

2017 Regular Session

HOUSE BILL NO. 171

BY REPRESENTATIVE STEVE CARTER

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),
21 183.2(B)(2)(a), 194(D), 223(B), 407.22(A)(2), (3), (4), (5), (6), (7), and (9), 407.23(B)(2)
22 and (3)(a), 407.51(A)(5), (7), and (12) and (L)(1) and (2), 416.21(K), 436.3(C)(1) and

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

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

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

12 * * *

13 (2)

14 * * *

15 (f)

16 * * *

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

1 source of funding shifts between city, parish, or other local public school ~~board~~
2 boards, and expenditures of funds by school ~~system~~ systems relative to the amounts
3 generated by the weighted student characteristics and factors through the formula
4 applied to city, parish, or other local public school ~~board~~ boards shall also be
5 reported.

6 * * *

7 (6)

8 * * *

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

15 * * *

16 (28)

17 * * *

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

20 * * *

21 (33)

22 * * *

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

27 * * *

28 §10.3. School and district accountability; prohibited testing; exceptions

29 A. A student with an exceptionality as defined in R.S. 17:1942(B), ~~but~~ who
30 is not deemed gifted and talented; and who is not pursuing a regular diploma shall

1 not be administered any test pursuant to R.S. 17:24.4 or the state's school and district
2 accountability system, including the American College Test, unless the student's
3 parent or other legal guardian requests, in writing, that the student be administered
4 the test or the student's Individualized Education ~~Plan~~ Program indicates that the test
5 is an appropriate assessment instrument for the student.

6 * * *

7 §10.7.1. Return of certain schools from the Recovery School District to the
8 transferring school system; time line; conditions; funding

9 * * *

10 D.

11 * * *

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

16 * * *

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

22 * * *

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

25 * * *

26 (6) May provide a lottery preference for enrollment at elementary and middle
27 schools under the board's jurisdiction for students residing within defined geographic
28 zones as one of the factors to determine student assignment, according to policies
29 adopted by the board. Such preference shall be applied to not more than one-half of
30 the seats available in each grade level to ensure that seats in all schools are accessible

1 to students residing outside of a school's ~~respective~~ geographic ~~zones~~ zone.
 2 Notwithstanding the provisions of this Subsection, any Type 1 or Type 3 charter
 3 school ~~which~~ that was first authorized by the board on, or prior to, July 1, 2016, and
 4 whose charter contract includes a geographic preference in accordance with R.S.
 5 17:3991; may maintain such preference with the approval of the board, in accordance
 6 with board policy adopted for this purpose.

7 * * *

8 §24.4. Louisiana Competency-Based Education Program; statewide standards for
 9 required subjects; Louisiana Educational Assessment Program; parish or city
 10 school board comprehensive pupil progression plans; waivers

11 * * *

12 F.

13 * * *

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

15 * * *

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

19 * * *

20 (3)(a) In lieu of the standards-based assessments prescribed in
 21 Subparagraphs (1)(c) and (d) of this Subsection, an alternate assessment shall be
 22 provided for and administered only to those students with disabilities who meet
 23 specific eligibility criteria developed by the state Department of Education and
 24 approved by the State Board of Elementary and Secondary Education. A
 25 determination of whether any student meets the eligibility criteria established by the
 26 state Department of Education shall be made by the student's ~~Individual Education~~
 27 ~~Plan~~ Individualized Education Program committee and shall be so noted on that
 28 student's ~~Individual Education Plan~~ Individualized Education Program. The alternate
 29 assessment developed pursuant to this Paragraph shall be administered on a schedule
 30 determined by the state Department of Education and approved by the State Board

1 of Elementary and Secondary Education. The alternate assessment shall be part of
2 the Louisiana Education Assessment Program otherwise provided for in this
3 Subsection, and the alternate assessment shall be used for information,
4 accountability, compliance, and planning purposes as provided by the State Board
5 of Elementary and Secondary Education.

