

# POLICY ALERT

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## POLICY UPDATE: 2014

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### LOUISIANA PUBLIC SCHOOL CHOICE

**A**ct 853, of great interest and concern to School Boards across the state, created new La. Rev. Stat. Ann. §17:4035 and §17:4035.1, which allow the parent or legal guardian of students the right to seek enrollment of a child in the public school of his/her choice *without regard to residence, school system geographic boundaries, or attendance zones* if the school at which the child was most recently enrolled, or would otherwise attend, received a state accountability school performance letter grade of D or F for the *most recent school year*. The school in which the student seeks to enroll must have received a school performance letter grade of A, B, or C for the most recent school year; the school shall have sufficient capacity at the appropriate grade level; and the enrollment shall meet other criteria as may be set by the School Board.

The statute directs School Boards to adopt a policy to govern such potential enrollment of students under provisions of this statute and to work *collaboratively and cooperatively* with each other.

The *Public School Choice* policy has been revised to include basic information contained in the statute regarding eligibility under the new *Louisiana Public School Choice*, and the Superintendent's authority to develop such regulations and procedures to govern the admission of these students from other districts. Additional criteria regarding student eligibility, approval of enrollment, capacity, etc. are specific guidelines that will vary from system to system, which we do not recommend be included in policy, but handled administratively, as is authorized in the policy.

### Policies In This Issue:

- Public School Choice

Here are some points to ponder regarding aspects of the new *Louisiana Public School Choice*:

### **Parental Decision**

The Act provides that the parent or other legal guardian of any eligible student **may** enroll his/her child in the public school of his/her choice, subject to certain statutory factors, and other criteria the School Board may impose through policy.

The decision to seek enrollment in a qualified school belongs solely to the parent. The “public school of his/her choice” means that if there are one or more eligible schools, the parent can seek enrollment in any or all them, and if the student is qualified and availability exists, the parent may choose which school in which to enroll the student.

### **Parental Notification**

While the provisions for *School Choice* under the federal *No Child Left Behind Act* (NCLB) require notification of parents, the new *Louisiana Public School Choice* includes **no** provisions regarding notification.

### **School Performance Scores**

The main qualification upon which the *Louisiana Public School Choice* is based is the relative performance scores of the public schools. Basically, if a student is enrolled in a D or F school, or would otherwise be attending that school, then the student is eligible for enrollment in a school with an A, B, or C school performance score. This provision does not guarantee enrollment; it merely allows the parent to pursue alternate enrollment for his/her child.

Of particular note is the inclusion of the phrase “or would otherwise attend.” Our interpretation, after discussions with the Louisiana School Boards Association (LSBA) and others, is that if a student resides in the attendance zone of a D or F school, but does not attend that school, the student would still be eligible to seek enrollment elsewhere through *Louisiana Public School Choice* provisions.

Another complication involves the school performance scores for this school year. The statute provides, as noted above, that the enrollment eligibility of a student shall be based on the school performance scores for the *most recent school year*. Currently, the scores for the 2013-2014 school year have not been published. So it appears that School Boards will have to decide if they want to base eligibility on the 2012-2013 published scores, or if they want to wait until the 2013-2014 letter grades are released. When these scores are released in future years may also play havoc with the enrollment decisions under this new statute.

### **Transportation**

The Act clearly states that transportation need not be provided to a school outside the geographical boundaries of the school which the student resides, if such transportation would result in an additional cost to the school system. This provision seems to *suggest* that transportation is supposed to be provided if a student enrolls in another qualified school **within** the school district. However, the statute is actually silent on this point, so any decision is left to the discretion of the School Board.

### **Enrollment**

As stated earlier, the right to seek enrollment is simply the decision of the parent. If the student actually becomes enrolled, it is our position that the enrollment is for one school year **only**. This stance is based on the fact that school performance scores vary from year to year, and thus the eligibility to seek enrollment may vary as well. A school with a D or F grade in one school year may improve its performance to a C school the next, making the student no longer eligible for enrollment elsewhere. This is an opinion, however, since the statute does not address this issue.

### **Capacity**

The Act provides that a student may enroll in an A, B, or C rated school provided the school has *sufficient capacity at the appropriate grade level*. It is unclear if this means that the school has to have

capacity to both enroll the student at the school **and** at the grade level at which the student will be placed.

How capacity will be determined will also vary from system to system. Limits on the number of students per school and per class, as well as student/teacher ratios are obvious factors. But, through policy and/or administrative regulations, the School Board may include other, more specific factors in the determination of what constitutes *capacity*.

### Money

The Act states that any student enrolled under *Louisiana Public School Choice* provisions shall be counted by the School Board in which enrolled for purposes of the Minimum Foundation Program (MFP) formula and any other available state or federal funding for which the student is eligible. In addition, the LSBA reports that the provisions of La. Rev. Stat. Ann. §17:105 should also be applied in the calculation of transfer of funds. This statute allows for mutual or inter-district agreements that provide for the transfer of all school funds for each non-resident student enrolled and dictates the amount to be transferred.

The revision of the policy takes into account the provisions of this statute by including language for entering into inter-district agreements as part of the administrative regulations and procedures that would be maintained by each school district.

### Governance

Lastly, the statute clearly provides that any student enrollment/transfer through *Louisiana Public School Choice* shall comply with the **policy** adopted by the School Board of the school in which the student's parents seek his/her enrollment. All of the ingredients governing *Louisiana Public School Choice* decisions should be addressed in policy, and any accompanying administrative regulations and procedures wherein the additional criteria are stipulated.

In addition to the new language regarding *Louisiana Public School Choice*, some revisions have been made to the *Public School Choice* provisions already in the policy, based on provisions outlined in Bulletin 111, *Louisiana School, District, and State Accountability System*.

*In the works* - Board Member term limits, cash management, student policies, and more!