

2017 Regular Session

HOUSE BILL NO. 171

BY REPRESENTATIVE STEVE CARTER

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

LEGISLATION: Provides for technical corrections in Title 17 of the La. Revised Statutes

1 AN ACT

2 To amend and reenact R.S. 17:7(2)(f)(iii), (6)(d), (28)(b), and (33)(b), 10.3(A),
3 10.7.1(D)(2)(introductory paragraph) and (c)(i) and (E)(6), 24.4(F)(2)(h) and (3)(a)
4 and (b)(ii) and (iii) and (J)(1)(introductory paragraph) and (a), 100.1(A)(1), (C)(6),
5 and (D), 183.2(B)(2)(a), 194(D), 223(B), 407.22(A)(2), (3), (4), (5), (6), (7), and (9),
6 407.23(B)(2) and (3)(a), 407.51(A)(5), (7), and (12) and (L)(1) and (2), 416.21(K),
7 436.3(C)(1) and (6)(introductory paragraph), 440(C)(2), 444(B)(4)(c)(i),
8 1519.2(C)(1), 1681(B), 1982(4), 2925(A)(2), (3), and (4), 3023(A)(2)(a), (6), and
9 (9), 3095(A)(1)(b) and (c) and (D), 3165.2(C)(1)(introductory paragraph),
10 3168(introductory paragraph), 3351(H)(4), 3351.20(C), 3803(B)(1)(e),
11 3995(A)(3)(b), 5002(D)(1) and (2) and (G), 5021(A)(2)(b), 5023(D)(1) and (2)(a),
12 5024(A)(3)(a), 5025(7), 5029(B)(1)(b)(i), 5061, 5064, 5067(A)(2), 5068(B) and (C),
13 5081(F) and (G), 5101(B)(1)(introductory paragraph) and (2) and (C), and
14 5102(B)(1)(introductory paragraph) and (2) and (C); to provide for technical
15 corrections in various education laws in Title 17 of the Louisiana Revised Statutes
16 of 1950; and to provide for related matters.

17 Be it enacted by the Legislature of Louisiana:

18 Section 1. R.S. 17:7(2)(f)(iii), (6)(d), (28)(b), and (33)(b), 10.3(A),
19 10.7.1(D)(2)(introductory paragraph) and (c)(i) and (E)(6), 24.4(F)(2)(h) and (3)(a) and
20 (b)(ii) and (iii) and (J)(1)(introductory paragraph) and (a), 100.1(A)(1), (C)(6), and (D),

1 183.2(B)(2)(a), 194(D), 223(B), 407.22(A)(2), (3), (4), (5), (6), (7), and (9), 407.23(B)(2)
2 and (3)(a), 407.51(A)(5), (7), and (12) and (L)(1) and (2), 416.21(K), 436.3(C)(1) and
3 (6)(introductory paragraph), 440(C)(2), 444(B)(4)(c)(i), 1519.2(C)(1), 1681(B), 1982(4),
4 2925(A)(2), (3), and (4), 3023(A)(2)(a), (6), and (9), 3095(A)(1)(b) and (c) and (D),
5 3165.2(C)(1)(introductory paragraph), 3168(introductory paragraph), 3351(H)(4),
6 3351.20(C), 3803(B)(1)(e), 3995(A)(3)(b), 5002(D)(1) and (2) and (G), 5021(A)(2)(b),
7 5023(D)(1) and (2)(a), 5024(A)(3)(a), 5025(7), 5029(B)(1)(b)(i), 5061, 5064, 5067(A)(2),
8 5068(B) and (C), 5081(F) and (G), 5101(B)(1)(introductory paragraph) and (2) and (C), and
9 5102(B)(1)(introductory paragraph) and (2) and (C) are hereby amended and reenacted to
10 read as follows:

11 §7. Duties, functions, and responsibilities of board

12 In addition to the authorities granted by R.S. 17:6 and any powers, duties, and
13 responsibilities vested by any other applicable laws, the board shall:

14 * * *

15 (2)

16 * * *

17 (f)

18 * * *

19 (iii) The State Board of Elementary and Secondary Education shall annually
20 publish revenue and expenditure data, including but not limited to the allocation and
21 expenditure of funds generated by the minimum foundation program, local revenues,
22 and federal grants, for each city, parish, or other local public school board by district
23 and by school level, to the extent possible, in an easily understandable format on the
24 state Department of Education website. Such data shall include but not be limited
25 to comparative per pupil expenses reported by the school system for personnel,
26 transportation, and other major categories of common expenditures as determined
27 by the state Department of Education. Student membership counts and any weighted
28 student counts generated by student need characteristics as provided in the minimum
29 foundation program formula, calculations of the amounts of minimum foundation

1 program funding allocated to each city, parish, or other local public school board
2 through the minimum foundation program, amounts provided to and removed from
3 calculations for each city, parish, or other local public school board including the
4 source of funding shifts between city, parish, or other local public school ~~board~~
5 boards, and expenditures of funds by school system relative to the amounts generated
6 by the weighted student characteristics and factors through the formula applied to
7 city, parish, or other local public school ~~board~~ boards shall also be reported.

8 * * *

9 (6)

10 * * *

11 (d) Any examination selected by the state superintendent of education which
12 would supercede the examination ~~currently utilized~~ used pursuant to Subparagraph
13 (b) of this Paragraph; and any criteria established to determine the level at which
14 either the examination ~~currently~~ used or any examination selected to supercede it is
15 satisfactorily completed shall be approved by the State Board of Elementary and
16 Secondary Education.

17 * * *

18 (28)

19 * * *

20 (b) The board shall appoint a task force to assist in developing forms and
21 questions to be ~~utilized~~ used in the exit interview.

22 * * *

23 (33)

24 * * *

25 (b) The board may submit the report required by this Paragraph in electronic
26 format; and ~~is further authorized, but is not required, to~~ may submit the report at the
27 time of submission ~~to the legislature~~ of the progress profiles required by Paragraph
28 (22) of this Section.

