

Regular Session, 2013

HOUSE BILL NO. 642

BY REPRESENTATIVE NANCY LANDRY

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

EDUCATION/SPECIAL: Establishes and provides for the Special Education Scholarship Program

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AN ACT

To enact Chapter 45 of Title 17 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 17:4051 through 4066, relative to educational opportunities for children with learning disabilities; to establish and provide for the implementation of the Special Education Scholarship Program; to provide for legislative findings and declarations; to provide for definitions; to provide relative to the duties and responsibilities of the State Board of Elementary and Secondary Education and the state Department of Education; to provide relative to regional special education schools; to provide for admission of students in regional special education schools; to provide for scholarships for students attending regional special education schools; to provide relative to funding and payments to regional special education schools; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Chapter 45 of Title 17 of the Louisiana Revised Statutes of 1950, comprised of R.S. 17:4051 through 4066, is hereby enacted to read as follows:

CHAPTER 45. SPECIAL EDUCATION SCHOLARSHIP PROGRAM

§4051. Short title

This Chapter shall be known and may be cited as "The Special Education Scholarship Program Act".

1        §4052. Legislative findings2                The legislature finds and declares that:3                (1) It is in the public interest that all Louisiana children with learning  
4                disabilities receive the highest level of elementary and secondary education that they  
5                can assimilate, and that accordingly, the state has the responsibility, duty, and  
6                obligation to provide them quality and meaningful special education.7                (2) The comprehensive curriculum, the grade level expectancy requirement,  
8                and the state standardized assessment tests are designed and appropriate for students  
9                who possess the cognitive and physical attributes necessary to earn a high school  
10              diploma.11              (3) While there are children with disabilities who are able to earn a high  
12              school diploma, there are many who cannot, but who can increase their cognitive  
13              level through age twenty-one and thereby have the ability to better care for  
14              themselves in their adult lives.15              (4) The provision of special education requires individualized education and  
16              related services that are more costly than the costs of educating nondisabled students.17              (5) The availability and quality of special education and related services will  
18              be enhanced and more cost effective through regional special education schools.19              (6) It is in the public interest to allow parents and guardians to choose and  
20              access special education and related services for their children with disabilities in  
21              regional special education schools with the assistance of partial scholarships.22              (7) It is the intent of the legislature to develop and maintain a comprehensive  
23              and coordinated special education program in the eight educational regions of the  
24              state: Shreveport, Monroe, Alexandria, Lake Charles, Lafayette, Baton Rouge,  
25              Houma-Thibodaux, and New Orleans.26        §4053. Definitions27              As used in this Chapter, unless otherwise clearly indicated, the following  
28              terms shall mean:29              (1) "Department" means the state Department of Education.

1           (2) "Board" means the State Board of Elementary and Secondary Education.

2           (3) "Special education" means educational services specially designed to  
3 meet the unique needs of each child with a learning disability.

4           (4) "Student with disabilities" or "disabled student" means an elementary or  
5 secondary student who meets all of the following criteria:

6           (a) The student is a resident of the state and was eligible to attend a public  
7 school in the state during the preceding semester or is starting or starts school for the  
8 first time.

9           (b) The student has an Individualized Education Plan as that term is defined  
10 in LAC, Title 28, Part XLIII, Bulletin 1706, Subpart 1, sec. 905, Definitions.

11           (c) The student has autism, deaf-blindness, deafness, emotional disturbance,  
12 hearing impairment, mental disability, multiple disabilities, orthopedic impairment,  
13 other health impairment, specific learning disability, speech or language impairment,  
14 traumatic brain injury, or visual impairment, as defined in LAC, Title 28, Part XLIII,  
15 Bulletin 1706, Subpart 1, sec. 905, Definitions.

16           (d) The student is not less than three years of age and not more than twenty-  
17 one years of age.

