

Regular Session, 2012

HOUSE BILL NO. 976

BY REPRESENTATIVE CARTER

SCHOOLS/CHOICE: Provides relative to the Student Scholarships for Educational Excellence Program, parent petitions for certain schools to be transferred to the RSD, charter school authorizers, and course providers

1 AN ACT

2 To amend and reenact R.S. 17:158(A)(1), 3973(3) through (6), 3981(4), 3982(A)(1)(a) and

3 (2), 3983(A)(3)(a), (4)(a), (b), and (d), (B)(2), and (D), 3991(B)(3) and (13),

4 (C)(1)(c)(iv) and (6), (D)(2)(a)(i), and (H), 3992(A)(1), 3995(A)(1)(introductory

5 paragraph) and (c), 3996(C) and (G), 3998, 4001(A) and (C)(1) and (2), and 4011

6 through 4025, to enact R.S. 17:10.5(F), 3973(2)(b)(vi), (7), and (8), 3981(7) and (8),

7 3981.1, 3981.2, 3982(A)(3) and (4), 3983(A)(2)(d) and (3)(d) and (G), 3992(D), and

8 Part VII of Chapter 42 of Title 17 of the Revised Statutes of 1950, to be comprised

9 of R.S. 17:4002.1 through 4002.6, and to repeal R.S. 17:3991(B)(9) and

10 3996(A)(16) and (B)(4), relative to school choice; to provide relative to the Student

11 Scholarships for Educational Excellence Program; to provide relative to program

12 eligibility and participation requirements for students and schools; to provide relative

13 to selection and enrollment of eligible students; to provide relative to funding and

14 payments to eligible schools including eligible nonpublic schools; to provide for

15 reports; to provide for the submission of petitions by parents requesting that a school

16 be transferred to the Recovery School District under certain conditions; to require

17 rules and regulations to be adopted by the State Board of Elementary and Secondary

18 Education for the petition process; to change charter proposal submission time lines;

19 to provide a mechanism for Type 1 and Type 3 charter schools to convert to a Type

1 2 charter school under certain conditions; to authorize the state board to allow the
2 state superintendent of education and the superintendent of the Recovery School
3 District to amend the charter of Type 5 charter schools to accommodate a unified
4 enrollment system; to modify the initial charter period; to provide for charter school
5 admission requirements; to allow foreign language immersion schools to establish
6 special admission standards; to provide for the qualifications of teachers; to provide
7 relative to the evaluation of charter school teachers and other school employees; to
8 provide relative to teacher certification requirements; to remove the requirement that
9 charter schools comply with laws relative to the length of the school year; to provide
10 for the Course Choice Program; to provide for program definitions and funding; to
11 provide for the powers of the State Board of Elementary and Secondary Education
12 and local public school systems relative to course providers; to provide relative to
13 entities that authorize charter schools; to provide for certification of certain state
14 agencies and nonprofit corporations as charter authorizers; to provide relative to the
15 responsibilities of the State Board of Elementary and Secondary Education with
16 respect to certification of such authorizers; to provide relative to requirements,
17 powers, responsibilities, and limitations of such authorizers; to provide relative to
18 schools whose charter is authorized by such entities, including matters related to
19 funding for such schools; to provide for procedures, processes, fees, and regulations;
20 and to provide for related matters.

21 Be it enacted by the Legislature of Louisiana:

22 Section 1. R.S. 17:158(A)(1), 3973(3) through (6), 3981(4), 3982(A)(1)(a) and (2),
23 3983(A)(3)(a), (4)(a), (b), and (d), (B)(2), and (D), 3991(B)(3) and (13), (C)(1)(c)(iv) and
24 (6), (D)(2)(a)(i), and (H), 3992(A)(1), 3995(A)(1)(introductory paragraph) and (c), 3996(C)
25 and (G), 3998, 4001(A) and (C)(1) and (2), and 4011 through 4025 are hereby amended and
26 reenacted and R.S. 17:10.5(F), 3973(2)(b)(vi), (7), and (8), 3981(7) and (8), 3981.1, 3981.2,
27 3982(A)(3) and (4), 3983(A)(2)(d) and (3)(d) and (G), 3992(D), and Part VII of Chapter 42
28 of Title 17 of the Revised Statutes of 1950, to be comprised of R.S. 17:4002.1 through
29 4002.6 are hereby enacted to read as follows:

1 Education within the jurisdictional boundaries of the local board if the student
2 resides more than one mile from such school. This requirement shall not apply to
3 any student attending a nonpublic school pursuant to R.S. 17:4011 through 4025.

4 * * *

5 §3973. Definitions

6 As used in this Chapter, the following words, terms, and phrases shall have
7 the meaning ascribed to them in this Section except when the context clearly
8 indicates a different meaning:

9 * * *

10 (2)

11 * * *

12 (b) Charter schools shall be one of the following types:

13 * * *

14 (vi) Type 1B, which means a new school or a preexisting public school
15 operated as the result of and pursuant to a charter between the nonprofit corporation
16 created to operate the school and a local charter authorizer. Within such charter
17 schools, pupils who reside within the state will be eligible to attend as provided in
18 the charter.

19 (3) "Chartering authority" means either a local school board, a local charter
20 authorizer, or the State Board of Elementary and Secondary Education.

21 (4) "Local charter authorizer" means an entity certified by the state board in
22 accordance with this Chapter to enter into agreements with charter school operators.

23 (5) "Local school board" means any city, parish, or other local public school
24 board.

25 ~~(5)~~ (6) "Public service organization" means any community-based group of
26 fifty or more persons incorporated under the laws of this state that meets all of the
27 following requirements:

28 (a) Has a charitable, eleemosynary, or philanthropic purpose.

1 (b) Is qualified as a tax-exempt organization under Section 501(c) of the
2 United States Internal Revenue Code and is organized for a public purpose.

3 ~~(6)~~ (7) "State board" means the State Board of Elementary and Secondary
4 Education.

5 (8) "Charter operator" or "chartering group" means a local school board or
6 nonprofit corporation created to operate a charter school.

7 * * *

8 §3981. State Board of Elementary and Secondary Education; powers and duties
9 relative to charter schools

10 The State Board of Elementary and Secondary Education shall:

11 * * *

12 (4) Review each proposed charter in a timely manner ~~and in the order in~~
13 ~~which submitted~~ and determine whether each proposed charter complies with the law
14 and rules and whether the proposal is valid, complete, financially well-structured,
15 educationally sound, whether it provides for a master plan for improving behavior
16 and discipline in accordance with R.S. 17:252, whether it provides a plan for
17 collecting data in accordance with R.S. 17:3911, and whether it offers potential for
18 fulfilling the purposes of this Chapter. The board shall engage in an application
19 review process that complies with the latest Principles and Standards for Quality
20 Charter School Authorizing, as promulgated by the National Association of Charter
21 School Authorizers, and shall provide for an independent evaluation of the charter
22 proposal by a third party with educational, organizational, legal, and financial
23 expertise.

24 * * *

25 (7) Approve common charter applications developed by the state Department
26 of Education for use by all chartering authorities in the state. Such applications shall
27 provide for a charter operator to submit one charter proposal for the purposes of
28 operating one charter school or a charter operator to submit one charter proposal for
29 the purposes of operating multiple charter schools.

1 (8) Actively recruit charter operators that offer a program of study or
2 propose to offer a program of study that effectively addresses regional workforce
3 needs, such as career and technical education, Industry Based Certifications, and
4 vocational course work.

5 §3981.1. State board; powers and duties relative to local charter authorizers

6 A. The state board shall:

7 (1) Approve a process for certifying entities as local charter authorizers as
8 more fully specified in this Section.

9 (2) Not certify any entity as a local charter authorizer under this Section
10 unless it is in compliance with procedures and regulations established by the state
11 board and the entity meets all of the following requirements:

12 (a) The entity is either a state agency or a nonprofit corporation having an
13 educational mission, including but not limited to a nonprofit corporation of a
14 philanthropic or policy nature, a Louisiana public postsecondary education
15 institution, or a nonprofit corporation established by the governing authority of a
16 parish or municipality.

17 (b) The entity does not operate any charter schools. An entity which operates
18 charter schools may not be certified as a local charter authorizer.

19 (c) The entity has been incorporated for not less than three years.

20 (d) The entity has in its possession not less than five hundred thousand
21 dollars in assets as reported to the Louisiana Department of Revenue.

22 (3) Review each proposed local charter authorizer in a timely manner and
23 determine whether each proposed local charter authorizer complies with the law and
24 rules and whether the proposal is valid, complete, financially well-structured, and
25 educationally sound, whether it provides for a master plan of academic excellence
26 relative to the schools it shall oversee, whether it provides a plan for developing the
27 capacity to authorize not fewer than five schools and ensures the state board that it
28 intends to authorize not fewer than five schools, and whether it offers potential for
29 fulfilling the purposes of this Chapter. The board shall engage in an application

1 review process that complies with the latest Principles and Standards for Quality
2 Charter School Authorizing, as promulgated by the National Association of Charter
3 School Authorizers, and shall provide for an independent evaluation of the charter
4 proposal by a third party with educational, organizational, legal, and financial
5 expertise.

6 (4) Certify fewer than five local charter authorizers to operate in any
7 Regional Labor Market Area, as defined by the Louisiana Workforce Commission,
8 at any given time.

