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), 3095(A)(1)(b) and (c),
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), 3095(A)(1)(b) and (c), 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	Х.
19	* * *
20	(2)
21	* * *

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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, HIPPY, 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 <u>may supply</u> 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 <u>state</u> 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 <u>if both</u> 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).

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1	(2) Where, as \underline{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 $\frac{LA4}{LA4}$
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 $\frac{LA4}{LA4}$
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

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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 <u>Block Grant</u> .
26	* * *
27	§407.66. Fees
28	* * *

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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. All 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	§3095. Education savings accounts; types, use, limitations, and disclosures
9	A.(1)
10	* * *
11	(b) For tax years beginning on and after January 1, 2001, amounts which an
12	account owner deposits into an education savings account shall be exempt from
13	inclusion in the account owner's taxable income for the purposes of state income tax
14	up to a maximum of two thousand four hundred dollars per account owned per
15	taxable year for account owners filing single returns and up to a maximum of four
16	thousand eight hundred dollars per beneficiary per taxable year for account owners
17	filing joint returns, as provided in R.S. 47:293(6)(a)(vi) <u>R.S. 47:293(9)(a)(vi)</u> . If an
18	account owner deposits less than the maximum two thousand four hundred dollars
19	per year in an owned account and files a single return or if married account owners
20	deposit less than the maximum of four thousand eight hundred dollars per year in an
21	account or accounts for a beneficiary and file a joint return, the difference between
22	the total deposits and two thousand four hundred dollars or four thousand eight
23	hundred dollars, respectively, will roll over to subsequent years and will be exempt
24	from inclusion in the account owner's taxable income for the purposes of state
25	income tax in addition to the two thousand four hundred dollars or four thousand
26	eight hundred dollars in the year actually deposited, as provided in R.S.
27	47:293(6)(a)(vi) R.S. 47:293(9)(a)(vi).
28	(c) For tax years beginning on and after January 1, 2005, twice the amount
29	that an account owner donates into an education savings account classified under

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1	R.S. $17:3096(A)(1)(e)$ shall be exempt from inclusion in the account owner's taxable
2	income for the purposes of state income tax, up to a maximum donation of two
3	thousand four hundred dollars per account owned, per taxable year, if the
4	beneficiary's family reported a federal adjusted gross income of less than thirty
5	thousand dollars or the beneficiary was entitled to a free lunch under the Richard B.
6	Russell National School Act (42 USC 1751 et seq.), as provided in R.S.
7	47:293(6)(a)(viii) R.S. 47:293(9)(a)(viii). If an account owner deposits less than the
8	amount that would qualify for the maximum exclusion or two thousand four hundred
9	dollars per year in an owned account, the difference between the total deposits and
10	two thousand four hundred dollars will roll over to subsequent years and shall
11	increase the amount of deposits that qualify for the double exclusion from the
12	account owner's taxable income for the purposes of state income tax in addition to
13	the applicable exclusion for the year actually deposited, as provided in $R.S.$
14	47:293(6)(a)(vi) R.S. 47:293(9)(a)(vi).
15	* * *
16	§3914. Student information; privacy; legislative intent; definitions; prohibitions;
17	parental access; penalties
18	* * *
19	К.
20	* * *
21	(3)(a) Beginning in the eighth grade, the <u>The</u> governing authority of each
22	public school shall annually, at the beginning of each school year, provide a form to
23	be signed by the parent or legal guardian of each student in grades eight through
24	twelve enrolled in the school, whereby the student's parent or legal guardian may
25	provide consent or deny consent for the collection and disclosure of the student's
26	information as provided in Paragraphs (1) and (2) of this Subsection.
27	* * *
28	(c) The form will shall contain the following:
29	* * *

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1	§3921.2. Statewide Educational Technology Plan
2	* * *
3	B. The plan shall do all of the following:
4	* * *
5	(6) Provide for the development and implementation of a strategy to provide
6	training and ongoing professional development to ensure that teachers and other
7	school level staff have the skills necessary to effectively and efficiently utilize use
8	the technology infrastructure, software, data management, and online resources.
9	* * *
10	§4002.4. State board; powers and duties relative to course providers
11	* * *
12	D.
13	* * *
14	(2) The state board shall include any course offered for dual enrollment by
15	a Louisiana public institution of postsecondary education in the course catalogue,
16	with no requirement for course approval by the board or the state Department of
17	Education, provided the course meets the Carnegie unit requirements for high school
18	graduation.
19	* * *
20	§4002.6. Course providers; funding; course amounts
21	* * *
22	B. The course provider may charge tuition to any eligible participating
23	student in an amount approved by the state Department of Education.
24	* * *
25	§4017. Payment of scholarships
26	* * *
27	B. Notwithstanding any other provision of this Chapter to the contrary, any
28	public or private entity, including any nonprofit organization, may make a directed

donation to any participating school for a student who is a scholarship recipient of
a Student Scholarships for Educational Excellence scholarship.

