

Regular Session, 2012

HOUSE BILL NO. 976

BY REPRESENTATIVES CARTER, KLECKLEY, BROADWATER, CHAMPAGNE,
CONNICK, HENRY, HENSGENS, LIGI, LORUSSO, PONTI, ROBIDEAUX,
SCHRODER, SEABAUGH, TALBOT, AND THOMPSON

1 AN ACT

2 To amend and reenact R.S. 17:22(7)(a), 158(A)(1), 3973(3) through (6), 3981(4),
3 3982(A)(1)(a) and (2) and (B), 3983(A)(2)(a)(i), (3)(a), and (4)(a), (b), and (d),
4 (B)(2), and (D), 3991(B)(3) and (13), (C)(1)(c)(iv) and (6), (D)(2)(a)(i), and (H),
5 3992(A)(1), 3995(A)(1)(introductory paragraph) and (c) and (4)(a), 3996(C) and (G),
6 3998, 4001(A) and (C)(1) and (2), and Part I of Chapter 43 of Title 17 of the
7 Louisiana Revised Statutes of 1950, to be comprised of R.S. 17:4011 through 4025,
8 to enact R.S. 17:10.5(F), 3973(2)(b)(vi) and (7), 3974, 3981(7) and (8), 3981.1,
9 3981.2, 3982(A)(3), 3983(A)(2)(a)(iii) and (d) and (3)(d) and (E)(3), 3992(D), and
10 Part VII of Chapter 42 of Title 17 of the Louisiana Revised Statutes of 1950, to be
11 comprised of R.S. 17:4002.1 through 4002.6, and to repeal R.S. 17:3991(B)(9) and
12 3996(A)(16) and (B)(4), relative to school choice; to provide relative to reports by
13 the superintendent of education; to provide relative to the Student Scholarships for
14 Educational Excellence Program; to provide relative to program eligibility and
15 participation requirements for students and schools; to provide relative to selection
16 and enrollment of eligible students; to provide relative to funding and payments to
17 eligible schools including eligible nonpublic schools; to provide for reports; to
18 provide for the submission of petitions by parents requesting that a school be
19 transferred to the Recovery School District under certain conditions; to require rules
20 and regulations to be adopted by the State Board of Elementary and Secondary
21 Education for the petition process; to change charter proposal submission time lines;
22 to provide a mechanism for Type 1 and Type 3 charter schools to convert to a Type
23 2 charter school under certain conditions; to authorize the state board to allow the

1 state superintendent of education and the superintendent of the Recovery School
 2 District to amend the charter of Type 5 charter schools to accommodate a unified
 3 enrollment system; to modify the initial charter period; to provide for charter school
 4 admission requirements; to allow foreign language immersion schools to establish
 5 special admission standards; to provide for the qualifications of teachers; to provide
 6 relative to the evaluation of charter school teachers and other school employees; to
 7 provide relative to teacher certification requirements; to remove the requirement that
 8 charter schools comply with laws relative to the length of the school year; to provide
 9 for the Course Choice Program; to provide for program definitions and funding; to
 10 provide for the powers of the State Board of Elementary and Secondary Education
 11 and local public school systems relative to course providers; to provide relative to
 12 entities that authorize charter schools; to provide for certification of certain state
 13 agencies and nonprofit corporations as charter authorizers; to provide relative to the
 14 responsibilities of the State Board of Elementary and Secondary Education with
 15 respect to certification of such authorizers; to provide relative to requirements,
 16 powers, responsibilities, and limitations of such authorizers; to provide relative to
 17 schools whose charter is authorized by such entities, including matters related to
 18 funding for such schools; to provide for procedures, processes, fees, and regulations;
 19 to prohibit persons who have been convicted of any crime defined as a felony from
 20 being a local charter authorizer, member, officer or director of a charter school; to
 21 require certain local charter authorizers to comply with the Open Meetings Law, the
 22 Public Records Law, and the ethics code; and to provide for related matters.

23 Be it enacted by the Legislature of Louisiana:

24 Section 1. R.S. 17:22(7)(a), 158(A)(1), 3973(3) through (6), 3981(4), 3982(A)(1)(a)
 25 and (2) and (B), 3983(A)(2)(a)(i), (3)(a), and (4)(a), (b), and (d), (B)(2), and (D), 3991(B)(3)
 26 and (13), (C)(1)(c)(iv) and (6), (D)(2)(a)(i), and (H), 3992(A)(1), 3995(A)(1)(introductory
 27 paragraph) and (c) and (4)(a), 3996(C) and (G), 3998, 4001(A) and (C)(1) and (2), and Part
 28 I of Chapter 43 of Title 17 of the Louisiana Revised Statutes of 1950, comprised of R.S.
 29 17:4011 through 4025, are hereby amended and reenacted and R.S. 17:10.5(F),
 30 3973(2)(b)(vi) and (7), 3974, 3981(7) and (8), 3981.1, 3981.2, 3982(A)(3),

1 3983(A)(2)(a)(iii) and (d) and (3)(d) and (E)(3), 3992(D), and Part VII of Chapter 42 of Title
2 17 of the Louisiana Revised Statutes of 1950, comprised of R.S. 17:4002.1 through 4002.6,
3 are hereby enacted to read as follows:

4 §10.5. School and district accountability; failing schools; transfer to Recovery
5 School District; parent petitions

6 * * *

7 F.(1) Notwithstanding the provisions of Paragraph (A)(1) of this Section, a
8 public school shall be removed from the jurisdiction of the city, parish, or other local
9 public school board or other public entity and transferred to the jurisdiction of the
10 Recovery School District if such transfer is approved by the State Board of
11 Elementary and Secondary Education and both of the following conditions are met:

12 (a) Parents or legal guardians representing at least a majority of the students
13 attending the school sign a petition requesting that the school be transferred to the
14 Recovery School District.

15 (b) The school has received a letter grade of "D" or "F" or any variation
16 thereof, pursuant to the Louisiana School and District Accountability System for
17 three consecutive years.

18 (2) The State Board of Elementary and Secondary Education shall develop
19 and adopt rules and regulations for implementation of this Subsection which shall
20 include but not be limited to:

21 (a) The format and procedures for submitting a petition pursuant to this
22 Subsection to the state superintendent of education to be brought by him before the State
23 Board of Elementary and Secondary Education for review pursuant to the process
24 established for the consideration of schools eligible for transfer to the Recovery School
25 District as provided in this Section.

26 (b) A requirement that each student may be signed for by his parents or legal
27 guardians only one time on any given petition such that each student equals one
28 signature.

29 (c) Signature validation procedures that include the following requirements:

1 (i) That upon submission of a petition, the state Department of Education
2 shall determine if the number of signatures represents at least a majority of the
3 students attending the school.