9 (5) Approve a process by which charter schools authorized by a local charter
10 authorizer shall be transferred to the state board as Type 2 or Type 5 charter schools
11 should the local charter authorizer lose its certification by the state board or
12 otherwise cease to exist.

13 (6) The state board shall monitor and evaluate the schools authorized by a
14 local charter authorizer in accordance with the school and district accountability
15 system.

16 B. The initial certification of a local charter authorizer shall be for a period
17 of five years. After the third year of operation of any charter school authorized by
18 the local chartering authorizer, the state board shall conduct a thorough review of the
19 authorizer's activities and the performance of the charter schools authorized by the
20 local charter authorizer, in accordance with the school and district accountability
21 system. If the average performance of these charter schools is a letter grade of "C",
22 "D", or "F" or any variation thereof, the authorizer shall be placed on probation and
23 submit a plan for improving the performance of the schools under its authority to the
24 state board.

25 C. If the average performance of the charter schools authorized by the local
26 charter authorizer is a letter grade of "C" or any variation thereof, after the initial
27 certification period, the state board may recertify the local charter authorizer under
28 the condition that the local charter authorizer may not authorize any additional
29 schools until the average performance of the charter schools authorized by the local

1 charter authorizer is a letter grade of “A” or “B” or any variation thereof. The local
2 charter authorizer may maintain the charter schools it has previously approved.

3 D. If the average performance of the charter schools authorized by the local
4 charter authorizer is a letter grade of "D" or “F” or any variation thereof, after the
5 initial certification period, the state board shall not recertify the local charter
6 authorizer and shall provide for the transfer the charter schools authorized by the
7 local charter authorizer to the state board as Type 2 or Type 5 charter schools.

8 E. After the initial certification period, the state board may grant renewal of
9 certification for additional periods of not less than three years nor more than ten
10 years after thorough review of the local chartering authority’s activities and the
11 performance of the charter schools authorized by the local charter authorizer. The
12 state board shall continue to conduct a thorough review of the authorizer's activities
13 and the performance of the charter schools authorized by the local charter authorizer,
14 in accordance with the school and district accountability system, every three years.
15 If at any three year review, the conditions specified in Subsections C and D of this
16 Section are met, the outcomes specified in those Subsections shall apply.

17 F. Nothing shall prohibit the state board from rescinding a charter approval
18 or agreement between a local charter authorizer and a charter operator should the
19 state board find that in approving the applicant or entering the agreement the
20 authorizer has failed to comply with laws and regulations, including but not limited
21 to whether the local charter authorizer has engaged in a transparent application
22 review process that complies with the latest Principles and Standards for Quality
23 Charter School Authorizing, as promulgated by the National Association of Charter
24 School Authorizers, and has provided for an independent evaluation of the charter
25 proposal by a third party with educational, organizational, legal, and financial
26 expertise.

27 §3981.2. Local charter authorizers; powers and duties

28 A.(1)(a) A local charter authorizer shall comply with R.S. 17:3983 and shall
29 review and formally act upon charter proposals received within time lines established
30 by the State Board of Elementary and Secondary Education that are consistent with

1 national best practices in charter school authorizing. Such time lines shall require,
2 at a minimum, an annual charter process in which local charter authorizers are
3 afforded at least ninety days to evaluate such applications. In conducting such
4 review, the local charter authorizer shall determine whether the proposed charter
5 complies with the law and rules, whether the proposal is valid, complete, financially
6 well-structured, and educationally sound, whether it provides for a master plan for
7 improving behavior and discipline in accordance with R.S. 17:252, whether it
8 provides a plan for collecting data in accordance with R.S. 17:3911, and whether it
9 offers potential for fulfilling the purposes of this Chapter. The local charter
10 authorizer shall engage in a transparent application review process that complies
11 with the latest Principles and Standards for Quality Charter School Authorizing, as
12 promulgated by the National Association of Charter School Authorizers, and shall
13 provide for an independent evaluation of the charter proposal by a third party with
14 educational, organizational, legal, and financial expertise. Each local charter
15 authorizer shall use a common charter application developed by the state Department
16 of Education and approved by the state board, but may request additional
17 information from applicants as needed.

18 (b) A local charter authorizer may accept charter proposals and notify charter
19 applicants of its final decision pursuant to time lines approved by the state board.
20 Notifications of charter proposals denied shall include written explanation of the
21 reasons for such denial.

22 (2) The local charter authorizer shall make public through its website, and
23 in printed form upon request, the following:

24 (a) The guidelines for submitting a charter proposal in accordance with
25 Paragraph (1) of this Subsection.

26 (b) All forms required for submission of a charter proposal.

27 (c) The time lines established for accepting and reviewing charter proposals.

28 (d) The process that will be used to review charter proposals submitted to the
29 board.

1 (e) The name and contact information for a primary point of contact for
2 charter proposals.

3 (3) If any local charter authorizer fails to comply with Paragraphs (1) and (2)
4 of this Subsection, the charter applicant may submit its proposal to the state board
5 for its review and approval as a Type 2 charter. The state board shall make a
6 determination as to whether the local charter authorizer failed to comply with
7 Paragraphs (1) and (2) of this Subsection prior to reviewing the charter proposal. If
8 the state board finds that the local charter authorizer has not adequately complied
9 with Paragraphs (1) and (2) of this Subsection, it shall notify the local charter
10 authorizer and permit the charter applicant to submit its proposal to the state board
11 for its review or may rescind a charter approval or agreement between a local charter
12 authorizer and a chartering organization pursuant to R.S. 17:3981.1(H). The state
13 board shall review each proposal according to the process set forth in R.S.
14 17:3981(4) and shall provide written notification of its final decision to the charter
15 applicant pursuant to time lines established by the state board.

16 B. If a local charter authorizer loses its certification from the state board or
17 otherwise ceases to exist, all of its public assets which it has acquired as a local
18 charter authorizer pursuant to this Chapter shall become the property of the state
19 board. Each charter school authorizer shall document all assets acquired from
20 private funds.

21 C. If a preexisting public school or charter school converts to a Type 1B,
22 students previously enrolled in the school shall maintain their seat at the school,
23 unless they choose otherwise.

24 §3982. Local school boards; duties

25 A.(1)(a)(i) Local school boards shall comply with R.S. 17:3983 and shall
26 review and formally act upon each ~~proposed~~ charter proposal received within time
27 lines established by the State Board of Elementary and Secondary Education that are
28 consistent with national best practices in charter school authorizing ~~within ninety~~
29 days of its submission and in the order in which submitted. Such time lines shall
30 require, at a minimum, an annual charter application process in which local school

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1 considering the proposal and receiving public input. Such meeting shall be held after
2 reasonable efforts have been made by the board to notify the public of the meeting
3 and its content.

4 (2) Prior to approving a charter for a Type 1B school, the local charter
5 authorizer considering the proposal shall hold a public meeting for the purpose of
6 receiving public input. Such meeting shall be held in the general area to be served
7 by the school after reasonable efforts have been made to notify the public of the
8 meeting and its content.

9 (3) Approval by a local charter authorizer shall be in accordance with the
10 conditions of its certification as established by the state board.

11 * * *

12 G. If the local school system in which a charter operator intends to apply to
13 operate a school has received a letter grade designation of “D” or “F” or any
14 variation thereof, then a proposal for a Type 2 charter school may be made to the
15 state board.

16 * * *

17 §3991. Charter schools; requirements; limitations; renewal; amendment; revocation

18 * * *

19 B. Each proposed charter shall contain or make provision for the following:

20 * * *

21 (3) Admission requirements, if any, that are consistent with the school's role,
22 scope, and mission may be established pursuant to rules promulgated by the state
23 board. Such admission requirements shall be specific and shall include a system for
24 admission decisions which precludes exclusion of pupils based on race, religion,
25 gender, ethnicity, national origin, intelligence level as ascertained by an intelligence
26 quotient examination, or identification as a ~~child~~ student with an exceptionality as
27 defined in ~~R.S. 17:1943(4)~~ R.S. 17:1942(B). Such admission requirements may
28 include, however, specific requirements related to a school's mission such as
29 auditions for schools with a performing arts mission or ~~achievement of a certain~~
30 ~~academic record for schools with a college preparatory~~ proficiency in a foreign

1 records of any assets acquired with any private funds which remain the property of
2 the nonprofit organization operating the charter school.

3 (2) Any assets acquired by a Type 1B charter school are the property of that
4 charter school for the duration of that school's charter agreement. If the charter
5 agreement is revoked or the school otherwise ceases to operate, all assets purchased
6 with public funds become the property of the chartering authority. Charter schools
7 are to maintain records of any assets acquired with any private funds which remain
8 the property of the nonprofit corporation operating the charter school.

9 * * *

10 §3992. Charter revision and renewal

11 A.(1) Unless revoked as provided for in Subsection C of this Section, an
12 approved school charter shall be valid for an initial period of ~~five~~ four years and may
13 be extended for a maximum initial term of five years, contingent upon the results of
14 ~~the reporting requirements at the end~~ a review conducted after the completion of the
15 third year as provided in ~~R.S. 17:3998(A)(2), and R.S. 17:3998.~~ The initial five-year
16 charter may be renewed for additional periods of not less than three nor more than
17 ten years after thorough review by the approving chartering authority of the charter
18 school's operations and compliance with charter requirements. ~~The process for~~
19 ~~renewing a school charter shall be the same as for initial charter approval, with a~~
20 ~~written report being provided annually to the chartering authority regarding the~~
21 ~~school's academic progress that year.~~ The chartering authority shall notify the
22 chartering group in writing of any decisions made relative to the renewal or
23 nonrenewal of a school's charter not later than January thirty-first of the year in
24 which the charter would expire. A notification that a charter will not be renewed
25 shall include written explanation of the reasons for such non-renewal. Pursuant to
26 Subsection C of this Section and using such annual review process, a charter may be
27 revoked for failure to meet agreed-upon academic results as specified in the charter.

