

## NOTICE OF INTENT

### Board of Elementary and Secondary Education

### Part CXLV. Bulletin 129—The Recovery School District

(LAC 28: CXLV.505, 1103, and 1105)

In accordance with R.S. 49:950, et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved for advertisement revisions to *Bulletin 129—The Recovery School District* §505. Return of Schools to Local School Board, §1103. Annual Budget, and §1105. Budget Planning, Preparation, and Schedules. Current policy currently details a process for the Recovery School District (RSD) to return an RSD charter school to the former local school board when the charter school has earned a School Performance Score of 54.0 or above for two consecutive school years. The revisions to this section simplify the process of returning schools to the RSD by clarifying terms and existing processes, deleting unnecessary language, and aligning the policy with yearly accountability timelines for letter grade release and charter renewals. Additional revisions ensure that the policy aligns to the appropriate BESE meetings and budgetary timelines each year.

## Title 28 EDUCATION

### Part CXLV. Bulletin 129—The Recovery School District

#### Chapter 5. Failed Schools

##### §505. Return of Schools to Local School Board

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 the jurisdiction of its former local school board 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 jurisdiction of its former local school board, with proposed stipulations and conditions for the return.

B. Eligible Type 5 Charter Schools

1. An eligible Type 5 charter school board may elect to transfer from the RSD and return to the jurisdiction of its former local school board as a type 3b charter school. If the charter school board chooses not to transfer to its former local school board, it will automatically remain within the RSD for an additional school year. The charter school board shall have the opportunity to choose to return to its former local school board every year the charter school continues to meet eligibility criteria, in accordance with the procedures outlined below.

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

a. The charter school will have been under the jurisdiction of the recovery school district for a minimum of five years. A charter 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 under La. R.S. 17:10.5 or 17:10.7, regardless of changing operators or site codes for the charter school since that time. The decision to transfer will be considered at the earliest during the charter school's fifth year under the jurisdiction of the RSD, with the proposed transfer occurring at the conclusion of that same school year.

b. The charter 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 charter 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. Should the charter school change operators, an SPS of 54.0 or above under the final year of the former operator and an SPS of 54.0 or above under the new operator the next consecutive year shall still meet this requirement.

i. In order to be eligible to choose to transfer from the jurisdiction of the RSD, charter schools comprised entirely of grades below ninth grade shall have two consecutive school performance scores of 54.0 or above based on test data from students actually attending that charter school, rather than test data from a paired school. For charter schools comprised entirely of grades above eighth grade, both consecutive school performance scores of 54.0 or above shall include ACT data for students actually attending the charter school, and at least one of the school performance scores shall include graduation index and graduation rate data for students actually attending the charter school.

c. In order for a charter school in the final year of its current charter contract term to be eligible to choose to transfer from the jurisdiction of the RSD, the charter school must be renewed for the upcoming school year by BESE pursuant to the charter renewal process in Bulletin 126. The charter school board may still take official board action to

seek to return to the local school board prior to being renewed by BESE, but final eligibility to return shall be contingent upon BESE approving a renewal for the charter school.

d. The charter school board elects to seek transfer from the RSD and has notified BESE in writing, no later than the deadline set by the RSD each year preceding the effective date of the proposed transfer.

e. The charter school board shall take official board action based on a vote of its membership, at a charter school board meeting in accordance with its by-laws and state open meetings law to provide BESE with written notification of desire to transfer the charter school from the jurisdiction of the RSD to the jurisdiction of its former local school board as a type 3B charter school. Such notice shall state whether the charter school desires to remain an independent local education agency (LEA) or have the former local school board serve as the charter school's LEA.

3. 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.

4. Upon receiving notice from an eligible Type 5 charter school board of its desire to seek to transfer the charter school to its former local school board by a deadline set each year by the RSD, BESE shall consider the transfer request for approval. BESE may require additional transfer conditions to be completed by the charter school prior to approval of the transfer at a later BESE meeting preceding the proposed transfer.