4 (ii) That the signatures be assumed valid unless challenged or there is
5 reasonable doubt of their validity. If validity is challenged or doubted, the
6 department shall, within forty-five calendar days, review and verify the signatures.
7 If the department finds that the number of valid signatures is fewer than a majority
8 required, parents or legal guardians shall have thirty calendar days, commencing
9 with a date specified by the department, to resolve such discrepancies and collect the
10 signatures of additional parents or legal guardians. Signatures shall not be
11 discounted over technicalities if the clear intent of the parent or legal guardian was
12 to support the petition.

13 (d) Transfer procedures for students who choose not to remain enrolled at
14 the school as a result of the state board's decision to transfer the school to the
15 jurisdiction of the Recovery School District.

16 (3) The state Department of Education shall maintain records regarding the
17 contents and outcomes of the petitions.

18 (4) Parents or legal guardians shall be free from harassment, threats, and
19 intimidation related to circulation of or signing a petition.

20 (5) School and district resources shall not be used to support or oppose any
21 effort by petitioning parents or legal guardians to gather signatures and submit a
22 petition.

23 * * *

24 §22. Superintendent; functions and duties

25 The superintendent shall:

26 * * *

27 (7)(a) Make an annual report to the board, the governor, and the legislature
28 on the condition of, the progress made, and the improvements needed in the public
29 elementary and secondary schools. The report shall contain the following:

1 (i) A complete financial report on the receipts and expenditures of the
2 department and of the various schools.

3 (ii) Data concerning faculty, enrollment, graduates, courses of study, and any
4 other information required to show the condition, progress, and needs of these
5 schools.

6 (iii) An abstract of the reports of the city, parish, and other local public
7 school superintendents to the state superintendent, as well as all other facts and
8 statistics that are of interest to the public schools.

9 (iv) A report on the implementation of a total system of choice.

10 (v) Such other information as is necessary to effectuate the purposes of this
11 Paragraph.

12 * * *

13 §158. School buses for transportation of students; employment of bus operators;
14 alternative means of transportation; improvement of school bus turnarounds

15 A.(1) Except as provided by Subsection H of this Section and in accordance
16 with the requirements of Subsection F of this Section, each city, parish, and other
17 local public school board shall provide free transportation for any student attending
18 a school of suitable grade approved by the State Board of Elementary and Secondary
19 Education within the jurisdictional boundaries of the local board if the student
20 resides more than one mile from such school. This requirement shall not apply to
21 any student attending a nonpublic school pursuant to R.S. 17:4011 through 4025.

22 * * *

23 §3973. Definitions

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

27 * * *

28 (2)

29 * * *

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

2 * * *

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

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

10 (4) "Local charter authorizer" means an entity certified by the state board in
11 accordance with this Chapter to enter into agreements with chartering groups.

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

14 ~~(5)~~ (6) "Public service organization" means any community-based group of
15 fifty or more persons incorporated under the laws of this state that meets all of the
16 following requirements:

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

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

20 ~~(6)~~ (7) "State board" means the State Board of Elementary and Secondary
21 Education.

22 §3974. Prohibitions; persons convicted of felony offenses

23 A. No local charter authorizer shall be certified which has an officer,
24 administrator, director, or any person having managerial authority who has been
25 convicted of or has pled nolo contendere to any crime defined as a felony or has been
26 convicted under the laws of any other state or of the United States or of any foreign
27 government or country of a crime which, if committed in this state, would be a
28 felony. The provisions of this Subsection shall not apply to any person who has been
29 pardoned or if more than fifteen years have elapsed after the date of the completion
30 of his original sentence.

1 §3981.1. State board; powers and duties relative to local charter authorizers

2 A. The state board shall:

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

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

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

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

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

16 (d) The entity has in its possession not less than five hundred thousand
17 dollars in assets net of liabilities as reported to the Louisiana Department of
18 Revenue.

19 (3) Review each proposed local charter authorizer in a timely manner and
20 determine whether each proposed local charter authorizer complies with the law and
21 rules and whether the proposal is valid, complete, financially well-structured, and
22 educationally sound, whether it provides for a master plan of academic excellence
23 relative to the schools it shall oversee, whether it provides a plan for developing the
24 capacity to authorize not fewer than five schools and assures the state board that it
25 intends to authorize not fewer than five schools, and whether it offers potential for
26 fulfilling the purposes of this Chapter. The board shall engage in an application
27 review process that complies with the latest Principles and Standards for Quality
28 Charter School Authorizing, as promulgated by the National Association of Charter
29 School Authorizers, and shall provide for an independent evaluation of the charter

1 proposal by a third party with educational, organizational, legal, and financial
 2 expertise.

3 (4) Certify not more than five local charter authorizers to operate in any
 4 regional labor market area, as defined by the Louisiana Workforce Commission, at
 5 any given time.

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

10 (6) Monitor and evaluate the schools authorized by a local charter authorizer
 11 in accordance with the school and district accountability system.

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

21 C.(1) If the average performance of the charter schools authorized by the
 22 local charter authorizer is a letter grade of "C" or any variation thereof after the
 23 initial certification period, the state board may recertify the local charter authorizer
 24 under the condition that the local charter authorizer may not authorize any additional
 25 schools until the average performance of the charter schools authorized by the local
 26 charter authorizer is a letter grade of "A" or "B" or any variation thereof. The local
 27 charter authorizer may maintain the charter schools it has previously approved.

28 (2) If the average performance of the charter schools authorized by the local
 29 charter authorizer is a letter grade of "D" or "F" or any variation thereof after the
 30 initial certification period, the state board shall not recertify the local charter

1 authorizer and shall provide for the transfer of the charter schools authorized by the
2 local charter authorizer to the state board as Type 2 or Type 5 charter schools.

3 D. After the initial certification period, the state board may grant renewal of
4 certification for additional periods of not less than three years nor more than ten
5 years after thorough review of the local chartering authority's activities and the
6 performance of the charter schools authorized by the local charter authorizer. The
7 state board shall continue to conduct a thorough review of the authorizer's activities
8 and the performance of the charter schools authorized by the local charter authorizer,
9 in accordance with the school and district accountability system, every three years.

10 E. If the average performance of the charter schools authorized by the local
11 charter authorizer is a letter grade of "C" or any variation thereof after any three-year
12 review, the local charter authorizer may not authorize any additional schools until
13 the average performance of those schools is a letter grade of "A" or "B" or any
14 variation thereof. If the average performance of the charter schools authorized by
15 the local charter authorizer is a letter grade of "D" or "F" or any variation thereof
16 after any three-year review, the state board shall cancel the local charter authorizer's
17 certification and provide for the transfer of those schools to the state board as Type
18 2 or Type 5 charter schools.

