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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Cheryl Serrett.

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SB 203 Engrossed

DIGEST  
2022 Regular Session

Hewitt

Present law provides for the definition of a school. Further provides that a child participating in an approved home study program shall be counted in attendance at a school for the purposes of compulsory attendance laws.

Proposed law retains present law and adds that a child who is eligible for a Reading Education Savings Account Program (RESA) and whose parent has signed an agreement for the RESA shall be considered in attendance at a school for the purposes of compulsory attendance laws. Yet, requires the parent to ensure the student is complying with attendance requirements of the participating school or provider. Further requires the participating school or provider to report any child who fails to comply with the attendance requirements to the state director of child welfare and attendance.

Proposed law creates the Reading Education Savings Account Program. Provides for program administration by the state Dept. of Education (DOE) in accordance with State Board of Elementary and Secondary Education (BESE) rules which provide for:

- (1) Determination of eligibility of students, participating schools, and service providers.
- (2) Audits of the program and accounts.
- (3) DOE's authority to:
  - (a) Deem any participating student ineligible for the program and to refer cases of misuse of account funds to the attorney general for investigation.
  - (b) Contract with a vendor for program administration.
  - (c) Allows DOE to retain five percent of the funds for administrative purposes.

Proposed law requires DOE to:

- (1) Allocate to each account annually, from funds appropriated or otherwise made available for the program, an amount equal to the state's average per pupil allocation as provided in the minimum foundation program (MFP) formula, considering all student characteristics.
- (2) Develop a system for parents to direct account funds to participating schools and service providers.
- (3) Provide parents of eligible students printed or online resources and materials regarding the

importance of reading and how to support their child in learning to read.

Proposed law further provides that:

- (1) Account funds shall be used only for qualified education expenses for the participating student.
- (2) Unused funds in an account, up to 50% of the total funds deposited into the account for the current school year, shall remain in the account for the following school year.
- (3) The account shall be closed and the funds in the account shall be returned to the state general fund if a student is no longer eligible, if an account has been inactive for two consecutive years, or if a parent fails to comply with program requirements.

Proposed law provides that a student shall be initially eligible for an account if he is enrolled in a Louisiana public school in the second or third grade, or just completed those grades the prior school year, and meets all of the following criteria:

- (1) Is not reading on grade level, as determined by the results of literacy assessments provided in the second or third grade and has been tested for a learning disability and the results given to his parent.
- (2) Submits a timely application.
- (3) The student's parent signs an agreement promising all of the following:
  - (a) To provide an education for the participating student in at least the subjects of English language arts, math, social studies, and science.
  - (b) Not enroll the student in a public school while participating in the program.
  - (c) To use account funds only for qualified education expenses of the participating student.
  - (d) To comply with all program requirements.
  - (e) To acknowledge receipt of and utilize any and all online resources provided by the department.

Proposed law further provides that a participating student:

- (1) Is eligible until he enrolls in a public school, he receives a high school diploma or its equivalent, or his account is closed.
- (2) Is prohibited from participating concurrently in the RESA program and the Course Choice

Program, the Student Scholarships for Educational Excellence Program, the School Choice Program for Certain Students with Exceptionalities, or the Tuition Donation Credit Program.

Proposed law provides that to be eligible to participate, a school shall:

- (1) Be approved, provisionally approved, or probationally approved by BESE.
- (2) Comply with federal nondiscrimination requirements.
- (3) Satisfy any other criteria set by BESE.

Proposed law requires BESE to adopt rules to set eligibility criteria for service providers. Further provides that to be eligible to participate in the program, a school or service provider shall apply to DOE and, if determined to be eligible, accept RESA funds for providing services covered as qualified education expenses. Provides for a school or provider that fails to maintain eligibility criteria or a gross or persistent lack of academic competence to be restricted from serving additional students and may be terminated from the program.

Proposed law requires, if a student would have been entitled to special education services in his resident school system, his parent to acknowledge in writing that he agrees to accept only such services available in the participating school. Proposed law further requires participating schools to meet certain criteria to be eligible to offer such services.

Proposed law provides that a participating school shall not discriminate against a child with special educational needs during the admissions process, but that the participating school is only required to offer services it already provides or services it can provide with minor adjustments. Proposed law further requires DOE to provide information relative to special education services to parents prior to the enrollment process.

Proposed law requires the DOE to develop a process for the annual administration of assessments to participating students and to provide the results of such examinations to parents.

Proposed law requires DOE, by April 30th annually, to submit a report to the House and Senate education committees and the Joint Legislative Committee on the Budget regarding program implementation.

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

(Amends R.S. 17: 236(A); adds R.S. 17:4037.1-4037.8)

Summary of Amendments Adopted by Senate

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

1. Provides relative to compulsory attendance of students participating in RESA.
2. Authorizes the LDOE to withhold up to five percent of funds allocated for administrative purposes.
3. Provides for LDOE to provide material and resources to the parent.
4. Provides for date participating students shall begin to be enrolled in the program.
5. Provides for prorated allocation if a student transfers midyear.
6. Provides relative to the method for fund transfer to a provider.
7. Expands eligibility to second grade students not reading at grade level.
8. Provides for action against a school or provider that fails to maintain eligibility or demonstrates gross or persistent lack of academic competence.
9. Adds information to be included in the annual report.