5. BESE shall only approve a charter school board request to transfer to the charter school to the jurisdiction to the local school board if the following requirements are met:

a. The local school board provides BESE with written notice, in accordance with the deadlines established by the RSD, that official board action has been taken to accept jurisdiction of the charter school as a type 3B charter school, pending approval of the transfer by BESE; and

b. The charter school board submits a copy of the type 3B charter contract signed by the local school board and the charter operator to BESE prior to approval of the transfer. In order for BESE to grant approval of the transfer, new charter contract, to be effective on the date of transfer (July 1), and any subsequent renewal charter contracts must:

- i. be consistent with all state and federal laws governing charter school authorization;
- ii. 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;
- iii. comply with any transfer conditions previously specified by BESE;
- iv. permit the charter school to remain in its facility or designate an alternative facility for use by the charter school;
- v. prohibit the charter school from establishing admissions requirements; and
- vi. require any charter 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:

(a). 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

(b). continue to provide transportation services for students who reside more than one mile from 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). LR 42:

## **Chapter 11. Fiscal Management**

### **§1103. Annual Budget**

A. ....

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

C. ...

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). LR 42:

### **§1105. Budget Planning, Preparation, and Schedules**

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

B. – D. ...

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). LR 42:

STATE BOARD OF ELEMENTARY AND SECONDARY EDUCATION  
FAMILY IMPACT STATEMENT  
(LA R.S. 49:953 and 972)

Person Preparing Statement: Nancy Beben  
Phone: 225-342-4991  
Division: Policy Office  
Rule Title: Part CXLV. Bulletin 129—The Recovery School District

In accordance with Section 953 and 974 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on the rule proposed for adoption, repeal or amendment. All Family Impact Statements shall be kept on file in the State Board Office which has adopted, amended, or repealed a rule in accordance with the applicable provisions of the law relating to public records.

PLEASE RESPOND TO THE FOLLOWING:

1. WILL THE PROPOSED RULE AFFECT THE STABILITY OF THE FAMILY?  
 No  
 Yes  
 Lacks sufficient information to determine
2. WILL THE PROPOSED RULE AFFECT THE AUTHORITY AND RIGHTS OF PARENTS REGARDING THE EDUCATION AND SUPERVISION OF THEIR CHILDREN?  
 No  
 Yes  
 Lacks sufficient information to determine.
3. WILL THE PROPOSED RULE AFFECT THE FUNCTIONING OF THE FAMILY?  
 No  
 Yes  
 Lacks sufficient information to determine
4. WILL THE PROPOSED RULE AFFECT FAMILY EARNINGS AND FAMILY BUDGET?  
 No  
 Yes  
 Lacks sufficient information to determine
5. WILL THE PROPOSED RULE AFFECT THE BEHAVIOR AND PERSONAL RESPONSIBILITY OF CHILDREN?  
 No  
 Yes  
 Lacks sufficient information to determine
6. IS THE FAMILY OR A LOCAL GOVERNMENT ABLE TO PERFORM THE FUNCTION AS CONTAINED IN THE PROPOSED RULE?  
 No  
 Yes  
 Lacks sufficient information to determine

Signature of Contact Person: Nancy Beben

Date Submitted: 12/2/15

STATE BOARD OF ELEMENTARY AND SECONDARY EDUCATION  
POVERTY IMPACT STATEMENT  
(LA R.S. 49:973)

Person Preparing Statement: Nancy Beben

Phone: 225-342-4991

Division: Policy Office

Rule Title: Part CXLV. Bulletin 129—The Recovery School District

In accordance with Section 973 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a Poverty Impact Statement on the rule proposed for adoption, amendment, or repeal. All Poverty Impact Statements shall be in writing and kept on file in the state agency which has adopted, amended, or repealed a rule in accordance with the applicable provisions of the law relating to public records. For the purposes of this Section, the word "poverty" means living at or below one hundred percent of the federal poverty line.

PLEASE RESPOND TO THE FOLLOWING:

1. WILL THE PROPOSED RULE AFFECT THE HOUSEHOLD INCOME, ASSETS, AND FINANCIAL SECURITY?

- No  
 Yes  
 Lacks sufficient information to determine

2. WILL THE PROPOSED RULE AFFECT EARLY CHILDHOOD DEVELOPMENT AND PRESCHOOL THROUGH POSTSECONDARY EDUCATION DEVELOPMENT?

- No  
 Yes  
 Lacks sufficient information to determine

3. WILL THE PROPOSED RULE AFFECT EMPLOYMENT AND WORKFORCE DEVELOPMENT?

- No  
 Yes  
 Lacks sufficient information to determine

4. WILL THE PROPOSED RULE AFFECT TAXES AND TAX CREDITS?

- No  
 Yes  
 Lacks sufficient information to determine

5. WILL THE PROPOSED RULE AFFECT CHILD AND DEPENDENT CARE, HOUSING, HEALTH CARE, NUTRITION, TRANSPORTATION, AND UTILITIES ASSISTANCE?

