. Level 3—Auditing Outcomes. Items in this category may indicate that the independent auditor has found a critical problem in these areas of a school system's financial operations. The severity of the problem will be indicated by the type of the opinion issued. Problems such as these can be corrected but must be directly addressed by the school system and then closely monitored:

(a). audit opinion—general purpose financial statements;

(b). audit opinion—schedule of expenditures of federal programs;

(c). audit opinion—compliance with laws and regulations on federal programs.

iv. Level 4—Problems with Balanced Budgets and Fund Balances. Items in this category may indicate there could be, or there already exists, cash flow problems in a school system. These types of problems must be addressed immediately or the school system could be at risk of insolvency:

(a). general fund deficit spending. General fund deficit spending may be acceptable in certain instances. In such instances correspondence from the district is necessary to justify the deficit spending;

(b). general fund balance as a percentage of general fund revenues.

v. Level 5—Major Events

(a). Going Concern Opinion. Items in this category indicate that problems already exist in a school system that put the entity at risk of being able to continue operations.

(b). New School System or Major Event. A school system categorized in this manner requires LDE to closely monitor the development and implementation of appropriate systems, policies, and procedures to ensure successful provision of educational services to students as a result of being newly formed or having experienced a special event.

4. The financial risk assessment shall be a factor in determining the financial performance of a charter school.

5. The financial risk assessment shall result in one of the following actions:

a. no action. The school’s fiscal health is determined to be satisfactory and does not require continued departmental monitoring; or

b. monitoring. The department will monitor specific aspects of the financial risk assessment, in order to assure continued progress in areas that have been problematic in the past; or

c. dialogue. The department will conduct a detailed review of the school’s finances and financial practices; follow-up may include, but not be limited to, discussions between department staff and school leadership regarding issues of major concern, a formal site visit, or recommended action by BESE in order to address deficiencies.

6. Charter schools in their first year of operation shall be provided a financial practices self-assessment in order to determine the extent to which the school is positioned for strong financial performance.

7. The charter school performance compact shall articulate any other specific criteria the Department of Education will use to evaluate financial performance.

I. Organizational Performance

1. BESE shall evaluate a charter school's performance based on the Department of Education's oversight and monitoring of the charter school's compliance with its statutory, regulatory, and contractual obligations and all reporting requirements.

2. BESE's organizational performance evaluation of each charter school shall be based on, but not limited to, the following indicators. All other requirements in the charter contract that are otherwise captured in the Department of Education's charter school oversight, monitoring, and reporting structure shall be subject to evaluation. In assessing organizational indicators, BESE may consider information from various sources

Indicator	Standard
Special Education and ELL Program	Pursuant to applicable law and regulation and contract provisions
Student Enrollment	Pursuant to applicable law and regulation, and contract provisions
Student Discipline	Pursuant to applicable law and regulation, and contract provisions
Health and Safety	Pursuant to applicable law and regulation, and contract provisions
Governance	Pursuant to applicable law and regulation, and contract provisions

Indicator	Standard
Facilities	Pursuant to applicable law and regulation, and contract provisions

3. BESE will consider a standard not met if a violation indicates a deliberate act of wrongdoing, reckless conduct, or causes a loss of confidence in the abilities or integrity of the school or seriously jeopardizes the rights of students, safety of students, or the continued operation of the school.

4. The charter school performance compact shall articulate the specific criteria the Department of Education will use to evaluate organizational performance.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:3981, and R.S. 17:3991.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 34:1363 (July 2008), amended LR 37:871 (March 2011), repromulgated LR 37:1124 (April 2011), amended LR 37:2385 (August 2011), LR 38:751 (March 2012), repromulgated LR 38:1393 (June 2012), amended LR 38:3118 (December 2012), LR 39:1433 (June 2013), LR 39:3065 (November 2013), amended LR 40:1322 (July 2014).

§1103. Alternate Evaluation of Charter Schools

A. The provisions of §1101 shall not apply to any charter operator whose charter contract provides for an alternate evaluation system.

B. BESE may provide for an alternate evaluation system for a charter school serving a unique population or populations, as reflected in its approved charter, or for a charter school serving students in grades that do not participate in state mandated assessments and are thus not included in the Louisiana School and District Accountability System.

C. BESE-Authorized Alternative Charter School Frameworks

1. BESE may approve alternative charter school extension and renewal frameworks that set forth specific criteria the LDE will use to annually evaluate the student performance of certain BESE-authorized alternative charter schools. Criteria used in the frameworks shall correspond to student performance criteria. The charter school performance compact shall be used to annually evaluate the financial and organizational performance of schools evaluated.

a. A charter school eligible for evaluation with an alternative charter school extension and renewal framework shall:

i. serve a non-traditional student population and mission as reflected in its approved charter;

ii. elect to be evaluated by the alternate framework;

iii. receive approval by BESE as an alternative charter school and meet the requirements of Bulletin 111, §3501.C.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:3981, and R.S. 17:3991.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 34:1366 (July 2008), amended LR 40:1322 (July 2014).

§1105. Intervention Process for Charter Schools

A. The charter school performance compact may include an intervention process that articulates the steps the Department of Education may take should a school fall out of compliance with requirements outlined in the charter school performance compact, law, or BESE policy. The stages of the intervention process shall include:

1. good standing. All charter schools will begin at this level;

2. notice of concern. If the Department of Education receives a verified complaint or if regular oversight generates significant concerns or questions, a school will receive a notice of concern. The notice of concern will contain specific actions and due dates required to remedy the concern. Upon remedying the concern the school will return to good standing. Repeated notices of concern may lead to increased oversight by the Department of Education;

3. notice of breach. If a school fails to meet a critical indicator identified in the charter school performance compact, or fails to correct a notice of concern, the school will be issued a notice of breach that will contain specific actions and due dates required to remedy the breach. The Department of Education will monitor the implementation of the steps required to cure the breach. Once a school has fulfilled the notice of breach requirements, the school will return to good standing. Repeated notices of breach may lead to increased oversight by the Department of Education;

4. revocation review. Failure to meet the requirements specified in the notice of breach will result in a revocation review. The review may include additional visits to the school or an in-depth audit to assess financial and/or organizational health. Schools may progress to revocation review if they receive repeated notices of breach in the same school year. Findings from the revocation review will determine whether the Department of Education shall commence revocation proceedings or whether the school will be granted a revised notice of breach.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:3981, and R.S. 17:3991.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 39:1435 (June 2013).

Chapter 13. Charter Term

§1301. Initial Charter

A. An approved charter shall be valid for an initial term of four years.

B. A charter operator shall have a right to operate a charter school during its initial four year term unless the charter is revoked or surrendered.

C. A charter operator's right to operate a charter school shall cease upon the expiration of the initial four year term,

unless the charter operator is granted an extension to operate for a fifth year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:3981, and R.S. 17:3992.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 34:1366 (July 2008), amended LR 38:3118 (December 2012).

§1303. Extension Review

A. Each charter school shall be reviewed by its chartering authority after the completion of the third year of operation. If the charter school is achieving its stated goals and objectives pursuant to its approved charter, then the chartering authority shall extend the duration of the charter for a maximum initial term of five years. If the charter school is not achieving its stated goals and objectives pursuant to its approved charter, then the chartering authority shall not extend the duration of the charter, and the charter shall expire at the end of the school's fourth year.

B. Each type 2, type 4, and type 5 charter school's extension review shall be used to determine if the school will receive a one-year extension, as follows.

1. Contract Extension

a. Each charter school shall be reviewed based on academic, financial, and legal and contractual performance data collected by the Department of Education. If such performance data reveal that the charter school is achieving the following goals and objectives, the board shall extend the duration of the charter for a maximum initial term of five years.

i. For the 2015 and beyond extension processes, a charter school shall:

(a). meet or approach expectations on the most recent evaluation in financial performance according to the charter school performance compact and a financial risk assessment rating that has not been deemed to require "dialogue" as set forth in §1101.E; and

(b). have no violation of legal or contractual standards as defined in §1101.I.3; and

(c). meet one of the following student performance standards that aligns with the structure of the school:

(i). turnaround schools, schools qualified to receive a letter grade of "T" per Bulletin 111, §1105, school has earned a letter grade of "D" or higher based on performance data from the school's third year of operation; or school has made an average of 5 or more points of growth per year of the charter contract (from the pre-assessment index to the last year of data);

(ii). non-turnaround schools, school has earned a letter grade of "D" or higher based on performance data from the school's third year of operation;

(iii). alternative charter schools, schools approved by the department to use an alternative charter school extension and renewal framework, school has met the

standards for extension from an alternative charter school extension and renewal framework.

2. Schools that Fail to Meet Extension Standards

a. If a charter school fails to meet any of the standards set forth in Paragraph B.1 of this Section, BESE may, at the superintendent’s recommendation, take one of the following actions based on information provided by the Department of Education:

- i. grant the school a one year probationary extension with conditions or other required actions;
- ii. allow the charter to expire at the end of the school’s fourth year of operation.

3. Probationary Extension

a. A charter school granted a probationary extension shall:

- i. comply with the conditions set forth in the extension determination; and
- ii. submit progress reports as required by the department outlining the progress it has made towards improving its performance.

b. If, upon consideration for initial renewal, a charter school placed on probationary extension has not resolved all of the issues related to its probation status, the state superintendent may recommend that the board deny the charter school’s request for renewal.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 34:1367 (July 2008), amended LR 37:2387 (August 2011), LR 38:751 (March 2012), repromulgated LR 38:1393 (June 2012), amended LR 38:3118 (December 2012), LR 39:1435 (June 2013), LR 39:3065 (November 2013), LR 40:1322 (July 2014), LR 41:1264 (July 2015).

Chapter 15. Charter Renewal

§1501. Renewal of Charter

A. At the conclusion of a charter school's fifth year of operation and the expiration of its initial charter contract, a charter operator no longer has a continuing right to operate a charter school.

B. A charter school may apply for a renewal of its charter in compliance with processes and timelines established by its authorizer.

C. No charter shall be renewed unless the charter operator seeking renewal can demonstrate, at a minimum, using standardized test scores, improvement in the academic performance of students over the term of the charter school's existence.

D. A charter may be renewed for additional periods of not less than three nor more than ten years after thorough review by the approving chartering authority of the charter school's operations and compliance with charter requirements.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:3981 and R.S. 17:3992.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 34:1367 (July 2008), amended LR 37:871 (March 2011), LR 37:2388 (August 2011), LR 38:751 (March 2012), repromulgated LR 38:1393 (June 2012), amended LR 38:3118 (December 2012).

§1502. BESE Processes for Charter Renewal

A. For BESE-authorized charters, the state superintendent shall make a recommendation to BESE as to whether a charter renewal application should be approved.

B. A BESE-authorized charter school may be renewed at the discretion of BESE if all requirements set forth in law and policy for the renewal of a charter have been met.

C. The process for renewing a school charter shall be based on a thorough review of the charter school's operations, student academic performance, and compliance with charter requirements.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:3981 and R.S. 17:3992.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 34:1367 (July 2008), amended LR 37:871 (March 2011), LR 38:3119 (December 2012).

