

Current Policy

Title 28 EDUCATION

Part CXXXIX. Bulletin 126—Charter Schools

Chapter 1. General Provisions

§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).

Chapter 5. Application and Approval Process for BESE-Authorized Charter Schools

§515. Application Components for BESE-Authorized Charter Schools

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 BESE 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. 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 BESE 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 required students defined in the charter school law and in §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), LR 43:2477 (December 2017), LR 44:233 (February 2018).

Chapter 11. Ongoing Review of Charter Schools

§1101. Evaluation for BESE-Authorized Charter Schools

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. academic 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 academic, 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 all expectations;
2. meets most expectations;
3. does not 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.

1. Each charter school will be subject to regular site visits, monitoring, and contract, school policies, and data review on a schedule established by the Department of Education.

2. For a charter school with a renewal term of six or more years, the department will conduct an in-depth review and evaluation of the charter school, equivalent to a renewal review, at least once every five years to measure the charter school's performance as measured by the charter school performance compact. The department shall present such review and evaluation to BESE at a regular meeting and provide an opportunity for BESE to take appropriate action or impose meaningful consequences, if necessary, as provided for in this bulletin.

G. Academic Performance

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

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

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 organizational performance based on the Department of Education's oversight and monitoring of the charter school's compliance with and performance of statutory, regulatory, reporting, and contractual obligations, including R.S. 17:3972, which provides that the best interests of at-risk pupils shall be the overriding consideration in implementing the provisions of charter law.

2. BESE's organizational performance evaluation of each charter school shall be based on, but not limited to data and information in the following areas: special education and ELL program; student enrollment; student discipline; health and safety; governance; and facilities

3. 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.

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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. Should a board have fewer than seven members due to the resignation or other loss of one or more board members, the board shall have 90 calendar days after such loss to appoint one or more replacements.

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), LR 44:240 (February 2018).

Chapter 27. Charter School Recruitment and Enrollment

§2711. Enrollment Preferences for BESE-Authorized Charter Schools

A. Students seeking enrollment to a charter school that was created through the conversion, merger, or turnaround of a pre-existing school who were enrolled at the pre-existing school shall be given preference over all other applicants and the applications procedure shall be established in a fashion that provides ample opportunity for such students to exercise the right to preferential admission.

B. Students previously enrolled in the charter school shall be given preference over all other applicants, 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 this paragraph. Requests by charter schools to give preference for students who attend a publicly-funded program at no cost to the student shall be automatically approved by the department 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 preference 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 preference shall be subject to the approval of the department for BESE-authorized charter schools, or the charter school's authorizer for other types of charter schools. In such a case, the department 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 given preference and may be automatically admitted following the charter school's application period, if authorized by the department.

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), LR 44:243 (February 2018).

Chapter 37. Virtual Charter Schools

§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).