29 * * *

1 §10.3. School and district accountability; prohibited testing; exceptions

2 A. A student with an exceptionality as defined in R.S. 17:1942(B), ~~but~~ who
 3 is not deemed gifted and talented; and who is not pursuing a regular diploma shall
 4 not be administered any test pursuant to R.S. 17:24.4 or the state's school and district
 5 accountability system, including the American College Test, unless the student's
 6 parent or other legal guardian requests, in writing, that the student be administered
 7 the test or the student's Individualized Education ~~Plan~~ Program indicates that the test
 8 is an appropriate assessment instrument for the student.

9 * * *

10 §10.7.1. Return of certain schools from the Recovery School District to the
 11 transferring school system; time line; conditions; funding

12 * * *

13 D.

14 * * *

15 (2) Notwithstanding the provisions of this Subsection, unless otherwise
 16 agreed to by the Recovery School District and the local school system; and subject
 17 to any necessary approval by the appropriate federal agency, the following shall
 18 apply:

19 * * *

20 (c)(i) The Recovery School District shall return all buildings, facilities, and
 21 property that are related to a school ~~which~~ and that are owned by; or under the
 22 control of; the district to the local school system free of any encumbrances, including
 23 liens and judgments, other than those financing transactions to which the local school
 24 board is a party.

25 * * *

26 E. Notwithstanding any law to the contrary, in order to support and protect
 27 the interests and rights of the children it serves, the local school board:

28 * * *

(6) May provide a lottery preference for enrollment at elementary and middle schools under the board's jurisdiction for students residing within defined geographic zones as one of the factors to determine student assignment, according to policies adopted by the board. Such preference shall be applied to not more than one-half of the seats available in each grade level to ensure that seats in all schools are accessible to students residing outside of a school's ~~respective~~ geographic ~~zones~~ zone. Notwithstanding the provisions of this Subsection, any Type 1 or Type 3 charter school ~~which~~ that was first authorized by the board on, or prior to, July 1, 2016, and whose charter contract includes a geographic preference in accordance with R.S. 17:3991, may maintain such preference with the approval of the board, in accordance with board policy adopted for this purpose.

* * *

§24.4. Louisiana Competency-Based Education Program; statewide standards for required subjects; Louisiana Educational Assessment Program; parish or city school board comprehensive pupil progression plans; waivers

* * *

F.

* * *

(2) For assessments to be administered during the 2015-2016 school year:

* * *

(h) The questions included in the end-of-course assessments administered in grades nine through eleven shall be developed using the same methodology ~~utilized~~ used for such assessments for the 2014-2015 school year.

* * *

(3)(a) In lieu of the standards-based assessments prescribed in Subparagraphs (1)(c) and (d) of this Subsection, an alternate assessment shall be provided for and administered only to those students with disabilities who meet specific eligibility criteria developed by the state Department of Education and approved by the State Board of Elementary and Secondary Education. A

determination of whether any student meets the eligibility criteria established by the state Department of Education shall be made by the student's ~~Individual Education Plan~~ Individualized Education Program committee and shall be so noted on that student's ~~Individual Education Plan~~ Individualized Education Program. The alternate assessment developed pursuant to this Paragraph shall be administered on a schedule determined by the state Department of Education and approved by the State Board of Elementary and Secondary Education. The alternate assessment shall be part of the Louisiana Education Assessment Program otherwise provided for in this Subsection, and the alternate assessment shall be used for information, accountability, compliance, and planning purposes as provided by the State Board of Elementary and Secondary Education.

(b)

* * *

(ii) Students with persistent academic disabilities shall be allowed to take academic assessments that are sensitive to measuring progress in their learning and that recognize their individual needs. Academic assessments ~~are to~~ shall be geared specifically toward accommodating students to enable them to perform on standards-based assessments prescribed in Subparagraphs (1)(c) and (d) of this Subsection. Such accommodations shall include at a minimum verbalized test questions and shall provide for writing assistance of a scribe and any other accommodations deemed appropriate by the student's ~~Individual Education Plan~~ Individualized Education Program committee. However, any such accommodations shall not breach test security or invalidate the meaning of the test score or the purpose of the test.

(iii) At each ~~IEP~~ Individualized Education Program meeting a written list of accommodations shall be discussed and provided to the parent of each student with a disability.

* * *

J.(1) Notwithstanding any provision of this Section or any other law to the contrary, a public high school student with an exceptionality as defined in R.S.

17:1942(B), except a gifted or talented student, ~~and~~ who is not pursuing a high school diploma shall not be administered any examination pursuant to this Section or the Louisiana school and district accountability system, including the American College Test, unless one or both of the following apply:

(a) The student's Individualized Education ~~Plan~~ Program indicates that the examination is an appropriate assessment instrument for the student.

* * *

§100.1. Alternative educational programs; certain adjudicated students; students in the custody of the office of juvenile justice; funding; authority of the local school board to contract; inclusion in minimum foundation program; funding formula

A.(1) Any child who has been adjudicated delinquent or as a member of a family in need of services by a court or who is in the custody of the office of juvenile justice as a result of any such adjudication and is assigned by the office of juvenile justice to a community-based program or facility shall be counted by the city, parish, or other local public school board for the city or parish where such program or facility exists for purposes of the ~~Minimum Foundation Program~~ minimum foundation program and any other available state or federal funding for which the child is eligible. No other city, parish, or other local public school board shall include such a child in any count for purposes of the ~~Minimum Foundation Program~~ minimum foundation program or any other available state or federal funding for which the child may be eligible. Funds inuring to the city, parish, or other local public school board as a result of the presence of such children in ~~their~~ its jurisdiction shall be used to provide educational services for such children.

* * *

C.

* * *

(6) The State Board of Elementary and Secondary Education shall adopt necessary rules and regulations to assure that no funds provided through the

1 ~~Minimum Foundation Program~~ minimum foundation program or any other state or
2 federal program as provided in this Section shall supplant any other funding provided
3 to the office of juvenile justice for the educational services for such children.

4 D. It is the intent of the legislature that the expenditure of minimum
5 foundation program funds and other state and federal funds for ~~youth in~~ office of
6 juvenile justice schools be subject to the same oversight and accountability as the
7 expenditure of such funds for ~~other~~ city, parish, and other local public school boards.