19 F. The state board may rescind a charter approval or agreement between a
20 local charter authorizer and a chartering group if the state board finds that in
21 approving the applicant or entering the agreement the authorizer has failed to comply
22 with laws and regulations, including but not limited to whether the local charter
23 authorizer has engaged in a transparent application review process that complies with
24 the latest Principles and Standards for Quality Charter School Authorizing, as
25 promulgated by the National Association of Charter School Authorizers, and has
26 provided for an independent evaluation of the charter proposal by a third party with
27 educational, organizational, legal, and financial expertise.

28 G. The state board may rescind a charter approval or agreement between a
29 local charter authorizer and a chartering group if the chartering group has been found

1 by the state board to have a repeating pattern of abuse, neglect, and mistreatment of
2 students.

3 §3981.2. Local charter authorizers; powers and duties

4 A.(1)(a) A local charter authorizer shall comply with R.S. 17:3983 and shall
5 review and formally act upon charter proposals received within time lines established
6 by the State Board of Elementary and Secondary Education that are consistent with
7 national best practices in charter school authorizing. Such time lines shall require,
8 at a minimum, an annual charter process in which local charter authorizers are
9 afforded at least ninety days to evaluate such applications. In conducting such
10 review, the local charter authorizer shall determine whether the proposed charter
11 complies with the law and rules, whether the proposal is valid, complete, financially
12 well-structured, and educationally sound, whether it provides for a master plan for
13 improving behavior and discipline in accordance with R.S. 17:252, whether it
14 provides a plan for collecting data in accordance with R.S. 17:3911, and whether it
15 offers potential for fulfilling the purposes of this Chapter. The local charter
16 authorizer shall engage in a transparent application review process that complies
17 with the latest Principles and Standards for Quality Charter School Authorizing, as
18 promulgated by the National Association of Charter School Authorizers, and shall
19 provide for an independent evaluation of the charter proposal by a third party with
20 educational, organizational, legal, and financial expertise. Each local charter
21 authorizer shall use a common charter application developed by the state Department
22 of Education and approved by the state board, but may request additional
23 information from applicants as needed.

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

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

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

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

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

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

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

9 (3) If a charter applicant believes that a local charter authorizer has not
 10 complied with Paragraphs (1) and (2) of this Subsection in its evaluation of an
 11 application, the charter applicant may submit its proposal to the state board for its
 12 review and approval as a Type 2 charter. If the state board determines that the local
 13 charter authorizer failed to comply with Paragraphs (1) and (2) of this Subsection,
 14 it shall notify the local charter authorizer of that determination and may proceed with
 15 its own review of the charter application. The state board shall review each proposal
 16 according to the process set forth in R.S. 17:3981(4) and shall provide written
 17 notification of its final decision to the charter applicant pursuant to time lines
 18 established by the state board.

19 B. If a local charter authorizer loses its certification from the state board or
 20 otherwise ceases to exist, all of its public assets which it has acquired as a local
 21 charter authorizer pursuant to this Chapter shall become the property of the state
 22 board; provided however, that the state board shall first afford the local school
 23 district within whose boundaries the assets are located the option to purchase or
 24 otherwise acquire such public assets. Each charter school authorizer shall document
 25 all assets acquired with private funds.

26 C. Any nonprofit corporation certified by the State Board of Elementary and
 27 Secondary Education as a local charter authorizer shall be subject to the Open
 28 Meetings Law in accordance with R.S. 42:11 et seq., the Public Records Law in
 29 accordance with R.S. 44:1 et seq., and the Code of Governmental Ethics in

1 accordance with R.S. 42:1101 et seq. when exercising its authority as a local charter
 2 authorizer.

3 D. A nonprofit corporation certified by the State Board of Elementary and
 4 Secondary Education as a local charter authorizer shall submit to the Department of
 5 Education an annual independent financial audit performed by a certified public
 6 accountant who has been approved by the legislative auditor. The audit shall be
 7 performed in accordance with generally accepted governmental auditing standards
 8 and the Louisiana Governmental Audit Guide. The completed audit shall be
 9 submitted annually to the Department of Education and the legislative auditor and
 10 shall be subject to the provisions of R.S. 24:513 in so far as it pertains to quasi-public
 11 agencies.

12 §3982. Local school boards; duties

13 A.(1)(a)(i) Local school boards shall comply with R.S. 17:3983 and shall
 14 review and formally act upon each ~~proposed~~ charter proposal received within time
 15 lines established by the State Board of Elementary and Secondary Education that are
 16 consistent with national best practices in charter school authorizing ~~within ninety~~
 17 ~~days of its submission and in the order in which submitted.~~ Such time lines shall
 18 require, at a minimum, an annual charter application process in which local school
 19 boards are afforded at least ninety days to evaluate such applications. In ~~doing~~
 20 conducting such review, the local school board shall determine whether each
 21 proposed charter complies with the law and rules, whether the proposal is valid,
 22 complete, financially well-structured, and educationally sound, whether it provides
 23 for a master plan for improving behavior and discipline in accordance with R.S.
 24 17:252, whether it provides a plan for collecting data in accordance with R.S.
 25 17:3911, and whether it offers potential for fulfilling the purposes of this Chapter.
 26 The local board shall engage in a transparent application review process that
 27 complies with the latest Principles and Standards for Quality Charter School
 28 Authorizing, as promulgated by the National Association of Charter School
 29 Authorizers, and shall provide for an independent evaluation of the charter proposal
 30 by a third party with educational, organizational, legal, and financial expertise. Each

1 local board shall use a common charter application developed by the state
2 Department of Education and approved by the state board, but may request
3 additional information from applicants as needed.

4 (ii) A local school board may accept charter proposals ~~until February twenty-~~
5 ~~eighth of each year and shall provide written notification of its final decision to the~~
6 ~~chartering group and notify charter applicants of its final decision pursuant to time~~
7 lines approved by the state board. Notifications of charter proposals denied shall
8 include written explanation of the reasons for such denial.

9 * * *

10 (2) The local school board shall make public through its website, and in
11 printed form upon request, the guidelines for submitting a charter proposal, all forms
12 required for submission of a charter proposal, the ~~timelines~~ time lines established for
13 accepting and reviewing charter proposals in accordance with Item (1)(a)(ii) of this
14 Subsection, the process that will be used to review charter proposals submitted to the
15 board, and the name and contact information for a primary point of contact for
16 charter proposals. ~~If no final decision is received within ninety days after the~~
17 ~~submission of the proposal, then the chartering group may submit its proposal to the~~
18 ~~state board for its review.~~

19 (3) If a charter applicant believes that a local school board has not complied
20 with Paragraphs (1) and (2) of this Subsection in its evaluation of an application, the
21 charter applicant may submit its proposal to the state board for its review and
22 approval as a Type 2 charter. If the state board determines that the school board
23 failed to comply with Paragraphs (1) and (2) of this Subsection, it shall notify the
24 school board of that determination and may proceed with its own review of the
25 charter application. The state board shall review each proposal according to the
26 process set forth in R.S. 17:3981(4) and shall provide written notification of its final
27 decision to the charter applicant pursuant to time lines established by the state board.

