

ACT No. 21

2019 Regular Session

HOUSE BILL NO. 343

BY REPRESENTATIVE STEVE CARTER

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:

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

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

4 * * *

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

8 * * *

9 §46. Sabbatical leave program

10 * * *

11 G.

12 * * *

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

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

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

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

28 * * *

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

4 * * *

5 §81. General powers of local public school boards

6 * * *

7 X.

8 * * *

9 (2)

10 * * *

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

14 (i) Emergency medical technicians, paramedics, physicians, nurses,
 15 respiratory therapists, police officers, deputy sheriffs, nurse practitioners, athletic
 16 trainers, firefighters, and any ~~persons~~ person included in the definition of "health
 17 care provider" provided in ~~R.S. 40:1299.41~~ R.S. 40:1231.1, each of whom shall be
 18 certified in cardiopulmonary resuscitation and must be currently licensed, certified,
 19 or commissioned according to his respective occupation in order to participate in
 20 providing such instruction. If it is in accordance with the laws, rules, or regulations
 21 governing his profession, if applicable, an instructor may apply the hours spent
 22 performing this instruction toward fulfilling professional requirements relative to
 23 performing community service.

24 * * *

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

27 A.

28 * * *

1 Medicaid payment methodology for all state and nonstate acute care hospitals. To
 2 ensure compliance with the Rural Hospital Preservation Act, any Medicaid common
 3 payment methodology applicable to a rural hospital as defined in ~~R.S.~~
 4 ~~40:1300.143(3)~~ R.S 40:1189.3 shall maximize Medicaid reimbursement as required
 5 by ~~R.S. 40:1300.144(A)(2)~~ R.S. 40:1189.4(A)(2). If the amount of such revenues
 6 budgeted and allocated for such purpose in the Medicaid budget is revised during a
 7 fiscal year, the Louisiana Department of Health shall notify the board of such
 8 revision. Upon receipt of the notification, the board shall adjust the operating budget
 9 for these hospitals which adjustment shall be in conformity with the revision.

* * *

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

* * *

20 §1519.14. Southern University Planning Council

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

* * *

25 §1976. Funding; inclusion in the minimum foundation program formula; other
 26 appropriated state funds

* * *

1 (xvii) Louisiana Licensed Professional Vocational Rehabilitation Counselors
2 Board of Examiners.

3 * * *

4 §3046.2. Administration; rulemaking authority

5 * * *

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

10 * * *

11 §3128. Power to formulate master plan; mission establishment

12 * * *

13 B.

14 * * *

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

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

20 (b) Its public service contribution;

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

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

25 * * *

26 §3139.5. Tuition autonomy; operational autonomy contingent on audit findings

27 * * *

28 B.

29 * * *

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

3 * * *

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

21 * * *

22 (e)(i) Exemption from participation in the state's risk management program
 23 established by R.S. 39:1527 et seq. and administered by the office of risk
 24 management, pursuant to a determination by the division of administration that the
 25 institution or management board, as applicable, has the capacity to manage its own
 26 risk and a phased-in plan of implementation as determined by the institution in
 27 collaboration with the attorney general and the division of administration, subject to
 28 the prior review and approval of the Joint Legislative Committee on the Budget.

1 This exemption shall not include the coverage provided by the state's risk
2 management program pursuant to R.S. ~~40:1299.39~~ 40:1237.1.

3 * * *

4 §3399.13. Definitions

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

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

9 * * *

10 §3911. Data collection system; establishment

11 * * *

12 B.

13 * * *

14 (4)

15 * * *

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

19 * * *

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

22 * * *

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

24 * * *

25 §4011. Short title

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

1 §4012. Legislative findings

2 The legislature finds and declares that:

3 * * *

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

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

8 §4013. Definitions

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

11 * * *

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

16 * * *

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

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

24 * * *

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

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

30 * * *

1 §4015. Program administration

2 In administering the program pursuant to this ~~Chapter Part~~, the department
3 shall:

4 * * *

5 §4017. Payment of scholarships

6 * * *

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

10 * * *

11 §4020. School participation; application

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

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

23 * * *

24 §4022. Participating schools; requirements

25 Each participating school shall:

26 * * *

27 (3) Submit to the department an independent financial audit of the school
28 conducted by a certified public accountant who has been approved by the legislative

1 auditor. Such audit shall be accompanied by the auditor's statement that the report
 2 is free of material misstatements and fairly presents the participating school's
 3 maximum tuition or actual cost of educating a student pursuant to R.S. 17:4016. The
 4 audit shall be limited in scope to those records necessary for the department to make
 5 scholarship payments to the participating school and shall be submitted to the
 6 legislative auditor for review and investigation of any irregularities or audit findings.
 7 The participating school shall account for all scholarship funds separately from other
 8 funds by maintaining funds in a separate account or by using accounting procedures
 9 that allow the legislative auditor to identify the separate funds pursuant to the
 10 authority of this Section. Such accounting shall allow for thorough auditing of the
 11 receipt and expenditure of state scholarship funds allocated through the department.
 12 The participating school shall return to the state any funds that the legislative auditor
 13 determines were expended in a manner inconsistent with state law or program
 14 regulations. The cost of such audit shall be paid by the department from funds
 15 appropriated by the legislature to implement the provisions of this ~~Chapter~~ Part.

16 * * *

17 §4025. Rules; severability

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

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

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

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

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

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____