

2022 Regular Session

SENATE BILL NO. 192

BY SENATORS BOUDREAUX, BOUIE AND FOIL

POSTSECONDARY ED. Provides for the Postsecondary Inclusive Education Fund for funding programs for students with intellectual disabilities. (gov sig)

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AN ACT

To enact R.S. 17:3138.10 and R.S. 36:651(K)(10), relative to postsecondary education for students with intellectual and developmental disabilities; to establish the Postsecondary Inclusive Education Fund as a special fund in the state treasury; to provide for the purposes of the fund; to create and provide for the Postsecondary Inclusive Education Advisory Council; to require annual reports with respect to the fund; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:3138.10 is hereby enacted to read as follows:

§3138.10. Louisiana Postsecondary Inclusive Education Fund; Postsecondary

Inclusive Education Advisory Council

A.(1)(a) The Louisiana Postsecondary Inclusive Education Fund, referred to in this Section as the "fund", is hereby created within the state treasury as a special fund for the purpose of funding an approved comprehensive inclusive postsecondary education program at each public postsecondary education institution in the state in order to provide pathways to postsecondary degree, certificate, and apprenticeship programs designed to

1 increase independent living and employment opportunities for students with
2 intellectual and developmental disabilities.

3 (b) An approved inclusive education program, referred to in this Section
4 as an "inclusive program", shall mean a federally approved comprehensive
5 transition and postsecondary program offered at a Louisiana public
6 postsecondary institution.

7 (2) Any money donated to the fund or appropriated to the fund by the
8 legislature shall be deposited in the fund. Monies in the fund shall be invested
9 in the same manner as monies in the general fund. Interest earned on
10 investment of monies in the fund shall be credited to the fund.

11 (3) Monies in the fund shall be appropriated to the Board of Regents for
12 distribution to public postsecondary institutions only for:

13 (a) The creation, operation, and expansion of inclusive programs.

14 (b) Technical assistance in creating or expanding inclusive programs.

15 (c) Dissemination of information on inclusive programs in Louisiana to
16 students with intellectual or developmental disabilities and the parent or
17 guardian of the students.

18 (4) Any funds distributed to an institution that remain unexpended or
19 unobligated at the end of the fiscal year shall remain in the fund and, subject to
20 appropriation, be available for use in the subsequent fiscal year by an
21 institution for the purposes as provided in this Section.

22 (5) Funding shall be distributed by the Board of Regents to a public
23 postsecondary education management board only upon the certification by the
24 board, on behalf of the receiving institution, that the institution has or is
25 creating an inclusive program and that all funds shall be used by the institution
26 for the inclusive program.

27 (6) The fund is in addition to, and separate from, other monies
28 appropriated or allocated to any public postsecondary education management
29 board. Allocations from the fund shall not be included in the Board of Regents'

1 funding formula calculation, nor shall they supplant any state general fund
2 allocations to institutions. The availability of the fund shall not in any way
3 substitute, limit, or otherwise affect the allocation of any funds otherwise
4 available to those institutions under state or federal laws.

5 B.(1) The Postsecondary Inclusive Education Advisory Council, referred
6 to in this Section as the "council", is hereby created under the auspices of the
7 Board of Regents for the purpose of advising the board with respect to inclusive
8 programs and methods to fund and expand inclusive programs in the state.

9 (2) The council shall assist the Board of Regents in:

10 (a) Identifying existing inclusive programs capable of providing technical
11 assistance to institutions creating or expanding inclusive programs and
12 developing a method to provide grants for such technical assistance.

13 (b) Developing an annual application process for public postsecondary
14 institutions to request funds to create or expand inclusive programs.

15 (c) Reviewing applications and determining the amount of funds to
16 distribute for each inclusive program.

17 (d) Determining a method to distribute information about inclusive
18 programs to students and their families.

19 (3)(a) The council shall be composed of the following members:

20 (i) Two members with expertise in postsecondary educational
21 programming for students with intellectual and developmental disabilities,
22 appointed by the governor.

23 (ii) The commissioner of higher education or his designee.

24 (iii) A director of an inclusive program appointed by the chairman of the
25 Senate Committee on Education.

26 (iv) A director of an inclusive program appointed by the chairman of the
27 House Committee on Education.

28 (v) The president of the Louisiana State University System or his
29 designee.

1 (vi) The president of the Southern University System or his designee.

2 (vii) The president of the University of Louisiana System or his designee.

3 (viii) The president of the Louisiana Community and Technical College
4 System or his designee.

5 (ix) The executive director of the Louisiana Developmental Disabilities
6 Council or his designee.

7 (x) The director of the Louisiana Rehabilitation Services or his designee.

8 (xi) An alumnus of an inclusive program appointed by the Louisiana
9 Developmental Disabilities Council.

10 (xii) The parent or legal guardian of a student who is enrolled in or who
11 has completed an inclusive program appointed by the Louisiana Developmental
12 Disabilities Council.

13 (b) Any member selecting a designee shall select the designee from his
14 respective system, agency, office, or association who has expertise in transitional
15 postsecondary educational services.

16 (4) A vacancy in the membership of the council shall be filled in the same
17 manner as the original appointment.

18 (5) Members of the council shall elect a chairman, vice chairman, and
19 other officers as they consider necessary.

20 (6) The members of the council shall serve without compensation, except
21 for per diem or reimbursement of expenses to which they may be entitled as
22 members of the constituent organizations.

