

2022 Regular Session

HOUSE BILL NO. 133

BY REPRESENTATIVE HARRIS

LEGISLATION: Provides for technical corrections and revision of provisions of Title 17 of the Louisiana Revised Statutes

1 AN ACT

2 To amend and reenact R.S. 17:7(2)(d) and (f)(ii), (6)(a)(ii) and (b)(i)(bb) and (ii), and (8),

3 7.2(C), 7.5(A), 10.7.1(E)(1) and (H)(4)(b), 24.1(B) and (D)(1), 24.9(B)(8),

4 25.1(A)(1) and (2), (B)(1) and (2), (C), and (E)(1), 64(A)(3), 105.1(D), 151.3(C)(3),

5 203(introductory paragraph), 221(A)(1)(b) and (B)(1)(b), 222(C)(1),

6 372(introductory paragraph), 391.2(introductory paragraph), 392.1(C)(3), 395(A),

7 396(introductory paragraph) and (1), 407.1(introductory paragraph), 407.33,

8 407.62(introductory paragraph), 407.82(introductory paragraph),

9 407.91(introductory paragraph), 409.2(introductory paragraph), 416(A)(1)(c)(iii)(II),

10 (B)(1)(a), (C)(1) and (2)(d)(ii), (H)(1), and (K), 419.2(D), 434(A), 441(introductory

11 paragraph), 540(introductory paragraph), 1233(introductory paragraph),

12 1519.1(introductory paragraph), 1672, 1673, 1942, 1943(A) and (C), 1944(D),

13 1945.2(B), 1946(A), 1947(C), 1962(introductory paragraph) and (1),

14 1970.2(introductory paragraph), 1970.22(introductory paragraph), 1970.24(B)(1),

15 1972(introductory paragraph), 1982(introductory paragraph), 1987(C),

16 1989.2(introductory paragraph), 1990(B)(1)(b) and (C)(1)(a) and

17 (2)(a)(i)(introductory paragraph) and (ii), 1991(A)(introductory paragraph),

18 2803(introductory paragraph) and (1), 2925(A)(6), 2942, 2990.2, 3002, 3005(G),

19 3047.6(A)(1)(c), 3047.7(C), 3050.11(C)(1)(b) and (c), 3052, 3082(introductory

20 paragraph), 3092(introductory paragraph), 3100.2(introductory paragraph),

21 3102(introductory paragraph), 3129.9(A)(introductory paragraph),

1 3140.1(introductory paragraph), 3162(C)(8), 3165.2(B), 3202(introductory
2 paragraph), 3394.2(introductory paragraph), 3399.12(introductory paragraph),
3 3399.15(A), 3399.21(introductory paragraph), 3399.31(introductory paragraph),
4 3602(introductory paragraph), 3702(introductory paragraph), 3772(introductory
5 paragraph) and (2), 3801(D), 3822(introductory paragraph), 3831(introductory
6 paragraph), 3873(introductory paragraph), 3882(introductory paragraph),
7 3973(introductory paragraph), 4002.3(introductory paragraph), 4013(introductory
8 paragraph), 4036.1(D)(1), and 4041(introductory paragraph), to enact R.S.
9 17:2351(introductory paragraph), and to repeal R.S. 17:7(2)(b) and (32), 7.5(B),
10 10.7.1(H)(6), 24.4(F)(5), 393, 407.23(C)(3), and 1970.24(E)(1)(o)(ii), relative to
11 providing technical corrections for Title 17 of the Louisiana Revised Statutes of
12 1950; to provide for technical corrections; to provide for standardization of language;
13 to remove obsolete reporting requirements; and to provide for related matters.

14 Be it enacted by the Legislature of Louisiana:

15 Section 1. R.S. 17:7(2)(d) and (f)(ii), (6)(a)(ii) and (b)(i)(bb) and (ii), and (8), 7.2(C),
16 7.5(A), 10.7.1(E)(1) and (H)(4)(b), 24.1(B) and (D)(1), 24.9(B)(8), 25.1(A)(1) and (2),
17 (B)(1) and (2), (C), and (E)(1), 64(A)(3), 105.1(D), 151.3(C)(3), 203(introductory
18 paragraph), 221(A)(1)(b) and (B)(1)(b), 222(C)(1), 372(introductory paragraph),
19 391.2(introductory paragraph), 392.1(C)(3), 395(A), 396(introductory paragraph) and (1),
20 407.1(introductory paragraph), 407.33, 407.62(introductory paragraph), 407.82(introductory
21 paragraph), 407.91(introductory paragraph), 409.2(introductory paragraph),
22 416(A)(1)(c)(iii)(II), (B)(1)(a), (C)(1) and (2)(d)(ii), (H)(1), and (K), 419.2(D), 434(A),
23 441(introductory paragraph), 540(introductory paragraph), 1233(introductory paragraph),
24 1519.1(introductory paragraph), 1672, 1673, 1942, 1943(A) and (C), 1944(D), 1945.2(B),
25 1946(A), 1947(C), 1962(introductory paragraph) and (1), 1970.2(introductory paragraph),
26 1970.22(introductory paragraph), 1970.24(B)(1), 1972(introductory paragraph),
27 1982(introductory paragraph), 1987(C), 1989.2(introductory paragraph), 1990(B)(1)(b) and
28 (C)(1)(a) and (2)(a)(i)(introductory paragraph) and (ii), 1991(A)(introductory paragraph),
29 2803(introductory paragraph) and (1), 2925(A)(6), 2942, 2990.2, 3002, 3005(G),

1 3047.6(A)(1)(c), 3047.7(C), 3050.11(C)(1)(b) and (c), 3052, 3082(introductory paragraph),
 2 3092(introductory paragraph), 3100.2(introductory paragraph), 3102(introductory
 3 paragraph), 3129.9(A)(introductory paragraph), 3140.1(introductory paragraph), 3162(C)(8),
 4 3165.2(B), 3202(introductory paragraph), 3394.2(introductory paragraph),
 5 3399.12(introductory paragraph), 3399.15(A), 3399.21(introductory paragraph),
 6 3399.31(introductory paragraph), 3602(introductory paragraph), 3702(introductory
 7 paragraph), 3772(introductory paragraph) and (2), 3801(D), 3822(introductory paragraph),
 8 3831(introductory paragraph), 3873(introductory paragraph), 3882(introductory paragraph),
 9 3973(introductory paragraph), 4002.3(introductory paragraph), 4013(introductory
 10 paragraph), 4036.1(D)(1), and 4041(introductory paragraph) are hereby amended and
 11 reenacted and R.S. 17:2351(introductory paragraph) is hereby enacted to read as follows:

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

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

15 * * *

16 (2)

17 * * *

18 (d) The State Board of Elementary and Secondary Education shall establish
 19 within the Department of Education, office of management and finance, a program
 20 of fiscal accountability for purposes of providing an audit, evaluation, and a
 21 computerization of the data submitted by local school systems and used in the
 22 determination of the cost of the ~~Minimum Foundation Program~~ minimum foundation
 23 program for public elementary and secondary education and in the equitable
 24 distribution of funds provided for the ~~Minimum Foundation Program~~ minimum
 25 foundation program for public elementary and secondary education. The board shall
 26 annually report, not later than March fifteenth, the findings of the audit and
 27 evaluation, with recommendations for improvement, to the committees on education
 28 of the House of Representatives and the Senate. The audit and evaluation shall
 29 consider the minimum performance standards established by the legislature, the State

1 Board of Elementary and Secondary Education, and the state Department of
2 Education.

3 * * *

4 (f)

5 * * *

6 (ii) ~~Beginning with the 2009-2010 school year and continuing thereafter, the~~
7 The State Board of Elementary and Secondary Education shall offer guidance and
8 technical assistance to each city, parish, or other local public school board in making
9 strategic fiscal decisions that promote improved student achievement. Such
10 guidance and technical assistance shall include but not be limited to the identification
11 of best practices in school finance that promote efficiency, economies of scale, and
12 the use of comparative data to improve spending and educational outcomes.

