

Louisiana Developmental Disabilities Council

SELF-DETERMINATION ♦ INDEPENDENCE ♦ PRODUCTIVITY ♦ INTEGRATION ♦ INCLUSION

January 4, 2019

Jeff Landry, Attorney General
Louisiana Attorney General Office
P.O. Box 94005
Baton Rouge, LA 70821-9297

Dear Attorney General Landry:

The Louisiana Developmental Disabilities Council (Council) requests an opinion on whether the distribution of local education agency funds to Type 2 and 5 charter schools is being allocated in accordance with state law, specifically La. R.S. 17:3995.

The Council's concern related to this issue is whether resources are being allocated to schools according to the need levels of the students within those schools. According to the Minimum Foundation Program, the first two levels, and largest share of, funding for schools are determined based on a weighted student count. In this calculation, each student with a disability is counted as two-and-a-half students. Total funding amounts for levels one and two of funding include a shared burden of state and local revenue streams. In approximately 2012, the Council realized a different funding formula was being used to calculate funds for charter schools. Charter schools were receiving a flat rate of funding for every student equal to the average, not weighted, amount per student. Since charter schools tend to not enroll students with disabilities at rates found in traditional public schools, using different funding calculations for charter schools than for traditional schools disrupts the appropriate amount of funding to schools indicated by the Minimum Foundation Program formula. Using different funding calculations than are in the Minimum Foundation Program causes funds to be redirected from schools serving more students with high needs to schools with less students in need of those resources. Data from the LDOE revealed the state share of funding being distributed to charter schools in the 2014-2015 school years amounted to millions of dollars of funds initially designated by the Minimum Foundation Program for students with more high level needs in traditional schools being redistributed to charter schools that lacked the students with need levels necessary to receive those funds.ⁱ

In 2015, the Louisiana Legislature passed Act 467 to clarify the expectation of using an equitable funding formula for charter schools as is used for traditional public schools. Act 467 of 2015 also amended R.S. 17:3991 to require charter schools to enroll students with disabilities at rates similar to rates of students with disabilities found in traditional public schools. If charter schools enrolled students with disabilities at rates similar to the rates found in traditional public schools, using an average student funding formula instead of a weighted student funding formula would not have as significant consequences. Unfortunately, the majority of charter schools in Louisiana have not met the standard set in 2015 of enrolling at least 85 percent of the percentage of students with disabilities enrolled in traditional public schools.ⁱⁱ

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Following passage of Act 467 of 2015 the Louisiana Department of Education began using the weighted formula for the state share of funding in the Minimum Foundation Program but continues to distribute the local share of funds to charter schools based on an average, un-weighted amount for every student, regardless of the student need characteristics established in the Minimum Foundation Program. The Council is concerned the continued use of an average, un-weighted amount for every student for distributing local fund shares to charter schools continues to deprive some schools of resources deemed necessary to appropriately serve students with disabilities.

The Council would appreciate your consideration in reviewing this issue and drafting an opinion as to whether the distribution of the local share of funds to Type 2 and 5 charter schools is being performed in accordance with state law.

Please contact Shawn Fleming at shawn.fleming@la.gov.

Respectfully,



April Dunn
Chairperson

AD:SF

ⁱ [LDOE SB267 of 2015 Simulation FY2015-16 Charter Per Pupil Per RS 17:3995](#); Simulation produced in May 2015 reflecting projected impact of state general fund shift caused by SB267 of 2015 (subsequently Act 485 of 2015). Online at <https://laddc.org/sb267-simulations-and-proposed-language-by-ldoe/>

ⁱⁱ [Information on Enrollment of Students with Disabilities in Charter Schools](#); Reference document created by the Louisiana Developmental Disabilities Council, July 31, 2018. Online at: <https://laddc.org/wp-content/uploads/2018/09/Information-on-Enrollment-of-Students-with-Disabilities-in-Charter-Schools.pdf>