28 B. Local school boards shall make available to chartering groups any vacant
29 school facilities or any facility slated to be vacant for lease or purchase up to fair
30 market value. In the case of a Type 1B or a Type 2 charter school created as a result

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 of a conversion, the facility and all property within the existing school shall be made
 2 available to that chartering group. In return for the use of the facility and its
 3 contents, the chartering group shall pay a proportionate share of the local school
 4 board's bonded indebtedness to be calculated in the same manner as set forth in R.S.
 5 17:1990(C)(2)(a)(i). If such facilities were constructed at no cost to the local school
 6 board, then such facilities, including all equipment, books, instructional materials,
 7 and furniture within such facilities, shall be provided to the charter school at no cost.
 8 §3983. Chartering process by type; eligibility; limitations; faculty approval; parental

9 approval

10 A.

11 * * *

12 (2)(a)(i) Each proposal for a Type 1 or Type 3 charter school shall first be
 13 made to the local school board with jurisdiction where the school is to be located,
 14 ~~except in the case of a local system in academic crisis as provided for in Item (ii)~~
 15 Item (ii) or (iii) of this Subparagraph, involving the submission of by submitting a
 16 written proposal. If, after review as required by R.S. 17:3982, the local school board
 17 denies the proposal, or if conditions placed on the proposal by the local school board,
 18 as provided in Paragraph (B)(2) of this Section, are not acceptable to ~~those proposing~~
 19 ~~the charter~~ the chartering group, then a proposal for a Type 2 charter school may be
 20 made to the ~~State Board of Elementary and Secondary Education~~ state board.

21 * * *

22 (iii) If the local school system in which a chartering group intends to apply
 23 to operate a school has received a letter grade designation of "D" or "F" or any
 24 variation thereof, then a proposal for a Type 2 charter school may be made to the
 25 state board.

26 * * *

27 (d) Each proposal for a Type 1B charter school shall be made to a certified
 28 local charter authorizer. If, after review as required by R.S. 17:3981.2, the local
 29 charter authorizer denies the proposal, or if conditions placed on the proposal by the
 30 local charter authorizer, as provided in Paragraph (B)(2) of this Section, are not

1 (d) Prior to the consideration of a charter school proposal by any local school
 2 board, a local charter authorizer, or the state board, each charter applicant shall be
 3 afforded the opportunity to ~~revise and resubmit the proposal based on the~~ provide a
 4 written response to the independent evaluation conducted in accordance with R.S.
 5 ~~17:3981(4), and R.S. 17:3982(A)(1)(a)(i)~~ 3981.2(A)(1)(a), or 3982(A)(1)(a)(i), as
 6 applicable. Such response shall be available to the independent reviewers for
 7 consideration prior to issuing a final recommendation to the chartering authority.
 8 However, if a proposal is not approved by the local school board or local charter
 9 authorizer and then also not approved by the state board within the same approval
 10 cycle, then the proposal shall be submitted to the local school board or a local charter
 11 authorizer for its consideration during the next approval cycle prior to being
 12 submitted to the state board.

13 * * *

14 B.

15 * * *

16 (2) Additionally, each approved charter may be approved subject to whatever
 17 other resolatory or suspensive conditions the chartering authority requires provided
 18 those entering into the charter agree with the conditions. If the local board or local
 19 charter authorizer seeks to amend the charter agreement in a manner that is
 20 unacceptable to the charter school or if the charter school finds requested terms for
 21 charter renewal to be unacceptable, the charter school may petition the state board
 22 to convert to a Type 2 charter school. Upon receipt of such request, the state board
 23 shall notify the local board or local charter authorizer of the request and shall permit
 24 the local board or local charter authorizer to provide a response prior to any action
 25 on such request.

26 * * *

27 D.(1) Prior to approving a charter for a Type 1 or Type 3 school, the local
 28 school board considering the proposal shall hold a public meeting for the purpose of
 29 considering the proposal and receiving public input. Such meeting shall be held after

1 reasonable efforts have been made by the board to notify the public of the meeting
2 and its content.

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

8 E.

9 * * *

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

12 * * *

13 §3991. Charter schools; requirements; limitations; renewal; amendment; revocation

14 * * *

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

16 * * *

17 (3) Admission requirements, if any, that are consistent with the school's role,
18 scope, and mission may be established pursuant to rules promulgated by the state
19 board. Such admission requirements shall be specific and shall include a system for
20 admission decisions which precludes exclusion of pupils based on race, religion,
21 gender, ethnicity, national origin, intelligence level as ascertained by an intelligence
22 quotient examination, or identification as a ~~child~~ student with an exceptionality as
23 defined in ~~R.S. 17:1943(4)~~ R.S. 17:1942(B). Such admission requirements may
24 include, however, specific requirements related to a school's mission such as
25 auditions for schools with a performing arts mission or ~~achievement of a certain~~
26 ~~academic record for schools with a college preparatory~~ proficiency in a foreign
27 language for schools with a language immersion mission. Any school which was
28 chartered prior to July 1, 2012, and which incorporated achievement of a certain
29 academic record as part of its admission requirements may continue to utilize such

1 admission requirements. No local board shall assign any pupil to attend a charter
2 school.

3 * * *

4 (13) ~~Manner in which~~ Assurance that teachers and other school employees
5 will be evaluated in accordance with R.S. 17:3997.

6 * * *

7 C. A charter school shall:

8 (1)

9 * * *

10 (c)

11 * * *

12 (iv) Unless otherwise provided for within the charter, charter schools may
13 not enroll in any given year more than one hundred twenty percent of the total
14 number of students which had been approved in their charter without formally
15 amending their charter. The state board may authorize the state superintendent of
16 education and the superintendent of the Recovery School District to amend the
17 charter of any Type 5 charter school participating in a unified enrollment system
18 administered by the Recovery School District for the purpose of adjusting student
19 enrollment limitations.

20 * * *

21 ~~(6)(a)(i) Except for Type 5 charter schools to which the requirements~~
22 ~~provided in Subparagraph (b) of this Paragraph apply, employ teachers certified by~~
23 ~~the state board or the French Ministry of Education for at least seventy-five percent~~
24 ~~of the instructional staff employed by the charter school.~~

25 (ii) ~~The remaining portion of the instructional staff shall meet at least one of~~
26 ~~the following requirements~~ Employ instructional staff who have at least a
27 baccalaureate degree and who shall be subject to all provisions of state law relative
28 to background checks applicable to the employment of public school personnel.