8 * * *

9 §183.2. Career option description

10 * * *

11 B.

12 * * *

13 (2) If an Individualized Education Program team determines that state-
14 established benchmarks on the required state assessments are no longer a condition
15 for promotion or graduation for a student, the team shall:

16 (a) Within thirty days of the student entering the course or grade level,
17 establish minimum performance requirements in the student's Individualized
18 Education ~~Plan~~ Program relevant to promotion or graduation requirements, including
19 but not limited to end-of-course assessments, ~~and that~~ that shall be incorporated for
20 awarding course credits. The state board shall make available a list of multiple
21 appropriate assessments and guidance for use in establishing minimum score
22 requirements on the assessments that an Individualized Education Program team
23 may, but shall not be required to, use for this purpose. The Individualized Education
24 Program team shall consider establishing minimum performance requirements for
25 annual academic and functional goals designed to meet the student's needs that result
26 from the student's disability and that will enable the student to be involved in and
27 make progress in the general education curriculum, and to meet other educational
28 needs of the student that result from the student's disability, including the student's

1 postsecondary goals related to training, education, employment, and, where
 2 appropriate, independent living skills.

3 * * *

4 §194. Administration of nutrition program; general powers of governing authorities
 5 of nutrition program providers; funds for privately supplied programs for
 6 profit prohibited; exceptions

7 * * *

8 D. The state Department of Education and any governing authority of a
 9 nutrition program provider may use the simplified acquisition procedures for small
 10 purchases up to the ~~Federal Small Purchase Threshold~~ federal threshold set by 41
 11 U.S.C. ~~403(H)~~, 134 in order to support procurement of local agricultural products
 12 and the USDA Farm to School initiatives. ~~No such authority in this statute shall be~~
 13 ~~in, and such authority shall not~~ conflict with the United States Department of
 14 Agriculture child nutrition program requirements, including 2 CFR 200.319(b).

15 * * *

16 §223. Discipline of pupils; suspension from school, corporal punishment

17 * * *

18 B. ~~In addition, school~~ School principals may suspend from school any pupil
 19 for good cause; as stated in R.S. 17:416. Principals shall notify the visiting teacher;
 20 or supervisor of child welfare ~~and/or~~ and attendance; of all suspensions. In all cases
 21 of suspensions, the parent, the superintendent of schools, and the visiting teacher; or
 22 supervisor of child welfare ~~and/or~~ and attendance; shall be notified in writing of the
 23 facts concerning each suspension, including reasons therefor and terms thereof.

24 * * *

25 §407.22. Legislative findings and intent

26 A. The legislature finds and declares that:

27 * * *

28 (2) ~~Publicly-funded~~ Publicly funded early childhood programs should
 29 prioritize kindergarten readiness and public monies should fund programs that excel

1 at achieving high levels of kindergarten readiness, or progression towards
2 kindergarten readiness, as applicable for the ages of children served.

3 (3) Parents who choose to send their children to ~~publicly-funded~~ publicly
4 funded early childhood programs should have clear and actionable information on
5 the quality of the programs available.

6 (4) Providers of ~~publicly-funded~~ publicly funded early childhood programs
7 should be held accountable for the public monies they receive; but given the
8 autonomy to implement an educational program that promotes and achieves
9 kindergarten readiness without undue regulation.

10 (5) State entities involved in the oversight or provision of early childhood
11 programs should collaborate, set standards of educational achievement for young
12 children that align with standards established for children enrolled in grades
13 kindergarten through twelve, and hold providers of ~~publicly-funded~~ publicly funded
14 early childhood programs accountable without imposing undue regulation on ~~said~~
15 such programs.

16 (6) There are high quality early childhood programs in this state that can
17 serve as a model for increasing standards of achievement and financial efficiency in
18 ~~publicly-funded~~ publicly funded early childhood programs.

19 (7) ~~Publicly-funded~~ Publicly funded early childhood programs receive a
20 significant amount of public monies that can and should be maximized in pursuit of
21 high quality early childhood programs that achieve high levels of kindergarten
22 readiness or progression towards kindergarten readiness, as applicable for the ages
23 of children served.

24 * * *

25 (9) A fragmented system of standards, funding, and oversight of the state's
26 ~~publicly-funded~~ publicly funded early childhood programs serves as a barrier to
27 providing every child with the high quality services and programs which he deserves

1 and to providing parents with the information needed to make an informed choice
 2 when selecting the programs that best fit the needs of their children.

3 * * *

4 §407.23. Early Childhood Care and Education Network; creation; components;
 5 duties and responsibilities

6 * * *

7 B. To facilitate the creation of this network, the state board shall:

8 * * *

9 (2) Establish performance targets for children under the age of three and
 10 academic standards for kindergarten readiness for three- and four-year old children
 11 to be used in ~~publicly-funded~~ publicly funded early childhood education programs.

12 (3)(a) Create a uniform assessment and accountability system for ~~publicly-~~
 13 ~~funded~~ publicly funded early childhood education programs that includes a letter
 14 grade indicative of student performance.

15 * * *

16 §407.51. Advisory Council

17 A. The board shall establish an Advisory Council on Early Childhood Care
 18 and Education that shall consist of the following members:

19 * * *

20 (5) Two representatives of local education agencies operating ~~publicly-~~
 21 ~~funded~~ publicly funded early childhood programs other than Head Start, selected by
 22 the state board.

23 * * *

24 (7) Two representatives of approved nonpublic schools with ~~publicly-funded~~
 25 publicly funded early childhood care and education programs, selected by the state
 26 board.

27 * * *

(12) One parent of a child currently enrolled in a ~~publicly-funded~~ publicly funded early learning center or prekindergarten program, selected by the state board.

* * *

L. The department shall provide the council with reports not less than annually of the following activities, provided that data is available, pursuant to a schedule agreed upon by the chair and the state superintendent of education:

(1) A description of each ~~publicly-funded~~ publicly funded early care and education program, including the eligibility criteria, the program requirements, average number of hours and days of the program, and the amount of total funding and source of funding for each program. The description shall also include a specific description of the fee structure for the Child Care Assistance Program.

(2) The number of children served in each ~~publicly-funded~~ publicly funded early childhood care and education program in Louisiana, broken down by the age of the child and amount of public funding per child per program.