18           (5) "Nondisabled student" means a student who has not been assessed and  
19 evaluated as having a learning disability but is beneficially enrolled in a regional  
20 special education school and thereby qualifies for a scholarship.

21           (6) "Regional special education school" means a school that emphasizes  
22 special education and related services designed to meet the unique needs of students  
23 with disabilities, prepares them for further education, employment, and independent  
24 living, and has been designated by the board as a regional special education school  
25 pursuant to this Chapter.

26           (7) "Related services" means transportation and such developmental,  
27 corrective, and other supportive services as are required to assist a child with a  
28 learning disability to benefit from special education, and includes speech-language  
29 pathology and audiology services; interpreting services; psychological services;

1 adaptive physical education; assistive technology services; physical and occupational  
2 therapy, including therapeutic recreation, early identification and assessment of  
3 disabilities in children, counseling services, including rehabilitation counseling,  
4 orientation and mobility services; school health services; social work services in  
5 schools; and parent counseling and training, as defined in LAC, Title 28, Part XLIII,  
6 Bulletin 1706, Subpart 1, sec. 905, Definitions.

7 (8) "Program" means the "The Special Education Scholarship Program"  
8 created pursuant to this Chapter.

9 (9) "Scholarship" means the money awarded by the department to a parent  
10 or legal guardian on behalf of a student with disabilities to attend a regional special  
11 education school.

12 (10) "Scholarship recipient" means a student to whom a special education  
13 scholarship has been awarded.

14 §4054. Designation of regional special education schools

15 A. The board shall implement a regional special education program under  
16 which one or more regional special education schools shall be designated in each of  
17 the eight educational regions of the state.

18 B. The designation process shall include an open invitation to interested  
19 parties in each educational region to submit proposals for designation as a regional  
20 special education school. The public notice of the invitation shall be advertised once  
21 a month for two consecutive months in the official journal of the state and once a  
22 month for two consecutive months in a newspaper of general circulation in the  
23 educational region in which a regional special education school will be located.

24 C. An entity submitting a proposal shall have all of the following attributes:

25 (1) A nonprofit corporation under applicable state and federal laws that has  
26 received a letter from the Internal Revenue Service attesting to its federal tax  
27 exemption status.

28 (2) Final approval as a nonpublic school by the board pursuant to R.S. 17:11.

1           (3) Role, scope, and mission in its articles of incorporation that are consistent  
2           with a school that emphasizes special education and related services.

3           (4) Policy that prohibits discrimination against students because of race,  
4           religion, gender, ethnicity, or national origin.

5           (5) An acceptable finance and accounting plan.

6           (6) An acceptable organizational, governance, and operational structure.

7           (7) School administrators and members of its governing board with adequate  
8           qualifications.

9           (8) An established program that includes special education services and  
10          related services provided by personnel holding appropriate certification in special  
11          education and other appropriate education or training.

12          (9) A sustained curriculum of regular education and special education under  
13          which students have the opportunity to earn a state diploma, a school diploma, or a  
14          certificate of attendance.

15          (10) Responsibility for the planning, construction, and maintenance of the  
16          school facilities.

17          D. The board shall award the designation to the school whose proposal  
18          evidences the best qualified applicant for designation as a regional special education  
19          school. If in the board's sole discretion no applicant is sufficiently qualified, the  
20          board may decline to designate an applicant as a regional special education school  
21          at that time.

22          E. The designation of a regional special education school shall remain valid  
23          until the governing body of the designated school votes to recede from the  
24          designation.

25          F. The board may terminate the designation upon a finding that the school  
26          has violated a material provision of state law or regulation or a finding that the  
27          academic standards of the school have fallen below the standards established by this  
28          Chapter.

1        §4055. Board, duties and responsibilities

2                A. The board shall have the following duties and responsibilities:

3                    (1) Remit scholarship payments to the regional special education schools on  
4 behalf of the scholarship recipients.

