

2019 Regular Session

HOUSE BILL NO. 343

BY REPRESENTATIVE STEVE 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. 17:7(8), 46(G)(2) and (R), 81(X)(2)(b)(i), 221(A)(2), 1519.3(C),  
3 1519.6(C) and (E)(1), 1519.14(A), 1976(B), 2048.51(O)(1)(c)(viii), (xi), and (xvii),  
4 3046.2(B), 3128(B)(3), 3139.5(B)(2)(d)(i) and (e)(i), 3399.13(1), 3911(B)(4)(b)(iv)  
5 and (c)(introductory paragraph), 4011, 4012(6) and (7), 4013(introductory  
6 paragraph), (2)(c), (3), (5), and (6), 4015(introductory paragraph), 4017(B), 4020,  
7 4022(3), and 4025 and to repeal R.S. 17:8.3, 1519.17.1, 3137(D), 3138.1, 3399.12,  
8 and 3399.13(4) and R.S. 36:651(G)(1) and (3) and to provide for technical  
9 corrections in various education laws in Title 17 of the Louisiana Revised Statutes  
10 of 1950; and to provide for related matters.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. R.S. 17:7(8), 46(G)(2) and (R), 81(X)(2)(b)(i), 221(A)(2), 1519.3(C),  
13 1519.6(C) and (E)(1), 1519.14(A), 1976(B), 2048.51(O)(1)(c)(viii), (xi), and (xvii),  
14 3046.2(B), 3128(B)(3), 3139.5(B)(2)(d)(i) and (e)(i), 3399.13(1), 3911(B)(4)(b)(iv) and  
15 (c)(introductory paragraph), 4011, 4012(6) and (7), 4013(introductory paragraph), (2)(c), (3),  
16 (5), and (6), 4015(introductory paragraph), 4017(B), 4020, 4022(3), and 4025 are hereby  
17 amended and reenacted to read as follows:

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

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

21 \* \* \*

1 (8) Except as otherwise provided by law, approve private and proprietary  
2 schools in accordance with the provisions of ~~R.S. 17:10~~ R.S. 17:11 and any other  
3 applicable ~~laws~~ law.

4 \* \* \*

5 §46. Sabbatical leave program

6 \* \* \*

7 G.

8 \* \* \*

9 (2) Every person on sabbatical leave for the purpose of professional or  
10 cultural improvement shall; pursue a program of study during each semester of leave:

11 ~~(a) Pursue a program of study, earning and shall earn~~ at least nine  
12 undergraduate credit hours ~~provided such hours that~~ directly improve the person's  
13 skills and knowledge as a teacher; or six graduate credit hours; or shall be a certified  
14 a full-time student at an a postsecondary education institution of higher learning  
15 accredited by the board of education of the state or territory in which such institution  
16 is located; ~~provided that in case~~ If less than fifteen weeks is so spent, the number  
17 of weeks less than fifteen not so spent shall be spent ~~in one or the other of the two~~  
18 ~~alternatives below enumerated;~~

19 ~~(b) Pursue~~ pursuing a program of independent study, research, authorship,  
20 or investigation which ~~involved~~ involves an approximately equivalent amount of  
21 work and which is approved by the employing special school; or

22 ~~(c) Engage~~ engaging in travel which is ~~so~~ planned as to be of definite  
23 educational value and which is approved by the employing special school.

24 \* \* \*

25 R. Notwithstanding any other provision of law to the contrary, all decisions  
26 relative to the granting of leave pursuant to this Section shall be made by the  
27 superintendent of the ~~local public school system~~ Special School District.

28 \* \* \*

1 §81. General powers of local public school boards

2 \* \* \*

3 X.

4 \* \* \*

5 (2)

6 \* \* \*

7 (b) The governing authority of each public school may consult and partner  
8 with the following individuals whom the governing authority may authorize to  
9 participate in providing the instruction:

10 (i) Emergency medical technicians, paramedics, physicians, nurses,  
11 respiratory therapists, police officers, deputy sheriffs, nurse practitioners, athletic  
12 trainers, firefighters, and any ~~persons~~ person included in the definition of "health  
13 care provider" provided in ~~R.S. 40:1299.4~~ R.S. 40:1231.1, each of whom shall be  
14 certified in cardiopulmonary resuscitation and must be currently licensed, certified,  
15 or commissioned according to his respective occupation in order to participate in  
16 providing such instruction. If it is in accordance with the laws, rules, or regulations  
17 governing his profession, if applicable, an instructor may apply the hours spent  
18 performing this instruction toward fulfilling professional requirements relative to  
19 performing community service.