29 ~~(aa) Be authorized under law or state board regulation to teach temporarily~~
30 ~~while seeking a regular teaching certificate.~~

1 this Section. Such rules shall also note that any loan funding may ~~only be used~~ be
 2 used only to purchase tangible items such as equipment, technology, instructional
 3 materials, and facility acquisition, upgrade, and repairs. Such equipment or other
 4 items shall become the property of the state if the loan is not fully repaid by virtue
 5 of the school ceasing to operate during the three years of automatic loan repayment
 6 as noted in Paragraph (3) of this Subsection.

7 (2) Loans shall be made only to ~~type~~ Type 1, Type 1B, type Type 2, and type
 8 Type 3 charter schools and shall not exceed one hundred thousand dollars to pay for
 9 charter school start-up and early operating expenses. No money lent as provided in
 10 this Section may be used to pay prior debts of the nonprofit corporation which
 11 formed the charter school, any of the natural persons principally involved in forming
 12 the charter school, or any former or current business or nonprofit venture of any such
 13 natural persons for any purchase not related to the creation of the charter school, or
 14 to pay to members of the immediate family of any such natural persons, or to make
 15 any investments.

* * *

PART VII. COURSE PROVIDERS

§4002.1. Course providers; short title

This Part shall be known as the "Course Choice Program".

§4002.2. Legislative findings

The legislature finds and declares that:

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

28 (2) Enrollment of children in course work offered by course providers is in
 29 compliance with the objectives of Louisiana's compulsory attendance law; course
 30 providers in Louisiana make a significant educational and economic contribution

1 towards meeting the goal of a quality, individualized education for every Louisiana
 2 school child; and Louisiana has recognized and encouraged that contribution through
 3 online education and dual enrollment in postsecondary education institutions for
 4 many years.

5 (3) Effective course providers exist in Louisiana.

6 (4) Course providers can offer a quality, individualized education to students
 7 and it is in the public interest to offer students the means of accessing the educational
 8 opportunities offered by course providers by providing students with the public funds
 9 allocated to them from local and state sources to enroll in such courses.

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

13 (6) Online or virtual course providers can serve as quality course providers
 14 for students who desire additional access to high quality courses, especially but not
 15 limited to students enrolled in low-performing public schools, students who for
 16 reasons of geography may not be able to exercise their right to educational choice,
 17 and students who may desire an alternative schooling schedule or calendar.

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

21 §4002.3. Definitions

22 As used in this Part, unless otherwise clearly indicated, the following terms
 23 mean:

24 (1) "Course provider" means an entity that offers individual courses in
 25 person or online, including but not limited to online or virtual education providers,
 26 postsecondary education institutions, including any postsecondary institution under
 27 the management of the Board of Supervisors of Community and Technical Colleges,
 28 and corporations that offer vocational or technical course work in their field, and
 29 have been authorized to provide such courses by the state board.

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

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

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

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

10 (3) "Eligible participating student" means any student who resides in
11 Louisiana and meets one of the following criteria:

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

14 (b) Is attending a nonpublic school that is approved, provisionally approved,
15 or probationally approved by the state board pursuant to R.S. 17:11.

16 (c) Is enrolled in a home study program approved by the state board.

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

19 §4002.4. State board; powers and duties relative to course providers

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

28 (2) The process shall provide for an agreement between the state and board
29 and the course provider that shall include, at a minimum, a plan for implementing
30 or providing the following:

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1 (a) Administration of state assessments as required by the school and district
 2 accountability system, except to students as defined by R.S. 17:4002.3(2)(c).

3 (b) The parishes or local school systems in which the course provider will
 4 operate.

5 (c) Proposed courses offered, alignment of the courses by the course
 6 provider with the requirements of R.S. 17:24.4, and the designated length of each
 7 course offered.

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

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

14 B.(1) The initial authorization of the course provider shall be for a period of
 15 three years. After the second year of the initial authorization period, the state board
 16 shall conduct a thorough review of the course provider's activities and the academic
 17 performance of the students enrolled in courses offered by the course provider in
 18 accordance with the school and district accountability system. If the performance
 19 of the students enrolled in courses offered by the course provider pursuant to the
 20 school and district accountability system does not meet performance standards set
 21 by the state board, the state board shall place the course provider on probation.

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

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

29 (4) The state board shall create a process for common course numbering of
 30 all courses listed in the course catalogue and for determining whether courses are in

1 compliance with R.S. 17:24.4. For courses offered by postsecondary education
2 institutions that are authorized course providers, the state board shall consult with the
3 Board of Regents.

4 C. Not later than January 1, 2013, the state board shall create a reciprocal
5 teacher certification process for teachers who reside in other states but who are
6 employed by authorized course providers and teach virtual education courses to
7 satisfy the state certification requirements pursuant to R.S. 17:7.1.

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

10 §4002.5. Local school systems; per course providers

11 A. Each local school board shall establish policies and procedures whereby
12 for each student identified in R.S. 17:4002.3(2)(a) and (b) and (3)(a) the following
13 shall apply:

14 (1) Credits earned through the course provider shall appear on each such
15 student's official transcript and count fully towards the requirements of any approved
16 Louisiana diploma.

17 (2) Tests required pursuant to R.S. 17:24.4 shall be administered to each
18 such student attending a public school.

19 (3) All services to which each such student attending public school would
20 be entitled if attending the school in which he is enrolled full time for all courses,
21 including but not limited to special education services pursuant to the student's
22 Individual Education Plan shall be provided.

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

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

29 D. The aggregate test scores of students who are enrolled in a course
30 pursuant to this Part and in accordance with Subsection A of this Section shall be

1 counted in the school performance score for the school in which the student is
2 enrolled full time. The test scores shall be reported to and published by the state
3 Department of Education for each course provider in an easy to understand format
4 and on the department's website.

5 E. Each student identified in R.S. 17:4002.3(2)(a) and (b) and (3)(a) shall
6 enroll in at least one course at the school in which he is enrolled full time.

7 F. The state board shall adopt rules necessary to implement this Part,
8 including but not limited to the requirements of school governing authorities or local
9 school systems whose students enroll in courses offered by authorized course
10 providers.

11 §4002.6. Course providers; funding

12 A.(1) The course provider shall receive a course amount for each eligible
13 funded student.

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

25 (3) For each student identified in R.S. 17:4002.3(2)(a) and (b), an amount
26 equal to ten percent of the per pupil amount according to the pro rata share as
27 determined each year by the Minimum Foundation Program for the local school
28 system in which such student resides shall remain with the local school system in
29 which the eligible funded student is enrolled full time. These funds shall be used to

1 finance any administrative or operational costs to support students enrolled in
2 courses offered by course providers, as determined by the state board.

3 (4) For students identified in R.S. 17:4002.3(2)(d), the course provider shall
4 receive payment only for the courses in which the student is enrolled in accordance
5 with Subsection C of this Section. The remaining funds for each of these students
6 up to the maximum amount for the parish in which the participating student resides
7 as determined each year by the Minimum Foundation Program or actual tuition and
8 fees, as applicable, shall remain with the participating school in which the student
9 is enrolled in accordance with R.S. 17:4011 through 4025.