13 * * *

14 (6)(a)

15 * * *

16 (ii) Additionally, whenever there is a qualification or condition established
17 by law or board policy, or both, that a teacher holding a regular teacher certificate
18 which is valid for three years ~~must~~ shall comply with, in order for the teacher to be
19 issued a permanent regular teacher certificate, and it is not possible for a teacher at
20 a nonpublic school to comply with such qualification or condition due to the teacher
21 being employed at a nonpublic school, the board shall establish, ~~effective for the~~
22 ~~1998-1999 school year and thereafter~~, an alternative method or process by which the
23 nonpublic school teacher may meet such qualification or condition. A teacher
24 employed in a nonpublic school who meets the qualifications or conditions pursuant
25 to the alternative method or process established pursuant to this Item shall be issued
26 a permanent regular teacher certificate which shall be valid for all purposes in this
27 state and under all the same conditions as if it had been issued to a teacher who
28 complied with the qualifications or conditions as otherwise established by law or
29 board policy. Prior to establishing an alternative method or process, the board shall

1 direct the nonpublic school commission to formulate, develop, and recommend to
2 the board the alternative method or process by which the nonpublic school teacher
3 may meet the qualification or condition and the method or process established by the
4 board shall be consistent with the recommendations of the nonpublic school
5 commission.

6 (b)(i)

7 * * *

8 (bb) ~~On and after September 15, 1981, any~~ Any person certified to teach in
9 another state who applies for certification to teach in the public schools of Louisiana
10 shall be required to pass satisfactorily the examination which is administered in
11 accordance with the provisions of this Paragraph as a prerequisite to the granting of
12 such certification. However, a teacher certified in another state who meets all other
13 requirements for a Louisiana certificate granted to out-of-state graduates except for
14 the provisions of this Item shall be granted a three-year nonrenewable provisional
15 certificate to be used while ~~said~~ the teacher completes the requirements set forth in
16 this Paragraph.

17 * * *

18 (ii) The state superintendent of education shall administer the
19 aforementioned policy of the board. In such administration of the policy, the
20 superintendent shall choose the appropriate testing instrument, shall conduct all
21 necessary research to validate the applicability of the instrument to teacher education
22 programs within the state of Louisiana, and shall conduct all necessary research to
23 determine the level at which the examination is satisfactorily completed. During the
24 conduct of the research and in the preparation of the testing instrument, the
25 superintendent shall meet with and consider the suggestions of individual classroom
26 teachers, representatives of teacher organizations, deans of education of the public
27 colleges and universities of the state, and representatives of each of the governing
28 boards for higher education.

29 * * *

1 (8) Except as otherwise provided by law, approve ~~non-public~~ nonpublic
2 schools in accordance with the provisions of R.S. 17:11 and any other applicable
3 law.

4 * * *

5 §7.2. Approved teacher education programs

6 * * *

7 C. In adopting requirements for approval of teacher education programs
8 pursuant to this Section the board shall provide that such requirements shall not be
9 applicable to students enrolled in an approved teacher education program in
10 Louisiana on the effective date of this Section, unless the board finds that any such
11 requirement can be made applicable without undue hardship to the student. The
12 board shall provide that requirements adopted pursuant to Paragraphs ~~(4) and (5)~~ of
13 (A)(4) and (5) Subsection A of this Section shall not be applicable to students
14 enrolled in an approved teacher education program in Louisiana on the effective date
15 of such Paragraphs, unless the board finds that any such requirement can be made
16 applicable without undue hardship to the student.

17 * * *

18 §7.5. Alternative educational programs of instruction; submission of plans; board
19 approval; program monitoring

20 A. The state Department of Education, in collaboration with other
21 appropriate state agencies, shall establish guidelines, with the approval of the State
22 Board of Elementary and Secondary Education, for alternative educational programs
23 of instruction for at-risk public middle and high school students in grades six through
24 twelve. The state Department of Education shall provide for the definition of ~~said~~
25 at-risk students with the approval of the board.

26 * * *

27 §10.7.1. Return of certain schools from the Recovery School District to the
28 transferring school system; timeline; conditions; funding

29 * * *

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

3 (1) Shall adopt a policy that establishes a process to determine the
4 district-level funding allocation to be effective beginning July 1, 2017, and as revised
5 in subsequent years as appropriate, based upon student characteristics or needs, as
6 determined by the local school board, to distribute the total amount of minimum
7 foundation program formula funds allocated to the local school board and to Type
8 1, ~~1B~~, 3, 3B, 4, and 5 charter schools that are located within the geographic
9 boundaries of the local school system.

10 * * *

11 H.

12 * * *

13 (4) The local school superintendent shall submit the plan to the local school
14 board for approval by September 1, 2016. The plan shall include:

15 * * *

16 (b) An implementation ~~time line~~ timeline that shall include a detailed list of
17 tasks and benchmarks that are appropriately sequenced to efficiently facilitate the
18 transfer of such functions and related funding from the Recovery School District
19 with respect to the return of schools to the local school system.

20 * * *

21 §24.1. State Department of Education; in-service training programs

22 * * *

23 B. The purpose of such program shall be to establish guidelines for in-
24 service teacher educational programs for all teachers in the public schools and to
25 provide technical assistance to local school systems in developing such programs.
26 The plans for these in-service programs shall be such as to provide effective and
27 sequential training in professional or subject matter areas appropriate to each level
28 of teaching. The state Department of Education shall prepare, with the advice of a
29 representative group of classroom teachers, suggested guidelines for the

1 administration and content of the in-service training programs of professional
 2 improvement. These guidelines shall be revised from time to time as the
 3 ~~Superintendent of Education for Public Elementary and Secondary Education~~ state
 4 superintendent of education considers necessary or desirable, and shall be made
 5 available to each parish or city school board. The department shall also have
 6 authority to approve or disapprove programs as provided in this Section. The
 7 purpose of the in-service educational programs developed and approved under the
 8 provisions of this Section shall be to improve the instructional skills of all teachers
 9 in the public schools, their ability to communicate with and foster learning among
 10 students of differing backgrounds, their knowledge of the subject matter they teach,
 11 and innovative techniques in teaching such subject matter.

12 * * *

13 D. The department shall establish guidelines for such in-service programs.
 14 Such guidelines shall include but not be limited to provisions for:

15 (1) Requirement for frequent conduct of programs and time of programs,
 16 including guidelines for programs within and outside of the minimum school session
 17 and regular school days. When such programs are conducted outside the minimum
 18 school session ~~as defined by R.S. 17:225~~ or on a day other than regular school days,
 19 the teachers participating shall be compensated at a rate of no less than the average
 20 daily salary of a ~~first-year~~ first-year teacher with a bachelor's degree in that parish or
 21 city school system.

22 * * *

23 §24.9. Quality early literacy initiative; legislative findings; development; criteria;
 24 implementation; limitations

25 * * *

26 B. The state Department of Education shall develop a comprehensive and
 27 evidence-based early literacy initiative for students in kindergarten through third
 28 grade. The department shall:

29 * * *

1 (8) Report the data for each school, ~~for each~~ school system, and for the state
2 as a whole, in the school progress profiles provided pursuant to R.S. 17:3911 and
3 3912.

4 * * *

5 §25.1. Minimum foundation program; date for payments

6 A. As used in this Section, the following words and phrases shall have the
7 following meanings unless the context otherwise requires:

8 (1) "Department" means the state Department of Education acting through
9 the superintendent or his designee.

10 (2) "Schedule notice" means a notice sent by the department by registered
11 or certified mail to each affected parish and city school board describing a
12 disbursement schedule for the amounts payable annually to the board under the
13 ~~Minimum Foundation Program~~ minimum foundation program pursuant to this
14 Section.

15 * * *

16 B.(1) The department shall transmit to each parish and city school board not
17 later than the twenty-fifth day of each month, one-twelfth of the amount payable
18 annually to the board under the ~~Minimum Foundation Program~~ minimum foundation
19 program, unless the department mails a schedule notice to each parish and city
20 school board on or before May ~~±~~ first of each year which contains such information
21 as is required to inform such boards that a disbursement schedule of the amount
22 payable annually to the board under the ~~Minimum Foundation Program~~ minimum
23 foundation program will be implemented pursuant to this Section. ~~However, for~~
24 ~~fiscal year 1988-1989, the schedule notice shall be mailed on or before the end of the~~
25 ~~regular legislative session from a schedule provided by the Division of~~
26 ~~Administration, Appropriation's Control or the state treasurer.~~

27 (2) Notice and implementation of a disbursement schedule pursuant to this
28 Section shall by its terms in no way reduce the aggregate annual ~~Minimum~~
29 ~~Foundation Program~~ minimum foundation program funds payable to all parish and

1 city school boards and the annual ~~Minimum Foundation Program~~ minimum
2 foundation program funds payable to an individual parish or city school board in
3 accordance with Article VIII, Section 13(B) of the Constitution of Louisiana.