- No  
 Yes  
 Lacks sufficient information to determine

Signature of Contact Person: Nancy Beben  
Date Submitted: 12/2/15

### **Small Business Statement**

The impact of the proposed Rule on small businesses as defined in the Regulatory Flexibility Act has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed rule on small businesses.

### **Provider Impact Statement**

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. the overall effect on the ability of the provider to provide the same level of service.

**Public Comments**

Interested persons may submit written comments via the U.S. Mail until 4:30 p.m., February 8, 2016, to Shan N. Davis, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Shan N. Davis  
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES

*rev'd from LDE 12/4/15  
to LFO 12/7/15  
back from LFO 12/22/15*

Person Preparing Statement: Nancy Beben Dept.: LA Department of Education  
Board of Elementary & Secondary Education

Phone: (225) 342-4991 Office: Policy

Return Address: P. O. Box 94064 Rule Title: Part CXLV. Bulletin 129—The Recovery  
Baton Rouge, LA School District

Date Rule Takes Effect: Upon final adoption by BESE

SUMMARY

In accordance with Section 953 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a fiscal and economic impact statement on the rule proposed for adoption, repeal or amendment. THE FOLLOWING STATEMENTS SUMMARIZE ATTACHED WORKSHEETS, I THROUGH IV AND WILL BE PUBLISHED IN THE LOUISIANA REGISTER WITH THE PROPOSED AGENCY RULE.

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed policy revision will have no effect on costs or savings to state or local governmental units.

Current policy ~~currently~~ <sup>EB</sup> details a process for the Recovery School District (RSD) to return an RSD charter school to the former local school board when the charter school has earned a School Performance Score of 54.0 or above for two consecutive school years. The revisions to this section simplify the process of returning schools to the RSD by clarifying terms and existing processes, deleting unnecessary language, and aligning the policy with yearly accountability timelines for letter grade release and charter renewals. Additional revisions ensure that the policy aligns to the appropriate BESE meetings and budgetary timelines each year. <sup>EB</sup>

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

This policy will have no effect on revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

There will be no estimated cost and/or economic benefit to directly affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This policy will have no effect on competition and employment.

*Beth Scioneaux*  
Signature of Agency Head or Designee

*Evan Brasseal, Staff Director*  
Legislative Fiscal Officer or Designee

Beth Scioneaux, Deputy Superintendent for Management and Finance  
Typed Name and Title of Agency Head or Designee

*12/4/15*  
Date of Signature

*12/21/15*  
Date of Signature

LFO 10/04

RECEIVED

DEC 07 2015

Legislative Fiscal Office

FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES

The following information is required in order to assist the Legislative Fiscal Office in its review of the fiscal and economic impact statement and to assist the appropriate legislative oversight subcommittee in its deliberation on the proposed rule.

- A. Provide a brief summary of the content of the rule (if proposed for adoption, or repeal) or a brief summary of the change in the rule (if proposed for amendment). Attach a copy of the notice of intent and a copy of the rule proposed for initial adoption or repeal (or, in the case of a rule change, copies of both the current and proposed rules with amended portions indicated).

Current policy currently details a process for the Recovery School District (RSD) to return an RSD charter school to the former local school board when the charter school has earned a School Performance Score of 54.0 or above for two consecutive school years. The revisions to this section simplify the process of returning schools to the RSD by clarifying terms and existing processes, deleting unnecessary language, and aligning the policy with yearly accountability timelines for letter grade release and charter renewals. Additional revisions ensure that the policy aligns to the appropriate BESE meetings and budgetary timelines each year.

- B. Summarize the circumstances that require this action. If the Action is required by federal regulation, attach a copy of the applicable regulation.

The revisions are required to correct and update policy.

- C. Compliance with Act 11 of the 1986 First Extraordinary Session.

