

# STRUCTURE AND USE OF LEARNING PODS IN LOUISIANA ELEMENTARY AND SECONDARY PUBLIC SCHOOLS

LOUISIANA DEPARTMENT OF EDUCATION

PERFORMANCE AUDIT SERVICES

**Informational Report**  
**August 2, 2023**

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August 2, 2023

The Honorable Patrick Page Cortez,  
President of the Senate  
The Honorable Clay Schexnayder,  
Speaker of the House of Representatives

Dear Senator Cortez and Representative Schexnayder:

This informational report provides the results of our review of the structure and use of learning pods in Louisiana public schools. This report is intended to provide timely information related to an area of interest to the legislature or based on a legislative request. I hope this report will benefit you in your legislative decision-making process.

We would like to express our appreciation to the Louisiana Department of Education for their assistance during this review.

Respectfully submitted,



Michael J. "Mike" Waguespack, CPA  
Legislative Auditor

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LEARNINGPODS





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# Louisiana Legislative Auditor

Michael J. "Mike" Waguespack, CPA



## Structure and Use of Learning Pods in Louisiana Elementary and Secondary Public Schools Louisiana Department of Education

August 2023

Audit Control # 40230010

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## Introduction

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This report provides information about the structure and use of learning pods in Louisiana public schools. In 2021, the Legislature<sup>1</sup> granted the governing authorities of Louisiana's public schools (which includes both traditional public and charter schools) the ability to establish learning pods as an extension of any school under its jurisdiction. These learning pods are defined as a group of at least 10 students enrolled in the school who receive instruction in a small group setting. Neither state law nor regulations establish the maximum number of students that can be enrolled at a learning pod. Students are typically located at a separate facility from the main campus of the school with which the learning pod is affiliated. Learning pod students are considered students of the main school for administrative, financial, and performance purposes. The purpose of this informational report is to answer questions related to learning pods used in Louisiana public schools.

State law<sup>2</sup> requires teachers at learning pods to meet all qualifications and requirements that are applicable to the school's teachers on the main school campus. The public-school governing authority also must create policies and procedures that address, at a minimum (1) the student population, (2) the method of instruction (i.e., virtual, in-person, or both), (3) specialized curriculums or programs to be provided at the learning pod, and (4) the processes for parents to request enrollment to or withdrawal from a learning pod. A student is eligible to attend a learning pod if the student meets admission and eligibility requirements in accordance with state school attendance laws.<sup>3</sup>

The objective of this review was:

**To provide information about the structure and use of learning pods in Louisiana elementary and secondary public schools.**

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<sup>1</sup> Act 400 of the 2021 Regular Legislative Session, codified in Revised Statute (R.S.) 17:4036.1.

<sup>2</sup> R.S. 17:4036.1

<sup>3</sup> LAC 28: CXV.3603

Our results are summarized on the following pages and discussed in detail throughout the remainder of the report. Appendix A contains the Louisiana Department of Education's (LDOE) response, Appendix B summarizes our scope and methodology, Appendix C provides LDOE's Learning Pods Pre-Opening Checklist, and Appendix D provides a list of all of our Matters for Legislative Consideration in this report.

Informational reports are intended to provide more timely information than standards-based performance audits. While these informational reports do not always follow all Governmental Auditing Standards, we conduct quality assurance activities to ensure the information presented is accurate. We met with LDOE and incorporated their feedback throughout this informational report.

## Objective: To provide information about the structure and use of learning pods in Louisiana elementary and secondary public schools.

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Overall, we found that the legislature may wish to consider strengthening the laws regarding learning pods in order to better oversee and regulate their use in Louisiana. This report answered the following questions:

### **1. Who approves the use of learning pods in traditional public or charter schools? (p. [5](#))**

Learning pods implemented by BESE-authorized charter schools must receive a written notice of approval from the Louisiana Department of Education (LDOE), while local school boards are directed by regulation to adopt policies and procedures related to the establishment of learning pods associated with schools they govern (traditional public schools and locally-authorized charter schools).

### **2. How many learning pods exist in Louisiana? (p. [5-7](#))**

According to LDOE, as of the 2022-23 academic year, there are five learning pods associated with two charter schools operating in Louisiana for a total of 285 students. However, learning pod use in Louisiana public schools is not comprehensively tracked by LDOE.

### **3. Does a charter school have to amend its charter contract before opening a learning pod? (pp. [7-10](#))**

BESE-authorized charter schools do not have to amend their charter contracts to open a learning pod unless certain enrollment criteria are met, as outlined in regulation. Locally-authorized charter schools must follow the policies and procedures adopted by the school board that authorizes them.

However, learning pods have been administratively splitting the enrollment of students attending the same learning pod between multiple main campuses within the same charter school network, which may allow charter schools to circumvent BESE's regulations about when schools need to obtain a material amendment to their charter contracts.

### **4. Can learning pods charge tuition or attendance fees? (pp. [10](#))**

No, under the clear language of R.S. 17:3991(E)(3), a charter school may not charge its students any tuition or attendance fees of any kind.

### **5. Are learning pods required to offer the same services as the main school campuses? (p. [11](#))**

No, while students at learning pods must have access to all services available to students at the main school campus, including required special education

services, these services are not required to be offered at each pod location, as long as students can access them at the main school campus.

**6. Who is responsible for ensuring learning pod locations are safe for students? (pp. [12-13](#))**

Neither LDOE nor the local school district is required by state regulations to approve the location and structure of a learning pod in a charter school, and LDOE is not required to approve the location and structure of a learning pod in traditional public schools.

**7. Are learning pod students counted as part of the main campus for Minimum Foundation Program (MFP) funding and school performance scores (SPS)? (p. [14](#))**

Yes, learning pod students are counted as part of the enrollment of the public-school governing authority for MFP funding and school performance scores.

**8. Can learning pods be used to inflate student performance at low performing charter schools or traditional public schools? (pp. [14-19](#))**

Yes, because students who attend a learning pod are included in the performance measures for the main school campus, it is possible to use learning pods to artificially improve school performance scores at poorly-performing schools in order to avoid consequences for chronically poor student performance.

**9. Can charter schools or traditional school districts switch the main school campus that learning pod students are associated with for administrative purposes (i.e., students remain at the same learning pod location), which may help improve performance at another main school campus? (p. [19](#))**

Neither state law nor regulations address whether charter schools or traditional public schools can switch which main school campus learning pod students are associated with, which may help improve student performance at the main school campus.

Our findings and recommendations are discussed in more detail on the following pages.