28 * * *

29 D. For each charter school which has met the criteria of Subparagraph
30 (A)(2)(c) of this Section pursuant to automatic renewal, a charter operator shall be

1 (c) The provisions of this Paragraph permitting the calculation of the per
 2 pupil amount to be provided to a Type 1, 1B, 2, 3, or 4 charter school to exclude any
 3 portion of local revenues specifically dedicated by the legislature or by voter
 4 approval to capital outlay or debt service, shall be applicable only to a charter school
 5 housed in a facility or facilities provided by the district in which the charter school
 6 is located.

7 * * *

8 §3996. Charter schools; exemptions; requirements

9 * * *

10 C. A charter school established and operated in accordance with the
 11 provisions of this Chapter shall comply with state and federal laws and regulations
 12 otherwise applicable to public schools with respect to civil rights and individuals
 13 with disabilities. Any Type 1B, Type 2, or Type 5 charter school shall be considered
 14 the local education agency for the purposes of any special education funding or
 15 statutory definitions, while the local school board shall remain the local education
 16 agency for any Type 1, 3, or 4 charter school.

17 * * *

18 G. All charter schools established and operated in accordance with the
 19 provisions of this Chapter shall comply with the provisions of R.S. 39:1301 through
 20 1315. Each Type 1, 3, and 4 charter school annually shall submit its budget to the
 21 local school board that approved its charter, and such board shall submit the charter
 22 school's budget to the state superintendent of education in accordance with the
 23 provisions of R.S. 17:88. Each Type 1B charter school annually shall submit its
 24 budget to its authorizer. Each Type 2 and Type 5 charter school annually shall
 25 submit its budget directly to the state superintendent of education.

26 * * *

27 §3998. Reports; review

28 A.~~(+)~~ Each chartering authority shall report to the state board on the number
 29 of schools chartered, the status of those schools, and any recommendations by July
 30 first of each year.

1 funding and for funding the administrative and legal cost associated with the charter
2 school program.

3 * * *

4 C.(1) The ~~State Board of Elementary and Secondary Education~~ state board
5 shall administer the use of the monies appropriated from the fund and shall adopt
6 rules in accordance with the Administrative Procedure Act. The adopted rules shall
7 specify that state board approval of any ~~type~~ Type 2 charter school proposal that
8 includes within its budget a request for loan funding which complies with the
9 provisions of this Section and details regarding how those loan funds are to be
10 expended, shall constitute the approval of that loan amount. No additional loan
11 application paperwork shall be required. Any ~~type~~ Type 1 or ~~type~~ Type 3 charter
12 school approved by their local school board and a Type 1B charter school approved
13 by a certified local charter authorizer shall be required to submit no more than their
14 approved charter proposal and a detailed budget identifying how any loan funds are
15 to be expended and how such request complies with the provisions of this Section.
16 The state board may reject any such request which does not comply with terms of
17 this Section. Such rules shall also note that any loan funding may only be used to
18 purchase tangible items such as equipment, technology, instructional materials, and
19 facility acquisition, upgrade, and repairs. Such equipment or other items shall
20 become the property of the state if the loan is not fully repaid by virtue of the school
21 ceasing to operate during the three years of automatic loan repayment as noted in
22 Paragraph (3) of this Subsection.

23 (2) Loans shall be made only to ~~type~~ Type 1, Type 1B, ~~type~~ Type 2, and ~~type~~
24 Type 3 charter schools and shall not exceed one hundred thousand dollars to pay for
25 charter school start-up and early operating expenses. No money lent as provided in
26 this Section may be used to pay prior debts of the nonprofit corporation which
27 formed the charter school, any of the natural persons principally involved in forming
28 the charter school, or any former or current business or nonprofit venture of any such
29 natural persons for any purchase not related to the creation of the charter school, or

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1 to pay to members of the immediate family of any such natural persons, or to make
2 any investments.

3 * * *

4 PART VII. COURSE PROVIDERS

5 §4002.1. Course Providers; short title

6 This Part shall be known as the “Course Choice Program”.

7 §4002.2. Legislative findings

8 The legislature finds and declares that:

9 (1) It is in the public interest that all Louisiana school children have access
10 to the type and format of education that best meets the needs of the individual
11 student, that each student has different needs that merit a variety of course choices
12 on the individual student level, and that the state has the right, responsibility, duty,
13 and obligation to accomplish the objective of a quality, individualized education for
14 all Louisiana children.

15 (2) Enrollment of children in course work offered by course providers is in
16 compliance with the objectives of Louisiana's compulsory attendance law; course
17 providers in Louisiana make a significant educational and economic contribution
18 towards meeting the goal of a quality, individualized education for every Louisiana
19 school child; and Louisiana has recognized and encouraged that contribution
20 through on-line education and dual enrollment in postsecondary education
21 institutions for many years.

22 (3) Effective course providers exist in Louisiana.

23 (4) Course providers can offer a quality education to students and it is in the
24 public interest to offer students the means of accessing the educational opportunities
25 offered by per course providers by providing students with the public funds allocated
26 to them from local and state sources to enroll in such courses.

27 (5) Postsecondary education institutions can serve as quality course providers
28 for students who seek advanced level course work or technical or vocational
29 instruction.

1 (6) Online or virtual course providers can serve as quality course providers
2 for students who desire additional access to high quality courses, especially but not
3 limited to those students enrolled at low-performing public schools, students who for
4 reasons of geography may not be able to exercise their right to educational choice,
5 and students who may desire an alternative schooling schedule or calendar.

6 (7) Business and industry can serve as quality course providers that offer
7 course work in their particular field or expertise with the goal of increasing the
8 skilled workforce required for a robust Louisiana economy.

9 §4002.3. Definitions

10 As used in this Part, unless otherwise clearly indicated, the following terms
11 mean:

12 (1) "Eligible funded student" means any student who resides in Louisiana
13 and meets one of the following criteria:

14 (a) Is attending a public school that received a letter grade of "C", "D", or
15 "F", or any variation thereof, according to the Louisiana School and District
16 Accountability System.

17 (b) Is attending a public school that does not offer the course in which the
18 student desires to enroll, as determined by the state board.

19 (c) Is enrolled in an approved home study program.

20 (d) Is a scholarship recipient pursuant to R.S. 17:4013 and attends a
21 participating school in accordance with R.S. 17:4011 through 4025.

22 (2) "Eligible participating student" means any student who resides in
23 Louisiana and meets one of the following criteria:

24 (a) Is attending a public school that has received a letter grade of "A" or "B",
25 or any variation thereof, according to the school and district accountability system.

26 (b) Is attending a nonpublic school that is approved, provisionally approved,
27 or probationally approved by the state board pursuant to RS 17:11.

28 (3) "Course provider" means an entity that offers individual courses in
29 person or online, including but not limited to online or virtual education providers,
30 postsecondary education institutions, and corporations that offer vocational or

1 technical course work in their field, and have been authorized to provide such
2 courses by the state board.

3 (4) "State board" means the State Board of Elementary and Secondary
4 Education.

5 §4002.4. State board; powers and duties relative to per course providers

6 A.(1) Not later than January 1, 2013, the state board shall create a process
7 for authorizing course providers that shall determine whether each proposed course
8 provider complies with the law and rules, whether the proposal is valid, complete,
9 financially well-structured, and educationally sound, whether it provides a plan for
10 collecting data in accordance with R.S. 17:3911, and whether it offers potential for
11 fulfilling the purposes of this Part. The state board shall provide for an independent
12 evaluation of the proposal by a third party with educational, organizational, legal,
13 and financial expertise.

14 (2) The process shall provide for an agreement with the course provider that
15 shall include, at a minimum, a plan for implementing or providing the following:

16 (a) Administration of state assessments as required by the school and district
17 accountability system, except to students as defined by R.S. 17:4004(1)(c).

18 (b) The parishes or local school systems in which the per course provider will
19 operate.

20 (c) Proposed courses offered, alignment of said courses by the course
21 provider with the requirements provided in R.S. 17:24.4, and the designated length
22 of each course offered.

23 (d) Alignment of the courses offered by the course provider with any type
24 of approved Louisiana diploma, including those provided in R.S. 17:183.2, 183.3,
25 and 236.1.

26 (e) Assurances that the course provider shall, to the best of its ability,
27 collaborate and coordinate with a local school system or other school in which a
28 eligible funded student or eligible participating student is enrolled full time.

29 B. (1) The initial authorization of the course provider shall be for a period of
30 three years. After the second year of the initial authorization period, the state board

1 shall conduct a thorough review of the course provider's activities and the student
2 achievement performance of the students enrolled in courses offered by the course
3 provider in accordance with the school and district accountability system. If the
4 performance of the students enrolled in courses offered by the course provider
5 pursuant to the school and district accountability system does not meet performance
6 standards set by the state board, the state board shall place the course provider on
7 probation.