20 \* \* \*

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

23 A.

24 \* \* \*

25 (2) Whoever violates the provisions of this Subsection ~~or R.S. 17:234~~ shall  
26 be fined not more than two hundred and fifty dollars or imprisoned not more than  
27 thirty days, or both. The court shall impose a minimum condition of probation which  
28 may include that the parent, tutor, or other person having control or charge of the  
29 child participate in forty hours of school or community service activities, or a

1 combination of forty hours of school or community service and attendance in  
2 parenting classes or family counseling sessions or programs approved by the court  
3 having jurisdiction, as applicable, or the suspension of any state-issued recreational  
4 license.

5 \* \* \*

6 §1519.3. Louisiana State University Health Sciences Center-New Orleans; health  
7 care services division organization

8 \* \* \*

9 C. The board or the division shall not authorize a hospital to reduce health  
10 care services provided by any one of the hospitals of the ~~Health Care Services~~  
11 ~~Division~~ health care services division in any manner which causes expenditures of  
12 any hospital to be reduced on an annualized basis by greater than thirty-five percent  
13 of the previous fiscal year actual spending level. If any services are reduced by  
14 greater than fifteen percent in any one year, legislative approval ~~must~~ shall be  
15 obtained before reducing such services greater than fifteen percent in any year for  
16 the next three years. Funding may be provided by any local, regional, state, federal,  
17 or private sources to augment existing funding or to restore reduced funding.

18 \* \* \*

19 §1519.6. Funding and budget

20 \* \* \*

21 C. Revenues from the Medicaid program for Medicaid costs included in the  
22 operating budget for hospitals operated by the LSU Health Sciences Center-New  
23 Orleans and the LSU Health Sciences Center-Shreveport shall not exceed the amount  
24 of such revenues which are budgeted and allocated for such purpose in the Medicaid  
25 budget until implementation by the Louisiana Department of Health of a common  
26 Medicaid payment methodology for all state and nonstate acute care hospitals. To  
27 ensure compliance with the Rural Hospital Preservation Act, any Medicaid common  
28 payment methodology applicable to a rural hospital as defined in ~~R.S.~~  
29 ~~40:1300.143(3)~~ R.S 40:1189.3 shall maximize Medicaid reimbursement as required

1 by ~~R.S. 40:1300.144(A)(2)~~ R.S. 40:1189.4(A)(2). If the amount of such revenues  
2 budgeted and allocated for such purpose in the Medicaid budget is revised during a  
3 fiscal year, the Louisiana Department of Health shall notify the board of such  
4 revision. Upon receipt of the notification, the board shall adjust the operating budget  
5 for these hospitals which adjustment shall be in conformity with the revision.

6 \* \* \*

7 E.(1) Notwithstanding any provision of law to the contrary, the LSU Health  
8 Sciences Center - ~~Health Care Services Division~~ health care services division, the  
9 LSU Health Sciences Center - New Orleans, and the LSU Health Sciences Center -  
10 Shreveport are hereby authorized and directed to deposit into the state general fund  
11 all receipts of lease payments for the public/private partnership leases of state  
12 hospital buildings and equipment net of clinic and hospital lease payments made by  
13 the LSU Health Sciences Center - ~~Health Care Services Division~~ health care services  
14 division.

15 \* \* \*

16 §1519.14. Southern University Planning Council

17 A. There is hereby established the Southern University Planning Council  
18 within the LSU Health Sciences Center New Orleans-~~Health Care Services Division~~  
19 health care services division.

20 \* \* \*

21 §1976. Funding; inclusion in the minimum foundation program formula; other  
22 appropriated state funds

23 \* \* \*

24 B. ~~THRIVE~~ The Thrive Academy shall be considered a public school for  
25 purposes of receiving funding through the minimum foundation program of  
26 education, in the same manner as for other public schools as contained in the  
27 minimum foundation program budget letter approved by the State Board of

1 Elementary and Secondary Education. The school shall also be eligible to receive  
2 such other funding as may be specifically appropriated by the legislature.

3 \* \* \*

4 §2048.51. Louisiana Health Works Commission; creation; membership;  
5 compensation; staff and facilities; powers and duties; data collection and  
6 reporting

7 \* \* \*

8 O.(1) The Board of Regents, the Health Works Commission, the division of  
9 administration, or any contractor working on behalf of these entities shall be  
10 authorized to request and receive licensing data, education data, and employment  
11 data, including unemployment wage records and other related health workforce data  
12 produced by state agencies, including the Louisiana Workforce Commission and the  
13 departments of economic development, education, and health and hospitals, obtained  
14 pursuant to the administration of this Chapter for any of the expressly stated  
15 following purposes:

16 \* \* \*

17 (c) Compiling statistics which will be used to measure and track the supply  
18 of licensed health care professionals as evidenced by licenses and renewed licenses  
19 granted by the health care professional boards of the state of Louisiana. Those  
20 boards affected shall include but not be limited to:

21 \* \* \*

22 (viii) ~~Louisiana~~ Board of Examiners of Nursing Facility Administrators.