§1503. Charter Renewal Process and Timeline

A. The renewal of charter schools based on a compelling record of success is a critical component of charter school accountability. In the final year of its charter, a BESE-authorized charter school seeking renewal must demonstrate its success during the previous charter term and establish goals and objectives for the next charter term. Ultimately, the renewal process offers an opportunity for the school community to reflect on its experiences during its first term, to make a compelling, evidence-based case that it has earned the privilege of an additional charter term, and, if renewed, to build an ambitious plan for the future.

B. Student Performance

1. Each charter school is required to make demonstrable improvements in student performance over the term of its charter contract.

a. BESE will rely on data from the state’s assessment and accountability program as objective and verifiable measures of student achievement and school performance. Student performance is the primary indicator of school quality; therefore, BESE will heavily factor each charter school’s student performance data in all renewal decisions.

2. Consistent with the philosophy of rewarding strong performance and providing incentives for schools to strive for continual improvement, the renewal terms for BESE-authorized charter schools will be linked to each school’s letter grade (based on the school’s performance on the state assessment in the year prior to the renewal application) in accordance with the table that follows.

Maximum Charter Renewal Terms	
Letter Grades	Maximum Renewal Term
F	3 years
D	3 Years

Maximum Charter Renewal Terms	
Letter Grades	Maximum Renewal Term
C	6 Years
B	7 Years
A	10 years

3. A charter school in its initial term where fewer than 50 percent of its enrolled grades are testable under state accountability will be eligible for a renewal term of three years.

4. For initial renewals during the 2015 and beyond renewal processes, a BESE-authorized charter school receiving a letter grade of “F” in the prior academic year will not be eligible for renewal, unless one of these conditions are met:

a. a charter school that by contract serves a unique student population where an alternate evaluation tool, including a BESE-approved alternative charter school extension and renewal framework, has been established between the charter operator and the board may be renewed for a term not to exceed five years;

b. a turnaround charter school that qualified to receive a letter grade of “T” per Bulletin 111, §1105, that has made an average of five or more points of growth per year of the charter contract (from the pre-assessment index to the last year of data).

5. For subsequent renewals during the 2015 and beyond renewal processes, a BESE-authorized charter school receiving a letter grade of “D” or “F” in the prior academic year will not be eligible for renewal, unless one of these conditions are met:

a. a charter school that by contract serves a unique student population where an alternate evaluation tool, including a BESE-approved alternative charter school extension and renewal framework, has been established between the charter operator and the board may be renewed for a term not to exceed five years;

b. a turnaround charter school that qualified to receive a letter grade of “T” per Bulletin 111, §1105, that has made an average of 5 or more points of assessment index growth per year of the charter contract.

6. If, in the state superintendent’s judgment, the non-renewal of a charter school that does not meet the criteria for renewal in its initial or subsequent charter term would likely require many students to attend lower performing schools, and the state superintendent recommends its renewal, the charter may be renewed for a term not to exceed three years. Prior to recommending such renewal, the state superintendent must demonstrate that efforts to find a new, high-quality operator for the school were unsuccessful.

C. Financial Performance

1. Each charter operator is required to engage in financial practices, financial reporting, and financial audits to ensure the proper use of public funds and the successful fiscal operation of the charter school. The charter school shall be evaluated using the financial risk assessment and the financial

indicators included in the charter school performance compact.

2. A charter contract will not be renewed if the charter has failed to demonstrate over the term of its charter, the fundamental ability to operate a fiscally sound charter school, as evidenced by repeated failure to adhere to the financial standards articulated by the financial risk assessment and/or the charter school performance compact.

3. BESE Standards for Financial Performance. BESE may reduce the renewal term by a year for any charter school that has been found to require monitoring or “dialogue” as part of their most recent fiscal risk assessment. No term shall be less than three years.

D. Organizational Performance

1. BESE will include a charter school’s compliance with its statutory, regulatory, and contractual obligations and all reporting requirements in its renewal decision. BESE’s evaluation shall be based on, but not limited to, the following organizational indicators as articulated in the charter school performance compact.

Indicator	Standard
Special Education and ELL Program	Pursuant to applicable law and regulation and contract provisions
Student Enrollment	Pursuant to applicable law and regulation and contract provisions
Student Discipline	Pursuant to applicable law and regulation and contract provisions
Health and Safety	Pursuant to applicable law and regulation and contract provisions
Governance	Pursuant to applicable law and regulation and contract provisions
Facilities	Pursuant to applicable law and regulation and contract provisions

2. BESE will consider a standard not met if a violation indicates a deliberate act of wrongdoing, reckless conduct, or causes a loss of confidence in the abilities or integrity of the school or seriously jeopardizes the rights of students, safety of students, or the continued operation of the school.

3. BESE will not renew a charter if it has failed to demonstrate over the term of its contract, the fundamental ability to adhere to the statutory, regulatory, contractual obligations, reporting requirements, and organizational performance standards articulated above and/or in the charter school performance compact.

E. Initial Renewal for BESE-Authorized Charter Schools

1. The department will establish a process by which each charter school shall be required to indicate whether it will be seeking initial renewal.

2. Not later than January of the charter school’s fifth year, the state superintendent of education will make a recommendation to BESE about the disposition of any school seeking renewal. The basis for the recommendation will be the charter school’s student, financial, and legal and contractual performance during years one through four of the charter contract.

3. Based on the school’s academic, financial, and contractual performance, the state superintendent of education may recommend one of three actions:

- a. renewal for the maximum term identified in the maximum charter renewal terms table;
- b. renewal for a shorter term (based on deficiencies in financial and/or legal/contract performance, although not to be less than three years); or
- c. non-renewal.

4. The state superintendent of education may recommend a corrective action plan as a condition for renewal for any charter school that qualifies for renewal, but fails to fully meet any performance standards. The board may make the execution of the renewal charter contract contingent upon the completion of all or some of the actions required by the corrective action plan. The board may also direct the department to include all or some of the actions required by the corrective action plan to be incorporated into the charter contract so that failure to complete corrective actions may serve as grounds for revocation.

5. A recommendation for non-renewal may also include a recommendation that a new charter provider operate the school.

F. Subsequent Renewal for BESE-Authorized Charter Schools

1. The department will establish a process by which each charter school shall be required to indicate whether it will be seeking a subsequent renewal.

2. Not later than January of the charter school’s final contract year, the state superintendent of education will make a recommendation to BESE about the disposition of any school seeking renewal. The basis for the recommendation will be the charter school’s student, financial, legal and contractual performance during its current charter contract.

3. Based on the school’s academic, financial, and legal and contractual performance over the current charter contract term, the superintendent may recommend one of the following actions:

- a. renewal for the maximum term identified in the maximum charter renewal terms table in Subsection B, above not to exceed a maximum term of 10 years;
- b. renewal for a shorter term (based on deficiencies in financial and/or organizational performance); or
- c. non-renewal.

4. A recommendation for non-renewal may also include a recommendation that a new charter provider operate the school.

G. Automatic Renewal of Charter Schools

1. A charter school which has met or exceeded for the three preceding school years the benchmarks established for it in accordance with the school and district accountability system, has demonstrated growth in student academic

achievement for the three preceding schools years, and has had no significant audit findings during the term of the charter agreement shall be deemed a high-performing school, and such school’s charter shall be automatically renewed.

2. A charter school that meets the following conditions shall be automatically renewed and shall be exempted from the renewal process requirements listed in this Section, as appropriate:

- a. has received a letter grade of A or B;
- b. has demonstrated growth in student academic achievement as measured by an increasing school performance score over the three preceding school years;
- c. has received a “meets expectations” designation in its most recent evaluation in organizational performance according to the charter school performance compact;
- d. has received a “meets expectations” designation in its most recent evaluation in financial performance according to the charter school performance compact; and
- e. has no outstanding notices of concern or breach.

3. The automatic renewal term shall be in line with the terms specified in Paragraph B.2 of this Section.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:3981, and R.S. 17:3992.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 36:479 (March 2010), amended LR 37:871 (March 2011), LR 37:2388 (August 2011), LR 38:752 (March 2012), repromulgated LR 38:1394 (June 2012), amended LR 38:3119 (December 2012), LR 39:1436 (June 2013), LR 39:3066 (November 2013), LR 40:1323 (July 2014), LR 41:1264 (July 2015).

Chapter 16. School Closure

§1601. School Closure Protocol

A. In the event a BESE-authorized charter school closes permanently for any reason, the school shall adhere to the school closure protocol developed by the Department of Education.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and RS 17:3981.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 39:3067 (November 2013).

Chapter 17. Revocation

§1701. Reasons for Revocation

A. An authorizer may revoke a school’s charter any time prior to the expiration of a charter operator’s five-year term following initial approval or prior to the expiration of its subsequent renewal, if such is granted pursuant to Chapter 15 of this bulletin, upon a determination that the charter school or its officers or employees did any of the following:

- 1. committed a material violation of any of the conditions, standards, or procedures provided for in the approved charter;

2. failed to meet or pursue within the agreed timelines any of the academic and other educational results specified in the approved charter;

3. failed to meet generally accepted accounting standards of fiscal management;

4. violated any provision of law or BESE policy applicable to a charter school, its officers, or employees.

B. BESE may also revoke a schools charter if:

1. the health, safety, and welfare of students is threatened;

2. any other reasons for revocation listed as such in a charter school's charter contract.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:3981 and R.S. 17:3992.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 34:1368 (July 2008), amended LR 37:872 (March 2011), LR 38:3120 (December 2012).

§1703. Revocation Proceedings

A. Recommendation to Revoke Charter for BESE-Authorized Charter Schools

1. A recommendation to revoke a charter shall be made to BESE by the state superintendent of education based on information provided by the Department of Education, at least one BESE meeting prior to the BESE meeting at which the recommendation may be considered, except as otherwise provided herein when the health, safety, and welfare of students is at issue.

2. Prior to the BESE meeting at which the state superintendent of education will make a recommendation that BESE commence a revocation proceeding, the Department of Education will inform the charter operator that it is requesting such and the reasons therefor and may meet with the charter operator, upon request, to discuss the revocation recommendation.

3. Following the state superintendent of education's recommendation to revoke a charter, BESE shall determine if it will commence a revocation proceeding.

4. BESE may, on its own, commence a charter revocation proceeding.

B. Revocation Hearing for BESE-Authorized Charter Schools

1. The charter operator shall have an opportunity for a hearing prior to the revocation of its charter.

2. All charter school revocation hearings shall be heard by the School Improvement and Turnaround Committee of BESE.

3. Following the Department of Education's recommendation to revoke a charter, BESE shall determine if it will commence a revocation proceeding.

