

Regular Session, 2012

ENROLLED

SENATE CONCURRENT RESOLUTION NO. 99

BY SENATOR APPEL

A CONCURRENT RESOLUTION

To provide for legislative approval of the formula to determine the cost of a minimum foundation program of education in all public elementary and secondary schools as well as to equitably allocate the funds to city, parish, and other local public school systems as developed by the State Board of Elementary and Secondary Education and adopted by the board on February 27, 2012.

WHEREAS, Article VIII, Section 13(B) of the Constitution of Louisiana requires the State Board of Elementary and Secondary Education to develop and adopt annually a formula which shall be used to determine the cost of a minimum foundation program of education in all public elementary and secondary schools as well as to allocate equitably the funds to parish and city school systems; and

WHEREAS, at a meeting of the State Board of Elementary and Secondary Education on February 27, 2012, the board adopted a formula for such cost determination and the equitable allocation of funds; and

WHEREAS, the board has indicated that the adopted formula considers all statutory and board policy requirements necessary to achieve an appropriate cost determination for a minimum education program as well as to distribute equitably the cost; and

WHEREAS, the following goals are recommended for the minimum foundation program:

GOAL 1 - - EQUITY: The school finance system in Louisiana provides equal treatment of pupils with similar needs with the requirement that local school systems have a tax burden sufficient to support Level 1.

GOAL 2 - - ADEQUACY: The school finance system in Louisiana provides programs and learning opportunities that are sufficient for providing a minimum educational program for every individual. The State Board of Elementary and

Secondary Education and the legislature through the adoption of the minimum foundation program formula establish a minimum program.

GOAL 3 - - LOCAL CHOICE: The school finance system in Louisiana provides that local taxpayers and the school board establish the budget and set the tax levy for operating the schools above a set level of support for the minimum program.

GOAL 4 - - EVALUATION OF THE STATE SCHOOL FINANCE SYSTEM: The school finance system in Louisiana ensures the attainment of the goals of equity, adequacy, and local choice. Whereas the school finance system utilizes significant state general fund revenues, it is important that the system be evaluated on a systematic basis annually.

GOAL 5 - - PERFORMANCE MEASURES: The school finance system in Louisiana provides for financial accountability and program efficiency maximizing student achievement. Accountability means that city, parish, and other local public school districts can demonstrate that they are operating in conformance with state statutes, financial accounting standards, and student performance standards.

WHEREAS, to properly measure the achievement of the goals, a comprehensive management information system containing state-level and district-level components shall continue to be developed; and

WHEREAS, to provide fiscal and programmatic accountability, a fiscal accountability program and a school and district accountability program shall continue to be developed; and

WHEREAS, the fiscal accountability program shall verify data used in allocating minimum foundation program funds and report fiscal information on the effectiveness of the manner in which the funds are used at the local school system level; and

WHEREAS, the school and district accountability program in establishing the state goals for schools and students creates an easy way to communicate to schools and the public how well a school is performing, recognizes schools for effectively demonstrating growth in student achievement, and focuses attention, energy, and resources on schools needing help

in improving student achievement; and

WHEREAS, the Constitution of Louisiana requires the legislature to fully fund the current cost to the state of the minimum foundation program as determined by applying the legislatively approved formula; and

WHEREAS, this minimum foundation program formula is designed to provide greater equity and adequacy in both state and local funding of local school systems; and

WHEREAS, the Constitution of Louisiana requires the appropriated funds to be allocated equitably to parish and city school systems according to the formula as adopted by the State Board of Elementary and Secondary Education and approved by the legislature prior to making the appropriation.

THEREFORE, BE IT RESOLVED by the Legislature of Louisiana, that the formula to determine the cost of a minimum foundation program of education in all public elementary and secondary schools as well as to allocate equitably the funds to city, parish, and other local public school systems developed by the State Board of Elementary and Secondary Education and adopted by the Board on February 27, 2012, is hereby approved to read as follows:

MINIMUM FOUNDATION PROGRAM

ELEMENTARY AND SECONDARY EDUCATION

COST DISTRIBUTION FORMULA

2012-2013 SCHOOL YEAR

I. BASIS OF ALLOCATION

A. Preliminary and Final Allocations

1. BESE shall determine preliminary allocations of the minimum foundation program formula for city, parish, and other local public school systems, Recovery School District schools, LSU and Southern Lab schools, Office of Juvenile Justice schools, Louisiana School for Math, Science, and the Arts (LSMSA), New Orleans Center for Creative Arts (NOCCA), Type 2 Charter schools, Student Scholarships for Educational Excellence Program (SSEEP), Special School District (SSD), and Louisiana School for the Deaf and Visually Impaired (LSDVI), using latest available data, no later than March 15 each year for the upcoming fiscal year. Upon adoption

by the board of such preliminary allocations for the ensuing fiscal year, the superintendent shall submit the budget requirements in accordance with R.S. 39:33 and shall submit the minimum foundation program funding requirements to the Joint Legislative Committee on the Budget and to the House and Senate committees on education.

2. Upon final adoption by BESE and the legislature of the minimum foundation program formula resolution in effect for the upcoming fiscal year, BESE shall determine final allocations of the minimum foundation program formula for city, parish, and other local public school systems, the Recovery School District, LSU and Southern Lab schools, Office of Juvenile Justice schools, Louisiana School for Math, Science, and the Arts (LSMSA), New Orleans School for the Creative Arts (NOCCA), Type 2 Charter schools, Special School District (SSD), and Louisiana School for the Deaf and Visually Impaired (LSDVI), using latest available data, no later than June 30 for the fiscal year beginning July 1.