## Question 1: Who approves the use of learning pods in traditional public or charter schools?

**Learning pods implemented by BESE-authorized charter schools must receive a written notice of approval from the Louisiana Department of Education (LDOE), while local school boards are directed by regulation<sup>4</sup> to adopt policies and procedures related to the establishment of learning pods associated with schools they govern (traditional public schools and locally-authorized charter schools).** Learning pods implemented by BESE-authorized charter schools must complete pre-opening requirements developed by LDOE. For example, LDOE has developed a Learning Pods Pre-Opening Checklist<sup>5</sup> for BESE-authorized charter schools that provides information such as physical location, student population, method of instruction, curriculum, evidence of insurance, and transportation services. LDOE does *not* need to approve learning pods used by traditional public schools or locally-authorized charter schools. Instead, local school boards must adopt policies and procedures related to the establishment of learning pods, including policies related to the learning pod's student population, method of instruction, process for enrolling and withdrawing students, emergency procedures, and special education services.

## Question 2: How many learning pods exist in Louisiana?

**According to LDOE,<sup>6</sup> as of the 2022-23 academic year, there are five learning pods associated with two charter schools operating in Louisiana for a total of 285 students.** However, learning pod use in Louisiana public schools is not comprehensively tracked by LDOE. According to state regulations promulgated in April 2023, the governing authorities of schools with learning pods are required to provide LDOE information on any learning pods being used *upon request*.<sup>7</sup> However, LDOE has only requested this information from BESE-authorized charter schools. As part of our work, we surveyed all public-school districts to obtain information on learning pods in traditional public schools and locally-authorized charter schools. As of June 2023, this survey had not identified any learning pods associated with traditional public schools and locally-authorized charter schools that are authorized by public-school districts.<sup>8</sup>

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<sup>4</sup> LAC 28: CXV.3605(B)

<sup>5</sup> Appendix C provides a copy of this checklist.

<sup>6</sup> LDOE's results are based on self-reported information from BESE-authorized charter schools.

<sup>7</sup> LAC 28: CXV.3609(A)

<sup>8</sup> Our response rate was 35.4%; therefore, it is possible that there are learning pods in districts that did not respond to our survey. One district did respond that they currently use a system similar to learning pods to operate some of their tutoring programs.

According to the information provided by LDOE<sup>9</sup> and our survey, Iberville Charter Academy and Lafayette Renaissance Charter Academy are the only two schools that use learning pods in Louisiana. Iberville Charter Academy had 497 students enrolled as of February 2023, with 231 (46.5%) enrolled at its main school campus and 266 (53.5%) at a learning pod location. Lafayette Renaissance Charter Academy had 1,331 students enrolled as of February 2023, with 1,312 (98.6%) at its main school campus and 19 (1.4%) at a pod location. All of these learning pods use a hybrid system<sup>10</sup> of instruction, incorporating some amount of remote instruction. Exhibit 1 summarizes the learning pod locations, the charter schools that use learning pods, and the number of students attending these learning pods.

<b>Exhibit 1 Learning Pods in Louisiana As of May 2023</b>			
<b>Learning Pod</b>	<b>Iberville Charter Academy Students</b>	<b>Lafayette Renaissance Charter Academy Students</b>	<b>Total Students by Learning Pod</b>
Flexible Learning – Thibodaux (Lafourche Parish)	89	10	99
Flexible Learning – Houma (Terrebonne Parish)	30	2	32
Flexible Learning – Metairie (Jefferson Parish)	20	7	27
Red Stick Academy (East Baton Rouge Parish)	76	0	76
Sugarcane Learning Academy (Ascension Parish)	51	0	51
<b>Total Learning Pod Students</b>	<b>266</b>	<b>19</b>	<b>285</b>

**Source:** Prepared by legislative auditor's staff using information provided by LDOE.

**Matter for Legislative Consideration 1:** The legislature may wish to consider amending R.S. 17:4036.1 to make it mandatory for all Louisiana public school districts, including traditional public schools, locally-authorized charter schools, and BESE-authorized charter schools, to provide written notice to LDOE of any schools using learning pods prior to the scheduled opening date of the learning pod. This would allow LDOE to track the use of learning pods across the state.

**Matter for Legislative Consideration 2:** The legislature may wish to consider amending R.S. 17:4036.1 to make it mandatory that authorizers of learning pods provide information about the number of pods that are operating, their locations, and the number of students attending them as a

<sup>9</sup> LDOE's results are based on self-reported information from BESE-authorized charter schools. The LLA's Investigative Audit Services is currently auditing the number of students associated with these learning pods. Their work may differ from these self-reported numbers.

<sup>10</sup> Hybrid is a mixture of in-person learning and online learning.

part of their October 1 and February 1 student data collection. This would further allow LDOE to track the use of learning pods and add transparency to their use statewide.

### Question 3: Does a charter school have to amend its charter contract before opening a learning pod?

**BESE-authorized charter schools do not have to amend their charter contracts to open a learning pod unless certain enrollment criteria are met, as outlined in regulation.<sup>11</sup> Locally-authorized charter schools must follow the policies and procedures adopted by the school board that authorizes them.** Charter contracts are contracts between the charter school authorizer, which is either BESE or a local school board, and the charter school's nonprofit board. For example, state regulations require that BESE-authorized charter school contracts provide the conditions under which the authorizer permits the school to open, including the charter term, renewal, financial matters, and how the school intends to operate. Any material amendments to a charter contract must be approved by the charter authorizer.

Currently, state law<sup>12</sup> requires all charter schools to seek a material amendment to their charter contract if they intend to exceed the number of students authorized by their charter by more than 20%. BESE-authorized charter schools are also required to obtain a material amendment to their charter contracts for substantive changes to their governance, operational, or academic structure. This includes changes in the location of the school and the addition of new grade levels. Local charter authorizers promulgate their own policies regarding what types of changes require a material amendment, which varies by district. For example, East Baton Rouge Parish's policy generally mirrors the policy that applies to BESE-authorized charter schools and also considers changes to the location of the school and the addition of new grade levels to be material changes. In contrast, Orleans Parish's policy requires a material amendment for a change to the grade levels served, but not for a change in the school's location.