C. Hearing Officer for BESE-Authorized Charter Schools

1. BESE shall appoint a hearing officer to preside over the revocation hearing and carry out certain adjudicative functions including, but not limited to, the following:

a. set procedures and deadlines for the exchange of information, the filing of motions and requests for orders, and other discovery, as necessary;

b. rule on all pre-hearing motions and requests for declaratory orders;

c. direct parties to appear and confer for the simplification of issues, the setting of pre-hearing deadlines, or to otherwise address pre-hearing conferences, if deemed necessary by the hearing officer, to effectuate an orderly hearing;

d. issue subpoenas under the authority of BESE;

e. administer oaths and affirmations;

f. regulate the course of the hearing and the conduct of the parties and their counsel;

g. rule on offers of proof and receive relevant evidence;

h. rule on all objections to evidence presented, with the ability to exclude incompetent, irrelevant, immaterial, and unduly repetitious evidence;

i. consider and rule upon procedural requests or similar matters;

j. direct witnesses to testify, limit the number of times any witness may testify, limit repetition or cumulative testimony and set reasonable limits on the amount of time each witness may testify;

k. assist the chair of the committee hearing the revocation and/or president of BESE in preparing findings of fact and conclusions of law consistent with the determinations made by the committee of BESE and/or BESE.

2. It shall not be the function of the hearing officer to make a determination or decision with respect to the revocation of a charter.

D. Revocation Hearing Notice for BESE-Authorized Charter Schools

1. A charter operator shall be provided reasonable notice of the revocation hearing at least 15 calendar days prior to the scheduled revocation hearing.

a. Except as otherwise provided herein, the notice of the revocation hearing shall be provided to the charter operator and shall include:

i. a statement of the time, place, and nature of the hearing;

ii. a statement of the legal authority and jurisdiction under which the hearing is to be held;

iii. a reference to particular sections of statutes, rules, and/or the charter school contract involved; and

iv. a short and plain statement of the matters asserted.

2. If BESE is unable to provide the exact date and time of the hearing when the initial notice is provided to the charter operator, it may provide a range of dates when the hearing will be held and provide a supplemental notice of hearing with the exact date and time. Such supplemental notice with the exact date and time shall be provided to the charter operator no later than seven calendar days prior to the hearing date.

3. If BESE is unable to state the matters in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved. Thereafter, a more definite and detailed statement shall be furnished to the charter operator.

4. The hearing office shall send notice or conduct a scheduling conference to establish all pre-hearing deadlines.

5. All notices with respect to a revocation hearing shall be made by personal delivery; by registered or certified mail; or by U.S. regular mail, postage prepaid; and by facsimile, if available. Notice shall be determined to be provided on the day on which personal delivery or mailing occurs or the day on which facsimile is transmitted.

E. Issuance of Subpoenas for BESE-Authorized Charter Schools

1. The president of BESE or the hearing officer shall have power to sign and issue subpoenas in the name of BESE requiring attendance and giving of testimony by witnesses and the production of books, papers, and other documentary evidence.

2. No subpoena shall be issued until the party who wishes to subpoena the witness first deposits with BESE a sum of money sufficient to pay all fees and expenses to which a witness in a civil case is entitled pursuant to Title 13 of the Louisiana Revised Statutes.

3. A subpoena issued pursuant to this Section shall be served by any agent of BESE or the Department of Education; by the sheriff; by any other officer authorized by law to serve process in this state; by certified mail, return receipt requested; or by any person who is not a party and who is at least 18 years of age.

4. Witnesses subpoenaed to testify before BESE only to an opinion founded on special study or experience in any branch of science, or to make scientific or professional examinations and to state the results thereof, shall receive such additional compensation from the party who wishes to subpoena such witness.

F. Presentation and Evaluation of Evidence at Revocation Hearing for BESE-Authorized Charter Schools

1. At the charter revocation hearing, an opportunity shall be afforded all parties to respond and present evidence on all issues of fact involved and argument on all issues of law and policy involved and to conduct such cross-examination as may be required for a full and true disclosure of the facts.

2. BESE shall give probative effect to evidence which possesses probative value commonly accepted by reasonably prudent men in the conduct of their affairs and shall give effect to the rules of privilege recognized by law.

a. All evidence, including records and documents in the possession of the Department of Education or BESE of which the Department of Education desires to avail itself, shall be offered and made a part of the record, and all such documentary evidence may be received in the form of copies or excerpts, or by incorporation by reference. In case of incorporation by reference, the materials so incorporated shall be available for examination by the parties before being received in evidence.

b. Notice may be taken of judicially cognizable facts. In addition, notice may be taken of generally recognized technical or scientific facts within the Department of Education or BESE's specialized knowledge. Parties shall be notified either before or during the hearing, or by reference in preliminary reports or otherwise, of the material noticed, including any staff memoranda or data, and they shall be afforded an opportunity to contest the material so noticed. The Department of Education's experience, technical competence, and specialized knowledge may be utilized in the evaluation of the evidence.

G. Revocation Decision

1. A charter may be revoked upon an affirmative vote of six members of BESE or by an affirmative vote of at least a majority of the local board membership.

2. A decision to revoke by an affirmative vote of six members of BESE members shall be considered a final decision and shall be in writing or stated in the record.

3. The revocation decision shall include findings of fact and conclusions of law.

4. The charter operator shall be notified in writing of the revocation decision.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:3981.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 34:1368 (July 2008), amended LR 37:872 (March 2011), LR 38:752 (March 2012), repromulgated LR 38:1394 (June 2012), amended LR 39:3067 (November 2013), LR 41:1265 (July 2015).

Chapter 18. Voluntary Relinquishment of a BESE-Authorized Charter

§1801. Voluntary Relinquishment of a BESE-Authorized Charter

A. If the operator or board of a BESE authorized charter school determines that it can no longer operate the charter school, it shall relinquish the charter to BESE at least 90 days prior to the beginning of the next school year.

B. Failure to relinquish a charter at least 90 days prior to the beginning of the next school year may result in BESE

declining to accept a charter application submitted by that operator to BESE for up to five years. If at any time during this period, members of such charter operator's board form a majority of board membership for a different charter operator, BESE may decline to accept a charter application submitted by such charter operator.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3981 and R.S. 17:3992.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 37:873 (March 2011), amended LR 37:2389 (August 2011).

Chapter 19. Amendments to BESE-Authorized Charters

§1901. Charter Amendments

A. Any modification to the provisions of a school's charter shall constitute an amendment to the charter. An amendment may be material or non-material, as defined in this bulletin.

B. All charter amendment requests or notices, as applicable, must be submitted by the charter operator.

C. No charter amendment shall be the basis of extending the duration of the school's original charter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:3981, and R.S. 17:3992.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 34:1369 (July 2008).

§1903. Material Amendments for BESE-Authorized Charter Schools

A. A material amendment to a charter is an amendment that makes substantive changes to a charter school's governance, operational, or academic structure. Material amendments include:

1. changes in legal status or management, including the structure of the governing board, a corporate partnership, or assignment of or changes in management organization;

2. changes in grade levels served;

3. changes in student enrollment which result in enrollment in excess of 120 percent of the total number of students set forth in the school's charter, applicable:
 - a. the superintendent of the recovery school district is authorized to amend the charter of any type 5 charter school participating in a unified enrollment system administered by the recovery school district for the purpose of adjusting student enrollment limitations;

4. changes in admission procedures or criteria, if applicable;

5. changes in any option expressed in the charter contract exhibit with respect to collective bargaining;

6. changes in LEA status for type 4 charter schools in Orleans Parish pursuant to §2303 of this bulletin; and

7. any changes to the charter contract not specifically identified as non-material amendments.

B. A material amendment to a charter must be approved by an affirmative vote of at least a majority of the membership of BESE.

C. The charter operator shall submit a request for a material amendment to its charter in compliance with all timelines and pursuant to all guidance, forms, and/or applications developed and set forth by the Department of Education.

D. The LDE shall make recommendations to BESE on each material amendment request it receives from a charter operator.

E. BESE shall delegate authority to the department to approve a material amendment regarding Paragraphs A.2 and A.3 of this Section for any charter school meeting the following conditions, as determined by the department:

1. no violations of legal or contractual standards, as defined in §1101.F.3; and

2. is not in "dialogue" with the department, as defined in §1101.E.5.c; and

3. one of the following student performance standards:
 - a. the school's most recent performance label was a "C" or higher; or

- b. not allowing the expansion into new grades or acceptance of greater numbers of students would result in students attending a lower performing school; or

- c. the school has made ten points of SPS growth over the previous two years.

F. When time is of the essence and circumstances require immediate consideration of a material amendment request, a committee composed of the state superintendent, BESE president, and School Innovation and Turnaround Committee shall have interim authority to consider material amendment requests. All approvals or denials of material amendment requests pursuant to this Subsection shall be ratified by BESE at the following BESE meeting.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:3981, and R.S. 17:3992.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 34:1369 (July 2008), amended LR 37:873 (March 2011), LR 37:2389 (August 2011), LR 38:752 (March 2012), repromulgated LR 38:1394 (June 2012), amended LR 38:3120 (December 2012), LR 39:3067 (November 2013), LR 40:1324 (July 2014), LR 43:635 (April 2017).

§1905. Non-Material Amendments for BESE-Authorized Charter Schools

A. A non-material amendment to a charter is an amendment that makes non-substantive changes to a school's charter. Non-material amendments may include:

1. changes to the mailing address, telephone, and/or facsimile number of the charter school;

2. changes to the designated contact person for the charter operator or changes to the contact person located at the charter school site; and

3. changes in any option expressed in the charter contract exhibits with respect to Teachers' Retirement System of Louisiana.

B. A non-material amendment will be effective following approval by the board of directors of the charter school.

C. The charter operator shall provide the Department of Education with written notification of a non-material amendment to its charter within five days of board approval in compliance with all requirements set forth by the Department of Education.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:3981, and R.S. 17:3992.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 34:1370 (July 2008), amended LR 37:873 (March 2011), LR 39:3068 (November 2013), amended LR 40:1324 (July 2014).

Chapter 21. Charter School Governance

§2101. Board of Director Composition

A. The members of the board of directors shall receive no compensation other than reimbursement of actual expenses incurred while fulfilling duties as a member of such a board.

B. A charter school shall be prohibited from employing, in any manner, any member of the governing or management board of such school.

C. Not more than 20 percent of the members of any governing or management board of a charter school shall be members of the same immediate family. Members of the same immediate family shall include a board member and any other board members to whom he is related as defined in R.S. 42:1102(13) and any other board members to whom any of them are so related.

D. Board of Director Composition for BESE-Authorized Charter Schools

1. The board of directors of each charter operator shall consist of no fewer than seven members. Each charter operator shall be in full compliance with the provisions of this Subsection no later than January 1, 2009.

2. The board of directors of each charter operator should consist of members with a diverse set of professional skills and practical work experience in the areas of education, public/non-profit and/or for-profit administration or operations, community development, finance, and law.

3. The board of directors of each charter operator should be representative of the community in which the charter school is located and no fewer than 60 percent of its members shall reside in the community in which the charter school is located. Community, for the purposes of this Paragraph, shall consist of the parish in which the school is located and immediate neighboring parishes and, for Type 2 charter schools, any parish that is included in the charter school's attendance zone. No fewer than 60 percent of the members of the board of directors of any charter operator that operates multiple schools in different communities shall

reside in the communities in which the charter schools are located, with equal representation from each community to the greatest extent possible.

4. The board of directors of each charter operator shall consist of no more than one person from the same immediate family, as defined by the Louisiana *Code of Governmental Ethics*.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:3981.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 34:1370 (July 2008), amended LR 37:873 (March 2011), LR 37:1377 (May 2011).