4 C. The schedule notice shall set forth the fraction or percentage of annual
5 ~~Minimum Foundation Program~~ minimum foundation program disbursements, if any,
6 to be transmitted each month, the latest day on which the disbursements, if any, will
7 be transmitted, which date shall not be later than the twenty-fifth day of any month
8 during which disbursements are scheduled to be transmitted, and such other
9 information as the department deems necessary or convenient.

10 * * *

11 E.(1) A disbursement schedule for which the schedule notice has been given
12 shall not be effective during the fiscal year described therein unless and until an
13 amount in addition to the aggregate ~~Minimum Foundation Program~~ minimum
14 foundation program formula amount shall have been included in the general
15 appropriations act for such fiscal year sufficient to reimburse each parish and city
16 school board for the interest expense and costs, if any, incurred as a direct result of
17 an alternative borrowing caused by the implementation of a disbursement schedule
18 pursuant to this Section. The aggregate interest expense and costs, if any, projected
19 to be incurred by parish and city school boards and included in the general
20 appropriations act shall be projected and calculated by the department and such
21 calculation shall be conclusive.

22 * * *

23 §64. Zachary Community School Board and school system; creation; membership;
24 qualifications; apportionment; election; powers, duties, and functions; system
25 operation

26 A.

27 * * *

28 (3) No appropriation of state funds shall be provided to provide assistance
29 or support with the initial establishment of the Zachary community school system.

1 Nothing in this Paragraph shall limit the participation of the Zachary community
2 school system in the ~~Minimum Foundation Program~~ minimum foundation program
3 or any other appropriation applicable to other public school systems in the state.

4 * * *

5 §105.1. Transfer to schools in an adjoining school system; conditions; exceptions;
6 funding

7 * * *

8 D. In the case of the transfer of any student pursuant to this Section, the
9 adjoining school system shall notify the state Department of Education. The state
10 Department of Education shall adjust the allocation of money through the ~~Minimum~~
11 ~~Foundation Program~~ minimum foundation program formula or any other monies
12 appropriated and allocated among school systems based in any way on the number
13 of students enrolled so as to account for the transfer of the student.

14 * * *

15 §151.3. Kindergarten; establishment; entrance age; prerequisites

16 * * *

17 C.

18 * * *

19 (3) A child not able to meet the kindergarten attendance requirements as
20 provided in Paragraph (1) of this Subsection due to illness or extraordinary,
21 extenuating circumstances as determined by the city, parish, or other local public
22 school board shall be required to satisfactorily pass an academic readiness screening
23 administered by the city, parish, or other local public school board prior to the time
24 of enrollment ~~for~~ in the first grade.

25 * * *

26 §203. Definitions

27 As used in this Subpart, the following terms ~~words~~ have the following
28 meanings ~~ascribed to them~~ unless the context requires otherwise:

29 * * *

1 §221. School attendance; compulsory ages; duty of parents; excessive absences;
2 condition for driving privileges

3 A.(1)

4 * * *

5 (b) Beginning with the 2022-2023 school year, the parent or legal guardian
6 of a child who resides in Louisiana and who is age five₂ by September thirtieth of the
7 calendar year in which the school year begins₂ through eighteen shall send the child
8 to a public or nonpublic school, as defined by R.S. 17:236, unless the child's parent
9 or legal guardian opted to defer enrollment of his child in kindergarten pursuant to
10 R.S. 17:151.3(D) or the child graduates from high school prior to his eighteenth
11 birthday. A child below the age of five who legally enrolls in school shall also be
12 subject to the provisions of this Subpart.

13 * * *

14 B.(1) A city, parish, or other local public school board shall grant admission
15 or readmission to school to any person who meets all of the following criteria:

16 * * *

17 (b) Meets the eligibility requirements for school entrance pursuant to R.S.
18 ~~17:222(A)~~; 17:221.

19 * * *

20 §222. School entrance; proof of age, race, and parentage required; exceptions

21 * * *

22 C.(1) Notwithstanding the provisions of Subsections A and B of this Section,
23 the parish school boards in Jefferson and Orleans parishes may adopt, by rule, and
24 enforce ages for entrance into first grade in the schools in their systems which vary
25 from the provisions of this Section. All children admitted into school as a result of
26 a rule adopted pursuant to this Subsection shall be counted in reports submitted for
27 funding under the ~~Minimum Foundation Program~~ minimum foundation program and

1 money allocated pursuant to such program shall be based on the report which
2 includes such children.

3 * * *

4 §372. Definitions

5 As used in this Part, the following terms ~~shall have the meaning ascribed to~~
6 ~~them in this Section,~~ following meanings ~~except when unless~~ the context clearly
7 indicates ~~a different meaning~~ otherwise:

8 * * *

9 §391.2. Definitions

10 As used in this Part, the following ~~words, terms, and phrases shall have the~~
11 ~~meaning ascribed to them in this Section,~~ following meanings ~~except when unless~~
12 the context clearly indicates ~~a different meaning~~ otherwise:

13 * * *

14 §392.1. Screening and intervention; purpose; applicability; city and parish school
15 system; duties

16 * * *

17 C. Screenings as required by this Section shall have one or more of the
18 following results:

19 * * *

20 (3) Indication of need for assistance to ameliorate the effect of a possible ~~at-~~
21 ~~risk~~ risk factor.

22 * * *

23 §395. Statement of purpose

24 A. The purpose of this Part is to provide supplemental funds for the delivery
25 of supplemental remedial instruction adapted for those eligible students in the
26 elementary and secondary schools of this state as set forth in the city and parish
27 school board pupil progression plans approved by the State Board of Elementary and
28 Secondary Education. A program of remedial education shall be put into place by
29 local parish and city parish school systems following regulations adopted by the state

1 Department of Education and approved by the state board pursuant to R.S. 17:24.4.

2 All eligible students shall be provided with appropriate remedial instruction.

3 * * *

4 §396. Definitions

5 As used in this Part, the following ~~words, terms, and phrases shall~~ have the
6 ~~meaning ascribed to them in this Section,~~ following meanings ~~except when unless~~
7 the context clearly indicates a ~~different meaning~~ otherwise:

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

9 * * *

10 §407.1. Definitions

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

13 * * *

14 §407.33. Definitions

15 ~~A.~~ As used in this Part, the following ~~definitions shall apply~~ terms have the
16 following meanings unless the context clearly ~~states~~ indicates otherwise:

17 (1) "Camp" means any place or facility operated by any institution, society,
18 agency, corporation, person or persons, or any other group which serves only
19 children five years of age or older and operates only when school is not in session
20 during the summer months or school holidays.

21 (2) "Child" means a person who has not reached age eighteen or otherwise
22 been legally emancipated.

23 (3) "Child day care center" means any place or facility operated by any
24 institution, political subdivision, society, agency, corporation, person or persons, or
25 any other group for the purpose of providing care, supervision, and guidance of
26 seven or more children, not including those related to the caregiver, unaccompanied
27 by parent or legal custodian, on a regular basis for at least twelve and one-half hours
28 in a continuous seven-day week. If a child day care center provides transportation
29 or arranges for transportation to and from the center, either directly or by contract

1 with third parties, all hours during which a child is being transported shall be
2 included in calculating the hours of operation. A child day care center that remains
3 open for more than twelve and one-half hours in a continuous seven-day week, and
4 in which no individual child remains for more than twenty-four hours in one
5 continuous stay shall be known as a full-time child day care center. A child day care
6 center that remains open after 9:00 p.m. shall meet the regulations established for
7 nighttime care.