* * *

§416.21. Behavior of students with exceptionalities; use of seclusion and physical restraint

* * *

K. If a student is involved in five incidents in a single school year involving the use of physical restraint or seclusion, the student's Individualized Education ~~Plan~~ Program team shall review and revise the student's behavior intervention plan to include any appropriate and necessary behavioral supports. Thereafter, if the student's challenging behavior continues or escalates requiring repeated use of seclusion or physical restraint practices, the special education director or his designee shall review the student's plans at least once every three weeks.

* * *

§436.3. Students with diabetes; management and treatment plans; provision of care; unlicensed diabetes care assistants; student self-monitoring and treatment

* * *

1 C.(1) For purposes of this Section, "unlicensed diabetes care assistant"
2 means a school employee who volunteers to be trained in accordance with this
3 Section. "Unlicensed diabetes care assistant" also means an employee of an entity
4 that contracts with the school or school system to provide school nurses who are
5 responsible for providing health care services required by law or state Department
6 of Education regulation.

7 * * *

8 (6) The State Board of Elementary and Secondary Education and the
9 Louisiana State Board of Nursing jointly shall promulgate rules and regulations
10 specifying methods and a curriculum for the training of unlicensed diabetes care
11 assistants in accordance with the Administrative Procedure Act. The rules and
12 regulations shall ~~utilize~~ use the guidelines as required by this Section and by the
13 latest National Diabetes Education Program, "Helping the Student with Diabetes
14 Succeed: A Guide for School Personnel". In developing such rules and regulations,
15 the boards shall include the following in the rule-making process:

16 * * *

17 §440. School employees; prohibition on use of social security numbers as personal
18 identifiers

19 * * *

20 C. No teacher or school employee in the course of his employment shall be
21 required to include or provide his social security number on any form or other
22 written document unless:

23 * * *

24 (2) The form or written document is required for employment, retirement,
25 application for leave, or an ~~individualized education plan~~ Individualized Education
26 Program.

27 * * *

28 §444. Promotions to and employment into positions of higher salary and tenure

29 * * *

1 B.

2 * * *

3 (4)

4 * * *

5 (c)(i) The board and the employee may enter into subsequent contracts of
6 employment. Not less than one hundred and twenty days prior to the termination of
7 such a contract, the superintendent shall notify the employee of termination of
8 employment under such contract, or in lieu thereof the board and the ~~employer~~
9 employee may negotiate and enter into a contract for subsequent employment.

10 * * *

11 §1519.2. State hospitals operated by the Board of Supervisors of Louisiana State
12 University and Agricultural and Mechanical College as part of the Louisiana
13 State University Health Sciences Center

14 * * *

15 C.(1) Notwithstanding any provision of law to the contrary, ~~in the event if~~
16 the board determines it is in the best interest of the state, the legislature has
17 authorized the closure of a hospital, and the building is no longer being ~~utilized~~ used
18 for the provision of healthcare services, or the board receives an inquiry from a
19 financially viable party regarding the purchase of a hospital listed in Subsection B
20 of this Section, ~~hereinafter~~ hereafter in this Section referred to as the property, the
21 board shall notify the commissioner of administration within five business days that
22 it is contemplating the option of selling the property or is in receipt of such an
23 inquiry. The board shall participate in and cooperate with the commissioner of
24 administration in reviewing the benefits and consequences of selling the property.

25 * * *

26 §1681. Children of police officers and deputy sheriffs; definitions

27 * * *

28 B. College or university means any institution of ~~post secondary~~
29 postsecondary education situated in this state, operated by an agency, board, or other

body created by the constitution or laws of this state, operated in whole or in part with funds appropriated for that purpose by the legislature, and authorized to confer degrees in the arts and sciences.

* * *

§1982. Definitions

As used in this Part, the following words, terms, and phrases shall have the meanings ascribed to them in this Section as follows:

* * *

(4) "~~Individualized education program~~ Education Program" means a written statement developed for a student eligible for special education services pursuant to ~~Section 602(a)(20) of Part A of the Individuals with Disabilities Education Act, 20 U.S.C. Section 1401(a)~~ 1401.

* * *

§2925. Individual graduation plans

A.

* * *

(2) By the end of the eighth grade, each student's Individual Graduation Plan; or the student's Individualized Education ~~Plan~~ Program, if applicable, shall list the required core courses to be taken through the tenth grade and shall identify the courses to be taken in the first year of high school. Students who fail to meet the standard for promotion to the ninth grade, pursuant to policies adopted by the State Board of Elementary and Secondary Education, shall have any necessary remedial courses included in their Individual Graduation Plan. The plan shall be reviewed annually and updated as necessary to identify the courses to be taken each year until all required core courses are completed.

(3) By the end of the tenth grade, each student's Individual Graduation Plan, based on the student's academic record, talents, and interests, shall outline high school graduation requirements relevant to the student's chosen postsecondary goals. Each student, with the assistance of his parent or other legal custodian and school

1 counselor, shall choose the high school curriculum framework and related graduation
 2 requirements that best meet his postsecondary goals. Each student's Individual
 3 Graduation Plan, or the student's Individualized Education ~~Plan~~ Program, if
 4 applicable, shall include the recommended sequence of courses for successful
 5 completion of a standard diploma and shall be reviewed annually and updated or
 6 revised as needed.

7 (4) The Individual Graduation Plan shall be sufficiently flexible to allow the
 8 student to change his program of study, yet be sufficiently structured to ensure that
 9 the student will meet the high school graduation requirements for his chosen major;
 10 or the requirements of the student's Individualized Education ~~Plan~~ Program, if
 11 applicable, and be qualified for admission to a postsecondary education institution
 12 or to enter the workforce.

13 * * *

14 §3023. Powers and duties

15 A. The board may:

16 * * *

17 (2)(a) Pay to the lending agencies ~~and/or~~ or any holders of such loans the
 18 interest as prescribed in R.S. 17:3023.4; on loans made to students; as long as the
 19 student is enrolled in any postsecondary education institution ~~of higher learning~~
 20 approved by the board; or for not in excess of three years during which the borrower
 21 is in the active military service of the United States.

