Current Policy

Title 28
EDUCATION

Part CXLV. Bulletin 129—The Recovery School District
Chapter 5. Failed Schools

§505. Return of Schools to LEA

A. Schools transferred to the jurisdiction of RSD shall remain with the RSD for a period of not less than five years.

1. A school that has been under the jurisdiction of the RSD for a minimum of five years as either a direct-run RSD school or a type 5 charter school may be returned to its former local educational agency (LEA) or an alternative governing authority (AGA), if authorized by law, based upon the RSD's report and recommendation to BESE. The RSD's report shall include the following:

a. the status of the school, the nature of its faculty and administration, the demographics and size of the student body, its organizational and management structure, whether student academic performance has improved, the amount of any improvement, an explanation of why student academic performance has or has not improved, and to what extent performance targets were achieved;

b. the RSD report shall also include a recommendation as to whether the school should:

i. remain within the RSD in the same operational status;

ii. remain within the RSD in a new operational status;

iii. close, with the reasons why it should close; or

iv. return to the original LEA, with proposed stipulations and conditions for the return.

B. An eligible school may elect to transfer from the RSD and return to its former local educational agency (LEA) or an alternative governing authority (AGA), if authorized by law. If a school chooses not to transfer to its former LEA or an AGA, it will automatically remain within the RSD for an additional school year. The school will have the opportunity to choose to return to its former LEA or AGA every year the school continues to meet eligibility criteria, in accordance with the procedures outlined below.

C. No school shall be eligible for transfer from the jurisdiction of the recovery school district until the conclusion of the 2011-2012 school year. No school shall be transferred from the RSD without the approval of the Louisiana Board of Elementary and Secondary Education School (BESE) and the recipient LEA or AGA.

D. A non-failing school is eligible for transfer from the jurisdiction of the recovery school district provided it meets all of the following.

1. The school will have been under the jurisdiction of the recovery school district for a minimum of five years as either a direct-run RSD school or a type 5 charter school. A school shall be considered to have been under the jurisdiction of the RSD for five years when five complete school years have passed since the approval of the transfer to the RSD by BESE, regardless of changing operators or site codes for the school since that time. The decision to transfer will be considered at the earliest during the school's fifth year under the jurisdiction of the RSD, with the proposed transfer occurring at the conclusion of that same school year.

2. The school has earned for the past two consecutive years a school performance score (SPS) of 54.0 or above. If the academically unacceptable school (AUS) bar is raised above 50.0, then the school must have earned for the past two consecutive years a school performance score that is at least 4.0 points above the AUS bar as established by BESE pursuant to the statewide school and district accountability system.

a. Beginning with the return eligibility process beginning in the 2013-14 school year, in order to be eligible to choose to transfer from the jurisdiction of the RSD, schools comprised entirely of grades below ninth grade shall have two consecutive school performance scores based on test data from students actually attending that school, rather than test data from a paired school. For schools comprised entirely of grades above eighth grade, both consecutive school performance scores shall include ACT data for students actually attending the school, and at least one of the school performance scores shall include graduation index and graduation rate data for students actually attending the school.

3. The school elects to transfer from the RSD and has notified BESE in writing, no later than December 1 of the year preceding the effective date of the proposed transfer.

a. Type 5 Charter School. The charter school's governing authority shall take official board action based on a vote of its membership, in accordance with its by-laws, to notify BESE in writing of its desire to transfer from the jurisdiction of the RSD to its former LEA or an AGA as a type 3B charter school. Such notice shall state whether the charter school desires to remain an independent LEA or have the former school board serve as the charter school's LEA.

b. Direct-Run RSD School. The superintendent of the RSD, in consultation with the parents of students attending the school, and the school's staff, shall make a recommendation to BESE seeking transfer from the jurisdiction of the RSD.

4. No later than January 1 of the school year preceding the effective date of the proposed transfer, BESE shall make a determination whether or not to allow an eligible non-failing school to seek transfer to its former LEA or an AGA. At that time, BESE may require the school to agree to comply with certain requirements prior to the effective date of the proposed transfer.

5. If BESE approves the transfer, the former LEA or the AGA must notify BESE, in writing, whether it has agreed to accept jurisdiction of the transferring school no later than March 1 of the school year prior to the effective date of the proposed transfer.

6. The following parties must agree to the transfer no later than April 1 of the school year preceding the effective date of such transfer:

a. the governing authority of a charter school, if a charter school; or

b. the superintendent of the RSD, if a direct-run RSD school; and

c. BESE; and

d. the recipient LEA or AGA.

E. A direct-run RSD school that has received a letter grade of "D" or "F" for five consecutive years may be transferred back to the local school board pursuant to the parent petition process specified in §502 of this bulletin.

F. A direct-run RSD school that is deemed a failing school and has not been approved for transfer back to the local school board pursuant to the parent petition process specified in §502 of this bulletin may be eligible for transfer from the jurisdiction of the recovery school district provided it meets all of the following.

1. The school will have been under the jurisdiction of the recovery school district for a minimum of five years at the conclusion of the school year preceding the effective date of the proposed transfer. A school shall be considered to have been under the jurisdiction of the RSD for five years when five complete school years have passed since the approval of the transfer to the RSD by BESE, regardless of changing operators or site codes for the school since that time. The decision to transfer will be considered at the earliest during the school's fifth year under the jurisdiction of the RSD, with the proposed transfer occurring at the conclusion of that same school year.

2. The school is labeled as in AUS status as defined by the statewide school and district accountability system during its fifth year, or any subsequent year the school remains within the RSD.