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

9 (5) "Early learning center" means any child day care center, Early Head Start
10 Center, Head Start Center, or stand-alone prekindergarten program not attached to
11 a school.

12 (6) "Head Start and Early Head Start Programs" mean the ~~federally-funded~~
13 federally funded early childhood care and education programs that promote and
14 teach school readiness to children ages birth to five from low-income families and
15 provide services in the areas of education, social services for families, nutrition,
16 family engagement, health and mental health, as well as providing the physical plant
17 and instructional staff members for such purposes.

18 (7) "License type" means the type of license applied for or held, which shall
19 include Type I, Type II, and Type III.

20 (8) "Related" or "relative" means a natural or adopted child or grandchild of
21 the caregiver or a child in the legal custody of the caregiver.

22 * * *

23 §407.62. Definitions

24 As used in this Part, the following ~~definitions shall apply~~ terms have the
25 following meanings unless the context clearly ~~states~~ indicates otherwise:;

26 * * *

1 §407.82. Definitions.

2 As used in this Part, the following ~~definitions shall apply~~ terms have the
3 following meanings:

4 * * *

5 §407.91. Definitions

6 As used in this Part, the following ~~definitions shall apply~~ terms have the
7 following meanings:

8 * * *

9 §409.2. Definitions

10 ~~For the purposes of~~ As used in this Subpart, the following terms have the
11 following meanings:

12 * * *

13 §416. Discipline of students; suspension; expulsion

14 A.(1)

15 * * *

16 (c)

17 * * *

18 (iii) A student in kindergarten through grade five removed from a class
19 pursuant to this Subparagraph shall not be permitted to return to the class for at least
20 thirty minutes unless agreed to by the teacher initiating the disciplinary action. A
21 student in grades six through twelve removed from a class pursuant to this
22 Subparagraph shall not be permitted to return to the class during the same class
23 period unless agreed to by the teacher initiating the disciplinary action. Additionally,
24 the student shall not be readmitted to the class until the principal has implemented
25 at least one of the following disciplinary measures:

26 * * *

1 (II) Requiring the completion of all assigned school work and homework that
2 would have been assigned and completed by the student during the period of out-of-
3 school suspension.

4 * * *

5 B.(1)(a) Any student after being suspended for committing any of the
6 offenses enumerated in this Section may be expelled, upon recommendation by the
7 principal of the public school in which ~~said~~ the student is enrolled, which
8 recommended expulsion shall be subject to the provisions of Subsection C of this
9 Section.

10 * * *

11 C.(1) Upon the recommendation by a principal for the expulsion of any
12 student as authorized by Subsection B of this Section or a school board's code of
13 conduct, a hearing shall be conducted by the superintendent or his designee within
14 fifteen school days to determine the facts of the case and make a finding of whether
15 or not the student is guilty of conduct warranting a recommendation of expulsion.
16 The school board ~~must~~ shall provide written notice of the hearing to the student and
17 his parent or legal guardian, and such notice shall advise the student and his parent
18 or legal guardian of their rights. Upon the conclusion of the hearing and upon a
19 finding that the student is guilty of conduct warranting expulsion, the superintendent
20 or his designee shall determine whether such student shall be expelled from the
21 school system or if other corrective or disciplinary action shall be taken. At the
22 hearing the principal or teacher concerned may be represented by any person
23 appointed by the superintendent. The concerned teacher shall be permitted to attend
24 such hearing and shall be permitted to present information the teacher believes
25 relevant. Until such hearing takes place the student shall remain suspended from the
26 school with access to classwork and the opportunity to earn academic credit. At such
27 hearing the student may be represented by any person of his choice. A student who
28 is expelled or suspended for longer than ten days shall be provided with academic
29 instruction at an alternative setting in accordance with R.S. 17:416.2.

1 (2)

2 * * *

3 (d)

4 * * *

5 (ii) Any student expelled pursuant to the provisions of this Subsection or
6 Subsection B of this Section seeking readmission on a probationary basis prior to the
7 end of the specified period of expulsion ~~must~~ shall also comply with the provisions
8 of Subparagraph (B)(3)(d) of this Section.

9 * * *

10 H.(1) No student shall be disciplined in any manner by the governing
11 authority of a public elementary or secondary school or by any public elementary or
12 secondary school administrator, teacher, or other school employee for the use of
13 force upon another person when it can be reasonably concluded that the use of such
14 force more probably than not was committed solely for the purpose of preventing a
15 forcible offense against the student or a forcible offense provided that the force used
16 ~~must~~ shall be reasonable and apparently necessary to prevent such offense.

17 * * *

18 K. For the purposes of this Section, "virtual instruction" means instruction
19 provided to a student through an electronic delivery medium including but not
20 limited to electronic learning platforms that connect to a student in a remote location
21 to classroom instruction. A city, parish, or other local public school board discipline
22 policy shall clearly define the rules of conduct and expectations of students engaged
23 in virtual instruction, shall provide for notice of such rules and expectations to the
24 parents and guardians of students, shall include clearly defined consequences of
25 conduct, shall be narrowly tailored to address compelling government interests, and
26 shall take into consideration the students' and their families' rights to privacy and
27 other constitutional rights while at home or in a location that is not school property.
28 The provisions of this Section ~~herein~~ related to mandatory recommendation for

1 expulsion shall not be applied to virtual instruction received by a student in the
2 student's home.

3 * * *

4 §419.2. Extra compensation for school support personnel

5 * * *

6 D. In any year in which the ~~Minimum Foundation Program~~ minimum
7 foundation program formula adopted by the legislature contains the extra
8 compensation paid by the state for support personnel employed by city, parish, or
9 other local public school systems, extra compensation for such personnel as provided
10 in this Section shall not be in force and effect for such year and for any succeeding
11 year in which such formula remains in effect.

12 * * *

13 §434. Planning time for teachers; required

14 A. The State Board of Elementary and Secondary Education shall adopt
15 necessary rules and regulations requiring each city and parish school board to
16 provide a minimum of forty-five minutes daily uninterrupted planning time, or its
17 weekly equivalent for every teacher actively engaged in the instruction and
18 supervision of students in ~~the~~ public schools. Implementation of planning time as
19 required in this Section for teachers shall not result in a lengthened school day or a
20 reduction in student daily instructional time.

21 * * *

22 §441. Definitions

23 ~~For purposes of~~ As used in this Subpart, the following terms have the
24 following meanings:

25 * * *

26 §540. Definitions

27 ~~For the purposes of~~ As used in this Subpart, the following terms ~~and phrases~~
28 ~~are used as defined by this Section~~ have the following meanings:

29 * * *

1 §1233. Definitions

2 As used in this Part, The the following words, terms, and phrases shall have
3 the meaning ascribed to them in this Section, following meanings unless the context
4 clearly indicates otherwise:

5 * * *

6 §1519.1. Definitions

7 As used in this Subpart, the following terms ~~defined in this Section~~ shall have
8 the following meanings ~~herein given to them, except where~~ unless the context clearly
9 indicates otherwise.

10 * * *

11 §1672. Definitions

12 As used in this Subpart, the following terms have the following meanings:

13 A. (1) The term "department" "Department" shall mean the ~~State~~ state
14 Department of Education.

15 B. (2) The term "approved" "Approved institutions of higher education" shall
16 mean Centenary College, Dillard University, St. Mary's Dominican College, Holy
17 Cross College, Louisiana College, Loyola University, Tulane University, and Xavier
18 University, all in Louisiana, and all other institutions of higher education in the state,
19 public or private, approved by the department.

20 C. (3) The terms "scholarship" "Scholarship" or "scholarship program" shall
21 mean a scholarship or the scholarship program authorized and established by the
22 provisions of this ~~subpart.~~ Subpart.

23 §1673. Scholarship program to be administered by state ~~department of education~~
24 Department of Education

25 The scholarship program established and authorized by this ~~subpart~~ Subpart
26 shall be administered by the state ~~department of education~~ Department of Education.

27 * * *

1 §1942. Definitions

2 A. For purposes of this Chapter, the definitions in the Individuals with
3 Disabilities Education Improvement Act of 2004 are hereby adopted unless
4 otherwise provided by this Chapter or duly adopted regulations or policies.