While BESE-authorized charter schools are required<sup>13</sup> to get a material amendment to a charter contract for changes to a school's location, regulations promulgated in April 2023<sup>14</sup> for learning pods do not require one in order to open a learning pod location unless the learning pod meets one of the following conditions:

- Will cause the school's enrollment to exceed the total authorized enrollment,

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<sup>11</sup> LAC 28:CXXXIX.2721(D)

<sup>12</sup> R.S. 17:3991(C)

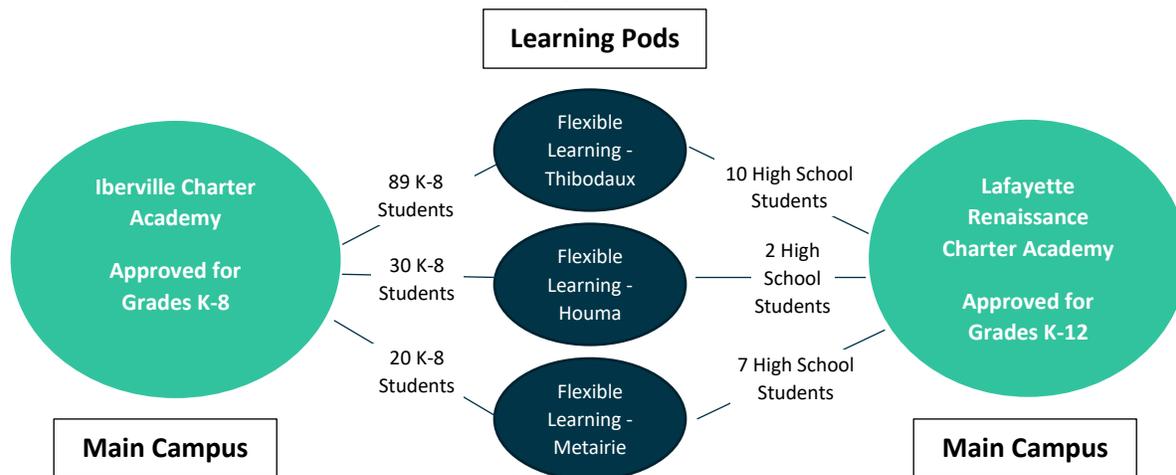
<sup>13</sup> LAC 28:CXXXIX.1903(A)

<sup>14</sup> LAC 28:CXXIX.2721(D)

- More than 50% of the students enrolled in the charter school will attend a location other than the main school site, or
- More than 50% of the charter school's students will be using a virtual learning program for more than 50% of the school day.

**However, learning pods have been splitting the administrative enrollment of students attending the same learning pod between multiple main campuses within the same charter school network, which may allow those schools to circumvent BESE's regulations about when schools need to obtain a material amendment to their charter contracts.** We found three of the five learning pods that operated during the 2022-23 school year split their students (who attended the same physical learning pod locations) between two main school campuses, both of which are part of the same charter school network. Students who were in grades K-8 were enrolled with Iberville Charter Academy, while high school students were enrolled at Lafayette Renaissance Charter Academy. Iberville Charter Academy, which enrolled 93% of all learning pod students that year, is only approved for grades K-8, and adding additional grade levels would have required the school to seek a material amendment from BESE. Enrolling high school students in another school in the same network that was already approved for those grade levels may have eliminated the need for Iberville Charter Academy to obtain a material amendment to enroll students in grades 9-12 in its learning pods. This structure is detailed in Exhibit 2.

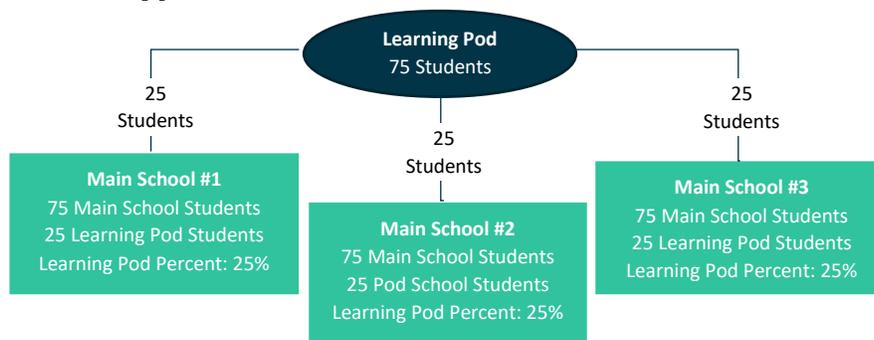
### Exhibit 2: Structure of Shared Learning Pods May 2023



**Source:** Prepared by legislative auditor’s staff using information from LDOE.

Additionally, by splitting administrative enrollment between two or more main schools and shifting students between them as necessary, a network of charter schools could ensure that learning pod enrollment never reaches 50% at any single main school location, avoiding the trigger that would require a material amendment to their charter contracts, as shown in Exhibit 3.

### Exhibit 3: Hypothetical Material Amendment Avoidance Scenario



Despite being the same size as the learning pod, none of the three main campuses would be required to obtain a material amendment to their charters, because they would not enroll enough learning pod students to exceed 50% of their total enrollment.

**Source:** Prepared by legislative auditor’s staff using information from LDOE.

Learning pods that are operated by locally-authorized charter schools must follow the policies that should be created by the public-school district where the charter school is located. If the public-school districts’ existing regulations do not make material amendments mandatory when opening learning pods, this may allow the charter schools to open the learning pod without first seeking any type of approval from their authorizer.

**Matter for Legislative Consideration 3:** The legislature may wish to consider amending R.S. 17:4036.1 to make it mandatory that all charter schools amend their charter contracts before opening a learning pod. This would provide accountability to charter school authorizers about whether their charter schools should be allowed to open learning pods and ensure that charter schools, including the learning pods associated with them, operate only in approved locations.

**Matter for Legislative Consideration 4:** The legislature may wish to consider amending R.S. 17:4036.1 to stipulate that all students at a single learning pod should be enrolled at the same main school. This would simplify the organizational structure of learning pods and close gaps that could allow schools to avoid accountability and circumvent requirements in law and regulations.

## Question 4: Can learning pods charge tuition or attendance fees?

**No, under the clear language of R.S. 17:3991(E)(3), a charter school may not charge its students any tuition or attendance fees of any kind.**

Nothing in R.S. 17:4036.1 provides that students assigned to a learning pod may be charged tuition or attendance fees. In fact, R.S. 17:4036.1(D) specifically states that a student assigned to a learning pod is subject to the same requirements as other students enrolled in the school who are not assigned to a learning pod. Therefore, because a charter school may not charge any student tuition or attendance fees of any kind pursuant to R.S. 17:3991(E)(3), a charter school student assigned to a learning pod may not be charged any tuition or attendance fees.