8 (2) After the initial three year authorization period, the state board may
9 reauthorize the course provider for additional periods of not less than three years
10 nor more than five years after thorough review of the course provider's activities
11 and the achievement of students enrolled in courses offered by the course provider.

12 (3) The state board shall monitor and evaluate the course provider in
13 accordance with performance expectations set forth by the state board in which
14 student achievement is the predominant criterion.

15 (4) The state board shall create a process for common course numbering of
16 all courses listed in the course catalogue and for determining whether courses are in
17 compliance with R.S. 17:24.4. For courses offered by postsecondary education
18 institutions that are authorized course providers, the state board shall consult with the
19 Board of Regents.

20 C. Not later than January 1, 2013, the state board shall create a reciprocal
21 teacher certification process for teachers who reside in other states but who are
22 employed by authorized course providers and teach virtual education courses to
23 satisfy the state certification requirements pursuant to R.S. 17:17.1.

24 D. Prior to the 2013-2014 school year, the state board shall create a course
25 catalogue for all courses offered, by parish.

26 §4002.5. Local school systems; per course providers

27 A.(1) Each local school system shall establish policies and procedures
28 whereby for each eligible funded student, except those defined in R.S. 17:4004(1)(c),
29 or eligible participating student attending public school:

1 (a) Credits earned through the per course provider shall appear on the eligible
2 funded student's or eligible participating student's official transcript and count fully
3 towards the requirements of any approved Louisiana diploma.

4 (b) The eligible funded student and the eligible participating student attending
5 a public school shall be administered the tests required pursuant to RS 17:24.4.

6 (c) The eligible funded student and the eligible participating student
7 attending public school shall receive all non-instructional and instructional services
8 which he would be entitled if attending the school in which he is enrolled full time
9 for all courses, including by not limited to special education services pursuant to the
10 eligible funded student or eligible participating student's Individual Education Plan,
11 and transportation and food services at the same level provided to all students who
12 are enrolled at the school for all courses.

13 B. Each local public school system shall make available to all students the
14 course catalogue as provided by the state board during the annual course enrollment
15 process for that local school system.

16 C. No local public school system shall actively discourage, intimidate, or
17 threaten an eligible funded student or an eligible participating student during the
18 course enrollment process or at any time for that local school system.

19 D. The aggregate test scores of students who are enrolled in a course pursuant
20 to this Part and in accordance with Subsection A of this Section shall be counted in
21 the school performance score for the school in which the student is enrolled full time.
22 However, these test scores also shall be reported to and published by the state
23 Department of Education for each course provider in an easy to understand format
24 and on the department's website.

25 E. The eligible funded student, except for those defined in R.S. 4004(1)(c),
26 and the eligible participating student who is enrolled in a public school shall enroll
27 in at least one course at the school in which they are enrolled full time.

28 F. The state board shall adopt rules necessary to implement this Part,
29 including but not limited to the requirements of school governing authorities or local

1 school systems whose students enroll in courses offered by authorized course
2 providers.

3 §4002.6. Per course providers; funding

4 A.(1) The per course provider shall receive a per course amount for each
5 eligible funded student.

6 (2) For purposes of this Part, the per course amount means an amount equal
7 to the market rate as determined by the course provider and reported to the state
8 Department of Education up to one-sixth of ninety percent of the per pupil amount
9 each year as determined by the minimum foundation program for the local school
10 system in which the eligible funded student resides. Any remaining funds, except
11 those specified in Paragraph (3) of this Subsection, for that student shall be returned
12 to the state or to the local school system according to the pro rata share for the per
13 pupil amount each year as determined by the minimum foundation program for the
14 local school system in which the student resides. Transfers of per course payments
15 shall be made by the state Department of Education on behalf of the responsible city
16 or parish school system in which the student resides to the authorized course
17 provider.

18 (3) An amount equal to ten percent of the per pupil amount according to the
19 pro rata share as determined each year by the minimum foundation program for the
20 local school system in which the eligible funded student resides shall remain with the
21 local school system in which the eligible funded student is enrolled full time. These
22 funds shall be used to finance any administrative or operational costs to support
23 students enrolled in courses offered by course providers, as determined by the state
24 board.

25 (4) Paragraph (3) of this Subsection shall not apply to students defined in
26 R.S. 17:4004(1)(c). The per course provider shall receive payment only for the
27 courses in which the student is enrolled in accordance with Subsection C of this
28 Section The remaining funds for students defined in R.S. 17:4004(1)(c) shall be
29 returned to the state or to the local public school system according to the pro rata
30 share for the per pupil amount each year as determined by the minimum foundation

1 The legislature finds and declares that:

2 (1) It is in the public interest that all Louisiana schoolchildren receive the
3 best education that its citizens can provide, and the state of Louisiana has the right,
4 responsibility, duty, and obligation to accomplish the objective of quality education
5 for all Louisiana children, ~~particularly for those children in school systems that have~~
6 ~~been declared to be academically in crisis.~~

7 (2) Attendance of children at nonpublic schools constitutes compliance with
8 the objectives of Louisiana's compulsory attendance law; nonpublic schools in
9 Louisiana make a significant educational and economic contribution towards
10 meeting the goal of a quality education for every Louisiana school child; and
11 Louisiana has recognized and encouraged that contribution through providing
12 textbooks and transportation to students attending approved nonpublic schools for
13 many decades.

14 (3) Effective nonpublic schools exist in Louisiana's school systems;
15 ~~including those that are academically in crisis.~~

16 (4) Nonpublic schools can offer a quality education to students ~~in systems~~
17 ~~that are academically in crisis~~, and it is in the public interest to offer students in such
18 all systems the means of accessing the educational opportunities offered by
19 nonpublic schools by providing them with scholarships to attend such schools.

20 (5) Academically acceptable public schools can serve as quality alternatives
21 for students attending low-performing public schools.

22 §4013. Definitions

23 As used in this Chapter, unless otherwise clearly indicated, the following
24 terms ~~shall~~ mean:

25 (1) ~~"Covered district" means a local public school system which meets all~~
26 ~~of the following criteria:~~

27 (a) ~~Has been found to be academically in crisis pursuant to R.S. 17:10.6:~~

28 (b) ~~Has had schools transferred to the jurisdiction of the Recovery School~~
29 ~~District pursuant to R.S. 17:10.7.~~

1 ~~(c) Is located in a municipality with a population of at least three hundred~~
2 ~~thousand persons according to the latest federal decennial census and includes the~~
3 ~~Recovery School District established pursuant to R.S. 17:1990 to the extent that~~
4 ~~schools under the district's jurisdiction are located within the geographic boundaries~~
5 ~~of a covered district.~~

6 (2) "Department" means the state Department of Education.

7 (3) (2) "Eligible student" means a student who resides ~~within the geographic~~
8 ~~boundaries of a covered district~~, in Louisiana, is a member of a family with a total
9 income that does not exceed two hundred fifty percent of the current federal poverty
10 guidelines as established by the federal office of management and budget, and who
11 meets any one of the following criteria:

12 (a) Is entering kindergarten and has enrolled in the local school system in
13 which the public school he would have otherwise attended is located. Each local
14 school system shall conduct its annual kindergarten enrollment process and shall
15 report such enrollment to the department prior to the program enrollment process.

16 (b) ~~Was enrolled in a public school located within a covered district during~~
17 ~~the previous~~ in Louisiana on February first of the most recent school year ~~in a~~
18 ~~program-eligible grade~~ and such school ~~has been identified as academically~~
19 ~~unacceptable or has a school performance score or an assessment index of sixty or~~
20 ~~less as defined by the State Board of Elementary and Secondary Education~~ received
21 a letter grade of "C", "D", or "F" or any variation thereof, for the most recent year
22 ~~pursuant to policies developed and adopted by the board for implementation of the~~
23 ~~school and district accountability system.~~

24 (c) ~~Received a scholarship pursuant to this Chapter in the previous school~~
25 ~~year and remains otherwise eligible.~~

26 (4) (3) "Participating school" means a nonpublic school that meets program
27 requirements and seeks to enroll scholarship recipients pursuant to this Chapter or
28 a public school ~~located within the geographic boundaries of a covered district~~ that
29 meets program requirements and seeks to enroll scholarship recipients pursuant to

1 this Chapter subject to any court-ordered desegregation plan in effect for the school
2 system in which the public school is located.

3 ~~(5)~~ (4) "Program" means the Student Scholarships for Educational Excellence
4 Program.

5 ~~(6)~~ (5) "Scholarship" means the funds awarded to a parent or other legal
6 guardian on behalf of an eligible student to attend a participating public or nonpublic
7 school pursuant to this Chapter.

8 ~~(7)~~ (6) "Scholarship recipient" means an eligible student who is awarded a
9 scholarship pursuant to this Chapter.

10 §4014. Student Scholarships for Educational Excellence Program; creation

11 The Student Scholarships for Educational Excellence Program is hereby
12 created and shall be administered by the ~~state Department of Education~~ department.

13 §4015. Program administration

14 In administering the program pursuant to this Chapter, the department shall:

15 (1) Determine student eligibility for awarding scholarships.

16 (2) Receive ~~the~~ notice of intent from schools seeking to participate in the
17 program; which shall include the number of available seats per grade, and qualify
18 such schools for participation in the program, ~~and determine the number of available~~
19 ~~seats, by grade, at participating schools.~~ For eligible public schools, the notice of
20 intent shall be submitted by the principal of the school with the approval of the local
21 superintendent. The local school board shall delegate the authority to participate in
22 the program to the local superintendent.

