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Title 28 EDUCATION

Part CXLV. Bulletin 129—The Recovery School District

Chapter 1. General Provisions

§101. Purpose

A. The purpose of this policy bulletin is to set forth the role, responsibilities, and functions of the Recovery School District (RSD).

AUTHORITY NOTE: Promulgated in accordance with La. Const. Art. VIII, §3, R.S. 17:6(A)(10), R.S. 17:10.5.A.(1), R.S. 17:10.5(A)(2), 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).

Chapter 3. Overall Governance and Oversight Structure

§301. Duties of the State Superintendent in the Administration of the RSD

A. The state superintendent shall serve as the RSD's governing authority, consistent with authority delegated by the Board of Elementary and Secondary Education (BESE) and statutory authority acknowledged by BESE. The state superintendent is subject to BESE's oversight of his administration of the RSD.

1. BESE's RSD Committee shall serve as the Board's lead group for oversight of the RSD.

B. The state superintendent shall employ/appoint and fix the salaries and duties of employees of the RSD, subject to applicable Civil Service laws, rules, and regulations, and other applicable laws, rules, regulations, and policies.

C. The state superintendent shall make recommendations to BESE for the approval of Type 5 charter schools, subject to the policies and processes approved by BESE.

D. As schools become eligible for transfer to the RSD, the state superintendent shall recommend to BESE the most appropriate mode of operating those schools.

E. As schools under RSD's jurisdiction become eligible for return to their local educational agency (LEA), the state superintendent shall recommend to BESE the most appropriate future path for those schools.

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.B, R.S. 17:10.5.C, R.S. 17:10.7.B, and R.S. 17:10.7.C.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 37:877 (March 2011).

§303. Appointment and Qualifications of the RSD Superintendent

A. The state superintendent shall appoint the RSD superintendent with prior approval of BESE.

B. The RSD superintendent shall possess the same qualifications as provided for a school system superintendent in BESE *Bulletin 746—Louisiana Standards for Certification of School Personnel*, as modified by the qualifications in *Bulletin 741—Louisiana Handbook for School Administrators*, at Section 505.B. However, the K-12 population level of Bulletin 741's §505.B need not be present within the RSD.

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 37:877 (March 2011).

§305. Duties of the RSD Superintendent

A. The RSD superintendent shall administer the RSD, subject to the authority of the state superintendent as governing authority.

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 37:877 (March 2011).

§307. Qualifications of Deputy Superintendents of the RSD

A. Deputy superintendents who supervise any part of the instructional program must meet the qualification standards set by *Bulletin 746—Louisiana Standards for Certification of School Personnel*.

B. Deputy superintendents in non-instructional areas, such as finance, management, facilities planning, and ancillary programs, must meet the qualification standards set for school system superintendents by *Bulletin 746—Louisiana Standards for Certification of School Personnel*.

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 37:877 (March 2011).

§309. Advisory Council(s) to the State Superintendent

A. Statewide Council

1. Within 90 days after the final adoption of this Section, the state superintendent shall nominate, subject to BESE's approval, a list of four nominees to serve on the statewide RSD advisory council to the state superintendent.

At least two of these nominees shall be members of a school advisory council, as described in §1505.C of this bulletin.

2. The purpose of the statewide RSD advisory council is to provide a vehicle to enhance two-way communication between the state superintendent and the community of stakeholders about the functioning of the RSD statewide. The state superintendent or his designee shall attend the council's meetings.

3. Once BESE has approved the membership of this advisory council, the council and the state superintendent or his designee shall meet at least three times a year. All such meetings shall be held in accordance with the state Open Meetings Law. These meetings shall be held in throughout the state.

4. Within 30 days after each meeting of this advisory council, the RSD shall post a summary of the meeting on the State Department of Education website, send a paper copy of the report to each school under the RSD's jurisdiction, and send an electronic copy to each BESE member and the BESE Executive Director.

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 37:877 (March 2011).

§311. Applicability of Provisions of Bulletin 741

A. RSD shall be subject to the policies contained in BESE *Bulletin 741—Louisiana Handbook for School Administrators [Public Schools]*, unless otherwise provided in this bulletin. *Bulletin 741* collects BESE policies that govern the operation of public elementary, middle, and secondary schools.

B. Should the RSD superintendent believe it appropriate to deviate from a policy within *Bulletin 741*, the RSD superintendent shall request that BESE grant it a waiver from that policy.

1. When the RSD requests that BESE waive a *Bulletin 741* policy, the RSD superintendent shall follow the procedure set forth in *Bulletin 741*, §345.

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 37:877 (March 2011).

Chapter 5. Failed Schools

§501. Transfer to the Recovery School District

A. A public school may be transferred to the jurisdiction of the RSD if it is determined, as defined by R.S. 17:10.6, to be either academically unacceptable or if it is determined to be academically in crisis. BESE has established a uniform statewide program for school accountability in BESE *Bulletin 111—The Louisiana School District and State Accountability System*.

1. Academically Unacceptable. A public school determined to be academically unacceptable shall be designated as a failed school and may be transferred to the RSD subject to approval by BESE. The state superintendent will make a recommendation to BESE regarding the transfer of an academically unacceptable school to the RSD.

a. BESE may approve the transfer of an academically unacceptable school if the failed school meets one or more of the following criteria:

i. the LEA fails to submit a reconstitution plan to BESE for approval; or

ii. BESE finds the LEA's reconstitution plan unacceptable; or

iii. the LEA fails to comply with the reconstitution plan approved by BESE; or

iv. the school is labeled an academically unacceptable school for four consecutive years.

b. When the state superintendent makes a recommendation to BESE to transfer an academically unacceptable school to the jurisdiction of the RSD, he will propose performance objectives for the failed school designed to bring the failed school to an acceptable level of performance such that the school earns the ability to transfer out of the RSD according to *Bulletin 111—The Louisiana School District and State Accountability System*. (LAC 28:LXXXIII.2403. Transfer of Schools out of the Recovery School District).

c. The state superintendent, in conjunction with the RSD, shall evaluate any public school deemed to be academically unacceptable to determine the best method to bring the school to an acceptable level of performance as determined by the statewide accountability plan. The state superintendent shall recommend to BESE any of the following methods for operating a school that has been deemed eligible for transfer to the RSD:

i. the failed school may be operated:

(a). as a direct-run RSD school;

(b). as a charter school,

(c). as a university partnership; or

(d). through a management agreement with a management education management organization;

ii. the RSD may enter into a supervisory memorandum of understanding (MOU) with the LEA under the provisions enumerated in Section 503, "Conditional Transfer Using a Supervisory Memorandum of Understanding," below.

d. BESE shall make the final decision for the transfer of an academically unacceptable public school to the RSD and shall make the final decision on the appropriate method of operating the school as enumerated in Section A.1.c, above.

2. Academically in Crisis. A local school system in which more than 30 schools are academically unacceptable or more than 50 percent of its students attend schools that are academically unacceptable is academically in crisis. Pursuant to R.S. 17:10.7, a public school participating in a Spring cycle of student testing that had a baseline School Performance Score (SPS) below the state average as defined in BESE *Bulletin 111—The School, District, and State Accountability System*, §301, was within an LEA labeled *academically in crisis* as defined in R.S. 17:10.6; and was within an LEA with at least one school eligible for transfer to the RSD under R.S. 17:10.5, was designated as a failing school and was transferred to the RSD by operation of law.

a. The state superintendent, in conjunction with the RSD, evaluated the schools transferred to the RSD pursuant to R.S. 17:10.7 to determine the best method of operation to bring the school to an acceptable level of performance. The state superintendent shall recommend to BESE a method of operating the schools transferred to the RSD. BESE shall make the final decision on the operation method of any school transferred to the RSD by operation of law.

b. Acceptable methods of operation for the failed schools include operating as:

- i. a direct-run RSD school;
- ii. a charter-operated school;
- iii. a university partnership school; or
- iv. an education management organization.