5 B. As used in this Part, the following terms have the following meanings:

6 (1) A "student with an exceptionality", including a student with a disability,
7 is any student who is evaluated according to state and federal regulation or policy
8 and is deemed to have a mental disability, hearing loss (including deafness), multiple
9 disabilities, deaf-blindness, speech or language impairment, visual impairment
10 (including blindness), emotional disturbance, orthopedic impairment, other health
11 impairment, specific learning disability, traumatic brain injury, autism, or is deemed
12 to be gifted or talented, and as a result requires special education and related
13 services. A student with an exceptionality may include, as determined by the local
14 education agency, a student experiencing developmental delay ages three through
15 eight.

16 ~~€:~~ (2) "Education service agency" means a regional public multiservice
17 administrative agency authorized by state law to develop, manage, and provide
18 services or programs to local education agencies and includes any other public
19 institution or agency having administrative control and direction over a public
20 elementary or secondary school.

21 ~~Đ:~~ (3) "Local education agency" means a public board of education or other
22 public authority legally constituted within Louisiana for administrative control and
23 direction of or to perform a service function for public elementary or secondary
24 schools in a city, parish, or other local public school district or other political
25 subdivision. The term includes an education service agency and special schools and
26 school districts as that term is used in R.S. 17:1945 and any other public institution
27 or agency having administrative control and direction of a public elementary or
28 secondary school.

1 ~~E.~~ (4) "Resident" as it applies to a student with an exceptionality for
2 purposes of this Chapter shall mean any one of the following:

3 ~~(†)~~ (a) The student is a resident within the geographical boundaries of the
4 local education agency in which the student's parent or parents have their legal
5 residence, unless the parent or parents have relinquished custody of the student. In
6 such case, the student is a resident within the geographical boundaries of the local
7 education agency in which the student's legal custodian or custodians have their legal
8 residence.

9 ~~(‡)~~ (b) If a student's parents are divorced, the student is a resident of the local
10 education agency in which the student's domiciliary or custodial parent or parents
11 have their legal residence.

12 ~~(↔)~~ (c) If a student is in foster care, the student is a resident of the local
13 education agency in which the parent or parents with whom the student lived
14 immediately prior to being placed into foster care have their legal residence.

15 §1943. Administration and supervision

16 A.(1) Except as otherwise provided in Paragraph (2) of this Subsection, the
17 provisions of this Chapter shall be administered at the state level by the state
18 Department of Education, with the approval of the State Board of Elementary and
19 Secondary Education, and on the city or parish level by local education agencies.

20 (2) The state Department of Education, with the approval of the State Board
21 of Elementary and Secondary Education, shall provide only general supervision and
22 monitoring when the provisions of this Chapter are administered through or in other
23 state agencies.

24 * * *

25 C. The state Department of Education shall establish pupil-teacher ratios and
26 class sizes taking into account the chronological age of the student with an
27 exceptionality, the severity of the disability, and the type of exceptionality.

28 §1944. Local education agency; responsibilities

29 * * *

1 D. Whenever adequate education results can best be obtained by providing
 2 cooperative special education and related services, the local education agencies shall
 3 establish and maintain such facilities and programs according to procedures
 4 established by the state Department of Education with the approval of the State
 5 Board of Elementary and Secondary Education. Adjacent and nearby local education
 6 agencies shall pool their resources for this purpose. The local education agency
 7 within whose boundaries ~~said~~ the facility is located shall be designated as the
 8 coordinating fiscal agency.

9 * * *

10 §1945.2. Funding; inclusion in the minimum foundation program formula; other
 11 appropriated state funds

12 * * *

13 B. The Special School District shall be considered a public school and, as
 14 such, shall be included by the State Board of Elementary and Secondary Education
 15 in the formula required by Article VIII, Section 13 of the Constitution of Louisiana
 16 used to determine the cost of a minimum foundation program of education in all
 17 public elementary and secondary schools. Funding shall be provided through
 18 appropriations made directly to the district from the state general fund and through
 19 funds appropriated for the minimum foundation program and allocated to the district
 20 by the state Department of Education.

21 * * *

22 §1946. Procedural safeguards

23 A. The state Department of Education, the Special School District, and the
 24 local education agencies shall establish and maintain regulations and procedures in
 25 accordance with this Section and the Individuals with Disabilities Education
 26 Improvement Act of 2004 to ensure that students with exceptionalities and their
 27 parents are provided procedural safeguards with respect to the provision of free
 28 appropriate public education by such agencies.

29 * * *

1 §1947. Funding

2 * * *

3 C. The state Department of Education and local education authorities may,
4 under policies established by the State Board of Elementary and Secondary
5 Education, enter into purchase of service agreements or contracts with other public
6 or nonpublic agencies to provide special education and related services.

7 * * *

8 §1962. Definitions

9 As used in this Part, the following ~~words, terms and phrases shall have the~~
10 ~~meanings ascribed to them in this Section;~~ following meanings except when unless
11 the context clearly indicates ~~a different meaning~~ otherwise:

12 (1) "Department" means the state ~~department of education~~ Department of
13 Education.

14 * * *

15 §1970.2. Definitions

16 As used in this Part, the following ~~words, terms, and phrases shall have the~~
17 ~~meanings ascribed to them in this Section;~~ following meanings except when unless
18 the context clearly indicates ~~a different meaning~~ otherwise:

19 * * *

20 §1970.22. Definitions

21 As used in this Part, the following ~~words, terms, and phrases shall have the~~
22 ~~meanings ascribed to them in this Section;~~ following meanings except when unless
23 the context clearly indicates ~~a different meaning~~ otherwise:

24 * * *

25 §1970.24. Board of directors; creation; membership; terms; powers and duties;
26 voting; compensation

27 * * *

28 B.(1) The board of directors shall be composed of thirteen persons as
29 follows:

1 ~~(a)(i) Effective until June 30, 2012, two members appointed by the Orleans~~
2 ~~Parish School Board, whose terms shall expire on June 30, 2012.~~

3 ~~(ii) Effective July 1, 2012, and thereafter, two Two members as follows:~~

4 ~~(aa) (i) One member appointed by the Orleans Parish School Board. He may~~
5 ~~be replaced by resolution of the school board.~~

6 ~~(bb) (ii) An employee of the state Department of Education appointed by the~~
7 ~~state superintendent of education.~~

8 ~~(b)(i) Effective until June 30, 2010, two members appointed by the governor,~~
9 ~~neither of whom is serving as the vice president of the board on June 24, 2010, and~~
10 ~~at least one of whom shall be a member of a minority racial group in the state, whose~~
11 ~~terms shall expire on June 30, 2010.~~

12 ~~(ii) Effective July 1, 2010, and thereafter, two Two members appointed by~~
13 ~~the governor, at least one of whom shall be a member of a minority racial group in~~
14 ~~the state.~~

15 ~~(iii)(aa) Effective until June 30, 2012, one person appointed by the governor~~
16 ~~and serving as the vice president of the board upon June 24, 2010, whose term shall~~
17 ~~expire on June 30, 2012.~~

18 ~~(bb) Effective July 1, 2012, and thereafter, one (c) One person appointed by~~
19 ~~the governor who shall be from outside the greater New Orleans region.~~

20 ~~(c) (d) Six persons shall be appointed by the governor from among nominees~~
21 ~~as follows:~~

22 ~~(i)(aa) Effective until June 30, 2010, one member from among nominees~~
23 ~~submitted by the mayor of the city of New Orleans and identified by him as a~~
24 ~~professional creative artist, whose term shall expire on June 30, 2010.~~

25 ~~(bb) Effective July 1, 2010, and thereafter, one One member from among~~
26 ~~nominees submitted by the mayor of the city of New Orleans.~~

27 ~~(ii)(aa) Effective until June 30, 2012, one member from among nominees~~
28 ~~submitted either by the presidents of Dillard University, Xavier University, and~~
29 ~~Southern University at New Orleans, acting jointly either personally or by a person~~

1 ~~designated from among their most senior university colleagues, or by one such~~
2 ~~president or his designee for one term alternated with the other presidents or their~~
3 ~~designees for subsequent terms, as decided by them jointly, whose term shall expire~~
4 ~~on June 30, 2012.~~

5 ~~(bb) Effective July 1, 2012, and thereafter, one~~ One member from among
6 nominees submitted either by the presidents of Dillard University, Xavier University,
7 and Southern University at New Orleans, acting jointly either personally or by a
8 person designated from among their most senior university colleagues, or by one
9 such president or his designee for one term alternated with the other presidents or
10 their designees for subsequent terms, as decided by them jointly.

