

2015 Regular Session

HOUSE BILL NO. 154

BY REPRESENTATIVE CARTER

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

LEGISLATION: Provides for technical corrections to various provisions of Title 17 of the La. Revised Statutes

1 AN ACT

2 To amend and reenact R.S. 17:81(X)(2)(c), 176(F)(1), 407.2, 407.26(F)(3)(c), 407.27(B)(1),
3 407.33(A)(4), 407.38(B), 407.49, 407.51(F), (H), (J), and (K), 407.52, 407.64(A),
4 407.66(B), 407.70, 407.71(C) and (E), 407.72(A), 407.82(2), 3048.1(Y),
5 3914(K)(3)(a) and (c)(introductory paragraph), 3921.2(B)(6), 4002.4(D)(2),
6 4002.6(B), 4017(B), 4019, 4022(3), and 4035.1(D), relative to various provisions
7 in Title 17; to provide for technical corrections in various education laws including
8 corrections in legal citations and corrections in names of programs and agencies; and
9 to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 17:81(X)(2)(c), 176(F)(1), 407.2, 407.26(F)(3)(c), 407.27(B)(1),
12 407.33(A)(4), 407.38(B), 407.49, 407.51(F), (H), (J), and (K), 407.52, 407.64(A), 407.66(B),
13 407.70, 407.71(C) and (E), 407.72(A), 407.82(2), 3048.1(Y), 3914(K)(3)(a) and
14 (c)(introductory paragraph), 3921.2(B)(6), 4002.4(D)(2), 4002.6(B), 4017(B), 4019, 4022(3),
15 and 4035.1(D) are hereby amended and reenacted to read as follows:

16 §81. General powers of local public school boards

17 * * *

18 X.

19 * * *

20 (2)

21 * * *

1 (c) Instruction required pursuant to this Subsection shall not result in the
 2 certification of students in cardiopulmonary resuscitation or the use of an automated
 3 external defibrillator. If, ~~separate and~~ apart from the instruction required by this
 4 Subsection, a school governing authority provides a training program that is intended
 5 to result in such certification, the instructor shall be authorized to provide instruction
 6 for certification by the American Heart Association, the American Red Cross, or a
 7 similar nationally recognized association. Prior to the certification of any student
 8 under the age of eighteen through such a training program, a school governing
 9 authority shall obtain parental consent.

10 * * *

11 §176. Extracurricular activities; interscholastic athletics; participation; standards;
 12 prohibitions; filming or videotaping; definitions

13 * * *

14 F.(1) Notwithstanding any other law to the contrary, no public school or
 15 nonpublic school that receives any public funds may be a member of, or participate
 16 in any competition sponsored by, any intrastate interscholastic ~~extra-curricular~~
 17 extracurricular athletic association or organization that does not provide for third-
 18 party arbitration of eligibility issues.

19 * * *

20 §407.2. Louisiana Early Childhood Opportunity Program

21 The department shall establish the Louisiana Early Childhood Opportunity
 22 Program to assist in the development and funding of appropriate early childhood
 23 programs for educationally at-risk children ages three to five years. ~~Beginning with~~
 24 ~~the 1992-1993 school year, the~~ The department, with the approval of its governing
 25 authority, shall award grants or contracts to qualified early childhood programs,
 26 including but not limited to Head Start, HIPPIY, Parents as Teachers (~~PAT~~), and
 27 programs for youngsters with developmental disabilities or who are educationally
 28 or environmentally at-risk, selected by the department in accordance with specified

1 programmatic standards and guidelines to be established by the department with the
2 approval of its governing authority.

3 * * *

4 §407.26. The Cecil J. Picard LA 4 Early Childhood Program

5 * * *

6 F.

7 * * *

8 (3) Such collaborative agreements may include but shall not be limited to the
9 following options:

10 * * *

11 (c) The nonschool system provider ~~supplies~~ may supply the physical space
12 and all of the teaching and ancillary personnel, materials, and supplies needed to
13 meet LA 4 program requirements.