3. Latest available student count estimates will be utilized for newly opened school districts or local education agencies in the final allocations of the minimum foundation program formula no later than June 30 for the fiscal year beginning July 1.

B. Mid-year Adjustments

1. Districts and schools may request that the state superintendent make estimated monthly payments based on documented mid-year growth prior to the October 1 count.

2. If any city, parish, or other local public school system's, Recovery School District schools', LSU and Southern Lab schools', Louisiana School for Math, Science, and the Arts (LSMSA), New Orleans School for the Creative Arts (NOCCA), Type 2 Charter schools', Special School District's (SSD), and Louisiana School for the Deaf and Visually Impaired's (LSDVI), current year October 1 student count is more or less than the previous year's February 1 membership, a mid-year adjustment to per pupil funding shall be made for each student gained or lost based on the final MFP allocation per pupil amount for that city, parish, or other local

public school system as approved by BESE.

3. Districts and schools may request that the state superintendent make estimated monthly payments based on documented mid-year growth prior to the February 1 count.

4. If any city, parish, or other local public school system's, Recovery School District schools', LSU and Southern Lab schools', Louisiana School for Math, Science, and the Arts (LSMSA), New Orleans School for the Creative Arts (NOCCA), Type 2 Charter schools', Special School District's (SSD), and Louisiana School for the Deaf and Visually Impaired's (LSDVI), current year February 1 membership is more or less than the current year October 1 membership, a second mid-year adjustment to per pupil funding shall be made for each student gained or lost based on one-half the final MFP allocation per pupil amount for that city, parish, or other local public school system as approved by BESE.

5. If the Recovery School District, the district of prior jurisdiction, and local education agencies have an increase or decrease in current year October 1 membership from the prior year February 1 membership included in the final MFP allocation individually, the Recovery School District, the district of prior jurisdiction, and local education agencies shall receive individually a mid-year adjustment of MFP funding based upon the increases and decreases in the October 1 membership times the final MFP allocation per pupil for the district of prior jurisdiction. For increases or decreases in the current year February 1 membership from the October membership, the Recovery School District, the district of prior jurisdiction, and local education agencies shall receive individually a mid-year adjustment based on the increases and decreases in the February 1 membership times one-half of the final MFP allocation per pupil for the district of prior jurisdiction.

6. If the Recovery School District's current year October 1 membership count qualifies for a mid-year adjustment to state funds, a mid-year adjustment shall also be made based on the local per pupil amount of the district of prior jurisdiction times the number of students identified in the mid-year adjustment. For the current year February 1 student count, an adjustment will be made using one-half the local per

pupil amount times the number of students identified in the mid-year adjustment.

7. For the newly opened school districts or local education agencies, in the first year of operation, a special mid-year adjustment will be made to finalize their minimum foundation program formula allocations using October 1 data. This special mid-year adjustment will replace the October mid-year adjustment. The newly opened school districts or local education agencies will qualify for the February 1 mid-year adjustment.

II. LEVEL 1 - COST DETERMINATION AND EQUITABLE DISTRIBUTION OF STATE AND LOCAL FUNDS

A. Base Foundation Level 1 State and Local Costs

1. February 1 Membership (as defined by the State Board of Elementary and Secondary Education) including Recovery School District students.

Plus

2. Add-on Students/Units.

a. At-Risk Students weighted at 0.22.

At-Risk students are defined for purposes of allocating funds as those students whose family income is at or below income eligibility guidelines or other guidelines as provided by the State Board of Elementary and Secondary Education and the number of students identified as English Language Learners that were not included based on income eligibility guidelines times the weighted factor of 0.22.

The State Board of Elementary and Secondary Education shall seek to increase the at-risk weight over seven years by an appropriate amount annually until reaching a total at-risk weight of .40.

b. Career and Technical Education course units weighted at .06.

The number of combined fall and spring student units enrolled in secondary career and technical education courses times the weighted factor of 0.06.

c. Special Education/Other Exceptionalities students weighted at 1.50.

The number of students identified as having Other Exceptionalities as reported in the membership count as defined by the State Board of Elementary and Secondary Education times the weighted factor of 1.50.

d. Special Education/Gifted and Talented students weighted at .60. The number of students identified as Gifted and Talented as reported in the membership count as defined by the State Board of Elementary and Secondary Education times the weighted factor of 0.60.

e. Economy of Scale calculated as a curvilinear weight of .20 at 0 student membership level down to zero at 7,500 student membership level. This weight will vary depending on the size of the school system. There will be no benefit to school systems with a membership of 7,500 or greater. The formula for this weight is:

(1) for each district with less than 7,500 students, subtract its membership from 7,500;

(2) divide this difference by 37,500 to calculate each district's economy of scale weight; then

(3) multiply each district's economy of scale weight times their membership count.

Equals

3. Total Weighted Membership and/or Units (Sum of I.A.1 and I.A.2.a. through e.)

Times

4. State and Local Base Per Pupil Amount of **\$3,855**.

In the event no provision for an annual increase has been provided and this Resolution remains in effect in the Fiscal Year 2013-2014 or thereafter, the State Board of Elementary and Secondary Education shall annually adjust the state and local base per pupil amount with approval by the Joint Legislative Committee on the Budget. If the Joint Legislative Committee on the Budget does not approve the rate established by the State Board of Elementary and Secondary Education, then an annual growth adjustment of 2.75% shall automatically be applied to the state and local base per pupil amount beginning in the Fiscal Year 2013-2014.