5                    (2) Annually confirm the eligibility status of scholarship recipients and  
6 notify the board and the parents or legal guardians not later than a date determined  
7 by the department that is sufficiently early to allow an ineligible student to apply to  
8 other schools before August 1 each year.

9                    B.(1) After notice to a respondent regional special education school and an  
10 opportunity to be heard, the board may place a regional special education school that  
11 fails to materially comply with the applicable provisions of this Chapter on probation  
12 for a period of one school year during which no additional scholarship students may  
13 be enrolled.

14                    (2) If the school has not come into full compliance by the end of the one-year  
15 probationary period, the board may terminate the school's designation as a regional  
16 special education school. The school may reapply for the designation only after the  
17 board has determined that the school is again in full compliance with the provisions  
18 of this Chapter.

19                    C. The board shall require that each local school district, in administering the  
20 child find mandate pursuant to LAC, Title 28, Part XLIII, Bulletin 1706, Subpart 1,  
21 sec. 111, Child Find, provide to the parents or legal guardians of the child the names  
22 and addresses of the local school districts in the given educational regions and the  
23 name and address of the regional special education school within the same  
24 educational region.

25                    D. The board shall establish a policy that regional special education schools  
26 will provide special education and related services to as wide a spectrum of student  
27 disabilities as is consistent and feasible with their respective financial and academic  
28 resources.

1        §4056. Regional special education schools; admission

2            A. Within ten days following the opening date of each regional special  
3        education school year, each school shall report to the department the number of  
4        students with disabilities and the number of students without disabilities that the  
5        school has enrolled, together with the names of the students and the names and  
6        addresses of their parents or legal guardians.

7            B. Prior to enrollment, a regional special education school shall provide to  
8        the parent or other legal guardian of a student seeking enrollment, and inform the  
9        parent or legal guardian about, all of the following:

10           (1) The school rules, policies, and procedures such as academic policies,  
11        disciplinary rules, safety rules, drug prohibitions, and any other similar rule or policy  
12        that is applicable to students and their parents or guardians.

13           (2) A description of the educational services offered subject to the school's  
14        current academic ability and financial resources.

15           (3) A description of the related services offered subject to available school  
16        or third party funding specifically for that purpose.

17           C. All applicants shall be considered for enrollment without regard to race,  
18        religion, gender, ethnicity or national origin.

19           D. A regional special education school is required to offer only those  
20        educational and related services that it regularly offers. For any request for services  
21        above that level, the school may at its sole discretion provide minor adjustments to  
22        accommodate the request. The decision of the school in this matter shall be final and  
23        unappealable.

24           E. Each regional special education school shall enroll students on a first  
25        application first enrollment basis. However, the respective schools shall make a  
26        good faith effort to maintain the composition of their respective student populations  
27        at seventy percent with disability and thirty percent without disability. If the  
28        foregoing objective is not evident at the end of the fifth day after annual school  
29        opening, any remaining seat may be filled with any student.

1           F. After receiving notice of their qualification, the department shall promptly  
2           notify the parents or other legal guardians whether their children have been awarded  
3           scholarships.

4           §4057. Scholarships; amounts, funding, tuition, fees

5           A. Funds used to pay scholarships for students enrolled in regional special  
6           education schools shall not be derived from or paid through the Minimum  
7           Foundation Program or from any funds received by or obligated to any local public  
8           school district. The legislature shall appropriate funds by line item designation to the  
9           Special Education Scholarship Program.

10          B. From funds appropriated for the program, the board shall allocate an  
11          amount on a per pupil basis for payment to each regional special education school  
12          on behalf of its scholarship students.

13          C. The value of the scholarships shall be the amount equal to two hundred  
14          percent of the state portion of the average minimum foundation program allocation  
15          per child among the local school districts in the same educational region in which the  
16          regional special education school is situated.

17          D. In consideration of the higher per child costs of educating students with  
18          disabilities, the unfavorable economy of scale in regional special education schools,  
19          and the absence of taxing authority, the regional special education schools may  
20          charge tuition.

