

SCHOOL BOARD CHARTERING AUTHORITY

The Orleans Parish School Board is an authorized chartering authority as provided for in La. Rev. Stat. Ann. §17:3982. The School Board has been granted authority to approve or deny charter school proposals for Type 1, 3, and 3B charters, and pursuant to La. Rev. Stat. Ann. §17:3983 may enter into any charter the School Board finds to be valid, complete, financially well-structured, and educationally sound in meeting the requirements of Louisiana Charter School Law.

The School Board is committed to ensuring academic excellence, fiscal responsibility, and operational accountability among its authorized charter schools, while honoring and respecting the autonomy of such schools consistent with the purposes established in Louisiana Charter School law, La. Rev. Stat. Ann. §17:3971 et seq.

The Orleans Parish School Board has adopted the following criteria as mandatory elements of all charter *Operating Agreements* executed by the School Board. Should the provisions of this policy contradict or conflict with language in any other School Board policy, the requirements of this policy shall prevail.

1. Academic Excellence - All charter schools shall maintain academic excellence. Should any charter school be designated *Academically Unacceptable* (assigned a letter grade of F) under the standards established in the state accountability system, the School Board shall immediately convene to reconsider the charter, following the procedures outlined in policy *HC, Charter School Monitoring, Intervention, and Closure*.

This provision shall be applied to charter schools designated as alternative education schools by the Louisiana Board of Elementary and Secondary Education (BESE), pursuant to La. Rev. Stat. Ann. §17:100.5, only in accordance with the terms of the charter school's *Operating Agreement*.

2. Autonomy - Each charter school shall have complete autonomy over all areas of school operation as set forth in each school's *Operating Agreement*, as long as such operations are in compliance with all applicable federal, state, and municipal laws and regulations. Areas of school autonomy shall include, but not be limited to, the following:
 - A. School programming, instruction, curriculum, materials and texts;
 - B. Yearly school calendars and daily schedules;
 - C. Hiring, firing, performance management and evaluation, employment terms and conditions, teacher/administrator certification, salaries and benefits, and optional participation in Teachers Retirement System of Louisiana and collective bargaining;

- D. Budgeting, purchasing, procurement, and contracts, including the management of transportation at the school site or operator level.
3. Governing Boards - The governing board of each Orleans Parish School Board-authorized charter school shall comply with the following:
- A. All applicable requirements set forth by the Louisiana Nonprofit Corporations Law and the Louisiana Secretary of State, including the provision that the nonprofit shall remain in good standing at all times during the term of its charter.
 - B. All laws and requirements applicable to public bodies made applicable to charter schools, including but not limited to Louisiana Open Meetings Law, Louisiana Public Records Law, Louisiana Local Government Budgets Act, and the Louisiana Code of Governmental Ethics.
 - C. Each governing board shall operate in accordance with its duly-adopted bylaws, which shall include a conflict of interest policy that is consistent with applicable law including, but not limited to, the Louisiana Code of Governmental Ethics.
 - D. Each governing board shall consist of no fewer than seven (7) members. Governing board members shall represent a diverse set of professional skills and practical work experience in areas such as education, public/non-profit and/or for-profit administration or operations, community development, finance, and law. Each charter school shall be required to fully comply with the requirement of this subparagraph upon the next renewal of the school's charter contract.
 - E. At least sixty percent (60%) of the members of each governing board shall reside (legal domicile) in Orleans Parish, including at least one parent or legal guardian of one or more students currently enrolled at the school. Each charter school shall be required to fully comply with the requirement of this subparagraph upon the next renewal of the school's charter contract, and prior to that time shall fill board member vacancies and make new board member appointments with Orleans Parish residents, if the board's membership is comprised of less than sixty percent (60%) residents of Orleans Parish.
 - F. Each governing board shall be required to complete and submit a criminal background check for each board member to the Orleans Parish School Board within ninety (90) days of the member's appointment.
 - G. Each governing board member shall annually file a financial statement, in accordance with La. Rev. Stat. Ann. §42:1124.3.

