

## Type 2 Charter Funding Lawsuit FAQ

### WHAT IS A TYPE 2 CHARTER SCHOOL?

Charter schools are authorized by either a local school board or the state. If a charter school application is denied by a local district, or if the district is graded as a “D” or “F,” then the application can be submitted to the State Board of Elementary and Secondary Education (BESE) for approval as a state-authorized charter school. Charter schools authorized by BESE are commonly referred to as “Type 2” charter schools.

### WHAT IS THE MFP (MINIMUM FOUNDATION PROGRAM)?

The MFP is the formula used to determine the cost of a minimum foundation program of education in all public elementary and secondary schools. It is the constitutional duty of BESE to develop and adopt the MFP every year. A combination of state and local tax monies are used to fund the MFP. These dollars are allocated on a per pupil basis (ie: the money follows the child).

### WHAT IS THE “TYPE 2” LAWSUIT?

In September 2014, the Iberville Parish School Board and the Louisiana Association of Educators (LAE) filed two separate lawsuits challenging the ability of Type 2 charter schools to receive MFP funds as well as the MFP funding formula itself. These two suits were consolidated for trial which is set for Monday, March 2, 2015, before Judge Wilson Fields of the 19th Judicial District Court of East Baton Rouge.

### WHAT ARE THE ISSUES BEFORE THE COURT?

1. The main issue is the extent the constitution, as it is currently written, permits BESE to use the MFP to directly fund any public school that operates outside the purview of traditional parish school boards—this would include not only Type 2 charter schools but all other “special” public schools that currently receive at least some portion of their funding through the MFP, such as the New Orleans Center for Creative Arts; the Louisiana School for Math, Sciences, and the Arts, as well as the LSU and Southern Lab Schools amongst others.
2. A secondary issue concerns the funding formula itself and whether the current MFP formula creates an equitable allocation of funds, as required by the constitution.

### WHAT’S AT STAKE FOR ME, THE TAXPAYER?

The current version of the MFP, which was designed and adopted in the early 1990s, is student-driven, meaning that funding is allocated on a per-student basis instead of a cost/reimbursement basis of preceding MFP formulas. The current MFP formula is structured in such a way that both the state and local parishes contribute to the cost of the MFP and the formula makes adjustments to equalize funding levels from parish to parish. As a result, the MFP enables tax dollars that are dedicated to public education to essentially follow a child and that each Louisiana student receives an equitable public education whether they live in a parish that is able to contribute a lot of local tax dollars, such as St. Tammany, or very little, like East Carroll.

### WHAT’S AT STAKE FOR ME, THE PARENT?

Louisiana has worked hard to reform its public education system, which has consistently ranked at the bottom of the list nationally. In order to be more competitive and push Louisiana forward in terms of education innovation, the State Legislature passed a charter school law twenty years ago in order to provide more public education choices for families. If this lawsuit succeeds, funding for Type 2 charter schools—which are often the only alternative education option for many families—may no longer receive the MFP’s guaranteed per pupil funding.

Additionally, removing Type 2 charter schools from the MFP lessens the chances that BESE will approve Type 2 charter schools in the future. This means that a parent’s right to choose the education that best fits his or her child will be greatly restricted and that power will go back to the school systems.

### HOW MANY SCHOOLS AND STUDENTS WOULD BE IMPACTED?

There are currently 33 Type 2 charters serving nearly 18,000 students in grades K-12. Additionally, this lawsuit may impact funding for LSU/Southern Lab Schools; Louisiana School for Math, Science, and the Arts; the New Orleans Center for Creative Arts; and Office of Juvenile Justice (OJJ) Schools as well.

### WHAT DOES STATE LAW SAY ABOUT THESE ISSUES?

The people of Louisiana, when they adopted their Constitution in 1974, empowered BESE with the authority to administer and fund all public schools. BESE has the constitutionally granted power to allocate the funds to follow the child via the MFP, including children who attend “special” public schools or Type 2 charters.

### ARE CHARTER SCHOOLS PUBLIC SCHOOLS?

Yes. All Louisiana charter schools are state-certified, public schools, and must meet all public school standards. A charter school, however, provides choices to parents and allows them to flee a failing traditional school that has not shown academic accountability and improvement. A charter school is governed by a volunteer, non-profit board and must meet state requirements for academic achievement and financial accountability or it will be closed.

### HOW CAN I HELP?

The best thing you can do is to remain informed, engaged and vocal on this and other matters that impact your child’s education. Write a letter to your elected officials or your local newspaper asking them to support BESE, Louisiana law and the State Constitution.

Stay on top of this and other important issues by signing up for more information with the LAPCS- Louisiana’s only organization dedicated to advocating for and on behalf of charter schools. Contact [info@lacharterschools.org](mailto:info@lacharterschools.org) or 504.274.3651 for more information.