

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.(1) 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.

10 (2)(a) The state board shall not approve a request for enrollment if such
11 enrollment would exceed the capacity established in the policy of the local public
12 school governing authority, including but not limited to capacity relative to student
13 teacher ratios.

14 (b) If the state board approves a request for enrollment in a school with an
15 enrollment waiting list, the school shall not be required to place the student ahead of
16 any other prospective student on the waiting list.

17 (c) In considering whether to approve or deny an enrollment request, the
18 state board shall prioritize requests for intradistrict transfers over requests for
19 transfers from students who attend schools outside of the district.

20 (3) The state board shall adopt rules required for implementation of this
21 Section.

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

27 ~~D:~~ E.(1) Any student enrolled in a public school pursuant to the provisions
28 of this Section shall be counted by the local public school system in which he is
29 enrolled for purposes of the minimum foundation program and formula, and any

1 other available state or federal funding for which the student is eligible. If a student
2 enrolls in a school under the jurisdiction of a different governing authority than his
3 previous school, the governing authority of the student's prior school shall transfer
4 to the governing authority of the school in which the student is enrolling an amount
5 equal to the per pupil supplemental allocation, as calculated in the manner provided
6 in R.S. 17:3995(A)(1), attributable to the governing authority of the school in which
7 the student enrolls. The payment shall be made under a schedule agreed upon by the
8 two governing authorities.

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

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

15 E. F.(1) The governing authority of each public elementary and secondary
16 school shall work collaboratively and cooperatively to ensure compliance with the
17 provisions of this Section and shall adopt a policy to govern student transfers
18 authorized by this Section. Such policy shall be posted to the school governing
19 authority's website no later than ~~September 30, 2018~~ May 31, 2021, and reported to
20 the state Department of Education no later than ~~December 31, 2018~~ June 30, 2021.

21 (2) Any student transfer pursuant to the provisions of this Section shall
22 comply with the policy adopted by the governing authority of the school in which the
23 student seeks to enroll. Any such policy shall provide for a prioritization of transfers
24 that grants preference to a student who attends a school under the jurisdiction of the
25 governing authority over a student who attends a school that is not under such
26 jurisdiction.

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 42 Reengrossed

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.

Present law requires each public school governing authority to adopt a policy to govern student transfers authorized by present law. Proposed law requires that the student transfer policy be posted to each public school governing authority's website by May 31, 2021, and reported to the state Dept. of Education by June 30, 2021.

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

Proposed law prohibits BESE from:

- (1) Approving an enrollment request if approval would result in a school exceeding capacity.
- (2) Requiring a school to enroll a student ahead of another student who was on an existing waiting list.

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

Proposed law requires that school governing authority policies and BESE prioritize requests for intradistrict transfers over interdistrict transfers.

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 from the student's former school's governing authority in an amount equal to the per pupil supplemental allocation via a transfer under a schedule agreed upon by both governing authorities.

(Amends R.S. 17:4035.1)

Summary of Amendments Adopted by HouseThe House Floor Amendments to the engrossed bill:

1. Delete provision that a student be funded in the manner of a student enrolled at a Type 2 charter school. Require instead that if a student transfers from a school under the jurisdiction of one governing authority to another, an amount equal to the per pupil supplemental allocation be transferred to the governing authority of the school in which the student enrolls.
2. Prohibit BESE from approving a request that would cause a school to exceed its capacity and from requiring a student to be enrolled ahead of one on a waiting list.
3. Require that school governing authority policies and BESE prioritize intradistrict priorities.