§2103. Board Member Responsibilities

A. The board of directors of each charter operator shall be responsible for implementing the public charter school program proposed in its charter application, complying with and carrying out the provisions of the charter school contract and complying with all applicable federal and state laws and policies governing the charter school.

B. The board of directors of each charter operator shall operate in accordance with its duly adopted bylaws, which shall include a conflicts of interest policy that is consistent with applicable law including, but not limited to, the Louisiana Code of Governmental Ethics.

C. The board of directors of each charter operator shall comply with all requirements set forth by the Louisiana Nonprofit Corporations Law and Louisiana Secretary of State and shall remain in good standing during the term of its charter.

D. The board of directors of each charter operator shall comply with all laws applicable to public bodies including, but not limited to, the Louisiana Open Meetings Law, the Louisiana Public Records Law, and the Code of Governmental Ethics.

E. The board of directors of each charter operator is responsible for the sound fiscal management of the charter school.

F. The board of directors of each charter operator shall exercise final authority in matters affecting the charter school including, but not limited to, staffing, financial accountability, and curriculum.

G. Each member of the governing authority or management board of a charter school shall annually file a financial statement in accordance with R.S. 42:1124.3

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:3981.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 34:1370 (July 2008), amended LR 37:874 (March 2011).

§2107. Prohibitions

A. No member of BESE shall be a member of the board of directors of any Type 2, Type 4, or Type 5 charter school.

B. No member of any city, parish, or other local public school board shall be a member of the board of directors of

any Type 5 charter school within the jurisdictional area of such city, parish, or other local public school board.

C. No member of the board of directors of any Type 5 charter school shall be an elected official as defined by the Louisiana Code of Governmental Ethics. No individual formerly classified as an elected official may serve on the board of directors of any Type 5 charter school for a period of one year following his or her termination from elected service.

D. The board of directors of each charter operator shall receive no compensation other than reimbursement of actual expenses incurred while fulfilling duties as a member of the board.

E. The board of directors of each charter operator shall be prohibited from employing, in any manner, any of its members.

F. A charter school shall not be supported by or affiliated with any religion or religious organization or institution; however, a charter school may receive from any such organization or institution support or student services including but not limited to mentoring, volunteering, fund-raising, or tutoring.

G. A charter school shall not result from the conversion of any private school or any home study program, as defined in R.S. 17:236.

H. A charter school shall not charge any student any tuition or an attendance fee of any kind.

I. A charter school shall not discriminate among potential employees, employees, or pupils in violation of any state or federal law.

J. A charter school shall not hire a person who has been convicted of or has pled nolo contendere to a crime listed in R.S. 15:587.1(C) as a teacher, substitute teacher, bus driver, substitute bus driver, janitor, or a school employee who might reasonably be expected to be placed in a position of supervisory or disciplinary authority over school children unless approved in writing by a district judge of the parish and the district attorney. This statement of approval shall be kept on file at all times by the school and shall be produced upon request to any law enforcement officer.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:3981, and R.S. 17:3991.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 34:1371 (July 2008), amended LR 37:874 (March 2011).

Chapter 23. Charter School Funding

§2301. State Funding

A. Unless otherwise provided by law, the per pupil amount provided to a type 1, 2, 3, 3B, or 4 charter school shall be computed at least annually and shall be equal to the per pupil amount provided through the Minimum Foundation Program formula, determined by the allocation weights in the formula based upon student characteristics or needs, received by the school district in which the student resides, as determined by the weighted differentiated funding formula based upon individual student characteristics or needs that is

provided through the Minimum Foundation Program, except as provided in Subsection E of this Section.

1. The state-funded per pupil allocation shall be based upon the weighted student membership count received by the district pursuant to the most recent legislatively approved Minimum Foundation Program formula, and include all levels and allocation weights based upon student characteristics or needs as provided in the formula except any supplementary allocations for specific purposes. Supplementary allocations for specific purposes shall be provided to charter schools based solely on the funds generated by the charter school within each specific allocation.

B. Initial allocation of the per pupil amount each year shall be based on estimates provided by the Louisiana Department of Education using the most recent local revenue data and projected pupil counts available. Allocations may be adjusted during the year to reflect actual pupil counts.

C. For the purposes of funding, each type 1, type 3, and type 4 charter school shall be considered an approved public school of the local school board entering into the charter agreement.

D. Type 5 charter schools shall receive a per pupil amount each year pursuant to formulas developed by the RSD which may include differentiated funding for certain students, including students identified as being eligible for special education services, and based on the October 1 membership count of the charter school and any other membership count authorized pursuant to the Minimum Foundation Program formula adopted each year.

E. Beginning on July 1, 2016, for allocations in a school district with one or more Type 3B charter schools in a parish that contains a municipality with a population of 300,000 or more persons according to the latest federal decennial census, refer to *Bulletin 129—The Recovery School District*, §1111.

F. Type 2 charter schools approved prior to July 1, 2008 shall receive a per pupil amount from the Louisiana Department of Education each year based on the October 1 membership count of the charter school and using state funds specifically provided for this purpose. In order to provide for adjustments in allocations made to type 2 charter schools as a result of changes in enrollment, BESE may provide annually for a February pupil membership count to reflect any changes in pupil enrollment that may occur after October 1 of each year. Type 2 charter schools authorized by the state Board of Elementary and Secondary Education after July 1, 2008, shall receive a per pupil amount each year as provided in the Minimum Foundation Program approved formula.

1. Any allocation adjustment made pursuant to this Paragraph shall not be retroactive and shall be applicable for the period from March 1 through the end of the school year. The provisions of this Paragraph relative to an allocation adjustment shall not be applicable to any type 2 charter school that has had an increase or decrease in student enrollment of 5 percent or less in any school year for which the February membership count occurs.

G. A charter authority may annually charge each charter school it authorizes a fee in an amount equal to 2 percent of the per pupil allocation that is received by a charter school for administrative overhead costs incurred by the chartering authority for considering the charter application and any amendment thereto, providing monitoring and oversight of the school, collecting and analyzing data of the school, and for reporting on school performance. Such fee amount shall be withheld from the per pupil amount in monthly increments and shall not be applicable to any federal money or grants received by the school. Administrative overhead costs shall not include any cost incurred by the charter authority to provide purchased services to the charter school.

1. At least 30 days prior to the beginning of each fiscal year, each charter school shall be provided by its chartering authority with a projected budget detailing anticipated administrative overhead costs and planned uses for fees charged for such costs.

2. By no later than 90 days following the end of each fiscal year, each charter school shall be provided by its chartering authority or the Recovery School District, if applicable, an itemized accounting of the actual cost of each purchased service provided to the charter school.

3. The LDE may withhold and retain from state funds otherwise allocated to a local public school system through the Minimum Foundation Program an amount equal to 1 quarter of 1 percent of the fee amount charged to a type 3B charter school for administrative costs incurred by the LDE for providing financial oversight and monitoring of a type 3B charter school acting as its own LEA.

4. The LDE may withhold and retain from state funds otherwise allocated to a local public school system through the Minimum Foundation Program an amount equal to 1 quarter of 1 percent of the fee amount charged to a type 1, 3, 3B, or 4 charter school considered its own LEA pursuant to §2303 of this Bulletin for administrative costs incurred by the LDE for providing financial oversight and monitoring.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:3981, and R.S. 17:3995.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 34:1371 (July 2008), amended LR 37:874 (March 2011), LR 39:3250 (December 2013), LR 40:1324 (July 2014), LR 42:549 (April 2016), LR 42:1019 (July 2016), LR 43:308 (February 2017), LR 43:636 (April 2017).

§2303. Local Education Agency (LEA) Status and Federal Funding

A. Any type 2 or type 5 charter school shall be considered the local education agency (LEA) for funding purposes and statutory definitions and, as a local education agency, shall receive allocations for all available funding.

B. Type 1, 3, 3B, and 4 Charter School LEAs

1. A type 3B charter school shall have the option to remain its own LEA or have the local school board serve as the charter school's LEA, pursuant to §519 of this bulletin. A type 3B charter school considered its own LEA shall comply

with the requirements for type 3B charter schools detailed in §519 of this Bulletin.

2. Pursuant to R.S. 17:10.7.1, a type 1, 3, 3B or 4 charter school located in Orleans Parish may be considered its own LEA for funding purposes and statutory definitions, and as an LEA, shall receive allocations for all available funding.

a. At all times the charter school is considered its own LEA; it shall:

i. continue participation and follow all rules of the parish-wide enrollment system or, if not currently participating, begin participation upon renewal of the charter school's charter contract, and when enrolling or registering students at the school, do so without regard to English language learner (ELL) or disability status, type or severity of disability, or level of services required;

ii. provide all identification, evaluation, and special education and ELL services to students enrolled at the school required by the Individuals with Disabilities Education Act (IDEA) and other applicable federal and state laws and regulations for LEAs;

iii. when requesting a transfer for a student with a disability, do so in accordance with IDEA and other applicable state and federal special education laws and regulations for LEAs, and only when such transfer has been initiated or agreed to by the student's parent or legal guardian;

iv. continue participation and follow all rules of the parish-wide student expulsion process, and when making a change of placement or an expulsion request for a student with a disability, do so according to such process and in compliance with the provisions of IDEA and other applicable federal and state special education laws and regulations for LEAs;

v. provide transportation services for students as required by applicable state laws and regulations, the school's charter contract, and local school board policy;

vi. comply with all financial, testing, and reporting requirements required by the charter school's authorizer or the department pursuant to applicable federal, state, and local laws and regulations; and

vii. comply with any monitoring, reporting, or corrective actions required by the school's charter authorizer or the department related to the requirements of this Section and any other applicable federal, state, or local laws or regulations for LEAs.

b. For type 1 and 3 charter schools in Orleans Parish, the local superintendent shall implement a process to identify those schools requesting to be considered their own LEAs for the 2017-18 school year. The local superintendent shall also implement a process to identify these schools in future years either on an annual basis for all type 1, 3, or 3B charter schools, or in conjunction with the initial authorization of new charter schools and renewal of existing charter schools. LEA status shall commence on July 1 following receipt by the state superintendent of written notification from the local

superintendent no later than the preceding April 1. Such written notification shall include:

i. documentation of the local school board's approval of the charter school to be considered its own LEA;

ii. written certification by the president or chairman of the board of the charter school that at all times the charter school is considered its own LEA it shall comply with the requirements of this Section; and

iii. a letter of attestation signed by the local superintendent, certifying that the requirements listed in this section shall be incorporated into the charter school's contract, and the local superintendent's oversight, evaluation, and renewal determination processes for the charter school.

c. A type 4 charter school in Orleans Parish may be considered its own LEA upon request by the local school board and approval by BESE. The local school board may request LEA status for a type 4 charter school no later than the April 1 preceding the year in which LEA status would commence through any one of the following procedures:

i. inclusion of the request for the charter school to be considered its own LEA in the initial charter application to BESE;

ii. submission of a request to BESE for a material amendment to the charter to permit the charter school to be considered its own LEA pursuant to §1903 of this Bulletin; or

iii. written request for the charter school to be considered its own LEA as part of BESE's renewal of the school's charter.

d. Each type 1, 3, 3B, and 4 charter school in Orleans Parish that is considered its own LEA shall be held solely responsible for the requirements of this section and any other applicable federal, state, or local laws or regulations related to the charter school's LEA status, including, but not limited to data reporting, testing regulations, IDEA compliance, title I regulations, and requirements of other grants made available and secured by the charter school in its capacity as an LEA. However, each type 1, 3, 3B or 4 charter school considered its own LEA is under the jurisdiction of the Orleans Parish School Board and as such, the local superintendent shall have the duty, obligation and authority to monitor and enforce corrective actions and interventions related to the requirements of this Section and any other applicable federal, state, or local laws or regulations for such charter school. Based on evidence of noncompliance with any such requirements, laws, or regulations, or that the continuation of LEA status for the charter school may result in a threat to the health, safety, or welfare of students or staff at the charter school, the local superintendent may submit a written request to the state superintendent for rescission of the charter school's LEA status.

e. The local superintendent and the department shall work together to coordinate each entity's reporting requirements for a charter school considered its own LEA in order to streamline and minimize duplication of reporting by the charter school.