22 * * *

23 (6) Enter into contracts with any bank or other lending agency ~~and/or~~ or any
 24 holder of such loan upon such terms as may be agreed upon between the board and
 25 the bank or other lending agency or holder, to provide for the administration by such
 26 bank or other lending agency or holder, of any loan or loan plan guaranteed by the
 27 commission including but not limited to applications therefor and terms of
 28 repayment thereof, and to establish the conditions for payment by the board to the
 29 bank or other lending agency ~~and/or~~ or the holder of the guarantee on any loan. A

1 loan shall be defaulted when the bank or other lending agency ~~and/or~~ or holder
2 makes application to the board for payment on the loan stating that such loan is in
3 default in accordance with the terms of a contract executed under this Paragraph.

4 * * *

5 (9) Adopt rules and regulations in accordance with the provisions of the
6 Administrative Procedure Act, not inconsistent with the provisions of this Chapter,
7 governing the guarantee, disbursement, ~~and/or~~ or servicing of loans made by the
8 board; and governing any other matters relating to the activities of the board. Such
9 rules and regulations shall include procedures for the denial of licenses, permits, and
10 certificates required by the state to practice or engage in a trade, occupation, or
11 profession to applicants and renewal applicants in default on the repayment of loans
12 guaranteed by the board, for the conditional issuance or renewal of such a license,
13 permit, or certificate pending an applicant's compliance with loan repayment
14 requirements, and for other matters necessary to implement the provisions of R.S.
15 37:2951.

16 * * *

17 §3095. Education savings accounts; types, use, limitations, and disclosures

18 A.(1)

19 * * *

20 (b) For tax years beginning on and after January 1, 2001, amounts which an
21 account owner deposits into an education savings account shall be exempt from
22 inclusion in the account owner's taxable income for the purposes of state income tax
23 up to a maximum of two thousand four hundred dollars per account owned per
24 taxable year for account owners filing single returns and up to a maximum of four
25 thousand eight hundred dollars per beneficiary per taxable year for account owners
26 filing joint returns, as provided in R.S. 47:293(9)(a)(vi). If an account owner
27 deposits less than the maximum two thousand four hundred dollars per year in an
28 owned account and files a single return or if married account owners deposit less
29 than the maximum of four thousand eight hundred dollars per year in an account or

1 accounts for a beneficiary and file a joint return, the difference between the total
2 deposits and two thousand four hundred dollars or four thousand eight hundred
3 dollars, respectively, ~~will~~ shall roll over to subsequent years and ~~will~~ shall be exempt
4 from inclusion in the account owner's taxable income for the purposes of state
5 income tax in addition to the two thousand four hundred dollars or four thousand
6 eight hundred dollars in the year actually deposited, as provided in R.S.
7 47:293(9)(a)(vi).

8 (c) For tax years beginning on and after January 1, 2005, twice the amount
9 that an account owner donates into an education savings account classified under
10 R.S. 17:3096(A)(1)(e) shall be exempt from inclusion in the account owner's taxable
11 income for the purposes of state income tax, up to a maximum donation of two
12 thousand four hundred dollars per account owned, per taxable year, if the
13 beneficiary's family reported a federal adjusted gross income of less than thirty
14 thousand dollars or the beneficiary was entitled to a free lunch under the Richard B.
15 Russell National School Lunch Act, ~~{~~42 U.S.C. 1751 et seq.~~}~~, as provided in R.S.
16 47:293(9)(a)(viii). If an account owner deposits less than the amount that would
17 qualify for the maximum exclusion or two thousand four hundred dollars per year
18 in an owned account, the difference between the total deposits and two thousand four
19 hundred dollars ~~will~~ shall roll over to subsequent years and shall increase the amount
20 of deposits that qualify for the double exclusion from the account owner's taxable
21 income for the purposes of state income tax in addition to the applicable exclusion
22 for the year actually deposited, as provided in R.S. 47:293(9)(a)(vi).

23 * * *

24 D. An education savings account depositor's agreement may provide that the
25 authority ~~will~~ shall pay directly to the institution of postsecondary education in
26 which the beneficiary is enrolled the amount represented by the qualified higher
27 education expenses incurred that term.

28 * * *

§3165.2. College credit for military service; spouses of veterans

* * *

C.(1) The Statewide Articulation and Transfer Council shall coordinate and oversee the development of a military articulation and transfer process that shall be adhered to by all public postsecondary education institutions and that ~~will~~ shall:

* * *

§3168. Reporting

The Board of Regents shall submit a written report to the Senate and House committees on education, not later than September thirtieth of each year, on the status of statewide articulation and transfer of credit across all ~~educational~~ education institutions in Louisiana as provided in this Chapter. Such report shall, at a minimum, include the following:

* * *

§3351. General powers, duties, and functions of postsecondary education management boards

* * *

H.

* * *

(4) The provisions of this Subsection shall be implemented as expeditiously as and to the maximum extent possible ~~utilizing~~ using any and all available funding sources, including funding provided by the legislature.

* * *

§3351.20. Mandatory fees

* * *

C. Each management board shall establish a need-based financial assistance fund at each of its member institutions. Each institution shall allocate to its fund funds from its operating budget in an amount not less than five percent of revenues realized by the institution from fees assessed pursuant to this Section. Such funds

1 shall be ~~utilized~~ used to provide need-based financial assistance to students at that
 2 institution who are eligible to receive a Pell Grant.

3 * * *

4 §3803. Investment authority; treasurer

5 * * *

6 B. Grant of authority. (1) The state treasurer is hereby authorized and
 7 directed to invest offshore revenues which are deposited into any fund created
 8 pursuant to the constitution or statutes of the state which are determined by the state
 9 treasurer to be available for investment in the following permitted investments:

10 * * *

11 (e)(i) Investment grade commercial paper issued in the United States, traded
 12 in the United States markets, denominated in United States dollars, with a short-term
 13 rating of at least A-1 by Standard & Poor's Financial Services LLC or P-1 by
 14 Moody's Investor Service, Inc. or the equivalent rating by a ~~Nationally Recognized~~
 15 ~~Statistical Rating Organization (NRSRO)~~ nationally recognized statistical rating
 16 organization.

17 (ii) Investment grade corporate notes and bonds issued in the United States,
 18 traded in United States markets, denominated in United States dollars, rated Baa or
 19 better by Moody's Investor Service, Inc. or BBB or better by Standard & Poor's
 20 Financial Services LLC, and the trades of which are settled through The Depository
 21 Trust & Clearing Corporation (~~DTCC~~), a national clearinghouse in the United States
 22 for the settlement of securities trades.

