

(F)(2) Ensuring successful conditions for high-performing charter schools and other innovative schools (40 points)

The extent to which—

- (i) The State has a charter school law that does not prohibit or effectively inhibit increasing the number of high-performing charter schools (as defined in this notice) in the State, measured (as set forth in Appendix B) by the percentage of total schools in the State that are allowed to be charter schools or otherwise restrict student enrollment in charter schools;
- (ii) The State has laws, statutes, regulations, or guidelines regarding how charter school authorizers approve, monitor, hold accountable, reauthorize, and close charter schools; in particular, whether authorizers require that student achievement (as defined in this notice) be one significant factor, among others, in authorization or renewal; encourage charter schools that serve student populations that are similar to local district student populations, especially relative to high-need students (as defined in this notice); and have closed or not renewed ineffective charter schools;
- (iii) The State’s charter schools receive (as set forth in Appendix B) equitable funding compared to traditional public schools, and a commensurate share of local, State, and Federal revenues;
- (iv) The State provides charter schools with funding for facilities (for leasing facilities, purchasing facilities, or making tenant improvements), assistance with facilities acquisition, access to public facilities, the ability to share in bonds and mill levies, or other supports; and the extent to which the State does not impose any facility-related requirements on charter schools that are stricter than those applied to traditional public schools; and
- (v) The State enables LEAs to operate innovative, autonomous public schools (as defined in this notice) other than charter schools.

In the text box below, the State shall describe its current status in meeting the criterion. The narrative or attachments shall also include, at a minimum, the evidence listed below, and how each piece of evidence demonstrates the State’s success in meeting the criterion. The narrative and attachments may also include any additional information the State believes will be helpful to peer reviewers. For attachments included in the Appendix, note in the narrative the location where the attachments can be found.

Evidence for (F)(2)(i):

- A description of the State’s applicable laws, statutes, regulations, or other relevant legal documents.
- The number of charter schools allowed under State law and the percentage this represents of the total number of schools in

the State.

- The number and types of charter schools currently operating in the State.

Evidence for (F)(2)(ii):

- A description of the State’s approach to charter school accountability and authorization, and a description of the State’s applicable laws, statutes, regulations, or other relevant legal documents.
- For each of the last five years:
 - The number of charter school applications made in the State.
 - The number of charter school applications approved.
 - The number of charter school applications denied and reasons for the denials (academic, financial, low enrollment, other).
 - The number of charter schools closed (including charter schools that were not reauthorized to operate).

Evidence for (F)(2)(iii):

- A description of the State’s applicable statutes, regulations, or other relevant legal documents.
- A description of the State’s approach to charter school funding, the amount of funding passed through to charter schools per student, and how those amounts compare with traditional public school per-student funding allocations.

Evidence for (F)(2)(iv):

- A description of the State’s applicable statutes, regulations, or other relevant legal documents.
- A description of the statewide facilities supports provided to charter schools, if any.

Evidence for (F)(2)(v):

- A description of how the State enables LEAs to operate innovative, autonomous public schools (as defined in this notice) other than charter schools.

Recommended maximum response length: Six pages

(i) The State has a charter school law that does not prohibit or effectively inhibit increasing the number of high-performing charter schools (as defined in this notice) in the State, measured (as set forth in Appendix B) by the percentage of total schools in the State that are allowed to be charter schools or otherwise restrict student enrollment in charter schools;

Louisiana’s Charter School Law does not prohibit nor effectively inhibit increasing the number of high-performing charter schools in the state. There is no cap on the number of charter schools that may be created in the state.

Louisiana’s charter law provides in LA R.S. 17:3983, provides in pertinent part, that “a local school board may enter into any charter it finds valid, complete, financially well-structured, and educationally sound after meeting the requirements of this Chapter,” and that “The State Board of Elementary and Secondary Education may approve applications for charters as it has determined acceptable. . . .”