21          E. Regional special education schools may assess and collect from the parent  
22          or guardian incidental and supplemental fees for meals, field trips, before or after  
23          school care, required personal materials, testing materials, textbooks not provided  
24          by the state, and other similar items.

25          F. Any student who receives a scholarship pursuant to the Special Education  
26          Scholarship Program shall be ineligible to receive a scholarship pursuant to the  
27          School Choice Program for Certain Students with Exceptionalities, R. S. 17:4031 et  
28          seq.; pursuant to the Student Scholarships Educational Excellence Program, R. S.  
29          17: 4011 et seq; and pursuant to the rebate program in R. S. 47:6301.



1        §4058. Scholarships; payments

2                A. The department shall make scholarship payments to each regional special  
3        education school on behalf of the parent or other legal guardian of a scholarship  
4        recipient.

5                B. Scholarships shall be paid on dates determined by the department.

6                C. No refund shall be due to the department or to the parent or legal guardian  
7        if the scholarship recipient withdraws from the program or is otherwise not enrolled  
8        prior to the next payment date.

9        §4059. Related services, textbooks and transportation

10              A. The regional special education schools shall arrange for the delivery of  
11        the limited related services available under sections 611(f) and 619(g) of the  
12        Individuals with Disabilities Education Act (IDEA) by the local school districts to  
13        the schools' eligible students. From funds appropriated for this purpose, the  
14        department will supplement those locally provided related services through  
15        contracts, administered by the department or the regional special education school,  
16        with qualified faculty personnel of institutions of higher learning or qualified  
17        personnel in the private market.

18              B. The department shall provide to each regional special education school  
19        an allotment for regular education text books and special education text books,  
20        teaching materials, and test materials consistent with allotments from the department  
21        to the local school districts.

22              C. The department shall require that local school districts' transportation  
23        resources be made available to the scholarship recipients to the same extent it is  
24        made available to children enrolled in the local school districts. The local school  
25        districts in each educational region are authorized to pool their respective  
26        transportation resources to more adequately and efficiently provide transportation  
27        from the home of each student with a disability to the respective regional special  
28        education schools.

1        §4060. Donations, bequests, and other forms of financial assistance

2                A regional special education school may accept donations, bequests, grants,  
3        and other forms of financial assistance from any public or private person, foundation,  
4        or governmental agency and comply with requirements attendant to such financial  
5        assistance, including but not limited to rules and regulations governing grants from  
6        the state or federal government or from any other person, foundation, or  
7        governmental agency that is not in contravention of the constitution and the laws of  
8        the state.

9        §4061. Continuing student eligibility; dismissal

10              A. A scholarship recipient shall remain eligible to receive a scholarship in  
11        each succeeding year that the recipient remains enrolled in a regional special  
12        education school.

13              B. Notwithstanding the provisions of Subsection A of this Section, a  
14        scholarship student may be dismissed pursuant to the school's disciplinary policy or  
15        dismissed by the principal for other good cause shown.

16        §4062. Least restrictive environment

17              A. A regional special education school shall take all reasonable and feasible  
18        steps to provide a special education in a least restrictive environment. In aid of that  
19        goal, the school shall make a bona fide effort to enroll nondisabled students that  
20        represent thirty percent of the students in the school.

21              B. A regional special education school shall assure that disabled students  
22        actively participate with nondisabled peers in traditional classroom education,  
23        physical education, recreation, lunch-room dining, extracurricular clubs, sports  
24        activities, field trips, and community outings.

25        §4063. Applicable state laws and regulations; highest education level attainable;  
26        continuing duty to educate

27              A. Regional special education schools shall comply with the requirements  
28        of applicable state law and regulations for nonpublic schools.

1           B. In the operation of their respective schools, regional special education  
2           schools may employ basic concepts and theories embodied in the federal Individuals  
3           with Disabilities Education Act. However, that Act shall not be construed as being  
4           applicable to regional special education schools.