- H. No more than one member of the immediate family, as defined in the Louisiana Code of Governmental Ethics, La. Rev. Stat. Ann. §42:1102, may serve on a governing board in accordance with La. Rev. Stat. Ann. §42:2.2.
 - I. No elected official, as defined by the Louisiana Code of Governmental Ethics, and no individual formerly classified as an elected official for a period of one year following the termination of his or her service, may serve on a governing board.
 - J. No governing board member may be employed by the school, in any manner, in accordance with La. Rev. Stat. Ann. §17:3991. No governing board member may be employed by the Orleans Parish School Board, in any administrative capacity.
 - K. No governing board member shall receive any compensation, other than optional reimbursement of actual expenses incurred while fulfilling duties as a member of the board, in accordance with La. Rev. Stat. Ann. §17:3991.
4. Governing Board Finances - Each governing board of one or more Orleans Parish School Board-authorized charter schools shall be required to:
- A. Hire or procure the services of one or more qualified and competent business professionals to produce all financial and accounting information required by its *Operating Agreement*, School Board policy, state law or regulations. Such individual shall be required to meet one of the qualifications set forth in Chapter 13 of Louisiana Board of Elementary and Secondary Education (BESE) Bulletin 1929, *Louisiana Accounting and Uniform Governmental Handbook* (LAUGH).
 - B. Submit to the Orleans Parish School Board an annual financial audit, in accordance with the provisions of La. Rev. Stat. Ann. §24:513 et seq., and according to the timelines established by the Orleans Parish School Board administration.
 - C. Should gross mismanagement of public funds or financial malfeasance on the part of the charter school or its governing board be documented in the annual audit, the School Board may immediately convene to reconsider the charter, following the procedures established in School Board policy *HC, Charter School Monitoring, Intervention, and Closure*.
5. Admissions and Student Population - As stated in La. Rev. Stat. Ann. §17:3972, "it is the intention of the Legislature that the best interests of at-risk pupils be the overriding consideration in implementing" state charter school law. Accordingly, while the School Board recognizes that Type 1, 3 and 3B charter schools are

subject to different laws and state regulations, it is the intent of the School Board to create and implement policy that is consistent across charter types in order to serve the needs of Orleans Parish's at-risk student population, while recognizing the unique elements of each school's history and culture, and encouraging differentiation in school programming:

- A. At-Risk Students: All charter schools, including Type 3B charter schools, shall comply with the minimum at-risk student population percentages provided for in La. Rev. Stat. Ann. §17:3991, except for Type 3 charter schools which shall comply with the minimum at-risk student population percentages provided for in La. Rev. Stat. Ann. §17:3991, unless otherwise negotiated with the Orleans Parish School Board.

The required percentage of at-risk pupils shall be calculated in accordance with state law and BESE policy, including the provisions of La. Rev. Stat. Ann. §17:3991.1 with respect to the dependent children of permanent employees of a corporate partner. The performance of each charter school with respect to these provisions shall be reviewed annually, and documentation of efforts shall be provided to the School Board upon request, per the terms of the charter school's *Operating Agreement*. Charter schools shall maintain compliance with federal and state law and regulations with respect to any student with an *Individualized Education Plan* (IEP), and the provisions of the school's operating agreement pursuant to services for such students.

Any school not meeting the minimum requirement for two (2) consecutive years may be subject to Intervention, as set forth in the charter school's *Operating Agreement* and in accordance with the provisions of policy *HC, Charter School Monitoring, Intervention, and Closure*. No adverse action under this subsection, including Intervention, shall be applied to any charter school unless the school is first determined either to be in material noncompliance with the terms of its *Operating Agreement*, or fails to earn a rating of "Meets Standard" pursuant to the Orleans Parish School Board *Organizational Performance Framework*, as set forth in policy *HB, Charter School Evaluation*.

- B. Prohibited Admissions Criteria: All charter schools shall be prohibited from establishing academic admissions requirements, including restrictions on admissions on the basis of the results of any test or on the achievement of a certain academic record (GPA, writing sample, or required coursework), except as provided for in Section 10, *Schools with Academic Admissions Requirements*, of this policy. All charter schools shall be prohibited from establishing admissions requirements based on student conduct, behavior, or prior disciplinary record, except as provided for alternative schools in Section 11, *Alternative Education Schools*, of this policy.