3. The state superintendent may rescind the LEA status of a type 1, 3, 3B or 4 charter school at the beginning of a subsequent school year (July 1) should the charter school fail to meet the requirements of this Section or other requirements related to LEA status. Prior to such rescission, the state superintendent shall provide written notification of the rescission to the local school board and the charter school no later than April 1. Such written notification shall include the reason for the rescission and a date by which the local school board and charter school may respond prior to rescission.

4. In situations where continued LEA status for the charter school may result in a threat to the health, safety, or welfare of students or staff at the charter school, the state superintendent may temporarily rescind the charter school's LEA status immediately, without prior written notification. In such a case, the state superintendent shall be required to provide written notification to the local school board and the charter school of the temporary rescission as soon as is feasible. Such written notification shall include the reason for the temporary rescission and a date by which the local school board and charter school may respond prior to permanent rescission of the charter school's LEA status.

5. Upon rescission, the local school board shall begin to serve as the charter school's LEA. The state superintendent may reinstate the charter school's LEA status at the beginning of a subsequent school year (July 1) provided the local school board approves such reinstatement and the state superintendent has determined that the charter school has demonstrated the ability to comply with all applicable requirements henceforth.

6. With the local school board's approval, a type 1, 3, 3B, or 4 charter school considered its own LEA may voluntarily request to relinquish its LEA status. The state superintendent may only approve such request following receipt of the charter school's request and the local school board's approval by April 1. Upon approval by the state superintendent, the local school board shall begin to serve as the charter school's LEA at the beginning of the following school year (July 1).

C. For each pupil enrolled in a charter school who is entitled to special education services, any state special education funding beyond that provided in the Minimum Foundation Program and any federal funds for special education for that pupil that would have been allocated for that pupil shall be allocated to the charter school which the pupil attends.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:3981, and R.S. 17:3995.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 34:1372 (July 2008), amended LR 39:3251 (December 2013), LR 40:1324 (July 2014), LR 43:309 (February 2017), LR 43:636 (April 2017).

§2305. Other Funding

A. Any approved charter school shall be eligible for any other federal, restricted state, and unrestricted state funding for which the school or its pupils qualify.

B. Each charter school shall receive, at a minimum, its per pupil share for any state or federal grant program such as any funding provided for technology, teacher supplies, kindergarten through third grade reading and mathematics, summer school, and other remediation funding. In addition, each charter school shall receive any other state or federal grant program funding, where such funding is distributed on a per pupil basis and a charter school is eligible to receive the funding under the terms of the grant. The charter operator shall comply with the terms of the grant.

C. A charter school may apply for and receive funding directly from the state or federal government.

D. Any approved charter school may solicit, accept, and administer donations or any other financial assistance in the form of money, grants, property, loans, or personal services for educational purposes from any public or private person, corporation, or agency and must comply with rules and regulations governing grants from the federal government or from any other person or agency, which are not in contravention of the federal or state constitution or any other federal or state law.

E. Every pupil enrolled in a charter school shall be counted in the charter school's total pupil count for purposes of funding, including each pupil who is pursuing a high school diploma or participating in a pre-general education development skills program, as defined by BESE policy.

F. No child enrolled in a pre-kindergarten program offered by a charter school shall be counted for purposes of funding pursuant to §2301, unless such funding is specifically provided for such purpose. However, such school shall be eligible for any other funding that may become available for children enrolled in pre-kindergarten programs.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:3981, and R.S. 17:3995.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 34:1372 (July 2008).

Chapter 25. Charter School Fiscal Responsibilities

§2501. Qualified and Competent Business Professional

A. Each type 2 and type 5 charter operator shall hire or procure the services of one or more qualified and competent business professionals who shall produce all financial and accounting information and reporting required by its charter contract, state law, and BESE policy, except as otherwise provided herein.

B. A qualified and competent business professional shall meet one of the qualifications as listed in Bulletin 1929, §1301.

C. Any applicant for a qualified and competent business professional position shall have not less than three years of work experience in a field relevant to the duties and responsibilities of a lead school business administrator. Relevant areas shall include accounting, finance, or other areas of fiscal management.

D. Continuing Education. All qualified and competent business professionals must acquire certified Louisiana school business administrator (CLSBA) certification by the Louisiana Association of School Business Officials (LASBO) within seven years of the date of hire as a qualified and competent business professional and maintain certification while employed as a qualified and competent business professional. A Louisiana CPA license may be substituted for the CLSBA certification. The CPA license must remain in active status while employed as a qualified and competent business professional.

E. A qualified and competent business professional employed prior to the effective date of this bulletin shall be exempt from meeting the minimum degree and work experience requirements. The qualified and competent business professional shall be allowed seven years from the date of final adoption into law to complete the CLSBA certification or become a licensed CPA in the state of Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:3981.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 34:1372 (July 2008), amended LR 38:3120 (December 2012), LR 39:1437 (June 2013), LR 39:3068 (November 2013).

§2503. Budgeting

A. All charter operators shall comply with the provisions of the Louisiana Local Government Budget Act, R.S. 39:1301 through 1315.

B. Charter operators shall budget on a fiscal year basis, July 1-June 30.

C. Type 4 charter operators shall annually submit a budget to the Superintendent of Education in accordance with the provisions of R.S. 17:88. Each type 2 charter school, type 5 charter school, and each type 3B charter school acting as its own LEA shall annually submit its budget directly to the superintendent of education in accordance with deadlines established by the department.

D. Each charter operator shall submit its budget and all related documents on forms required by the department and shall comply with *Bulletin 1929—Louisiana Accounting and Uniform Governmental Handbook*.

1. The revenues/receipts and expenditures/disbursements in the charter operator's budget shall be listed and classified in such manner and substance as prescribed by the department, and shall detail as nearly as possible the items of expected revenue/receipts and expenditures/disbursements, the total of which shall not exceed the expected means of financing composed of the beginning fund balance, cash balances, and revenues/receipts.

2. If, during the course of the fiscal year, it becomes evident that receipts or disbursements will vary substantially from those budgeted, the charter operator shall prepare and adopt, in like form, manner, and substance, an amended budget as prescribed by the department.

E. The charter operator shall maintain records in a manner to reflect compliance with generally accepted accounting principles.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:3981, and R.S. 17:3995.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 34:1372 (July 2008), amended LR 39:3252 (December 2013).

§2505. Financial Reporting

A. Each charter operator shall submit quarterly reports to the department listing year-to-date revenues and expenditures through that quarter and budgeted revenues and expenditures for the fiscal year, using forms provided by the department and on dates specified by the department as set forth below.

Due Date	Financial Report
July 31	Annual Operating Budget Includes actual data for the prior fiscal year ending June 30 along with budgeted data for the current fiscal year starting July 1.
October 31	First Quarter Financial Report Includes budgeted data for the fiscal year along with the YTD actual data through September 30.
January 31	Second quarter Financial Report Includes budgeted data for the fiscal year along with the YTD actual data through September 30.
April 30	Third Quarter Financial Report Includes budgeted data for the fiscal Year along with the YTD actual data through March 31.

B. Each charter school will submit an annual financial report (AFR) to the department no later than September 30 of each year. The AFR shall follow the format and contain information prescribed by the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:3981, and R.S. 17:3995.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 34:1373 (July 2008), amended LR 37:875 (March 2011).

§2507. Annual Independent Audit

A. Each charter operator shall have an annual independent audit to be conducted by a certified public accountant in accordance with R.S. 24:513 et seq., and 17:3996(F), the cost of which shall be borne by the charter operator.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:3981, and R.S. 17:3995.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 34:1373 (July 2008).

§2509. Assets

A. Any assets acquired by a type 2, type 3B, or type 5 charter operator are the property of the charter school for the duration of the charter school's charter. Any assets acquired by a type 4 charter school are the property of the local school board.

B. For a type 5 charter school transferring to the local school board as a type 3B charter school, all property of the type 5 charter school shall remain property of the charter operator upon transfer to the local school board. Property belonging to the RSD used by the type 5 charter operator may be transferred to the ownership of the charter operator or the

local school board, in accordance with state and federal law, BESE policy, auditing rules, and grant guidelines.

C. Charter operators shall maintain an inventory of all assets, including records of any assets acquired with any private funds. Inventories of assets must be maintained consistent with the requirements set forth in *Bulletin 1929—Louisiana Accounting and Uniform Governmental Handbook*.

D. If a charter operator's charter is revoked or the school otherwise ceases to operate, all assets purchased with any public funds shall become the property of BESE, or the local school board, in the case of type 3B charter schools. All assets purchased with private funds shall remain the property of the charter operator, if the inventory or records of the charter operator demonstrate that the assets were purchased with private funds.

E. If a charter operator fails to open a charter school and serve pupils or if the school closes for any reason, the charter school shall refund all cash on hand which can be attributed to state or local funding to the state or to BESE, or the local school board, in the case of type 3B charter schools.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:3981, R.S. 17:3991, and R.S. 17:3995.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 34:1373 (July 2008), amended LR 39:3252 (December 2013).

Chapter 27. Charter School Recruitment and Enrollment

§2701. Students Eligible to Attend

A. Type 2 Charter Schools. Students meeting residency requirements established in a type 2 charter school's charter are eligible to attend a type 2 charter school. A type 2 charter school may establish residency requirements for students living within the state or may establish residency requirements restricted to a particular parish or parishes.

1. Type 2 charter schools shall collect and verify documents substantiating the residency of each student prior to submitting residency information to statewide student information system. Acceptable documents shall be as follows:

- a. mortgage (if owned);
- b. tax assessor's bill (if owned);
- c. homestead exemption bill (if owned);
- d. current lease of residence for the school year (if leased);
- e. current rent receipt (if leased);
- f. previous two months utility bill (disconnect notices are not acceptable):
 - i. gas;
 - ii. water or sewer;
 - iii. telephone (land line only);

- iv. cable or satellite television bill;
- v. internet service;
- g. current driver's license or government-issued identification;
- h. current official letter from a government agency such as Department of Children and Family Services or Department of Health regarding services provided; or
- i. current bank statements.

2. The name of the parent or legal custodians must appear on each document and the addresses must match on all documents. The residency information must be updated annually prior to the start of school for the student to be enrolled in that school year.