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(B), R.S. 17:10.6, and R.S. 17:10.7(B).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 37:878 (March 2011), amended LR 38:353 (February 2012).

§502. Parent Petitions

A. Pursuant to R.S. 17:10.5, a public school that has received a letter grade of “D” or “F,” or any variation thereof, for three consecutive years shall be removed from the jurisdiction of the city, parish, or local public school board, or other public entity and transferred to the jurisdiction of the recovery school district (RSD) if parents or legal guardians representing at least a majority of the students attending the school sign a petition requesting that the school be transferred to the RSD, and such transfer is approved by the state Board of Elementary and Secondary Education, in accordance with the requirements and procedures below. The effective date of transfer to the RSD shall be July 1 following the approval of such transfer.

B. Pursuant to R.S. 17:10.5, a public school directly operated by the RSD that has received a letter grade of “D” or “F,” or any variation thereof, for five consecutive years, and has not been identified for conversion to a charter school pursuant to a charter contract between BESE and a nonprofit charter organization, shall be transferred from the jurisdiction of the RSD to the jurisdiction of the local school board it was transferred from if parents or legal guardians representing at least a majority of the students who have

been enrolled in the school for at least two years sign a petition requesting that the school be transferred to the local school board, and such transfer is approved by the state Board of Elementary and Secondary Education and respective local school board, in accordance with the requirements and procedures below. The effective date of transfer shall be July 1 following the approval of such transfer.

C. Eligibility and Notification

1. The department shall make available on the LDE website information related to parent petitions, including, but not limited to, a list of schools eligible for the parent petition process, parent petition samples or forms, procedures and deadlines for completing and submitting parent petitions, and notification of receipt of parent petitions by the department.

2. On an annual basis, after completion of each year’s state accountability assessment cycle, the department shall release a list of schools for which the department will accept parent petitions for that year’s parent petition cycle.

a. Transfer to the RSD. A school eligible for transfer to the RSD pursuant to the parent petition process is any public school that is currently not under the jurisdiction of the RSD, nor under a memorandum of understanding with the RSD, and has received a letter grade of “D” or “F,” or any variation thereof, for three or more consecutive years.

b. Transfer to the Local School Board. A school eligible for transfer to the local school board is any public school directly operated by the RSD that has not been identified for conversion to a charter school pursuant to a charter contract between the state Board of Elementary and Secondary Education and a nonprofit charter organization, and has received a letter grade of “D” or “F,” or any variation thereof, for five consecutive years.

c. For the purposes of this Section:

- i. a 2009 or 2010 baseline school performance score (SPS) of 60.0 to 79.9 will equate to a “D” letter grade;
- ii. a 2009 or 2010 baseline school performance score (SPS) below 60.0 will equate to an “F” letter grade.

3. With the release of the list of eligible schools, the department shall release a standard parent petition and may provide an estimate of the minimum number of parent or legal guardian signatures required for each eligible school. The estimated minimum number of required parent or legal guardian signatures shall be based on the official student enrollment count from October 1 of the previous school year. In cases where there has been a significant change in the number of students attending the school since that time, for example, due to a change in grade configuration at the school, the estimate shall reflect these changes. The final minimum number of required parent or legal guardian signatures will be based on the official student enrollment count from October 1 of the current school year.

a. For schools transferring to RSD, the minimum number of required parent or legal guardian signatures will

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be 50 percent plus one signature of the total number of students attending the school.

b. For schools transferring to the local school board, the minimum required parent or legal guardian signatures will be 50 percent plus one signature of the number of students who have been enrolled in the school for at least two consecutive years.

D. Completing Parent Petitions

1. The standard parent petition released by the department shall be used to complete parent petitions for eligible schools. No other form or type of parent petition will be accepted by the department. Signatures may not be collected prior to the date of the annual release of the list of eligible schools by the department.

2. Parent petitions may only be signed by a parent or legal guardian of a student currently attending the eligible school.

3. Each student may be signed for by his parents or legal guardians only once on any given petition, such that each student equals one signature.

4. The standard parent petition may request the following information to be completed by parents or legal guardians of students:

- a. printed name of student;
- b. relationship of signatory to student;
- c. grade level of student;
- d. year(s) the student has attended the school;
- e. printed name of signatory;
- f. signature of parent or legal guardian;
- g. date of signature;
- h. parent or legal guardian contact information;
- i. a consent statement for purposes of sharing the petition as a public record; and
- j. the identification of "lead petitioners" to assist and facilitate communication between the parents and legal guardians who have signed the petition and the department;
- k. any other information deemed necessary by the department.

5. The standard petition shall also clearly state all rules and procedures for completing and submitting a parent petition.

E. Prohibited Practices

1. Parents or legal guardians shall be free from harassment, threats, and intimidation related to circulation of or signing a petition. No person shall knowingly, willfully, or intentionally:

a. intimidate, deceive, or misinform, directly or indirectly, any parent or legal guardian in matters concerning the circulation of or signing a petition;

b. intimidate a person by the use of violence, force, or threats with the intent to influence that person's decision to sign or not sign the parent petition, or to impede such person's ingress or egress from accessing the parent petition; or

c. without lawful authority, obstruct, hinder, or delay any parent or legal guardian on his way to or while returning home from any gathering or information session related to the circulation of or signing a parent petition, or while returning home from such place.

2. No person shall give or offer to give, directly or indirectly, any money, or anything of apparent present or prospective value to any parent or legal guardian with the intent to influence the parent or legal guardian in relation to the circulation or signing of a parent petition.

3. No person shall:

a. sign the parent petition, knowing that he is not qualified, or influence or attempt to influence another to sign the parent petition, knowing such person to be unqualified to sign or the signature to be fraudulent;

b. forge the signature of another or sign the parent petition using an assumed or fictitious name; or

c. forge, alter, add to, deface, take, destroy, or remove from any parent or legal guardian a parent petition that such parent or legal guardian is attempting to circulate or sign.

4. Any signature determined by the department to have been made as a result of prohibited practices may be deemed invalid.

5. Any person harassing, threatening, or intimidating parents or legal guardians related to the circulation of signing a parent petition may be subject to criminal prosecution under the laws of this state, including, but not limited to R.S. 14:122.1, 14:285, or 14:329.1.

6. Employees of any public school or school district, or members or employees of any city, parish, or local public school board, or other public entity governing a public school shall not utilize school or district resources to support or oppose any effort by petitioning parents or legal guardians to gather signatures and submit a petition.

F. Submission of Petitions

1. Petitions must be submitted to the department, in accordance with the processes and procedures specified by the department, no later than 90 calendar days following the release of the list of eligible schools and the standard petition by the department.

2. Petitioners may not submit a petition until they reach or exceed the final required minimum number of signatures specified by the department.

G. Review of Petitions

1. Upon timely receipt of a submitted parent petition, the department will review the petition to ensure that the petition has the minimum number of required signatures.

a. Only one signature per student will be counted.

b. Only original signatures will be counted. Photocopied signatures will not be counted.

2. If the department finds that the number of valid signatures is fewer than the final minimum number of required signatures, parents or legal guardians shall have thirty calendar days, commencing with a date specified by the department, to resolve such discrepancies and collect the additional signatures.

3. Once the department has determined the parent petition has the minimum number of signatures required, the department shall post a notification on its website. The notification shall include information identifying the school that is the subject of the completed parent petition, procedures for requesting a copy of the parent petition through a public records request, and procedures and deadlines for challenging the validity of a signature on the parent petition. On the same day the notification is published online, the department shall also send this information, via certified mail, to the lead petitioners, the RSD superintendent, the local superintendent and the president of the city, parish, or local public school board, or other public entity governing the school which is the subject of the parent petition.