In addition, while state law<sup>15</sup> does state that learning pod students are subject to all requirements applicable to main campus students, it does not specifically state that these requirements include allowable fees, such as science lab fees. Requiring learning pods to adhere to the same fee schedule as the main campus it is associated with may help to ensure that students are not being dissuaded from attending a learning pod due to concerns about higher costs to attend.

**Matter for Legislative Consideration 5:** The legislature may wish to consider clarifying in R.S. 17:4036.1 that the fee schedule and waiver process has to be the same at the learning pod as they are at the main campus.

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<sup>15</sup> R.S. 17:4036.1

## Question 5: Are learning pods required to offer the same services as the main school campuses?

**No, while students at learning pods must have access to all services available to students at the main school campus, including required special education services, these services are not required to be offered at each pod location, as long as students can access them at the main school campus.** According to state regulations<sup>16</sup>, any students enrolled at a learning pod are eligible to participate in all services and activities that they would otherwise be eligible for if they were not assigned to the learning pod, including Individuals with Disabilities Education Act mandates and Section 504 of the Rehabilitation Act. These services must be provided at the main school campus location or by other acceptable alternative sites consistent with state and federal law if they are not available at the learning pod location. However, in practice, students with disabilities or special learning needs may have been told they cannot attend the learning pod at all. For example, according to documentation found on Iberville Charter Academy’s website, if a student needs special education services, that student is required to attend the main school campus, as shown in Exhibit 4.

### Exhibit 4 Iberville Charter Academy (ICA) Special Education Services

Providing the least restrictive environment (LRE) for exceptional students based on the availability of local offerings consistent with our model and Federal law. In the event, it is determined that the Pod cannot support the needs of the student, then the student shall be required to attend school at the ICA campus.

**Source:** Obtained from Iberville Charter Academy Learning Pod Policies, May 2023.

**Matter for Legislative Consideration 6:** The legislature may wish to consider amending R.S. 17:4036.1 to *require* learning pod locations to offer the same special education services as the main school campus. It may also wish to clarify whether schools may forbid students who need special education services from enrolling in the learning pod.

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<sup>16</sup> LAC 28: CXV.3603(E)

## Question 6: Who is responsible for ensuring learning pod locations are safe for students?

**Neither LDOE nor the local school district is required by state regulations to approve the location and structure of a learning pod in a charter school, and LDOE is not required to approve the location and structure of a learning pod in traditional public schools.** According to state regulation<sup>17</sup>, the facility in which a learning pod is located must meet the definition of a school as defined in state law<sup>18</sup> and must be structurally sound, lack known or potentially dangerous material that may be present in construction material, and should have sufficient available space to meet the needs of the students. However, this regulation does not specify who should ensure that learning pods meet these requirements. For example, as part of the LDOE's Learning Pod's Pre-Opening Checklist, the school should submit documentation that an inspection took place, but it is unclear about who should carry out this inspection. LDOE is not required to approve the location of a learning pod and this Learning Pod Pre-Opening Checklist is only for learning pods associated with charter schools, not learning pods that are a part of a traditional public school.

This regulation also requires learning pods to develop emergency procedures. Each pod must have an emergency plan and include a description of available communications systems located at the learning pod; whether teachers at the learning pod have been trained on the incident report policy, threat assessment policy, and emergency response procedures of the public-school governing authority and learning pod; and required contact information for local law enforcement for the learning pod location. Exhibit 5 shows a photograph of each learning pod.

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<sup>17</sup> LAC 28: CXV.3605(D)

<sup>18</sup> R.S. 17:236

### Exhibit 5 Current Learning Pods

**Shared Learning Pod Between Lafayette Renaissance Charter Academy and Iberville Charter Academy**  
2721 Division Street  
Metairie, LA 70002



**Shared Learning Pod Between Lafayette Renaissance Charter Academy and Iberville Charter Academy**  
220 Civic Center Boulevard  
Houma, LA 70360



**Iberville Charter Academy-Red Stick Academy Learning Pod**  
6455 Jefferson Hwy  
Baton Rouge, LA 70806



**Iberville Charter Academy – Sugarcane Learning Academy Learning Pod**  
40497 LA-42  
Prairieville, LA 70769



**Shared Learning Pod Between Lafayette Renaissance Charter Academy and Iberville Charter Academy**  
806 North Acadia Road  
Thibodaux, LA 70301



**Source:** Prepared by legislative auditor’s office using google maps and information provided by LDOE.

**Matter for Legislative Consideration 7:** The legislature may wish to consider amending R.S. 17:4036.1 to require the governing authority of learning pods (i.e., charter school authorizer or school district) to inspect the location of the pod prior to opening for students.

## Question 7: Are learning pod students counted as part of the main campus for Minimum Foundation Program (MFP) funding and school performance scores (SPS)?

**Yes, learning pod students are counted as part of the enrollment of the public-school governing authority for MFP funding and school performance scores.** Regulations promulgated by LDOE in April 2023<sup>19</sup> state that students assigned to a learning pod shall be counted among the enrollment of the school for purposes of full funding through the MFP formula, and included in the performance measures for the school. LDOE uses these measures as part of their school performance score calculation. For example, if a charter school has a main campus with 100 students and a learning pod 15 miles away with 20 students, the charter school would combine both sets of students into one count of 120 students for MFP and school performance score purposes.

## Question 8: Can learning pods be used to inflate student performance at low performing charter schools or traditional public schools?

**Yes, because students who attend a learning pod are included in the performance measures for the main school campus, it is possible to use learning pods to artificially improve school performance scores at poorly-performing schools in order to avoid consequences for chronically poor student performance.** The US Government Accountability Office (GAO) concluded in a 2016 report that schools with higher concentrations of students from low-income families were generally associated with worse outcomes, and schools with higher concentrations of students from middle- and high-income families were generally associated with better outcomes.<sup>20</sup> As a result, schools may be able to improve their academic performance by opening learning pods in locations likely to attract higher-income families—essentially recruiting wealthier students rather than improving the performance of existing students. Any economic and racial segregation caused by this strategy may go undetected

### Impact on Schools with Low Student Performance

Schools that have chronically low student performance may face consequences from either the state or their charter authorizer. Traditional public schools may be taken over by the state and placed into the Recovery School District, while charter schools may not be renewed by their authorizer at the end of their current charter term.