Equals

5. Total Base Foundation Level 1 State and Local Costs (I.A.3 times I.A.4.)

B. Local School System Share Calculation

1. Property Revenue Contribution is calculated by multiplying the state's computed property tax rate (including debt service) by each school system's Net Assessed Property Value for the latest available fiscal year including TIF areas. If a district's Net Assessed Property Value has increased equal to or greater than 10% over the prior year Net Assessed Property Value, then the growth in the Net Assessed Property Value will be capped at 10%. This cap will be applied on a year-to-year basis comparing the current year Net Assessed Property Value to the prior year uncapped Net Assessed Property Value. In FY 2007-08, this millage was set at a level appropriate to yield a state average share of 65% and a local average share of 35%. The millage set in FY 2007-08 will remain the same in FY 2008-09 and beyond except that the State Board of Elementary and Secondary Education may revise the millage as deemed appropriate in order to reestablish the 65%/35% share.

2. Sales Revenue Contribution is calculated by dividing the district's actual sales tax revenue collected (including debt service) in the latest available fiscal year by the district's sales tax rate that was applicable to create a sales tax base. If a local school system's sales tax goes into effect during the fiscal year, the tax rate is prorated to an annual rate applicable for the total revenue generated. If a district's Computed Sales Tax Base increased equal to or greater than 15% over the Computed Sales Tax Base calculated in the prior year formula, then the growth in the Computed Sales Tax Base will be capped at 15% over the amount used in the prior year formula. This cap will be applied on a year-to-year basis comparing the current year sales tax base to the prior year uncapped sales tax base. Each district's sales tax base is then multiplied by the state's projected yield of the sales tax rate. In FY 2007-08, this rate was set at a level appropriate to yield a state average share of 65% and a local average share of 35%. The rate set in FY 2007-08 will remain the same in FY 2008-09 and beyond except that the State Board of Elementary and Secondary Education may revise the rate as deemed appropriate in order to reestablish the 65%/35% share.

3. Other Revenue Contribution is calculated by combining (1) State Revenue in lieu of taxes;(2) Federal Revenue in lieu of taxes; and (3) 50% of Earnings on

Property.

4. Local School System Share is the sum of adding Item 1- Property Tax Contribution, Item 2 - Sales Tax Contribution and Item 3 - Other Revenues Contribution.

C. State Share Calculation

The State Share is calculated by subtracting the Local Share from the Total Level 1 Costs. In no event shall the State Share of the Total Level 1 Costs be less than 25% for any district.

III. LEVEL 2 - INCENTIVE FOR LOCAL EFFORT

A. Level 2 Eligible Local Revenue

1. Local Revenue.

Prior year revenues collected for educational purposes from total Sales Tax, total Property Tax, State and Federal Revenue in Lieu of Taxes, and 50% of Earnings on Property.

Minus

3. Local School System Share Contribution of Level 1 Costs.

Equals

4. Local Revenue over Local School System Share Contribution of Level 1 Costs. This is the funding available for consideration in Level 2 incentive funding.

5. Limit on Revenue Eligible for Level 2.

The maximum local revenue eligible for incentive funding is equal to 34% of Total Base Foundation Level 1 State and Local Costs (I.A.5 times .34).

6. Eligible Local Revenue collected for educational purposes. The Lesser of:

a. Local Revenue Over Level 1 Local Share (II.A.4.),

or

b. Limit on Revenue Eligible for Level 2 Incentive Funding (II.A.5).

B. State Support of Level 2 Local Effort

1. State Support of Level 2 equals Eligible Revenue in Level 2 minus the Local Share of Level 2.

2. Local Share of Level 2 revenue equals the district's Eligible Local Revenue

in Level 2 times the district's local share percentage of Level 1 times a factor of 1.72 in FY 2007-08. For FY 2008-09 and beyond, this factor will remain in effect. The State Board of Elementary and Secondary Education may calculate this factor on an annual basis.

Equals

3. State Support of Level 2 Incentive for Local Effort.

IV. MINIMUM FOUNDATION PROGRAM LEVEL 3 LEGISLATIVE ENHANCEMENTS

A. Continuation Funding for Pay Raises

1. 2001-02 Certificated Personnel Pay Raise Continuation Enhancement

The supplemental funding provided for the 2001-02 certificated pay raise will continue for each district based on the prior year per pupil amount times their current year membership.

2. 2006-07 Certificated Personnel Pay Raise Continuation Enhancement

The supplemental funding provided for the 2006-07 certificated pay raise will continue for each district based on the prior year per pupil amount times their current year membership.

3. 2002-03 Support Worker Pay Raise Continuation Enhancement

The supplemental pay raise allocation for noncertificated support workers provided in FY 2002-03 will continue for each district based on the prior year per pupil amount times the current year membership.

4. 2006-07 Support Worker Pay Raise Continuation Enhancement

The supplemental pay raise allocation for noncertificated support workers provided in FY 2006-07 will continue for each district based on the prior year per pupil amount times the current year membership.

5. 2007-08 Certificated Personnel Pay Raise Continuation Enhancement

The supplemental funding provided for the 2007-08 certificated pay raise will continue for each district or school based on the prior year per pupil amount times their current year membership.

6. 2007-08 Support Worker Pay Raise Continuation Enhancement

The supplemental pay raise allocation for noncertificated support workers provided in FY 2007-08 will continue for each district or school based on the prior year per pupil amount times the current year membership.