Louisiana’s Charter School Law allows five types of public charter schools. **There are no restrictions on the number of any types of charter schools that may be created.**

- Type 1 new start-up charter schools authorized by a local school board
- Type 2 new start-up or conversion charters authorized by the state Board of Elementary and Secondary Education (BESE). An application for a Type 2 charter school may be submitted to BESE only after it has first been denied by a local school board.
- Type 3 conversion charter schools authorized by a local school board
- Type 4 new start-up or conversion charter schools authorized by BESE, but operated by a local school board
- Type 5 charter schools that are authorized by BESE and operated under the jurisdiction of the Recovery School District (RSD). By definition, they are pre-existing failing public schools that are converted to charter school status under restructuring in the state’s accountability system. New start Type 5 charter schools are also allowed in New Orleans as part of the RSD’s “whole district” restructuring effort in Orleans Parish.

Louisiana has experienced a significant increase in the number of charter school applications approved at both the state and local level since 2005. The number of charter schools operating in the state has grown from 17 in 2004-05 to 77 in 2009-10. As many as 16 new charter schools have been approved to open for the 2010-11 school year. The 77 currently in operation educate in excess of 30,000 students (more than 4.5 percent of the state’s total student population). The breakdown of 2009-10 charter schools:

- Type 1 – 5
- Type 2 – 11
- Type 3 – 9

- Type 4 – 4
- Type 5 – 48

To facilitate the creation of new high-quality charter schools in Louisiana over the next three years, Louisiana was awarded \$25 million from the USDOE to allow the state to continue to provide state-level technical assistance. The grant also provides funding and technical support for planning and startup to increase the number of groups who can successfully create and implement charter schools.

(ii) The State has laws, statutes, regulations, or guidelines regarding how charter school authorizers approve, monitor, hold accountable, reauthorize, and close charter schools; in particular, whether authorizers require that student achievement (as defined in this notice) be one significant factor, among others, in authorization or renewal; encourage charter schools that serve student populations that are similar to local district student populations, especially relative to high-need students (as defined in this notice); and have closed or not renewed ineffective charter schools;

Louisiana has 70 local school boards, and the Louisiana Board of Elementary and Secondary Education (BESE) can act as charter authorizers and in that capacity share similar responsibilities in terms of approving charter applications, monitoring their performance, holding them accountable and making decisions about renewal and closure.

In regards to approving applications, LA R.S. 17:3981(4) requires BESE to:

review each proposed charter in a timely manner and in the order in which submitted and determine whether each proposed charter complies with the law and rules and whether the proposal is valid, complete, financially well-structured, educationally sound, and whether it offers potential for fulfilling the purposes of this Chapter. The board shall engage in an application review process that complies with the latest Principles and Standards for Quality Charter School Authorizing, as promulgated by the National Association of Charter School Authorizers (NACSA), and shall provide for an independent evaluation of the charter proposal by a third party with educational, organizational, legal, and financial expertise.

Similarly, LA R.S. 17:3982 A.(1)(a) provides that:

local school boards shall comply with R.S. 17:3983 and shall review and formally act upon each proposed charter within thirty days of its submission and in the order in which submitted. In doing such review, the local school board shall determine whether each proposed charter complies with the law and rules, whether the proposal is valid, complete, financially well-structured, and educationally sound, and whether it offers potential for fulfilling the purposes of this Chapter. The local board shall engage in an application review process that complies with the latest Principles and Standards for Quality Charter School Authorizing, as promulgated by the National Association of Charter School Authorizers, and shall provide for an independent evaluation of the charter proposal by a third party with educational, organizational, legal, and financial expertise.

Louisiana’s Charter School Law provides a framework for evaluating charter school proposals that helps to ensure that only the most promising proposals are approved – a critical first step in ensuring charter school quality. While the evaluation of new applicant groups focuses primarily on the merits of the written application and the composition of the founding team, the evaluation of existing charter operators (those working locally and nationally) focuses particularly on the academic performance of their other charter schools. The charter school application has an entire section devoted to collecting information about the current and past performance of existing operators. The data from this section is used by application evaluation teams in making recommendations about charter operators whose performance merits replication opportunities.