<sup>19</sup> LAC 28: CXV.3603(H) & (I)

<sup>20</sup> According to a 2016 GAO report titled *K-12 Education: Better Use of Information Could Help Agencies Identify Disparities and Address Racial Discrimination*, <https://www.gao.gov/assets/gao-16-345.pdf>.

because learning pod student demographics are not reported separately from the demographics of the main campus.<sup>21</sup>

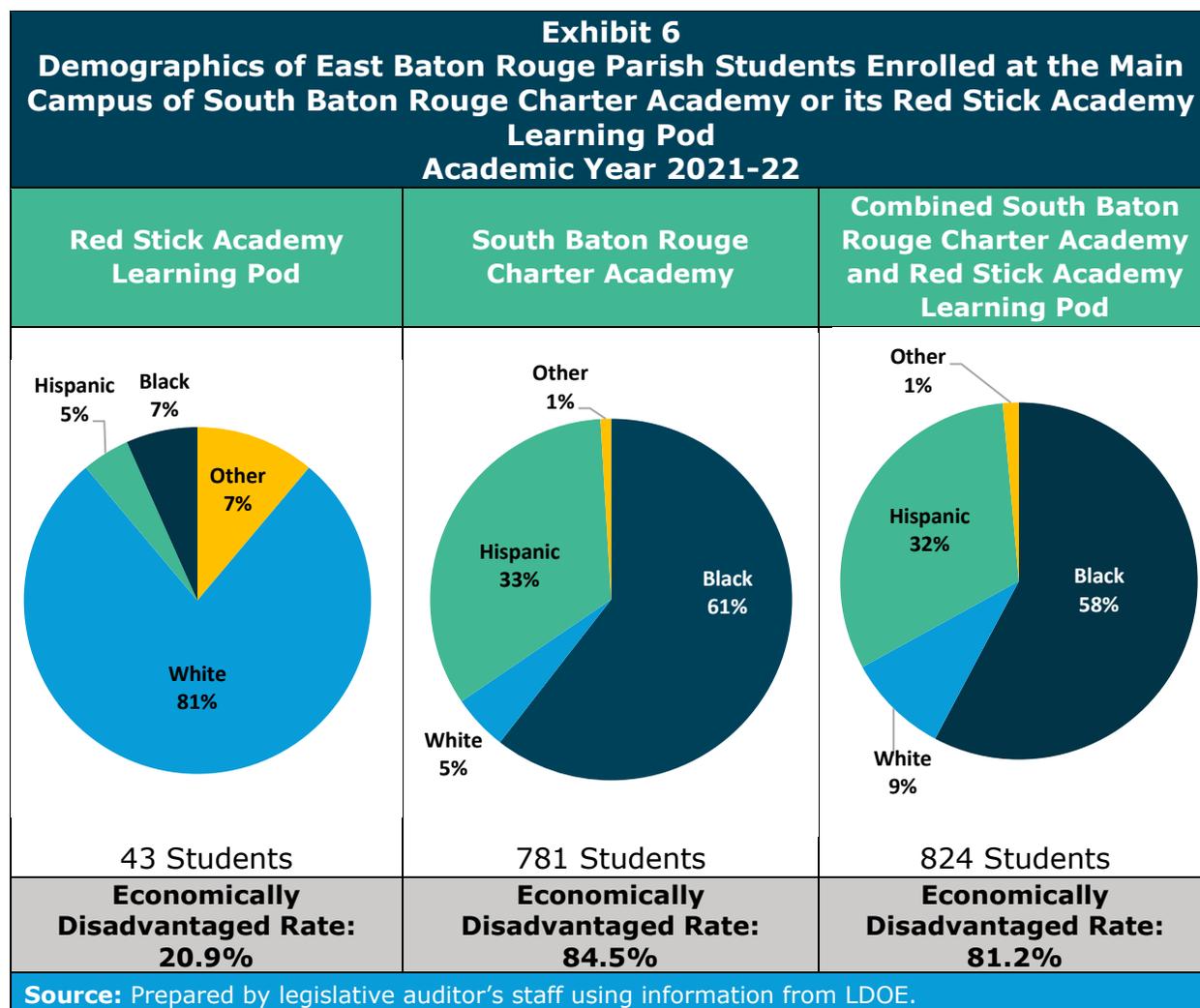
This may have occurred during the 2021-22 academic year at a learning pod called Red Stick Academy, which was associated with South Baton Rouge Charter Academy, a charter school authorized by the East Baton Rouge Parish School Board. Students who attended Red Stick Academy and lived in East Baton Rouge Parish School District<sup>22</sup> were registered at South Baton Rouge Charter Academy for administrative purposes but did not physically attend the main campus of South Baton Rouge Charter Academy.

This is important, because the demographics of students who lived in East Baton Rouge Parish and attended Red Stick Academy was very different from the demographics of students who physically attended the main school campus of South Baton Rouge Charter Academy. For example, based on our analysis of data received from LDOE, a student who physically attended the main campus of South Baton Rouge Charter Academy in the 2021-22 academic year was more than four times as likely to be economically disadvantaged as an East Baton Rouge Parish student who attended Red Stick Academy (84.5% compared to 20.9%). Racial demographics between South Baton Rouge Charter Academy and Red Stick Academy were similarly skewed—5% of South Baton Rouge Charter Academy students were white compared to 81% of Red Stick Academy's East Baton Rouge Parish students. Exhibit 6 summarizes the demographics at the Red Stick Academy learning pod and South Baton Rouge Charter Academy.

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<sup>21</sup> Most types of charter schools are required to meet certain economically-disadvantaged enrollment rates. This demonstrates that current charter school policy already considers the impact of economic disadvantage to be an important consideration.

<sup>22</sup> There were a small number of Red Stick Academy students who lived outside of East Baton Rouge Parish. These 19 students were administratively enrolled at Iberville Charter Academy and are not included in our analyses.



