

2020 Second Extraordinary Session

HOUSE BILL NO. 42

BY REPRESENTATIVE WRIGHT

SCHOOLS/CHOICE: Authorizes parents to appeal a local school board's denial of school enrollment requests to the State Board of Elementary and Secondary Education (Item #42)

1 AN ACT

2 To amend and reenact R.S. 17:4035.1, relative to public school choice; to provide relative  
3 to school funding; to provide relative to the applicability of school and district  
4 accountability; to provide for an appeals process for public school choice enrollment  
5 denials; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 17:4035.1 is hereby amended and reenacted to read as follows:

8 §4035.1. Public School Choice

9 A. The parent or other legal guardian of any student may enroll his child in  
10 the public school of his choice, without regard to residence, school system  
11 geographic boundaries, or attendance zones, provided both of the following apply:

12 (1) The public school in which the student was most recently enrolled, or  
13 would otherwise attend, received a school performance letter grade of "D" or "F" for  
14 the most recent school year, pursuant to the state's school and district accountability  
15 system.

16 (2) The school in which the student seeks to enroll received a school  
17 performance letter grade of "A", "B", or "C" for the most recent school year,  
18 pursuant to the state's school and district accountability system, and has sufficient  
19 capacity at the appropriate grade level.

1           B. The authority to enroll a student in the public school of choice shall not  
2 be permitted and shall not be exercised if doing so violates the order of a court of  
3 competent jurisdiction.

4           C. If a school or governing authority denies the enrollment request of a  
5 prospective student, the parent or legal guardian of the student may appeal the  
6 decision to the State Board of Elementary and Secondary Education. Within ninety  
7 days of receipt of an appeal, the state board shall approve or deny the request to  
8 enroll. If the state board approves the request, the student shall be allowed to enroll  
9 at the school within thirty days of the decision. The state board shall adopt rules  
10 required for implementation of this Subsection.

11           D. Notwithstanding the provisions of R.S. 17:158 to the contrary, a school  
12 system shall not be required to provide transportation to any student enrolled in a  
13 public school pursuant to this Section that is located outside of the geographic  
14 boundaries of the school system in which the student resides, if providing such  
15 transportation will result in additional cost to the school system.

16           ~~D.~~ E.(1) Any student enrolled in a public school pursuant to the provisions  
17 of this Section shall be counted by the local public school system in which he is  
18 enrolled for purposes of the minimum foundation program and formula, and any  
19 other available state or federal funding for which the student is eligible. If a student  
20 enrolls in a school under the jurisdiction of a different governing authority than his  
21 previous school, the state board shall fund such student in the same manner as  
22 students attending a Type 2 charter school pursuant to R.S. 17:3995 and the  
23 minimum foundation program formula most recently approved by the legislature.

24           (2) A student who enrolls in a school under the jurisdiction of a different  
25 governing authority than his previous school shall not be included in the school's  
26 school and district accountability system ratings for two years after enrollment.

27           (3) The state board shall make every effort to identify and pursue federal,  
28 state, and philanthropic sources of funding to provide financial incentives and  
29 student supports for schools that enroll students pursuant to this Section.

1           E: F.(1) The governing authority of each public elementary and secondary  
2 school shall work collaboratively and cooperatively to ensure compliance with the  
3 provisions of this Section and shall adopt a policy to govern student transfers  
4 authorized by this Section. Such policy shall be posted to the school governing  
5 authority's website no later than September 30, 2018, and reported to the state  
6 Department of Education no later than December 31, 2018.

7           (2) Any student transfer pursuant to the provisions of this Section shall  
8 comply with the policy adopted by the governing authority of the school in which the  
9 student seeks to enroll.

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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 42 Engrossed

2020 Second Extraordinary Session

Wright

**Abstract:** Provides relative to authority of students to attend the public school of their choice, including provisions for appealing a denial of enrollment to the State Bd. of Elementary and Secondary Education (BESE).

Present law allows parents to enroll children in the public school of their choice, without regard to residence, school system geographic boundaries, or attendance zones, if both of the following apply:

- (1) The public school in which the student was most recently enrolled or would otherwise attend received a school performance letter grade of "D" or "F" for the most recent school year.
- (2) The school in which the student seeks to enroll received a school performance letter grade of "A", "B", or "C" for the most recent school year and has sufficient capacity at the appropriate grade level.

Proposed law retains present law.

Proposed law authorizes appeals to BESE by students who are denied enrollment into their public school of choice.

Proposed law provides that if a student chooses a school under a different governing authority, he shall not be included in the school's performance ratings for their first two years of attendance. Further provides that funding for such a student shall be provided in the same manner as a student enrolled at a Type 2 charter school and the minimum foundation program (MFP) formula most recently approved by the legislature.

Proposed law requires BESE to pursue funds to provide financial incentives and student supports to schools enrolling students pursuant to present law.

(Amends R.S. 17:4035.1)