23 (3)(a) Accept applications from parents ~~and other~~ or legal guardians of
24 eligible students and award scholarships to eligible students ~~who submit applications;~~
25 ~~up to the number of available seats in each grade at all participating schools.~~ Each
26 application shall indicate the parent or legal guardian's choice or choices of
27 participating schools.

28 (b) In the event there are more eligible students who submit applications than
29 there are available seats at participating schools for any grade, the department shall
30 ~~utilize~~ conduct a random selection process to award scholarships that provides each

1 eligible student an equal opportunity for selection. However, the department may
2 give preference to the following:

3 (i) Siblings of students already enrolled in the participating school.

4 (ii) Students enrolled in the Nonpublic School Early Childhood Development
5 Program at the participating school.

6 (iii) Participating students transferring from an ineligible school pursuant to
7 R.S. 17:4015.

8 (c) For the purposes of the random selection process, twins, triplets,
9 quadruplets, and other such multiple births shall constitute one individual.

10 (4) Notify parents ~~and other~~ or legal guardians of eligible students who
11 applied for scholarships whether they have been awarded a scholarship and ~~of the~~
12 ~~process that must be followed to enroll in a~~ placed at a particular participating
13 school. The scholarship recipient shall be placed through the random selection
14 process and according to his indicated preferences as provided in Paragraph (3) of
15 this Subsection. For the purposes of this Section, a unified enrollment system
16 administered by the Recovery School District may be considered the random
17 selection process. The department shall continue the random selection process until
18 each seat is filled prior to the start of the school year.

19 (5) Remit scholarship payments to participating schools on behalf of a
20 scholarship recipient.

21 (6) Receive independent financial audits from participating nonpublic
22 schools as required by ~~this Chapter~~ R.S. 17:4022(4).

23 (7) ~~In the event that there are more scholarship recipients applying for~~
24 ~~enrollment in a participating school than there are available seats, ensure that the~~
25 ~~school shall select scholarship recipients for admission utilizing a random selection~~
26 ~~process that provides each scholarship recipient with an equal opportunity for~~
27 ~~selection. The department shall establish a time line that coordinates a random~~
28 ~~selection process at all participating schools and shall ensure that each participating~~
29 ~~school adopts procedures for conducting such random selection process and notifies~~

1 the parents or legal guardians of scholarship recipients of the procedures to be
2 followed should a random selection process be required.

3 (8) For students enrolled in the program, annually verify the eligibility status
4 of each student and notify his parent or other legal guardian of his status by not later
5 than April thirtieth or a date determined by the department that would provide
6 students who are no longer eligible for a scholarship sufficient time to apply to
7 another school within the covered district.

8 (9) Provide (7) Annually publish each scholarship recipient and their parent
9 or legal guardian with a list of the following information for all schools participating
10 in the program: :

11 (a) The most recent aggregate average proficiency rates on state assessments
12 for scholarship recipients enrolled at each participating school.

13 (b) A list of all public schools with a letter grade of "C", "D", or "F", or any
14 variation thereof.

15 (c) The rate at which scholarship recipients finish the highest grade level
16 offered at a participating school, by entering cohort.

17 (d) The retention rate for scholarship recipients.

18 (f) The percentage of parents or legal guardians of scholarship recipients who
19 are satisfied with the participating school.

20 ~~(10)~~ (8)(a) Place any participating school that fails to comply with the audit
21 provisions pursuant to R.S. 17:4022(4) on probation for a period of one year during
22 which such school shall not be permitted to enroll additional scholarship recipients.

23 (b) If such school ~~has not come into~~ is not in full compliance by the end of
24 the one-year probationary period, the school shall be ineligible to participate in the
25 program until such time as the department has determined that the school is in full
26 compliance.

27 (c) The department shall assist any scholarship recipient attending a school
28 that is ~~no longer eligible~~ ineligible to participate in the program ~~to transfer in~~
29 transferring to another participating school, provided such school has sufficient
30 capacity at the appropriate grade level.

1 §4016. Scholarship amounts; funding

2 A. The state board shall allocate annually from the minimum foundation
 3 program an ~~The~~ amount per pupil to each participating school equal to the amount
 4 allocated per student to the local school system in which the participating student
 5 resides. This amount shall be counted toward the equitable allocation of funds
 6 appropriated to parish and city school systems as provided in Article VIII, Section
 7 13(B) of the state constitution. of the scholarship provided on behalf of a scholarship
 8 recipient shall be an amount equivalent to ninety percent of the per pupil amount the
 9 covered district receives from combined state and local sources ~~If~~ or the maximum
 10 amount of tuition plus incidental or supplementary fees that are charged to non-
 11 scholarship students enrolled in such school and any costs incurred in administering
 12 the tests required pursuant to R.S. 17:4023 is less than the amount allocated per
 13 student to the local school system in which the student resides, ~~whichever is less. any~~
 14 remaining funds shall be returned to the state or to the local public school system in
 15 which the scholarship recipient attended or otherwise would be attending public
 16 school for that year according to the pro rata share for the per pupil amount each year
 17 as determined by the minimum foundation program for the local public school
 18 system in which the scholarship recipient attended or otherwise would be attending
 19 public school for that year.

20 B. . Transfers of scholarship payments shall be made by the Department of
 21 Education on behalf of the responsible city or parish school districts to eligible
 22 nonpublic and eligible public schools. ~~The amount of the scholarship provided on~~
 23 behalf of a scholarship recipient that enrolls in a participating school that does not
 24 charge tuition shall be an amount equivalent to ninety percent of the per pupil
 25 amount the covered district receives from combined state and local sources or the
 26 participating school's actual cost of educating a student plus any costs incurred in
 27 administering the tests required pursuant to R.S. 17:4023, whichever is less.

28 C. For ~~If~~ a scholarship recipient who is enrolled in a participating nonpublic
 29 school would have been entitled to receive special education services ~~there shall be~~
 30 added to the amount of the scholarship an amount equivalent to special education

1 ~~funding provided to a covered district for such a student from federal sources. A~~
2 ~~participating public school receiving a scholarship payment for a scholarship~~
3 ~~recipient pursuant to this Chapter shall not receive any funds through the Minimum~~
4 ~~Foundation Program for such student.~~ in the public school he would otherwise be
5 attending, his parent or legal guardian shall indicate in writing, as part of the
6 enrollment process, one of the following:

7 (1) That the scholarship recipient's parent or legal guardian revokes consent
8 for the participating student to receive such services from either the nonpublic
9 participating school or the local school system in which the scholarship recipient
10 otherwise would be attending, declines to receive such services.

11 (2)(a) That the scholarship recipient will receive such services from the
12 participating nonpublic school if the school chooses to offer such services. In such
13 case the nonpublic school may charge a higher tuition for students receiving such
14 services, the state board shall allocate annually from the minimum foundation
15 program an amount per pupil to each participating school equal to a special
16 education tuition amount based on the cost of providing special education services
17 identified for that student to the nonpublic participating school. This amount shall
18 be in addition to the nonpublic participating school's maximum scholarship payment
19 as described in Subsections (A) and (B) of this Section but the total of the payment
20 and the special education tuition shall not exceed the amount allocated for that
21 student to the local school system if the student otherwise would be attending public
22 school.

23 ((b) To offer special education services pursuant to Item (a) of this
24 Subsection, a nonpublic participating school shall meet all of the following eligibility
25 criteria:

26 (i) Has existed and provided educational services to students with
27 exceptionalities as defined in R.S. 17:1942, excluding students deemed to be gifted
28 or talented, for at least two years prior to participation in the program and such
29 provision of services shall be pursuant to an established program in place at the
30 school that includes instruction by teachers holding appropriate certification in

1 special education or other appropriate education or training as defined by the
2 department and that is in accordance with a student's Individual Education Plan and
3 rules and regulations developed as required in this Section.

4 (ii) In accordance with time lines as determined by the department, each
5 nonpublic participating school choosing to offer special education services shall
6 inform the department of the types of student exceptionalities as defined in R.S.
7 17:1942 that the school is willing to serve.

8 D. ~~Funding for scholarships awarded to parents or other legal guardians of~~
9 ~~eligible students pursuant to this Chapter shall be provided by an appropriation from~~
10 ~~the legislature from the state general fund. Each scholarship recipient is a member~~
11 ~~of the local public school system in which he attended or otherwise would be~~
12 ~~attending public school for that school year. Prior to the program enrollment process~~
13 ~~and in accordance with a time line specified by the department for this purpose,~~
14 ~~students entering kindergarten shall enroll in the membership of the local public~~
15 ~~school system in which they otherwise would be attending public school for that~~
16 ~~school year. Each local public school system shall conduct its annual kindergarten~~
17 ~~enrollment process in accordance with the department's time line and shall report~~
18 ~~such enrollment to the department prior to the program enrollment process.~~

19 E. ~~The total amount of state funds expended to implement the provisions of~~
20 ~~this Chapter for Fiscal Year 2008-2009 shall not exceed ten million dollars.~~

21 §4017. Payment of scholarships

22 A. ~~The Department of Education~~ department shall remit scholarship
23 payments directly to each participating school on behalf of the parent or ~~other~~ legal
24 guardian of a scholarship recipient. The parent or ~~other~~ legal guardian shall assign
25 the full value of the scholarship to the participating school.