Over the past five years, more than 150 charter school applications have been submitted in Louisiana. Only 77 were approved. The information below includes those charter applications submitted to BESE and those submitted to local school districts that were subsequently approved. LDOE defines an application as a proposal that fully meets the definitions of a proposal as outlined in Louisiana’s Charter Law.

| School Year | # of Applications Submitted | # of Applications Approved | # of Applications Denied |
|--------------|-----------------------------|----------------------------|--------------------------|
| 2005-06 | 20 | 11 | 9 |
| 2006-07 | 26 | 12 | 14 |
| 2007-08 | 36 | 13 | 23 |
| 2008-09 | 49 | 15 | 34 |
| *2009-10 | 26 | 13 | 3 |
| TOTAL | 157 | 64** | 83 |

**The 2009-10 application cycle is currently underway, and additional charter approvals and denials are anticipated in January 2010.*

***15 charter schools were in approved prior to 2005-06, two have closed since then, equaling 77 currently-operating charter schools.*

As described above, when charter school applications are received they undergo a thorough external evaluation. This evaluation is a comprehensive review that looks at the overall quality of the application, as well as individual elements, to include budget, operational plan, academic plan, staffing, management and governance. Major weaknesses in any of these areas may result in a recommendation to deny the application. However, it is often the case that applications are denied not for one major flaw, but because of a series of inter-connected problems. For example, an application with weaknesses in the budget will also likely include weaknesses in a number of other areas because of faulty assumptions in the planning process. Applicants are provided with detailed feedback on the evaluation of their application, so that they may make modifications and resubmit in the next application cycle.

Charter Renewal/Reauthorization:

Louisiana’s charter school law mandates that each charter will initially be valid for a five-year period. The statute further provides that the chartering authority is to conduct annual monitoring and review processes to validate compliance with the charter or to determine if the charter should be revoked for failure to meet agreed upon academic goals and objectives. At the end of the third year of operation, each school must prepare a comprehensive report and submit it to its chartering authority. That report is one of the components to be used by the chartering authority as it decides if the charter will be allowed to continue to operate for the remaining two years of the original five-year charter. At the end of the fifth year, again after a thorough review for compliance, the chartering authority may renew a successful charter for additional periods of not less than three nor more than 10 years.

The law provides sufficient authority and flexibility to charter authorizers to allow them to put in place effective policies and procedures for holding charter schools accountable for academic performance. In practice, this authority has resulted in a rich variety of monitoring tools and protocols, evaluation and assessment activities, and standards and expectations about performance that have been adopted by various charter authorizers in the state. Charter schools authorized by BESE operate under the [\[APPENDIX F2: Framework for the Evaluation of Louisiana Charter Schools\]](#), which includes the standards, expectations, and processes used by BESE and LDOE in evaluating charter school performance. The Framework outlines the minimum academic, financial, and legal and regulatory compliance standards that must be achieved at year three (in order to receive a contract extension through year five) and in the final contract year in order to receive contract renewal.

Within this broad framework, BESE has the flexibility to work with individual schools to design support and intervention measures to help drive academic improvement beyond minimum standards. These support and intervention measures have included such activities as increased monitoring, the design and implementation of improvement plans, requirements for additional training or professional development, etc.

Charters Serving At-Risk Student Populations:

Louisiana law directly and concisely states that at-risk children are the state's highest priority. LA R.S. 17:3972 clarifies the legislative intent and purpose of Louisiana's charter school program. R.S. 17:3972(A) specifically provides:

It is the intention of the legislature in enacting this Chapter to authorize experimentation by city and parish school boards by authorizing the creation of innovative kinds of independent public schools for pupils. Further, it is the intention of the legislature to provide a framework for such experimentation by the creation of such schools, a means for all persons with valid ideas and motivation to participate in the experiment, and a mechanism by which experiment results can be analyzed, the positive results repeated or replicated, if appropriate, and the negative results identified and eliminated.

Finally, it is the intention of the legislature that the best interests of at-risk pupils shall be the overriding consideration in implementing the provisions of this Chapter.