4. The department shall create a signature review and verification process that meets the following requirements.

a. The signatures on the parent petition will be assumed valid unless challenged or there is reasonable doubt of their validity.

b. The department's website will clearly explain the procedures for challenging the validity of a signature on the parent petition.

c. The department shall accept challenges to the validity of signatures on a parent petition at a minimum, for 15 business days after publishing the online notification of the completed parent petition. The department shall respond to all public records requests for copies of the parent petition within three business days of receipt of the request.

d. The department shall determine acceptable challenges to the validity of a signature as follows.

i. Acceptable challenges to the validity of a signature shall include, but not be limited to:

(a).(i). the student identified in the parent petition was not enrolled in the school on the date of the parent or legal guardian's signature;

(ii). the person signing the petition is not the identified student's parent or legal guardian;

(iii). the signature is a forgery;

(iv). the signature was made as a result of harassment, threat, or intimidation; or

(v). the signature was made in exchange for a gift of, or offer to give, directly or indirectly, any money, or anything of apparent present or prospective value;

(b). in addition, for a parent petition requesting transfer of the school to the local school board, an acceptable challenge is the claim that a student identified on the petition has not been enrolled in the school for a minimum of two consecutive years.

ii. Unacceptable challenges to the validity of a signature shall include, but not be limited to:

(a). incorrect dates on the parent petition;

(b). the name of student, parent, or legal guardian is misspelled or does not match student, parent, or legal guardian records on file at the school; or

(c). a parent or legal guardian wishes to revoke their valid signature.

e. Notwithstanding the above, signatures shall not be discounted over technicalities if the clear intent of the parent or legal guardian was to support the petition.

f. If validity is challenged or doubted for a number of signatures that, if invalidated, would bring the number of signatures on the parent petition below the majority required, the department shall review and verify the signatures within 45 calendar days.

g. The school and the city, parish, or other local public school board, or other public entity that is the subject of the parent petition shall provide assistance requested by the department for the purpose of verifying signatures.

5. The department shall maintain records regarding the contents and outcomes of the petition.

H. Outcome of Petitions

1. Transfers to the RSD

a. After the department has verified signatures, as necessary, and has determined that the number of valid signatures on the parent petition meets the minimum number of required signatures, authority is hereby delegated to the state superintendent to approve the transfer of the school to the jurisdiction of the RSD no later than March 31 preceding the effective date of the transfer. Approval of such transfer shall be reported to the state Board of Elementary and Secondary Education (BESE) at the next scheduled BESE meeting.

b. The state superintendent shall approve transfers to the recovery school district under this Section for all parent petitions that have been completed successfully and appropriately, in accordance with the policies and procedures in this Section, subject to the capacity of the RSD and availability of funds and resources necessary to complete the transfer and manage or oversee the operation of the school, as determined by the state superintendent.

c. BESE reserves the right to limit the number of schools that may be approved by the state superintendent each year for transfer to the RSD under this Section.

2. Transfers to the Local School Board

a. After the department has verified signatures, as necessary, and has determined that the number of valid signatures on the parent petition meets the minimum number of required signatures, and given written notice of this determination to the local school board, the local school board shall consider the approval of the transfer of the school back to the local school board.

b. Upon the local school board's approval of the transfer, the local school board shall present the parent petition to BESE for approval no later than March 31 preceding the effective date of the transfer. BESE shall consider the parent petition at the next scheduled BESE meeting.

3. The department shall provide notice of the approval of the transfer to the RSD or local school board by posting on the department's website, sending written notice via certified mail to the RSD superintendent, the city, parish, or local school board, or other public entity from which the school shall be transferred, and contacting the lead petitioners identified on the parent petition. The date of such notification on the department's website shall serve as the date the transfer to the RSD or local school board is officially approved.

4. For each parent petition received by the department, the state superintendent shall submit a written report to BESE which shall include, at a minimum, the following:

- a. dates the petition was received by the department;
- b. number of total signatures on the parent petition;
- c. number of valid signatures on the parent petition;
- d.i. summary of the department's signature verification process;
- ii. specific actions taken by the department in response to challenges made to signatures on the petition, as applicable; and
- iii. whether the state superintendent approved the transfer of the school to the jurisdiction of the RSD or the local school board approved the transfer of the school to the jurisdiction of the local school board.

5. The president of BESE may appoint a subcommittee of BESE members to serve in an advisory capacity and review the parent petition and report to ensure that the petition was completed successfully and that the procedures outlined in this Section have been properly followed. The membership of the subcommittee shall include the BESE member representing the district in which the school that is the subject of the parent petition is located.

I. Transfer to the Recovery School District

1. A school transferred to the jurisdiction of the RSD pursuant to this Section may be directly operated by the RSD or operated as a type 5 charter school by an approved charter operator.

2. Upon transfer of a school to the RSD under this Section, the RSD shall engage in community outreach with parents, legal guardians, and members of the community in which the school is located to consult regarding school model and other operational decisions.

J. Transfer to the Local School Board

1. A school transferred to the jurisdiction of the local school board pursuant to this Section may be directly operated by the local school board or by a district authorized charter operator.

2. Upon transfer of a school to the local school board under this Section, the local school board shall engage in community outreach with parents, legal guardians, and members of the community in which the school is located to consult regarding school model and other operational decisions.

K. Student Enrollment

1. The city, parish, local public school board, or other public entity from which a school is transferred to the RSD under this Section shall create enrollment policies allowing students who choose not to remain enrolled at the school as a result of the school's transfer to the RSD to transfer to another school operated by the city, parish, local public school board, or other public entity.

2. The local school board shall permit any student attending a school that has been approved to be transferred back to the local school board to remain enrolled at that school upon transfer.

3. A school transferred to the RSD or back to the local school board pursuant to this Section shall maintain open enrollment policies and shall not impose student admission requirements.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.7 and R.S. 17.10.5.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:3121 (December 2012), amended, LR 39:3252 (December 2013).

§503. Conditional Supervisory Memorandum of Understanding

A. As an alternative to a transfer of a failing school to the RSD under the provisions of R.S. 17:10.5, BESE may authorize a conditional transfer requiring the LEA to enter a legally-binding memorandum of understanding (MOU) between the RSD and the LEA. The MOU will define the performance objectives for the LEA to implement to bring the failing school to acceptable levels of performance and outline any other conditions the LEA must meet or provide to support the school's turnaround.

B. Under the terms of the MOU, the LEA will continue to operate the failed school under the supervision of the

RSD. In the event the LEA is unable to comply with the terms of the MOU, and/or the LEA fails to implement procedures and conditions that bring the school to acceptable levels of performance, then the failing school will be transferred to the RSD, pursuant to the terms of the MOU.

C. At the end of the contract period, LEAs shall be released from the MOU if the school achieves a school performance score (SPS) greater than the current academically unacceptable school (AUS) bar or, if the board has adopted an increase to the AUS bar, that higher threshold. However, if desired by the successful LEA and approved by the state superintendent of education, an MOU may be extended in order to continue supports and services to the LEA.

D. At the end of the contract period, LEAs that do not achieve the required SPS score shall be immediately transferred to the RSD, unless the State Superintendent elects to extend the MOU.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:10.5(A)(1), R.S. 17:10.5(B), 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 37:878 (March 2011), amended LR 38:353 (February 2012).

§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 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

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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 of 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.

C. Unification of Schools Pursuant to R.S. 17:10.7.1

1. No sooner than July 1, 2018, and no later than July 1, 2019, type 5 charter schools located in Orleans Parish shall be transferred to the jurisdiction of the Orleans Parish School Board pursuant to the timelines and procedures detailed in R.S. 17:10.7.1.

2. The transfer of charter schools from the RSD to the Orleans Parish School Board pursuant to R.S. 17:10.7.1 shall occur on July 1, 2018, unless such transfer is postponed by a majority vote of the full membership of the Orleans Parish School Board or the full membership of BESE.