10 B.(1) The course provider may charge tuition to any eligible participating
11 student in an amount equal to the amount determined by the course provider and
12 reported to the state Department of Education in accordance with Paragraph (A)(2)
13 of this Section.

14 (2) The course provider shall accept the amount specified in Paragraph
15 (A)(2) of this Section as total tuition and fees for the eligible participating student.

16 C.(1) Fifty percent of the amount of tuition to be paid or transferred through
17 the Minimum Foundation Program to the course provider shall be paid or transferred
18 upon student enrollment in a course and fifty percent shall be paid or transferred
19 upon course completion according to the published course length.

20 (2) If a student does not complete a course according to the published course
21 length in which the course provider has received the first payment pursuant to
22 Paragraph (1) of this Subsection, the provider shall receive forty percent of the
23 course amount as defined in Paragraph (A)(2) of this Section only if the student
24 completes the course and receives credit for the course prior to leaving school
25 pursuant to R.S. 17:221 or graduating from high school pursuant to R.S. 17:24.4.

26 (3) The remaining ten percent of the per pupil amount according to the pro
27 rata share as determined each year by the Minimum Foundation Program for the
28 local public school system in which the eligible funded student resides shall remain

1 with the school in which the eligible funded student is enrolled full time. This shall
2 be in addition to the ten percent specified in Paragraph (A)(3) of this Section.

3 * * *

4 §4011. Short title

5 This Chapter shall be known and may be cited as the "Student Scholarships
6 for Educational Excellence Act".

7 §4012. Legislative findings

8 The legislature finds and declares that:

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

14 (2) Attendance of children at nonpublic schools constitutes compliance with
15 the objectives of Louisiana's compulsory attendance law; nonpublic schools in
16 Louisiana make a significant educational and economic contribution towards
17 meeting the goal of a quality education for every Louisiana school child; and
18 Louisiana has recognized and encouraged that contribution through providing
19 textbooks and transportation to students attending approved nonpublic schools for
20 many decades.

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

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

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

29 (6) It is the intent of this Chapter to create additional options for all children,
30 including those with special needs or requiring special education services.

1 (7) Any delay in implementation of this Chapter would work to the detriment
 2 of children.

3 §4013. Definitions

4 As used in this Chapter, unless otherwise clearly indicated, the following
 5 terms shall mean:

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

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

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

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

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

17 (3) (2) "Eligible student" means a student who resides ~~within the geographic~~
 18 ~~boundaries of a covered district, in Louisiana,~~ is a member of a family with a total
 19 income that does not exceed two hundred fifty percent of the current federal poverty
 20 guidelines as established by the federal office of management and budget, and who
 21 meets any one of the following criteria:

22 (a) Is entering kindergarten and has enrolled in the local school system in
 23 which the public school he would have otherwise attended is located or in a school
 24 under the jurisdiction of the Recovery School District. Each local school system or
 25 the Recovery School District shall conduct its annual kindergarten enrollment
 26 process and shall report such enrollment to the department prior to the program
 27 enrollment process.

28 (b) Was enrolled in a public school ~~located within a covered district during~~
 29 ~~the previous~~ in Louisiana on October first and on February first of the most recent
 30 school year pursuant to the definition of student membership established by the state

1 ~~board for purposes of the Minimum Foundation Program formula, school year in a~~
 2 ~~program-eligible grade and such school has been identified as academically~~
 3 ~~unacceptable or has a school performance score or an assessment index of sixty or~~
 4 ~~less as defined by the State Board of Elementary and Secondary Education~~ received
 5 a letter grade of "C", "D", or "F" or any variation thereof, for the most recent year
 6 ~~pursuant to policies developed and adopted by the board for implementation of the~~
 7 ~~school and district accountability system.~~

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

10 ~~(4)~~ (3) "Participating school" means a nonpublic school that meets program
 11 requirements and seeks to enroll scholarship recipients pursuant to this Chapter or
 12 a public school ~~located within the geographic boundaries of a covered district that~~
 13 meets program requirements and seeks to enroll scholarship recipients pursuant to
 14 this Chapter subject to any court-ordered desegregation plan in effect for the school
 15 system in which the public school is located.

16 ~~(5)~~ (4) "Program" means the Student Scholarships for Educational
 17 Excellence Program.

18 ~~(6)~~ (5) "Scholarship" means the funds awarded to a parent or other legal
 19 guardian on behalf of an eligible student to attend a participating public or nonpublic
 20 school pursuant to this Chapter.

21 ~~(7)~~ (6) "Scholarship recipient" means an eligible student who is awarded a
 22 scholarship pursuant to this Chapter.

23 §4014. Student Scholarships for Educational Excellence Program; creation
 24 The Student Scholarships for Educational Excellence Program is hereby
 25 created and shall be administered by the ~~state Department of Education~~ department.

26 §4015. Program administration
 27 In administering the program pursuant to this Chapter, the department shall:
 28 (1) Determine student eligibility for scholarships.
 29 (2) Receive ~~the~~ notice of intent from schools seeking to participate in the
 30 program; which shall include the number of available seats per grade and whether

1 the school elects to offer an enrollment preference to a student based on the parish
 2 in which the student resides, and qualify such schools for participation in the
 3 program, ~~and determine the number of available seats, by grade, at participating~~
 4 ~~schools.~~ For eligible public schools, the notice of intent shall be submitted by the
 5 principal of the school with the approval of the local superintendent. The local
 6 school board shall delegate the authority to participate in the program to the local
 7 superintendent.

8 (3)(a) Accept applications from parents ~~and other~~ or legal guardians of
 9 eligible students and award scholarships to eligible students ~~who submit applications,~~
 10 ~~up to the number of available seats in each grade at all participating schools.~~ Each
 11 application shall indicate the parent or legal guardian's choice or choices of
 12 participating schools.

13 (b) In the event there are more eligible students who submit applications than
 14 there are available seats at participating schools for any grade, the department shall
 15 ~~utilize~~ conduct a random selection process to award scholarships that provides each
 16 eligible student an equal opportunity for selection. Only after each student who
 17 attended or otherwise would be attending a public school that received a letter grade
 18 of "D" or "F" or any variation thereof has been placed at a participating school which
 19 the parent or legal guardian indicated as a choice on the eligible student's application
 20 shall a student who attended a public school that received a letter grade of "C" or any
 21 variation thereof be entered into the random selection process. At such time, each
 22 student who attended or otherwise would be attending a public school that received
 23 a letter grade of "C" or any variation thereof shall be provided an equal opportunity
 24 for selection into that particular participating school. However, the department may
 25 give preference to the following:

- 26 (i) Siblings of students already enrolled in the participating school.
- 27 (ii) Students enrolled in the Nonpublic School Early Childhood Development
 28 Program at the participating school.
- 29 (iii) Participating students transferring from an ineligible school pursuant to
 30 this Section.