3

4

* * *

§4019. Private scholarships

5 A. Recognizing the success of the program and in order to maintain the long-6 term financial stability of the program, private businesses, industry, foundations, 7 charities, and other groups may request from ask the division of administration that 8 for, notwithstanding any provision of law to the contrary, they may authority to 9 create privately funded scholarship programs to make payments to participating 10 schools on behalf of individual students. If the division of administration were to 11 approve authorizes such a private scholarship program, then any private scholarship 12 funds received by a participating school from such private scholarship program on 13 behalf of a student shall cause a reduction in the dollar amount of the Student 14 Scholarships for Educational Excellence program scholarship to the participating 15 school attributable to that student such that the Student Scholarships for Educational 16 Excellence program scholarship associated with that student shall be an amount that 17 is equal to the dollar amount that the Student Scholarships for Educational 18 Excellence program scholarship would have been if no such private scholarship 19 funds had been received less the amount of private scholarship funds received by the 20 participating school on behalf of that student.

21 B. This Section shall in no way be interpreted in such a manner that a student 22 could receive less benefits from a combination of the Student Scholarships for 23 Educational Excellence program scholarship and the private scholarship funded on 24 his behalf than he would have received solely from the Student Scholarships for 25 Educational Excellence program scholarship if there had been no such private 26 scholarship funded on his behalf. Therefore, to the extent any such privately funded 27 scholarship funds provided for in this Section made to a participating school on 28 behalf of a qualified student are for an amount less than the amount a given student 29 would have otherwise received as a Student Scholarships for Educational Excellence

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program scholarship if no such private scholarship funds had been paid under this
Section, then the participating school shall receive that difference on behalf of the
student as the student's Student Scholarships for Educational Excellence program
scholarship.

C. As provided in this Section, when a participating school receives privately 5 6 funded scholarship funds on behalf of a student pursuant to this Section, the annual 7 appropriation of state funds for the Student Scholarships for Educational Excellence 8 program shall be reduced by the amount of such private scholarship program funds 9 so received. The commissioner of administration shall determine and specify the 10 amount of the reduction from the source of the funds to provide the maximum 11 benefit to the state from the privately funded scholarship program. The state 12 treasurer shall deposit the amount of such reduction as specified by the commissioner of administration into the Overcollections Fund created in R.S. 13 14 39:100.21 and credit such deposit to an account within the fund hereby established 15 and created to be known as the "Program Participation Savings Account".

- 16
- 17 §4022. Participating schools; requirements
- 18

Each participating school shall:

19

20 (3) Submit to the department an independent financial audit of the school 21 conducted by a certified public accountant who has been approved by the legislative 22 auditor. Such audit shall be accompanied by the auditor's statement that the report 23 is free of material misstatements and fairly presents the participating school's 24 maximum tuition or actual cost of educating a student pursuant to R.S. 17:4016. The audit shall be limited in scope to those records necessary for the department to make 25 26 scholarship payments to the participating school and shall be submitted to the 27 legislative auditor for review and investigation of any irregularities or audit findings. 28 The participating school shall account for all scholarship funds separately from other 29 funds by maintaining funds in a separate account or by using accounting procedures

1	that allow the legislative auditor to identify the separate funds pursuant to the
2	authority of this Section. Such accounting shall allow for thorough auditing of the
3	receipt and expenditure of state scholarship funds allocated through the Louisiana
4	Department of Education department. The participating school shall return to the
5	state any funds that the legislative auditor determines were expended in a manner
6	inconsistent with state law or program regulations. The cost of such audit shall be
7	paid by the department from funds appropriated by the legislature to implement the
8	provisions of this Chapter.
9	* * *
10	§4035.1. Public School Choice
11	* * *
12	D. Any student enrolled in a public school pursuant to the provisions of this
13	Section shall be counted by the local public school system in which he is enrolled for
14	purposes of the Minimum Foundation Program minimum foundation program and
15	formula, and any other available state or federal funding for which the student is
16	eligible.
17	* * *

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)]

Carter

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

<u>Proposed law</u> 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), 3095(A)(1)(b) and (c), 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))

Summary of Amendments Adopted by House

- The Committee Amendments Proposed by <u>House Committee on Education</u> to the <u>original</u> bill:
- 1. Make technical changes only.