C. Admissions Provisions: The School Board recognizes two (2) categories of admissions provisions in charter *Operating Agreements*:

- 1) Mission-Specific Admissions Requirements, pursuant to La. Rev. Stat. Ann. §17:3991, which provides that enrollment in a charter school may be made contingent on the satisfaction of non-academic admissions requirements or preferences that are “consistent with the school’s role, scope, and mission....Such admissions requirements shall be specific and shall include a system for admission decision which precludes exclusion of pupils based on race, religion, gender, ethnicity, national origin, intelligence level as ascertained by an intelligence quotient examination, or identification as a student with an exceptionality.”

Charter schools with mission-specific admissions requirements shall be subject to the following provisions:

- a. Eligibility: Type 1 and Type 3 charter schools may establish mission-specific admissions requirements, subject to approval of the School Board within the provisions of an approved charter application or by material amendment to an existing *Operating Agreement*.
- b. No renewal *Operating Agreement* for any charter school first chartered prior to July 1st, 2015 may incorporate any new admissions requirements pursuant to this subsection, unless such modifications are separately approved by the School Board through the material amendment process provided for in the charter school’s existing *Operating Agreement*.
- c. All such admissions requirements or preferences shall be administered in accordance with School Board policies, and with procedures of the common enrollment system established for this purpose, for all charter schools otherwise required to participate in such system pursuant to Section 6, *Enrollment*, Part A, of this policy.
- d. No mission-specific admissions requirement may be included in any *Operating Agreement* unless a School-Specific Goal has been adopted for incorporation in all annual reviews and formal evaluations of the school, as set forth in the Orleans Parish School Board *Academic Performance Framework* and policy *HB, Charter School Evaluation*.

e. Pursuant to La. Rev. Stat. Ann. §17:3991, Type 3B charter schools shall remain open-enrollment and are prohibited from establishing admissions requirements under this subsection.

2) Focus Programs, which are programs that deliver a rigorous, developmentally appropriate educational model that substantially differentiates daily schedules, curriculum design, instructional approach, and/or standards from what is available to other students in the school. Focus programs that are recognized in the common enrollment system shall be subject to the following provisions:

a. Eligibility: Any charter school, including a Type 3B charter school, may offer one or more focus programs subject to the approval of the Superintendent, with enrollment in such programs based solely on student interest.

b. No more than one-third (33%) of the total number of seats at the charter school, or at any single grade level within the charter school, may be designated for focus program enrollment without School Board approval.

c. No audition, test, performance task, or any condition of enrollment may be required for enrollment in a focus program, other than a confirmation of intent by the student's parent or guardian at the time of registration.

d. A School-Specific Goal for each focus program shall be adopted for incorporation in all annual reviews and formal evaluations of the charter school, as set forth in the Orleans Parish School Board *Academic Performance Framework* and policy *HB, Charter School Evaluation*.

6. Enrollment

A. Each new, extended, or renewed charter school *Operating Agreement* executed on or after January 1, 2012 shall include provisions requiring participation in the common enrollment system adopted by the School Board, and operated in a transparent and publically accountable manner in accordance with the provisions of Orleans Parish School Board policy and the terms of Orleans Parish School Board charter school *Operating Agreements*. Compliance with this provision shall be measured as a component of each school's annual evaluation.

B. No new, extended, or renewal charter school *Operating Agreement* executed on or after January 1, 2016 may include a neighborhood, zip

code, or geographic zone enrollment preference or priority that does not conform to the standard community preferences determined by the School Board in accordance with La. Rev. Stat. Ann. §17:3991.

Any school first authorized prior to July 1st, 2015 and whose *Operating Agreement* incorporated a ZIP code-based neighborhood preference may retain such preference for up to two-thirds (67%) of seats (overall and in each grade level), effective either at renewal or upon entry into the common enrollment system.

- C. Any charter school first chartered prior to July 1st, 2012 and which maintains EITHER a letter grade of A, OR a School Performance Score (SPS) in the top 10% of all schools in the state serving the same grade levels, may be permitted to retain a waitlist upon entry into the common enrollment system. The provisions of this section shall expire once all charter schools have entered such system, pursuant to Section 6, *Enrollment*, Part A, of this policy.