23 \* \* \*

24 (xi) Louisiana ~~State Board of Physical Therapy Examiners~~ Board.

25 \* \* \*

26 (xvii) Louisiana Licensed Professional Vocational Rehabilitation Counselors  
27 Board of Examiners.

28 \* \* \*

1 §3046.2. Administration; rulemaking authority

2 \* \* \*

3 B. The ~~Louisiana Student Financial Assistance Commission~~ Board of  
4 Regents, through the office of student financial assistance, shall administer the  
5 program and shall adopt rules necessary to implement the provisions of this Chapter  
6 in accordance with the Administrative Procedure Act.

7 \* \* \*

8 §3128. Power to formulate master plan; mission establishment

9 \* \* \*

10 B.

11 \* \* \*

12 (3) Each mission statement devised pursuant to this Section shall include a  
13 ~~description of all of the following:~~

14 (a) The intended role and scope of each system and institution, ~~describing~~  
15 ~~with some specificity~~ including descriptions of its geographic service area and the  
16 student population intended to be served;

17 (b) Its public service contribution;

18 (c) Its academic and research goals, ~~particularly describing~~ including  
19 descriptions of programs being emphasized; ~~and.~~

20 (d) Its contribution toward; and proper role in; the collective goals of public  
21 ~~higher~~ postsecondary education of diversity, access, and excellence.

22 \* \* \*

23 §3139.5. Tuition autonomy; operational autonomy contingent on audit findings

24 \* \* \*

25 B.

26 \* \* \*

27 (2) The operational autonomies that may be granted pursuant to this  
28 Subsection are:

29 \* \* \*

1 (d)(i) Authority to participate in the higher education procurement code as  
 2 established by Louisiana State University and Agricultural and Mechanical College  
 3 and approved by the division of administration. Each postsecondary ~~educational~~  
 4 education management board may adopt the higher education procurement code,  
 5 with amendments necessary to insert the name of ~~the~~ each management board into  
 6 the procurement code and to implement the code but excluding any substantive  
 7 changes, pursuant to rules and regulations adopted in accordance with the  
 8 Administrative Procedure Act. Any entity whose budget is appropriated through  
 9 Schedule 19-Higher Education or 19E-LSU Health Sciences Center- ~~Health Care~~  
 10 ~~Services Division~~ health care services division may use the higher education  
 11 procurement code in lieu of the Louisiana Procurement Code as provided in R.S.  
 12 39:15.3, 196 through 200, and 1551 through 1755, subject to the prior review and  
 13 approval of the Joint Legislative Committee on the Budget. Any changes to the  
 14 higher education procurement code after an initial five-year period shall be submitted  
 15 to the Joint Legislative Committee on the Budget for approval. However, there shall  
 16 be only one higher education procurement code except for nonsubstantive changes  
 17 required to implement the code.

18 \* \* \*

19 (e)(i) Exemption from participation in the state's risk management program  
 20 established by R.S. 39:1527 et seq. and administered by the office of risk  
 21 management, pursuant to a determination by the division of administration that the  
 22 institution or management board, as applicable, has the capacity to manage its own  
 23 risk and a phased-in plan of implementation as determined by the institution in  
 24 collaboration with the attorney general and the division of administration, subject to  
 25 the prior review and approval of the Joint Legislative Committee on the Budget.  
 26 This exemption shall not include the coverage provided by the state's risk  
 27 management program pursuant to R.S. ~~40:1299.39~~ 40:1237.1.

28 \* \* \*



1 §3399.13. Definitions

2 For the purposes of this Part, the following terms shall have the following  
3 meanings unless the context clearly indicates otherwise:

4 (1) "Institution" means a public postsecondary education institution ~~as~~  
5 ~~defined in R.S. 17:3399.12.~~

6 \* \* \*

7 §3911. Data collection system; establishment

8 \* \* \*

9 B.

10 \* \* \*

11 (4)

12 \* \* \*

13 (b) The data collection system shall also include information on student  
14 discipline for each public school by percentage and unduplicated counts of total  
15 students with exceptionalities receiving discipline, including:

16 \* \* \*

17 (iv) Out-of-school ~~suspensions~~, expulsions, broken down by categories of  
18 ten days or less and more than ten days.

19 \* \* \*

20 (c) The data ~~collect~~ collection system shall also include:

21 \* \* \*

22 §4011. Short title

23 This ~~Chapter~~ Part shall be known and may be cited as the "Student  
24 Scholarships for Educational Excellence Act".

25 §4012. Legislative findings

26 The legislature finds and declares that:

27 \* \* \*

28 (6) It is the intent of this ~~Chapter~~ Part to create additional options for all  
29 children, including those with special needs or requiring special education services.

1 (7) Any delay in implementation of this ~~Chapter~~ Part would work to the  
2 detriment of children.