26 B. The amount to be paid for a scholarship shall be divided into four equal
27 payments to be made to each participating school in September, ~~November,~~
28 December, February, and May of each school year. Payments shall be based on per
29 pupil count dates as determined by the department. No refunds shall be made to the
30 department or to the parent or ~~other~~ legal guardian if the scholarship recipient

1 withdraws from the program or is otherwise not enrolled prior to the next count date.
2 The school in which the scholarship recipient is enrolled on the next count date shall
3 receive the next payment.

4 §4018. Student eligibility

5 ~~A. For the 2008-2009 academic year, students shall be eligible to receive~~
6 ~~their initial scholarships when entering kindergarten or when entering the first,~~
7 ~~second, or third grade if they attended public school in the covered district during the~~
8 ~~previous school year. Students in grades four through twelve shall be eligible for~~
9 ~~scholarships as additional grade levels are added to the program.~~

10 ~~B. Scholarship recipients shall remain eligible to receive scholarships in each~~
11 ~~succeeding year that they remain enrolled in a participating school through grade~~
12 ~~twelve. As the 2008-2009 cohort of scholarship recipients advances in grade level,~~
13 ~~one additional grade level of eligibility shall be added to the program, beginning in~~
14 ~~2009-2010. Student eligibility continues~~ Eligibility shall continue ~~if a student~~
15 recipient transfers from one participating school to another participating school.

16 ~~§4019. District eligibility~~

17 ~~A covered district that is eligible for inclusion in the program on June 25,~~
18 ~~2008, shall be considered a covered district for the duration of the program.~~

19 §4020. School participation; application

20 A. Participation in this program by a school is voluntary, and nothing in this
21 Chapter shall ~~not be construed to~~ authorize any additional regulation of participating
22 schools beyond that specifically authorized by this Chapter.

23 B. Any school that wishes to participate in the program and enroll
24 scholarship recipients annually shall notify the department of its intent to participate
25 in the program by February first of the previous school year; except that for the
26 ~~2008-2009~~ 2012-2013 school year, a school that seeks to participate in the program
27 shall notify the department of its intent to participate not later than ~~July 30, 2008.~~
28 June 30, 2012. The notice shall specify the number of seats the school will have
29 available for scholarship recipients at each grade level and the maximum amount of
30 tuition attributable to each available seat, as applicable.

1 §4021. School eligibility

2 A. To be eligible to participate in the program, a nonpublic school shall meet
3 all of the following criteria:

4 (1) Be approved, provisionally approved, or probationally approved by the
5 State Board of Elementary and Secondary Education pursuant to R.S. 17:11.

6 (2) Comply with the criteria set forth in *Brumfield, et al. v. Dodd, et al.* 425
7 F. Supp. 528.

8 (3)(a) Enrollment of scholarship recipients in a participating school that has
9 been in operation for less than two years shall not exceed twenty percent of such
10 school's total student enrollment.

11 (b) The department may grant a waiver of this requirement to a participating
12 school if at least one of the following criteria is met:

13 (i) ~~the~~ The governing authority of ~~such~~ the school demonstrates a proven
14 record of successful operation of other schools.

15 (ii) The governing authority of the school demonstrates its financial viability
16 by submitting to the department a letter of credit or a surety bond from an accredited
17 financial institution authorized to do business in this state.

18 B. To be eligible to participate in the program, a public school shall ~~be~~
19 ~~determined to be academically acceptable~~ have received a letter grade of "A" or
20 "B", or any variation thereof, for the most recent school year pursuant to the
21 ~~Louisiana School and District Accountability Program~~ school and district
22 accountability system.

23 C. Scholarship recipients enrolled in a participating school that fails to meet
24 the eligibility criteria established in this Section may transfer to another participating
25 school for the succeeding school year without loss of eligibility, and such ~~students~~
26 recipients shall be given preference for enrollment at other participating schools.

27 §4022. Participating schools; requirements

28 Each participating school shall:

1 (1) ~~Within sixty days after the scholarship program admissions period as~~
2 ~~scheduled by the department, notify the applicant in writing whether the applicant~~
3 ~~has been accepted.~~

4 (2) Use an open admissions process in enrolling scholarship recipients in the
5 program and shall not require any additional eligibility criteria other than those
6 specified in R.S. 17:4013(3)(2). ~~In the event that there are more scholarship~~
7 ~~recipients applying for enrollment in a participating school than there are available~~
8 ~~seats, select scholarship recipients for admission utilizing a random selection process~~
9 ~~that provides each scholarship recipient with equal opportunity for selection.~~
10 ~~However, a participating school may give preference to siblings of a student who is~~
11 ~~already enrolled in the participating school. For the purposes of such random~~
12 ~~selection process, twins, triplets, quadruplets, and other such multiple births shall~~
13 ~~constitute one individual. Participating schools shall notify the department of any~~
14 ~~scholarship recipient not selected by random selection so that the department may~~
15 ~~notify those students of other participating schools with an available seat. In the~~
16 ~~event that the student not selected does not wish to enroll in another participating~~
17 ~~school, the school shall add the student to a waiting list so that he may be enrolled~~
18 ~~when a seat becomes available. Students may remain on more than one participating~~
19 ~~school's waiting list, however, upon enrolling in a participating school, their names~~
20 ~~shall be removed from waiting lists maintained by other participating schools.~~

21 (3) ~~Notify~~ (2) Within ten business days of the first day of school as
22 determined by the participating school, notify the department of scholarship
23 recipients enrolled.

24 (4) (3) Submit to the department an independent financial audit of the school
25 conducted by a certified public accountant who has been approved by the legislative
26 auditor. Such audit shall be accompanied by the auditor's statement that the report
27 is free of material misstatements and fairly presents the participating school's
28 maximum tuition or actual cost of educating a student pursuant to R.S. 17:4016. The
29 audit shall be limited in scope to those records necessary for the department to make
30 scholarship payments to the participating school and shall be submitted to the

1 legislative auditor for review and investigation of any irregularities or audit findings.
2 The participating school shall return to the state any funds that the legislative auditor
3 determines were expended in a manner inconsistent with state law or program
4 regulations. The cost of such audit shall be paid by the department from funds
5 appropriated by the legislature to implement the provisions of this Chapter.

6 ~~(5)~~ (4) Accept the scholarship amounts provided to scholarship recipients as
7 full payment of all educational costs, including incidental or supplementary fees; that
8 are charged to all enrolled students; including but not limited to meals, field trips,
9 and before- or after-school care.

10 ~~(6)~~ (5) ~~Upon enrolling scholarship recipients pursuant to this Chapter, allow~~
11 ~~such students~~ Allow scholarship recipients to remain enrolled in the school for the
12 duration of the school year at no additional cost to the state or the recipients' parents
13 or legal guardians if the school voluntarily withdraws from the program ~~provided~~
14 ~~that continued funding is appropriated by the legislature for the program.~~ However,
15 ~~students~~ a scholarship recipient may be expelled from the school according to the
16 school's discipline policy ~~or disqualified from enrollment in subsequent years if the~~
17 ~~student is no longer eligible for the program as determined by the department.~~ ~~In the~~
18 ~~event~~ and shall report such dismissal to the department within two business days of
19 such dismissal. If funding is not available to continue the program, the participating
20 school shall allow a scholarship recipient to remain enrolled in such school, provided
21 such ~~student~~ recipient meets the school's requirements for continued enrollment and
22 ~~the student's~~ his parent or legal guardian assumes responsibility for paying the tuition
23 and fees charged to all students enrolled in the school.

24 ~~(7)~~ (6) Prior to enrollment, inform the parent or ~~other~~ legal guardian of a
25 scholarship recipient of any and all rules, policies, and procedures of such school,
26 including but not limited to academic policies, disciplinary rules, and procedures of
27 the school. Enrollment of a scholarship recipient in a participating school constitutes
28 acceptance of any such rules, policies, and procedures of such school.

29 §4023. Testing

1 A participating nonpublic school shall ensure that scholarship recipients are
 2 administered all examinations required pursuant to the ~~Louisiana School and District~~
 3 ~~Accountability System~~ school and district accountability system at the prescribed
 4 grade levels ~~including the Louisiana Educational Assessment Program, the integrated~~
 5 ~~Louisiana Educational Assessment Program (iLEAP), and graduation exit~~
 6 ~~examinations~~ and that the results of such examinations are provided to parents or
 7 legal guardians.

8 §4024. Reports

9 The ~~Department of Education~~ department annually shall report to the Senate
 10 Committee on Education, the House Committee on Education, and the Joint
 11 Legislative Committee on the Budget regarding the implementation of the program,
 12 including the number of eligible students receiving scholarships, a list of
 13 participating schools and the number of scholarship recipients each such school
 14 enrolled, and aggregate test result data for the scholarship recipients enrolled in each
 15 participating school.

16 §4025. Rules

17 The State Board of Elementary and Secondary Education shall adopt and
 18 promulgate rules and regulations in accordance with the Administrative Procedure
 19 Act to implement the provisions of this Chapter.

20 Section 2. R.S. 17:3991(B)(9) and 3996(A)(16) and (B)(4) are hereby repealed in
 21 their entirety.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Carter

HB No. 976

Abstract: Provides relative to school choice including the Student Scholarships for Educational Excellence Program; parent petitions for certain schools to be transferred to the RSD; and charter school authorizers, the chartering process, and course providers.