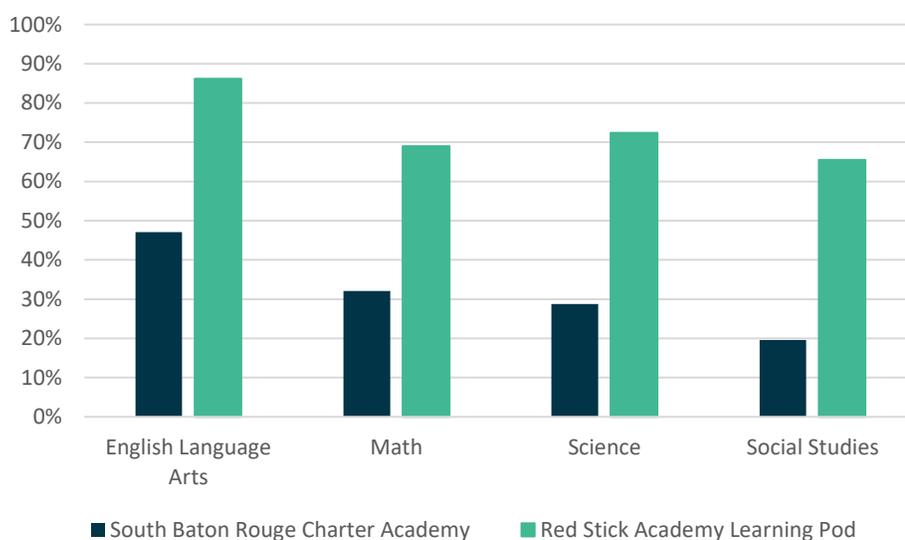
Combining Red Stick Academy students with South Baton Rouge Charter Academy students causes these demographic trends to disappear. When both locations are grouped together, they appear as a single school in which 81.2% of students are economically disadvantaged, and most students are Black or Hispanic. That there is a physically-separate location of mostly white, less economically-disadvantaged students is not apparent.

Because student performance, particularly on standardized tests, is important to the state’s school accountability mechanisms,<sup>23</sup> schools may have an incentive to use learning pods to camouflage the poor performance of students at their main campuses. For example, South Baton Rouge Charter Academy was renewed by the East Baton Rouge Parish School Board (EBRPSB) in January of 2023, after receiving a C rating on its 2022 SPS, a measure that is largely based on students’ standardized test performance. According to the EBRPSB’s charter school

<sup>23</sup> These mechanisms include: nonrenewal or shorter charter terms for poorly performing charter schools, and designation as an “academically unacceptable school” or transfer to the state’s Recovery School District for traditional public schools.

renewal policy, schools must receive a C or higher in order to be eligible for renewal. 2022 was the first time that South Baton Rouge Charter Academy had ever earned a C or higher rating, having received D and F ratings in all previous years. The test scores for Red Stick Academy’s East Baton Rouge Parish students were attributed to South Baton Rouge Charter Academy and were incorporated into the school’s 2022 SPS. Students who attended Red Stick Academy were significantly less likely to be economically disadvantaged, as noted previously, and scored much higher than South Baton Rouge Charter Academy students, as shown in Exhibit 7.

**Exhibit 7**  
**Red Stick Academy and South Baton Rouge Charter Academy**  
**Percent Students Scoring Basic or Above on LEAP Test**  
**Academic Year 2021-22**



**Source:** Prepared by legislative auditor’s staff using information provided by LDOE.

The higher performing Red Stick Academy students influenced South Baton Rouge Charter Academy’s SPS enough to move it from the D range to the C range. When the test scores of both groups of students were used, South Baton Rouge Charter Academy received an overall score of 61, which is a C rating. Without the test scores of the Red Stick Academy students, South Baton Rouge Charter Academy would have received a D rating for its 2022 SPS, which does not meet EBRPSB’s criteria for charter school renewal—and, therefore, may not have been renewed by the EBRPSB. The impact of learning pod students’ test scores on the school’s overall SPS is shown in Exhibit 8.

Exhibit 8 2022 SPS Score South Baton Rouge Charter Academy and Red Stick Academy Learning Pod						
Location	Measure	K-8 Assessment Index*	K-8 Progress Index**	Dropout/Credit Index***	K-8 Interests and Opportunity Index****	K-8 SPS
<b>Combined Scores for South Baton Rouge Academy and Red Stick Academy</b>						
South Baton Rouge Charter Academy / Red Stick Academy Learning Pod	Index	42.0	84.5	117.5	134.5	61
	Letter Grade	F	B	A	A	<b>C</b>
	Percent of Score	65%	25%	5%	5%	100%
<b>Individual Scores for South Baton Rouge Academy and Red Stick Academy</b>						
South Baton Rouge Charter Academy	Index	40.0	84.6	117.5	134.5	59.8
	Letter Grade	F	B	A	A	<b>D</b>
	Percent of Score	65%	25%	5%	5%	100%
Red Stick Academy Learning Pod	Index	81.2	78.5	-	134.5	83.2
	Letter Grade	B	B	-	A	<b>B</b>
	Percent of Score	70%	25%	-	5%	100%
<p>* The K-8 Assessment Index is a measure that reflects how well students performed on the LEAP test. This index also includes a measure of how well English learners are progressing to English language proficiency.</p> <p>** The K-8 Progress Index reflects improvement in English language arts and math by looking at how well students are progressing towards meeting or exceeding mastery targets or by comparing students test scores to the test scores of similar students.</p> <p>*** A dropout/credit accumulation index is awarded to all schools with an eighth grade and is based on the number of Carnegie credits students earn by the end of the 9th grade and number of students who dropout in the 9th grade. Red Stick Academy learning pod did not have an eighth grade during the 2021-22 school year. Therefore, it would not have had a dropout/credit accumulation index.</p> <p>**** The K-8 Interests and Opportunities Index measures the degree to which schools are providing students with access to a well-rounded education. In 2022, it consisted of the completion of a survey by the school and course enrollment in physical education and/or health, visual arts, performing arts, and world languages.</p> <p><b>Source:</b> Prepared by legislative auditor's staff using information from LDOE.</p>						

**Matter for Legislative Consideration 8:** The legislature may wish to consider amending R.S. 17:4036.1 to require student performance scores for learning pods to be calculated and reported separately from the main school campus.

**Matter for Legislative Consideration 9:** The legislature may wish to consider amending R.S. 17:4036.1 to add a requirement that learning pods calculate and report demographic information both with the main school campus with which it is associated and separately from the main school campus. This would ensure that demographic trends are visible in each location as well as for the school overall.

**Matter for Legislative Consideration 10:** The legislature may wish to consider specifying the conditions under which the school performance scores for learning pods may be used for charter school renewal purposes (i.e., if scores for the learning pod were the difference between a school qualifying for renewal or not).

## 9. Can charter schools or traditional school districts switch the main school campus that learning pod students are associated with for administrative purposes (i.e., students remain at the same learning pod location), which may help improve performance at another main school campus?