5           C. Regional special education schools shall have the obligation to advance  
6           the student's education to the highest level consistent with each school's financial and  
7           academic resources.

8           §4064. Audits

9           A. Each regional special education school shall annually submit to the  
10          department an independent financial audit of the school conducted by a certified  
11          public accountant approved by the legislative auditor. The audit shall be  
12          accompanied by the auditor's statement that the report is free of material  
13          misstatements and fairly presents the total scholarship, tuition, fees, and other  
14          revenues and expenditures made to advance the education of the students.

15          B. The scope of the audit shall extend to those records necessary for the  
16          department to verify that the scholarship payments and related services payments  
17          were expended for educational purposes. The cost of such audit shall be paid by the  
18          department from funds appropriated by the legislature.

19          §4065. Regional special education schools, miscellaneous

20          A. Each regional special education school shall adopt a conflicts of interest  
21          policy to protect the financial integrity of the school and the state when the school  
22          contemplates entering into a transaction or arrangement that may benefit the private  
23          interest of an officer or director of the school or may result in a possible excess  
24          benefit transaction. This policy shall supplement but shall not replace any applicable  
25          state or federal laws governing conflict of interest applicable to a nonprofit, tax-  
26          exempt entity.

27          B. Notwithstanding any law to the contrary, a regional special education  
28          school shall not be construed as having been established by, and is not for any

1 purposes whatsoever to be construed as, a governmental entity or agency or  
2 subdivision of the state or parish governmental body.

3 C. No member of the governing board of a regional special education school  
4 shall be an elected or appointed public official at any level of state or local  
5 government, nor may such a member have been an elected or appointed public  
6 official during the year immediately prior to appointment or election to the board.

7 D. No member of the governing board of a regional special education school  
8 may be employed by the school. A governing board member may be reimbursed for  
9 actual expenses incurred while fulfilling duties of that office. A board member may  
10 be compensated pursuant to a special services contract of limited duration with the  
11 school provided that such contract has been approved by the school governing board  
12 in compliance with the conflict of interest policy adopted by the school governing  
13 board.

14 E. Postsecondary education institutions and regional special education  
15 schools may enter into cooperative agreements, memoranda of understanding, or  
16 lease of land to advance their respective interests in special education, including but  
17 not limited to instructional methodology; identification, assessment, and evaluation  
18 of learning disabilities; reading and literacy disabilities; instructional and behavioral  
19 support; and cognitive development.

20 F. The special education services and related services provided by regional  
21 special education schools shall not be construed as being part of the Free and  
22 Appropriate Public Education program mandated in the federal Individuals with  
23 Disabilities Education Act or its equivalent.

24 §4066. Rules and regulations

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

1 Section 2. The legislature shall make separate appropriations for the Special  
2 Education Scholarship Program and the related services program established by this Act  
3 beginning with the fiscal year 2014 - 2015 and for each fiscal year thereafter.

4 Section 3. This Act shall become effective upon signature by the governor or, if not  
5 signed by the governor, upon expiration of the time for bills to become law without signature  
6 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
7 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
8 effective on the day following such approval.

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### 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)]

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Nancy Landry

HB No. 642

**Abstract:** Establishes the Special Education Scholarship Program, to provide for regional special education schools, admission of students to such schools, and scholarships for students to attend such schools.