23 (7)(a) The council shall meet upon the call of the chairman or of a
24 quorum of the members of the council.

25 (b) The chairman shall give at least seven day's notice to the members
26 of the council of the time and place where each meeting will be held.

27 (c) The commissioner of higher education shall, no later than
28 September 1, 2022, convene the first meeting of the council.

29 (8) A majority of the members of the council shall constitute a quorum

1 for the transaction of business.

2 (9) The council shall be domiciled in Baton Rouge but may hold public
3 meetings elsewhere in the state.

4 C.(1) By February first of each year, the Board of Regents, with
5 assistance from the council, shall submit a report to the Senate Committee on
6 Education, the Senate Committee on Finance, the House Committee on
7 Education, and the House Committee on Appropriations.

8 (2) The report shall include:

9 (a) A detailed accounting of the fund.

10 (b) The following information for each program that received a
11 distribution from the fund:

12 (i) The name of the program.

13 (ii) The name of the institution housing the program.

14 (iii) The amount provided to the program from the fund for the current
15 academic year and in total.

16 (iv) Whether the program is operational or in development. If the
17 program is in development, the date the program will begin offering services to
18 students shall be reported.

19 (v) The student capacity of the program, both in the current academic
20 year and the upcoming academic year.

21 (vi) The actual number of students enrolled in the program.

22 (vii) The number of students, if any, on a waiting list for the program.

23 (viii) A description of the services offered through the program.

24 (ix) The number of students that completed the program, both during
25 the prior academic year and in total.

26 (x) The number and percentage of program completers who are
27 employed.

28 (xi) The number and percentage of program completers who are living
29 independently.

- 1 **(xii) The purpose for which monies from the fund were requested.**
- 2 **(c) Details on each technical assistance grant provided from the fund.**
- 3 **(d) Recommendations for additional money for the fund, if any.**
- 4 **(3) Each public postsecondary education management board shall report**
- 5 **to the Board of Regents the information necessary for the Board of Regents to**
- 6 **complete the report.**
- 7 **(4) The report shall be posted on the Board of Regents' website.**

Section 2. R.S. 36.651(K)(10) is hereby enacted to read as follows:

§651. Transfer of boards, commissions, departments, and agencies to Department of
Education; boards, commissions, and agencies within Department of
Education

* * *

K. The following agencies are placed within the Department of Education
and shall perform and exercise their powers, duties, functions, and responsibilities
as provided by law:

* * *

**(10) Postsecondary Inclusive Education Advisory Council (R.S.
17:3138.10).**

* * *

Section 3. This Act shall become effective upon signature by the governor or, if not
signed by the governor, upon expiration of the time for bills to become law without signature
by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
vetoed by the governor and subsequently approved by the legislature, this Act shall become
effective on the day following such approval.

The original instrument was prepared by Cheryl Serrett. The following
digest, which does not constitute a part of the legislative instrument, was
prepared by Martha Hess.

Proposed law provides for the creation of the Louisiana Postsecondary Inclusive Education
Fund for the purpose of funding approved comprehensive inclusive postsecondary programs

at each public postsecondary education institution in order to provide pathways to postsecondary degree, certificate, and apprenticeship programs designed to increase independent living and employment opportunities for students with intellectual and developmental disabilities.

Proposed law defines an approved inclusive education program as a federally approved comprehensive transition and postsecondary program offered at a Louisiana public postsecondary institution.

Proposed law provides that any money donated to the fund or appropriated to the fund by the legislature shall be:

- (1) Deposited in the fund.
- (2) Invested in the same manner as monies in the general fund. Interest earned on investment of monies in the fund shall be credited to the fund.
- (3) Appropriated to the Board of Regents for distribution to public postsecondary institutions meeting certain requirements, to be used only for:
 - (a) The creation, operation, and expansion of inclusive programs.
 - (b) Technical assistance in creating or expanding inclusive programs.
 - (c) Dissemination of information on each inclusive program in Louisiana.

Proposed law provides that money from the fund is in addition to, and separate from, other monies appropriated or allocated to any public postsecondary education management board. Allocations from the fund shall not be included in the Board of Regents' funding formula calculation, nor shall they supplant any state general fund allocations to institutions. The availability of the fund shall not in any way substitute, limit, or otherwise affect the allocation of any funds otherwise available to those institutions under state or federal laws.

Proposed law creates the Postsecondary Inclusive Education Advisory Council under the auspices of the Board of Regents for the purpose of advising the board with respect to inclusive programs and methods to fund and expand inclusive programs in the state. Provides for council membership. Requires any member selecting a designee to select a person from his respective system, agency, office, or association who has expertise in transitional postsecondary educational services.

Proposed law requires the commissioner of higher education to convene the first meeting no later than September 1, 2022.

Proposed law requires the Board of Regents, with assistance from the council, to provide an annual report to the Senate committees on education and finance, the House committees on education and appropriations and to post the report on the board's website. Requires the report to include a detailed accounting of the fund, information for each program receiving a distribution from the fund, details on each technical assistance grant provided from the fund, and any recommendations for additional money for the fund.

Proposed law requires each public postsecondary education management board to report to the Board of Regents the information necessary for the Board of Regents to complete the report.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Adds R.S. 17:3138.10 and R.S. 36:651(K)(10))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Finance to the original bill

1. Clarifies that if monies remain in the Louisiana Postsecondary Inclusive Education Fund after the end of the fiscal year, an appropriation is necessary to withdraw the funds.