7. Early Childhood

- A. Each charter school that operates an early childhood program, either directly or via partnership, that accepts public funds for serving students prior to entering kindergarten shall participate fully in all requirements of the *Louisiana Early Childhood Education Act* (La. Rev. Stat. Ann. §17:407.21 et seq.), including full participation in the Community Network's Coordinated Enrollment Process for Orleans Parish, beginning with the process to enroll students for the 2016-17 school year.
- B. Each charter school authorized by the School Board to serve Pre-Kindergarten students shall be required to adhere to the following policies:
- 1) All publicly-funded Pre-Kindergarten students at the charter school shall be permitted to enroll in Kindergarten at the charter school as continuing students, including any students designated as "at-risk" pursuant to state law that attended Pre-Kindergarten tuition-free due to a charter school's use of *Minimum Foundation Program* (MFP) or other funds.
 - 2) For charter schools offering a tuition-based Pre-Kindergarten program option, at least fifty percent (50%) of the school's total Kindergarten enrollment shall be reserved for continuing students as identified in subsection (B)(1) of this Paragraph, students admitted who are economically disadvantaged, or are enrolled by lottery, or a combination of both.

8. Discipline - Each charter school shall adopt and implement explicit discipline

policies consistent with applicable state statutes and the school's *Operating Agreement*. Each charter school authorized by the School Board shall be required to participate in any common expulsion process adopted by the School Board as a condition of the school's charter agreement. Compliance with this provision shall be measured as a component of each school's annual evaluation.

9. Transportation - Each new, extended, or renewed charter school *Operating Agreement* executed on or after January 1, 2016 shall include provisions requiring each charter operator to provide free transportation services for all students enrolled in the charter school who reside within Orleans Parish and more than one mile from the charter school's location, which shall include, at a minimum:
 - A. whatever transportation is necessary to implement any *Individualized Education Plan* (IEP) for a child with an identified exceptionality, without regard to how far the child resides from the charter school;
 - B. free transportation by a vehicle approved for student transportation in accordance with BESE Bulletin 119, *Louisiana School Transportation Specifications and Procedures*, for students enrolled in grade 6 or below who reside more than one mile from the charter school; and,
 - C. free transportation, free public transportation payments and/or reimbursements for all other students who reside more than one mile from the school.

10. Schools With Academic Admissions Requirements

As set forth in La. Rev. Stat. Ann. §17:3991, "a school which was first chartered prior to July 1, 2012, and which incorporated achievement of a certain academic record as part of its admissions requirements may continue to utilize such admission requirements." Further, "such admissions requirements shall not work to exclude pupils based on race, religion, gender, ethnicity, national origin, intelligence level as ascertained by an intelligence quotient examination, or identification as a student with an exceptionality as defined in La. Rev. Stat. Ann. §17:1942."

The School Board recognizes the unique role and mission of charter schools with academic admissions requirements as an option for all Orleans Parish students and families. Accordingly, the School Board shall provide for the following policy accommodations for such schools:

- A. Schools shall be subject to these provisions if first chartered prior to July 1, 2012 and the terms of the charter school's *Operating Agreement* identifies it as a selective admissions school, pursuant to La. Rev. Stat. Ann. §17:3991.

B. Charter schools subject to this provision shall adhere to the following provisions, which shall be incorporated in any renewal *Operating Agreement*:

(1) Academic Excellence: Notwithstanding the standards set forth in the Orleans Parish School Board *Academic Performance Framework*, charter schools with academic admissions requirements shall be required to achieve EITHER a letter grade of A under the state accountability system, OR a ranking in the top 10% of schools in the state serving the same grade levels, in order to be deemed to have met the standard for Measure 1 (State Accountability).

(2) Access:

a. All admissions processes for charter schools with academic admissions requirements shall be conducted through the common enrollment system adopted by the School Board, effective at the next renewal of the school's *Operating Agreement*. This requirement shall be implemented in a transparent and publically accountable manner that is in strict accordance with state and federal law, with all eligibility standards that are established for each such charter school in its respective *Operating Agreement*, and with the provisions of subsection (C) (1) of Section 10, *Schools With Academic Admissions Requirements*, of this policy.

b. Each charter school with academic admissions requirements shall maintain citywide access for all students meeting the eligibility standards and preference criteria set forth in the charter school's *Operating Agreement*; no neighborhood or other geographic priorities shall be permitted.