Proposed law establishes and provides for the Special Education Scholarship Program as follows:

- (1) States legislative findings and declarations that the state has the responsibility to provide quality and meaningful special education, that regional special education schools will enhance the availability and quality of special education and related services and be more cost effective, that is in the public interest to allow parents and guardians to choose special education and related services for their children with disabilities in regional special education schools with the assistance of partial scholarships, and that it is the intent of the legislature to develop and maintain a comprehensive and coordinated special education program in eight educational regions of the state.
- (2) Provides definitions, including:
  - (a) "Department" means the state Department of Education.
  - (b) "Board" means the State Board of Elementary and Secondary Education (BESE).
  - (c) "Special education " means educational services specially designed to meet the unique needs of each child with a learning disability.
  - (d) "Student with disabilities" or "disabled student" means an elementary or secondary student who meets all of the following criteria:
    - (i) A resident of the state and was eligible to attend a public school in the state during the preceding semester or is starting or starts school for the first time.
    - (ii) Has an Individualized Education Plan as defined in BESE rules.
    - (iii) Has autism, deaf-blindness, deafness, emotional disturbance, hearing impairment, mental disability, multiple disabilities, orthopedic impairment, other health impairment, specific learning disability, speech or language

- impairment, traumatic brain injury, or visual impairment, as defined by BESE rules.
- (iv) The student is not less than age three and not more than age 21.
  - (e) "Nondisabled student" means a student who has not been assessed and evaluated as having a learning disability but is beneficially enrolled in a regional special education school and thereby qualifies for a scholarship.
  - (f) "Regional special education school" means a school that emphasizes special education and related services designed to meet the unique needs of students with disabilities, prepares them for further education, employment, and independent living, and has been designated by BESE as a regional special education school.
  - (g) "Related services" means transportation and such developmental, corrective, and other supportive services as are required to assist a child with a learning disability to benefit from special education, and includes speech-language pathology and audiology services; interpreting services; psychological services; adaptive physical education; assistive technology services; physical and occupational therapy, including therapeutic recreation, early identification and assessment of disabilities in children, counseling services, including rehabilitation counseling, orientation and mobility services; school health services; social work services in schools; and parent counseling and training, as defined in BESE rules.
  - (h) "Scholarship" means the money awarded by the department to a parent or legal guardian on behalf of a student with disabilities to attend a regional special education school.
- (3) Provides for designation of regional special education schools. Requires BESE to implement a program under which one or more regional special education schools shall be designated in each of the eight educational regions of the state. Requires that the process include an open invitation to interested parties in each educational region to submit proposals for designation. Requires public notice of the invitation to be advertised once a month for two consecutive months in the state official journal and in a newspaper of general circulation in the educational region.

Requires an entity submitting a proposal to have all of the following attributes:

- (a) A nonprofit corporation under applicable state and federal laws that has received a letter from the Internal Revenue Service attesting to its federal tax exemption status.
- (b) Final approval by BESE as a nonpublic school.
- (c) Role, scope, and mission consistent with a school that emphasizes special education and related services.
- (d) Policy that prohibits discrimination against students because of race, religion, gender, ethnicity, or national origin.
- (e) An acceptable finance and accounting plan.
- (f) An acceptable organizational, governance, and operational structure.
- (g) School administrators and members of its governing board with adequate qualifications.
- (h) An established program that includes special education services and related services provided by personnel holding appropriate certification in special education and other appropriate education or training.
- (i) A sustained curriculum of regular education and special education under which students have the opportunity to earn a state diploma, a school diploma, or a certificate of attendance.
- (j) Responsibility for the planning, construction, and maintenance of the school facilities.

Requires BESE to award the designation to the school whose proposal evidences the best qualified applicant for designation. If BESE finds no applicant sufficiently qualified, it may decline to designate a regional special education school at that time.

Provides that the designation of a regional special education school remains valid until the governing body of the designated school votes to recede from the designation. Permits BESE to terminate the designation upon a finding that the school has violated a material provision of state law or regulation or that the school's academic standards have fallen below the standards established by proposed law.