Additionally, R.S. 17:3991(B)(1)(a)(i) **requires charter schools to seek to attain an at-risk student population that is similar to that of the local school district.** R.S. 17:3991(B)(1)(a)(i) provides, in pertinent part:

That for Type 1 and Type 2 charter schools created as new schools, the percentage of the total number of pupils enrolled in the charter school based on the October first pupil membership who are at risk, in the manner provided in R.S. 17:3973(1)(a), shall be equal to not less than eighty-five percent of the average percentage of pupils enrolled in the local public school districts from which the charter school enrolls its students who are eligible to participate in the federal free and reduced lunch program. The remaining number of pupils enrolled in the charter school which would be required to have the same percentage of at-risk pupils as the percentage of pupils in the district who are eligible to participate in the federal free and reduced cost lunch program may be comprised of pupils who are at risk as is otherwise provided in R.S. 17:3973(1).

Charter Closure

Although 77 charter schools are operating in Louisiana in the 2009-10 school year, the vast majority of those schools have opened in the past three years. Prior to the 2005-06 school year, only 15 charter schools were operational state-wide, and only two have closed in the past five years.

- East Baton Rouge Arts and Technology Charter School (EBRATS) in East Baton Rouge Parish closed in 2006, primarily due to financial reasons.
- New Orleans Free Academy in Orleans Parish voluntarily surrendered its charter in 2009 because of a variety of finance and academic performance-related issues.

All charter schools in Louisiana that have been operational for more than five years have met and continue to meet their academic goals.

In anticipation of some of the recently approved charter schools not meeting their academic targets at the end of their five-year contract, BESE recently adopted minimal academic performance standards for charter renewal. Consistent with the philosophy of rewarding strong performance and providing incentives for schools to strive for continual improvement, the renewal terms for BESE-authorized charter schools will be linked to each school's academic performance (based on the school's performance on the state assessment in the year prior to the renewal application). Schools performing at the lower end of the performance spectrum will be eligible for renewal terms not to exceed three years, while those with stronger performance will be eligible for longer-term renewal – up to 10 years. **As an incentive for continual improvement, charter schools will be limited to two three-year renewal terms.**

(iii) The State's charter schools receive (as set forth in Appendix B) equitable funding compared to traditional public schools, and a commensurate share of local, State, and Federal revenues;

Under the funding section of the current charter school law (RS 17:3995), funding each type of charter school in Louisiana is distributed in one of three ways. Each ensures charter schools receive their commensurate of state and local revenues.

Funding for Type 5 charter schools comes from the state and the local district where the school is located. The funding that Type 5 charter schools receive from the state is the same relative share that district public schools receive from the state. This amount is calculated annually using the most recently approved MFP formula. Local funding for Type 5 charter schools is based on local revenues for the district where the school is located. To calculate this amount, officials examine the most recent revenue

data from the district where the school is located and subtract from that amount any money that was allocated for capital outlay, debt service, and facilities acquisition or construction.

Like Type 5 charter schools and traditional public schools, Types 1, 3 and 4 charter schools receive portions of their funding from the state and the local district where they are located. The state share is calculated using the most recently approved MFP formula. The share that Types 1, 3 and 4 charter schools receive from their home districts, however, is calculated differently from Type 5 charter schools. To determine the local share, local officials perform two calculations. First, they determine the local revenue amount from the prior year and subtract from that amount any money that was allocated for capital outlay or debt service (but not facilities acquisition and construction). Next, they determine the local share as defined in the most recently approved MFP formula. Under current law, Types 1, 3, and 4 charter schools receive a local share equal to the greater of these two calculations.

The funding formula for Type 2 charter schools authorized before July 1, 2008, is the same as for Types 1, 3 and 4 charter schools, except that once the local share has been determined, this amount is paid by the state rather than the district where the school is located. The funding formula for all Type 2 charter schools authorized on or after July 1, 2008, is the same as Types 1, 3 and 4 charter schools: money comes from the state and the district where the charter school is located.