Present law provides generally for charter schools, which are public schools that operate somewhat independently of the local school board but pursuant to a charter agreement. Generally, a nonprofit organization that wishes to run a charter school, the "charter

operator", applies to the local school board or to the State Board of Elementary and Secondary Education (BESE), the "chartering authority", for permission to operate a school. If the application is approved, the chartering authority enters an agreement with the charter operator, and the agreement specifies the goals and objectives and terms and conditions applicable to the particular school.

Proposed law amends the chartering process (see "Chartering Process" in this digest); provides for a new type of chartering authority (see "Local Charter Authorizers" in this digest); and provides for the chartering of providers of individual courses other than schools (see "Course Providers" in this digest).

Chartering Process

Proposed law requires that BESE approve a common charter application, developed by the Dept. of Education for use by all chartering authorities including school boards and BESE pursuant to present law and local charter authorizers pursuant to proposed law.

Proposed law requires that BESE recruit charter operators that offer programs that address regional workforce needs; such programs may include vocational and technical education and industry-based certifications.

Present law provides for the duties of local school boards in chartering schools. Proposed law amends present law as follows:

Present law requires the school board to determine whether a proposed charter is valid, complete, financially well-structured, and educationally sound, whether it provides for a master plan for improving behavior and discipline in accordance with present law, whether it provides a plan for collecting data in accordance with present law, and whether it offers potential for fulfilling the purposes of the charter school law. Requires a transparent application review process that complies with standards established by the National Assoc. of Charter School Authorizers. Requires that school boards post specified information regarding charter applications on their websites. Proposed law retains present law.

Present law requires an independent evaluation of the charter proposal by a third party with educational, organizational, legal, and financial expertise. Present law requires that prior to final consideration by the school board, the charter operator be afforded an opportunity to revise and resubmit an application in response to the independent evaluation. Proposed law removes requirement for opportunity to revise and resubmit and provides instead for opportunity to submit a written response and that such a response shall be available to the independent reviewer before it makes its final recommendation.

Present law authorizes school boards to accept charter applications until Feb. 28 each year and requires school boards to act upon charter applications within 90 days after submission and in the order of submission. Proposed law requires instead that school boards act within time lines established by BESE that are consistent with national best practices. Provides that the BESE time lines shall provide for an annual charter application process and afford school boards at least 90 days to evaluate applications. Proposed law further requires that each school board use the common charter application developed by the department and approved by BESE, but authorizes the school board to request additional information.

Present law provides that if an applicant has not received a decision from the school board after 90 days, the charter operator may apply to BESE for a charter. Proposed law removes this provision and provides instead that if a local board fails to comply present law and proposed law regarding application for charters, the charter applicant may submit its proposal to BESE. Requires BESE to determine whether the local

board failed to comply with present law and proposed law, and if it so determines, it may review the charter proposal.

Relative to the evaluation of charter proposals by BESE, proposed law requires that BESE create a process for authorizing multiple charter schools for charter operators that have a demonstrated record of success including operators that do not operate any schools in La. An operator that meets qualifications established by BESE may enter agreements with BESE to operate more than one charter school under a single agreement.

Present law provides that a charter may be approved subject to other conditions if the parties agree. Proposed law additionally provides that if the local board or local charter authorizer seeks to amend the charter agreement in a manner that is unacceptable to the charter school or if the charter school finds requested terms for charter renewal to be unacceptable, the charter school may apply to BESE for a charter. Requires BESE to notify the local board or local charter authorizer of the request and permit the local board to respond prior to any action.

Present law provides if a school system is academically in crisis, a charter application that would otherwise be made to the local school board may be made to BESE. Proposed law retains present law and provides that if the local school system has received a "D" or an "F" under the school and district accountability system, the charter operator may apply directly to BESE.

Present law requires that all charter schools except those in the Recovery School District employ teachers certified by the state board or the French Ministry of Education for at least 75% of the instructional staff. Provides that the remaining staff shall meet one of the following requirements:

- (1) Be authorized under law or BESE regulation to teach temporarily while seeking a regular teaching certificate.
- (2) Have at least a bachelor's degree or at least ten years of experience related to the teaching position, demonstrate exemplary skills in his field of expertise, and be providing instruction under the supervision of a certified teacher.

With respect to charter schools in the Recovery School District, present law requires each school:

- (1) Beginning no later than the second school year of operation, have not less than the percentage of BESE-certified teachers than was the case in the school prior to its transfer to the Recovery School District.
- (2) Beginning no later than the third school year of operation, have a BESE-certified teacher teaching every core subject.
- (3) Other instructional staff shall meet the same requirements that other types of charter schools are required to meet.

Proposed law removes these requirements and requires that all instructional staff at a charter school have at least at least a baccalaureate degree.

Present law provides that approved charters are valid for an initial period of five years. Proposed law provides that the initial period is four years but the initial period may be extended for an additional year. Present law provides that after the initial period, a charter may be renewed for periods of not less than three nor more than 10 years. Proposed law retains present law. Present law provides that the process for renewing a charter shall be the same as for initial charter approval, with a written report being provided annually to the chartering authority regarding the school's academic progress that year. Proposed law removes present law.

Present law requires that each charter school provide a comprehensive report to its chartering authority after three years of operation. If the school is achieving its goals, the charter is extended for an additional two years. Proposed law requires instead that the chartering authority review each charter school after three years; if the school is meeting its goals, the initial charter period may be extended to include the fifth year; if not, the charter expires at the end of the fourth year.

Present law provides that a charter is automatically renewed if the school has met or exceeded for the three preceding years the benchmarks established for it in accordance with present law, has demonstrated growth in student academic achievement for the three preceding schools years, and has had no significant audit findings during the term of the charter agreement. Proposed law provides that the operator of a charter school that qualifies for automatic renewal is eligible to open and operate two additional schools that serve the same grade levels and the same enrollment boundaries without formal application. Requires that the charter operator notify the chartering authority of its intent to open additional charter schools at least 120 calendar days prior to enrolling students and enter a charter agreement at least 90 calendar days prior to enrolling students.

Present law requires BESE to review information regarding the laws, regulations, and policies from which charter schools are exempt to determine if the exemptions assisted or impeded the charter schools in meeting their stated goals and objectives. Further requires BESE to report to the governor and to the legislative education committees, no later than Jan. 1, 2001, on its findings. Requires that the report include statistical analysis of performance. Proposed law repeals present law.

Local Charter Authorizers

Proposed law requires that BESE establish procedures for certifying other entities, other than BESE itself and local school boards, as "local charter authorizers". State agencies and nonprofit corporations with an educational mission may be certified as local charter authorizers. An entity which has been certified by BESE as a local charter authorizer may accept, evaluate, and approve applications for charter schools from charter operators.

With respect to the local charter authorizers, proposed law provides that BESE:

- (1) Shall not certify a nonprofit corporation as a charter authorizer unless it has been in existence for at least three years and it has not less than \$500,000 in assets
- (2) Shall not certify a charter operator as a local charter authorizer.
- (3) Shall not certify more than five local charter authorizers to operate in any Regional Labor Market Area, as defined by the Louisiana Workforce Commission, at any given time.

Proposed law provides for monitoring and standards for local charter authorizers and the schools they charter by BESE.

Proposed law provides that the initial certification of a local charter authorizer shall be for a period of five years. Certification may be renewed for periods of not less and three and not more than 10 years. Proposed law requires BESE to conduct a thorough review of schools chartered by the local charter authorizer every three years, renewal of certification and continuing authority to authorize charter schools is dependent on the grades received by the schools chartered by the authorizer. If a local charter authorizer loses its certification, its schools are transferred to BESE or the Recovery School District as charter schools.

Proposed law authorizes BESE to rescind a charter issued by a local charter authorizer if BESE finds that the local charter authorizer failed to comply with procedures and requirements in approving the charter.

Proposed law generally provides that a local charter authorizer is subject to the same requirements regarding the process for charter applications and evaluations as present law and proposed law provides for local school boards (see discussion of duties of local school boards in chartering schools under Chartering Process in this digest).

Proposed law provides that local charter authorizers may charter new schools or existing schools which convert to charter schools; any such school is referred to as a Type "1B" charter school. Provides that pupils who reside within the state are eligible to attend as provided in the charter.

Present law provides that a state chartered school is a local education agency for purposes of special education funding and that the local school board is the local education agency for charter schools it has authorized. Proposed law provides that a school authorized by a local charter authorizer is a local education agency.

Present law requires that charter schools adopt budgets in accordance with the La. Local Government Budget Act. Proposed law retains present law and makes it applicable to charter schools authorized by local charter authorizers. Requires that such schools submit their budgets to their local charter authorizer.

Present law establishes the La. Charter School Start-Up Loan Fund to provide no interest loans to assist charter schools get started. Proposed law provides that schools authorized by local charter authorizers are eligible for loans from the fund.

Course Providers

Proposed law (R.S. 17:4002.1-4002.6) provides for the Course Choice Program. Requires the State Board of Elementary and Secondary Education (BESE) to create a process for authorizing course providers including online or virtual providers, postsecondary education institutions, and corporations that offer vocational or technical courses. Provides that the process shall include certain required information to be provided by proposed authorizers including the administration of state assessments, the parishes or school systems where the provider will operate, the proposed courses offered, and the alignment of the courses with any approved La. diploma. Provides for an initial authorization period of three years and provides for reauthorization for additional periods of 3-5 years.