- (4) Requires BESE to:
- (a) Remit scholarship payments to the regional schools on behalf of the scholarship recipients.
  - (b) Annually confirm the eligibility status of scholarship recipients and notify the board and the parents or legal guardians by a date determined by the department that allows an ineligible student to apply to other schools before August 1 each year.
- (5) Allows BESE, after notice to a regional school and opportunity to be heard, to place a school that fails to materially comply with proposed law on probation for one school year during which no additional scholarship students may be enrolled. Provides that if the school is not in full compliance by the end of the probationary period, BESE may terminate the school's designation as a regional special education school. Specifies that the school may reapply for the designation only after BESE has determined that the school is again in full compliance with proposed law.
- (6) Provides that BESE shall require that each local school district, in administering the child find mandate pursuant to BESE rules, provide to the parents or legal guardians of the child the names and addresses of the local school districts in the given educational regions and the name and address of the regional special education school within the same educational region.
- (7) Requires BESE to establish a policy that regional special education schools will provide special education and related services to as wide a spectrum of student disabilities as is consistent and feasible with their respective financial and academic resources.
- (8) Provides for admission of students at regional special education schools:

Requires each regional special education school, within ten days following the opening date of the school year, to report to the department the number of students with disabilities and the number of students without disabilities that the school has enrolled, their names and the names and addresses of their parents or legal guardians.

Requires a regional school, prior to enrollment, to provide the parent or other legal guardian of a student seeking enrollment, and inform the parent or legal guardian about all of the following:

- (a) School rules, policies, and procedures applicable to students and their parents or guardians.
- (b) A description of the educational services offered subject to the school's current academic ability and school financial resources.
- (c) A description of the related services offered subject to available school or third party funding specifically for that purpose.

Requires that all applicants shall be considered for enrollment without regard to race, religion, gender, ethnicity or national origin.

Specifies that a regional school is required to offer only those educational and related services that it regularly offers. Permits a school to respond to requests for service beyond that level in their own discretion.

Requires each regional school to enroll students on a first application first enrollment basis. However, requires the schools to make a good faith effort to maintain the composition of their respective student populations at 70% with disability and 30% without disability. Permits a seat to be filled by any student if this composition is not evident at the end of the fifth day after annual school opening.

Requires the department to promptly notify parents or legal guardians whether their children have been awarded scholarships.

(9) Provides relative to scholarships and funding:

Provides that funds for scholarships for students enrolled in regional special education schools shall not be derived from or paid through the Minimum Foundation Program (MFP) or from any funds received by or obligated to any local public school district. Requires that funds for the Special Education Scholarship Program be appropriated by line item designation. Requires that, from appropriations for the program, BESE shall allocate an amount on a per pupil basis for payment to each regional special education school on behalf of the school's scholarship students.

Provides that the value of the scholarships shall be the amount equal to 200% of the state portion of the average MFP allocation per child among the local school districts in the same educational region in which the regional special education school is situated.

Provides that, considering the higher per child costs of educating students with disabilities, the unfavorable economy of scale in regional special education schools, and the absence of taxing authority, regional special education schools may charge tuition. Also allows the schools to assess incidental and supplemental fees for meals, meals, field trips, before or after school care, required personal materials, testing materials, textbooks not provided by the state, and similar items.

Prohibits a student who receives a scholarship pursuant to the Special Education Scholarship Program from receiving a scholarship pursuant to the School Choice Program for Certain Students with Exceptionalities, the Student Scholarships Educational Excellence Program, or the rebate program in present law (R. S. 47:6301).

Requires the department to make scholarship payments to each regional special education school on behalf of the parent or legal guardian of a scholarship recipient. Provides for such payments on dates determined by the department. Provides that no refund shall be due to the department or to the parent or legal guardian if the scholarship recipient withdraws from the program or is otherwise not enrolled prior to the next payment date.

(10) Provides for related services:

Provides that the regional special education schools shall arrange for the delivery of the limited related services available under the Individuals with Disabilities Education Act (IDEA) by the local school districts to the schools' eligible students. Provides that the department will supplement locally provided related services from funds appropriated for this purpose through contracts, administered by the department or the regional special education school, with qualified faculty personnel of institutions of higher learning or qualified personnel in the private market.