1. Will the proposed rule change result in any increase in the expenditure of funds? If so, specify amount and source of funding.

No

2. If the answer to (1) above is yes, has the Legislature specifically appropriated the funds necessary for the associated expenditure increase?

(a) \_\_\_\_\_ Yes. If yes, attach documentation.

(b) \_\_\_\_\_ NO. If no, provide justification as to why this rule change should be published at this time.

FISCAL AND ECONOMIC IMPACT STATEMENT

WORKSHEET

I. A. COSTS OR SAVINGS TO STATE AGENCIES RESULTING FROM THE ACTION PROPOSED

1. What is the anticipated increase (decrease) in costs to implement the proposed action?

COSTS	FY15-16	FY16-17	FY17-18
PERSONAL SERVICES			
OPERATING EXPENSES	-0-	-0-	-0-
PROFESSIONAL SERVICES			
OTHER CHARGES			
EQUIPMENT			
MAJOR REPAIR & CONSTR.			
<u>POSITIONS (#)</u>			
<b>TOTAL</b>	-0-	-0-	-0-

2. Provide a narrative explanation of the costs or savings shown in "A. 1.," including the increase or reduction in workload or additional paperwork (number of new forms, additional documentation, etc.) anticipated as a result of the implementation of the proposed action. Describe all data, assumptions, and methods used in calculating these costs.

The proposed policies will have no effect on costs or savings to state or local governmental units.

3. Sources of funding for implementing the proposed rule or rule change.

SOURCE	FY15-16	FY16-17	FY17-18
STATE GENERAL FUND			
AGENCY SELF-GENERATED	-0-	-0-	-0-
DEDICATED			
FEDERAL FUNDS			
OTHER (Specify)			
<b>TOTAL</b>	-0-	-0-	-0-

4. Does your agency currently have sufficient funds to implement the proposed action? If not, how and when do you anticipate obtaining such funds?

The Department has the necessary funds to implement the proposed action.

B. COST OR SAVINGS TO LOCAL GOVERNMENTAL UNITS RESULTING FROM THE ACTION PROPOSED

1. Provide an estimate of the anticipated impact of the proposed action on local governmental units, including adjustments in workload and paperwork requirements. Describe all data, assumptions and methods used in calculating this impact.

The proposed action will not result in any cost, savings, or workload adjustment to local school systems.

2. Indicate the sources of funding of the local governmental unit that will be affected by these costs or savings.

No sources of funding will be affected.

FISCAL AND ECONOMIC IMPACT STATEMENT

WORKSHEET

II. EFFECT ON REVENUE COLLECTIONS OF STATE AND LOCAL GOVERNMENTAL UNITS

A. What increase (decrease) in revenues can be anticipated from the proposed action?

This proposed action will have no effect on revenue collection.

REVENUE INCREASE/DECREASE	FY15-16	FY16-17	FY17-18
STATE GENERAL FUND	-0-	-0-	-0-
AGENCY SELF GENERATED			
RESTRICTED FUNDS*			
FEDERAL FUNDS			
LOCAL FUNDS			
TOTAL	-0-	-0-	-0-

\*Specify the particular fund being impacted.

B. Provide a narrative explanation of each increase or decrease in revenues shown in "A." Describe all data, assumptions, and methods used in calculating these increases or decreases.

This proposed action will have no effect on revenue collection.

FISCAL AND ECONOMIC IMPACT STATEMENT

WORKSHEET

III. COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS

A. What persons or non-governmental groups would be directly affected by the proposed action? For each, provide an estimate and a narrative description of any effect on costs, including workload adjustments and additional paperwork (number of new forms, additional documentation, etc.), they may have to incur as a result of the proposed action.

None.

B. Also provide an estimate and a narrative description of any impact on receipts and/or income resulting from this rule or rule change to these groups.

No impact on income is anticipated as a result of this rule change.

IV. EFFECTS ON COMPETITION AND EMPLOYMENT

Identify and provide estimates of the impact of the proposed action on competition and employment in the public and private sectors. Include a summary of any data, assumptions and methods used in making these estimates.

The policy will have no effect on competition and employment.