For charter schools with existing neighborhood boundaries, the provisions of this subsection shall be effective not later than the enrollment process for the 2017-18 school year. Any charter school subject to the provisions of this subsection which may have its academic admissions requirements revoked by the School Board subsequent to its implementation shall be permitted to retain its prior neighborhood attendance zone upon such revocation.

(3) At-Risk Students: Charter schools with academic admissions requirements shall comply with the provisions of La. Rev. Stat. Ann. §17:3991, which requires that the percentage of at-risk pupils in the

charter school shall be equal to not less than the percentage of at-risk pupils enrolled in the school in the year prior to the charter school's conversion, unless otherwise negotiated with the Orleans Parish School Board as a provision of the school's *Operating Agreement*. The required percentage of at-risk pupils shall be calculated in accordance with state law and BESE policy, including the provisions of La. Rev. Stat. Ann. §17:3991.1 with respect to the dependent children of permanent employees of a corporate partner.

The performance of each charter school with respect to the provisions of this subsection shall be reviewed annually, and documentation of efforts shall be provided to the School Board upon request, per the terms of the charter school's *Operating Agreement*. Schools shall maintain compliance with federal and state law and regulations with respect to students with an *Individualized Education Plan* (IEP), and the provisions of the school's *Operating Agreement* pursuant to services for such students.

- (4) Accountability: Any charter school with academic admissions requirements failing to meet any requirements set forth under this Section for two (2) consecutive years may be subject to Intervention, as set forth in the charter school's *Operating Agreement* and in accordance with the provisions of policy *HC, Charter School Monitoring, Intervention, and Closure*.
- (a) No adverse action under any portion of this Section, including Intervention, shall be applied to any charter school unless the charter school is first determined either to be in material noncompliance with the terms of its *Operating Agreement*, or fails to earn a rating of "Meets Standard" pursuant to the Orleans Parish School Board *Charter School Performance Framework*, as set forth in policy *HB, Charter School Evaluation*, and as modified within this Section.
- (b) The provisions of this Section may be temporarily suspended, either in full or in part, by the Superintendent and referred to the Orleans Parish School Board for reconsideration, if it is determined that substantial changes have been made to either the state accountability system, as set forth in BESE Bulletin 111, *Louisiana School, District, and State Accountability System*, or to the policies of the common enrollment system adopted by the School Board, with respect to such charter schools.

C. Charter schools subject to this provision and in good standing shall be

granted the following accommodations in recognition of their unique role and mission:

- (1) Admissions and Enrollment: Notwithstanding any provisions of Orleans Parish School Board policy or procedures of the common enrollment system to the contrary, charter schools with academic admissions requirements shall be permitted to retain and administer waitlists in collaboration with the common enrollment system, and shall be exempted from any mid-year enrollment or backfilling requirements that may otherwise be applicable. The conducting of any required lottery processes and the creation of any waitlists generated pursuant to such lotteries, shall be the responsibility of the common enrollment system, and shall be implemented in a transparent and publically accountable manner in accordance with district policies and school procedures established for this purpose.

The administration of any processes required to determine eligibility for admission to such charter schools, including verification of domicile and any testing or assessments permitted by such charter schools' *Operating Agreements*, shall be administered by the school in accordance with district policies and school procedures established for this purpose in its *Operating Agreement*. All costs for any additional processes pursuant to this subsection that extend beyond the standard procedures of the common enrollment system shall be borne solely by the school.

- (2) Transportation: Notwithstanding the provisions of Section 9, *Transportation*, of this policy, charter schools with academic admissions requirements shall be required to provide free and adequate transportation to any requesting student enrolled in the charter school if the student resides more than one mile from such charter school. The transportation so provided may include payment and/or reimbursement of the cost of access to public transportation. Each charter school shall provide whatever transportation is necessary to implement any individualized education program for a student with exceptionality, without regard to how far the child resides from the charter school.