Requires the department to provide each regional special education school an allotment for regular education textbooks and special education textbooks, teaching materials, and test materials consistent with allotments to the local school districts.



- Provides that the department require that local school districts' transportation resources be made available to the scholarship recipients to the same extent made available to children enrolled in the local school districts. Authorizes local school districts in each educational region to pool their transportation resources to more adequately and efficiently provide transportation from a student's home to school.
- (11) Permits a regional special education school to accept donations, bequests, grants, and other forms of financial assistance from any public or private person, foundation, or governmental agency and comply with requirements attendant to such financial assistance that are not in contravention of the constitution and the laws of the state.
- (12) Provides that a scholarship recipient shall remain eligible to receive a scholarship in each succeeding year that the recipient remains enrolled in a regional special education school. However, provides that a scholarship student may be dismissed pursuant to the school's disciplinary policy or dismissed by the principal for other good cause shown.
- (13) Provides relative to providing special education in the least restrictive environment:
- Requires a regional special education school to take all reasonable and feasible steps to provide a special education in a least restrictive environment, and requires the school to make a bona fide effort to enroll nondisabled students that represent 30% of the students in the school. Requires a regional school to assure that disabled students actively participate with nondisabled peers in traditional classroom education, physical education, recreation, lunch-room dining, extracurricular clubs, sports activities, field trips, and community outings.
- (14) Requires regional special education schools to comply with the requirements of applicable state law and regulations for nonpublic schools. Allows the schools to employ basic concepts and theories embodied in the federal Individuals with Disabilities Education Act, but provides that IDEA shall not be construed as being applicable to regional special education schools. Provides that the schools have the obligation to advance the student's education to the highest level consistent with each school's financial and academic resources.
- (15) Provides for school audits. Requires each regional special education school annually to submit to the department an independent financial audit conducted by a certified public accountant approved by the legislative auditor, accompanied by the auditor's statement that the report is free of material misstatements and fairly presents the total scholarship, tuition, fees, and other revenues and expenditures made to advance the education of the students. Provides that the audit's scope shall extend to those records necessary for the department to verify that the scholarship payments and related services payments were expended for educational purposes. Provides that the cost of the audit shall be paid by the department from funds appropriated by the legislature.
- (16) Includes other provisions relative to regional special education schools:
- Requires each school to adopt a conflicts of interest policy to protect the financial integrity of the school and the state when the school contemplates entering into a transaction or arrangement that may benefit the private interest of a school officer or director or may result in a possible excess benefit transaction. Specifies that such policy supplements but does not replace any applicable state or federal laws governing conflict of interest applicable to a nonprofit, tax-exempt entity.
- Specifies that a regional school shall not be construed as established by or as being a governmental entity or agency or subdivision of the state or parish governmental body.

Provides that no member of the governing board of a regional school shall be an elected or appointed public official nor have been such during the year immediately prior to appointment or election to the board. Also prohibits a school from employing a member of its governing board. Permits a governing board member to be reimbursed for actual expenses incurred while fulfilling duties of that office. Also permits compensating a board member pursuant to a special services contract of limited duration with the school if the contract has been approved by the school governing board in compliance with its conflict of interest policy.

Authorizes postsecondary education institutions and regional special education schools to enter into cooperative agreements, memoranda of understanding, or lease of land to advance their respective interests in special education.

Specifies that special education services and related services provided by regional special education schools shall not be construed as being part of the Free and Appropriate Public Education program mandated in the federal Individuals with Disabilities Education Act or its equivalent.

- (17) Requires BESE to adopt and promulgate rules and regulations in accordance with the Administrative Procedure Act to implement proposed law.
- (18) Provides that the legislature shall make separate appropriations for the Special Education Scholarship Program and the related services program established by proposed law beginning with the fiscal year 2014 - 2015 and for each fiscal year thereafter.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 17:4051-4066)