11 ~~(iii)(aa) Effective until June 30, 2012, two members from among nominees~~
12 ~~submitted by the New Orleans Center for the Creative Arts Institute, whose terms~~
13 ~~shall expire on June 30, 2012.~~

14 ~~(bb) Effective July 1, 2012, and thereafter, two~~ Two members from among
15 nominees submitted by the New Orleans Center for Creative Arts Institute.

16 ~~(iv)(aa) Effective until June 30, 2010, two members from among nominees~~
17 ~~submitted by the parents association or the faculty or the alumni association of the~~
18 ~~New Orleans Center for Creative Arts as decided by such organizations, whose terms~~
19 ~~shall expire on June 30, 2010.~~

20 ~~(bb) Effective July 1, 2010, and thereafter, two~~ Two members as follows:

21 ~~(f) (aa)~~ (aa) One member from among nominees submitted by the center faculty
22 and employed as at least a half-time faculty member.

23 ~~(f) (bb)~~ (bb) One member who is an alumnus or alumna of the center selected
24 from among nominees submitted by the president/chief executive officer of the
25 center.

26 ~~(d) (e)~~ (e) The member of the Louisiana House of Representatives in whose
27 election district the center's main campus is located or his designee.

1 ~~(e)~~ (f) The member of the Louisiana Senate in whose election district the
2 center's main campus is located or his designee.

3 * * *

4 §1972. Definitions

5 As used in this Part, the following ~~words, terms, and phrases shall~~ have the
6 ~~meanings ascribed to them in this Section,~~ following meanings ~~except when unless~~
7 the context clearly indicates ~~a different meaning~~ otherwise:

8 * * *

9 §1982. Definitions

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

12 * * *

13 §1987. School district for certain correctional centers for youth

14 * * *

15 C. The state shall annually appropriate sufficient monies to fund any school
16 in the district created in this Part in an amount equal to not less than the per pupil
17 amount allocated pursuant to the ~~Minimum Foundation Program~~ minimum
18 foundation program formula to the city or parish school district in which each such
19 correctional center for youth is located. The appropriation shall be made to the
20 administering agency for the district which may be expended by the agency for the
21 provision of educational services in the same manner as such money may be
22 expended by intermediate educational units in providing educational services to
23 students subject to the limitations in Paragraph (A)(2) of this Section.

24 * * *

25 §1989.2. Definitions

26 As used in this Part, the following ~~words, terms, and phrases shall~~ have the
27 ~~meanings ascribed to them in this Section,~~ following meanings ~~except where unless~~
28 the context clearly indicates ~~a different meaning~~ otherwise:

29 * * *

1 §1990. Recovery School District; creation; governance; operation

2 * * *

3 B.(1)

4 * * *

5 (b) The expenditure of funds shall be subject to the requirements of the
6 approved ~~Minimum Foundation Program~~ minimum foundation program formula that
7 apply to a city, parish, or other local public school system and shall be subject to
8 audit in the same manner.

9 * * *

10 C.(1)(a) The state shall annually appropriate sufficient monies to fund any
11 school in the school district created in this Part in an amount equal to but not less
12 than the school's student membership count times one hundred percent of the state
13 share per student as provided in the ~~Minimum Foundation Program~~ minimum
14 foundation program approved formula for the city, parish, or other local public
15 school system in which each school placed under the jurisdiction of the district is
16 located as contained in the ~~Minimum Foundation Program~~ minimum foundation
17 program budget letter approved by the State Board of Elementary and Secondary
18 Education. The appropriation shall be made to the administering agency for the
19 district and may be expended by the agency for the provision of services to students
20 in the district.

21 * * *

22 (2)(a)(i) In addition to the appropriation required in Paragraph (1) of this
23 Subsection, any city, parish, or other local public school board which had jurisdiction
24 of a school prior to its transfer to this district annually shall allocate and transfer to
25 the school district an amount of money equal to the number of students enrolled in
26 such a school times the local per pupil amount received by the school system from
27 all of the following sources as provided in the ~~Minimum Foundation Program~~
28 minimum foundation program approved formula, excluding any portion which has
29 been specifically dedicated by the legislature or by voter approval to capital outlay

1 or debt service or which was actually expended by the school board for facilities
2 acquisition and construction as reported to the state Department of Education:

3 * * *

4 (ii)(aa) Such allocation and transfer shall be accomplished by a reduction in
5 the amount of state funds otherwise to be allocated to the city, parish, or other local
6 public school system as contained in the ~~Minimum Foundation Program~~ minimum
7 foundation program budget letter approved by the State Board of Elementary and
8 Secondary Education equal to the amount provided in this Paragraph which
9 reduction shall be allocated to the school district.

10 (bb) In the case that there are insufficient funds available to provide the total
11 due the school district under this Paragraph if all state funds are reduced and
12 allocated to the school district, the prior system shall transfer a sufficient amount of
13 money remaining from the sources provided in Item (i) of this Subparagraph to the
14 school district. In the case that the prior system's local revenues are insufficient to
15 allow for the allocation to the school district and to allow the prior system to
16 maintain a minimum balance of ten percent of state ~~Minimum Foundation Program~~
17 minimum foundation program funding and ten percent of the local revenues listed
18 in Item (i) of this Subparagraph, local revenues otherwise required to be allocated
19 to the school district shall be reduced to an amount necessary to allow the prior
20 system to maintain such balances. Such maintained minimum balances shall be
21 applied firstly to the prior system's retiree health insurance costs and secondly to the
22 prior system's board administrative costs.

23 * * *

24 §1991. Definitions

25 A. As used in this Part, ~~unless otherwise clearly indicated~~, the following
26 terms have the following meanings ~~ascribed below~~ unless the context clearly
27 indicates otherwise:

28 * * *

1 §2351. Definitions

2 As used in this Part, the following terms have the following meanings:

3 * * *

4 §2803. Definitions

5 As used in this ~~chapter~~ Chapter, the following terms have the following
6 meanings:

7 (1) "Cooperative" means a corporation organized under this Chapter and a
8 corporation which becomes subject to this Chapter in the manner ~~hereinafter~~
9 provided in this Chapter.

10 * * *

11 §2925. Individual graduation plans

12 A.

13 * * *

14 (6) Upon completion of the review, the plan shall be signed by the student,
15 his parent or ~~other~~ legal guardian, and the school counselor.

16 * * *

17 §2942. Definitions

18 As used in this Chapter, the following terms have the following meanings:

19 ~~A.~~ (1) "Courses" means one of the following:

20 ~~(1)~~ (a) Academic courses that the successful completion of which would
21 result in earned credit that may be transferred to a public postsecondary education
22 institution and applied toward an undergraduate degree.

23 ~~(2)~~ (b) Career and technical education courses aligned with the career major
24 option, pursuant to R.S. 17:183.1 et seq., that may be transferred for credit to a
25 public postsecondary education institution and applied toward a credential from such
26 institution.

1 B: ~~(2)~~ "Dual enrollment" means the enrollment of a secondary school student
2 in a postsecondary course for which both secondary school and postsecondary credit
3 may be earned.

4 * * *

5 §2990.2. Definitions

6 As used ~~herein~~ in this Chapter, the following terms ~~shall~~ have the following
7 meanings, unless the context clearly indicates otherwise:

8 (1) ~~"child"~~ "Child", "children", or "student" means any child or children
9 between the ages of six and fifteen whose attendance at a public or private day
10 school is required by ~~Louisiana Revised Statutes~~ R.S. 17:221 who attends a
11 nonpublic school and all such children beyond the age of fifteen up to the age of
12 eighteen actually enrolled in a nonpublic school as defined herein.

13 (2) ~~"parent"~~ "Parent" or "low income parent" means the parent, tutor or other
14 person residing within the state of Louisiana having control or charge of any child
15 herein defined whose total annual income for the previous year did not exceed
16 \$7,500.00 or, who meets the requirements of R.S. 17:2990.3(2).