11. Alternative Education Schools

The School Board wishes to incentivize charter schools to provide educational environments suitable for all Orleans Parish students, including students with significant behavioral or disciplinary issues, and other students who may best be served outside of the traditional school context. Moreover, the School Board recognizes that charter schools whose mission primarily focuses on the

provision of services to students in alternative educational settings face unique evaluative circumstance. Accordingly, the School Board shall provide for the following policy accommodations for alternative school operators:

- A. Charter schools shall be eligible for this consideration based on the following conditions:
 - (1) Identification in the charter school's *Operating Agreement* as an alternative education school; and,
 - (2) Approval by BESE of the charter school's designation as an alternative education school, pursuant to BESE Bulletin 111, *Louisiana School, District and State Accountability System*, §3501 et seq.
 - B. Charter schools eligible for this consideration shall be exempted from ratings on the Orleans Parish School Board *Academic Performance Framework*, and shall instead be evaluated based on the measures and standards established in the BESE *Performance Framework for Alternative Schools*. Such charter schools shall remain subject to the Orleans Parish School Board *Financial and Organizational Frameworks*.
 - C. Charter schools eligible for this consideration shall be exempted from the provisions of this policy pertaining to reconsideration review for charter schools identified as *Academically Unacceptable* (letter grade of F). Reconsideration review criteria for such charter schools shall be governed by the terms of the charter school's *Operating Agreement* with the School Board.
 - D. Charter schools eligible for this consideration shall be exempted from the provisions of policy *HC, Charter School Monitoring, Intervention, and Closure*, pertaining to *Intervention for Sustained Academic Decline*. Intervention for such charter schools shall be determined by the standards set forth in the BESE *Performance Framework for Alternative Schools*, and shall be governed by the terms of the charter school's *Operating Agreement* with the School Board.
12. School Transformation, Whole-School Takeover/Turnaround, and Significantly Reconfigured Schools

The School Board wishes to incentivize high-quality charter school operators to serve additional students, and recognizes the unique evaluative challenges presented by these circumstances. Additionally, the School Board recognizes that schools subject to significant changes in student population due to whole-school takeover or reconfiguration may require additional accommodations. Accordingly, the School Board shall provide for the following accommodations for

turnaround/transformation charter school operators:

A. Definitions:

Charter schools shall be eligible for such accommodations based on the following conditions:

- (1) Opening as a turnaround charter school, as established in BESE Bulletin 111, *Louisiana School, District and State Accountability System*, §1105;
- (2) Conducting a full takeover (either merger or addition) of a program under an existing site code, that would otherwise meet the definition of turnaround charter school as established in BESE Bulletin 111, *Louisiana School, District and State Accountability System*, §1105;
- (3) Opening as a reconfigured charter school, as defined in BESE Bulletin 111, *Louisiana School, District and State Accountability System*, §3303; or,
- (4) Opening in the initial growth phase for a newly-authorized charter school, as outlined in the charter school's approved application materials or *Operating Agreement*.

B. Transitional evaluations for such charter schools shall be conducted in accordance with the provisions of any School Board-approved amendment to the school's *Operating Agreement*; at a minimum, such charter schools shall be eligible to opt-out from ratings on the Orleans Parish School Board *Academic Performance Framework* for a period of two (2) years. Data for such schools shall be included in the School Board's *Annual Report*, without rating.

C. Notwithstanding the standards set forth in the Orleans Parish School Board *Academic Performance Framework*, charter schools eligible for this consideration under the definitions set forth above, and earning a letter grade of either C or T under the state accountability system, shall be deemed to have met the standard for Measure 1 (State Accountability). The considerations of this provision shall be extended for a period not to exceed five (5) years or the duration of the charter school's current charter agreement, whichever is shorter.

D. Charter schools eligible for this consideration are exempted from the reconsideration review provisions of Section 1, *Academic Excellence*, of this policy, and from the provisions of policy *HC, Charter School Monitoring, Intervention, and Closure*, pertaining to *Intervention for Sustained Academic Decline*, for a period not to exceed three (3) years of

the duration of the charter school's current charter agreement, whichever is shorter. Intervention for such charter schools shall be governed by the terms of any School Board-adopted amendment to the charter school's *Operating Agreement*.

Ref: La. Rev. Stat. Ann. §§17:3971, 17:3972, 17:3973, 17:3974, 17:3983, 17:3983.1, 17:3991, 17:3991.1, 17:3992, 17:3996.