Requires BESE to adopt rules for implementation of proposed law. Provides for monitoring and evaluation of course providers by BESE. Further requires BESE to create a common course numbering process and course catalogue for all courses and a reciprocal teacher certification process for certain teachers residing in other states who are employed by course providers. Requires local school systems to establish policies and procedures for counting credits earned by and administering state tests to eligible students and for all services to be provided to eligible students, including those with Individual Education Plans.

Specifies that course providers shall receive a per course amount for each eligible funded student which shall be 1/6 of 90% of the annual minimum foundation program (MFP) per pupil amount. Requires any remaining funds (with certain exceptions) to be returned to the state or the local school system according to the pro rata share for the annual MFP per pupil amount for the school system in which the student resides. Further requires 10% of the per pupil amount according to such pro rata share to remain with the local school system in which the student is enrolled full time to be used to finance any administrative or operational costs to support students enrolled in courses offered by course providers as determined by BESE. For eligible home study students, specifies that the course provider shall receive payment only for certain courses and the remaining funds shall be returned in the same manner as required for eligible funded students (above). For eligible students who receive scholarships pursuant to present law and proposed law (R.S. 17:4011-4025), requires that the remaining funds stay with the participating school in which the student is enrolled and in accordance with present law and proposed law.

Allows course providers to charge tuition to eligible participating students in an amount determined by the provider. Provides that 51% of the tuition to be paid or transferred through the MFP to the course provider shall be done so upon student enrollment in a course and 51% shall be paid or transferred upon course completion. Provides that under specified circumstances, the course provider shall receive 40% of the course amount if the student fails to complete the course in the time required by the provider.

Defines eligible students as those enrolled in certain public schools, home study programs, and nonpublic schools. Provides that certain test scores of eligible students shall be counted in the school performance score for the school where the student is enrolled full time. Requires the state Dept. of Education to publish such test scores on its website.

Student Scholarships for Educational Excellence Program

Present law provides for the Student Scholarships for Educational Excellence Program for eligible k-6 students. Provides that eligible students shall be those in Orleans Parish from families with a total income not exceeding 250% of the current federal poverty guidelines. Provides for scholarships to be awarded to eligible students to attend public and nonpublic schools in Orleans Parish that volunteer to participate in the program and meet certain eligibility requirements. Requires that public schools be academically acceptable in order to participate. Limits enrollment of scholarship recipients at any participating nonpublic school in operation for less than two years to 20% of the school's total enrollment and permits waivers of this requirement by the state Dept. of Education.

Provides for a random selection process coordinated by the department and conducted by participating schools when there are more program applicants than seats available. Permits participating schools to give enrollment preferences to siblings of students already enrolled in the participating school. Permits scholarship recipients to remain eligible to receive scholarships in each succeeding year that they remain enrolled in a participating school through grade 12 unless determined ineligible by the department. Requires participating nonpublic schools to ensure that scholarship recipients are administered all examinations required pursuant to the state's school and district accountability program.

Provides for scholarship amounts equivalent to 90% of the per pupil amount for Orleans Parish school system from combined state and local sources (or the amount of tuition and fees for participating nonpublic schools) and provides for an added amount for special education services. Prohibits participating public schools from receiving any MFP funds for scholarship recipients. Specifies that funding shall be provided by legislative appropriation from the state general fund.

Provides for administration of the program by the state Dept. of Education in accordance with rules and regulations adopted by the State Board of Elementary and Secondary Education (BESE). Requires the department annually to report to the House and Senate education committees and the Joint Legislative Committee on the Budget on the implementation of the program including specified information.

Proposed law changes the program as follows:

- (1) Eligible students shall be those residing in La. (instead of Orleans Parish only) from families with a total income not exceeding 250% of the current federal poverty guidelines who are entering kindergarten, were enrolled in a La. public school on Feb. 1st of the previous year that had a letter grade of C, D, or F or any variation thereof, or received a scholarship the previous school year.
- (2) Eligible participating schools shall be those throughout La. (instead of in Orleans Parish only) that meet program requirements. Adds that public school participation shall be subject to any applicable court-ordered desegregation plans.

- (3) Provides that the state Dept. of Education (instead of participating schools) shall conduct the random selection process until each seat is filled and may give enrollment preferences to siblings and further permits the department to give preference to students enrolled in the Nonpublic School Early Childhood Development Program at the participating school and students transferring from an ineligible school. Permits a unified enrollment system administered by the Recovery School District to be the random selection process.
- (4) Requires the principal of an eligible public school to submit the notice of intent for program participation with the local superintendent's approval and further requires the local school board to delegate the authority to participate in the program to the local superintendent.
- (5) Changes/updates notification deadlines for participating schools.
- (6) Requires that applications from parents/legal guardians shall indicate their choices of participating schools and requires that scholarship recipients be placed according to the indicated preferences.
- (7) Deletes requirements that the department annually verify student eligibility status.
- (8) Adds to criteria to be met for the department to consider granting a waiver to allow a nonpublic school in operation for less than two years to participate, that the school governing authority submits a letter of credit or surety bond to demonstrate financial viability.
- (9) Deletes eligibility requirement that a public school be academically acceptable and instead requires that the school have a letter grade of A or B or any variation thereof, for the most recent school year.
- (10) Deletes that a scholarship recipient already participating in the program may be determined ineligible and disqualified from participating in the program in subsequent years.
- (11) Specifies that if a scholarship recipient remains enrolled in a school after the school withdraws from the program, it shall be at no cost to the state or the parents.
- (12) Excludes scholarship recipients attending participating nonpublic schools from present law that requires local school boards to provide free transportation to students who reside more than one mile from school.
- (13) Requires the department annually to publish certain student test result data, a list of public schools with certain letter grades, cohort graduation rates, retention rates, and parental satisfaction rates for participating schools as applicable. Requires participating schools to inform parents of certain test result data compiled and received from the department.
- (14) Deletes requirement that the scholarship amount for participating schools be 90% of the per pupil amount or applicable tuition costs and instead requires BESE annually to allocate from the MFP to each participating school, an amount equal to the amount allocated per pupil to the local school system in which the participating student resides. Provides that such amount shall be counted toward the equitable allocation of funds appropriated to local school systems as provided in present constitution (Art. 8, Sec. 13). Provides that any remaining funds shall be returned to the state or to the local public school system according to the pro rata share for the annual per pupil amount as determined by the MFP.
- (15) Requires transfers of scholarship payments to be made by the department to participating schools on behalf of the responsible local school districts.

- (16) Provides that scholarship recipients shall be considered public school students for MFP funding purposes.
- (17) For program funding purposes, requires students entering kindergarten to enroll in their local public school system and requires school systems to conduct and report their annual kindergarten enrollment in accordance with a time line specified by the department prior to the program enrollment process.
- (18) Deletes the requirement that federal special education funding be added for special education students receiving scholarships, the prohibition on participating schools receiving any MFP funds for scholarship recipients, and the requirement that funding be provided by legislative appropriation from the state general fund.
- (19) Provides that parents of scholarship recipients in participating nonpublic schools who are entitled to special education services shall indicate how or if the student will receive such services. Allows participating nonpublic schools to charge higher tuition for special education students.
- (20) Requires BESE annually to allocate from the MFP to each participating school a per pupil amount equal to a special education tuition amount which is addition to the nonpublic school's maximum scholarship payment. Prohibits the total of the payment and the special education tuition from exceeding the amount allocated for that student to the local school system.
- (21) Requires that in order to provide special education services, a participating nonpublic school shall meet certain criteria including having had provided special education services for at least 2 years under specified conditions.

Parent Petitions for Transferring Schools to the RSD

Proposed law (R.S. 17:10.5(F)) provides for a public school to be transferred to the Recovery School District (RSD) if such transfer is approved by BESE and both of the following conditions are met:

- (1) Parents or legal guardians representing at least 51% of the students attending the school sign a petition requesting the transfer.
- (2) The school has received a letter grade of "F" or any variation thereof, for three consecutive years.

Requires BESE to adopt rules and regulations for implementation of the petition process including a petition format and submission process, signature validations procedures, and student transfer procedures. Requires the state Dept. of Education to maintain records regarding petition contents and outcomes. Provides that parents/legal guardians shall be free from harassment, threats, and intimidation related to the circulation or signing of petitions. Prohibits the use of school and district resources to support or oppose any effort by petitioning parents/legal guardians to gather signatures or sign petitions.

Provides that proposed law shall be in addition to the present law (R.S. 17:10.5(A)) process for transferring certain schools to the RSD.

(Amends R.S. 17:158(A)(1), 3973(3) through (6), 3981(4), 3982(A)(1)(a) and (2), 3983(A)(3)(a), (4)(a), (b), and (d), (B)(2), (D), and (G), 3991(B)(3) and (13), (C)(1)(c)(iv) and (6), (D)(2)(a)(i), and (H), 3992(A)(1), 3995(A)(1)(intro. para.) and (c), 3996(C) and (G), 3998, 4001(A) and (C)(1) and (2), and 4011 through 4025; Adds 17:10.5(F), 3973(2)(b)(vi), (7), and (8), 3981(7) and (8), 3981.1, 3981.2, 3982(A)(3) and (4), 3983(A)(2)(d) and (3)(d), 3992(D), and 4002.1 through 4002.6; Repeals R.S. 17:3991(B)(9), 3996(A)(16) and (B)(4))