COMPARISON DOCUMENT

**Title 28  
EDUCATION**

**Part CXLV. Bulletin 129—The Recovery School District**

**Chapter 5. Failed Schools**

**§505. Return of Schools to Local School Board 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 the jurisdiction of its former local school board 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 jurisdiction of its former local school board 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.~~

B. Eligible Type 5 Charter Schools

1. An eligible Type 5 charter school board may elect to transfer from the RSD and return to the jurisdiction of its former local school board as a type 3b charter school. If the charter school board chooses not to transfer to its former local school board, it will automatically remain within the RSD for an additional school year. The charter school board shall have the opportunity to choose to return to its former local school board every year the charter school continues to meet eligibility criteria, in accordance with the procedures outlined below.

~~2D. A non-failing charter school is eligible for transfer from the jurisdiction of the recovery school district provided it meets all of the following.~~

~~a1. The charter 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 charter 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 under La. R.S. 17:10.5 or 17:10.7, regardless of changing operators or site codes for the charter school since that time. The decision to transfer will be considered at the earliest during the charter school's fifth year under the jurisdiction of the RSD, with the proposed transfer occurring at the conclusion of that same school year.~~

~~b2. The charter 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 charter 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. Should the charter school change operators, an SPS of 54.0 or above under the final year of the former operator and an SPS of 54.0 or above under the new operator the next consecutive year shall still meet this requirement.~~

~~ja. 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, charter schools comprised entirely of grades below ninth grade shall have two consecutive school performance scores of 54.0 or above based on test data from students actually attending that charter school, rather than test data from a paired school. For charter schools comprised entirely of grades above eighth grade, both consecutive school performance scores of 54.0 or above shall include ACT data for students actually attending the charter school, and at least one of the school performance scores shall include graduation index and graduation rate data for students actually attending the charter school.~~

~~c. In order for a charter school in the final year of its current charter contract term to be eligible to choose to transfer from the jurisdiction of the RSD, the charter school must be renewed for the upcoming school year by BESE pursuant to the charter renewal process in Bulletin 126. The charter school board may still take official board action to seek to return to the local school board prior to being renewed by BESE, but final eligibility to return shall be contingent upon BESE approving a renewal for the charter school.~~

~~d3. The charter school board elects to seek transfer from the RSD and has notified BESE in writing, no later than the deadline set by the RSD each year December 1 of the year preceding the effective date of the proposed transfer.~~

~~e.a. Type 5 Charter School. The charter school's board governing authority shall take official board action based on a vote of its membership, at a charter school board meeting in accordance with its by-laws and state open meetings law to provide BESE with written notification of the, to notify BESE in writing of its desire to transfer the charter school from the jurisdiction of the RSD to the jurisdiction of its former local school board LEA or an AGA as a type 3B charter school. Such notice shall state whether the charter school desires to remain an independent local education agency (LEA) or have the former local 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.~~

~~3G. 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.~~

~~4. Upon receiving notice from an eligible Type 5 charter school board of its desire to seek to transfer the charter school to its former local school board by a deadline set each year by the RSD, BESE shall consider the transfer request for approval. BESE may require additional transfer conditions to be completed by the charter school prior to approval of the transfer at a later BESE meeting preceding the proposed transfer.~~

~~5. BESE shall only approve a charter school board request to transfer to the charter school to the jurisdiction to the local school board if the following requirements are met:~~

~~a. The local school board provides BESE with written notice, in accordance with the deadlines established by the RSD, that official board action has been taken to accept jurisdiction of the charter school as a type 3B charter school, pending approval of the transfer by BESE; and~~

~~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.~~

~~b. 2. The charter school board submits a copy of the type 3B charter contract signed by the local school board and the charter operator to BESE prior to approval of the transfer. In order for BESE to grant approval of the transfer, the 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:~~

- ~~ia. be consistent with all state and federal laws governing charter school authorization;~~

~~\_\_\_ ijb. 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;~~

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

~~\_\_\_ ivd. permit the charter school to remain in its facility or designate an alternative facility for use by the charter school;~~

~~\_\_\_ ve. prohibit the charter school from establishing admissions requirements; and~~

~~\_\_\_ vif. require any charter 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:~~

~~(a) 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~~

~~(b) 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). LR 42:

## Chapter 11. Fiscal Management

### §1103. Annual Budget

A. ....

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

C. ...

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). LR 42;

### §1105. Budget Planning, Preparation, and Schedules

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

B. - D. ...

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). LR 42;