3. BESE or the Orleans Parish School Board may approve such postponement only if one or more of the following apply.

a. The Orleans Parish School Board is not financially stable.

b. The Orleans Parish School Board lacks a comprehensive expulsion and reentry program for students.

c. The Orleans Parish School Board cannot assure the stability of employee retirement benefits.

d. The Orleans Parish School Board cannot ensure or provide sufficient insurance coverage.

e. The superintendent for the Orleans Parish School Board and the superintendent of the RSD provide written certification that it is not feasible to meet the time lines, tasks, and benchmarks established in the plan to effect the return of schools from the Recovery School District to the jurisdiction of the Orleans Parish School Board as provided in R.S. 17:10.7.1.

f. The advisory committee created pursuant to R.S. 17:10.7.1, by a majority vote of its full membership, officially requests the Orleans Parish School Board or BESE consider such postponement.

4. Any action taken by the Orleans Parish School Board or BESE to postpone the final transfer of schools from the RSD to the Orleans Parish School Board must

occur no later than January 31, 2018, and in no instance shall such postponement extend the final transfer date beyond July 1, 2019.

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 42:551 (April 2016), LR 42:1869 (November 2016).

Chapter 7. Manner of Operation of Failed Schools

§701. Direct-Operation

A. BESE may authorize that a school transferred from an LEA to the RSD be operated directly by the RSD.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:10.5 (A)(1), R.S. 17:10.5(B), 17:10.7(A) (1), R.S. 17:10.7(B), and 17:1990(A)(2).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 37:1125 (April 2011).

§703. Type 5 Charter School

A. BESE may direct that a school transferred from an LEA to the RSD be operated by a nonprofit organization holding a charter for a type 5 charter school, under the auspices of the RSD.

B. The RSD superintendent may require Type 5 charter schools to utilize a unified hearing office established by the recovery school district for student expulsion hearings. Type 5 charter schools shall comply with all policies and procedures established by the RSD to implement this requirement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:10.5 (A) (1), R.S. 17:10.5(B), R.S. 17:10.7(A)(1), R.S. 17:10.7(B)(1), R.S. 17:1990(A)(2); and R.S. 17:3973 (2)(b) (v)(aa).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 37:1125 (April 2011), amended LR 38:2358 (September 2012).

§705. University Partnership School

A. BESE may direct that a school transferred from an LEA to the RSD be operated by the RSD in partnership with a University Partnership School, under the auspices of the RSD.

B. In providing for the operation of schools within its jurisdiction, at any time the RSD seeks participation by a college or university or a consortium of colleges and universities to provide for the operation of any school or group of schools, then colleges and universities that historically were established to provide education for African American students in the state shall be included in any opportunity to participate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:10.5(A)(1), R.S. 17:10.5(B), R.S.

17:10.7(A)(1), R.S. 17:10.7(B)(1)R.S. 17:1990(A)(2), and R.S. 17:1990(B)(2)(b).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 37:1125 (April 2011).

Chapter 9. Personnel

§901. Certification of Personnel

A. For schools directly operated by the RSD, and those schools operated by the RSD in partnership with a university, those schools' personnel shall meet the certification requirements set forth in *Bulletin 741—Louisiana Handbook for School Administrators* (public schools).

B. For charter schools operating within the RSD, the charter operator shall meet the certification requirements of its instructional staff, for its type of charter, as set forth in *Bulletin 126—Charter Schools*.

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. 17:3981, and R.S. 17:3991(C)(6).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 37:1377 (May 2011).

§903. Non-Discrimination

A. The RSD shall refrain from any manner of discrimination prohibited by state and federal law in all personnel matters, including but not limited to, recruitment, hiring, promotion, evaluation, discipline, retention, and dismissal.

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 37:1377 (May 2011).

§905. Professional Development

A. The RSD shall maximize opportunities for professional development for all employees it employs directly, as well as those employees of the charter operators and university partnerships under the RSD's jurisdiction.

B. Prior to the start of each school year, the RSD must facilitate professional development for personnel in all schools that are beginning their first year of operation under the RSD. The professional development should address the expectations and performance objectives for the school, as determined by RSD administrators.

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 37:1377 (May 2011).

Chapter 11. Fiscal Management

§1101. Fiscal Management Priorities

A. The RSD shall manage the finances to provide the best educational opportunity to all students and in the manner most likely to bring the school to an acceptable level of performance.

B. The RSD must identify and explain financial priorities for schools that have been placed into the RSD. These priorities shall aim to improve the overall performance and efficiency of a school. These priorities may be altered in the annual budget reports to BESE.

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(B), and R.S. 17:10.7(B)(1).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 37:310 (January 2011).

§1103. Annual Budget

A. BESE is the entity that makes the allocations of state, local, and federal funds to the RSD. If different funding amounts are allocated to different students, the funding shall follow the student.

B. The RSD direct-operated and charter-operated schools shall budget on a fiscal year basis, July 1 through June 30.

C. The revenues/receipts and expenditures disbursements in the RSD budget shall be listed and classified in such manner and substance as prescribed by the Division of Administration (DOA).

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), amended LR 42:553 (April 2016), LR 45:223 (February 2019).

§1105. Budget Planning, Preparation, and Schedules

A. The RSD shall annually present the budget proposal to BESE for approval prior to submission to the DOA and a report on the status of the budget following the approval by the legislature.

B. The RSD must comply with all accounting principles prescribed by the commissioner of administration under R.S. 39:78(A).

C. The RSD superintendent shall make such annual financial reports to the State Department of Education by September 30 of each year as the state superintendent may require.

D. It shall be the responsibility of the RSD to submit to the State Department of Education in a timely manner all necessary and required information for the computation of an individual allocation from the minimum foundation formula. This information shall be submitted to the department in the form required by the department.

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), amended LR 42:553 (April 2016), LR 45:224 (February 2019).

§1107. Budget and Other Financial Reporting

A. RSD shall conform to all requirements in this Chapter in addition to all applicable state and federal statutes and policy.

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), and R.S. 39:78(A).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 37:311 (January 2011).

§1109. Auditing

A. The RSD shall submit to an audit of its operations. This audit shall be conducted in accordance with provisions and timelines established by the Office of the Legislative Auditor.

B. Upon transfer of a failing school to the RSD, the RSD shall utilize the results of any audit of the school that occurred before the transfer. The RSD shall continue implementing all corrective post-audit actions of the prior LEA as part of the RSD's own modification of the school's financial practices to improve those practices.

C. Once the Office of the Legislative Auditor has issued a report on the operations of the RSD, it shall be the responsibility of the department to provide BESE with a complete analysis of the report and to recommend corrective actions to be taken, when necessary.

D. The RSD shall comply with BESE's annually approved audit plan for the operations of the Bureau of Internal Audit (BIA) within the State Department of Education, as applicable.

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. 10.6(E), R.S. 24:513, and R.S. 17:3996(F).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 37:311 (January 2011).

§1111. Allocation of Funds

A. The state shall annually appropriate sufficient monies to fund any school in the RSD in an amount equal to, but not less than, the school's student membership count times 100 percent of the state share per student as provided in the MFP approved formula for the city, parish, or other local public school system in which each school placed under the jurisdiction of the RSD is located as contained in the MFP budget letter approved by BESE. The appropriation shall be made to the administering agency for the RSD (the Louisiana Department of Education) and may be expended by the agency for the provision of services to students in the district.

1. No public monies shall be used to discriminate against protected classes or have the effect of discriminating in providing and ensuring equal education opportunities in Louisiana.

B. In addition to the appropriation required in Subsection A above, any city, parish, or other local public school board which had jurisdiction of a school prior to its transfer to the RSD shall annually allocate and transfer to the RSD an amount of money. That amount shall equal to the number of students enrolled in such a school times the local per pupil amount received by the school system from all of the following sources as provided in the Minimum Foundation Program approved formula, excluding any portion which has

been specifically dedicated by the legislature or by voter approval to capital outlay or debt service or which was actually expended by the school board for facilities acquisition and construction as reported to the state Department of Education:

1. sales and use taxes, less any tax collection fee paid by the school system;
2. ad valorem taxes, less any tax collection fee paid by the school system; and
3. earnings from sixteenth section lands owned by the school system.