14 * * *

15 §407.27. The Cecil J. Picard LA 4 Early Childhood Program; early childhood
16 development and enrichment activity classes; financial assistance

17 * * *

18 B.(1) Recognizing the success and growth of the Cecil J. Picard LA 4 Early
19 Childhood Program and in order to maintain the long-term financial stability of the
20 program, private businesses, industry, foundations, charities, and other groups may
21 ~~request from~~ ask the division of administration ~~that~~ for, notwithstanding any
22 provision of law to the contrary, ~~they may~~ authority to create privately funded
23 scholarship programs to make payments to participating school districts on behalf
24 of qualified students. If the division of administration ~~were to approve~~ authorizes
25 a private scholarship program, ~~then any~~ scholarship funds received by a participating
26 school district from a private scholarship program on behalf of a student shall cause
27 a reduction in the dollar amount of the allocation to the participating school district
28 such that the allocation shall be an amount that is equal to the dollar amount that the

1 allocation would have been if no private scholarship funds had been received less the
2 amount of private scholarship funds received by the participating school district.

3 * * *

4 §407.33. Definitions

5 A. As used in this Part, the following definitions shall apply unless the
6 context clearly states otherwise:

7 * * *

8 (4) "Department" means the state Department of Education.

9 * * *

10 §407.38. Transitional provisions; applicable regulations

11 * * *

12 B. The administrative rules contained in the Louisiana Administrative Code
13 promulgated by the Department of Children and Family Services ~~which~~ that govern
14 or are applicable to the programs and operations transferred from the Department of
15 Children and Family Services to the Department of Education ~~by this Act~~ shall
16 continue to be effective until the State Board of Elementary and Secondary
17 Education promulgates rules to implement the types of licenses required by R.S.
18 17:407.36.

19 * * *

20 §407.49. Parent-child relationship

21 The State Board of Elementary and Secondary Education and the department
22 shall not interfere with the parent-child relationship regarding the religious training
23 of a child, ~~where~~ all if both of the following conditions are met:

24 (1) The parent or legal custodian has enrolled ~~their~~ his child in a child care
25 facility, including but not limited to a child residential facility, operated by a
26 religious, nonprofit organization ~~which~~ that is exempt from federal income taxes
27 pursuant to 26 U.S.C. 501(c)(3).

1 (2) ~~Where, as~~ As a condition of enrollment, the child is required to attend
2 religious services or classes and the parent or legal custodian of the child agrees to
3 such condition.

4 * * *

5 §407.51. Advisory Council

6 * * *

7 F. The ~~Department of Education~~ department shall provide staff support for
8 the council, including but not limited to the scheduling of meetings, providing public
9 notice of scheduled meetings, and including information about the council and its
10 meeting minutes on its website. Council meeting minutes shall be provided to the
11 state board at its next regularly scheduled meeting.

12 * * *

13 H. The council shall provide input and guidance to the board and the
14 ~~Department of Education~~ department on matters pertaining to the development and
15 implementation of rules, regulations, bulletins, policies, or standards related to all
16 ~~publicly-funded~~ publicly funded early care and education programs, including early
17 learning centers, enrollment in early learning centers, the Cecil J. Picard ~~LA4~~ LA 4
18 Early Childhood Program, the Child Care and Development Fund Block Grant, ~~or~~
19 the Child Care Assistance Program, Early Head Start, and Head Start.

20 * * *

21 J. Prior to the board's consideration of any rule or standard related to early
22 learning centers, enrollment in early learning centers, the Cecil J. Picard ~~LA4~~ LA 4
23 Early Childhood Program, the Child Care and Development Fund Block Grant, ~~or~~
24 the Child Care Assistance Program, the department shall consult with and provide
25 a draft of the proposed rules to the council; and provide an opportunity for the
26 council to make recommendations. Recommendations made by the council shall be
27 reported to the state board prior to their adoption. ~~Nothing herein shall prevent the~~
28 ~~board from adopting an emergency rule pursuant to the Administrative Procedure~~
29 ~~Act.~~ The provisions of this Subsection shall not apply to the adoption of emergency

1 rules. However, the department shall notify the council of any meetings of the State
2 Board of Elementary and Secondary Education at which emergency rules pertaining
3 to matters described in Subsection H of this Section will be considered. Such
4 notification shall be given at the same time that public notice of the meeting is given
5 and shall include a draft of the proposed emergency rule.