3. If the parent or legal custodian neither owns nor rents a residence and is therefore living with another individual, the parent or legal custodian must provide a notarized affidavit of residency signed by the parent or legal custodian of the student as well as the individual with whom the parent or legal custodian is living. The affidavit of residency must attest to the following:

- a. student's name;
- b. name of parent or legal custodian;
- c. address of parent or legal custodian;
- d. name of the person with whom the parent or legal custodian is living;
- e. a statement of attestation by the parent or legal custodian that the student is living with him at the address recorded on the affidavit and that the student has no other residence or domicile; and
- f. a statement of attestation by the person with whom the parent or legal custodian is living that these persons in fact live with the individual listed.

4. The person with whom the parent or legal custodian and student are living (who has signed the notarized affidavit) must provide three forms of evidence of residency from the acceptable list of documents outlined above.

5. If parents are separated, divorced or if the legal custodian is other than the biological parents, legal custody documents, signed by a judge with a docket number, indicating the legal custodian or domiciliary parent must be provided.

6. The residency requirements must also be included in the application requirements section contained in exhibit D of the type 2 charter school contracts.

7. Nothing in this policy shall prohibit the admission or readmission to school of a student who meets the definition of homeless under the federal McKinney-Vento Act (42 U.S.C. 11431 et seq.).

B. Type 4 Charter Schools. Only students who would be eligible to attend a traditional public school operated by the local school board holding the type 4 charter or students from

the same areas as those permitted to attend the preexisting school, if a conversion charter, are eligible to attend a type 4 charter school, unless an agreement with another city, parish, or other local school board is reached to allow students to attend the charter school.

C. Type 5 Charter School Transferred Pursuant to R.S. 17:10.5. Students eligible to attend a type 5 charter school transferred to the jurisdiction of the Recovery School District pursuant to R.S. 17:10.5 include those students who would have been eligible to enroll in or attend the pre-existing 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 recovery school district. In addition, if capacity exists, any students who are eligible to participate in a school choice program established by the prior system shall be permitted to enroll in such type 5 charter schools which have capacity for another student in the appropriate grade.

D. Type 5 Charter School Transferred Pursuant to R.S. 17:10.7. Students eligible to attend a type 5 charter school transferred to the jurisdiction of the recovery school district include any student eligible to attend any school in the system from which the school was transferred. Students eligible to attend such type 5 charter schools may be required to reside in a designated attendance zone, as set forth in a charter school's approved charter.

E. Beginning with the 2011-2012 school year, each elementary and middle charter school, other than a type 2 charter school, may request from and be granted by its chartering authority the authority to give preference in its enrollment procedures to students residing within the neighborhood immediately surrounding the school. The geographic boundaries of the neighborhood immediately surrounding such school shall be determined by the school's chartering authority. The recovery school district may grant or assign preference in its unified enrollment process, described in §2709 of this Bulletin, to students residing within geographic boundaries immediately surrounding each school, as determined by the recovery school district. type 5 charter schools shall not reserve more than 50 percent of spots in each grade level served for such enrollment preference.

F. Notwithstanding the residency eligibility and verification requirements above, upon approval of the state superintendent, a charter school may enroll a student without such documentation who has been displaced due to a federally-declared disaster in Louisiana or surrounding states. As a condition of enrollment, the parent or legal custodian must provide a form signed by the parent or legal custodian of the student that must attest to the following:

- 1. student's name;
- 2. name of parent or legal custodian;
- 3. current address of parent or legal custodian;
- 4. statement indicating that the student is displaced from another school due to a federally-declared disaster; and
- 5. name of the school in which the student was previously enrolled prior to the federally-declared disaster.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:3973, R.S. 17:3981, R.S. 17:10.5, R.S. 17:10.7, and R.S. 17:1990.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 34:1373 (July 2008), amended LR 37:875 (March 2011), LR 37:2390 (August 2011), LR 38:752 (March 2012), repromulgated LR 38:1394 (June 2012), amended LR 42:1018 (July 2016), LR 43:309 (February 2017).

§2703. Enrollment Capacity

A. A charter school shall not enroll more than 120 percent of the total number of students that it is authorized to enroll pursuant to its approved charter.

B. In determining the enrollment permitted in each school year, a charter school shall determine the enrollment authorized in its approved charter with respect to the individual school year. Charter schools are not authorized to a cumulative 20 percent increase in each year of its approved charter.

C. In the event of a federally-declared disaster in Louisiana or surrounding states, the state superintendent may approve a charter school to exceed 120 percent of the total number of students that it is authorized to enroll pursuant to its approved charter solely for the purpose of enrolling students who have been displaced from their homes or are unable to attend the school in which they were previously enrolled or zoned to attend. The state superintendent shall provide a report to the state board at its next regularly scheduled meeting outlining each charter school granted an increase in its enrollment capacity pursuant to this Paragraph. Students enrolled pursuant to this Paragraph shall be permitted to remain enrolled in the charter school for the remainder of the school year. Parents or legal custodians found to have misrepresented their displacement status shall be required to return to the school in which the student was previously enrolled or zoned to attend.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:3981, and R.S. 17:3995.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 34:1374 (July 2008), amended LR 43:310 (February 2017).

§2705. Admission Requirements

A. A charter school may have admission requirements that are consistent with the school's role, scope, and mission.

B. Admission requirements imposed by a school must be set forth in the charter school's approved charter and shall be specific and shall include a system for admission decisions which precludes exclusion of pupils based on race, religion, gender, ethnicity, national origin, intelligence level as ascertained by an intelligence quotient examination, or identification as a child with an exceptionality as defined in R.S. 17:1942(B). Such admission requirements may include, however, specific requirements related to a school's mission such as auditions for schools with a performing arts mission or proficiency in a foreign language for schools with a language immersion mission. Any charter school which began operation prior to July 1, 2012, and which incorporated achievement of a certain academic record as part of its

admissions requirements may continue to utilize such admission requirements. No charter school beginning operation on or after July 1, 2012 may incorporate the achievement of a certain academic record as part of its admission requirements.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:3981, and R.S. 17:3991.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 34:1374 (July 2008), amended LR 37:875 (March 2011), LR 38:3120 (December 2012).

§2707. Application Period

A. Prior to each school year, a charter school shall establish a designated student application period.

B. A student application period shall not be less than one month nor more than three months.

C. Type 5 charter schools shall comply with any unified application period set by the recovery school district, as approved by BESE.

D. An application shall be considered timely if it is submitted during the charter school's designated application period.

E. In the event of a federally-declared disaster, a charter school may accept applications for students displaced due to the disaster outside of the designated student application period.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:3981, and R.S. 17:3991.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 34:1374 (July 2008), amended LR 38:752 (March 2012), repromulgated LR 38:1394 (June 2012), amended LR 43:310 (February 2017).

§2709. Enrollment of Students, Lottery, and Waitlist

A. Each student submitting a timely application and meeting all residency requirements and admission requirements, as applicable, shall be considered eligible to enroll in a charter school. Additionally, students displaced as a result of a federally-declared disaster who submit an application and the form specified in §2701.F of this Bulletin shall be considered eligible to enroll in a charter school.

B. A charter school shall enroll all eligible students unless the total number of eligible applicants exceeds the capacity of a program, class, grade level, or school.

C. A charter school shall admit no pupil during the school's designated application period, but shall wait until the period has ended.

D. At the conclusion of a charter school's designated application period, it shall determine if fewer eligible applicants have applied than the maximum number of students that the school can admit.

1. If fewer eligible applicants have applied than the maximum number of students that the school can admit to a program, a grade level, or the school, all eligible students shall be admitted.

2. If the total number of eligible students exceed the capacity of a program, a grade level, or the school, applicants

shall be admitted based on an admissions lottery from among the total number of eligible applicants.

a. A charter school shall use a lottery for the selection of students in order to reach its maximum capacity and to determine the order in which students will be placed on a waitlist.

b. If a charter school's enrollment capacity is increased for the purpose of enrolling students displaced due to a federally-declared disaster and the charter school's designated application period has passed, the charter school may enroll students displaced due to a federally-declared disaster on a first come, first served basis until the enrollment capacity is reached.

E. Following the admission of applicants after a determination that the number of applicants did not exceed the capacity of a program, a class, or the school, the charter school may continue to accept applications and admit eligible students in the order in which applications are received until maximum capacity is reached.

F. A charter school's lottery and continued admission of applicants, following a determination that a lottery is not required at the conclusion of the student application period, shall be performed in such a fashion that assures compliance with all at-risk student population requirements. Nothing herein shall preclude the implementation of a weighted lottery to ensure all at-risk student population requirements are met.

G. Any charter school not participating in the recovery school district's unified enrollment system in Paragraph J of this Section shall maintain a waitlist of applicants not admitted to the charter school as a result of capacity being reached in a program, a grade, or the school.

1. Applicants shall be placed on the waitlist in the order in which they were selected in the charter school's lottery or in the order in which they applied if the application was submitted following the school's application period.

2. If an opening occurs at a charter school, selection from the waitlist shall begin with the first applicant on the waitlist.

H. A charter school shall maintain its waitlist throughout each school year. Any student admitted to the school must be an applicant on the waitlist, if a waitlist exists for the respective program, grade or school.

I. The charter school shall repeat the student admission process described in this Section each year.

J. Type 5 charter schools transferred to the RSD pursuant to R.S. 17:10.5 and R.S. 17:10.7 and type 3B charter schools shall comply with any unified enrollment system established by the RSD for the parish or region where the charter school is located. The RSD may create any policies and procedures to implement a unified enrollment system not prohibited by this Chapter, and may conduct one or more central lotteries to enroll students at participating schools, and enroll students applying or requesting transfers after the application period has ended.

1. Upon request of a charter operator, the department shall allow an enrollment preference for students matriculating into eighth grade or below between two BESE-authorized charter schools operated by the same charter operator.

2. In addition, the Department of Education shall manage a pilot program wherein the department shall allow an enrollment preference for those students matriculating or transferring into ninth grade or above between eligible BESE-authorized charter schools for a limited percentage of the seats in the charter school, to be determined by the department. The department shall develop an application process for participation in the pilot program which shall evaluate factors including the applying charter schools' past demonstration of success in preparing at-risk and low-performing students for college and/or career, and the submission of an innovative proposal to utilize the enrollment preference to further this success. The department shall collect relevant data on the pilot program in order to prepare a report to be presented by the state superintendent to BESE no later than January, at which time BESE shall consider the continuation of the pilot program based on the results of the report. The report shall include data and information including, but not limited to:

a. the demographic and academic backgrounds of students utilizing the preference;

b. the number and percentage of students who matriculated or transferred into participating schools;

c. the number and percentage of students who were admitted to the school utilizing the enrollment preference; and

d. the number and percentage of students attempting to enroll or transfer in the charter school who were ineligible to utilize the enrollment preference.