C. Such allocation and transfer shall be accomplished by a reduction in the amount of state funds otherwise to be allocated to the city, parish, or other local public school system as contained in the Minimum Foundation Program budget letter approved by BESE equal to the amount provided in this Section of this bulletin. Such reduction shall be allocated to the RSD.

D. In the case that there are insufficient funds available to provide the total due the RSD under this section of this bulletin if all state funds are reduced and allocated to the RSD, the prior system shall transfer to the RSD a sufficient amount of money remaining from the sources provided in Paragraphs B.1 through B.3 of this Section. In the case that the prior system's local revenues are insufficient to allow for the allocation to the RSD and to allow the prior system to maintain a minimum balance of 10 percent of state Minimum Foundation Program funding and 10 percent of the local revenues listed in Paragraphs B.1 through B.3 of this Section, local revenues otherwise required to be allocated to the RSD shall be reduced to an amount necessary to allow the prior system to maintain such balances. Such maintained minimum balances shall be applied firstly to the prior system's retiree health insurance costs and secondly to the prior system's board administrative costs.

E. In addition to the appropriation required in Subsection A above, any public entity other than a city, parish, or other local public school board which had jurisdiction of a school prior to its transfer to the RSD shall transfer to the RSD an amount of money. This amount shall equal to the average per pupil amount appropriated or allocated for all students times the number of students enrolled in the school transferred from its jurisdiction to the RSD from self-generated funds or any other appropriated state funds that exceeds the per pupil amount appropriated pursuant to R.S. 17:1990(C)(1)(a).

F. All amounts to be appropriated or allocated and transferred pursuant to this Section shall be estimated or calculated by the state Department of Education based on the most recent local revenue data and projected student counts available. Allocations to be transferred shall be adjusted during the year as necessary to reflect actual student counts and actual prior year local revenue collections.

G. District-Level Allocations Provided by Statute

1. For allocations in a school district with one or more type 3B charter schools in a parish that contains a municipality with a population of 300,000 or more persons according to the latest federal decennial census, the total amount of minimum foundation program formula funds allocated to the local school board and to type 1, 1B, 3, 3B, 4, and 5 charter schools that are located within the district shall be allocated using a district-level computation based on student characteristics or needs as determined by BESE.

2. The LDE shall facilitate a collaborative process that includes representatives from the RSD, the Louisiana Association of Public Charter Schools, any affected local school board and any organization representing its authorized charter schools, and advocates for students with disabilities in the development of the district-level allocation policy that shall take effect on July 1, 2016.

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), and 17:3995.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 37:311 (January 2011), amended LR 42:1019 (July 2016).

§1113. Purchasing and Contracts

A. Applicable Law and Policy

1. The Recovery School District is established in R.S. 17:1990 as an intermediate education unit within the Department of Education and functions as a unit within a state agency, except as otherwise provided in R.S. 17:1990. State agencies are subject to various laws, regulations, and guidelines with respect to procuring goods and services needed by the agency. The Recovery School District, unlike other state agencies and unlike other units in the Department of Education, while still required to follow many procurement laws, has specific authority with respect to procurement that exempts it from receiving approval from other state agencies, where applicable, and exempts it from complying with state law applicable to other state agencies with respect to certain types of procurement.

2. The Recovery School District's authority relating to procurement:

- a. requires the RSD to engage in the procurement of materials and supplies, telecommunications goods or services, data processing hardware, data processing software, software maintenance and support services, hardware services, major repairs, and public works in compliance with the processes established in law, regulation, and/or executive order, as applicable, but does not require the RSD to receive approval of such procurement from the Division of Administration or any other state agency that may exercise approval over such procurement. The RSD, although it must comply with Title 38 of the Louisiana Revised Statutes with respect to public works contracts, is not required to utilize any state selection board, including but not limited to, the Louisiana Architects Selection Board, the Louisiana Engineers Selection Board, or the Louisiana Landscape Architects Selection Board, when contracting for any public work; and

b. provides the RSD with the same authority and autonomy afforded to city, parish, or other local public school systems under state law regarding the procurement of services, including but not limited to professional, personal, consulting, operating, and social services, the procurement of immovable property, and the leasing of movable property. The authority and autonomy authorizes the RSD to procure such services without complying with the applicable provisions of Title 38 and Title 39 of the Louisiana Revised Statutes, which govern such procurement for all other state agencies.

3. RSD procurement shall be governed by all applicable law and BESE policy. Policy in reference to procurement is herein adopted by BESE in the exercise of its authority to approve the administration of the RSD.

B. Scope

1. The policy set forth herein shall act as the foundation upon which the State Superintendent shall develop procurement procedures and guidelines for the RSD in compliance with the parameters set forth herein. It shall not be construed as a detailed guide to carrying out procurement in the RSD.

2. All procedures and guidelines governing procurement in the RSD shall be in compliance with the policy set forth herein and shall be approved by the State Superintendent.

C. Application

1. This policy applies only to contracts entered into after the approval of the policy in this Section by BESE.

2. This policy shall apply to every expenditure of public funds, irrespective of their source, unless otherwise approved by BESE. This policy shall not apply to grants or contracts funded with federal funds, if procurement under such is governed by applicable federal law and regulation. Nothing in this policy shall prevent the RSD from complying with the terms and conditions of any grant, gift, or bequest.

3. This Section shall not apply to the procurement of services for the operation of a school under the jurisdiction of the RSD.

D. Authority and Delegation

1. In its approval of the administration of the RSD, BESE shall approve the parameters for procurement by the RSD, as set forth herein, and shall approve all RSD contracts, as defined herein.

2. Except as provided herein, the state superintendent is vested with procurement authority for the RSD and shall be responsible for the oversight and approval, as applicable, of all purchasing and contracting in the RSD.

3. The state superintendent may delegate procurement oversight and approval authority to the RSD superintendent, who may delegate such authority to the RSD procurement director or his or her superior, all as authorized herein.

4. When time is of the essence for a contract or contract amendment that requires board approval, such that the Recovery School District cannot wait for the next board meeting, though not an emergency as defined herein, the chairman of the Board Finance Committee and the board president may approve a contract or contract amendment upon the receipt of a written memorandum from the deputy superintendent of management and finance or his designee setting forth the request for approval, the reason for the request, the name of the contractor, the amount of the contract, the contract period, and a description of the services to be provided. The approval shall be reported to the board at its next meeting.

E. State Superintendent Responsibilities

1. The state superintendent shall ensure that the RSD has sufficient internal controls and capacity to manage procurement for the RSD.

2. The state superintendent shall require that procedures and/or guidelines, which govern all procurement within the RSD, be developed. Such procedures and/or guidelines shall reflect the provisions of this policy. The state superintendent shall approve all procedures and/or guidelines governing RSD procurement.

a. Procurement procedures and/or guidelines shall contain, at a minimum, the following:

- i. authority, roles, and responsibilities of all employees authorized to approve the procurement of goods and services;
- ii. types of authorized and unauthorized contracts;
- iii. source selection and contract formation;
- iv. contract approval process;
- v. contract administration;
- vi. types of procurement and procedures for engaging in each;
- vii. types of competitive processes to be used for each type of procurement;
- viii. ethics in public procurement and contracting;
- ix. emergency declaration procedures;
- x. dispute resolution; and
- xi. debarment.

3. The state superintendent shall implement a written approval process for the approval of all contracts that he/she is authorized to approve and all contracts to be submitted to BESE for its approval. The state superintendent shall ensure that the RSD superintendent has a written approval process for all contracts he/she may approve pursuant to authority delegated by the state superintendent. These written approval processes shall be delineated in the procedures and/or guidelines which govern all procurement within the RSD.

F. Definitions

1. See Section 2703.D of this bulletin for definitions of relevant purchasing and financial terms. [Source: this is new, to collect all definitions in the bulletin in a single location at end of bulletin.]