3 §4013. Definitions

4 As used in this ~~Chapter~~ Part, unless otherwise clearly indicated, the following  
5 terms mean:

6 \* \* \*

7 (2) "Eligible student" means a student who resides in Louisiana, is a member  
8 of a family with a total income that does not exceed two hundred fifty percent of the  
9 current federal poverty guidelines as established by the federal office of management  
10 and budget, and who meets any one of the following criteria:

11 \* \* \*

12 (c) Received a scholarship pursuant to this ~~Chapter~~ Part in the previous  
13 school year.

14 (3) "Participating school" means a nonpublic school that meets program  
15 requirements and seeks to enroll scholarship recipients ~~pursuant to this Chapter~~ or  
16 a public school that meets program requirements and seeks to enroll scholarship  
17 recipients ~~pursuant to this Chapter~~ subject to any court-ordered desegregation plan  
18 in effect for the school system in which the public school is located.

19 \* \* \*

20 (5) "Scholarship" means the funds awarded to a parent or other legal  
21 guardian on behalf of an eligible student to attend a participating public or nonpublic  
22 school ~~pursuant to this Chapter~~.

23 (6) "Scholarship recipient" means an eligible student who is awarded a  
24 scholarship ~~pursuant to this Chapter~~.

25 \* \* \*

26 §4015. Program administration

27 In administering the program pursuant to this ~~Chapter~~ Part, the department  
28 shall:

29 \* \* \*

1 §4017. Payment of scholarships

2 \* \* \*

3 B. Notwithstanding any other provision of this ~~Chapter~~ Part to the contrary,  
4 any public or private entity, including any nonprofit organization, may make a  
5 directed donation to any participating school for a scholarship recipient.

6 \* \* \*

7 §4020. School participation; application

8 A. Participation in this program by a school is voluntary, and nothing in this  
9 ~~Chapter~~ Part shall be construed to authorize any additional regulation of participating  
10 schools beyond that specifically authorized by this ~~Chapter~~ Part.

11 B. Any school that wishes to participate in the program and enroll  
12 scholarship recipients annually shall notify the department of its intent to participate  
13 in the program by February first of the previous school year; ~~except that for the~~  
14 ~~2012-2013 school year, a school that seeks to participate in the program shall notify~~  
15 ~~the department of its intent to participate not later than June 30, 2012.~~ The notice  
16 shall specify the number of seats the school will have available for scholarship  
17 recipients at each grade level and the maximum amount of tuition attributable to each  
18 available seat, as applicable.

19 \* \* \*

20 §4022. Participating schools; requirements

21 Each participating school shall:

22 \* \* \*

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

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

11 \* \* \*

12 §4025. Rules; severability

13 A. The State Board of Elementary and Secondary Education shall adopt and  
 14 promulgate rules and regulations in accordance with the Administrative Procedure  
 15 Act to implement the provisions of this ~~Chapter~~ Part.

16 B. If any provision of this ~~Chapter~~ Part or the application thereof is held  
 17 invalid, such invalidity shall not affect other provisions or applications of this  
 18 ~~Chapter~~ Part which can be given effect without the invalid provisions or applications,  
 19 and to this end the provisions of this ~~Chapter~~ Part are hereby declared severable.

20 C. The severability provision hereof shall be broadly construed so as to give  
 21 effect to each and every possible provision or application of this ~~Chapter~~ Part which  
 22 is not specifically held invalid, unlawful, or unconstitutional.

23 Section 2. R.S. 17:8.3, 1519.17.1, 3137(D), 3138.1, 3399.12, and 3399.13(4) and  
 24 R.S. 36:651(G)(1) and (3) are hereby repealed in their entirety.

25 Section 3. R.S. 17:1519.2(C)(1) as amended by Acts 2017, No. 97, §1, terminates  
 26 on December 31, 2019, in accordance with Acts 2016, No. 537, §2.

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DIGEST

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

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HB 343 Original

2019 Regular Session

Steve Carter

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

(Amends R.S. 17:7(8), 46(G)(2) and (R), 81(X)(2)(b)(i), 221(A)(2), 1519.3(C), 1519.6(C) and (E)(1), 1519.14(A), 1976(B), 2048.51(O)(1)(c)(viii), (xi), and (xvii), 3046.2(B), 3128(B)(3), 3139.5(B)(2)(d)(i) and (e)(i), 3399.13(1), 3911(B)(4)(b)(iv) and (c)(intro. para.), 4011, 4012(6) and (7), 4013(intro. para.), (2)(c), (3), (5), and (6), 4015(intro. para.), 4017(B), 4020, 4022(3), and 4025; Repeals R.S. 17:8.3, 1519.17.1, 3137(D), 3138.1, 3399.12, and 3399.13(4) and R.S. 36:651(G)(1) and (3)).