K. Beginning with the enrollment process to place students for the 2014-2015 school year, all BESE-authorized charter schools (type 2, type 4, and type 5 charter schools) physically located in Orleans Parish shall participate in the unified enrollment system and expulsion process established by the recovery school district for Orleans Parish, with the exception of virtual charter schools. The department of education shall have discretion to determine on an individual basis whether to require virtual charter schools physically located in Orleans Parish to participate in the unified enrollment system and expulsion process. BESE-authorized charter schools participating in the unified enrollment system and expulsion process may retain admission requirements, geographic preferences, sibling preferences, and disciplinary regulations unrelated to expulsions, if authorized by law or BESE policy. BESE shall retain authority over the approval of amendments to charter contracts for such type 2 and type 4 charter schools for adjustments to grade levels served and enrollment projections. Schools participating in the unified enrollment and expulsion process shall not be permitted to maintain student waitlists.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:3981, and R.S. 17:3991.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 34:1374 (July 2008), amended LR

38:753 (March 2012), repromulgated LR 38:1395 (June 2012), amended LR 38:3120 (December 2012), LR 39:1021 (April 2013), LR 39:1437 (June 2013), LR 39:3252 (December 2013), LR 41:1265 (July 2015), LR 43:310 (February 2017).

§2711. Lottery Exemptions

A. Students seeking enrollment to a charter school that was created through the conversion of a pre-existing school shall be exempt from a lottery and shall be automatically admitted following the charter school's application period.

B. Students previously enrolled in the charter school and their siblings shall be exempt from a lottery, and shall maintain enrollment or be automatically admitted following the charter school's application period. Students attending a pre-kindergarten or early childhood program operated by a charter school may be considered to have been previously enrolled at the charter school for the purpose of lottery exemptions. Requests by charter schools to apply this lottery exemption for students who attend a publicly-funded program at no cost to the student shall be automatically approved by the LDE for BESE-authorized charter schools, or the charter school's authorizer for other types of charter schools. For a charter school that requests to apply this lottery exemption for students who were admitted to a pre-kindergarten or early childhood program that utilizes admission requirements and/or charges tuition for some or all of its students, the use of the lottery exemption shall be subject to the approval of the LDE for BESE-authorized charter schools, or the charter school's authorizer for other types of charter schools. In such a case, the LDE or the charter school's authorizer, as applicable, shall require the charter school to set enrollment targets that ensure the charter school provides equity of access for at-risk applicants to its kindergarten classes.

C. Students seeking enrollment to a Type 5 charter school that is assigned a facility formerly occupied by a pre-existing public school may be exempt from a lottery and may be automatically admitted following the charter school's application period, if authorized in the charter operator's charter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:3981, and R.S. 17:3991.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 34:1375 (July 2008), amended LR 37:875 (March 2011), LR 39:1022 (April 2013).

§2713. At-Risk Students

A. Charter schools shall maintain required student enrollment percentages as provided in this Section, based on the demographic information collected in the February 1 pupil membership count for students who were enrolled at the school the previous October 1 according to the October 1 pupil membership count.

B. The following definitions shall apply in this Section.

Students from Local Public School Districts—public school students who reside within the geographic boundaries of the local city or parish school board's district where a particular charter school is located.

Students with Exceptionalities—students identified as having one or more exceptionalities, as defined in R.S. 17:1942, not including gifted and talented.

C. Unless otherwise explicitly stated in the charter school's contract, or otherwise provided by charter law, each type 2 charter school created as the result of a conversion, type 3 charter school, and type 4 charter school shall maintain the following student enrollment percentages:

1. the charter school's percentage of free- or reduced-price lunch-eligible students shall be greater than or equal to the percentage of free- or reduced-price lunch-eligible students enrolled at the school in the school year prior to the establishment of the charter school; and

2. the charter school's percentage of students with exceptionalities shall be greater than or equal to the percentage of students with exceptionalities enrolled at the school in the school year prior to the establishment of the charter school.

D. Except as otherwise provided by charter law, each type 1 or type 2 charter school created as a new school shall maintain the following student enrollment percentages:

1. the charter school's percentage of free- or reduced-price lunch-eligible students shall be greater than or equal to 85 percent of the percentage of free- or reduced-price lunch-eligible students from local public school districts. The remaining number of students enrolled in the charter school which would be required to have the same percentage of free- or reduced-price lunch-eligible students from local public school districts shall be comprised of students who are otherwise at-risk as defined in §103 of this bulletin; and

2. the charter school's percentage of students with exceptionalities shall be greater than or equal to 85 percent of the percentage of students with exceptionalities from the local public school districts. The remaining number of students enrolled in the charter school which would be required to have the same percentage of students with exceptionalities from the local public school districts shall be comprised of students who are otherwise at-risk as defined in §103 of this bulletin.

E. For the purpose of Subsection D of this Section, the LDE shall determine the percentages of free or reduced-price lunch-eligible students and students with exceptionalities from local public school districts as follows.

1. For charter schools in operation prior to July 1, 2016, the student enrollment percentages shall be based on the February 1, 2015 pupil membership count and shall remain fixed until the charter school's contract is renewed, unless otherwise provided for in existing charter contracts.

2. For charter schools beginning an initial or renewal charter contract term on or after July 1, 2016, the student enrollment percentages shall be based on the pupil membership counts from the school year immediately preceding the beginning of the charter contract term and shall remain fixed during the charter contract term, unless the charter contract specifies that the percentages shall be required to reflect the current year's percentages.

F. The LDE shall perform all calculations necessary to implement this Section.

G. Annually, the LDE shall make a report to BESE on the student enrollment percentages detailed in this Section for all public schools and local education agencies.

H. Each charter authorizer shall hold its authorized charter schools accountable for meeting the required student enrollment percentages in this Section in accordance with state law by taking the following actions for each charter school that fails to meet required enrollment percentages:

1. conducting an inquiry to determine all actions taken by the charter school to attempt to meet the requirements and the reasons for such failure; and

2. providing a written notice to the charter school that provides specific annual enrollment percentage targets the charter school must meet to demonstrate progress toward meeting the required enrollment percentages, and details how the charter authorizer will hold the charter school accountable, including any potential consequences.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) R.S. 17:3973, R.S. 17:3981, and R.S. 17:3991.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 34:1375 (July 2008), amended LR 37:875 (March 2011), LR 40:1325 (July 2014), LR 42:550 (April 2016), LR 43:310 (February 2017).

Chapter 28. Transportation

§2801. Transportation Requirements

A. Each operator of a BESE authorized charter school shall offer free daily transportation to and from school to any student meeting both of the following conditions:

1. the student resides more than one mile from the school where the student is enrolled;

2. the student resides within the parish or local school district in which the school is physically located.

B. Charter operators shall submit school transportation plans to the LDE to ensure compliance with applicable laws and policies. The state superintendent shall set forth the process for transportation plan submission.

C. Charter operators having BESE authorized charter schools in operation during the 2015-2016 school year shall offer transportation to all eligible students no later than the beginning of the 2018-2019 school year. Charter operators having BESE authorized charter schools that begin operation in the 2016-2017 school year shall offer transportation upon opening.

D. The LDE shall develop a waiver process to exempt from this requirement any type 2 charter schools having a unique mission to serve students with exceptionalities, virtual schools, or other schools upon which this requirement would create a substantial financial burden. Such process shall be set forth the state superintendent, who shall update the board on any waivers granted.

E. No later than the beginning of the 2016-2017 school year, each type 5 charter school located in Orleans Parish shall provide free transportation services for all students enrolled in the charter school who reside within Orleans Parish and more than 1 mile from the charter school's location, which shall include, at a minimum:

1. whatever transportation is necessary to implement any individualized education plan (IEP) for a child with an identified exceptionality, without regard to how far the child resides from the charter school;

2. free transportation by a vehicle approved for student transportation in accordance with BESE *Bulletin 119—Louisiana School Transportation Specifications and Procedures*, for students enrolled in grade 6 or below who reside more than 1 mile from the charter school; and

3. free transportation, free public transportation payments and/or reimbursements for all other students not included in Paragraphs 1 and 2 of this Subsection who reside more than 1 mile from the school.

F. Each charter school operator shall adopt policies and procedures or shall make provision in its bus transportation service agreement to do all of the following:

1. prohibit a bus driver from loading or unloading students at school while the bus is in a traffic lane of any type of street as defined in R.S. 32:1 and require that students be loaded or unloaded on a shoulder, in a school parking lot, or at other appropriate off-road location at the school as determined by the school governing authority. The requirements of this Paragraph shall not apply if the shoulder of a municipal road is the only available alternative and the municipality has not made the shoulder available by designating that area for loading and unloading students during designated school zone hours;

2. prohibit a bus driver from loading or unloading students at or near their homes while the bus is in a traffic lane of any type of street as defined in R.S. 32:1 and require that students be loaded or unloaded on a shoulder unless the governing authority determines that loading or unloading on a shoulder is less safe for the student. However, if there is no shoulder or if the shoulder is determined to be less safe, a bus driver may load and unload a student while the bus is in a lane of traffic but only if the bus is in the lane farthest to the right side of the road so that there is not a lane of traffic between the bus and the right-side curb or other edge of the road;

3. prohibit a bus driver from loading or unloading a student in a location on a divided highway such that a student, in order to walk between the bus and his home or school, would be required to cross a roadway of the highway on which traffic is not controlled by the visual signals on the school bus.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:158, R.S. 17:3981, and 17:3996(B)(37).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:1266 (July 2015), amended LR 42:551 (April 2016).

Chapter 29. Charter School Staff

§2901. Employment of Staff

A. Each charter operator may employ faculty and staff members as it deems necessary. Each member of the instructional staff of each charter school shall have at least a baccalaureate degree. For the purposes of this section, “instructional staff” refers to any individual teaching a course in a charter school for which he or she would otherwise be required to be certified under Bulletin 746, except for those individuals who would otherwise be eligible for ancillary certification as defined in Bulletin 746.

B. All potential charter school employees shall be notified of the specific benefits they will be offered, as specified in the charter operator's charter.

C. The charter operator shall have exclusive authority over all employment decisions at the charter school, unless delegated to a for-profit management organization, as authorized in law and which must be specifically provided for in a service provider agreement.

D. 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 Type 2 or Type 4 charter operator unless its approved charter provides otherwise. A charter operator may select to not be subject to such a collective bargaining agreement in its charter.

E. A Type 5 charter operator may bargain and enter into a collectively bargained contract on behalf of all or any group of its employees.

F. The employees in Type 4 charter schools are in all respects employees of the local school board entering into the charter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) R.S. 17:3973, R.S. 17:3981, and R.S. 17:3997.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 34:1375 (July 2008), amended LR 38:3120 (December 2012).

§2905. Criminal History Review

A. Each charter operator shall request in writing that the Louisiana Bureau of Criminal Identification (LBCI) and Information supply information to ascertain whether an applicant for employment as a teacher, substitute teacher, bus driver, substitute bus driver, janitor, or any other school employee who might reasonably be expected to be placed in a position of supervisory or disciplinary authority over school children, has been convicted of, or pled *nolo contendere* to, any one or more of the crimes enumerated in R.S. 15:5871.1.

1. The request must be on a form prepared by the bureau and signed by a responsible officer or official of the charter operator making the request.

2. The form must include a statement signed by the person about whom the request is made which gives his or her permission for such information to be released and must include the person's fingerprints in a form acceptable to the LBCI.

