

LOUISIANA

(Law passed in 1995; 16th strongest of the nation's 43 charter laws)



Despite 100 percent of students in the Big Easy now attending charters, Louisiana has an above-average law that has improved slowly since a robust charter movement, with extraordinary philanthropy, began in New Orleans after Hurricane Katrina. Outside of the Recovery District and New Orleans, however, traditional school districts neither encourage nor promote the creation of charter schools. Students in some of the state's most depressed and rural communities need access to great schools, too. Authorizers have expanded to universities and nonprofits, but all schools are still sponsored by districts and the state. Funding and a lack of facilities assistance is still a struggle and simplifying the types of charters would go a long way to uniformity of the law.

INDEPENDENT OR MULTIPLE AUTHORIZERS - YES (3)

APPROVAL	<p>School boards, the state board of education and now “local charter authorizers” may authorize charters. Local charter authorizers can be a state agency - including public colleges, or a nonprofit with an educational mission that meets additional requirements. Local charter authorizers must apply with the state board and only five can operate in any regional market area. There are currently no local charter authorizers on record.</p> <p>There are five types of charter schools in the state and each has a different application process: Type 1 - new charters approved by school boards; Type 1B - new charters or public school conversions approved by a local authorizer; Type 2 - new charters or public school conversions approved by state board of education; Type 3 - public school conversions approved by school boards; Type 3B - former Type 5 schools (transferred from RSD to district); Type 4 - new charters or public school conversions agreed upon by school board and state board of education; and Type 5 - public school conversions transferred to RSD and authorized by state board of education.</p>
APPEAL	<p>Yes. Applications denied by the school board may be appealed to the State Board of Education. If the application is approved, the state board becomes the sponsor.</p>

OPERATIONAL AUTONOMY

STATE	<p>Yes. There is a blanket waiver from most rules governing traditional public schools, however, there are exceptions for each of the five types of charter school, and autonomy varies. Virtual schools are allowed. Management contracts with ESPs are not restricted, although within the application a charter school must explain in detail their relationship with an ESP, its past performance data, and any conflicts of interest.</p>
LOCAL	<p>Yes. There is a blanket waiver from most local rules and regulations that are applicable to traditional public schools. Some charters are considered LEAs and some are not - it all depends on what type of charter it is. All charters, except for Type 4 charters must be organized as nonprofit corporations. For charters authorized by the state board, the charter school board is the final authority over most operational decisions. Type 5 charters can remain their own LEA for funding and other responsibilities.</p>
TEACHER FREEDOM	<p>Type 5 charters are exempt from participation in any collective bargaining agreement and may organize as an individual unit or work independently. For all other types teachers are covered by work rules, unless an exemption is negotiated with a sponsor and specified in the charter. Only Type 4 charter schools must participate in the state retirement's system.</p>



NUMBER OF SCHOOLS ALLOWED

CAP	No legal limit on number of schools that may be approved.
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EQUITY

STUDENT FUNDING	<p>For schools authorized by local boards, funds pass through the district. For schools authorized by state or a local charter authorizer the funds pass through the state. The amount of funding and how the funding is delivered varies by the type of charter school and is made clear in the written statute. All authorizers in the state can charge a two percent administrative fee.</p> <p>“A. (1) For the purpose of funding, a Type 1, Type 3, Type 3B, and Type 4 charter school shall be considered an approved public school of the local school board entering into the charter agreement and shall receive a per pupil amount each year from the local school board based on the October first membership count of the charter school. Type 1B and Type 2 charter schools shall receive a per pupil amount each year authorized by the state board each year as provided in the minimum foundation program approved formula. The per pupil amount provided to a Type 1, 1B, 2, 3, 3B, or 4 charter school shall be computed annually and shall be equal to no less than the per pupil amount received by the school district in which the charter school is located from the following sources based on the district’s October first membership count:</p> <p>(a) The state-funded per pupil allocation received by the district pursuant to the most recent legislatively approved minimum foundation program formula resolution, including all levels” La. Rev. Stat. Ann. 17:3995.</p> <p>“Except as otherwise provided by this Subsection, for the purpose of funding, a 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 and shall receive a per pupil amount each year from the local school board based on the October first membership count of the charter school. Except as otherwise provided by this Subsection, Type 2 charter schools shall receive a per pupil amount each year from the state Department of Education using state funds specifically provided for this purpose.” [La. R.S. § 17:3995]</p>
FACILITIES FUNDS	<p>Yes. Charter School Start-Up Loan Fund provides no interest loans up to \$100,000 to schools that can be used for facilities for up to three years. This program is not being funded currently by the state. Charters are eligible to access tax-exempt financing through the Louisiana Public Facilities Authority. [LA stat. 3971.4001 Part VI (2)]</p>

IMPLEMENTATION POINTS

- 1	One point is deducted because the state has sanctioned a process that results in the arbitrary rejection of charter applications.
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LINK TO THE
LOUISIANA CHARTER
SCHOOL LAW