**Neither state law<sup>24</sup> nor regulations<sup>25</sup> address whether charter schools or traditional public schools can switch which main school campus learning pod students are associated with, which may help improve student performance at the main school campus.** For example, the semester after Red Stick Academy learning pod students helped South Baton Rouge Charter Academy reach the necessary C rating required by the EBRPSB for renewal, all Red Stick Academy learning pod students living in East Baton Rouge Parish (43 students) were unenrolled from South Baton Rouge Charter Academy even though this charter school was not closing. They were then re-enrolled at Iberville Charter Academy between September 22-28, 2022, another D-rated charter school that will come up for renewal in 2025—despite the students having never physically attended school at either of the main campuses of South Baton Rouge Charter Academy or Iberville Charter Academy. Their enrollment at both main campuses was administrative only. Both Baton Rouge Charter Academy and Iberville Charter Academy are managed by the Charter School USA education management company.

**Matter for Legislative Consideration 11:** The legislature may wish to consider amending R.S. 17:4036.1 to prevent traditional public schools and charter schools from transferring learning pod students to another main school campus if the main school campus that student was first affiliated is not closing.

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<sup>24</sup> R.S. 17:4036.1

<sup>25</sup> LAC 28:CXV.3601 et seq. or LAC 28:CXXXIX.2721



## **APPENDIX A: MANAGEMENT'S RESPONSE**

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DR. CADE BRUMLEY  
STATE SUPERINTENDENT



CLAIBORNE BUILDING  
1201 N 3RD ST.  
BATON ROUGE, LA 70802

LOUISIANA DEPARTMENT OF EDUCATION

July 28, 2023

Dear Mr. Waguespack,

Please accept this letter as the official response from Louisiana Department of Education (LDOE) to the Informational Report entitled *Structure and Use of Learning Pods in Louisiana Elementary and Secondary Public Schools*.

LDOE believes that choice expands opportunities for children. With this belief, local communities and organizations should be able to implement learning pods. Having gained momentum the last few years, learning pods offer a valuable option for students and families across Louisiana. Increasingly, parents desire educational freedom, and learning pods are another way for parents to choose the educational opportunity that makes the most sense for their family.

Choice is a core tenant of our administration. We will continue to expand choice opportunities for parents.

In order to address the safety and security of students while simultaneously preserving the autonomy of school governing authorities, LDOE led the way in creating [policies](#) and [procedures](#) to govern learning pods that were unanimously adopted by the Louisiana State Board of Elementary and Secondary Education in [December 2022](#).

As demonstrated by these rules, LDOE believes that public school families should never be charged tuition or attendance fees of any kind, schools should be fairly evaluated, operational transparency should be illuminated, school autonomy should be preserved, and parents should have the right to choose the best environment available for their student.

Thank you again for your team's steadfast commitment to increasing governmental transparency and upholding the highest ethical standards.

Sincerely,

A handwritten signature in black ink that reads "Cade Brumley".

Dr. Cade Brumley

State Superintendent of Education



## APPENDIX B: SCOPE AND METHODOLOGY

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This report provides the results of our informational review of the structure and use of learning pods in Louisiana public schools. We conducted this review under the provisions of Title 24 of the Louisiana Revised Statutes of 1950, as amended. This review covered academic years 2021-22 and 2022-23. Our objective was:

### **To provide information about the structure and use of learning pods in Louisiana elementary and secondary public schools**

The scope of our review was less than that required by *Government Auditing Standards*; however, we used those standards as a guide and believe the evidence obtained provides a reasonable basis for our findings and conclusions. To answer our objective, we reviewed internal controls relevant to our objective and performed the following audit steps:

- Researched and reviewed relevant state statutes and regulations related to learning pods in traditional public schools and charter schools in Louisiana.
- Researched and reviewed federal statutes related to the provision of special education services in public schools.
- Reviewed a prior audit contracted by LDOE in 2022 and conducted by TenSquare, a national charter school support organization, about the use of learning pods by Charter Schools USA in Louisiana.
- Reviewed research related to learning pods and micro-schools by national educational organizations, including the Center for Reimagining Public Education at Arizona State University and the Manhattan Institute.
- Obtained and reviewed East Baton Rouge Parish School Board's and Orleans Parish School Board's policies related to charter school renewal.
- Reviewed minutes and agendas for BESE meetings that involved discussions of learning pod policy.
- Obtained and reviewed minutes and other documents related to East Baton Rouge Parish School Board's renewal of South Baton Rouge Charter Academy's
- Obtained information and documentation related to LDOE's oversight of learning pods in BESE-authorized charter schools. This included LDOE's unaudited survey of BESE-authorized charter schools that was intended to determine where learning pods exist as of the 2022-23 academic year, as well as a list of learning pod locations. These

documents also contained self-reported information about the number of students attending each learning pod, which main campus learning pods were associated with, and a pre-opening checklist, which included information about the operation of the learning pods.

- Summarized information received from LDOE about learning pods operating in BESE-authorized charter schools during the 2022-23 academic year. We also obtained photographs of each learning pod using either Google StreetView or by personally photographing the location.
- Downloaded a directory of schools from LDOE's website, which included the email addresses of each district's superintendent.
- Created and disseminated a survey to 65 of 69 superintendents of Louisiana's public-school districts (four email addresses from LDOE's website were non-functional, and replacement emails for these superintendents could not be easily located). This survey asked about whether there were or ever had been learning pods in any of the districts' traditional public or locally-authorized charter schools. We received 23 responses for a response rate of approximately 35%.
- Downloaded summary information about student enrollment and student performance from LDOE's website.
- Downloaded the school performance scores for South Baton Rouge Charter School from 2014 through 2022 from LDOE's website.
- Obtained and analyzed student enrollment, demographic, transfer, and standardized test performance from LDOE's for students who were included in South Baton Rouge Charter School's 2022 school performance score. We received student test score data for the 2022 LEAP test, the 2022 LEAP Connect, the 2022 English Language Proficiency Test, and progress points for students in academic years 2021-22 and 2020-21.
- Reviewed a 2016 GAO report entitled *K-12 Education: Better Use of Information Could Help Agencies Identify Disparities and Address Racial Discrimination*.
- Performed data reliability testing by comparing statistics of data received from LDOE to data previously released by LDOE. For example, we recalculated the 2022 school performance score for South Baton Rouge Charter School using individual student records and compared our result to the score publicly reported by LDOE to ensure that they matched.
- Using enrollment data from LDOE, identified which students registered with South Baton Rouge Charter School during the 2021-22 academic year had attended Red Stick Academy, rather than the main school campus. We determined this by finding students with transfer records between South Baton Rouge Charter School and Iberville Charter Academy with dates corresponding to when Red Stick Academy

students were asked to change the main campus they were enrolled with, according to evidence provided by the TenSquare audit.