6 K. The department shall provide quarterly reports on the implementation and
7 progress, activities, and status of the Early Childhood Care and Education Network,
8 including the creation and implementation of an accountability system for early care
9 and education programs and the transition of the Child Care and Development fund
10 Block Grant and licensure to the ~~Department of Education~~ department. Any
11 recommendations by the council shall be reflected in meeting minutes.

12 * * *

13 §407.52. Coordination

14 The ~~Department of Education~~ department shall coordinate with the office of
15 state fire marshal and the Department of Health and Hospitals to align standards for
16 licensing of early learning centers with the standards for early childhood education
17 programs.

18 * * *

19 §407.64. Rules and regulations; inspection requirements

20 A. The Department of Health and Hospitals shall promulgate rules and
21 regulations in accordance with the Administrative Procedure Act to carry out the
22 provisions of this Part for all family child day care homes ~~which~~ that receive state
23 or federal funds except those family child day care homes ~~which~~ that participate in
24 the United States Child and Adult Care Food Program or the Child Care and
25 Development Fund Block Grant.

26 * * *

27 §407.66. Fees

28 * * *

1 B. The office of state fire marshal shall transfer sufficient funds to the
 2 Department of Health and Hospitals or the state Department of Education for those
 3 family child day care homes ~~which that~~ receive state or federal funds but do not
 4 participate in the United States Child and Adult Care Food Program to carry out the
 5 registration process in accordance with this Part.

6 * * *

7 §407.70. Notification of health and safety violations

8 The department shall notify the appropriate agencies if it is ~~determined~~
 9 determines that one or more violations ~~exist within a family child day care home~~
 10 ~~which that~~ place the health and well-being of a child or children in imminent danger
 11 exist within a family child day care home.

12 §407.71. Grounds for revocation or refusal to renew registration; criminal activities;
 13 lack of CPR or first aid training

14 * * *

15 C. The department may deny, revoke, or refuse to renew any registration of
 16 a family child day care home ~~which that~~ violates the provisions of this Section.

17 * * *

18 E. The provisions of this Section shall not apply to a family child day care
 19 home registered with the state Department of Education solely for participation in
 20 the United States Child and Adult Care Food Program.

21 §407.72. Orientation

22 A. ~~At~~ Each family child day care home ~~providers receiving~~ provider that
 23 receives payments from the state Department of Education shall be required to
 24 participate in a four-hour orientation. The orientation curriculum shall include but
 25 not be limited to the following subjects: recordkeeping; immunization schedules and
 26 requirements; recognizing signs of child abuse; child abuse prevention;
 27 communicating with parents; age appropriate activities for young children; child
 28 development; child safety; and nutritional needs of children. The orientation ~~will~~

1 shall count toward the required hours of professional development training mandated
2 by the state Department of Education.

3 * * *

4 §407.82. Definitions.

5 * * *

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

7 * * *

8 §3048.1. Program awards; eligibility; amounts; limitations; funding; administration

9 * * *

10 Y.(1) Recognizing the success and growth of the ~~TOPS program~~ Louisiana
11 Taylor Opportunity Program for Students, referred to in this Subsection as "the
12 program", and in order to maintain the long-term financial stability of the ~~TOPS~~
13 program, private businesses, industry, foundations, charities, and other individuals
14 or groups may ~~request from~~ ask the division of administration ~~that for~~,
15 notwithstanding any provision of law to the contrary, ~~they may~~ authority to create
16 scholarship programs to make payments to eligible colleges and universities on
17 behalf of individual students. If the division of administration ~~were to approve~~
18 authorizes a private scholarship program, ~~then any~~ scholarship funds received by an
19 eligible college or university from such private scholarship program on behalf of a
20 student shall cause a reduction in the dollar amount of the ~~TOPS program~~ award
21 associated with that student to an amount that is equal to the dollar amount that the
22 award would have been if no such private scholarship funds had been received less
23 the amount of private scholarship funds received by the eligible college or university.