23 * * *

24 §3995. Charter school funding

25 A.

26 * * *

27 (3) Notwithstanding Paragraph (1) of this Subsection and unless otherwise
 28 provided for in the approved minimum foundation program formula:

29 * * *

(b) The local school board shall adopt a policy that establishes a process to determine the district-level funding allocation to be effective beginning July 1, 2017, and as revised in subsequent years as appropriate, based upon student characteristics or needs to distribute the total amount of minimum foundation program formula funds allocated to the local school board and to Type 1, ~~1B~~, 3, 3B, 4, and 5 charter schools that are located within the geographic boundaries of the local school system.

* * *

§5002. Awards and amounts

* * *

D.(1) Except as otherwise provided in this Subsection, a student who is eligible for a TOPS-Tech Award pursuant to this Chapter and who is enrolled:

(a) In an eligible public college or university that does not offer an academic undergraduate degree at the baccalaureate level in those associate's degree or other shorter-term training and education programs that are aligned to state workforce priorities as determined by the Board of Regents and the Louisiana Workforce Investment Council, shall be awarded by the state an amount determined by the administering agency to equal the tuition charged by the college or university during the 2016-2017 academic year. If the Board of Regents and the Louisiana Workforce Investment Council determine that a program is no longer aligned with those priorities, an otherwise eligible student who had previously received an award and enrolled in that program may continue to use the award.

(b) In an eligible college or university other than as provided for in Subparagraph (a) of this Paragraph in those associate's degree or other shorter-term training education programs that are aligned to state workforce priorities as determined by the Board of Regents and the Louisiana Workforce Investment Council, shall be awarded by the state an amount determined by the administering agency to equal the weighted average of amounts paid to students attending an eligible public college or university that does not offer an academic undergraduate degree at the baccalaureate level during the 2016-2017 academic year. If the Board

1 of Regents and the Louisiana Workforce Investment Council determine that a
2 program is no longer aligned with those priorities, an otherwise eligible student who
3 had previously received an award and enrolled in that program may continue to use
4 the award.

5 (2) A student who graduated prior to the 2016-2017 school year, who is
6 eligible for a TOPS-Tech Award pursuant to this Chapter, and who is enrolled:

7 (a) In an eligible college or university that does not offer an academic
8 undergraduate degree at the baccalaureate level, shall be awarded by the state an
9 amount determined by the administering agency to equal the tuition charged by the
10 college or university during the 2016-2017 academic year.

11 (b) In an eligible college or university other than as provided for in
12 Subparagraph (a) of this Paragraph, shall be awarded by the state an amount
13 determined by the administering agency to equal the weighted average of amounts
14 paid to students attending an eligible public college or university that does not offer
15 an academic undergraduate degree at the baccalaureate level during the 2016-2017
16 academic year.

17 * * *

18 G. In lieu of the payment of tuition as provided in this Section, any student
19 participating in the program provided by R.S. 29:36.1 for persons serving in the
20 Louisiana National Guard shall receive the tuition exemption as provided therein.
21 ~~However, in~~ In addition to any other payments provided for by R.S. 29:36.1:

22 (1) For any student ~~who is participating in the tuition exemption program~~
23 ~~provided by R.S. 29:36.1 and~~ who also meets the qualifications provided in this
24 Section for receipt of an Opportunity Award or a TOPS-Tech Award, the state shall
25 pay on behalf of such student a sum of three hundred dollars per semester or six
26 hundred dollars per academic year to be applied toward the cost of books and other
27 instructional materials.

28 (2) For any student ~~who is participating in the tuition exemption program~~
29 ~~provided by R.S. 29:36.1 and~~ who also meets the qualifications provided in this

1 Section for receipt of a Performance Award, the state shall pay on behalf of the
2 student a sum of three hundred dollars per semester or six hundred dollars per
3 academic year to be applied toward the cost of books and other instructional
4 materials plus the sum of four hundred dollars per semester or eight hundred dollars
5 per academic year for other educational expenses as defined by the ~~Louisiana~~
6 ~~Student Financial Assistance Commission~~ administering agency.

7 (3) For any student ~~who is participating in the tuition exemption program~~
8 ~~provided by R.S. 29:36.1 and~~ who also meets the qualifications provided in this
9 Section for receipt of an Honors Award, the state shall pay on behalf of the student
10 a sum of three hundred dollars per semester or six hundred dollars per academic year
11 to be applied toward the cost of books and other instructional materials plus the sum
12 of eight hundred dollars per semester or one thousand six hundred dollars per
13 academic year for other educational expenses as defined by the ~~Louisiana Student~~
14 ~~Financial Assistance Commission~~ administering agency.

15 * * *

16 §5021. Louisiana high school graduation

17 A.

18 * * *

19 (2)

20 * * *

21 (b) Notwithstanding the requirements of Subparagraph (a) of this Paragraph,
22 those nonpublic high schools that, not later than May 15, 2000, were approved by the
23 State Board of Elementary and Secondary Education pursuant to R.S. 17:11 and
24 applied for and had their application forwarded by the state Department of Education
25 seeking the approval necessary for the students in such ~~school~~ schools to be eligible
26 to receive from the state the benefits of appropriations for such items as
27 transportation, textbooks, and administrative cost reimbursement shall have until the

2003-2004 school year to meet the latter requirement in order for the graduates from such high ~~school~~ schools to be eligible for an award under this Chapter.

* * *

§5023. Residency requirements

* * *

D.(1) Any student who is the dependent child of a member of the United States Armed Forces who is not a resident of this state, is living in this state under permanent change of station orders but does not claim Louisiana as his state of legal residence, and who graduates from a public or approved nonpublic high school in this state in the 2000-2001 academic school year or thereafter shall meet the requirements of this Section if he actually lives in this state for the period of his last two full years of high school culminating in graduation as certified by the high school.