- Determined the demographics of students who attended South Baton Rouge Charter Academy's main campus and the demographics of students who attended Red Stick Academy.
- Calculated the number and percentage of Red Stick Academy students who scored Basic, Mastery, or Advanced on all four sections of the 2022 LEAP test. Calculated the number and percentage of South Baton Rouge Charter Academy's main campus students who scored Basic, Mastery, or Advanced on all four sections of the 2022 LEAP test.
- Downloaded the 2022 school performance score calculator from LDOE's website.
- Using LEAP, LEAP Connect, ELPT, and progress point data obtained from LDOE and the 2022 school performance score calculator from LDOE's website, calculated school performance scores for the main campus of South Baton Rouge Charter School and the Red Stick Academy learning pod for 2022.
- Using enrollment data received from LDOE, calculated the percentage of students who were enrolled at South Baton Rouge Charter Academy's main campus on October 1, 2021, who were classified as economically disadvantaged, and the percentage of students who were enrolled at Red Stick Academy learning pod on October 1, 2021, who were classified as economically disadvantaged. We compared these rates to the required rate for South Baton Rouge Charter Academy listed in the 2021-22 Report on School Performance According to Requirements Under R.S. 17:3991 and BESE Bulletin 126, Chapter 27, Section 2713.



# APPENDIX C: LDOE'S LEARNING PODS PRE-OPENING CHECKLIST



## Learning Pods Pre-Opening Checklist

School Name \_\_\_\_\_

Scheduled opening date of learning pod \_\_\_\_\_ Total proposed student enrollment in learning pod \_\_\_\_\_

Physical address of learning pod: \_\_\_\_\_

1. Briefly describe the student population of the learning pod.

2. Which method of instruction best describes the learning pod?

- Fully in-person at the main school site
- Fully online in a remote location
- Hybrid - more than 50% of the semester instructional time online in a remote location
- Hybrid - less than 50% of the semester instructional time online in a remote location

3. Briefly describe any specialized program or curriculum that will be utilized in the learning pod.

4. Have procedures for the following been established and communicated? Please attach a copy of each.\*

- Parents requesting student enrollment in the learning pod
- Parents granting authorization for student assignment to a learning pod upon school recommendation
- Parents requesting student withdrawal from the learning pod

5. Have emergency procedures been established and communicated? Please attach a copy of each.\*

- System of communication in the event of an emergency
- Incident report policy
- Threat assessment policy
- Emergency response procedures
- Local law enforcement contacts identified

6. What is the name and contact information of the faculty member identified as responsible for reviewing student IEP and 504 plans to arrange for provision of special education and related services throughout the school year?

\*If the school has developed a general learning pods policy that addresses each of the required elements, that policy may be attached in lieu of attaching each individual document.



### Learning Pods Pre-Opening Checklist

7. What is the company name and policy number of the insurance coverage for the learning pod?

8. If the learning pod will be located at a site other than the main school site, on what date was the facility inspection performed? Please attach a copy of the completed facility inspection sheet. \_\_\_\_\_
9. What training has been made available for faculty and staff members regarding safety and compliance with statutory and federal requirements?

Completed Training	Planned Training

10. Describe transportation services provided to students enrolled in the learning pod. If not provided, please explain.

11. Describe food services provided to students enrolled in the learning pod. If not provided, please explain.

12. Describe any extracurricular activities available to students enrolled in the learning pod. If not provided, please explain.

13. If the learning pod will prompt amendments to any documents created through the Pre-Opening Guidelines available in the [LDOE Charter School Library](#), please describe below.

## APPENDIX D: MATTERS FOR LEGISLATIVE CONSIDERATION

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**Matter for Legislative Consideration 1:** The legislature may wish to consider amending R.S. 17:4036.1 to make it mandatory for all Louisiana public school districts, including traditional public schools, locally-authorized charter schools, and BESE-authorized charter schools, to provide written notice to LDOE of any schools using learning pods prior to the scheduled opening date of the learning pod. This would allow LDOE to track the use of learning pods across the state.

**Matter for Legislative Consideration 2:** The legislature may wish to consider amending R.S. 17:4036.1 to make it mandatory that authorizers of learning pods provide information about the number of pods that are operating, their locations, and the number of students attending them as a part of their October 1 and February 1 student data collection. This would further allow LDOE to track the use of learning pods and add transparency to their use statewide.

**Matter for Legislative Consideration 3:** The legislature may wish to consider amending R.S. 17:4036.1 to make it mandatory that all charter schools amend their charter contracts before opening a learning pod. This would provide accountability to charter school authorizers about whether their charter schools should be allowed to open learning pods and ensure that charter schools, including the learning pods associated with them, operate only in approved locations.

**Matter for Legislative Consideration 4:** The legislature may wish to consider amending R.S. 17:4036.1 to stipulate that all students at a single learning pod should be enrolled at the same main school. This would simplify the organizational structure of learning pods and close gaps that could allow schools to avoid accountability and circumvent requirements in law and regulations.

**Matter for Legislative Consideration 5:** The legislature may wish to consider clarifying in R.S. 17:4036.1 that the fee schedule and waiver process has to be the same at the learning pod as they are at the main campus.

**Matter for Legislative Consideration 6:** The legislature may wish to consider amending R.S. 17:4036.1 to *require* learning pod locations to offer the same special education services as the main school campus. It may also wish to clarify whether schools may forbid students who need special education services from enrolling in the learning pod.

**Matter for Legislative Consideration 7:** The legislature may wish to consider amending R.S. 17:4036.1 to require the governing authority of learning pods (i.e., charter school authorizer or school district) to inspect the location of the pod prior to opening for students.

**Matter for Legislative Consideration 8:** The legislature may wish to consider amending R.S. 17:4036.1 to require student performance scores for learning pods to be calculated and reported separately from the main school campus.

**Matter for Legislative Consideration 9:** The legislature may wish to consider amending R.S. 17:4036.1 to add a requirement that learning pods calculate and report demographic information both with the main school campus with which it is associated and separately from the main school campus. This would ensure that demographic trends are visible in each location as well as for the school overall.

**Matter for Legislative Consideration 10:** The legislature may wish to consider specifying the conditions under which the school performance scores for learning pods may be used for charter school renewal purposes (i.e., if scores for the learning pod were the difference between a school qualifying for renewal or not).

**Matter for Legislative Consideration 11:** The legislature may wish to consider amending R.S. 17:4036.1 to prevent traditional public schools and charter schools from transferring learning pod students to another main school campus if the main school campus that student was first affiliated is not closing.