In each circumstance above, the charters receive the same amount of local and state generated money per child as the traditional district-run schools receive [\[APPENDIX F3a: Local and State LEA Per Child Cost Allocations memos; APPENDIX F3b: Local and State LEA Per Child Cost Allocations chart\]](#)

As far as federal funds are concerned, upon approval, every charter school, whether approved by a local chartering authority or by BESE, is assigned a “site code” in LDOE’s database. Detailed data is gathered on various aspects of the schools’ students and staff. That data is used by the LDOE Division of Education Finance to ascertain proper allocations to all LEAs and to each charter school. The Division of Education Finance uses approved allocation methods to ensure that LEAs and state-approved charter schools receive their commensurate share of federal and state funds beginning in the first year of operation. Audits by the Division of Education Finance and by LDOE’s federal program managers ensure proper allocation of federal program funds. The Division of Education Finance fairly and equitably distributes the federal block and discretionary grants, in accordance with EDGAR and federal program requirements, to all schools in Louisiana including charter schools.

Both LDOE's fiscal and programmatic staffs closely monitor the availability of federal funds that charter schools in the state may apply to receive. The Division of Education Finance maintains separate accounts of allocations of both federal and state dollars that are set aside for the charter schools based on their student count or on the individual needs of their pupils. Each charter school is assigned at least one contact person for programmatic and fiscal issues among LDOE staff.

Additionally, as a matter of policy, the Division of Education Finance includes charter schools in all of their public school mailings and program notices relative to all state and federal funding sources, and charter schools are included in LDOE databases that list education entities that are eligible for federal funding.

(iv) The State provides charter schools with funding for facilities (for leasing facilities, purchasing facilities, or making tenant improvements), assistance with facilities acquisition, access to public facilities, the ability to share in bonds and mill levies, or other supports; and the extent to which the State does not impose any facility-related requirements on charter schools that are stricter than those applied to traditional public schools; and

There are a number of important facilities-related provisions in law that assist charter schools in securing physical space to house their schools. LA R.S. 17:3982(B) provides that

[[]ocal school boards shall make available to chartering groups any vacant school facilities or any facility slated to be vacant for lease or purchase at fair market value. In the case of a Type 2 charter school created as a result of a conversion, the facility and all property within the existing school shall also be made available to that chartering group under similar terms. In return for the use of the facility and its contents, the chartering group shall pay a share of the local school board's bonded indebtedness to be calculated in the same manner as set forth in R.S. 17:1990(C)(2)(a)(i). If such facilities were constructed at no cost to the local school board, then such facilities including all equipment, books, instructional materials, and furniture within such facilities shall be provided to the charter school at no cost.

This provision is important in that it essentially provides a preference for charter school operators when attempting to acquire vacant school property.

Type 5 charter schools also get access to existing school facilities in their capacity as RSD charter schools, as captured in

LA R.S. 17:1990(B)(4)(a):

The school district shall have the right to use any school building and all facilities and property otherwise part of the school and recognized as part of the facilities or assets of the school prior to its placement in the school district and shall have access to such additional facilities as are typically available to the school, its students, and faculty and staff prior to its placement in the school district. Such use shall be unrestricted, except that the school district shall be responsible for and obligated to provide for routine maintenance and repair such that the facilities and property are maintained in as good an order as when the right of use was acquired by the district. There shall be no requirement for the district to provide for the type of extensive repair to buildings or facilities that would be considered to be a capital expense. Such extensive repairs shall be provided by the governing authority of the city, parish, or other local public school system or other public entity which is responsible for the facility.

Finally, although currently unfunded, Louisiana's Charter School Law provides in R.S. 17:3995(G) an avenue through which significant facilities funding could be provided to new charter schools in the future:

In addition to any other funds received, each charter school created as a new school rather than as a conversion school shall receive for each student based on average daily membership in the charter school for the first five years of its existence, an amount equaling the average per student budgeted amount for each of those five years by the district in which the charter school is located for facility acquisition and construction services. The provisions of this Subsection shall apply only if and to the extent that funds are appropriated therefore by the legislature.