7. 2008-09 Certificated Personnel Pay Raise Continuation Enhancement

The supplemental funding provided for the 2008-09 certificated pay raise will continue for each district or school based on the prior year per pupil amount times their current year membership.

B. Foreign Language Associate Enhancement

Any local school system employing a Foreign Language Associate or a graduate of the Escadrille Louisiane program shall receive a supplemental allocation from BESE of \$20,000 per teacher not to exceed a total of 300 teachers in the program.

C. Hold Harmless Enhancement

The concept for the present formula was first enacted in Fiscal Year 1992-93. At that time, there were school systems that were "underfunded" by the state and those that were "overfunded" by the state. In Fiscal Year 1999-2000, this MFP formula concept was fully implemented for the first time with 52 systems funded at the appropriate state level, eliminating the "underfunded" situation. School systems identified as "overfunded" in FY 2000-01 have since received their prior year per pupil Hold Harmless amount times their current year membership not to exceed the total Hold Harmless amount received in the prior year. Beginning in FY 2007-08, the Hold Harmless amount as identified in the FY 2006-07 formula provided to these "overfunded" systems will be phased out. After subtracting amounts attributable to insurance supplements and legislative pay raises provided between FY 1993-94 and FY 1998-99 from the FY 2006-07 Hold Harmless amount, a revised Hold Harmless amount will be calculated. Each of the school districts identified as "overfunded" in FY 2006-07 will receive a reduction in FY 2007-08 equivalent to 10% of their total revised "overfunded" amount. The annual 10% reduction will continue each year for 10 years. On an annual basis, any hold harmless district may choose to reduce the remaining balance by an amount greater than 10% through formal notification to the

department. This request must take place no later than June 30th each year.

D. Rewards for Student Progress

Beginning in FY 2012-2013, the annual 10% reduction in the Hold Harmless funding amount will be repurposed and utilized as rewards for student progress. Reward schools shall include high performing schools, and schools achieving significant student progress, as defined by BESE.

E. Support for Increasing Mandated Costs in Health Insurance, Retirement, and Fuel

City, parish, and other local public school systems shall receive a minimum of \$100.00 for each student in the prior year February 1 membership.

V. FUNDING FOR RECOVERY SCHOOL DISTRICT

A. MFP State Share Per Student

1. The student membership and weighted student counts of schools transferred to the Recovery School District shall continue to be included in the membership and weighted student counts of the city, parish, or other local public school board from which jurisdiction of the school was transferred.

2. Once all final MFP calculations have been made, the MFP state share per prior year February 1 student membership from Levels 1, 2, and 3 of the MFP formula for the city, parish, or other local public school board which counted the Recovery School District students, shall be multiplied by the number of students in the Recovery School District and converted to a monthly amount. The monthly amount(s) shall be reduced from the city, parish, or other local public school board MFP monthly allocation and transferred to the Recovery School District.

B. MFP Local Share Per Student

1. In addition to the appropriation required in VA.2. of this section, the Recovery School District shall receive an applicable local revenue per student allocation.

2. To begin the fiscal year July 1, the local revenue per student allocation is based on projected local revenues for the most recent prior fiscal year from the city, parish, or other local public school board that had jurisdiction of the school prior to

its transfer divided by the total MFP student membership in the Recovery School District and in the district of prior jurisdiction used in the MFP final allocation.

3. For purposes of the Recovery School District calculation, local revenue is defined to include revenue from the following sources, excluding any portion which has been specifically dedicated by the legislature or by voter approval to capital outlay or debt service, per the definitions in the Annual Financial Report and the Louisiana Accounting and Uniform Governmental Handbook (LAUGH) as reported to the Department of Education:

- a. Sales and use taxes, less any tax collection fee paid by the school district.
- b. Ad valorem taxes, less any tax collection fee paid by the school district.
- c. Earnings from sixteenth section lands owned by the school district.

4. The provisions in Section B.3. above to exclude any portion of local revenues specifically dedicated by the legislature or by voter approval to capital outlay or debt service, shall be applicable only to a charter school housed in a facility or facilities provided by the district in which the charter school is located.

5. The total local revenue allocation for the Recovery School District is determined by multiplying the local revenue per student times the number of Recovery School District students used in the MFP final allocation.

6. Once the local amount is determined, it is adjusted to a monthly amount that is transferred from the MFP monthly allocation of the city, parish, or other local public school board of prior jurisdiction to the Recovery School District.

7. Based on the October 1 student count, the local revenue allocation per student will be recalculated and there will be a corresponding adjustment in the local revenue allocation per student. No recalculation of the local revenue per student will occur at the February 1 student count adjustment.

8. During the third quarter of the fiscal year, the local revenue allocation per student shall be adjusted to reflect actual prior year local revenue data.

9. A final reconciliation will occur based upon the receipt of the annual audited financial statements of the district of prior jurisdiction. If an increase or decrease in local revenue collection exists, the state superintendent may establish a

payment schedule. In the event that the fiscal status of the district of prior jurisdiction or the Recovery School District changes during the fiscal year or on or before the final reconciliation, the state superintendent may adjust the local revenue based on the revenues identifies.

C. Except for administrative costs, monies appropriated to the Recovery School District that are attributable to the transfer of a school from a prior school system and monies allocated or transferred from the prior system to the Recovery School District shall be expended solely on the operation of schools transferred from the prior system to the jurisdiction of the Recovery School District.

VI. FUNDING FOR LOUISIANA STATE UNIVERSITY AND SOUTHERN UNIVERSITY LABORATORY SCHOOLS

A. Any elementary or secondary school operated by Louisiana State University and Agricultural and Mechanical College or by Southern University and Agricultural and Mechanical College shall be considered a public elementary or secondary school and, as such, shall be annually appropriated funds as determined by applying the formula contained in Subsection B of this Section.