3. The school is not undergoing a charter conversion or phase-out, as defined in Subsection J below.

4. The recipient LEA or AGA has agreed to accept the school and has developed a proposal for the school's turnaround.

5. BESE has approved the recipient authority's turnaround proposal for the school.

6. The following parties have agreed to such transfer from the RSD:

a. the superintendent of the RSD; and

b. BESE; and

c. the recipient LEA or AGA.

G. Type 5 Charter Schools. The transfer of a type 5 charter school from the RSD shall become effective on July 1 of the year following BESE's approval of such transfer.

1. The local school board shall permit a type 3B charter school to remain in the facility in which it was located at the time of transfer or shall provide the type 3B charter school with another facility for use.

2. The charter school shall negotiate a new charter contract agreement with the recipient authority to become a type 3B charter school. A copy of the signed negotiated charter contract agreement must be provided to BESE no later than April 1 preceding the effective date of the proposed transfer. The new charter contract, to be effective on the date of transfer (July 1), and any subsequent renewal charter contracts must:

a. be consistent with all state and federal laws governing charter school authorization;

b. contain academic performance standards for the initial and first renewal term lengths that are equal to or greater than type 5 charter school performance standards as enumerated in BESE Bulletin 126, §519;

c. comply with any transfer conditions previously specified by BESE at the time BESE made the determination to allow the transfer (prior to January 1);

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

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

f. 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 from the school.

H. Direct-Run RSD Schools. A direct-run RSD school may transfer directly to the recipient authority as a direct-run school, or may transfer as a type 3 or type 4 charter school.

1. Transfer to a Charter School. A non-failing direct-run RSD school may transfer to the recipient authority as either a type 3 or a type 4 charter school. Such transfer to the recipient authority shall be made in the same manner and with the same requirements as described in Paragraph G.2 above.

2. Transfer as a Direct-Run School. A direct-run RSD school may transfer as a direct-run school under the recipient authority, in which case the recipient authority shall enter into a memorandum of understanding (MOU) with BESE. The MOU shall, at a minimum:

a. require that the school comply with any transfer conditions previously specified by BESE at the time BESE made the determination to allow the transfer (prior to January 1);

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

c. prohibit the school from establishing admissions requirements;

d. require the school to continue to participate in unified processes common to other public schools located in the same parish or school district boundaries that are critical to providing equity and access to students and families. 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 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 from the school, in accordance with state law;

e. include a turnaround plan identifying key benchmarks and milestones demonstrating the strategy being executed to successfully improve student outcomes at the school, if the school is labeled *academically unacceptable*; and

f. provide for recourse, authorizing the transfer of the school back to the RSD, should the local school board violate the MOU.

I. The RSD has the responsibility to maintain high educational standards for all direct-run schools and charter schools under its jurisdiction.

J. Type 5 Charter School Accountability. The renewal of a charter agreement for any type 5 charter school that is labeled AUS in its fifth year of operation shall be governed by provisions found in Bulletin 126. If not renewed, the charter school will either revert to the direct control of the RSD, be closed, or may be transferred to another non-profit charter organization.

K. Direct-Run RSD Schools. Any direct-run RSD school that is labeled AUS in its fifth year of operation within the RSD shall be subject to one of the following.

1. Phase-Out. The school will be closed according to a timeline and its students will be transferred to other high performing schools.

2. Charter Conversion. The school may be converted to the control of a charter school that has a proven ability to implement a school turnaround model and will operate as a type 5 charter school.

3. Transfer to a Recipient LEA or AGA. The school may be transferred to a recipient LEA or AGA, which has the proven ability to implement a school turnaround plan.

4. Remain within the RSD. The school may remain within the RSD for an additional five-year period. The school performance will be reviewed on an annual basis and, if the school remains in AUS, a charter operator or recipient authority may submit a proposal to BESE for operation of the school.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:10.5(A)(1), R.S. 17:10.7(A)(1), R.S. 17:1990(A)(2), R.S. 17:10.5(C), and R.S. 17:10.7(C).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 37:878 (March 2011), amended LR 38:354 (February 2012), LR 38:1396 (June 2012), LR 39:82 (January 2013), LR 39:1022 (April 2013), LR 39:3255 (December 2013).

Chapter 11. Fiscal Management

§1103. Annual Budget

A. BESE is the entity that makes the allocations of state, local, and federal funds to the RSD. If different funding amounts are allocated to different students, the funding shall follow the student.

B. The RSD's budget must be approved by BESE. The RSD shall present a proposed operational budget to BESE for review in May and for approval in June of each year. The RSD direct-operated and charter-operated schools shall budget on a fiscal year basis, July 1 through June 30.

C. The revenues/receipts and expenditures/ disbursements in the RSD's budget shall be listed and classified in such manner and substance as prescribed by the Division of Administration.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:10.5(A)(1), R.S. 17:10.7(A)(1), and R.S. 17:1990(A)(2).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 37:310 (January 2011).

§1105. Budget Planning, Preparation, and Schedules

A. The RSD shall present a proposed operational budget to BESE for review in May and for approval in June of each year.

B. The RSD must comply with all accounting principles prescribed by the commissioner of administration under R.S. 39:78(A).

C. The RSD superintendent shall make such annual financial reports to the State Department of Education by September 30 of each year as the state superintendent may require.

D. It shall be the responsibility of the RSD to submit to the State Department of Education in a timely manner all necessary and required information for the computation of an individual allocation from the minimum foundation formula. This information shall be submitted to the department in the form required by the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:10.5(A)(1), R.S. 17:10.7(A)(1), and R.S. 17:1990(A)(2).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 37:311 (January 2011).