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1 (iv) Students residing in the parishes as indicated pursuant to the notice of
 2 intent, if applicable.

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

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

14 (5) Remit scholarship payments to participating schools on behalf of a
 15 scholarship recipient.

16 (6) Receive independent financial audits from participating nonpublic
 17 schools as required by ~~this Chapter~~ R.S. 17:4022(3).

18 ~~(7) In the event that there are more scholarship recipients applying for~~
 19 ~~enrollment in a participating school than there are available seats, ensure that the~~
 20 ~~school shall select scholarship recipients for admission utilizing a random selection~~
 21 ~~process that provides each scholarship recipient with an equal opportunity for~~
 22 ~~selection. The department shall establish a time line that coordinates a random~~
 23 ~~selection process at all participating schools and shall ensure that each participating~~
 24 ~~school adopts procedures for conducting such random selection process and notifies~~
 25 ~~the parents or legal guardians of scholarship recipients of the procedures to be~~
 26 ~~followed should a random selection process be required.~~

27 (8) For students enrolled in the program, annually verify the eligibility status
 28 of each student and notify his parent or other legal guardian of his status by not later
 29 than ~~April thirtieth or a date determined by the department that would provide~~

1 ~~students who are no longer eligible for a scholarship sufficient time to apply to~~
 2 ~~another school within the covered district.~~

3 ~~(9) Provide (7) Annually publish each scholarship recipient and their parent~~
 4 ~~or legal guardian with a list of the following information for all schools participating~~
 5 ~~in the program.;~~

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

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

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

12 (d) The retention rate for scholarship recipients.

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

15 ~~(10) (8)(a) Place any participating school that fails to comply with the audit~~
 16 ~~provisions pursuant to R.S. ~~17:4022(4)~~ 17:4022(3) on probation for a period of one~~
 17 ~~year during which such school shall not be permitted to enroll additional scholarship~~
 18 ~~recipients.~~

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

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

27 (9) On or before August 1, 2012, develop criteria for participation that
 28 includes an accountability system for participating students at participating schools.
 29 After August 1, 2012, the accountability system shall not be altered except by an act
 30 of the legislature.

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

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

27 C. B.(1) For If a scholarship recipient who is enrolled in a participating
28 nonpublic school would have been entitled to receive special education services
29 ~~there shall be added to the amount of the scholarship an amount equivalent to special~~
30 ~~education funding provided to a covered district for such a student from federal~~

1 ~~sources. A participating public school receiving a scholarship payment for a~~
2 ~~scholarship recipient pursuant to this Chapter shall not receive any funds through the~~
3 ~~Minimum Foundation Program for such student. in the public school he would~~
4 ~~otherwise be attending, his parent or legal guardian shall acknowledge in writing, as~~
5 ~~part of the enrollment process that the parent or legal guardian agrees to accept only~~
6 ~~such services as are available to all students enrolled in the nonpublic school.~~

7 (2) The parent or legal guardian may make a parental placement to receive
8 special education and related services from a participating nonpublic school that has
9 demonstrated the capacity to offer such services. In such case, the nonpublic school
10 may charge a higher tuition for students receiving such services, the state board shall
11 allocate annually from the minimum foundation program an amount per pupil to each
12 participating nonpublic school equal to a special education tuition amount based on
13 the cost of providing special education services identified for that student to the
14 participating nonpublic school. This amount shall be in addition to the participating
15 nonpublic school's maximum scholarship payment as described in Subsection A of
16 this Section but the total of the payment and the special education tuition shall not
17 exceed the amount allocated for that student to the local school system if the student
18 otherwise would be attending public school.

19 (3)(a) A participating nonpublic school shall not discriminate against a child
20 with special educational needs during the program admissions process. However,
21 as a nonpublic school, a participating school is required to offer only those services
22 that it already provides or such services as necessary to assist students with special
23 needs that it can provide with minor adjustments. A nonpublic school may partner
24 with the local school system to provide special education services.

25 (b) Information regarding the services a participating school is able to and
26 shall provide, the services the local school system is able to and shall provide, and
27 the services the local school system currently provides to children with special needs
28 who are enrolled in a nonpublic school shall be made available by the department to
29 parents and legal guardians prior to the enrollment process.

1 (4) To be determined to have demonstrated capacity to offer special
 2 education services pursuant to Paragraph (2) of this Subsection, a participating
 3 nonpublic school shall meet all of the following criteria:

4 (a) Has existed and provided educational services to students with
 5 exceptionalities as defined in R.S. 17:1942, excluding students deemed to be gifted
 6 or talented, for at least two years prior to participation in the program and such
 7 provision of services shall be pursuant to an established program in place at the
 8 school that includes instruction by teachers holding appropriate certification in
 9 special education or other appropriate education or training as defined by the
 10 department and that is in accordance with a student's Individual Education Plan.

11 (b) In accordance with time lines as determined by the department, inform
 12 the department of the types of student exceptionalities as defined in R.S. 17:1942(B)
 13 that the school is able to serve.

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

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

27 §4017. Payment of scholarships

28 A. ~~The Department of Education~~ department shall ~~remit~~ transfer scholarship
 29 payments ~~directly~~ to each participating school on behalf of the ~~parent or other legal~~
 30 ~~guardian of a scholarship recipient. The parent or other legal guardian shall assign~~

1 ~~the full value of the scholarship to the participating school~~ responsible city or parish
 2 school district. No locally levied school district tax revenues shall be transferred to
 3 any participating school located outside of the school district where the tax is levied
 4 or any participating nonpublic school within the district.

5 B. The amount to be paid for a scholarship shall be divided into four equal
 6 payments to be made to each participating school in September, ~~November,~~
 7 December, February, and May of each school year. Payments shall be based on per
 8 pupil count dates as determined by the department. No refunds shall be made to the
 9 department or to the parent or ~~other~~ legal guardian if the scholarship recipient
 10 withdraws from the program or is otherwise not enrolled prior to the next count date.
 11 The school in which the scholarship recipient is enrolled on the next count date shall
 12 receive the next payment.

13 §4018. Student eligibility

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

19 ~~B. Scholarship recipients shall remain eligible to receive scholarships in each~~
 20 ~~succeeding year that they remain enrolled in a participating school through grade~~
 21 ~~twelve. As the 2008-2009 cohort of scholarship recipients advances in grade level,~~
 22 ~~one additional grade level of eligibility shall be added to the program, beginning in~~
 23 ~~2009-2010. Student eligibility continues~~ Eligibility shall continue if a student
 24 recipient transfers from one participating school to another participating school.