G. Types of Procurement

1. The types of procurement that may be undertaken by the RSD and which are subject to the parameters set forth in this policy include, but are not limited to:

- a. purchase of items available under state contracts;
- b. materials and supplies;
- c. telecommunications goods and services;
- d. data processing hardware;
- e. data processing software;
- f. data processing software maintenance;
- g. data processing support and hardware services;
- h. major repairs;
- i. public works contracts;
- j. purchase of immovable property;
- k. lease of immovable property;
- l. professional services;
 - i. professional services identified in law; and
 - ii. other professional services;
- m. personal services;
- n. consulting services;
- o. operating services;
- p. social services; and
- q. other service contracts.

2. All procurement not specifically listed herein shall be subject to the approval of the state superintendent.

H. Contractual Arrangements

1. Contract Form and Evidence of Obligation

- a. All agreements to provide services to the RSD shall be evidenced by a written contract.
- b. All contracts entered into by the RSD shall contain, at a minimum, all provisions contained in form contracts used by the Department of Education.
- c. Absent a written contract for the performance of services, the RSD shall have no legal obligation to pay for services rendered and shall not make payments to satisfy any claim that is not based on a fully executed written contract.

2. Prohibited Contracts

a. The RSD shall not enter into the following types of contracts:

- i. contracts providing for the payment of cost plus a percentage of costs; or
- ii. contingency fee contracts.

3. Term of Contract and Multi-Year Contracts

a. The RSD shall not enter into any contract for a term that exceeds that which is prescribed in law for the respective types of procurement identified herein, regardless of the applicability of the law pursuant to R.S. 17:1990.

b. BESE shall approve all multi-year contracts entered into by the RSD, consistent with the thresholds provided herein. The RSD shall provide a justification for the need for a multi-year contract with the submission of each multi-year contract for BESE approval.

4. Contract Amendments and Cumulating Multiple Contracts

a. The thresholds established for the use of a competitive process as set forth in this Section shall apply to contracts for which an amendment thereto causes the contract to exceed the applicable threshold and multiple contracts with the service provider or any company which has engaged the service provider, which, when cumulated, exceed the applicable threshold. This Subparagraph shall apply to contracts entered into within a fiscal year.

b. The thresholds established for BESE approval of contracts as set forth in this Section shall apply to contracts for which an amendment thereto causes the contract to exceed the applicable threshold and multiple contracts with the service provider or any company which has engaged the service provider, which, when cumulated, exceed the applicable threshold. This Subparagraph shall apply to contracts entered into within a fiscal year.

c. The state superintendent or his designee has the authority to approve amendments that result in no-cost extensions to current contracts. [This is new.]

5. Commencement of Services under Contract

a. All services performed pursuant to a contract shall not commence prior to the approval of the contract, as set forth herein.

6. Administration of Contracts

a. All contracts shall be administered and monitored by the RSD, including but not limited to, substantiating invoices, monitoring progress of work, and evaluating performance.

7. Documentation of Contracts

a. Documentation related to all contracts shall be maintained pursuant to the RSD and/or Department of Education's Records Retention Schedule, as applicable.

8. Contract Reporting

a. The state superintendent shall provide a report to BESE of all contracts entered into by the RSD, other than major repair or public works contracts, consistent with

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contract reporting performed by the Department of Education.

b. The state superintendent shall provide a report to BESE of all major repair or public works contracts as determined by BESE.

I. Procurement Executed Pursuant to Applicable Law

1. Purchase of Items Available Under State Contracts

a. The RSD shall purchase all products or services available under state contracts entered into by the Division of Administration, unless a product or service being purchased can be obtained at a lower cost or the state superintendent determines that it is in the best interest of the RSD to independently procure the product or service.

b. The state superintendent shall require that a record be created of all procurement of products or services available under state contract, but which the RSD does not procure through a state contract. The record shall include the justification for the purchase of such products or services other than that which is available through a state contract.

c. The exceptions set forth in Subparagraph 1.a. above shall not apply if purchasing from a state contract is mandatory, as prescribed by the Division of Administration. In such case, the RSD shall comply with all applicable exceptions provided in law or regulation.

2. Materials and Supplies

a. The RSD shall comply with all applicable law when procuring materials and supplies.

b. The state superintendent shall have the authority to delegate his authority to procure materials and supplies to the RSD superintendent, who shall have that authority to delegate the same to the RSD procurement director.

c. The RSD superintendent may delegate his authority to procure materials and supplies to school level personnel, subject to procedures and purchasing thresholds approved by the state superintendent.

3. Telecommunications Goods and Services, Data Processing Hardware, Data Processing Support, and Hardware Services

a. The RSD shall comply with all applicable law when procuring telecommunications goods and services, data processing hardware, data processing support, and hardware services.

b. The state superintendent shall have the authority to delegate his authority to procure telecommunications goods and services, data processing hardware, data processing support, and hardware services to the RSD superintendent, who shall have that authority to delegate the same to the RSD procurement director.

c. All service contracts resulting from procurement of telecommunications goods and services, data processing hardware, data processing support, and hardware services shall be subject to BESE approval as defined in Subparagraph K.2.b of this Section.

4. Data Processing Software

a. The RSD shall comply with all applicable law when procuring data processing software.

b. The RSD procurement procedures and guidelines shall ensure the participation of a committee of no less than three individuals, with expertise appropriate to the software being selected, in the selection of data processing software.

c. The state superintendent shall have the authority to delegate his authority to procure data processing software to the RSD superintendent, who shall have that authority to delegate the same to the RSD procurement director.

5. Small Purchases

a. The RSD may engage in small purchases pursuant to R.S. 39:1596 and any Executive Order issued pursuant thereto.

b. The state superintendent shall have the authority to delegate his authority to engage in small purchases to the RSD superintendent, who shall have that authority to delegate the same to the RSD procurement director.

6. Used Equipment

a. The RSD may purchase used equipment, pursuant to Title 39 of the Louisiana Revised Statutes, when the purchase of used equipment is cost effective to the RSD.

b. The state superintendent shall have the authority to delegate his authority to purchase used equipment to the RSD superintendent, who shall have that authority to delegate the same to the RSD procurement director.

7. Major Repairs

a. The RSD shall comply with all applicable law when procuring major repairs.

b. BESE shall approve all major repair contracts exceeding \$250,000 and all amendments to such contracts.

c. The state superintendent shall have the authority to approve all major repair contracts exceeding \$250,000 if such contracts are entered into pursuant to an emergency condition as defined in applicable law and policy.

d. The state superintendent shall have the authority to approve all major repair contracts not exceeding \$250,000.

e. The state superintendent shall have the authority to delegate his authority to approve major repair contracts not exceeding \$50,000 to the RSD superintendent.

8. Public Works Contracts

a. The RSD shall comply with all applicable law when entering into public works contracts.

b. BESE shall approve all public works contracts exceeding \$250,000 and all amendments to such contracts.

c. The state superintendent shall have the authority to approve all public works contracts not exceeding \$250,000.

J. Procurement Executed Pursuant to BESE Policy

1. Professional Services Contracts Involving Professionals Identified in Louisiana Law

a. All professional services identified in Title 39 of the Louisiana Revised Statutes, which include lawyers, doctors, dentists, psychologists, certified advanced practice nurses, veterinarians, architects, engineers, land surveyors, landscape architects, accountants, actuaries, and claims adjusters shall be procured in compliance with applicable law.

b. The state superintendent shall develop and implement a process for the procurement of the professional services of architects, landscape architects, and engineers, which ensures that such professionals have the ability to participate in RSD projects and that professionals qualifying to participate have demonstrated competence and qualifications for the type of services required.

c. The process for the procurement of the professional services of architects, landscape architects, and engineers shall be approved by BESE.

d. BESE shall approve all professional service contracts exceeding \$50,000 and all amendments to such contracts.

e. The state superintendent shall have the authority to approve all contracts not exceeding \$50,000 and shall have the authority to delegate such approval authority to the RSD superintendent.