B. Each student in membership, as defined by the State Board of Elementary and Secondary Education, at the schools provided for in Subsection A of this Section shall be provided for and funded from the minimum foundation program an amount per student equal to the amount allocated per student for the state share of the minimum foundation program.

C. The funds appropriated for the schools provided for in this Section shall be allocated to the institution of higher education operating such a school. Each such institution of higher education shall ensure the equitable expenditure of such funds to operate such schools.

D. Fifty percent of increased funds provided are to be directed to certificated staff pay raises as defined in Section XIV.A. Provisions specified in Section XIII. through XV. of this Resolution shall apply to these schools.

VII. FUNDING FOR TYPE 2 CHARTER SCHOOLS

A. Any school authorized as a Type 2 Charter School approved by the State

Board of Elementary and Secondary Education, shall annually be appropriated funds as determined by applying the formula contained in R.S. 17:3995, except that the local share allocation will be funded with a transfer of the MFP monthly amount representing the local share allocation from the city, parish, or local public school board in which the attending students reside. The city, parish, or other local school board that has local taxing authority shall provide the local support for the students.

B. Virtual Charter schools may receive, as approved by the State Board of Elementary and Secondary Education, a lesser percentage of the state and local amount calculated in R.S. 17:3995.

C. For any student that resides on a military base, the local share allocation shall be funded by the state.

D. Where student attendance is from multiple school districts, the Department of Education shall determine the local share based on students reported by the schools. The student membership count of the Type 2 charter schools shall be included in the membership count of the city, parish, or other local public school board in which the student resides to determine the local share.

E. Student adjustments for Type 2 Charter Schools authorized shall adhere to the guidelines established in Section I.(B) – Mid-year Adjustments.

F. The student membership and weighted student counts of any Type 2 Charter school authorized by the State Board of Elementary and Secondary Education shall be included in the membership and weighted student counts of the city, parish, or other local public school board in which the student resides using the actual prior year February 1 enrollment data of the Type 2 Charter school. This shall not apply in the first year of operation where estimated data only is available.

G. Fifty percent of increased funds provided are to be directed to certificated staff pay raises as defined in Section XIV.A. Provisions specified in Section XIII. through XV. of this Resolution shall apply to these schools.

VIII. FUNDING FOR THE OFFICE OF JUVENILE JUSTICE SCHOOLS AND STUDENTS

A. Any elementary and secondary school operated by the Office of Juvenile

Justice in a secure care facility shall be considered a public elementary or secondary school and, as such, the Office of Juvenile Justice shall be annually appropriated funds for these students as determined by applying the formula contained in Subsections B and C of this Section.

B. Each student counted in the prior year average daily membership, as defined by the State Board of Elementary and Secondary Education to be calculated by dividing the number of days the students are under the guidance and direction of teachers by the total instructional days during the specified school year, shall be provided for and funded from the minimum foundation program a state share per pupil equal to the amount allocated per student for the state share of the district where the student resided prior to adjudication.

1. The state share per pupil allocation shall be adjusted based on a factor determined by the Louisiana Department of Education to provide for the differential in the number of educational days provided to the students in the custody of the Office of Juvenile Justice.

2. Additionally, the state share per pupil allocation shall be adjusted based on a factor determined by the Louisiana Department of Education to recognize the increased number of special education students in the Office of Juvenile Justice schools relative to the state average special education student population.

C. Each student counted in the prior year average daily membership, as defined by the State Board of Elementary and Secondary Education, shall be provided for and funded from the minimum foundation program a local contribution per pupil equal to the local contribution per pupil for the district where the student resided prior to adjudication.

1. For the purpose of the local share allocation per pupil amount, the average daily membership of the Office of Juvenile Justice shall be included in the membership counts of the city, parish, or other local public school board in which the student resided prior to adjudication to the Office of Juvenile Justice.

2. For a district(s) that shares local revenue, the allocation for the Office of Juvenile Justice will be completed before the calculation of local revenues.

3. The local share allocation shall be funded with a transfer of the MFP monthly amount representing the local share allocation from the city, parish, or other local public school board in which the attending students resided prior to adjudication to the Office of Juvenile Justice.

4. The average daily membership will be reconciled on an annual basis using the latest available data.

IX. FUNDING FOR LOUISIANA SCHOOL FOR MATH, SCIENCE, AND THE ARTS (LSMSA) AND NEW ORLEANS CENTER FOR CREATIVE ARTS (NOCCA)

A. LSMSA and NOCCA shall be considered a public elementary or secondary school, and as such, shall be annually appropriated funds as determined by applying the formula contained in Subsection B. of this Section.

B. Each LSMSA student in membership, and each NOCCA full-day student in membership, as defined by the State Board of Elementary and Secondary Education, shall be provided for and funded from the minimum foundation program an amount per student equal to the amount allocated per student for the state share of the minimum foundation program.

1. The amount allocated shall be supported state and locally based on the proportion of state and local support provided in Level 1 of the MFP formula for the district in which the attending student resides.

2. For a district(s) that shares local revenue, the allocation for LSMSA and NOCCA will be completed before the calculation of local revenues.

3. The local share allocation will be funded with a transfer of the MFP monthly amount representing the local share allocation from the city, parish, or local public school board in which the attending students reside. Where student attendance is from multiple school districts, the Department of Education shall determine the local share allocation based on students reported by the schools.