6 (b)

7 * * *

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

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

21 * * *

22 J.(1) Notwithstanding any provision of this Section or any other law to the
23 contrary, a public high school student with an exceptionality as defined in R.S.
24 17:1942(B), except a gifted or talented student, ~~and~~ who is not pursuing a high
25 school diploma shall not be administered any examination pursuant to this Section
26 or the Louisiana school and district accountability system, including the American
27 College Test, unless one or both of the following apply:

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

30 * * *

1 §100.1. Alternative educational programs; certain adjudicated students; students in
2 the custody of the office of juvenile justice; funding; authority of the local
3 school board to contract; inclusion in minimum foundation program; funding
4 formula

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

18 * * *

19 C.

20 * * *

21 (6) The State Board of Elementary and Secondary Education shall adopt
22 necessary rules and regulations to assure that no funds provided through the
23 ~~Minimum Foundation Program~~ minimum foundation program or any other state or
24 federal program as provided in this Section shall supplant any other funding provided
25 to the office of juvenile justice for the educational services for such children.

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

30 * * *

1 §183.2. Career option description

2 * * *

3 B.

4 * * *

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

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

23 * * *

24 §194. Administration of nutrition program; general powers of governing authorities
25 of nutrition program providers; funds for privately supplied programs for
26 profit prohibited; exceptions

27 * * *

28 D. The state Department of Education and any governing authority of a
29 nutrition program provider may use the simplified acquisition procedures for small
30 purchases up to the ~~Federal Small Purchase Threshold~~ federal threshold set by 41

1 U.S.C. ~~403(11)~~, 134 in order to support procurement of local agricultural products
 2 and the USDA Farm to School initiatives. ~~No such authority in this statute shall be~~
 3 in, and such authority shall not conflict with the United States Department of
 4 Agriculture child nutrition program requirements, including 2 CFR 200.319(b).

5 * * *

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

7 * * *

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

14 * * *

15 §407.22. Legislative findings and intent

16 A. The legislature finds and declares that:

17 * * *

18 (2) ~~Publicly-funded~~ Publicly funded early childhood programs should
 19 prioritize kindergarten readiness and public monies should fund programs that excel
 20 at achieving high levels of kindergarten readiness, or progression towards
 21 kindergarten readiness, as applicable for the ages of children served.

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

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

29 (5) State entities involved in the oversight or provision of early childhood
 30 programs should collaborate, set standards of educational achievement for young

1 children that align with standards established for children enrolled in grades
2 kindergarten through twelve, and hold providers of ~~publicly-funded~~ publicly funded
3 early childhood programs accountable without imposing undue regulation on ~~said~~
4 such programs.

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

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

13 * * *

14 (9) A fragmented system of standards, funding, and oversight of the state's
15 ~~publicly-funded~~ publicly funded early childhood programs serves as a barrier to
16 providing every child with the high quality services and programs which he deserves
17 and to providing parents with the information needed to make an informed choice
18 when selecting the programs that best fit the needs of their children.

19 * * *

20 §407.23. Early Childhood Care and Education Network; creation; components;
21 duties and responsibilities

22 * * *

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

24 * * *

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

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

4 * * *

5 §407.51. Advisory Council

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

8 * * *

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

12 * * *

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

16 * * *

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

19 * * *

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

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

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

4 * * *

5 §416.21. Behavior of students with exceptionalities; use of seclusion and physical
6 restraint

7 * * *

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

15 * * *

16 §436.3. Students with diabetes; management and treatment plans; provision of care;
17 unlicensed diabetes care assistants; student self-monitoring and treatment

18 * * *

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

25 * * *

26 (6) The State Board of Elementary and Secondary Education and the
27 Louisiana State Board of Nursing jointly shall promulgate rules and regulations
28 specifying methods and a curriculum for the training of unlicensed diabetes care
29 assistants in accordance with the Administrative Procedure Act. The rules and
30 regulations shall ~~utilize~~ use the guidelines as required by this Section and by the

1 latest National Diabetes Education Program, "Helping the Student with Diabetes
2 Succeed: A Guide for School Personnel". In developing such rules and regulations,
3 the boards shall include the following in the rule-making process:

4 * * *

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

7 * * *

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

11 * * *

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

15 * * *

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

17 * * *

18 B.

19 * * *

20 (4)

21 * * *

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

27 * * *

1 §1519.2. State hospitals operated by the Board of Supervisors of Louisiana State
 2 University and Agricultural and Mechanical College as part of the Louisiana
 3 State University Health Sciences Center

4 * * *

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

15 * * *

16 §1681. Children of police officers and deputy sheriffs; definitions

17 * * *

18 B. College or university means any institution of ~~post-secondary~~
 19 postsecondary education situated in this state, operated by an agency, board, or other
 20 body created by the constitution or laws of this state, operated in whole or in part
 21 with funds appropriated for that purpose by the legislature, and authorized to confer
 22 degrees in the arts and sciences.