2. Other Professional Services, Personal Services, and Consulting Services

a. All professional services not specifically identified in Title 39 of the Louisiana Revised Statutes, as set forth in Paragraph 1 above, and all other service contracts, except for personal service contracts, which shall not require a competitive process regardless of the amount of the personal service contract, shall be procured through the use of a competitive process for all contracts that will exceed \$50,000, subject to the exceptions provided herein.

b. BESE shall approve all service contracts exceeding \$50,000 and all amendments to such contracts.

c. The state superintendent shall have the authority to approve all contracts not exceeding \$50,000 and shall have the authority to delegate such approval authority to the RSD superintendent.

3. Social Service Contracts

a. All social service contracts shall be procured through the use of a competitive process for all contracts that will exceed \$150,000, subject to the exceptions provided herein.

b. BESE shall approve all social service contracts exceeding \$50,000 and all amendments to such contracts.

c. The state superintendent shall have the authority to approve all contracts not exceeding \$50,000 and shall

have the authority to delegate such approval authority to the RSD superintendent.

4. Purchase or Lease of Immovable Property

a. The state superintendent shall develop and implement a process for the purchase or lease of immovable property.

b. BESE shall approve the purchase or lease of immovable property by the RSD.

K. Exceptions to Required Competitive Process

1. Procurement that is governed by state law and regulation is set forth in Subsection I of this Section. All requirements that must be met when engaging in such procurement are governed by applicable law and regulation. In addition, all exceptions to such requirements are governed by applicable law and regulation. The RSD must comply with all law and regulation, unless law or regulation authorizes an exception. The exceptions set forth below in Paragraph K.2 for procurement which is governed by policy shall not apply to procurement governed by state law and regulation.

2. Procurement that is governed by BESE policy is set forth in Subsection J of this Section. The provisions of Subsection J require the use a competitive process for certain types of procurement that are governed by policy. A competitive process shall not be required in the following circumstances.

a. Declaration of an Emergency by State Superintendent

i. In all procurement wherein a competitive process is required by this policy, the RSD may engage in emergency procurement following the declaration of an emergency by the state superintendent or his designee. The state superintendent is authorized to delegate his authority to declare emergencies and/or approve emergency contracts to the RSD superintendent, the RSD chief operating officer, or the RSD chief procurement officer. The state superintendent or his designee may declare an emergency if an emergency condition, meeting the following criteria, exists.

(a). An emergency condition is a situation which creates a threat to public health, welfare, safety, or public property such as may arise by reason of floods, epidemics, riots, equipment failures, or such other reason as proclaimed by the state superintendent. The existence of such condition creates an immediate and serious need for supplies, services, or major repairs that cannot be met through normal procurement methods and the lack of which would seriously threaten:

- (i). the functioning of Louisiana government;
- (ii). the preservation or protection of property;

or

- (iii). the health or safety of any person.

ii. The state superintendent shall require that a record be created of all emergency declarations by making a

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written determination stating the basis for an emergency procurement and for the selection of a particular contractor. In addition to the written determination describing the basis for the emergency procurement, the record shall also contain:

- (a). each contractor's name;
- (b). the amount and type of each contract; and
- (c). a listing of services procured under each contract.

iii. Emergency procurement shall be limited to only those services necessary to meet the emergency.

iv. The source selection method used shall be selected with the goal of assuring that the required services are procured in time to meet the emergency. Given this constraint, such competition as is practicable should be obtained.

b. Sole Source Procurement

i. The RSD may engage in sole source procurement if the product or service it is seeking is available from a single supplier. The vendor must be the sole provider of any services requested.

ii. A requirement for a particular service does not justify a sole source procurement if there is more than one potential bidder or offeror for the service.

iii. The state superintendent shall require that a record be created of all sole source procurement by making a written determination stating the basis for the sole source procurement and for the selection of a particular contractor. In addition to the written determination describing the basis for the sole source procurement, the record shall contain:

- (a). the contractor's name;
- (b). the amount and type of contract; and
- (c). a listing of services procured under the contract.

iv. All sole source contracts submitted to BESE for approval as required in this Section shall be accompanied by a description of the basis for exercising the sole source exception. Each amendment to such contracts submitted for BESE approval shall also contain an assurance that the services to be provided through the contract amendment continue to meet the sole source exception provided herein.

v. For all contracts with a sole source provider which have been entered into pursuant to the exception set forth in this Subparagraph, the contractor shall be allowed to subcontract with a provider of services to be compensated through its contract with the RSD, even if the subcontractor does not meet the criteria for being a sole source provider, as long as the subcontractor's work is a part of the overall contract objective and the contract is predominantly a contract for the services of the sole source provider.

c. Service Contracts with Education Program Specialists

i. The RSD may enter into a personal service, consulting service, or other professional service contract, as set forth in Paragraph J.2 of this Section, without using a competitive process upon a specific determination of the following:

(a). the service proposed to be provided by the education program specialist is directly related to efforts to improve student academic achievement;

(b). the service proposed to be provided by the education program specialist is directly related to the development of an academic organizational structure; or

(c). the service proposed to be provided by the education program specialist is directly related to efforts to provide services to students with disabilities.

ii. The state superintendent shall require that a record be created for each education program specialist contract entered into without the use of a competitive process by making a written determination stating the basis for the procurement and for the selection of a particular contractor. In addition to the written determination describing the basis for the procurement and for the selection of a particular education program specialist, the record shall contain:

- (a). the contractor's name;
- (b). the amount and type of each contract;
- (c). a listing of the services to be provided; and
- (d). an explanation of the how the contractor meets a category in Clause K.2.c.i of this Section.

iii. All education program specialist contracts submitted to BESE for approval as required in this Section shall be accompanied by a description of the basis for exercising the education program specialist exception. The basis shall include evidence that the contractor qualifies as an education program specialist and an explanation of how the contractor meets a category in Clause K.2.c.i of this Section. Each amendment to such contracts submitted for BESE approval shall also contain an assurance that the services to be provided through the contract amendment continue to meet the education service provider exception provided herein.

iv. For all contracts with an education program specialist which have been entered into pursuant to the exception set forth this Subparagraph, the contractor shall be allowed to subcontract with a provider of services to be compensated through its contract with the RSD, even if the subcontractor does not meet the criteria for being an education program specialist, as long as the subcontractor's work is a part of the overall contract objective and the contract is predominantly a contract for the services of an education program specialist.

L. Cooperative Purchasing

1. The RSD shall have the authority to join with other school districts, the state of Louisiana, or other units of government in cooperative purchasing plans when such

purchasing is in the best interest of the RSD. Competitive sealed bids or sealed proposals received by any other governmental agency or school district shall be the equivalent of bids or proposals received by the RSD and may be the basis for purchase of goods and services by the RSD.

M. Federal General Services Administration (GSA) Contracts

1. The RSD may procure materials, supplies, and equipment from Federal General Services Administration supply schedules in compliance with the Federal Acquisition Streamlining Act and regulations adopted pursuant to that law. Such purchases of materials, supplies, or equipment shall not be purchased at a price higher than the price for the same item listed on any available state purchasing contract. No use shall be made of the federal GSA supply schedules with the participation of a Louisiana licensed dealer or distributor.

N. Waiver of Requirements

1. BESE may waive, or deviate from, any provision of this Section upon the request of the state superintendent.

2. The state superintendent, in requesting such a deviation or waiver, shall identify the provision to be waived or the provision from which the state superintendent seeks to deviate, and shall provide a justification for the request.

3. Any request for a deviation from, or for a waiver of, any provision of this Section shall be approved by BESE prior to the execution of any contract or contract amendment pursuant to such waiver or deviation and prior to commencement of work by any contractor pursuant to any such contract or contract amendment.

4. The agenda of the Finance/Audit Review Committee shall have a standing item wherein the state superintendent may make a request defined in this Paragraph.

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), and R.S. 39:1596.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 37:312 (January 2011).

Chapter 13. Property Management

§1301. Jurisdictional Responsibility for the Maintenance and Repair of School Facilities

A. The RSD 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 recovery 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 RSD.

