

Regular Session, 2012

HOUSE BILL NO. 911

BY REPRESENTATIVE FOIL

SCHOOLS/CHOICE: Provides relative to the School Choice Pilot Program for Certain Students with Exceptionalities

1 AN ACT

2 To amend and reenact the heading of Part II of Chapter 43 of Title 17 of the Louisiana
3 Revised Statutes of 1950 and R.S. 17:4031(A), (B), (C)(1), and (E), relative to the
4 School Choice Pilot Program for Certain Students with Exceptionalities; to remove
5 the limitation that the program be a two-year pilot program; to provide relative to
6 student eligibility; to increase the value of the educational certificates issued to
7 parents of eligible students; to remove certain reporting requirements; and to provide
8 for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. The heading of Part II of Chapter 43 of Title 17 of the Louisiana Revised
11 Statutes of 1950 and R.S. 17:4031(A), (B), (C)(1), and (E) are hereby amended and
12 reenacted to read as follows:

13 PART II. SCHOOL CHOICE ~~PILOT~~ PROGRAM

14 §4031. School choice program; students with exceptionalities; ~~pilot program~~;
15 establishment; purpose; student eligibility; nonpublic school eligibility;
16 educational certificates; administration; implementation; reporting

17 A. The purpose of the ~~pilot~~ program established in this Section is to provide
18 certain students with exceptionalities the opportunity to attend schools of their
19 parents' choosing that provide educational services that specifically address the needs
20 of such students.

1 B.(1) The School Choice ~~Pilot~~ Program for Certain Students with
2 Exceptionalities, hereinafter referred to as the "program", is hereby established ~~as a~~
3 ~~two-year pilot program~~ in each parish having a population in excess of one hundred
4 ninety thousand persons according to the most recent federal decennial census. ~~The~~
5 ~~program shall be implemented beginning with the 2011-2012 school year.~~

6 (2) Any student who meets all of the following criteria is an eligible student:

7 (a) The student has been evaluated by a local education agency as defined
8 in R.S. 17:1942, is determined to be in need of services for autism, a mental
9 disability, emotional disturbance, developmental delay, other health impairment,
10 specific learning disability, or traumatic brain injury, and has an Individual
11 Education Plan or a services plan in accordance with Title 34 of the Code of Federal
12 Regulations Part 300.37.

13 (b) ~~The student is residing within a pilot program parish.~~

14 (c) The student is eligible to attend public school ~~and is entering~~
15 ~~kindergarten or grades one through eight.~~

16 ~~(d)~~ (c) The student is not deemed to be gifted or talented.

17 C.(1) The state Department of Education, hereafter in this Part referred to as
18 the "department", shall administer and provide for implementation of the program
19 pursuant to rules and regulations developed and adopted for such purpose by the
20 State Board of Elementary and Secondary Education in accordance with the
21 Administrative Procedure Act. Such rules and regulations shall include procedures
22 and guidelines permitting a parent or guardian of an eligible student who chooses to
23 enroll the student in an eligible nonpublic school as provided in Subsection D of this
24 Section to apply for an educational certificate, which is to be applied to the cost of
25 educational services offered by the school and which is redeemable by the school
26 from the department upon verification from the school that the student is enrolled in
27 the school. The value of each certificate shall be determined by the department; the
28 value shall be equivalent to ~~fifty~~ seventy-five percent of the per pupil allocation of
29 state funds to the city, parish, or other local public school district in which the

1 eligible student is residing for that school year but shall not exceed the amount of
2 tuition charged by the eligible nonpublic school. The funds to be paid for a
3 certificate shall be divided into four equal payments to be made to each participating
4 school in September, November, February, and May of each school year. Payments
5 shall be based on per pupil count dates as determined by the department.

6 * * *

7 E. The department shall submit a report to the House Committee on
8 Education and the Senate Committee on Education not later than August 1, 2012, on
9 the implementation of the program. The report shall include but shall not be limited
10 to the number of eligible students participating in the program, the name of each
11 participating nonpublic school, and the number of eligible students each ~~such~~ school
12 enrolled for participation in the program, ~~and the department's recommendations as~~
13 ~~to whether the pilot program should continue on a pilot basis or be implemented~~
14 ~~statewide after the initial two-year pilot has ended.~~

15 Section 2. This Act shall be implemented beginning with the 2013-2014 school year.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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HB No. 911

Abstract: Relative to the School Choice Pilot Program for Certain Students with Exceptionalities, removes the limitation that the program be a two-year pilot program; provides relative to student eligibility requirements regarding residency and grade; and increases the value of the educational certificates issued to parents of eligible students.

Present law establishes the School Choice Pilot Program for Certain Students with Exceptionalities as a two-year pilot program beginning with the 2011-2012 school year in parishes with a population in excess of 190,000 (currently, Caddo, Calcasieu, East Baton Rouge, Jefferson, Lafayette, Orleans, and St. Tammany). Provides for student eligibility including that the student is determined to be in need of special education services for specified exceptionalities, is residing within a pilot program parish, and is entering kindergarten or grades one through eight. Provides for nonpublic school eligibility, requirements, and authority. Provides for program administration and implementation by the state Dept. of Education pursuant to rules and regulations of the State Board of Elementary and Secondary Education. Permits parents/guardians of eligible students to apply for educational certificates for the cost of educational services offered by eligible nonpublic schools. Specifies that the value of each certificate shall be determined by the department and shall be an amount equivalent to 50% of the per pupil allocation of state

funds to the local public school district in which the eligible student is residing for that school year but shall not exceed the tuition amount charged by the eligible nonpublic school. Requires the department to submit a report to the House and Senate education committees by Aug. 1, 2012, on the implementation of the program including certain information and recommendations.

Proposed law retains present law except as follows:

- (1) Removes the limitation that the program be a two-year pilot program.
- (2) Removes the eligibility requirement that a student is residing within a pilot program parish.
- (3) Removes the eligibility requirement that a student is entering kindergarten or grades 1-8.
- (4) Increases the maximum value of the educational certificate from 50% of the per pupil allocation of state funds as specified in present law to 75% of such allocation.
- (5) Removes requirement that the department's report include recommendations to continue the program on a pilot basis or implement the program statewide.

(Amends the heading of Part II of Ch. 43 of Title 17 of the L.R.S. of 1950 and R.S. 17:4031(A), (B), (C)(1), and (E))