23 * * *

24 §1982. Definitions

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

27 * * *

28 (4) "~~Individualized education program~~ Education Program" means a written
 29 statement developed for a student eligible for special education services pursuant to

1 applicable, and be qualified for admission to a postsecondary education institution
2 or to enter the workforce.

3 * * *

4 §3023. Powers and duties

5 A. The board may:

6 * * *

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

12 * * *

13 (6) Enter into contracts with any bank or other lending agency ~~and/or~~ or any
14 holder of such loan upon such terms as may be agreed upon between the board and
15 the bank or other lending agency or holder, to provide for the administration by such
16 bank or other lending agency or holder, of any loan or loan plan guaranteed by the
17 commission including but not limited to applications therefor and terms of
18 repayment thereof, and to establish the conditions for payment by the board to the
19 bank or other lending agency ~~and/or~~ or the holder of the guarantee on any loan. A
20 loan shall be defaulted when the bank or other lending agency ~~and/or~~ or holder
21 makes application to the board for payment on the loan stating that such loan is in
22 default in accordance with the terms of a contract executed under this Paragraph.

23 * * *

24 (9) Adopt rules and regulations in accordance with the provisions of the
25 Administrative Procedure Act, not inconsistent with the provisions of this Chapter,
26 governing the guarantee, disbursement, ~~and/or~~ or servicing of loans made by the
27 board; and governing any other matters relating to the activities of the board. Such
28 rules and regulations shall include procedures for the denial of licenses, permits, and
29 certificates required by the state to practice or engage in a trade, occupation, or
30 profession to applicants and renewal applicants in default on the repayment of loans

1 guaranteed by the board, for the conditional issuance or renewal of such a license,
 2 permit, or certificate pending an applicant's compliance with loan repayment
 3 requirements, and for other matters necessary to implement the provisions of R.S.
 4 37:2951.

* * *

6 §3095. Education savings accounts; types, use, limitations, and disclosures

7 A.(1)

* * *

9 (b) For tax years beginning on and after January 1, 2001, amounts which an
 10 account owner deposits into an education savings account shall be exempt from
 11 inclusion in the account owner's taxable income for the purposes of state income tax
 12 up to a maximum of two thousand four hundred dollars per account owned per
 13 taxable year for account owners filing single returns and up to a maximum of four
 14 thousand eight hundred dollars per beneficiary per taxable year for account owners
 15 filing joint returns, as provided in R.S. 47:293(9)(a)(vi). If an account owner
 16 deposits less than the maximum two thousand four hundred dollars per year in an
 17 owned account and files a single return or if married account owners deposit less
 18 than the maximum of four thousand eight hundred dollars per year in an account or
 19 accounts for a beneficiary and file a joint return, the difference between the total
 20 deposits and two thousand four hundred dollars or four thousand eight hundred
 21 dollars, respectively, ~~with~~ shall roll over to subsequent years and ~~with~~ shall be exempt
 22 from inclusion in the account owner's taxable income for the purposes of state
 23 income tax in addition to the two thousand four hundred dollars or four thousand
 24 eight hundred dollars in the year actually deposited, as provided in R.S.
 25 47:293(9)(a)(vi).

26 (c) For tax years beginning on and after January 1, 2005, twice the amount
 27 that an account owner donates into an education savings account classified under
 28 R.S. 17:3096(A)(1)(e) shall be exempt from inclusion in the account owner's taxable
 29 income for the purposes of state income tax, up to a maximum donation of two
 30 thousand four hundred dollars per account owned, per taxable year, if the

1 beneficiary's family reported a federal adjusted gross income of less than thirty
 2 thousand dollars or the beneficiary was entitled to a free lunch under the Richard B.
 3 Russell National School Lunch Act, (42 U.S.C. 1751 et seq.), as provided in R.S.
 4 47:293(9)(a)(viii). If an account owner deposits less than the amount that would
 5 qualify for the maximum exclusion or two thousand four hundred dollars per year
 6 in an owned account, the difference between the total deposits and two thousand four
 7 hundred dollars ~~will~~ shall roll over to subsequent years and shall increase the amount
 8 of deposits that qualify for the double exclusion from the account owner's taxable
 9 income for the purposes of state income tax in addition to the applicable exclusion
 10 for the year actually deposited, as provided in R.S. 47:293(9)(a)(vi).