3. A person who has submitted his or her fingerprints to the LBCI may be temporarily hired pending the report from the LBCI as to any convictions of, or pleas of *nolo contendere* to, by the person to a crime listed in R.S. 15:5871.

B. No person who has been convicted of or has pled *nolo contendere* to a crime listed in R.S. 15:587.1 shall be hired by a public elementary or secondary school as a teacher, substitute teacher, bus driver, substitute bus driver, janitor, or as any school employee who might reasonably be expected to be placed in a position of supervisory or disciplinary authority over school children unless approved in writing by a district judge of the parish and the parish district attorney.

1. This statement of approval shall be kept on file at all times by the school and shall be produced upon request to any law enforcement officer.

C. The charter operator shall dismiss any teacher or any other school employee having supervisory or disciplinary authority over school children, if such teacher or other employee is convicted of, or pled *nolo contendere* to, any crime listed in R.S. 15:587.1(c) except R.S. 14:74.

D. A charter operator may reemploy a teacher or other school employee who has been convicted of, or pled *nolo contendere* to, a crime listed in R.S. 15:587.1(c), except R.S. 14:74, only upon written approval of the district judge and the district attorney of the parish or upon written documentation from the court in which the conviction occurred stating that the conviction has been reversed, set aside, or vacated.

1. Any such statement of approval of the judge and the district attorney and any such written documentation from the court shall be kept on file at all times by the school and shall be produced upon request to any law enforcement officer.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:3981, and R.S. 17:3991.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 34:1375 (July 2008), amended LR 37:875 (March 2011), LR 39:3068 (November 2013).

§2909. Employee Benefits

A. All potential charter school employees shall be notified of the specific benefits they will be offered, as specified in the charter operator's charter.

B. Charter school employees shall be eligible for participation in any or all benefits which would otherwise accrue to employees in any other elementary or secondary school including, but not limited to, the school employees' and teachers' retirement systems, subject to the school's approved charter, which must provide for such participation.

C. With regard to participation in the public retirement systems:

1. the compensation that the teacher or school employee would have received if employed by the local public school system shall be used to determine employee and employer contribution levels of the respective retirement systems;

2. any compensation paid to a teacher or school employee which exceeds the salary that would have been received if employed by the local school system shall not be deemed as compensation solely for the purpose of the calculation of future retirement benefits.

D. As employees of the local school board holding the charter, the employees in Type 4 charter schools shall be entitled to the benefits, and be subject to conditions of employment, as prescribed by the local school board within the charter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:3981, and R.S. 17:3997.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 34:1376 (July 2008), amended LR 40:1325 (July 2014).

§2911. Evaluation and Assessment

A. Each charter operator shall annually evaluate every teacher and administrator employed at its charter schools using the value-added assessment model and measures of student growth as determined by the State Board of Elementary and Secondary Education pursuant to R.S. 17:3902(B)(5) and comply with all other such requirements specified in R.S. 17: 3997.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:3981, and R.S. 17:3997.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 34:1377 (July 2008), amended LR 39:3068 (November 2013).

Chapter 31. Notification Requirements for BESE-Authorized Charter Schools

§3101. Required Notifications

A. The charter operator shall notify the Department of Education in a timely manner of any conditions that may cause it to vary from the terms of its charter, state law, or BESE policy.

B. The charter operator shall notify the Department of Education of any circumstance requiring the closure of the charter school including, but not limited to:

1. a natural disaster, such as a hurricane, tornado, storm, flood or other weather related event;
2. other extraordinary emergency; or
3. destruction of or damage to the school facility.

C. The charter operator shall notify the Department of Education of the arrest of any members of the charter school's board of directors, employees, contractors, subcontractors, or any person directly or indirectly employed by the charter operator for a crime listed in R.S. 15:587.1(C) or any crime related to the misappropriation of funds or theft.

D. The charter operator shall notify the Department of Education of a default on any obligation, which shall include debts for which payments are past due by 60 days or more.

E. The charter operator shall notify the Department of Education of any change in its standing with the office of the Louisiana Secretary of State.

F. The charter operator shall notify the Department of Education no later than the end of the calendar month if its enrollment decreases by 10 percent or more compared to the most recent pupil count submitted to the Department of Education and/or BESE.

G. If the charter operator has contracted with a management organization and such contract is terminated or not renewed, it shall provide written notification to the Department of Education within two business days stating the reasons for the termination of the relationship.

H. For a type 5 charter school, the charter operator shall submit a formal plan for the continued operation of the school to the state superintendent of education within 10 days of written notification of the contract's termination. If no plan is received or the plan received is deemed inadequate by the state superintendent of education, the recovery school district shall have interim authority to operate the school until the charter operator resubmits a plan deemed acceptable by the superintendent.

I. Failure of the board to notify the Department of Education about loss of the management organization within two business days may result in BESE rendering the charter operator or a majority of its board members ineligible to operate a charter school for up to five years.

J. The charter operator shall notify the Department of Education should the president of the charter school's governing board change. Such notification shall be made within two business days of the official board action taken on this matter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:3981.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 34:1377 (July 2008), amended LR 37:876 (March 2011), LR 39:3068 (November 2013).

Chapter 33. Complaint Procedures

§3301. Charter Operator Complaint Procedure

A. Each charter operator shall maintain a complaint procedure through which parents, guardians, or other individuals or groups can appeal to the nonprofit corporation board of directors to address any issues or problems such individuals seek redress to.

B. Charter operator complaint procedures should, at a minimum, address any forms that must be completed by a complainant, the progression of a complaint, and the timeframes for consideration and action.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:3981.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 34:1377 (July 2008).

Chapter 35. Volunteer Requirements

§3501. Volunteer Programs

A. Any charter school volunteer program that requires parents to commit a certain number of volunteer hours shall be subject to a waiver process.

B. A charter operator shall not condition the enrollment of any student on the commitment of the student's parents to provide any number of volunteer hours, to donate volunteer hours to the charter school, or to pay a fee in lieu of volunteer hours.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:3981.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 34:1377 (July 2008).

Chapter 37. Virtual Charter Schools

§3701. Application of this Bulletin

A. All rules, requirements, and regulations established in this *Bulletin 126—Charter Schools* shall apply to the authorization and operation of any virtual charter school, except as specifically set forth in *Bulletin 741—Louisiana Handbook for School Administrators*, Section 907, Secondary—Class Times and Carnegie Credit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:39 (January 2012).

§3703. Curriculum in Virtual Charter School

A. The virtual charter school shall ensure that all course content is being used under an appropriate and valid license and shall defend, indemnify and hold harmless BESE, LDE and the students and parents for any claims of non-compliance.

B. The virtual charter school shall make courses available to all students by complying with web accessibility guidelines and standards (W3C, section 508, and Louisiana and institutional guidelines) to the maximum extent reasonably possible.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:39 (January 2012).

§3705. Technical Requirements for Virtual Charter Schools

A. The following technical specifications are required for all virtual charter schools:

1. enrolled students will have access to appropriate technical access;
2. provide each student enrolled in the program with all the necessary instructional materials;
3. provide each full-time student enrolled in the program who qualifies for free or reduced-price school

lunches under the National School Lunch Act, is considered at-risk for the purpose of calculating funding through the Minimum Foundation Program, or does not have a computer or internet access in his or her home with:

a. all equipment necessary for participants in the virtual instruction program, including, but not limited to, a computer, computer monitor, and printer, if a printer is necessary to participate in the program; and

b. access to or reimbursement for all Internet services necessary for online delivery of instruction;

4. the virtual charter school will have the appropriate license to allow student/teacher usage of the proprietary technology through a license agreement with the owner of the technology;

5. timely and appropriate technical support, as described in the charter operator's application;

6. course technical requirements will be provided prior to enrollment;

7. the appropriate technical infrastructure to support their course offerings for effective course delivery.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:39 (January 2012).

§3707. Virtual Charter School Funding

A. For purposes of funding, each Type 2 virtual charter school shall be funded in accordance with the provisions of §2301 of this bulletin, except that the local portion of the per pupil amount received pursuant to the Minimum Foundation Program formula adopted each year shall be reduced by 10 percent, with such amount being distributed to the city, parish, or other local school system within which the Type 2 virtual charter school is located.

B. Any Type 1, 3, 4 or 5 virtual charter school shall be funded in accordance with the provisions of §2301 of this bulletin with no exceptions.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 38:39 (January 2012).

Chapter 39. Corporate Partnerships

§3901. Corporate Partnerships and Enrollment

A. Notwithstanding geographic or other requirements for enrollment contained in this bulletin, a charter agreement may provide, initially or by amendment, for the enrollment of and an enrollment preference for dependent children of permanent employees of a corporate partner.

B. Up to 50 percent of the school's maximum enrollment may be reserved for the enrollment of such children.

C. The charter agreement shall specify both the school's maximum enrollment and the maximum proportion set aside for implementation of this enrollment preference.

D. An enrollment preference established as part of the corporate partnership defined in this Chapter shall not be implemented in a way that displaces children enrolled at the school at the time the charter agreement or amendment providing for the preference is authorized.

E. Enrollment at the school shall otherwise be as provided by this Chapter except that the requirement of R.S. 17:3991(B)(1)(a)(i) shall apply to and be based upon only students who are not dependent children of permanent employees of a corporate partner.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:3981, and R.S. 17:3991.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:753 (March 2012), repromulgated LR 38:1395 (June 2012).

§3903. Requirements for Corporate Partnerships

A. A corporate partner is any legal entity, whether for profit or not for profit, registered with the secretary of state, except a corporation identified in R.S. 18:1505.2(L)(3), that has, acting individually or as part of a consortium of corporations, donated one or more of the following to the school:

1. the land on which the school is built;
2. the school building or the space the school occupies. If the corporate partner is leasing the building or space to the school, the enrollment preference or board membership may only be provided in the charter agreement if the lease provides that the building or space is made available without cost and if the term of the lease is not less than the duration of the charter agreement;
3. major renovations to the existing school building or other capital improvements including major investments in technology.

B. For purposes of this Chapter, a major renovation to the existing school building means changes that provide significant opportunities for substantial improvement including but not limited to:

1. a structural change to the foundation, roof, floor, or interior or exterior walls or extension of an existing facility to increase its floor area;

2. an extensive alteration of an existing facility, such as a change in its function or purpose, even if such renovation does not include any structural change to the facility.

C. A major investment in technology includes but is not limited to a donation of:

1. hardware;
2. software;
3. internet access;
4. internet hardware;
5. enterprise systems;
6. software licenses;
7. smart board technology; or
8. audiovisual equipment.

D. The value of a major renovation or of an investment of technology shall be equal to at least 50 percent of the per pupil allocation of state funds by the minimum foundation program formula for that year for the parish in which the school is located multiplied by the school's enrollment as defined in the charter agreement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:3981, and R.S. 17:3991.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:753 (March 2012), repromulgated LR 38:1395 (June 2012).

§3905. Corporate Partner Representation on Charter Boards

A. A charter agreement may provide, initially or by amendment, for a corporate partner to have representation on its governing or management board; however, such representation may not constitute a majority of the board. Such membership is subject to all other provisions of law except any contrary provision in this Chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:3981, and R.S. 17:3991.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:753 (March 2012), repromulgated LR 38:1395 (June 2012).