(v) The State enables LEAs to operate innovative, autonomous public schools (as defined in this notice) other than charter schools.

Schools Created by Traditional LEAs

LA R.S. 17:151 outlines the general provisions for the establishment of public schools in Louisiana. It provides that:

[p]arish and city school boards may establish such public schools as they may deem necessary to provide adequate school facilities for the children of the parish, and also trade schools, evening schools, schools for adults, schools and classes for exceptional children, and such other schools or classes as may be necessary to meet all special or exceptional requirements.

This broad authority granted to parish school boards in establishing public schools has resulted in a rich array of innovative, autonomous schools in Louisiana. A few examples of the types of innovative schools that have been created by traditional LEAs throughout the state:

- East Baton Rouge Parish has 13 magnet schools, two autonomous schools and three Type 1 charter schools that operate as part of a larger system educating more than 46,000 students in 90 schools.
- Caddo Parish educates just over 46,000 students in 73 public schools that include nine magnet schools, one lab school and more than a dozen academies that offer students a unique focus or theme. In 2009-10 the district opened its first New Technology high school. This school is part of the highly-regarded network of project-based learning schools created in partnership with the New Technology Foundation.
- Lafayette Parish has used its “Schools of Choice” initiative to create a number of innovative schools for students and their families, including eight high school academies that give students a jumpstart on their careers by offering career-connected programs in areas such as world language, business and finance, health careers, and engineering. The district also has a middle school with an environmental science focus and one that focuses on math, science, and technology. At the elementary level, innovative schools include Montessori schools, schools that offer French language immersion, and an arts and technology school.
- Various local school districts have also partnered with universities to create nine university laboratory schools which provide training opportunities for pre- and in-service teachers and serve as demonstration and educational research centers. They include: Louisiana State University, Southern University, Grambling State University, Southeastern Louisiana University, Northwestern State University, and Louisiana Tech. These public schools are partially funded by the state.

State Sponsored Special Schools

Louisiana has created a number of autonomously functioning state-supported public schools founded to serve the academic, artistic, and creative needs of its students. Two such schools include the Louisiana School for Math, Science, and the Arts (LSMSA), which is a residential high school with competitive admissions for high ability students, and the New Orleans Center

for Creative Arts (NOCCA), a regional, pre-professional arts training center that offers secondary school-age children intensive instruction in dance, media arts, music, theatre arts, visual arts, and creative writing. As state-supported entities, each of these schools is tuition-free to all Louisiana students who meet admissions requirements.

(F)(3) Demonstrating other significant reform conditions (5 points)

The extent to which the State, in addition to information provided under other State Reform Conditions Criteria, has created, through law, regulation, or policy, other conditions favorable to education reform or innovation that have increased student achievement or graduation rates, narrowed achievement gaps, or resulted in other important outcomes.

In the text box below, the State shall describe its current status in meeting the criterion. The narrative or attachments shall also include, at a minimum, the evidence listed below, and how each piece of evidence demonstrates the State's success in meeting the criterion. The narrative and attachments may also include any additional information the State believes will be helpful to peer reviewers. For attachments included in the Appendix, note in the narrative the location where the attachments can be found.

Evidence for (F)(3):

- A description of the State's other applicable key education laws, statutes, regulations, or relevant legal documents.

Recommended maximum response length: Two pages

Described throughout this application are a number of bold reforms and innovations Louisiana has put in place to increase student achievement and other important outcomes. Also enumerated are accolades and recognitions Louisiana has been awarded for its progressive approach to educational form, leading the nation in some areas.

Highlights of other conditions that have resulted in an increase in student achievement as highlighted throughout this application include:

Pay incentives to National Board Certified teachers, counselors, psychologists and social workers in schools

Revised Statues: 17:421.6, 17:421.8, 17:421.9 and 17:421.10

Louisiana offers a stipend to National Board certified school professionals who come to work in Louisiana. The talent pipeline