* * *

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

* * *

17 §3165.2. College credit for military service; spouses of veterans

* * *

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

* * *

23 §3168. Reporting

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

* * *

1 ~~Statistical Rating Organization (NRSRO)~~ nationally recognized statistical rating
2 organization.

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

9 * * *

10 §3995. Charter school funding

11 A.

12 * * *

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

15 * * *

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

22 * * *

23 §5002. Awards and amounts

24 * * *

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

27 (a) In an eligible public college or university that does not offer an academic
28 undergraduate degree at the baccalaureate level in those associate's degree or other
29 shorter-term training and education programs that are aligned to state workforce
30 priorities as determined by the Board of Regents and the Louisiana Workforce

1 Investment Council, shall be awarded by the state an amount determined by the
2 administering agency to equal the tuition charged by the college or university during
3 the 2016-2017 academic year. If the Board of Regents and the Louisiana Workforce
4 Investment Council determine that a program is no longer aligned with those
5 priorities, an otherwise eligible student who had previously received an award and
6 enrolled in that program may continue to use the award.

7 (b) In an eligible college or university other than as provided for in
8 Subparagraph (a) of this Paragraph in those associate's degree or other shorter-term
9 training education programs that are aligned to state workforce priorities as
10 determined by the Board of Regents and the Louisiana Workforce Investment
11 Council, shall be awarded by the state an amount determined by the administering
12 agency to equal the weighted average of amounts paid to students attending an
13 eligible public college or university that does not offer an academic undergraduate
14 degree at the baccalaureate level during the 2016-2017 academic year. If the Board
15 of Regents and the Louisiana Workforce Investment Council determine that a
16 program is no longer aligned with those priorities, an otherwise eligible student who
17 had previously received an award and enrolled in that program may continue to use
18 the award.

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

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

25 (b) In an eligible college or university other than as provided for in
26 Subparagraph (a) of this Paragraph, shall be awarded by the state an amount
27 determined by the administering agency to equal the weighted average of amounts
28 paid to students attending an eligible public college or university that does not offer

1 an academic undergraduate degree at the baccalaureate level during the 2016-2017
2 academic year.

3 * * *

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

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

14 (2) For any student ~~who is participating in the tuition exemption program~~
15 ~~provided by R.S. 29:36.1 and~~ who also meets the qualifications provided in this
16 Section for receipt of a Performance Award, the state shall pay on behalf of the
17 student a sum of three hundred dollars per semester or six hundred dollars per
18 academic year to be applied toward the cost of books and other instructional
19 materials plus the sum of four hundred dollars per semester or eight hundred dollars
20 per academic year for other educational expenses as defined by the ~~Louisiana~~
21 ~~Student Financial Assistance Commission~~ administering agency.

22 (3) 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 Honors Award, the state shall pay on behalf of the student
25 a sum of three hundred dollars per semester or six hundred dollars per academic year
26 to be applied toward the cost of books and other instructional materials plus the sum
27 of eight hundred dollars per semester or one thousand six hundred dollars per
28 academic year for other educational expenses as defined by the ~~Louisiana Student~~
29 ~~Financial Assistance Commission~~ administering agency.

30 * * *

1 §5021. Louisiana high school graduation

2 A.

3 * * *

4 (2)

5 * * *

6 (b) Notwithstanding the requirements of Subparagraph (a) of this Paragraph,
7 those nonpublic high schools that, not later than May 15, 2000, were approved by the
8 State Board of Elementary and Secondary Education pursuant to R.S. 17:11 and
9 applied for and had their application forwarded by the state Department of Education
10 seeking the approval necessary for the students in such ~~school~~ schools to be eligible
11 to receive from the state the benefits of appropriations for such items as
12 transportation, textbooks, and administrative cost reimbursement shall have until the
13 2003-2004 school year to meet the latter requirement in order for the graduates from
14 such high ~~school~~ schools to be eligible for an award under this Chapter.

15 * * *

16 §5023. Residency requirements

17 * * *

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

26 (2)(a) Any displaced student as defined by R.S. 17:5101(A)(2) who
27 graduates from an out-of-state school during the 2006-2007 school year and is
28 awarded a Louisiana Distance Diploma issued by the state Department of Education
29 shall meet the requirements of this Section if he actually resided in Louisiana during
30 his entire tenth grade year of high school and was enrolled for such time in an

1 eligible Louisiana high school or, for dependent students, if the displaced student has
 2 a parent or court-ordered custodian who actually resided in a parish listed in R.S.
 3 17:5101(A)(2)(a) for at least the twelve months prior to August 26, 2005, or in a
 4 parish listed in R.S. 17:5101(A)(2)(b) for at least the twelve months prior to
 5 September 20, 2005.