17 (3) ~~"nonpublic"~~ "Nonpublic school" means any nonprofit elementary or
18 secondary school within the state of Louisiana or which may hereafter be established
19 within the state of Louisiana, offering education to the children of this state in any
20 grades from grades one through twelve, wherein a pupil may fulfill the requirements
21 of the Compulsory School Attendance Law and is in compliance with the Civil
22 Rights Acts of 1964.

23 (4) ~~"total"~~ "Total annual income" means the total amount actually earned in
24 the tax year as reflected in the federal or state income tax return. If both parents earn
25 income, both shall be considered in determining the total.

26 * * *

27 §3002. ~~Definition of terms~~ Definitions

28 A. ~~The terms "school counselor", "counseling director", and "practice of~~
29 ~~school counseling" for the purposes of~~ As used in this Chapter, the following terms

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 shall have the ~~meaning respectively ascribed to them in this Section.~~ following
2 meanings:

3 ~~B:~~ (1) "Counseling director" is a member of the school faculty who functions
4 as a school counselor but has the following additional responsibilities in the school
5 system:

6 ~~(1)~~ (a) The director aids teachers by gathering and interpreting facts which
7 will enable the student to take advantage of the educational opportunities available
8 and to maximize personal growth and development.

9 ~~(2)~~ (b) The director fosters a greater understanding between teachers and
10 parents of the emotional, social, and academic problems of the individual student as
11 well as the potentialities and limitations of the student.

12 ~~C:~~ ~~(1)~~ (2)(a) "Practice of school counseling" means the rendering, offering
13 to render, or supervising those who render to individuals or groups of pupils within
14 the elementary, secondary, and postsecondary schools, services involving the
15 application of counseling procedures for learning how to solve problems and make
16 decisions.

17 ~~(2)~~ (b) In the practice of counseling:

18 ~~(a)~~ (i) The counselor serves as an advocate for children within the adult
19 structure of the school and community and has as his or her prime responsibility,
20 services to and for the pupil, and

21 ~~(b)~~ (ii) The counselor does not include among his or her responsibilities the
22 administration of disciplinary action, substitute teaching, or administrative clerical
23 duties.

24 ~~(3)~~ (c) A school counselor shall devote not less than two-thirds of each
25 academic school year to the practice of school counseling.

26 ~~D:~~ (3) "School counselor" is a member of the school faculty who by training
27 and background is qualified to engage in educational and vocational counseling and
28 advisement. The purpose of a school counselor is to help students to arrive at their

1 full potential through a process involving direct contact between the counselor and
2 a student, parents, teachers, school administrators, ~~and/or~~ or others.

3 * * *

4 §3005. Elementary school counselors; availability; guidelines; requirements;
5 counseling services; work time; exceptions; reporting; funding

6 * * *

7 G. The provisions of this Section shall become effective upon the provision
8 of funds for this purpose in the ~~Minimum Foundation Program~~ minimum foundation
9 program.

10 * * *

11 §3047.6. Coordination with other agencies

12 A.(1) The office of student financial assistance shall establish a working
13 group composed of an appointee from each of the following:

14 * * *

15 (c) The ~~Louisiana~~ state Department of Education.

16 * * *

17 §3047.7. Reporting system; implementation; requirements; applicability;
18 participation by eligible institutions

19 * * *

20 C. The administering agency shall, with the cooperation and assistance of the
21 state's public two-year ~~institutions~~ of postsecondary education institutions and
22 proprietary schools, annually query each first-time award recipient to determine the
23 extent receiving the award influenced the recipient's decision to enroll in
24 postsecondary education.

25 * * *

26 §3050.11. Health Care Employment Reinvestment Opportunity (H.E.R.O.) Fund

27 * * *

28 C.(1) Subject to legislative appropriation and the approval of the Board of
29 Regents, the Louisiana Health Works Commission is hereby authorized and directed

1 to determine how monies in the fund are allocated and expended through a
2 multi-year plan, solely and exclusively for the following purposes and in the
3 following priorities:

4 * * *

5 (b) Support the nursing and allied health professions by providing incentives
6 that financially support student financial stipends and tuition forgiveness contingent
7 upon employment in Louisiana ~~health-care~~ healthcare facilities or nursing or allied
8 health schools.

9 (c) Provide incentives for nursing and allied ~~health-care~~ healthcare
10 professionals to practice in Louisiana with an emphasis on medically underserved
11 areas of the state.

12 * * *

13 §3052. Definitions

14 As used in this Chapter, ~~The~~ the following terms ~~shall~~ have the following
15 meanings, unless the context clearly indicates otherwise:

16 ~~(2)~~ (1) "Authority" shall mean the Health Education Authority of Louisiana,
17 and when used in connection with action authorized to be taken by the authority,
18 shall mean the authority acting by and through its board of trustees.

19 ~~(3)~~ (2) "Board" shall mean the board of trustees of the Health Education
20 Authority of Louisiana.

21 ~~(5)~~ (3) "Executive director" shall mean the executive director of the Health
22 Education Authority of Louisiana.

23 ~~(6)~~ (4) "Participating institutions" shall mean those institutions which apply
24 to and are designated by the authority, other than primary institutions, and consisting
25 of public or private hospitals and medical or health corporations, or institutions
26 which deliver medical or health services or provide facilities within the primary
27 service area.

1 ~~(7)~~ (5) "Primary institutions" shall mean University Medical Center at New
2 Orleans, Louisiana State University and Agricultural and Mechanical College, and
3 Tulane University of Louisiana.

4 ~~(8)~~ (6) "Primary service area" means communities in Louisiana where
5 graduate medical education is offered.

6 ~~(9)~~ (7) "Project" shall mean any specific facility, work or improvement
7 undertaken or to be financed by the authority under the provisions of the Act.

8 * * *

9 §3082. Definitions

10 As used in this Chapter, the following terms have the following meanings
11 ~~ascribed in this Section:~~

12 * * *

13 §3092. Definitions

14 ~~For the purposes of~~ As used in this Chapter, the following ~~words, terms, and~~
15 ~~phrases shall~~ have the following meanings; unless the context clearly ~~requires~~
16 indicates otherwise:

17 * * *

18 §3100.2. Definitions

19 ~~For the purposes of~~ As used in this Chapter, the following ~~words, terms, and~~
20 ~~phrases shall~~ have the following meanings unless the context clearly ~~requires~~
21 indicates otherwise:

22 * * *

23 §3102. Definitions

24 ~~For the purposes of~~ As used in this Chapter the following ~~definitions shall~~
25 ~~apply~~ terms have the following meanings:

26 * * *

1 §3129.9. Affordable textbooks and open educational resources

2 A. ~~Definitions.~~ As used in Subsection B of this Section, the following terms
3 have the following meanings:

4 * * *

5 §3140.1. Definitions

6 ~~For the purposes of~~ As used in this Chapter, the following terms have the
7 following meanings:

8 * * *

9 §3162. Statewide Articulation and Transfer Council; creation; purpose;
10 membership; duties and responsibilities

11 * * *

12 C. The council shall, with appropriate faculty consultation:

13 * * *

14 (8) Develop policies to align articulation and transfer policies established by
15 ~~educational~~ education institutions including but not limited to admissions criteria,
16 student counseling, and grade forgiveness.

17 * * *

18 §3165.2. College credit for military service; spouses of veterans

19 * * *

20 B. Each public postsecondary education institution shall assist veterans of
21 the United States Armed Forces and their spouses in pursuing their educational goals
22 by providing expedited transcript analysis, prior learning assessment, portfolio
23 analysis, advising, and testing. Upon the disclosure of military status on the
24 application for enrollment or at the request of an entering student who is a veteran
25 or the spouse of a veteran, each public postsecondary education institution shall
26 evaluate any transcript of prior earned postsecondary academic or workforce credit
27 and accept the transfer of any credit earned from a regionally accredited
28 postsecondary education institution, or military education, training, or experience

1 provided that the credit aligns with the course and program requirements of the
2 receiving institution.