25 ~~§4019. District eligibility~~

26 ~~A covered district that is eligible for inclusion in the program on June 25,~~
 27 ~~2008, shall be considered a covered district for the duration of the program.~~

1 §4020. School participation; application

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

5 B. Any school that wishes to participate in the program and enroll
 6 scholarship recipients annually shall notify the department of its intent to participate
 7 in the program by February first of the previous school year; except that for the
 8 ~~2008-2009~~ 2012-2013 school year, a school that seeks to participate in the program
 9 shall notify the department of its intent to participate not later than ~~July 30, 2008.~~
 10 June 30, 2012. The notice shall specify the number of seats the school will have
 11 available for scholarship recipients at each grade level and the maximum amount of
 12 tuition attributable to each available seat, as applicable.

13 §4021. School eligibility

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

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

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

20 (3)~~(a)~~ Enrollment of scholarship recipients in a participating school that has
 21 been ~~in operation~~ approved, provisionally approved, or probationally approved for
 22 less than two years shall not exceed twenty percent of such school's total student
 23 enrollment.

24 ~~(b) The department may grant a waiver of this requirement to a participating~~
 25 ~~school if the governing authority of such school demonstrates a proven record of~~
 26 ~~successful operation of other schools.~~

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

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

10 §4022. Participating schools; requirements

11 Each participating school shall:

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

15 (2) Use an open admissions process in enrolling scholarship recipients in the
 16 program and shall not require any additional eligibility criteria other than those
 17 specified in R.S. 17:4013(3)(2). ~~In the event that there are more scholarship~~
 18 ~~recipients applying for enrollment in a participating school than there are available~~
 19 ~~seats, select scholarship recipients for admission utilizing a random selection process~~
 20 ~~that provides each scholarship recipient with equal opportunity for selection.~~
 21 However, a participating school may give preference to siblings of a student who is
 22 already enrolled in the participating school. ~~For the purposes of such random~~
 23 ~~selection process, twins, triplets, quadruplets, and other such multiple births shall~~
 24 ~~constitute one individual. Participating schools shall notify the department of any~~
 25 ~~scholarship recipient not selected by random selection so that the department may~~
 26 ~~notify those students of other participating schools with an available seat. In the~~
 27 ~~event that the student not selected does not wish to enroll in another participating~~
 28 ~~school, the school shall add the student to a waiting list so that he may be enrolled~~
 29 ~~when a seat becomes available. Students may remain on more than one participating~~

1 school's waiting list; however, upon enrolling in a participating school, their names
 2 shall be removed from waiting lists maintained by other participating schools.

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

6 ~~(4)~~ (3) Submit to the department an independent financial audit of the school
 7 conducted by a certified public accountant who has been approved by the legislative
 8 auditor. Such audit shall be accompanied by the auditor's statement that the report
 9 is free of material misstatements and fairly presents the participating school's
 10 maximum tuition or actual cost of educating a student pursuant to R.S. 17:4016. The
 11 audit shall be limited in scope to those records necessary for the department to make
 12 scholarship payments to the participating school and shall be submitted to the
 13 legislative auditor for review and investigation of any irregularities or audit findings.
 14 The participating school shall return to the state any funds that the legislative auditor
 15 determines were expended in a manner inconsistent with state law or program
 16 regulations. The cost of such audit shall be paid by the department from funds
 17 appropriated by the legislature to implement the provisions of this Chapter.

18 ~~(5)~~ (4) Accept the scholarship amounts provided to scholarship recipients as
 19 full payment of all educational costs, including incidental or supplementary fees; that
 20 are charged to all enrolled students; including but not limited to meals, field trips,
 21 and before- or after-school care.

22 ~~(6)~~ (5) ~~Upon enrolling scholarship recipients pursuant to this Chapter, allow~~
 23 ~~such students~~ Allow scholarship recipients to remain enrolled in the school for the
 24 duration of the school year at no additional cost to the state or the recipients' parents
 25 or legal guardians if the school voluntarily withdraws from the program ~~provided~~
 26 ~~that continued funding is appropriated by the legislature for the program.~~ However,
 27 ~~students~~ a scholarship recipient may be expelled from the school according to the
 28 school's discipline policy ~~or disqualified from enrollment in subsequent years if the~~
 29 ~~student is no longer eligible for the program as determined by the department.~~ In the
 30 ~~event~~ and the school shall report such dismissal to the department within two

1 business days of such dismissal. If funding is not available to continue the program,
 2 the participating school shall allow a scholarship recipient to remain enrolled in such
 3 school, provided such ~~student~~ recipient meets the school's requirements for continued
 4 enrollment and ~~the student's~~ his parent or legal guardian assumes responsibility for
 5 paying the tuition and fees charged to all students enrolled in the school.

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

11 §4023. Testing

12 A participating nonpublic school shall ensure that scholarship recipients are
 13 administered all examinations required pursuant to the ~~Louisiana School and District~~
 14 ~~Accountability System~~ school and district accountability system at the prescribed
 15 grade levels ~~including the Louisiana Educational Assessment Program, the integrated~~
 16 ~~Louisiana Educational Assessment Program (iLEAP), and graduation exit~~
 17 ~~examinations~~ and that the results of such examinations are provided to parents or
 18 legal guardians.

19 §4024. Reports

20 The ~~Department of Education~~ department annually shall report to the Senate
 21 Committee on Education, the House Committee on Education, and the Joint
 22 Legislative Committee on the Budget regarding the implementation of the program,
 23 including the number of eligible students receiving scholarships, a list of
 24 participating schools and the number of scholarship recipients each such school
 25 enrolled, and aggregate test result data for the scholarship recipients enrolled in each
 26 participating school.

27 §4025. Rules; severability

28 A. The State Board of Elementary and Secondary Education shall adopt and
 29 promulgate rules and regulations in accordance with the Administrative Procedure
 30 Act to implement the provisions of this Chapter.

1 B. If any provision of this Chapter or the application thereof is held invalid,
 2 such invalidity shall not affect other provisions or applications of this Chapter which
 3 can be given effect without the invalid provisions or applications, and to this end the
 4 provisions of this Chapter are hereby declared severable.

5 C. The severability provision hereof shall be broadly construed so as to give
 6 effect to each and every possible provision or application of this Chapter which is not
 7 specifically held invalid, unlawful, or unconstitutional.

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

10 Section 3. The legislature finds that any delay in implementation of the provisions
 11 of this Act would work to the detriment of children. Therefore, should any part of this Act
 12 be legally challenged, the courts are urged to minimize all unnecessary delays, give
 13 preferential docketing to such matter, and expedite judicial review, and may suspend all
 14 applicable rules of court in contravention hereof and for this limited purpose.

 SPEAKER OF THE HOUSE OF REPRESENTATIVES

 PRESIDENT OF THE SENATE

 GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____