C. Student adjustments for each LSMSA student and each NOCCA full-day student authorized shall adhere to the guidelines established in Section I.(B) – Mid-year Adjustments.

D. Fifty percent of increased funds provided are to be directed to certificated pay raises as defined in Section XIV.A. Provisions specified in XIII. through XV. of this Resolution shall apply to these schools.

X. FUNDING FOR SPECIAL SCHOOL DISTRICT (SSD)

A. Special School District (SSD) shall be considered a public school district, and as such, shall be annually appropriated funds as determined by the state and local share calculation for the city, parish, or other local public school board where the attending students reside, except that the local share allocation will be funded with a transfer of the MFP monthly amount representing the local share allocation from the city, parish, or local public school board in which the attending students reside. Where student attendance is from multiple school districts, the Department of Education shall determine the local share allocation based on students reported by the schools.

B. For a district(s) that shares local revenue, the allocation for SSD will be completed before the calculation of local revenues.

C. Student adjustments for SSD authorized shall adhere to the guidelines established in Section I.(B) – Mid-year Adjustments.

D. The student membership and weighted student counts of SSD authorized by the State Board of Elementary and Secondary Education shall be included in the membership and weighted student counts of the city, parish, or other local public school board in which the student resides using the actual prior year February 1 enrollment data of SSD.

E. The fifty percent pay raise provision does not apply to SSD. Provisions specified in XIII. through XV. of this Resolution shall apply to these schools.

XI. FUNDING FOR THE LOUISIANA SCHOOL FOR THE DEAF AND VISUALLY IMPAIRED (LSDVI)

A. Louisiana School for the Visually Impaired (LSDVI) shall be considered a public elementary or secondary school, and as such, shall be annually appropriated funds as determined by the state and local share calculation for the city, parish, or other local public school board where the attending students reside except that the

local share allocation will be funded with a transfer of the MFP monthly amount representing the local share allocation from the city, parish, or local public school board in which the attending students reside. Where student attendance is from multiple school districts, the Department of Education shall determine the local share allocation based on students reported by the schools.

B. For a district(s) that shares local revenue, the allocation for LSDVI will be completed before the calculation of local revenues.

C. Student adjustments for LSDVI authorized shall adhere to the guidelines established in Section I.(B) – Mid-year Adjustments.

D. The student membership and weighted student counts of LSDVI authorized by the State Board of Elementary and Secondary Education shall be included in the membership and weighted student counts of the city, parish, or other local public school board in which the student resides using the actual prior year February 1 enrollment data of LSDVI.

E. The fifty percent pay raise provision does not apply to LSDVI. Provisions specified in XIV. through XV. of this Resolution shall apply to these schools.

XII. CHOICE SYSTEM

All children regardless of cultural and economic background should have the ability to choose and have access to a quality education. The ultimate goal of the Choice System is to improve student outcomes by providing opportunities for parental choice regarding the delivery of educational services to students. City, parish, and other local school systems shall provide choice opportunities to eligible students and support the cost of those opportunities with the Minimum Foundation Program state and local share per pupil allocations. The following opportunities are provided for parental choice and shall be funded through the Minimum Foundation Program:

A. Educational Service Providers

1. Authorized educational service providers are those entities approved by the State to provide approved educational courses to students statewide. This program will be fully implemented in Fiscal Year 2013-2014. For Fiscal Year 2012-13, city,

parish and other local school systems shall ensure that sufficient funding is available for dual enrollment courses to meet the needs of students as has been the practice in prior years. The following entities may be authorized educational service providers:

a. Institutions of Higher Education – Universities, community colleges, and technical colleges may qualify to be educational service providers. Courses provided by institutions of higher education provide dual enrollment opportunities for students. Dual enrollment is the simultaneous enrollment of a student at both a secondary and a post secondary institution. A student who is dually enrolled is completing a post secondary course(s) and being granted secondary credit. The student's grade is recorded on both the secondary and post secondary transcripts. Dual enrollment opportunities assist students with being successful in their post-secondary learning experiences.

b. On-line Course Providers – Courses provided by On-line Course Providers allow students opportunities to ensure access to all required courses to meet graduation requirements.

c. Industry Based Certification Programs – Courses provided by commercial industry based educational programs provide opportunities for students to be career ready upon graduation.

d. Other Providers deemed eligible to be supported with Minimum Foundation Program funds as approved by the Board of Elementary and Secondary Education

2. Student Eligibility

Students in grades Kindergarten through 12 are eligible to enroll and participate in courses provided by Educational Service Providers if the student attends a Louisiana school that earned a grade of no more than C+ in the most recent evaluation cycle, or currently attends a school that earned an A or B in the most recent evaluation cycle but one or more of the course offerings provided by the educational service provider(s) are unavailable.

3. Course Scheduling

Each eligible student must schedule and attend a minimum of one course

through their locally assigned school. The remaining courses may be scheduled with any combination of eligible educational services providers.

4. Course Funding

The cost of courses provided by Educational Service Providers to eligible students is to be supported through ninety percent of the state and local share per pupil allocation for the district in which the student currently resides. The remaining ten percent shall be retained by the city, parish, or other local school district in which the student currently resides and may be utilized for purposes determined by the district. Funding shall be allocated as follows:

a. The funding available for each course shall be equivalent to a maximum of one-sixth of the ninety percent of the state and local share per pupil allocation.

i. If after allocating the available funds for each eligible student, and any balance remains then all or a portion of the balance may be used to obtain additional courses. Higher education providers may charge up to the published maximum tuition charged for the course to part-time postsecondary students or one-sixth of ninety percent of the state and local share per pupil allocation, whichever is less.