3 * * *

4 §3202. Definitions

5 ~~Unless the context otherwise clearly indicates,~~ As used in this Chapter, the
6 following ~~words terms shall~~ have the meaning hereinafter ascribed to each following
7 meanings unless the context clearly indicates otherwise:

8 * * *

9 §3394.2. Definitions

10 As used in this Part, the following ~~words and terms shall~~ have the following
11 meanings; unless the context clearly indicates otherwise:

12 * * *

13 §3399.12. Definitions

14 ~~For the purposes of~~ As used in this Part, the following terms ~~and phrases shall~~
15 have the following meanings unless the context clearly indicates otherwise:

16 * * *

17 §3399.15. Campus security policy

18 A. The Board of Regents shall establish uniform policies and best practices
19 to implement measures to address the reporting of power-based violence on
20 institution campuses, the prevention of such violence, communication between
21 institutions regarding incidents of power-based violence, and the provision of
22 medical and mental health care needed for ~~these~~ alleged victims.

23 * * *

24 §3399.21. Definitions

25 As used in this Part, the following terms ~~shall be defined as follows~~ have the
26 following meanings:

27 * * *

1 §3399.31. Definitions

2 For the purposes of As used in this Part, the following ~~words, terms, and~~
3 ~~phrases shall~~ have the following meanings; unless the context clearly ~~requires~~
4 indicates otherwise:

5 * * *

6 §3602. Definitions

7 As used in this Chapter, ~~unless otherwise clearly indicated, these the~~
8 following terms have the following meanings unless the context clearly indicates
9 otherwise:

10 * * *

11 §3702. Definitions

12 As used in this Chapter, the following terms ~~and phrases shall~~ have the
13 following ~~meaning, meanings~~ unless the context clearly indicates otherwise:

14 * * *

15 §3772. Definitions

16 ~~In~~ As used in this Chapter, ~~these words shall~~ the following terms have the
17 following meanings; unless the context clearly ~~requires~~ indicates otherwise:

18 * * *

19 (2) "Department" means the ~~State~~ state Department of Education.

20 * * *

21 §3801. Louisiana Education Quality Trust Fund, hereinafter referred to in this Part
22 as the "Kevin P. Reilly, Sr. Louisiana Education Quality Trust Fund"

23 * * *

24 D. The monies appropriated by the legislature and disbursed from the
25 Support Fund shall not displace, replace, or supplant appropriations from the general
26 fund for the purposes of implementing the ~~Minimum Foundation Program~~ minimum
27 foundation program or displace, replace, or supplant funding for higher education.
28 For higher education, this Subsection shall mean that no appropriation for any fiscal
29 year from the Support Fund shall be made for any higher education purpose for

1 which a general fund appropriation was made the previous year unless the total
2 appropriations for that fiscal year from the state general fund for higher education
3 exceed general fund appropriations for higher education for the previous year. This
4 Subsection shall in no way limit general fund appropriations in excess of the
5 minimum amounts herein established.

6 * * *

7 §3822. Definitions

8 As used in this Chapter, the following ~~words and phrases shall~~ terms have the
9 following meanings ~~provided in this Section~~, unless the context clearly ~~requires~~
10 indicates otherwise:

11 * * *

12 §3831. Definitions

13 As used in this Chapter, the following ~~words and phrases shall~~ terms have the
14 following meanings ~~provided in this Section~~, unless the context clearly ~~requires~~
15 indicates otherwise:

16 * * *

17 §3873. Definitions

18 ~~Unless the context clearly requires otherwise,~~ As used in this Chapter, the
19 following ~~words or phrases shall~~ terms have the following meanings unless the
20 context clearly indicates otherwise:

21 * * *

22 §3882. Definitions:

23 ~~For the purposes of~~ As used in this Part, the following ~~definitions shall apply~~
24 terms have the following meanings:

25 * * *

1 §3973. Definitions

2 As used in this Chapter, the following ~~words, terms, and phrases shall have~~
3 ~~the meanings ascribed to them in this Section except when~~ following meanings
4 unless the context clearly indicates a different meaning otherwise:

5 * * *

6 §4002.3. Definitions

7 As used in this Part, ~~unless otherwise clearly indicated;~~ the following terms
8 ~~mean~~ have the following meanings unless the context clearly indicates otherwise:

9 * * *

10 §4013. Definitions

11 As used in this Part, ~~unless otherwise clearly indicated;~~ the following terms
12 ~~mean~~ have the following meanings unless the context clearly indicates otherwise:

13 * * *

14 §4036.1. Learning pods

15 * * *

16 D. Students assigned to a learning pod shall be:

17 (1) Counted among the enrollment of the public school governing authority
18 for purposes of full funding through the ~~Minimum Foundation Program~~ minimum
19 foundation program formula.

20 * * *

21 §4041. Definitions

22 As used in this Chapter, ~~unless otherwise clearly indicated;~~ the following
23 terms ~~mean~~ have the following meanings unless the context clearly indicates
24 otherwise:

25 * * *

26 Section 2. R.S. 17:7(2)(b) and (32), 7.5(B), 10.7.1(H)(6), 24.4(F)(5), 393,
27 407.23(C)(3), and 1970.24(E)(1)(o)(ii) are hereby repealed in their entirety.

1 Section 3. The provisions of this Act are intended to be technical in nature, and the
 2 Louisiana State Law Institute is hereby authorized to update any citation references in
 3 Louisiana Law to conform with the changes made by this Act.

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 133 Reengrossed

2022 Regular Session

Harris

Proposed law makes technical corrections to various education laws in Title 17, including the repeal of obsolete laws.

(Amends R.S. 17:7(2)(d) and (f)(ii), (6)(a)(ii) and (b)(i)(bb) and (ii), and (8), 7.2(C), 7.5(A), 10.7.1(E)(1) and (H)(4)(b), 24.1(B) and (D)(1), 24.9(B)(8), 25.1(A)(1) and (2), (B)(1) and (2), (C), and (E)(1), 64(A)(3), 105.1(D), 151.3(C)(3), 203(intro. para.), 221(A)(1)(b) and (B)(1)(b), 222(C)(1), 372(intro. para.), 391.2(intro. para.), 392.1(C)(3), 395(A), 396(intro. para.) and (1), 407.1(intro. para.), 407.33, 407.62(intro. para.), 407.82(intro. para.), 407.91(intro. para.), 409.2(intro. para.), 416(A)(1)(c)(iii)(II), (B)(1)(a), (C)(1) and (2)(d)(ii), (H)(1), and (K), 419.2(D), 434(A), 441(intro. para.), 540(intro. para.), 1233(intro. para.), 1519.1(intro. para.), 1672, 1673, 1942, 1943(A) and (C), 1944(D), 1945.2(B), 1946(A), 1947(C), 1962(intro. para.) and (1), 1970.2(intro. para.), 1970.22(intro. para.), 1970.24(B)(1), 1972(intro. para.), 1982(intro. para.), 1987(C), 1989.2(intro. para.), 1990(B)(1)(b) and (C)(1)(a) and (2)(a)(i) and (ii), 1991(A)(intro. para.), 2803(intro. para.) and (1), 2925(A)(6), 2942, 2990.2, 3002, 3005(G), 3047.6(A)(1)(c), 3047.7(C), 3050.11(C)(1)(b) and (c), 3052, 3082(intro. para.), 3092(intro. para.), 3100.2(intro. para.), 3102(intro. para.), 3129.9(A)(intro. para.), 3140.1(intro. para.), 3162(C)(8), 3165.2(B), 3202(intro. para.), 3394.2(intro. para.), 3399.12(intro. para.), 3399.15(A), 3399.21(intro. para.), 3399.31(intro. para.), 3602(intro. para.), 3702(intro. para.), 3772(intro. para.) and (2), 3801(D), 3822(intro. para.), 3831(intro. para.), 3873(intro. para.), 3882(intro. para.), 3973(intro. para.), 4002.3(intro. para.), 4013(intro. para.), 4036.1(D)(1), and 4041(intro. para.); Adds R.S. 17:2351(intro. para.); Repeals R.S. 17:7(2)(b) and (32), 7.5(B), 10.7.1(H)(6), 24.4(F)(5), 393, 407.23(C)(3), and 1970.24(E)(1)(o)(ii))