

CONFERENCE COMMITTEE REPORT

SB 203

2022 Regular Session

Hewitt

June 6, 2022

To the Honorable President and Members of the Senate and to the Honorable Speaker and Members of the House of Representatives.

Ladies and Gentlemen:

We, the conferees appointed to confer over the disagreement between the two houses concerning Senate Bill No. 203 by Senator Hewitt, recommend the following concerning the Reengrossed bill:

1. That the set of House Committee Amendments proposed by the House Committee on Education and adopted by the House of Representatives on May 19, 2022, be adopted.
2. That the set of House Floor Amendments proposed by Representative Freiberg and adopted by the House of Representatives on June 2, 2022, be rejected.
3. That the set of House Floor Amendments proposed by Representative DeVillier and adopted by the House of Representatives on June 2, 2022, be rejected.
4. That the following amendments to the reengrossed bill be adopted:

AMENDMENT NO. 1

On page 9, line 21, after "Section 2." insert the following:

"The state Department of Education shall use funds appropriated for the purposes of this Act to design and implement an education savings account program inclusive of all eligible populations contained in any other education savings account bills enacted during the 2022 Regular Session of the Legislature.

Section 3."

Respectfully submitted,

Senators:

Representatives:

Senator Sharon Hewitt

Representative Barbara Reich Freiberg

Senator Mack A. "Bodi" White Jr.

Representative Lance Harris

Senator Katrina R. Jackson

Representative Jason Hughes

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

CONFERENCE COMMITTEE REPORT DIGEST

SB 203

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Keyword and summary of the bill as proposed by the Conference Committee

FUNDS/FUNDING. Creates an education savings account for certain students reading below grade level. (gov sig)

Report adopts House amendments to:

1. Remove as an initial eligibility requirement that a student be tested for a learning disability and that the results be shared with the parent and school.

Report rejects House amendments which would have:

1. Created the victims of bullying education savings account and the military, foster care, and denied school transfers education savings account.

Report amends the bill to:

1. Requires the state Department of Education to use funds appropriated for the purposes of this Act to design and implement an education savings account program inclusive of all eligible populations contained in any other education savings account bills enacted during the 2022 regular session of the legislature.

Digest of the bill as proposed by the Conference Committee

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. 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 that 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.
- (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 demonstrates 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 required to offer only 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.

Proposed law requires DOE to use funds appropriated for the purposes of proposed law to design and implement an education savings account program inclusive of all eligible populations contained in any other education savings account bills enacted during the 2022 Regular Session of the Legislature.

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)