B. The use of schools and facilities by the RSD shall be unrestricted except that in the case of the transfer of schools pursuant to R.S. 17:10.5, the RSD shall not be responsible for to provide for extensive repairs to the buildings or

facilities that would be considered 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 from which the school facilities were transferred. The RSD shall be responsible only for the routine maintenance and repairs to buildings and facilities transferred pursuant to R.S. 17:10.5.

C. In the case of the transfer of schools into the RSD pursuant to R.S. 17:10.7, the RSD shall acquire with the transfer of the schools all the rights and responsibilities of ownership regarding all land, buildings, facilities, and other property that is part of the school being transferred, except that the RSD may not transfer the ownership of the land or usable buildings constructed on the land to another, except as provided by R.S. 17:1990(B)(4)(b)(iv); save returning the land and such buildings to the stewardship of the prior system. The RSD may lease land or property, dispose of property other than the land as is necessary to properly manage the operation of the schools, rebuild school buildings, or renovate school buildings.

D. The RSD may sell, lease, or otherwise dispose of, at public or private sale, for cash or on terms of credit, any moveable property it owns that is not used and, in the judgment of the RSD, is not needed in the operation of any school or schools within its jurisdiction.

E. The RSD shall comply with all applicable state laws and regulations and all ordinances and regulations as may be enacted and adopted by the governing authority of the local governmental subdivision in which the property of the schools that RSD has jurisdiction over is located, including building and fire safety code regulations, until such property is returned to the prior system or otherwise disposed of by the RSD.

F. In the case of the transfer of schools into the RSD pursuant to R.S. 17:10.7, no building should be destroyed pursuant to the authority of the RSD unless destruction has been approved by the Office of Facility Planning of the Division of Administration.

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. 17:1990(B)(4), and R.S. 17:1990(B)(4)(b)(ii).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 37:1377 (May 2011).

§1303. Maintenance of School Facilities

A. The RSD shall be responsible for and obligated to provide for routine maintenance and repair such that the facilities and property transferred to it by the prior system are maintained in as good an order as when the right of use was acquired by the district.

B. In the case of the transfer of schools into the RSD pursuant to R.S. 17:10.7, a portion of all revenues available to the prior system which are dedicated to the repair, maintenance, or capital projects regarding a transferred school whether such revenue is available from tax proceeds, was borrowed, bonded, or was otherwise acquired shall be transferred by the system to the RSD in an amount equal to

the proportion that the number of schools transferred from such school system bears to the total number of schools operated by the school system during the school year immediately preceding the school year in which the transfer occurred as provided by law and policy.

C. The RSD must meet all of the requirements regarding building maintenance and safety as required of other school districts in *Bulletin 741—Louisiana Handbook for School Administrators*.

D. The RSD must also meet all facility accessibility requirements set forth in *Bulletin 741—Louisiana Handbook for School Administrators*.

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), and R.S. 17:1990.B.(4).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 37:1378 (May 2011).

§1305. RSD Schools Assigned to Charter Operators

A. The RSD can, at its discretion, offer the use of facilities transferred pursuant to R.S. 17:10.7 to charter operators. Facility assignments will be made by the RSD superintendent based on considerations that include building readiness, facility preference of charter school operators and community input. The RSD will enter into lease agreements for the use of school facilities.

B. Building assignments do not transfer ownership, but imposes certain responsibilities to the charter operator, including, but not limited to routine building maintenance and repairs.

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), and R.S. 17:1990.B.(4).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 37:1378 (May 2011).

§1307. Responsibilities of Charter Operators

A. Charter operators shall maintain an inventory of all assets, including records of any assets acquired with any private funds. Inventories of assets must be maintained consistent with the requirements set forth in *Bulletin 1929—Louisiana Accounting and Uniform Governmental Handbook*. Any assets acquired by the charter operator remain the property of the charter school.

B. If a charter operator's charter is revoked or the school otherwise ceases to operate, all assets purchased with any public funds shall become the property of BESE. All assets purchased with private funds shall remain the property of the charter operator, if the inventory or records of the charter operator demonstrate that the assets were purchased with private funds.

C. If a charter operator fails to open a charter school and serve pupils or if the school closes for any reason, the charter school shall refund all cash on hand which can be attributed to state or local funding to the state or to BESE.

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), and R.S. 17:3991.H.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 37:1378 (May 2011).

Chapter 15. Community Involvement

§1501. Communication

A. For each school transferred to the RSD, the RSD shall ensure that each direct-operated school is included in the RSD community relations program. That program shall include a method of maintaining clear communication among interested parties, including the RSD; the chief executive officer of the governing authority of the relevant municipality or parish; the parents and guardians of children for whom the RSD is required to provide educational services; the respective school advisory council (see Subsection 1505.C, below); the city, parish, or other local public school board from which schools are transferred; and other relevant entities.

1. For each school under the direct operation of the RSD, the community relations program shall be such that the community is fully informed about the educational program, the strengths and needs of the school, and the services available to the school community.

2. The RSD shall regularly assess community needs and shall conduct public relations activities.

3. Each school shall maintain a continuous and specific program of community relations that involves the professional staff, the students, its school advisory council, and citizens.

4. Each school shall use its community resources in planning and conducting the total school program.

5. The RSD shall seek to enlist the cooperative assistance of all communications media within the community and to provide access to public information about the school, its policies, and activities.

6. Teachers shall make appropriate and effective use of community resources.

7. Each school shall seek parental involvement and support through communication between school and home.

8. Each school shall include in its school-community relations program a written plan for community/parent involvement.

B. The RSD shall require each school under its jurisdiction to notify the parent or legal guardian of every student, in writing, of the proper process and procedures to be followed in order to make a complaint or request information from the school or the RSD.

1. Such information shall include, at a minimum, the name, address, phone number, and email address of the appropriate person to contact at each step of the prescribed process or procedures. This information shall be updated, at least, annually. Such information shall be incorporated into

any existing policy or policies, code of conduct, or student handbook of the RSD or of each school under its jurisdiction.

2. The RSD shall provide this information to parents or legal guardians at the start of each school year.

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), and R.S. 17:10.B.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 37:1379 (May 2011).

§1503. Outreach

A. The statewide RSD advisory council to the state superintendent shall serve as a component of the RSD's community outreach.

B. To maximize community engagement, each school under the RSD's direct operation-is strongly encouraged to create an advisory council composed of members of the community it serves. The school administration shall meet with the school's advisory council on a regular basis.

1. The purpose of these meetings shall be threefold:

a. to provide the advisory council an opportunity make the school aware of its perspective on the school's operation and the needs of the community;

b. to allow the school to inform the advisory council of information about the school's staffing, budget, physical facilities, academic achievement, and planning; and

c. to facilitate two-way communication between the school and the advisory council.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:10.5(A)(1), R.S. 17:10.7 CA)(1), and R.S. 17:1990(A)(2).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 37:1379 (May 2011).

§1507. Participation

A. All school advisory councils are strongly encouraged to make their meetings open to the public.

B. Within two weeks of each meeting of the school administration with its advisory council, the school shall prepare a written report summarizing the items discussed at

the meeting, said report to be posted at the school and electronically on the Internet, as available.

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 37:1379 (May 2011).

Chapter 17. Evaluation of Student, School, and District Progress

§1701. Performance Measures

A. The RSD and all RSD schools shall participate in the Louisiana School, District, and State Accountability System as approved by BESE.

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), and R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 37:1379 (May 2011).

§1703. Reporting

A. The academic progress of all RSD schools shall be reported along with the progress of all public schools in BESE's annual report.

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), and R.S. 17:10.7.C.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 37:1379 (May 2011).

§1705. Procedures for Academic Assistance

A. The RSD shall implement data-driven, research-based procedures proven successful with similar populations of students in order to improve student achievement.

B. The RSD is also subject to all applicable requirements of *Bulletin 111—The Louisiana School, District, and State Accountability System*.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:10.5(A)(1), 17:10.7(A)(1), and R.S. 17:1990(A)(2).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 37:1379 (May 2011).