(2)(a) Any displaced student as defined by R.S. 17:5101(A)(2) who graduates from an out-of-state school during the 2006-2007 school year and is awarded a Louisiana Distance Diploma issued by the state Department of Education shall meet the requirements of this Section if he actually resided in Louisiana during his entire tenth grade year of high school and was enrolled for such time in an eligible Louisiana high school or, for dependent students, if the displaced student has a parent or court-ordered custodian who actually resided in a parish listed in R.S. 17:5101(A)(2)(a) for at least the twelve months prior to August 26, 2005, or in a parish listed in R.S. 17:5101(A)(2)(b) for at least the twelve months prior to September 20, 2005.

* * *

§5024. Academic requirements

A.

* * *

(3)(a) The calculation of the minimum cumulative grade point average specified in Paragraph (1) of this Subsection shall ~~utilize~~ use a five-point scale for

grades earned in certain Advanced Placement courses, International Baccalaureate courses, gifted and talented courses, honors courses, articulated courses for college credit, and dual enrollment courses as approved by the Board of Regents and the State Board of Elementary and Secondary Education, which may result in a student earning a cumulative grade point average that exceeds 4.00. For such courses, five quality points shall be assigned to a letter grade of "A", four quality points shall be assigned to a letter grade of "B", three quality points shall be assigned to a letter grade of "C", two quality points shall be assigned to a letter grade of "D", and zero quality points shall be assigned to a letter grade of "F".

* * *

§5025. High school core curriculum requirements; Opportunity, Performance, Honors Awards

To be eligible for an Opportunity, Performance, or Honors Award pursuant to this Chapter, a student who graduates during or after the 2017-2018 school year shall have successfully completed a core curriculum which consists of nineteen units of high school course work as follows:

* * *

(7) For the purposes of this Section, any core curriculum course that is taken by a student who has been identified as gifted pursuant to State Board of Elementary and Secondary Education policy and that is taken in fulfillment of the student's Individualized Education ~~Plan~~ Program shall be considered a gifted course and shall fulfill the core curriculum requirement in its given subject area.

* * *

§5029. Alternative initial eligibility requirements

* * *

B. A student who completes a home study program shall be eligible to receive an award pursuant to this Chapter if each of the following conditions is met:

* * *

1 (1)

2 * * *

3 (b)(i) Any such student who has previously attended a Louisiana public high
4 school or nonpublic high school that has been approved by the State Board of
5 Elementary and Secondary Education, ~~must~~ shall have begun his studies in the
6 approved home study program no later than the conclusion of the tenth grade year.

7 * * *

8 §5061. Administering agency

9 The provisions of this Chapter shall be administered by the ~~Louisiana Student~~
10 ~~Financial Assistance Commission~~ Board of Regents. The administering agency may
11 provide by rule adopted as provided by the Administrative Procedure Act for all
12 matters necessary to the implementation of this Chapter.

13 * * *

14 §5064. School boards

15 Each ~~city and parish~~ city, parish, or other local public school board for the
16 high school under its jurisdiction or the principals of such high schools and the
17 principal or headmaster of each nonpublic high school approved by the State Board
18 of Elementary and Secondary Education shall, using the criteria in Subpart B of Part
19 I of this Chapter as the minimum qualifications for selection, identify and certify to
20 the administering agency those achieving the required academic standards to qualify
21 for an award pursuant to this Chapter.

22 * * *

23 §5067. Program information reporting system; implementation; requirements;
24 applicability; participation by eligible institutions and others

25 A.

26 * * *

27 (2) In formulating and developing the information reporting system, the
28 Board of Regents shall consult with and seek written recommendations from ~~the~~
29 ~~Louisiana Student Financial Assistance Commission~~, each college or university

1 eligible for participation in the Taylor Opportunity Program for Students, each of the
2 public postsecondary education management boards, the Louisiana Association of
3 Independent Colleges and Universities, legislators, and knowledgeable others as
4 determined appropriate by the Board of Regents.

5 * * *

6 §5068. Miscellaneous

7 * * *

8 B. Notwithstanding any other provision of this Chapter to the contrary, any
9 public or private entity, including any nonprofit organization, may make a directed
10 donation to any eligible postsecondary institution for a student who is a recipient of
11 a Louisiana Taylor Opportunity Program for Students ~~eligibility~~ award.

12 C. Annually, the ~~Louisiana Student Financial Assistance Commission~~
13 administering agency shall, with the cooperation and assistance of the state's
14 institutions of postsecondary education, query each first-time recipient of a Taylor
15 Opportunity Program for Students award to determine the extent to which receiving
16 the award influenced the decision of the student to attend a Louisiana college or
17 university.

18 * * *

19 §5081. TOPS-Tech Early Start Award; purpose; eligibility; limitations;
20 administration; implementation; reports

21 * * *

22 F.(1) ~~The provisions of this Section shall be administered by the Louisiana~~
23 ~~Student Financial Assistance Commission, herein referred to as the "administering~~
24 ~~agency"~~. Except as otherwise provided by this Section, the authority granted to and
25 limitations placed on the administering agency by Parts I and II of this Chapter
26 relative to administering other awards pursuant to the Taylor Opportunity Program
27 for Students shall be deemed to apply also to the administration of the TOPS-Tech
28 Early Start Award.

(2) The administering agency shall adopt, in accordance with the Administrative Procedure Act, rules to implement and administer the provisions of this Section. Such rules shall include but not be limited to necessary guidelines, policies, procedures, forms, and time lines.

G. Prior to the convening of each regular legislative session, the Louisiana Student Financial Assistance Commission administering agency shall provide to the governor, the House Committee on Education, and the Senate Committee on Education a written review and analysis of TOPS-Tech Early Start awards relative to award use by students and the benefits therefrom as well as the impact on subsequent use by students of TOPS-Tech awards.

11 * * *

§5101. Initial eligibility for program awards; students displaced by certain natural
disasters; waivers and exceptions; limitations

14 * * *

B.(1) Relative to initial eligibility requirements for a Taylor Opportunity
Program for Students award applicable to a student displaced during the 2005-2006
school year, the ~~Louisiana Student Financial Assistance Commission~~ administering
agency, in accordance with the Administrative Procedure Act, shall provide by rule
as follows:

20 * * *

(2)(a)(i) Relative to initial eligibility requirements for a Taylor Opportunity Program for Students award applicable for the 2005-2006 school year to a displaced student, the ~~Louisiana Student Financial Assistance Commission~~ administering agency, in consultation with the commissioner of higher education and in accordance with the Administrative Procedure Act, shall by rule waive any provision of Part I of this Chapter that imposes on such displaced student a program requirement or condition that such student cannot comply with or meet when it is determined by the ~~commission~~ administering agency that a failure to comply with the requirement or

1 meet the condition, more likely than not, is due solely to a consequence of Hurricane
2 Katrina or Rita, or both.

3 (ii) Relative to initial eligibility requirements for a Taylor Opportunity
4 Program for Students award applicable for the 2005-2006 school year to any student
5 displaced during the 2005-2006 school year as a consequence of a disaster or
6 emergency other than Hurricane Katrina or Rita and for which the governor declares
7 a state of emergency to exist, the ~~Louisiana Student Financial Assistance~~
8 ~~Commission~~ administering agency, in consultation with the commissioner of higher
9 education and in accordance with the Administrative Procedure Act, shall by rule
10 waive any provision of Part I of this Chapter that imposes on such student a program
11 requirement or condition that the student cannot comply with or meet when it is
12 determined by the ~~commission~~ administering agency that a failure to comply with
13 the requirement or meet the condition, more likely than not, is due solely to a
14 consequence of the declared disaster or emergency.

15 (b) In addition to provisions of the Administrative Procedure Act relative to
16 oversight by the legislature of the adoption of ~~commission~~ administering agency
17 rules, the Joint Legislative Committee on the Budget, in accordance with procedures
18 and threshold amounts established by the committee, shall have oversight and
19 approval authority over any rule proposed for adoption pursuant to the provisions of
20 this Paragraph that has a significant program or other cost, or both, to the state.

21 C. The ~~Louisiana Student Financial Assistance Commission~~ administering
22 agency shall take all administrative action necessary to expedite full implementation
23 of the provisions of this Section. The ~~commission~~ administering agency also shall
24 disseminate information to displaced students and others regarding program changes
25 pursuant to the provisions of this Section in the most timely manner possible.

26 §5102. Continuing eligibility for program awards; students displaced by certain
27 natural disasters; waivers and exceptions; limitations

28 * * *

B.(1) Relative to continuing eligibility requirements for a Taylor Opportunity Program for Students award applicable for the 2005-2006 academic year to a student displaced during the 2005-2006 academic year, the ~~Louisiana Student Financial Assistance Commission~~ administering agency, in accordance with the Administrative Procedure Act, shall provide by rule as follows:

* * *

(2)(a)(i) Relative to continuing eligibility requirements for a Taylor Opportunity Program for Students award applicable for the 2005-2006 academic year to a student displaced during the 2005-2006 academic year, the ~~Louisiana Student Financial Assistance Commission~~ administering agency, in consultation with the commissioner of higher education and in accordance with the Administrative Procedure Act, shall by rule waive any provision of Part I of this Chapter that imposes on a displaced student a program requirement or condition that such student cannot comply with or meet when it is determined by the ~~commission~~ administering agency that a failure to comply with the requirement or meet the condition, more likely than not, is due solely to a consequence of Hurricane Katrina or Rita, or both.

(ii) Relative to continuing eligibility requirements for a Taylor Opportunity Program for Students award applicable for the 2005-2006 academic year to any student displaced during the 2005-2006 academic year as a consequence of a disaster or emergency other than Hurricane Katrina or Rita and for which the governor declares a state of emergency to exist, the ~~Louisiana Student Financial Assistance Commission~~ administering agency, in consultation with the commissioner of higher education and in accordance with the Administrative Procedure Act, shall by rule waive any provision of Part I of this Chapter that imposes on such student a program requirement or condition that the student cannot comply with or meet when it is determined by the ~~commission~~ administering agency that a failure to comply with the requirement or meet the condition, more likely than not, is due solely to a consequence of the declared disaster or emergency.

(b) In addition to provisions of the Administrative Procedure Act relative to oversight by the legislature of the adoption of ~~commission~~ administering agency rules, the Joint Legislative Committee on the Budget, in accordance with procedures and threshold amounts established by the committee, shall have oversight and approval authority over any rule proposed for adoption pursuant to the provisions of this Paragraph that has a significant program or other cost, or both, to the state.

C. The ~~Louisiana Student Financial Assistance Commission~~ administering agency shall take all administrative action necessary to expedite full implementation of the provisions of this Section. The ~~commission~~ administering agency also shall disseminate information to displaced students and others regarding program changes pursuant to the provisions of this Section in the most timely manner possible.

* * *

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)]

HB 171 Engrossed

2017 Regular Session

Steve Carter

Proposed law makes technical corrections to various education laws in Title 17.

(Amends R.S. 17:7(2)(f)(iii), (6)(d), (28)(b), and (33)(b), 10.3(A), 10.7.1(D)(2)(intro. para.) and (c)(i) and (E)(6), 24.4(F)(2)(h) and (3)(a) and (b)(ii) and (iii) and (J)(1)(intro. para.) and (a), 100.1(A)(1), (C)(6), and (D), 183.2(B)(2)(a), 194(D), 223(B), 407.22(A)(2), (3), (4), (5), (6), (7), and (9), 407.23(B)(2) and (3)(a), 407.51(A)(5), (7), and (12) and (L)(1) and (2), 416.21(K), 436.3(C)(1) and (6)(intro. para.), 440(C)(2), 444(B)(4)(c)(i), 1519.2(C)(1), 1681(B), 1982(4), 2925(A)(2), (3), and (4), 3023(A)(2)(a), (6), and (9), 3095(A)(1)(b) and (c) and (D), 3165.2(C)(1)(intro. para.), 3168(intro. para.), 3351(H)(4), 3351.20(C), 3803(B)(1)(e), 3995(A)(3)(b), 5002(D)(1) and (2) and (G), 5021(A)(2)(b), 5023(D)(1) and (2)(a), 5024(A)(3)(a), 5025(7), 5029(B)(1)(b)(i), 5061, 5064, 5067(A)(2), 5068(B) and (C), 5081(F) and (G), 5101(B)(1)(intro. para.) and (2) and (C), and 5102(B)(1)(intro. para.) and (2) and (C))