24 (2) This Subsection shall in no way be interpreted in such a manner that a
25 student could receive less benefits from a combination of the ~~TOPS program~~ award
26 ~~from the program~~ and the private scholarship funded on his behalf ~~then~~ than he
27 would have received solely from the ~~TOPS~~ program if there had been no private
28 scholarship funded on his behalf. Therefore, to the extent that any privately funded
29 scholarship funds provided for in this Subsection made to an eligible college or

1 university on behalf of a qualified student are for an amount less than the amount a
2 given student would have otherwise received if no such private scholarship funds had
3 been paid as ~~an a program~~ award ~~under the T OPS Program~~, then the eligible college
4 or university shall receive that difference on behalf of the student as the student's
5 award from the ~~T OPS~~ program.

6 (3) As provided in this Subsection, when an eligible college or university
7 receives privately funded scholarship funds on behalf of a student, the state funds for
8 the ~~T OPS~~ program shall be reduced by the amount of the private scholarship
9 program funds so received. ~~It is understood and provided that a~~ A reduction shall not
10 ~~effect~~ affect the estimated nature of the ~~T OPS~~ appropriation for the program as
11 provided in the ~~act or acts~~ Act or Acts that contain such appropriations. The
12 commissioner of administration shall determine and specify the amount of the
13 reduction from the source of the funds to provide the maximum benefit to the state
14 from the privately funded scholarship program. The state treasurer shall deposit the
15 amount of such reduction as specified by the commissioner of administration into the
16 Overcollections Fund created in R.S. 39:100.21 and credit the deposit to an account
17 within the fund hereby established and created to be known as the "Program
18 Participation Savings Account".

19 * * *

20 §3914. Student information; privacy; legislative intent; definitions; prohibitions;
21 parental access; penalties

22 * * *

23 K.

24 * * *

25 (3)(a) ~~Beginning in the eighth grade, the~~ The governing authority of each
26 public school shall ~~annually~~, at the beginning of each school year, provide a form to
27 be signed by the parent or legal guardian of each student in grades eight through
28 twelve enrolled in the school, whereby the student's parent or legal guardian may

1 provide consent or deny consent for the collection and disclosure of the student's
2 information as provided in Paragraphs (1) and (2) of this Subsection.

3 * * *

4 (c) The form ~~will~~ shall contain the following:

5 * * *

6 §3921.2. Statewide Educational Technology Plan

7 * * *

8 B. The plan shall do all of the following:

9 * * *

10 (6) Provide for the development and implementation of a strategy to provide
11 training and ongoing professional development to ensure that teachers and other
12 school level staff have the skills necessary to effectively and efficiently ~~utilize~~ use
13 the technology infrastructure, software, data management, and online resources.

14 * * *

15 §4002.4. State board; powers and duties relative to course providers

16 * * *

17 D.

18 * * *

19 (2) The state board shall include any course offered for dual enrollment by
20 a Louisiana public institution of postsecondary education in the course catalogue,
21 with no requirement for course approval by the board or the state Department of
22 Education, provided the course meets the Carnegie unit requirements for high school
23 graduation.

24 * * *

25 §4002.6. Course providers; funding; course amounts

26 * * *

27 B. The course provider may charge tuition to any eligible participating
28 student in an amount approved by the state Department of Education.

29 * * *

1 §4017. Payment of scholarships

2 * * *

3 B. Notwithstanding any other provision of this Chapter to the contrary, any
4 public or private entity, including any nonprofit organization, may make a directed
5 donation to any participating school for a ~~student who is a~~ scholarship recipient of
6 a ~~Student Scholarships for Educational Excellence~~ scholarship.

7 * * *

8 §4019. Private scholarships

9 A. Recognizing the success of the program and in order to maintain the long-
10 term financial stability of the program, private businesses, industry, foundations,
11 charities, and other groups may ~~request from~~ ask the division of administration ~~that~~
12 for, notwithstanding any provision of law to the contrary, ~~they may~~ authority to
13 create privately funded scholarship programs to make payments to participating
14 schools on behalf of individual students. If the division of administration ~~were to~~
15 ~~approve~~ authorizes such a private scholarship program, ~~then any~~ private scholarship
16 funds received by a participating school from such private scholarship program on
17 behalf of a student shall cause a reduction in the dollar amount of the ~~Student~~
18 ~~Scholarships for Educational Excellence~~ program scholarship to the participating
19 school attributable to that student such that the ~~Student Scholarships for Educational~~
20 ~~Excellence~~ program scholarship associated with that student shall be an amount that
21 is equal to the dollar amount that the ~~Student Scholarships for Educational~~
22 ~~Excellence~~ program scholarship would have been if no such private scholarship
23 funds had been received less the amount of private scholarship funds received by the
24 participating school on behalf of that student.