B. Student Scholarships for Educational Excellence Program (SSEEP)

Another opportunity for parents to exercise parental choice is the Scholarships for Educational Excellence Program. This program provides parental choice for certain public school students enrolled in low performing public schools and provides an opportunity for these students to attend eligible nonpublic and public schools. In fiscal year 2012 -13, this program will transition to being funded through the MFP and may provide for a statewide expansion.

1. The eligibility for the scholarships shall be determined by applicable laws.

2. Scholarship amounts will be based on the lesser of the state and local share per pupil allocation for the city or parish school district in which the participating student resides, or the actual cost of school tuition plus incidental or supplementary fees that are charged to non-scholarship students enrolled in such school.

3. If the amount allocated for actual tuition and fees is less than the state and local share per pupil allocation for a specific student, then the amount supported state

and locally shall be calculated based on the proportion of state and local support provided in Level 1 of the MFP formula for the city or parish school district in which the attending student resides. Any additional funding above actual tuition and fees shall return to the state or to the city or parish school district according to the proportion of state and local support provided in Level 1 of the MFP formula for the city or parish school district.

4. For purposes of the Scholarship program, BESE will adopt an annual maximum tuition rate increase for participating nonpublic schools by establishing a percentage of the per pupil MFP in the district where the nonpublic school is located. Such nonpublic school may not increase its annual tuition for scholarship students by an amount to exceed that percentage.

5. A participating public school shall have received not less than a B- in the most recent school performance evaluation period and shall receive the state and local per pupil amount for the city or parish school system in which the scholarship recipient resides.

6. The amount for which the city or parish school district is responsible will be funded with a transfer from the MFP allocation for the city or parish school district in which the participating student resides to the participating nonpublic or public school on behalf of each student awarded a scholarship.

7. Eligible students participating in the scholarship program in Fiscal Year 2011-12 authorized in R.S. 17:4011 et seq., shall be grandfathered in and therefore considered participating and enrolled for school year 2012-13 in the school district which has local taxing authority. The legal taxing authority shall provide the local support for the students grandfathered in as well as any new participating students.

8. Transfers of scholarship payments shall be made by the Department of Education on behalf of the responsible city or parish school districts to eligible nonpublic schools and eligible public schools in four equal installments throughout the school year.

9. In administering the scholarship program, BESE shall establish an accountability mechanism that abides by the law.

10. BESE shall measure the rate at which all schools serving scholarship students admit and serve students with special education needs. BESE may establish a lower rate of funding for those schools not meeting a minimum threshold of special education enrollment established by BESE.

C. Early High School Graduation Scholarship Program

The purpose of the Early High School Graduation Scholarship Program is to provide tuition and fee assistance to students graduating early from a public high school including state-funded Scholarship students thus enabling and encouraging the student to attend college in any public or private institution of higher education in Louisiana. This program will begin in Fiscal Year 2013-14.

1. For students that graduate at the end of the eleventh grade, an amount shall be available equal to one half of one year's MFP state and local share per pupil allocation for the district in which the student resided at the time of graduation from which the student graduated.

2. For students that graduate midterm of their senior year, an amount shall be available equal to one quarter of the MFP state and local share per pupil allocation for the district in which the student resided at the time of graduation.

3. The Early High School Graduation Scholarship students shall be included in the MFP membership count in the district in which the student resided at the time of graduation to calculate the funding amount.

4. These amounts will be placed in a special fund and held for up to one year for use by the student at an institution of higher education.

5. These funds shall be used as the last source of income when paying for cost of attendance such as tuition, fees and housing.

6. When a student receives a student aid grants and scholarships package that includes MFP state and local share allocation funding and the student aid package exceeds the cost of attendance, the amount exceeding the cost of attendance shall be refunded to the State and the city, parish or other local school district where the student resides at the time of graduation in the same proportion calculated in Level 1 of the MFP formula. The refund amount shall not exceed the MFP state and local

share allocation.

XIII. ADJUSTMENTS FOR AUDIT FINDINGS AND DATA REVISIONS

Review and/or audit of the districts' or schools' data used in determining their Minimum Foundation Program allocation may result in changes in final statistical information. The Minimum Foundation Program allocation adjustments necessary as a result of these audit findings will be made in the following school year.

XIV. REQUIRED EXPENDITURE AMOUNTS

A. Required Pay Raise for Certificated Personnel

Fifty percent of a district's increased funds provided in Levels 1 and 2 over the prior year after adjusting for increases in student membership shall be used only to supplement and enhance full-time certificated staff salaries and retirement benefits for city, parish, or other local school systems, Recovery School District, and LSU and SU Lab schools with an average teacher salary below the latest published SREB average teacher salary. This requirement will be suspended for city, parish, or other local school systems, Recovery School District schools, LSU and SU Lab schools, Office of Juvenile Justice schools, Louisiana School for Math, Science, and the Arts (LSMSA), New Orleans Center for Creative Arts (NOCCA), and Type 2 Charter schools in any year in which no annual increase is provided in the state base per pupil amount.

For purposes of determining the use of these funds, certificated personnel are defined per state Department of Education Bulletin 1929 and are to include: teachers (all function codes 1000-2200, object code 112); therapists/specialists/counselors (function codes 1000- 2200, object code 113); school site-based principals, assistant principals, and other school administrators (function code 1000-2200 and 2400, object code 111); central office certificated administrators (function code 1000-2300 & 2831 (excluding 2321), object code 111); school nurses (function code 2134, object code 118); and employees on sabbatical in function code 1000-2200, 2134, and 2400.