6 * * *

7 §5024. Academic requirements

8 A.

9 * * *

10 (3)(a) The calculation of the minimum cumulative grade point average
 11 specified in Paragraph (1) of this Subsection shall ~~utilize~~ use a five-point scale for
 12 grades earned in certain Advanced Placement courses, International Baccalaureate
 13 courses, gifted and talented courses, honors courses, articulated courses for college
 14 credit, and dual enrollment courses as approved by the Board of Regents and the
 15 State Board of Elementary and Secondary Education, which may result in a student
 16 earning a cumulative grade point average that exceeds 4.00. For such courses, five
 17 quality points shall be assigned to a letter grade of "A", four quality points shall be
 18 assigned to a letter grade of "B", three quality points shall be assigned to a letter
 19 grade of "C", two quality points shall be assigned to a letter grade of "D", and zero
 20 quality points shall be assigned to a letter grade of "F".

21 * * *

22 §5025. High school core curriculum requirements; Opportunity, Performance,
 23 Honors Awards

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

28 * * *

29 (7) For the purposes of this Section, any core curriculum course that is taken
 30 by a student who has been identified as gifted pursuant to State Board of Elementary

1 and Secondary Education policy and that is taken in fulfillment of the student's
2 Individualized Education ~~Plan~~ Program shall be considered a gifted course and shall
3 fulfill the core curriculum requirement in its given subject area.

4 * * *

5 §5029. Alternative initial eligibility requirements

6 * * *

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

9 * * *

10 (1)

11 * * *

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

16 * * *

17 §5061. Administering agency

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

22 * * *

23 §5064. School boards

24 Each ~~city and parish~~ city, parish, or other local public school board for the
25 high school under its jurisdiction or the principals of such high schools and the
26 principal or headmaster of each nonpublic high school approved by the State Board
27 of Elementary and Secondary Education shall, using the criteria in Subpart B of Part
28 I of this Chapter as the minimum qualifications for selection, identify and certify to

1 the administering agency those achieving the required academic standards to qualify
2 for an award pursuant to this Chapter.

3 * * *

4 §5067. Program information reporting system; implementation; requirements;
5 applicability; participation by eligible institutions and others

6 A.

7 * * *

8 (2) In formulating and developing the information reporting system, the
9 Board of Regents shall consult with and seek written recommendations from ~~the~~
10 ~~Louisiana Student Financial Assistance Commission~~, each college or university
11 eligible for participation in the Taylor Opportunity Program for Students, each of the
12 public postsecondary education management boards, the Louisiana Association of
13 Independent Colleges and Universities, legislators, and knowledgeable others as
14 determined appropriate by the Board of Regents.

15 * * *

16 §5068. Miscellaneous

17 * * *

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

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

28 * * *

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

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

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

29 C. The ~~Louisiana Student Financial Assistance Commission~~ administering
30 agency shall take all administrative action necessary to expedite full implementation

1 of the provisions of this Section. The ~~commission~~ administering agency also shall
2 disseminate information to displaced students and others regarding program changes
3 pursuant to the provisions of this Section in the most timely manner possible.

4 §5102. Continuing eligibility for program awards; students displaced by certain
5 natural disasters; waivers and exceptions; limitations

6 * * *

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

12 * * *

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

23 (ii) Relative to continuing eligibility requirements for a Taylor Opportunity
24 Program for Students award applicable for the 2005-2006 academic year to any
25 student displaced during the 2005-2006 academic year as a consequence of a disaster
26 or emergency other than Hurricane Katrina or Rita and for which the governor
27 declares a state of emergency to exist, the ~~Louisiana Student Financial Assistance~~
28 ~~Commission~~ administering agency, in consultation with the commissioner of higher
29 education and in accordance with the Administrative Procedure Act, shall by rule
30 waive any provision of Part I of this Chapter that imposes on such student a program

1 requirement or condition that the student cannot comply with or meet when it is
 2 determined by the ~~commission~~ administering agency that a failure to comply with
 3 the requirement or meet the condition, more likely than not, is due solely to a
 4 consequence of the declared disaster or emergency.

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

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

16 * * *

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____