25 B. This Section shall in no way be interpreted in such a manner that a student
26 could receive less benefits from a combination of the ~~Student Scholarships for~~
27 ~~Educational Excellence~~ program scholarship and the private scholarship funded on
28 his behalf than he would have received solely from the ~~Student Scholarships for~~
29 ~~Educational Excellence~~ program scholarship if there had been no such private

1 scholarship funded on his behalf. Therefore, to the extent any such privately funded
 2 scholarship funds provided for in this Section made to a participating school on
 3 behalf of a qualified student are for an amount less than the amount a given student
 4 would have otherwise received as a ~~Student Scholarships for Educational Excellence~~
 5 program scholarship if no such private scholarship funds had been paid under this
 6 Section, then the participating school shall receive that difference on behalf of the
 7 student as the student's ~~Student Scholarships for Educational Excellence~~ program
 8 scholarship.

9 C. As provided in this Section, when a participating school receives privately
 10 funded scholarship funds on behalf of a student pursuant to this Section, the annual
 11 appropriation of state funds for the ~~Student Scholarships for Educational Excellence~~
 12 program shall be reduced by the amount of such private scholarship program funds
 13 so received. The commissioner of administration shall determine and specify the
 14 amount of the reduction from the source of the funds to provide the maximum
 15 benefit to the state from the privately funded scholarship program. The state
 16 treasurer shall deposit the amount of such reduction as specified by the
 17 commissioner of administration into the Overcollections Fund created in R.S.
 18 39:100.21 and credit such deposit to an account within the fund hereby established
 19 and created to be known as the "Program Participation Savings Account".

20 * * *

21 §4022. Participating schools; requirements

22 Each participating school shall:

23 * * *

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

1 scholarship payments to the participating school and shall be submitted to the
 2 legislative auditor for review and investigation of any irregularities or audit findings.
 3 The participating school shall account for all scholarship funds separately from other
 4 funds by maintaining funds in a separate account or by using accounting procedures
 5 that allow the legislative auditor to identify the separate funds pursuant to the
 6 authority of this Section. Such accounting shall allow for thorough auditing of the
 7 receipt and expenditure of state scholarship funds allocated through the ~~Louisiana~~
 8 ~~Department of Education~~ department. The participating school shall return to the
 9 state any funds that the legislative auditor determines were expended in a manner
 10 inconsistent with state law or program regulations. The cost of such audit shall be
 11 paid by the department from funds appropriated by the legislature to implement the
 12 provisions of this Chapter.

* * *

§4035.1. Public School Choice

* * *

16 D. Any student enrolled in a public school pursuant to the provisions of this
 17 Section shall be counted by the local public school system in which he is enrolled for
 18 purposes of the ~~Minimum Foundation Program~~ minimum foundation program and
 19 formula, and any other available state or federal funding for which the student is
 20 eligible.

* * *

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 154 Original

2015 Regular Session

Carter

Abstract: Provides for technical corrections to various provisions of Title 17 of the La. Revised Statutes of 1950.

Proposed law makes various technical corrections in education laws including corrections in legal citations and corrections in names of education-related programs and agencies.

(Amends R.S. 17:81(X)(2)(c), 176(F)(1), 407.2, 407.26(F)(3)(c), 407.27(B)(1), 407.33(A)(4), 407.38(B), 407.49, 407.51(F), (H), (J), and (K), 407.52, 407.64(A), 407.66(B), 407.70, 407.71(C) and (E), 407.72(A), 407.82(2), 3048.1(Y), 3914(K)(3)(a) and (c)(intro. para.), 3921.2(B)(6), 4002.4(D)(2), 4002.6(B), 4017(B), 4019, 4022(3), and 4035.1(D)).