B. 70% Local General Fund Required Instructional Expenditure at the

School Building Level

To provide for appropriate accountability of state funds while providing local school board flexibility in determining specific expenditures, local school boards must ensure that 70% of the local school system general fund expenditures are in the areas of instruction and school administration at the school building level as derived by the Department of Education.

1. The definition of instruction shall provide for:

a. The activities dealing directly with the interaction between teachers and students to include such items as: teacher and teacher aide salaries, employee benefits, purchased professional and technical services, textbooks and instructional materials and supplies, and instructional equipment;

b. Student support activities designed to assess and improve the well-being of students and to supplement the teaching process, including attendance and social work, guidance, health and psychological activities; and

c. Instructional support activities associated with assisting the instructional staff with the content and process of providing learning experiences for students including activities of improvement of instruction, instruction and curriculum development, instructional staff training, library/media, and instructional related technology.

2. School administration shall include the activities performed by the principal, assistant principals, and other assistants while they supervise all operations of the school, evaluate the staff members of the school, assign duties to staff members, supervise and maintain the records of the school, and coordinate school instructional activities with those of the school district. These activities also include the work of clerical staff in support of the teaching and administrative duties.

3. For city, parish, and other local public school districts that fail this requirement, but perform at or above the state average in the District Performance Score (DPS), a waiver for this noncompliance should be provided.

4. For city, parish, and other local public school districts that fail this requirement, and also perform below the state average in the District Performance

Score (DPS), the following consequences should be applied:

a. Require that city, parish, and other local public school districts assess expenditures in non-instructional areas including a self-assessment and/or hiring an independent firm to determine operational activities that could be streamlined through outsourcing, privatization, or consolidation and provide a report to BESE on the implementation plan to redirect any savings from these actions to instructional activities according to timelines set by the Department of Education.

b. Require the city, parish, and other local public school districts to examine the manner in which state and federal funds are utilized, make revisions to incorporate new spending patterns, and provide a report to BESE on the implementation of these actions according to timelines set by the Department of Education.

C. Expenditure Requirement for Foreign Language Associate Program

The state must maintain support of the Foreign Language Associate program at a maximum of 300 Foreign Language Associates employed in any given year. These teachers shall be paid by the employing city, parish, or other local public school system or school the state average classroom teacher salary (without PIP) by years of experience and degree beginning with year three. First year teachers will receive an installation incentive of an additional \$6,000; second and third year teachers will receive a retention incentive of an additional \$4,000. These amounts must be provided to each Foreign Associate Teacher by each school district or school in which they are employed.

D. Expenditure Requirement for Educational Purposes

State MFP funds shall only be expended for educational purposes. Expenditures for educational purposes are those expenditures related to the operational and instructional activities of a district to include: instructional programs, pupil support programs, instructional staff programs, school administration, general administration, business services, operations and maintenance of plant services, student transportation services, food services operations, enterprise operations, community services operations, facility acquisition and construction services and

debt services as defined by Louisiana Accounting and Uniform Governmental Handbook, Bulletin 1929.

XV. ACCOUNTABILITY PROVISIONS

A. Accountability for School Performance

Each school recognized by the Louisiana Department of Education will be included in a MFP Accountability report submitted to the House and Senate committees on education by June 30 of each year. Specific information to be included in the report is as follows:

a. School Data - School name, city, and district; Type of school; October 1 elementary/secondary enrollment; and grade span.

b. Accountability Data - scores and labels.

c. Fiscal Data - expenditures per elementary/secondary enrollment for classroom instruction (less adult education) and pupil/instructional support.

d. Student Demographic Data - percent of students eligible for free and/or reduced lunch ("at-risk"), students with exceptionalities (special ed), gifted/talented, and Minority; Advanced Placement data; student attendance rates; and pupil-teacher ratios.

e. Teacher Data - Average FTE teacher salaries (object 112, function 1000 series); percent of teachers certified; average years of experience; percent master's degree and above; percent turnover; percent Minority; and teachers' days absent. All teacher data (excluding salaries) reported for certified teachers.

f. Staffing Data - number per 1000 pupils for certified teachers, uncertified teachers, and instructional aides.

B. Accountability for Weighted Student Funds

1. In Fiscal Year 2010-11, according to R.S. 17:7(2)(f)(I), city, parish, and other local public school districts, Recovery School District schools, LSU and Southern Lab schools, Louisiana School for Math, Science, and the Arts (LSMSA), New Orleans School for the Creative Arts (NOCCA), and Type 2 Charter schools, Special School District (SSD), and Louisiana School for the Deaf and Visually Impaired (LSDVI) will be required to expend funds generated by applying the

weighted factors contained in the formula for At-Risk students, Career and Technical Education course units, Special Education Other Exceptionalities students, and Special Education Gifted and Talented students on the following: (a) personnel, (b) professional services, (c) instructional materials, (d) equipment, and (e) supplies that serve the unique needs of students who generate such funds.

2. The expenditure of these weighted funds must be submitted annually in a report as directed by the Louisiana Department of Education including the details on the types of activities for which these funds were expended to serve the needs of the weighted students at all schools that serve such students. The information contained in such annual report shall be published on the Department of Education website in an easily understandable format.

XVI. STUDY OF FUNDING FOR PUBLIC EDUCATION

The State Board of Elementary and Secondary Education will encourage school districts to explore utilizing student-based budgeting as a tool to improve student achievement.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES