

Regular Session, 2012

HOUSE BILL NO. 976

BY REPRESENTATIVES CARTER, KLECKLEY, BROADWATER, CHAMPAGNE,  
CONNICK, HENRY, HENSGENS, LORUSSO, PONTI, ROBIDEAUX,  
SCHRODER, SEABAUGH, TALBOT, AND THOMPSON

SCHOOLS/CHOICE: Provides relative to the Student Scholarships for Educational Excellence Program, parent petitions for certain schools to be transferred to the RSD, charter school authorizers, and course providers

1 AN ACT

2 To amend and reenact R.S. 17:158(A)(1), 3973(3) through (6), 3981(4), 3982(A)(1)(a) and

3 (2) and (B), 3983(A)(2)(a)(i), (3)(a), and (4)(a), (b), and (d), (B)(2), and (D),

4 3991(B)(3) and (13), (C)(1)(c)(iv) and (6), (D)(2)(a)(i), and (H), 3992(A)(1),

5 3995(A)(1)(introductory paragraph) and (c) and (4)(a), 3996(C) and (G), 3998,

6 4001(A) and (C)(1) and (2), and 4011 through 4025, to enact R.S. 17:10.5(F),

7 3973(2)(b)(vi) and (7), 3981(7) and (8), 3981.1, 3981.2, 3982(A)(3),

8 3983(A)(2)(a)(iii) and (d) and (3)(d) and (E)(3), 3992(D), and Part VII of Chapter

9 42 of Title 17 of the Louisiana Revised Statutes of 1950, to be comprised of R.S.

10 17:4002.1 through 4002.6, and to repeal R.S. 17:3991(B)(9) and 3996(A)(16) and

11 (B)(4), relative to school choice; to provide relative to the Student Scholarships for

12 Educational Excellence Program; to provide relative to program eligibility and

13 participation requirements for students and schools; to provide relative to selection

14 and enrollment of eligible students; to provide relative to funding and payments to

15 eligible schools including eligible nonpublic schools; to provide for reports; to

16 provide for the submission of petitions by parents requesting that a school be

17 transferred to the Recovery School District under certain conditions; to require rules

18 and regulations to be adopted by the State Board of Elementary and Secondary

1 Education for the petition process; to change charter proposal submission time lines;  
2 to provide a mechanism for Type 1 and Type 3 charter schools to convert to a Type  
3 2 charter school under certain conditions; to authorize the state board to allow the  
4 state superintendent of education and the superintendent of the Recovery School  
5 District to amend the charter of Type 5 charter schools to accommodate a unified  
6 enrollment system; to modify the initial charter period; to provide for charter school  
7 admission requirements; to allow foreign language immersion schools to establish  
8 special admission standards; to provide for the qualifications of teachers; to provide  
9 relative to the evaluation of charter school teachers and other school employees; to  
10 provide relative to teacher certification requirements; to remove the requirement that  
11 charter schools comply with laws relative to the length of the school year; to provide  
12 for the Course Choice Program; to provide for program definitions and funding; to  
13 provide for the powers of the State Board of Elementary and Secondary Education  
14 and local public school systems relative to course providers; to provide relative to  
15 entities that authorize charter schools; to provide for certification of certain state  
16 agencies and nonprofit corporations as charter authorizers; to provide relative to the  
17 responsibilities of the State Board of Elementary and Secondary Education with  
18 respect to certification of such authorizers; to provide relative to requirements,  
19 powers, responsibilities, and limitations of such authorizers; to provide relative to  
20 schools whose charter is authorized by such entities, including matters related to  
21 funding for such schools; to provide for procedures, processes, fees, and regulations;  
22 and to provide for related matters.

23 Be it enacted by the Legislature of Louisiana:

24 Section 1. R.S. 17:158(A)(1), 3973(3) through (6), 3981(4), 3982(A)(1)(a) and (2)  
25 and (B), 3983(A)(2)(a)(i), (3)(a), and (4)(a), (b), and (d), (B)(2), and (D), 3991(B)(3) and  
26 (13), (C)(1)(c)(iv) and (6), (D)(2)(a)(i), and (H), 3992(A)(1), 3995(A)(1)(introductory  
27 paragraph) and (c) and (4)(a), 3996(C) and (G), 3998, 4001(A) and (C)(1) and (2), and 4011  
28 through 4025 are hereby amended and reenacted and R.S. 17:10.5(F), 3973(2)(b)(vi) and (7),  
29 3981(7) and (8), 3981.1, 3981.2, 3982(A)(3), 3983(A)(2)(a)(iii) and (d) and (3)(d) and

1 (E)(3), 3992(D), and Part VII of Chapter 42 of Title 17 of the Louisiana Revised Statutes of  
2 1950, comprised of R.S. 17:4002.1 through 4002.6, are hereby enacted to read as follows:

3 §10.5. School and district accountability; failing schools; transfer to Recovery

4 School District; parent petitions

5 \* \* \*

6 F.(1) Notwithstanding the provisions of Paragraph (A)(1) of this Section, a  
7 public school shall be removed from the jurisdiction of the city, parish, or other local  
8 public school board or other public entity and transferred to the jurisdiction of the  
9 Recovery School District if such transfer is approved by the State Board of  
10 Elementary and Secondary Education and both of the following conditions are met:

11 (a) Parents or legal guardians representing at least fifty-one percent of the  
12 students attending the school sign a petition requesting that the school be transferred  
13 to the Recovery School District.

14 (b) The school has received a letter grade of "F" or any variation thereof,  
15 pursuant to the Louisiana School and District Accountability System for three  
16 consecutive years.

17 (2) The State Board of Elementary and Secondary Education shall develop  
18 and adopt rules and regulations for implementation of this Subsection which shall  
19 include but not be limited to:

20 (a) The format and procedures for submitting a petition pursuant to this  
21 Subsection to the state superintendent of education to be brought by him before the  
22 State Board of Elementary and Secondary Education for review pursuant to the  
23 process established for the consideration of schools eligible for transfer to the  
24 Recovery School District as provided in this Section.

25 (b) A requirement that each student may be signed for by his parents or legal  
26 guardians only one time on any given petition such that each student equals one  
27 signature.

28 (c) Signature validation procedures that include the following requirements:

1           (i) That upon submission of a petition, the state Department of Education  
2           shall determine if the number of signatures represents at least fifty-one percent of the  
3           students attending the school.

4           (ii) That the signatures be assumed valid unless challenged or there is  
5           reasonable doubt of their validity. If validity is challenged or doubted, the  
6           department shall, within forty-five calendar days, review and verify the signatures.  
7           If the department finds that the number of valid signatures is fewer than the fifty-one  
8           percent required, parents or legal guardians shall have thirty calendar days,  
9           commencing with a date specified by the department, to resolve such discrepancies  
10           and collect the signatures of additional parents or legal guardians. Signatures shall  
11           not be discounted over technicalities if the clear intent of the parent or legal guardian  
12           was to support the petition.

13           (d) Transfer procedures for students who choose not to remain enrolled at  
14           the school as a result of the state board's decision to transfer the school to the  
15           jurisdiction of the Recovery School District.

16           (3) The state Department of Education shall maintain records regarding the  
17           contents and outcomes of the petitions.

18           (4) Parents or legal guardians shall be free from harassment, threats, and  
19           intimidation related to circulation of or signing a petition.

20           (5) School and district resources shall not be used to support or oppose any  
21           effort by petitioning parents or legal guardians to gather signatures and submit a  
22           petition.

23   \*       \*       \*

24           §158. School buses for transportation of students; employment of bus operators;  
25           alternative means of transportation; improvement of school bus turnarounds

26           A.(1) Except as provided by Subsection H of this Section and in accordance  
27           with the requirements of Subsection F of this Section, each city, parish, and other  
28           local public school board shall provide free transportation for any student attending  
29           a school of suitable grade approved by the State Board of Elementary and Secondary

1 Education within the jurisdictional boundaries of the local board if the student  
2 resides more than one mile from such school. This requirement shall not apply to  
3 any student attending a nonpublic school pursuant to R.S. 17:4011 through 4025.

4 \* \* \*

5 §3973. Definitions

6 As used in this Chapter, the following words, terms, and phrases shall have  
7 the meaning ascribed to them in this Section except when the context clearly  
8 indicates a different meaning:

9 \* \* \*

10 (2)

11 \* \* \*

12 (b) Charter schools shall be one of the following types:

13 \* \* \*

14 (vi) Type 1B, which means a new school or a preexisting public school  
15 operated as the result of and pursuant to a charter between the nonprofit corporation  
16 created to operate the school and a local charter authorizer. Within such charter  
17 schools, pupils who reside within the state will be eligible to attend as provided in  
18 the charter.

19 (3) "Chartering authority" means either a local school board, a local charter  
20 authorizer, or the State Board of Elementary and Secondary Education.

21 (4) "Local charter authorizer" means an entity certified by the state board in  
22 accordance with this Chapter to enter into agreements with chartering groups.

23 (5) "Local school board" means any city, parish, or other local public school  
24 board.

25 ~~(5)~~ (6) "Public service organization" means any community-based group of  
26 fifty or more persons incorporated under the laws of this state that meets all of the  
27 following requirements:

28 (a) Has a charitable, eleemosynary, or philanthropic purpose.

1 (b) Is qualified as a tax-exempt organization under Section 501(c) of the  
2 United States Internal Revenue Code and is organized for a public purpose.

3 ~~(6)~~ (7) "State board" means the State Board of Elementary and Secondary  
4 Education.

5 §3981. State Board of Elementary and Secondary Education; powers and duties  
6 relative to charter schools

7 The State Board of Elementary and Secondary Education shall:

8 \* \* \*

9 (4) Review each proposed charter in a timely manner ~~and in the order in~~  
10 ~~which submitted~~ and determine whether each proposed charter complies with the law  
11 and rules and whether the proposal is valid, complete, financially well-structured,  
12 educationally sound, whether it provides for a master plan for improving behavior  
13 and discipline in accordance with R.S. 17:252, whether it provides a plan for  
14 collecting data in accordance with R.S. 17:3911, and whether it offers potential for  
15 fulfilling the purposes of this Chapter. The board shall engage in an application  
16 review process that complies with the latest Principles and Standards for Quality  
17 Charter School Authorizing, as promulgated by the National Association of Charter  
18 School Authorizers, and shall provide for an independent evaluation of the charter  
19 proposal by a third party with educational, organizational, legal, and financial  
20 expertise.

21 \* \* \*

22 (7) Approve common charter applications developed by the state Department  
23 of Education for use by all chartering authorities in the state. The application shall  
24 allow a potential chartering group to propose any number of charter schools through  
25 a single application.

26 (8) Actively recruit chartering groups that offer a program of study or  
27 propose to offer a program of study that effectively addresses regional workforce  
28 needs, such as career and technical education, industry-based certifications, and  
29 vocational course work.

1        §3981.1. State board; powers and duties relative to local charter authorizers

2            A. The state board shall:

3            (1) Approve a process for certifying entities as local charter authorizers as  
4            more fully specified in this Section.

5            (2) Not certify any entity as a local charter authorizer under this Section  
6            unless it is in compliance with procedures and regulations established by the state  
7            board and the entity meets all of the following requirements:

8            (a) The entity is either a state agency or a nonprofit corporation having an  
9            educational mission, including but not limited to a nonprofit corporation of a  
10           philanthropic or policy nature, a Louisiana public postsecondary education  
11           institution, or a nonprofit corporation established by the governing authority of a  
12           parish or municipality.

13           (b) The entity does not operate any charter schools. An entity which  
14           operates charter schools may not be certified as a local charter authorizer.

15           (c) The entity has been incorporated for not less than three years.

16           (d) The entity has in its possession not less than five hundred thousand  
17           dollars in assets net of liabilities as reported to the Louisiana Department of  
18           Revenue.

19           (3) Review each proposed local charter authorizer in a timely manner and  
20           determine whether each proposed local charter authorizer complies with the law and  
21           rules and whether the proposal is valid, complete, financially well-structured, and  
22           educationally sound, whether it provides for a master plan of academic excellence  
23           relative to the schools it shall oversee, whether it provides a plan for developing the  
24           capacity to authorize not fewer than five schools and assures the state board that it  
25           intends to authorize not fewer than five schools, and whether it offers potential for  
26           fulfilling the purposes of this Chapter. The board shall engage in an application  
27           review process that complies with the latest Principles and Standards for Quality  
28           Charter School Authorizing, as promulgated by the National Association of Charter  
29           School Authorizers, and shall provide for an independent evaluation of the charter

1 proposal by a third party with educational, organizational, legal, and financial  
2 expertise.

3 (4) Certify not more than five local charter authorizers to operate in any  
4 regional labor market area, as defined by the Louisiana Workforce Commission, at  
5 any given time.

6 (5) Approve a process by which charter schools authorized by a local charter  
7 authorizer shall be transferred to the state board as Type 2 or Type 5 charter schools  
8 should the local charter authorizer lose its certification by the state board or  
9 otherwise cease to exist.

10 (6) Monitor and evaluate the schools authorized by a local charter authorizer  
11 in accordance with the school and district accountability system.

12 B. The initial certification of a local charter authorizer shall be for a period  
13 of five years. After the third year of operation of any charter school authorized by  
14 the local chartering authorizer, the state board shall conduct a thorough review of the  
15 authorizer's activities and the performance of the charter schools authorized by the  
16 local charter authorizer, in accordance with the school and district accountability  
17 system. If the average performance of these charter schools is a letter grade of "C",  
18 "D", or "F" or any variation thereof, the authorizer shall be placed on probation and  
19 submit a plan for improving the performance of the schools under its authority to the  
20 state board.

21 C.(1) If the average performance of the charter schools authorized by the  
22 local charter authorizer is a letter grade of "C" or any variation thereof after the  
23 initial certification period, the state board may recertify the local charter authorizer  
24 under the condition that the local charter authorizer may not authorize any additional  
25 schools until the average performance of the charter schools authorized by the local  
26 charter authorizer is a letter grade of "A" or "B" or any variation thereof. The local  
27 charter authorizer may maintain the charter schools it has previously approved.

28 (2) If the average performance of the charter schools authorized by the local  
29 charter authorizer is a letter grade of "D" or "F" or any variation thereof after the



1 initial certification period, the state board shall not recertify the local charter  
2 authorizer and shall provide for the transfer of the charter schools authorized by the  
3 local charter authorizer to the state board as Type 2 or Type 5 charter schools.

4 D. After the initial certification period, the state board may grant renewal of  
5 certification for additional periods of not less than three years nor more than ten  
6 years after thorough review of the local chartering authority's activities and the  
7 performance of the charter schools authorized by the local charter authorizer. The  
8 state board shall continue to conduct a thorough review of the authorizer's activities  
9 and the performance of the charter schools authorized by the local charter authorizer,  
10 in accordance with the school and district accountability system, every three years.

11 E. If the average performance of the charter schools authorized by the local  
12 charter authorizer is a letter grade of "C" or any variation thereof after any three-year  
13 review, the local charter authorizer may not authorize any additional schools until  
14 the average performance of those schools is a letter grade of "A" or "B" or any  
15 variation thereof. If the average performance of the charter schools authorized by  
16 the local charter authorizer is a letter grade of "D" or "F" or any variation thereof  
17 after any three-year review, the state board shall cancel the local charter authorizer's  
18 certification and provide for the transfer of those schools to the state board as Type  
19 2 or Type 5 charter schools.

20 F. The state board may rescind a charter approval or agreement between a  
21 local charter authorizer and a chartering group if the state board finds that in  
22 approving the applicant or entering the agreement the authorizer has failed to comply  
23 with laws and regulations, including but not limited to whether the local charter  
24 authorizer has engaged in a transparent application review process that complies with  
25 the latest Principles and Standards for Quality Charter School Authorizing, as  
26 promulgated by the National Association of Charter School Authorizers, and has  
27 provided for an independent evaluation of the charter proposal by a third party with  
28 educational, organizational, legal, and financial expertise.

1        §3981.2. Local charter authorizers; powers and duties

2                A.(1)(a) A local charter authorizer shall comply with R.S. 17:3983 and shall  
3        review and formally act upon charter proposals received within time lines established  
4        by the State Board of Elementary and Secondary Education that are consistent with  
5        national best practices in charter school authorizing. Such time lines shall require,  
6        at a minimum, an annual charter process in which local charter authorizers are  
7        afforded at least ninety days to evaluate such applications. In conducting such  
8        review, the local charter authorizer shall determine whether the proposed charter  
9        complies with the law and rules, whether the proposal is valid, complete, financially  
10       well-structured, and educationally sound, whether it provides for a master plan for  
11       improving behavior and discipline in accordance with R.S. 17:252, whether it  
12       provides a plan for collecting data in accordance with R.S. 17:3911, and whether it  
13       offers potential for fulfilling the purposes of this Chapter. The local charter  
14       authorizer shall engage in a transparent application review process that complies  
15       with the latest Principles and Standards for Quality Charter School Authorizing, as  
16       promulgated by the National Association of Charter School Authorizers, and shall  
17       provide for an independent evaluation of the charter proposal by a third party with  
18       educational, organizational, legal, and financial expertise. Each local charter  
19       authorizer shall use a common charter application developed by the state Department  
20       of Education and approved by the state board, but may request additional  
21       information from applicants as needed.

22                (b) A local charter authorizer may accept charter proposals and notify charter  
23        applicants of its final decision pursuant to time lines approved by the state board.  
24        Notifications of charter proposals denied shall include written explanation of the  
25        reasons for such denial.

26                (2) The local charter authorizer shall make public through its website, and  
27        in printed form upon request, the following:

28                (a) The guidelines for submitting a charter proposal in accordance with  
29        Paragraph (1) of this Subsection.

1           (b) All forms required for submission of a charter proposal.

2           (c) The time lines established for accepting and reviewing charter proposals.

3           (d) The process that will be used to review charter proposals submitted to the  
4 board.

5           (e) The name and contact information for a primary point of contact for  
6 charter proposals.

7           (3) If a charter applicant believes that a local charter authorizer has not  
8 complied with Paragraphs (1) and (2) of this Subsection in its evaluation of an  
9 application, the charter applicant may submit its proposal to the state board for its  
10 review and approval as a Type 2 charter. If the state board determines that the local  
11 charter authorizer failed to comply with Paragraphs (1) and (2) of this Subsection,  
12 it shall notify the local charter authorizer of that determination and may proceed with  
13 its own review of the charter application. The state board shall review each proposal  
14 according to the process set forth in R.S. 17:3981(4) and shall provide written  
15 notification of its final decision to the charter applicant pursuant to time lines  
16 established by the state board.

17           B. If a local charter authorizer loses its certification from the state board or  
18 otherwise ceases to exist, all of its public assets which it has acquired as a local  
19 charter authorizer pursuant to this Chapter shall become the property of the state  
20 board. Each charter school authorizer shall document all assets acquired from  
21 private funds.

22           C. If a preexisting public school or charter school converts to a Type 1B,  
23 students previously enrolled in the school shall maintain their seat at the school,  
24 unless they choose otherwise.

25           §3982. Local school boards; duties

26           A.(1)(a)(i) Local school boards shall comply with R.S. 17:3983 and shall  
27 review and formally act upon each ~~proposed~~ charter proposal received within time  
28 lines established by the State Board of Elementary and Secondary Education that are  
29 consistent with national best practices in charter school authorizing ~~within ninety~~

1 ~~days of its submission and in the order in which submitted.~~ Such time lines shall  
2 require, at a minimum, an annual charter application process in which local school  
3 boards are afforded at least ninety days to evaluate such applications. In ~~doing~~  
4 conducting such review, the local school board shall determine whether each  
5 proposed charter complies with the law and rules, whether the proposal is valid,  
6 complete, financially well-structured, and educationally sound, whether it provides  
7 for a master plan for improving behavior and discipline in accordance with R.S.  
8 17:252, whether it provides a plan for collecting data in accordance with R.S.  
9 17:3911, and whether it offers potential for fulfilling the purposes of this Chapter.  
10 The local board shall engage in a transparent application review process that  
11 complies with the latest Principles and Standards for Quality Charter School  
12 Authorizing, as promulgated by the National Association of Charter School  
13 Authorizers, and shall provide for an independent evaluation of the charter proposal  
14 by a third party with educational, organizational, legal, and financial expertise. Each  
15 local board shall use a common charter application developed by the state  
16 Department of Education and approved by the state board, but may request  
17 additional information from applicants as needed.

18 (ii) A local school board may accept charter proposals ~~until February twenty-~~  
19 ~~eighth of each year and shall provide written notification of its final decision to the~~  
20 ~~chartering group~~ and notify charter applicants of its final decision pursuant to time  
21 lines approved by the state board. Notifications of charter proposals denied shall  
22 include written explanation of the reasons for such denial.

23 \* \* \*

24 (2) The local school board shall make public through its website, and in  
25 printed form upon request, the guidelines for submitting a charter proposal, all forms  
26 required for submission of a charter proposal, ~~the timelines~~ time lines established for  
27 accepting and reviewing charter proposals in accordance with Item (1)(a)(ii) of this  
28 Subsection, the process that will be used to review charter proposals submitted to the  
29 board, and the name and contact information for a primary point of contact for

1 charter proposals. ~~If no final decision is received within ninety days after the~~  
2 ~~submission of the proposal, then the chartering group may submit its proposal to the~~  
3 ~~state board for its review.~~

4 (3) If a charter applicant believes that a local school board has not complied  
5 with Paragraphs (1) and (2) of this Subsection in its evaluation of an application, the  
6 charter applicant may submit its proposal to the state board for its review and  
7 approval as a Type 2 charter. If the state board determines that the school board  
8 failed to comply with Paragraphs (1) and (2) of this Subsection, it shall notify the  
9 school board of that determination and may proceed with its own review of the  
10 charter application. The state board shall review each proposal according to the  
11 process set forth in R.S. 17:3981(4) and shall provide written notification of its final  
12 decision to the charter applicant pursuant to time lines established by the state board.

13 B. Local school boards shall make available to chartering groups any vacant  
14 school facilities or any facility slated to be vacant for lease or purchase up to fair  
15 market value. In the case of a Type 1B or a Type 2 charter school created as a result  
16 of a conversion, the facility and all property within the existing school shall be made  
17 available to that chartering group. In return for the use of the facility and its  
18 contents, the chartering group shall pay a proportionate share of the local school  
19 board's bonded indebtedness to be calculated in the same manner as set forth in R.S.  
20 17:1990(C)(2)(a)(i). If such facilities were constructed at no cost to the local school  
21 board, then such facilities, including all equipment, books, instructional materials,  
22 and furniture within such facilities, shall be provided to the charter school at no cost.

23 §3983. Chartering process by type; eligibility; limitations; faculty approval; parental  
24 approval

25 A.

26 \* \* \*

27 (2)(a)(i) Each proposal for a Type 1 or Type 3 charter school shall first be  
28 made to the local school board with jurisdiction where the school is to be located,  
29 ~~except in the case of a local system in academic crisis as provided for in Item (ii)~~

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 Item (ii) or (iii) of this Subparagraph, involving the submission of by submitting a  
2 written proposal. If, after review as required by R.S. 17:3982, the local school board  
3 denies the proposal, or if conditions placed on the proposal by the local school board,  
4 as provided in Paragraph (B)(2) of this Section, are not acceptable to ~~those proposing~~  
5 ~~the charter~~ the chartering group, then a proposal for a Type 2 charter school may be  
6 made to the ~~State Board of Elementary and Secondary Education~~ state board.

7 \* \* \*

8 (iii) If the local school system in which a chartering group intends to apply  
9 to operate a school has received a letter grade designation of "D" or "F" or any  
10 variation thereof, then a proposal for a Type 2 charter school may be made to the  
11 state board.

12 \* \* \*

13 (d) Each proposal for a Type 1B charter school shall be made to a certified  
14 local charter authorizer. If, after review as required by R.S. 17:3981.2, the local  
15 charter authorizer denies the proposal, or if conditions placed on the proposal by the  
16 local charter authorizer, as provided in Paragraph (B)(2) of this Section, are not  
17 acceptable to those proposing the charter, then a proposal for a Type 2 charter school  
18 may be made to the state board.

19 \* \* \*

20 ~~(3)(a) The State Board of Elementary and Secondary Education shall accept~~  
21 ~~applications for charters only from April first through October thirty-first of each~~  
22 ~~year. The board~~ state board shall review and take action on every Type 2 and Type  
23 4 charter application it receives. ~~The board shall not approve any charter application~~  
24 ~~before May first of each year as provided in Paragraph (A)(4) of this Section.~~

25 \* \* \*

26 (d)(i) Not later than January 1, 2013, the state board shall create a process  
27 for authorizing multiple charter schools for qualified chartering groups that have a  
28 demonstrated record of success. The process shall include the evaluation of

1 performance of chartering groups that do not operate any schools in Louisiana based  
2 on the performance of schools operated in other states.

3 (ii) Chartering groups that meet the criteria established pursuant to Item (i)  
4 this Subparagraph are eligible to apply for and be granted approval of multiple  
5 charter agreements through a single application; however, even if multiple charter  
6 agreements are approved pursuant to a single application, the chartering group shall  
7 open only one school at a time. Only after each such school meets specified  
8 performance targets, as determined by the chartering authority, may the chartering  
9 group open a subsequent approved school.

10 \* \* \*

11 (4)(a) A local school board and a local charter authorizer may enter into any  
12 charter it finds valid, complete, financially well-structured, and educationally sound  
13 after meeting the requirements of this Chapter. Each such charter entered into shall  
14 be reported by the local school board or local charter authorizer to the ~~State Board~~  
15 ~~of Elementary and Secondary Education~~ state board not less than two business days  
16 following the event.

17 (b) The ~~State Board of Elementary and Secondary Education~~ state board may  
18 approve applications for charters as it has determined acceptable pursuant to R.S.  
19 17:3981(2). ~~Applications may be approved only from May first through January~~  
20 ~~thirty-first of each year.~~

21 \* \* \*

22 (d) Prior to the consideration of a charter school proposal by any local school  
23 board, a local charter authorizer, or the state board, each charter applicant shall be  
24 afforded the opportunity to ~~revise and resubmit the proposal based on the~~ provide a  
25 written response to the independent evaluation conducted in accordance with R.S.  
26 17:3981(4), and R.S. 17:3982(A)(1)(a)(i) 3981.2(A)(1)(a), or 3982(A)(1)(a)(i), as  
27 applicable. Such response shall be available to the independent reviewers for  
28 consideration prior to issuing a final recommendation to the chartering authority.  
29 However, if a proposal is not approved by the local school board or local charter

1 authorizer and then also not approved by the state board within the same approval  
2 cycle, then the proposal shall be submitted to the local school board or a local charter  
3 authorizer for its consideration during the next approval cycle prior to being  
4 submitted to the state board.

5 \* \* \*

6 B.

7 \* \* \*

8 (2) Additionally, each approved charter may be approved subject to whatever  
9 other resolatory or suspensive conditions the chartering authority requires provided  
10 those entering into the charter agree with the conditions. If the local board or local  
11 charter authorizer seeks to amend the charter agreement in a manner that is  
12 unacceptable to the charter school or if the charter school finds requested terms for  
13 charter renewal to be unacceptable, the charter school may petition the state board  
14 to convert to a Type 2 charter school. Upon receipt of such request, the state board  
15 shall notify the local board or local charter authorizer of the request and shall permit  
16 the local board or local charter authorizer to provide a response prior to any action  
17 on such request.

18 \* \* \*

19 D.(1) Prior to approving a charter for a Type 1 or Type 3 school, the local  
20 school board considering the proposal shall hold a public meeting for the purpose of  
21 considering the proposal and receiving public input. Such meeting shall be held after  
22 reasonable efforts have been made by the board to notify the public of the meeting  
23 and its content.

24 (2) Prior to approving a charter for a Type 1B school, the local charter  
25 authorizer considering the proposal shall hold a public meeting for the purpose of  
26 receiving public input. Such meeting shall be held in the geographic area to be  
27 served by the school after reasonable efforts have been made to notify the public of  
28 the meeting and its content.



1 E.

2 \* \* \*

3 (3) Approval by a local charter authorizer shall be in accordance with the  
4 conditions of its certification as established by the state board.

5 \* \* \*

6 §3991. Charter schools; requirements; limitations; renewal; amendment; revocation

7 \* \* \*

8 B. Each proposed charter shall contain or make provision for the following:

9 \* \* \*

10 (3) Admission requirements, if any, that are consistent with the school's role,  
11 scope, and mission may be established pursuant to rules promulgated by the state  
12 board. Such admission requirements shall be specific and shall include a system for  
13 admission decisions which precludes exclusion of pupils based on race, religion,  
14 gender, ethnicity, national origin, intelligence level as ascertained by an intelligence  
15 quotient examination, or identification as a ~~child~~ student with an exceptionality as  
16 defined in ~~R.S. 17:1943(4)~~ R.S. 17:1942(B). Such admission requirements may  
17 include, however, specific requirements related to a school's mission such as  
18 auditions for schools with a performing arts mission or ~~achievement of a certain~~  
19 ~~academic record for schools with a college preparatory~~ proficiency in a foreign  
20 language for schools with a language immersion mission. Any school which was  
21 chartered prior to July 1, 2012, and which incorporated achievement of a certain  
22 academic record as part of its admission requirements may continue to utilize such  
23 admission requirements. No local board shall assign any pupil to attend a charter  
24 school.

25 \* \* \*

26 (13) ~~Manner in which~~ Assurance that teachers and other school employees  
27 will be evaluated in accordance with R.S. 17:3997.

28 \* \* \*

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 C. A charter school shall:

2 (1)

3 \* \* \*

4 (c)

5 \* \* \*

6 (iv) Unless otherwise provided for within the charter, charter schools may  
7 not enroll in any given year more than one hundred twenty percent of the total  
8 number of students which had been approved in their charter without formally  
9 amending their charter. The state board may authorize the state superintendent of  
10 education and the superintendent of the Recovery School District to amend the  
11 charter of any Type 5 charter school participating in a unified enrollment system  
12 administered by the Recovery School District for the purpose of adjusting student  
13 enrollment limitations.

14 \* \* \*

15 ~~(6)(a)(i) Except for Type 5 charter schools to which the requirements~~  
16 ~~provided in Subparagraph (b) of this Paragraph apply, employ teachers certified by~~  
17 ~~the state board or the French Ministry of Education for at least seventy-five percent~~  
18 ~~of the instructional staff employed by the charter school.~~

19 (ii) ~~The remaining portion of the instructional staff shall meet at least one of~~  
20 ~~the following requirements~~ Employ instructional staff who have at least a  
21 baccalaureate degree and who shall be subject to all provisions of state law relative  
22 to background checks applicable to the employment of public school personnel.

23 ~~(aa) Be authorized under law or state board regulation to teach temporarily~~  
24 ~~while seeking a regular teaching certificate.~~

25 ~~(bb) Have at least a bachelor's degree or at least ten years of experience~~  
26 ~~related to the teaching position for which he is being hired, demonstrate exemplary~~  
27 ~~skills in his field of expertise, and be providing instruction under the supervision of~~  
28 ~~a certified teacher. Any individual who makes an application for employment under~~

1        ~~this Item shall be employed based on a determination of the applicant's qualifications~~  
2        ~~by the charter school.~~

3                ~~(b) A Type 5 charter school shall:~~

4                ~~(i) Beginning no later than the second school year of operation, have not less~~  
5        ~~than the percentage of teachers certified by the state board than was the case in the~~  
6        ~~school prior to its transfer to the Recovery School District.~~

7                ~~(ii) Beginning no later than the third school year of operation, have a teacher~~  
8        ~~certified by the state board teaching every core subject. Core subject shall be defined~~  
9        ~~by the state board by rule.~~

10                ~~(iii) All other instructional staff employed in a Type 5 charter school shall~~  
11        ~~meet the same requirements as provided in Item (a)(ii) of this Paragraph.~~

12                D.

13                                \*        \*        \*

14                (2)(a)(i) Notwithstanding the provisions of R.S. 17:158(A), if the local  
15        school board is requested to provide transportation services to a charter school  
16        student pursuant to R.S. 17:158, then the charter school receiving the transportation  
17        services shall reimburse the local school board for the actual cost of providing such  
18        transportation unless an amount less than actual cost is agreed upon by both parties.

19                                \*        \*        \*

20                H. Any assets acquired by a Type 1, 1B, 2, 3, or 5 charter school are the  
21        property of that charter school for the duration of that school's charter agreement.  
22        Any assets acquired by a Type 4 charter school are the property of the local school  
23        board. If the charter agreement of any Type 1, 1B, 2, 3, or 5 charter school is  
24        revoked or the school otherwise ceases to operate, all assets purchased with any  
25        public funds become the property of the chartering authority. Assets that become the  
26        property of a local charter authorizer pursuant to this Subsection shall be used solely  
27        for purposes of operating charter schools. Charter schools are to maintain records

1 of any assets acquired with any private funds which remain the property of the  
2 nonprofit ~~organization~~ group operating the charter school.

3 \* \* \*

4 §3992. Charter revision and renewal

5 A.(1) Unless revoked as provided for in Subsection C of this Section, an  
6 approved school charter shall be valid for an initial period of ~~five~~ four years and may  
7 be extended for a maximum initial term of five years, contingent upon the results of  
8 ~~the reporting requirements at the end~~ a review conducted after the completion of the  
9 third year as provided in ~~R.S. 17:3998(A)(2), and R.S. 17:3998.~~ The charter may be  
10 renewed for additional periods of not less than three nor more than ten years after  
11 thorough review by the approving chartering authority of the charter school's  
12 operations and compliance with charter requirements. ~~The process for renewing a~~  
13 ~~school charter shall be the same as for initial charter approval, with a written report~~  
14 ~~being provided annually to the chartering authority regarding the school's academic~~  
15 ~~progress that year.~~ The chartering authority shall notify the chartering group in  
16 writing of any decisions made relative to the renewal or nonrenewal of a school's  
17 charter not later than January thirty-first of the year in which the charter would  
18 expire. A notification that a charter will not be renewed shall include written  
19 explanation of the reasons for such non-renewal. Pursuant to Subsection C of this  
20 Section and using such annual review process, a charter may be revoked for failure  
21 to meet agreed-upon academic results as specified in the charter.

22 \* \* \*

23 D. For each charter school which has received a letter grade designation of  
24 "A" or "B" or any variation thereof and has met the criteria of Subparagraph  
25 (A)(2)(c) of this Section pursuant to automatic renewal, a charter operator shall be  
26 eligible to open and operate two additional schools that serve the same grade levels  
27 and the same enrollment boundaries as defined in the charter agreement of the school  
28 meeting the criteria of Subparagraph (A)(2)(c) of this Section without formal  
29 application to the chartering authority with which the charter agreement for the

1 school that meets the criteria of Subparagraph (A)(2)(c) of this Section is held. The  
2 chartering group shall notify its chartering authority of its intent to open one or two  
3 additional charter schools pursuant to this Subsection at least one hundred twenty  
4 calendar days prior to the day on which each additional school shall enroll students.  
5 At least ninety calendar days prior to the day on which each additional school shall  
6 enroll students, the chartering authority shall enter into a charter agreement with the  
7 chartering group for each additional school and shall notify the state board of its  
8 action.

9 \* \* \*

10 §3995. Charter school funding

11 A.(1) ~~Except as otherwise provided by this Subsection, for~~ For the purpose  
12 of funding, a Type 1, Type 3, and Type 4 charter school shall be considered an  
13 approved public school of the local school board entering into the charter agreement  
14 and shall receive a per pupil amount each year from the local school board based on  
15 the October first membership count of the charter school. ~~Except as otherwise~~  
16 ~~provided by this Subsection, Type 1B and Type 2~~ Type 2 charter schools shall receive a per  
17 pupil amount each year from the state Department of Education using state funds  
18 specifically provided for this purpose. ~~Type 2 charter schools authorized by the State~~  
19 ~~Board of Elementary and Secondary Education after July 1, 2008, shall receive a per~~  
20 ~~pupil amount state board~~ each year as provided in the Minimum Foundation Program  
21 approved formula. The per pupil amount provided to a Type 1, ~~1B,~~ 2, 3, or 4 charter  
22 school shall be computed annually and shall be equal to no less than the per pupil  
23 amount received by the school district in which the charter school is located from the  
24 following sources based on the district's October first membership count:

25 \* \* \*

26 (c) The provisions of this Paragraph permitting the calculation of the per  
27 pupil amount to be provided to a Type 1, ~~1B,~~ 2, 3, or 4 charter school to exclude any  
28 portion of local revenues specifically dedicated by the legislature or by voter  
29 approval to capital outlay or debt service, shall be applicable only to a charter school

1           housed in a facility or facilities provided by the district in which the charter school  
2           is located.

3    \*            \*            \*

4                     (4)(a) ~~A chartering authority~~ The state board, a local school board, and a  
5                     local charter authorizer may annually charge each charter school it authorizes a fee  
6                     in an amount equal to two percent of the total per pupil amount as defined by this  
7                     Subsection that is received by a charter school for administrative overhead costs  
8                     incurred by the chartering authority for considering the charter application and any  
9                     amendment thereto, providing monitoring and oversight of the school, collecting and  
10                    analyzing data of the school, and for reporting on school performance. Such fee  
11                    amount shall be withheld from the per pupil amount in monthly increments and shall  
12                    not be applicable to any federal money or grants received by the charter school.  
13                    Administrative overhead costs shall not include any cost incurred by the chartering  
14                    authority to provide purchased services to the charter school. As provided by  
15                    Subparagraph (b) of this Paragraph, a chartering authority or the Recovery School  
16                    District, if applicable, may provide other services for a charter school and charge the  
17                    actual cost of providing such services, but no such arrangement shall be required as  
18                    a condition for authorizing the charter school.

19    \*            \*            \*

20           §3996. Charter schools; exemptions; requirements

21    \*            \*            \*

22                    C. A charter school established and operated in accordance with the  
23                    provisions of this Chapter shall comply with state and federal laws and regulations  
24                    otherwise applicable to public schools with respect to civil rights and individuals  
25                    with disabilities. Any Type 1B, Type 2, or Type 5 charter school shall be considered  
26                    the local education agency for the purposes of any special education funding or  
27                    statutory definitions, while the local school board shall remain the local education  
28                    agency for any Type 1, 3, or 4 charter school.

29    \*            \*            \*

1           G. All charter schools established and operated in accordance with the  
 2 provisions of this Chapter shall comply with the provisions of R.S. 39:1301 through  
 3 1315. Each Type 1, 3, and 4 charter school annually shall submit its budget to the  
 4 local school board that approved its charter, and such board shall submit the charter  
 5 school's budget to the state superintendent of education in accordance with the  
 6 provisions of R.S. 17:88. Each Type 1B charter school annually shall submit its  
 7 budget to its authorizer. Each Type 2 and Type 5 charter school annually shall  
 8 submit its budget directly to the state superintendent of education.

9   \*       \*       \*

10           §3998. Reports; review

11           A.~~(1)~~ Each chartering authority shall report to the state board on the number  
 12 of schools chartered, the status of those schools, and any recommendations by July  
 13 first of each year.

14           ~~(2)~~ B. Each charter school shall ~~provide a comprehensive report to be~~  
 15 ~~reviewed by its chartering authority at the end after the completion~~ of the third year.  
 16 If the charter school is achieving its stated goals and objectives pursuant to its  
 17 approved charter, then the chartering authority shall extend the duration of the  
 18 charter for ~~the additional two-year period~~ a maximum initial term of five years as  
 19 provided in R.S. 17:3992(A)(1). If the charter school is not achieving its stated goals  
 20 and objectives pursuant to its approved charter, then the chartering authority shall not  
 21 extend the duration of the charter and it shall expire at the end of the school's fourth  
 22 year.

23           ~~B.~~ ~~The state board shall review information regarding the laws, regulations,~~  
 24 ~~and policies from which charter schools were exempt pursuant to this Chapter to~~  
 25 ~~determine if the exemptions assisted or impeded the charter schools in meeting their~~  
 26 ~~stated goals and objectives.~~

27           ~~C.~~ ~~The state board shall report to the governor and to the Senate and House~~  
 28 ~~Committees on Education no later than January 1, 2001, on its initial findings~~  
 29 ~~including recommendations to modify, expand, or terminate the approach.~~

1           ~~D. In preparing the report required by this Section, the state board shall~~  
2           ~~compare to the extent statistically possible the performance of charter school pupils~~  
3           ~~with the performance of ethnically and economically comparable groups of pupils~~  
4           ~~in other schools who are enrolled in academically comparable courses, including a~~  
5           ~~fiscal and programmatic analysis based on the total per pupil funding in each charter~~  
6           ~~school in relation to the total per pupil funding in the respective local public school~~  
7           ~~system that has been invested in instruction.~~

8                                 \*       \*       \*

9           §4001. Louisiana Charter School Start-Up Loan Fund; creation; purpose;  
10                   distribution

11           A. The Louisiana Charter School Start-Up Loan Fund, hereafter referred to  
12           as the "fund", is hereby created within the state treasury for the purposes of  
13           providing a source for funding no-interest loans to assist both existing and new ~~type~~  
14           Type 1, Type 1B, ~~type~~ Type 2, or ~~type~~ Type 3 charter schools with initial start-up  
15           funding and for funding the administrative and legal cost associated with the charter  
16           school program.

17                                 \*       \*       \*

18           ~~C.(1) The State Board of Elementary and Secondary Education~~ state board  
19           shall administer the use of the monies appropriated from the fund and shall adopt  
20           rules in accordance with the Administrative Procedure Act. The adopted rules shall  
21           specify that state board approval of any ~~type~~ Type 2 charter school proposal that  
22           includes within its budget a request for loan funding which complies with the  
23           provisions of this Section and details regarding how those loan funds are to be  
24           expended, shall constitute the approval of that loan amount. No additional loan  
25           application paperwork shall be required. Any ~~type~~ Type 1 or ~~type~~ Type 3 charter  
26           school approved by their local school board and a Type 1B charter school approved  
27           by a certified local charter authorizer shall be required to submit no more than their  
28           approved charter proposal and a detailed budget identifying how any loan funds are  
29           to be expended and how such request complies with the provisions of this Section.



1 The state board may reject any such request which does not comply with terms of  
2 this Section. Such rules shall also note that any loan funding may only be used to  
3 purchase tangible items such as equipment, technology, instructional materials, and  
4 facility acquisition, upgrade, and repairs. Such equipment or other items shall  
5 become the property of the state if the loan is not fully repaid by virtue of the school  
6 ceasing to operate during the three years of automatic loan repayment as noted in  
7 Paragraph (3) of this Subsection.

8 (2) Loans shall be made only to ~~type~~ Type 1, Type 1B, type ~~Type 2, and type~~  
9 Type 3 charter schools and shall not exceed one hundred thousand dollars to pay for  
10 charter school start-up and early operating expenses. No money lent as provided in  
11 this Section may be used to pay prior debts of the nonprofit corporation which  
12 formed the charter school, any of the natural persons principally involved in forming  
13 the charter school, or any former or current business or nonprofit venture of any such  
14 natural persons for any purchase not related to the creation of the charter school, or  
15 to pay to members of the immediate family of any such natural persons, or to make  
16 any investments.

17 \* \* \*

18 PART VII. COURSE PROVIDERS

19 §4002.1. Course providers; short title

20 This Part shall be known as the "Course Choice Program".

21 §4002.2. Legislative findings

22 The legislature finds and declares that:

23 (1) It is in the public interest that all Louisiana school children have access  
24 to the type and format of education that best meets the needs of the individual  
25 student, that each student has different needs that merit a variety of course choices  
26 on the individual student level, and that the state has the right, responsibility, duty,  
27 and obligation to accomplish the objective of a quality, individualized education for  
28 all Louisiana children.

1           (2) Enrollment of children in course work offered by course providers is in  
2           compliance with the objectives of Louisiana's compulsory attendance law; course  
3           providers in Louisiana make a significant educational and economic contribution  
4           towards meeting the goal of a quality, individualized education for every Louisiana  
5           school child; and Louisiana has recognized and encouraged that contribution through  
6           online education and dual enrollment in postsecondary education institutions for  
7           many years.

8           (3) Effective course providers exist in Louisiana.

9           (4) Course providers can offer a quality education to students and it is in the  
10          public interest to offer students the means of accessing the educational opportunities  
11          offered by course providers by providing students with the public funds allocated to  
12          them from local and state sources to enroll in such courses.

13          (5) Postsecondary education institutions can serve as quality course  
14          providers for students who seek advanced level course work or technical or  
15          vocational instruction.

16          (6) Online or virtual course providers can serve as quality course providers  
17          for students who desire additional access to high quality courses, especially but not  
18          limited to students enrolled in low-performing public schools, students who for  
19          reasons of geography may not be able to exercise their right to educational choice,  
20          and students who may desire an alternative schooling schedule or calendar.

21          (7) Business and industry can serve as quality course providers that offer  
22          course work in their particular field or expertise with the goal of increasing the  
23          skilled workforce required for a robust Louisiana economy.

24          §4002.3. Definitions

25                 As used in this Part, unless otherwise clearly indicated, the following terms  
26                 mean:

27                 (1) "Course provider" means an entity that offers individual courses in  
28                 person or online, including but not limited to online or virtual education providers,  
29                 postsecondary education institutions, and corporations that offer vocational or

1 technical course work in their field, and have been authorized to provide such  
2 courses by the state board.

3 (2) "Eligible funded student" means any student who resides in Louisiana  
4 and meets one of the following criteria:

5 (a) Is attending a public school that received a letter grade of "C", "D", or  
6 "F", or any variation thereof, according to the Louisiana School and District  
7 Accountability System.

8 (b) Is attending a public school that does not offer the course in which the  
9 student desires to enroll, as determined by the state board.

10 (c) Is a scholarship recipient pursuant to R.S. 17:4013 and attends a  
11 participating school in accordance with R.S. 17:4011 through 4025.

12 (3) "Eligible participating student" means any student who resides in  
13 Louisiana and meets one of the following criteria:

14 (a) Is attending a public school that has received a letter grade of "A" or "B",  
15 or any variation thereof, according to the school and district accountability system.

16 (b) Is attending a nonpublic school that is approved, provisionally approved,  
17 or probationally approved by the state board pursuant to R.S. 17:11.

18 (c) Is enrolled in a home study program approved by the state board.

19 (4) "State board" means the State Board of Elementary and Secondary  
20 Education.

21 §4002.4. State board; powers and duties relative to course providers

22 A.(1) Not later than January 1, 2013, the state board shall create a process  
23 for authorizing course providers that shall determine whether each proposed course  
24 provider complies with the law and rules, whether the proposal is valid, complete,  
25 financially well-structured, and educationally sound, whether it provides a plan for  
26 collecting data in accordance with R.S. 17:3911, and whether it offers potential for  
27 fulfilling the purposes of this Part. The state board shall provide for an independent  
28 evaluation of the proposal by a third party with educational, organizational, legal,  
29 and financial expertise.

1           (2) The process shall provide for an agreement with the course provider that  
2           shall include, at a minimum, a plan for implementing or providing the following:

3           (a) Administration of state assessments as required by the school and district  
4           accountability system, except to students as defined by R.S. 17:4002.3(2)(c).

5           (b) The parishes or local school systems in which the course provider will  
6           operate.

7           (c) Proposed courses offered, alignment of said courses by the course  
8           provider with the requirements of R.S. 17:24.4, and the designated length of each  
9           course offered.

10          (d) Alignment of the courses offered by the course provider with any type  
11          of approved Louisiana diploma, including those provided in R.S. 17:183.2, 183.3,  
12          and 236.1.

13          (e) Assurances that the course provider shall, to the best of its ability,  
14          collaborate and coordinate with a local school system in which a eligible funded  
15          student or eligible participating student is enrolled full time.

16          B.(1) The initial authorization of the course provider shall be for a period of  
17          three years. After the second year of the initial authorization period, the state board  
18          shall conduct a thorough review of the course provider's activities and the academic  
19          performance of the students enrolled in courses offered by the course provider in  
20          accordance with the school and district accountability system. If the performance  
21          of the students enrolled in courses offered by the course provider pursuant to the  
22          school and district accountability system does not meet performance standards set  
23          by the state board, the state board shall place the course provider on probation.

24          (2) After the initial three-year authorization period, the state board may  
25          reauthorize the course provider for additional periods of not less than three years nor  
26          more than five years after thorough review of the course provider's activities and the  
27          achievement of students enrolled in courses offered by the course provider.

1           (3) The state board shall monitor and evaluate the course provider in  
2           accordance with performance expectations set forth by the state board in which  
3           student achievement is the predominant criterion.

4           (4) The state board shall create a process for common course numbering of  
5           all courses listed in the course catalogue and for determining whether courses are in  
6           compliance with R.S. 17:24.4. For courses offered by postsecondary education  
7           institutions that are authorized course providers, the state board shall consult with the  
8           Board of Regents.

9           C. Not later than January 1, 2013, the state board shall create a reciprocal  
10          teacher certification process for teachers who reside in other states but who are  
11          employed by authorized course providers and teach virtual education courses to  
12          satisfy the state certification requirements pursuant to R.S. 17:17.1.

13          D. Prior to the 2013-2014 school year, the state board shall create a course  
14          catalogue for all courses offered, by parish.

15          §4002.5. Local school systems; per course providers

16          A. Each local school board shall establish policies and procedures whereby  
17          for each student identified in R.S. 17:4002.3(2)(a) and (b) and (3)(a) the following  
18          shall apply:

19                  (a) Credits earned through the course provider shall appear on each such  
20                  student's official transcript and count fully towards the requirements of any approved  
21                  Louisiana diploma.

22                  (b) Tests required pursuant to R.S. 17:24.4 shall be administered to each  
23                  such student attending a public school.

24                  (c) All services to which each such student attending public school would  
25                  be entitled if attending the school in which he is enrolled full time for all courses,  
26                  including but not limited to special education services pursuant to the student's  
27                  Individual Education Plan shall be provided.

1           B. Each local public school system shall make available to all students the  
2           course catalogue as provided by the state board during the annual course enrollment  
3           process for that local school system.

4           C. No local public school system shall actively discourage, intimidate, or  
5           threaten an eligible funded student or an eligible participating student during the  
6           course enrollment process or at any time for that local school system.

7           D. The aggregate test scores of students who are enrolled in a course  
8           pursuant to this Part and in accordance with Subsection A of this Section shall be  
9           counted in the school performance score for the school in which the student is  
10          enrolled full time. The test scores shall be reported to and published by the state  
11          Department of Education for each course provider in an easy to understand format  
12          and on the department's website.

13          E. Each student identified in R.S. 17:4002.3(2)(a) and (b) and (3)(a) shall  
14          enroll in at least one course at the school in which he is enrolled full time.

15          F. The state board shall adopt rules necessary to implement this Part,  
16          including but not limited to the requirements of school governing authorities or local  
17          school systems whose students enroll in courses offered by authorized course  
18          providers.

19          §4002.6. Course providers; funding

20                 A.(1) The course provider shall receive a course amount for each eligible  
21                 funded student.

22                 (2) For purposes of this Part, the per course amount means an amount equal  
23                 to the market rate as determined by the course provider and reported to the state  
24                 Department of Education up to one-sixth of ninety percent of the per pupil amount  
25                 each year as determined by the Minimum Foundation Program for the local school  
26                 system in which the eligible funded student resides. Any remaining funds, except  
27                 those specified in Paragraph (3) of this Subsection, for that student shall be returned  
28                 to the state or to the local school system according to the pro rata share for the per  
29                 pupil amount each year as determined by the minimum foundation program for the

1 local school system in which the student resides. Transfers of course payments shall  
2 be made by the state Department of Education on behalf of the responsible city or  
3 parish school system in which the student resides to the authorized course provider.

4 (3) For each student identified in R.S. 17:4002.3(2)(a) and (b), an amount  
5 equal to ten percent of the per pupil amount according to the pro rata share as  
6 determined each year by the Minimum Foundation Program for the local school  
7 system in which such student resides shall remain with the local school system in  
8 which the eligible funded student is enrolled full time. These funds shall be used to  
9 finance any administrative or operational costs to support students enrolled in  
10 courses offered by course providers, as determined by the state board.

11 (4) For students identified in R.S. 17:4002.3(2)(d), the course provider shall  
12 receive payment only for the courses in which the student is enrolled in accordance  
13 with Subsection C of this Section. The remaining funds for each of these students  
14 up to the maximum amount for the parish in which the participating student resides  
15 as determined each year by the Minimum Foundation Program or actual tuition and  
16 fees, as applicable, shall remain with the participating school in which the student  
17 is enrolled in accordance with R.S. 17:4011 through 4025.

18 B.(1) The course provider may charge tuition to any eligible participating  
19 student in an amount equal to the amount determined by the course provider and  
20 reported to the state Department of Education in accordance with Paragraph (A)(2)  
21 of this Section.

22 (2) The course provider shall accept the amount specified in Paragraph  
23 (A)(2) of this Section as total tuition and fees for the eligible participating student.

24 C.(1) Fifty percent of the amount of tuition to be paid or transferred through  
25 the Minimum Foundation Program to the course provider shall be paid or transferred  
26 upon student enrollment in a course and fifty percent shall be paid or transferred  
27 upon course completion according to the published course length.

28 (2) If a student does not complete a course according to the published course  
29 length in which the course provider has received the first payment pursuant to

1 Paragraph (1) of this Subsection, the provider shall receive forty percent of the  
2 course amount as defined in Paragraph (A)(2) of this Section only if the student  
3 completes the course and receives credit for the course prior to leaving school  
4 pursuant to R.S. 17:221 or graduating from high school pursuant to R.S. 17:24.4.

5 (3) The remaining ten percent of the per pupil amount according to the pro  
6 rata share as determined each year by the Minimum Foundation Program for the  
7 local public school system in which the eligible funded student resides shall remain  
8 with the school in which the eligible funded student is enrolled full time. This shall  
9 be in addition to the ten percent specified in Paragraph (A)(3) of this Section.

10 \* \* \*

11 §4011. Short title

12 This Chapter shall be known and may be cited as the "Student Scholarships  
13 for Educational Excellence Act".

14 §4012. Legislative findings

15 The legislature finds and declares that:

16 (1) It is in the public interest that all Louisiana schoolchildren receive the  
17 best education that its citizens can provide, and the state of Louisiana has the right,  
18 responsibility, duty, and obligation to accomplish the objective of quality education  
19 for all Louisiana children, ~~particularly for those children in school systems that have~~  
20 ~~been declared to be academically in crisis.~~

21 (2) Attendance of children at nonpublic schools constitutes compliance with  
22 the objectives of Louisiana's compulsory attendance law; nonpublic schools in  
23 Louisiana make a significant educational and economic contribution towards  
24 meeting the goal of a quality education for every Louisiana school child; and  
25 Louisiana has recognized and encouraged that contribution through providing  
26 textbooks and transportation to students attending approved nonpublic schools for  
27 many decades.

28 (3) Effective nonpublic schools exist in Louisiana's school systems;  
29 ~~including those that are academically in crisis.~~



1 (4) Nonpublic schools can offer a quality education to students ~~in systems~~  
2 ~~that are academically in crisis~~, and it is in the public interest to offer students in such  
3 all systems the means of accessing the educational opportunities offered by  
4 nonpublic schools by providing them with scholarships to attend such schools.

5 (5) Academically acceptable public schools can serve as quality alternatives  
6 for students attending low-performing public schools.

7 §4013. Definitions

8 As used in this Chapter, unless otherwise clearly indicated, the following  
9 terms ~~shall~~ mean:

10 (1) ~~"Covered district" means a local public school system which meets all~~  
11 ~~of the following criteria:~~

12 (a) ~~Has been found to be academically in crisis pursuant to R.S. 17:10.6.~~

13 (b) ~~Has had schools transferred to the jurisdiction of the Recovery School~~  
14 ~~District pursuant to R.S. 17:10.7.~~

15 (c) ~~Is located in a municipality with a population of at least three hundred~~  
16 ~~thousand persons according to the latest federal decennial census and includes the~~  
17 ~~Recovery School District established pursuant to R.S. 17:1990 to the extent that~~  
18 ~~schools under the district's jurisdiction are located within the geographic boundaries~~  
19 ~~of a covered district.~~

20 (2) "Department" means the state Department of Education.

21 (3) (2) "Eligible student" means a student who resides ~~within the geographic~~  
22 ~~boundaries of a covered district~~, in Louisiana, is a member of a family with a total  
23 income that does not exceed two hundred fifty percent of the current federal poverty  
24 guidelines as established by the federal office of management and budget, and who  
25 meets any one of the following criteria:

26 (a) Is entering kindergarten and has enrolled in the local school system in  
27 which the public school he would have otherwise attended is located or in a school  
28 under the jurisdiction of the Recovery School District. Each local school system or  
29 the Recovery School District shall conduct its annual kindergarten enrollment

1 process and shall report such enrollment to the department prior to the program  
2 enrollment process.

3 (b) Was enrolled in a public school ~~located within a covered district during~~  
4 ~~the previous~~ in Louisiana on October first and on February first of the most recent  
5 school year pursuant to the definition of student membership established by the state  
6 board for purposes of the Minimum Foundation Program formula, school year in a  
7 program-eligible grade and such school has been identified as academically  
8 unacceptable or has a school performance score or an assessment index of sixty or  
9 less as defined by the State Board of Elementary and Secondary Education received  
10 a letter grade of "C", "D", or "F" or any variation thereof, for the most recent year  
11 pursuant to policies developed and adopted by the board for implementation of the  
12 school and district accountability system.

13 (c) Received a scholarship pursuant to this Chapter in the previous school  
14 year ~~and remains otherwise eligible.~~

15 ~~(4)~~ (3) "Participating school" means a nonpublic school that meets program  
16 requirements and seeks to enroll scholarship recipients pursuant to this Chapter or  
17 a public school ~~located within the geographic boundaries of a covered district that~~  
18 meets program requirements and seeks to enroll scholarship recipients pursuant to  
19 this Chapter subject to any court-ordered desegregation plan in effect for the school  
20 system in which the public school is located.

21 ~~(5)~~ (4) "Program" means the Student Scholarships for Educational  
22 Excellence Program.

23 ~~(6)~~ (5) "Scholarship" means the funds awarded to a parent or other legal  
24 guardian on behalf of an eligible student to attend a participating public or nonpublic  
25 school pursuant to this Chapter.

26 ~~(7)~~ (6) "Scholarship recipient" means an eligible student who is awarded a  
27 scholarship pursuant to this Chapter.

1 §4014. Student Scholarships for Educational Excellence Program; creation

2 The Student Scholarships for Educational Excellence Program is hereby  
3 created and shall be administered by the ~~state Department of Education~~ department.

4 §4015. Program administration

5 In administering the program pursuant to this Chapter, the department shall:

6 (1) Determine student eligibility for awarding scholarships.

7 (2) Receive ~~the~~ notice of intent from schools seeking to participate in the  
8 program; which shall include the number of available seats per grade and whether  
9 the school elects to offer an enrollment preference to a student based on the parish  
10 in which the student resides, and qualify such schools for participation in the  
11 program, ~~and determine the number of available seats, by grade, at participating~~  
12 ~~schools.~~ For eligible public schools, the notice of intent shall be submitted by the  
13 principal of the school with the approval of the local superintendent. The local  
14 school board shall delegate the authority to participate in the program to the local  
15 superintendent.

16 (3)(a) Accept applications from parents ~~and other~~ or legal guardians of  
17 eligible students and award scholarships to eligible students ~~who submit applications,~~  
18 ~~up to the number of available seats in each grade at all participating schools.~~ Each  
19 application shall indicate the parent or legal guardian's choice or choices of  
20 participating schools.

21 (b) In the event there are more eligible students who submit applications than  
22 there are available seats at participating schools for any grade, the department shall  
23 ~~utilize~~ conduct a random selection process to award scholarships that provides each  
24 eligible student an equal opportunity for selection. However, the department may  
25 give preference to the following:

26 (i) Siblings of students already enrolled in the participating school.

27 (ii) Students enrolled in the Nonpublic School Early Childhood Development  
28 Program at the participating school.

1            (iii) Participating students transferring from an ineligible school pursuant to  
2            this Section.

3            (iv) Students residing in the parishes as indicated pursuant to the notice of  
4            intent, if applicable.

5            (c) For the purposes of the random selection process, twins, triplets,  
6            quadruplets, and other such multiple births shall constitute one individual.

7            (4) Notify parents ~~and other~~ or legal guardians of eligible students who  
8            applied for scholarships whether they have been awarded a scholarship and ~~of the~~  
9            ~~process that must be followed to enroll in a~~ placed at a particular participating  
10           ~~school. The scholarship recipient shall be placed through the random selection~~  
11           ~~process and according to his indicated preferences as provided in Paragraph (3) of~~  
12           ~~this Subsection. For the purposes of this Section, a unified enrollment system~~  
13           ~~administered by the Recovery School District may be considered the random~~  
14           ~~selection process. The department shall continue the random selection process until~~  
15           ~~each seat is filled according to the time line established by the department.~~

16           (5) Remit scholarship payments to participating schools on behalf of a  
17           scholarship recipient.

18           (6) Receive independent financial audits from participating nonpublic  
19           schools as required by ~~this Chapter~~ R.S. 17:4022(4).

20           ~~(7) In the event that there are more scholarship recipients applying for~~  
21           ~~enrollment in a participating school than there are available seats, ensure that the~~  
22           ~~school shall select scholarship recipients for admission utilizing a random selection~~  
23           ~~process that provides each scholarship recipient with an equal opportunity for~~  
24           ~~selection. The department shall establish a time line that coordinates a random~~  
25           ~~selection process at all participating schools and shall ensure that each participating~~  
26           ~~school adopts procedures for conducting such random selection process and notifies~~  
27           ~~the parents or legal guardians of scholarship recipients of the procedures to be~~  
28           ~~followed should a random selection process be required.~~

1           ~~(8) For students enrolled in the program, annually verify the eligibility status~~  
2           ~~of each student and notify his parent or other legal guardian of his status by not later~~  
3           ~~than April thirtieth or a date determined by the department that would provide~~  
4           ~~students who are no longer eligible for a scholarship sufficient time to apply to~~  
5           ~~another school within the covered district.~~

6           (9) Provide (7) Annually publish each scholarship recipient and their parent  
7           or legal guardian with a list of the following information for all schools participating  
8           in the program.:

9           (a) The most recent aggregate average proficiency rates on state assessments  
10          for scholarship recipients enrolled at each participating school.

11          (b) A list of all public schools with a letter grade of "C", "D", or "F", or any  
12          variation thereof.

13          (c) The rate at which scholarship recipients finish the highest grade level  
14          offered at a participating school, by entering cohort.

15          (d) The retention rate for scholarship recipients.

16          (f) The percentage of parents or legal guardians of scholarship recipients  
17          who are satisfied with the participating school.

18          ~~(8)~~(a) Place any participating school that fails to comply with the audit  
19          provisions pursuant to R.S. 17:4022(4) on probation for a period of one year during  
20          which such school shall not be permitted to enroll additional scholarship recipients.

21          (b) If such school ~~has not come into~~ is not in full compliance by the end of  
22          the one-year probationary period, the school shall be ineligible to participate in the  
23          program until such time as the department has determined that the school is in full  
24          compliance.

25          (c) The department shall assist any scholarship recipient attending a school  
26          that is ~~no longer eligible~~ ineligible to participate in the program ~~to transfer in~~  
27          transferring to another participating school, provided such school has sufficient  
28          capacity at the appropriate grade level.

1 §4016. Scholarship amounts; funding

2 A. The state board shall allocate annually from the Minimum Foundation  
3 Program an The amount per pupil to each participating school equal to the amount  
4 allocated per pupil to the local school system in which the scholarship recipient  
5 resides. This amount shall be counted toward the equitable allocation of funds  
6 appropriated to parish and city school systems as provided in Article VIII, Section  
7 13(B) of the Constitution of Louisiana. of the scholarship provided on behalf of a  
8 scholarship recipient shall be an amount equivalent to ninety percent of the per pupil  
9 amount the covered district receives from combined state and local sources or For  
10 a participating school that charges tuition, if the maximum amount of tuition plus  
11 incidental or supplementary fees that are charged to non-scholarship students  
12 enrolled in such school and any costs incurred in administering the tests required  
13 pursuant to R.S. 17:4023 is less than the amount allocated per pupil to the local  
14 school system in which the student resides, whichever is less. any remaining funds  
15 shall be returned to the state or to the local school system in which the scholarship  
16 recipient attended or otherwise would be attending public school for that year  
17 according to the pro rata share for the per pupil amount each year as determined by  
18 the Minimum Foundation Program for the local school system in which the  
19 scholarship recipient attended or otherwise would be attending public school for that  
20 year.

21 ~~B. The amount of the scholarship provided on behalf of a scholarship~~  
22 ~~recipient that enrolls in a participating school that does not charge tuition shall be an~~  
23 ~~amount equivalent to ninety percent of the per pupil amount the covered district~~  
24 ~~receives from combined state and local sources or the participating school's actual~~  
25 ~~cost of educating a student plus any costs incurred in administering the tests required~~  
26 ~~pursuant to R.S. 17:4023, whichever is less.~~

27 ~~C. B.(1) For~~ If a scholarship recipient who is enrolled in a participating  
28 nonpublic school would have been entitled to receive special education services  
29 ~~there shall be added to the amount of the scholarship an amount equivalent to special~~

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1        ~~education funding provided to a covered district for such a student from federal~~  
2        ~~sources. A participating public school receiving a scholarship payment for a~~  
3        ~~scholarship recipient pursuant to this Chapter shall not receive any funds through the~~  
4        ~~Minimum Foundation Program for such student.~~ in the public school he would  
5        otherwise be attending, his parent or legal guardian shall indicate in writing, as part  
6        of the enrollment process, one of the following:

7                (a) That the scholarship recipient's parent or legal guardian revokes consent  
8                for the participating student to receive such services from either the nonpublic  
9                participating school or the local school system in which the scholarship recipient  
10              otherwise would be attending.

11              (b) That the scholarship recipient will receive such services from the  
12              participating nonpublic school if the school chooses to offer such services. In such  
13              case, the nonpublic school may charge a higher tuition for students receiving such  
14              services, the state board shall allocate annually from the Minimum Foundation  
15              Program an amount per pupil to each participating nonpublic school equal to a  
16              special education tuition amount based on the cost of providing special education  
17              services identified for that student to the participating nonpublic school. This  
18              amount shall be in addition to the participating nonpublic school's maximum  
19              scholarship payment as described in Subsection A of this Section but the total of the  
20              payment and the special education tuition shall not exceed the amount allocated for  
21              that student to the local school system if the student otherwise would be attending  
22              public school.

23              (2) To offer special education services pursuant to Subparagraph (1)(b) of  
24              this Subsection, a participating nonpublic school shall meet all of the following  
25              criteria:

26              (a) Has existed and provided educational services to students with  
27              exceptionalities as defined in R.S. 17:1942, excluding students deemed to be gifted  
28              or talented, for at least two years prior to participation in the program and such  
29              provision of services shall be pursuant to an established program in place at the

1 school that includes instruction by teachers holding appropriate certification in  
2 special education or other appropriate education or training as defined by the  
3 department and that is in accordance with a student's Individual Education Plan.

4 (b) In accordance with time lines as determined by the department, inform  
5 the department of the types of student exceptionalities as defined in R.S. 17:1942(B)  
6 that the school is willing to serve.

7 ~~D. C. Funding for scholarships awarded to parents or other legal guardians~~  
8 ~~of eligible students pursuant to this Chapter shall be provided by an appropriation~~  
9 ~~from the legislature from the state general fund. Each scholarship recipient is a~~  
10 ~~member of the local school system in which he attended or otherwise would be~~  
11 ~~attending public school for that school year. Prior to the program enrollment process~~  
12 ~~and in accordance with a time line specified by the department for this purpose,~~  
13 ~~students entering kindergarten shall enroll in the membership of the local school~~  
14 ~~system in which they otherwise would be attending public school for that school~~  
15 ~~year. Each local school system shall conduct its annual kindergarten enrollment~~  
16 ~~process in accordance with the department's time line and shall report such~~  
17 ~~enrollment to the department prior to the program enrollment process.~~

18 ~~E. The total amount of state funds expended to implement the provisions of~~  
19 ~~this Chapter for Fiscal Year 2008-2009 shall not exceed ten million dollars.~~

20 §4017. Payment of scholarships

21 A. ~~The Department of Education~~ department shall ~~remit transfer~~ scholarship  
22 payments ~~directly~~ to each participating school on behalf of the ~~parent or other legal~~  
23 ~~guardian of a scholarship recipient. The parent or other legal guardian shall assign~~  
24 ~~the full value of the scholarship to the participating school~~ responsible city or parish  
25 school district.

26 B. The amount to be paid for a scholarship shall be divided into four equal  
27 payments to be made to each participating school in September, ~~November,~~  
28 ~~December,~~ February, and May of each school year. Payments shall be based on per  
29 pupil count dates as determined by the department. No refunds shall be made to the



1 department or to the parent or ~~other~~ legal guardian if the scholarship recipient  
2 withdraws from the program or is otherwise not enrolled prior to the next count date.

3 The school in which the scholarship recipient is enrolled on the next count date shall  
4 receive the next payment.

5 §4018. Student eligibility

6 ~~A. For the 2008-2009 academic year, students shall be eligible to receive~~  
7 ~~their initial scholarships when entering kindergarten or when entering the first,~~  
8 ~~second, or third grade if they attended public school in the covered district during the~~  
9 ~~previous school year. Students in grades four through twelve shall be eligible for~~  
10 ~~scholarships as additional grade levels are added to the program.~~

11 ~~B. Scholarship recipients shall remain eligible to receive scholarships in each~~  
12 ~~succeeding year that they remain enrolled in a participating school through grade~~  
13 ~~twelve. As the 2008-2009 cohort of scholarship recipients advances in grade level,~~  
14 ~~one additional grade level of eligibility shall be added to the program, beginning in~~  
15 ~~2009-2010. Student eligibility continues~~ Eligibility shall continue if a student  
16 recipient transfers from one participating school to another participating school.

17 ~~§4019. District eligibility~~

18 ~~A covered district that is eligible for inclusion in the program on June 25,~~  
19 ~~2008, shall be considered a covered district for the duration of the program.~~

20 §4020. School participation; application

21 A. Participation in this program by a school is voluntary, and nothing in this  
22 Chapter shall ~~not~~ be construed to authorize any additional regulation of participating  
23 schools beyond that specifically authorized by this Chapter.

24 B. Any school that wishes to participate in the program and enroll  
25 scholarship recipients annually shall notify the department of its intent to participate  
26 in the program by February first of the previous school year; except that for the  
27 ~~2008-2009~~ 2012-2013 school year, a school that seeks to participate in the program  
28 shall notify the department of its intent to participate not later than ~~July 30, 2008.~~  
29 June 30, 2012. The notice shall specify the number of seats the school will have

1 available for scholarship recipients at each grade level and the maximum amount of  
2 tuition attributable to each available seat, as applicable.

3 §4021. School eligibility

4 A. To be eligible to participate in the program, a nonpublic school shall meet  
5 all of the following criteria:

6 (1) Be approved, provisionally approved, or probationally approved by the  
7 State Board of Elementary and Secondary Education pursuant to R.S. 17:11.

8 (2) Comply with the criteria set forth in *Brumfield, et al. v. Dodd, et al.* 425  
9 F. Supp. 528.

10 (3)~~(a)~~ Enrollment of scholarship recipients in a participating school that has  
11 been ~~in operation~~ approved, provisionally approved, or probationally approved for  
12 less than two years shall not exceed twenty percent of such school's total student  
13 enrollment.

14 ~~(b) The department may grant a waiver of this requirement to a participating~~  
15 ~~school if the governing authority of such school demonstrates a proven record of~~  
16 ~~successful operation of other schools.~~

17 B. To be eligible to participate in the program, a public school shall ~~be~~  
18 ~~determined to be academically acceptable~~ have received a letter grade of "A" or "B",  
19 or any variation thereof, for the most recent school year pursuant to the ~~Louisiana~~  
20 ~~School and District Accountability Program~~ school and district accountability  
21 system.

22 C. Scholarship recipients enrolled in a participating school that fails to meet  
23 the eligibility criteria established in this Section may transfer to another participating  
24 school for the succeeding school year without loss of eligibility, and such ~~students~~  
25 recipients shall be given preference for enrollment at other participating schools.

1 §4022. Participating schools; requirements

2 Each participating school shall:

3 (1) ~~Within sixty days after the scholarship program admissions period as~~  
4 ~~scheduled by the department, notify the applicant in writing whether the applicant~~  
5 ~~has been accepted.~~

6 (2) Use an open admissions process in enrolling scholarship recipients in the  
7 program and shall not require any additional eligibility criteria other than those  
8 specified in R.S. 17:4013(3)(2). ~~In the event that there are more scholarship~~  
9 ~~recipients applying for enrollment in a participating school than there are available~~  
10 ~~seats, select scholarship recipients for admission utilizing a random selection process~~  
11 ~~that provides each scholarship recipient with equal opportunity for selection.~~  
12 ~~However, a participating school may give preference to siblings of a student who is~~  
13 ~~already enrolled in the participating school. For the purposes of such random~~  
14 ~~selection process, twins, triplets, quadruplets, and other such multiple births shall~~  
15 ~~constitute one individual. Participating schools shall notify the department of any~~  
16 ~~scholarship recipient not selected by random selection so that the department may~~  
17 ~~notify those students of other participating schools with an available seat. In the~~  
18 ~~event that the student not selected does not wish to enroll in another participating~~  
19 ~~school, the school shall add the student to a waiting list so that he may be enrolled~~  
20 ~~when a seat becomes available. Students may remain on more than one participating~~  
21 ~~school's waiting list, however, upon enrolling in a participating school, their names~~  
22 ~~shall be removed from waiting lists maintained by other participating schools.~~

23 (3) ~~Notify~~ (2) Within ten business days of the first day of school as  
24 determined by the participating school, notify the department of scholarship  
25 recipients enrolled.

26 (4) (3) Submit to the department an independent financial audit of the school  
27 conducted by a certified public accountant who has been approved by the legislative  
28 auditor. Such audit shall be accompanied by the auditor's statement that the report  
29 is free of material misstatements and fairly presents the participating school's

1 maximum tuition or actual cost of educating a student pursuant to R.S. 17:4016. The  
2 audit shall be limited in scope to those records necessary for the department to make  
3 scholarship payments to the participating school and shall be submitted to the  
4 legislative auditor for review and investigation of any irregularities or audit findings.  
5 The participating school shall return to the state any funds that the legislative auditor  
6 determines were expended in a manner inconsistent with state law or program  
7 regulations. The cost of such audit shall be paid by the department from funds  
8 appropriated by the legislature to implement the provisions of this Chapter.

9 ~~(5)~~ (4) Accept the scholarship amounts provided to scholarship recipients as  
10 full payment of all educational costs, including incidental or supplementary fees; that  
11 are charged to all enrolled students; including but not limited to meals, field trips,  
12 and before- or after-school care.

13 ~~(6)~~ (5) ~~Upon enrolling scholarship recipients pursuant to this Chapter, allow~~  
14 ~~such students~~ Allow scholarship recipients to remain enrolled in the school for the  
15 duration of the school year at no additional cost to the state or the recipients' parents  
16 or legal guardians if the school voluntarily withdraws from the program ~~provided~~  
17 ~~that continued funding is appropriated by the legislature for the program.~~ However,  
18 ~~students~~ a scholarship recipient may be expelled from the school according to the  
19 school's discipline policy ~~or disqualified from enrollment in subsequent years if the~~  
20 ~~student is no longer eligible for the program as determined by the department. In the~~  
21 ~~event~~ and shall report such dismissal to the department within two business days of  
22 such dismissal. If funding is not available to continue the program, the participating  
23 school shall allow a scholarship recipient to remain enrolled in such school, provided  
24 such ~~student~~ recipient meets the school's requirements for continued enrollment and  
25 ~~the student's~~ his parent or legal guardian assumes responsibility for paying the tuition  
26 and fees charged to all students enrolled in the school.

27 ~~(7)~~ (6) Prior to enrollment, inform the parent or ~~other~~ legal guardian of a  
28 scholarship recipient of any and all rules, policies, and procedures of such school,  
29 including but not limited to academic policies, disciplinary rules, and procedures of

1 the school. Enrollment of a scholarship recipient in a participating school constitutes  
2 acceptance of any such rules, policies, and procedures of such school.

3 §4023. Testing

4 A participating nonpublic school shall ensure that scholarship recipients are  
5 administered all examinations required pursuant to the ~~Louisiana School and District~~  
6 ~~Accountability System~~ school and district accountability system at the prescribed  
7 grade levels ~~including the Louisiana Educational Assessment Program, the integrated~~  
8 ~~Louisiana Educational Assessment Program (iLEAP), and graduation exit~~  
9 ~~examinations~~ and that the results of such examinations are provided to parents or  
10 legal guardians.

11 §4024. Reports

12 The ~~Department of Education~~ department annually shall report to the Senate  
13 Committee on Education, the House Committee on Education, and the Joint  
14 Legislative Committee on the Budget regarding the implementation of the program,  
15 including the number of eligible students receiving scholarships, a list of  
16 participating schools and the number of scholarship recipients each such school  
17 enrolled, and aggregate test result data for the scholarship recipients enrolled in each  
18 participating school.

19 §4025. Rules

20 The State Board of Elementary and Secondary Education shall adopt and  
21 promulgate rules and regulations in accordance with the Administrative Procedure  
22 Act to implement the provisions of this Chapter.

23 Section 2. R.S. 17:3991(B)(9) and 3996(A)(16) and (B)(4) are hereby repealed in  
24 their entirety.

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**DIGEST**

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Carter

HB No. 976

**Abstract:** Provides relative to school choice including the Student Scholarships for Educational Excellence Program; parent petitions for certain schools to be transferred to the RSD; and charter school authorizers, the chartering process, and course providers.

Present law provides generally for charter schools, which are public schools that operate somewhat independently of the local school board but pursuant to a charter agreement. Generally, a nonprofit organization that wishes to run a charter school, the "charter operator", applies to the local school board or to the State Board of Elementary and Secondary Education (BESE), the "chartering authority", for permission to operate a school. If the application is approved, the chartering authority enters an agreement with the charter operator, and the agreement specifies the goals and objectives and terms and conditions applicable to the particular school.

Proposed law amends the chartering process (see Chartering Process in this digest); provides for a new type of chartering authority (see Local Charter Authorizers in this digest); and provides for the chartering of providers of individual courses other than schools (see Course Providers in this digest).

**Chartering Process**

Proposed law requires that BESE approve a common charter application, developed by the Dept. of Education for use by all chartering authorities including school boards and BESE pursuant to present law and local charter authorizers pursuant to proposed law.

Proposed law requires that BESE recruit charter operators that offer programs that address regional workforce needs; such programs may include vocational and technical education and industry-based certifications.

Present law provides for the duties of local school boards in chartering schools. Proposed law amends present law as follows:

- (1) Present law requires the school board to determine whether a proposed charter is valid, complete, financially well-structured, and educationally sound, whether it provides for a master plan for improving behavior and discipline in accordance with present law, whether it provides a plan for collecting data in accordance with present law, and whether it offers potential for fulfilling the purposes of the charter school law. Requires a transparent application review process that complies with standards established by the National Association of Charter School Authorizers. Requires that school boards post specified information regarding charter applications on their websites. Proposed law retains present law.
- (2) Present law requires an independent evaluation of the charter proposal by a third party with educational, organizational, legal, and financial expertise. Present law requires that prior to final consideration by the school board, the charter operator be afforded an opportunity to revise and resubmit an application in response to the independent evaluation. Proposed law removes requirement for opportunity to revise and resubmit and provides instead for opportunity to submit a written response and

that such a response shall be available to the independent reviewer before it makes its final recommendation.

- (3) Present law authorizes school boards to accept charter applications until Feb. 28 each year and requires school boards to act upon charter applications within 90 days after submission and in the order of submission. Proposed law requires instead that school boards act within time lines established by BESE that are consistent with national best practices. Provides that the BESE time lines shall provide for an annual charter application process and afford school boards at least 90 days to evaluate applications. Proposed law further requires that each school board use the common charter application developed by the department and approved by BESE, but authorizes the school board to request additional information.
- (4) Present law provides that if an applicant has not received a decision from the school board after 90 days, the charter operator may apply to BESE for a charter. Proposed law removes this provision and provides instead that if a local board fails to comply with present law and proposed law regarding application for charters, the charter applicant may submit its proposal to BESE. Requires BESE to determine whether the local board failed to comply with present law and proposed law, and if it so determines, it may review the charter proposal.

Relative to the evaluation of charter proposals by BESE, proposed law requires that BESE create a process for authorizing multiple charter schools for charter operators that have a demonstrated record of success including operators that do not operate any schools in La. An operator that meets qualifications established by BESE may enter agreements with BESE to operate more than one charter school under a single agreement.

Present law provides that a charter may be approved subject to other conditions if the parties agree. Proposed law additionally provides that if the local board or local charter authorizer seeks to amend the charter agreement in a manner that is unacceptable to the charter school or if the charter school finds requested terms for charter renewal to be unacceptable, the charter school may apply to BESE for a charter. Requires BESE to notify the local board or local charter authorizer of the request and permit the local board to respond prior to any action.

Present law provides if a school system is academically in crisis, a charter application that would otherwise be made to the local school board may be made to BESE. Proposed law retains present law and provides that if the local school system has received a "D" or an "F" under the school and district accountability system, the charter operator may apply directly to BESE.

Relative to admission requirements for proposed charters, present law requires that such charters contain or provide for a system for admission decisions that prohibits exclusion of students based on race, religion, special education needs, and other specified factors. Permits admission requirements related to a school's mission such as auditions for performing arts schools and academic achievement for college preparatory schools. Proposed law retains present law except deletes present law allowance for inclusion of academic achievement for college preparatory schools and provides instead that schools chartered prior to July 1, 2012, with certain academic achievement as part of the admission requirements may continue to use such requirements. Proposed law further adds an allowance for proficiency in a foreign language for schools with a language immersion mission.

Present law requires that all charter schools except those in the Recovery School District employ teachers certified by the state board or the French Ministry of Education for at least 75% of the instructional staff. Provides that the remaining staff shall meet one of the following requirements:

- (1) Be authorized under law or BESE regulation to teach temporarily while seeking a regular teaching certificate.
- (2) Have at least a bachelor's degree or at least 10 years of experience related to the teaching position, demonstrate exemplary skills in his field of expertise, and be providing instruction under the supervision of a certified teacher.

With respect to charter schools in the Recovery School District, present law requires each school:

- (1) Beginning no later than the second school year of operation, have not less than the percentage of BESE-certified teachers than was the case in the school prior to its transfer to the Recovery School District.
- (2) Beginning no later than the third school year of operation, have a BESE-certified teacher teaching every core subject.
- (3) Other instructional staff shall meet the same requirements that other types of charter schools are required to meet.

Proposed law removes these requirements and requires that all instructional staff at a charter school have at least a baccalaureate degree.

Present law provides that approved charters are valid for an initial period of five years. Proposed law provides that the initial period is four years but the initial period may be extended for an additional year. Present law provides that after the initial period, a charter may be renewed for periods of not less than three nor more than 10 years. Proposed law retains present law. Present law provides that the process for renewing a charter shall be the same as for initial charter approval, with a written report being provided annually to the chartering authority regarding the school's academic progress that year. Proposed law removes present law.

Present law requires that each charter school provide a comprehensive report to its chartering authority after three years of operation. If the school is achieving its goals, the charter is extended for an additional two years. Proposed law requires instead that the chartering authority review each charter school after three years; if the school is meeting its goals, the initial charter period may be extended to include the fifth year; if not, the charter expires at the end of the fourth year.

Present law provides that a charter is automatically renewed if the school has met or exceeded for the three preceding years the benchmarks established for it in accordance with present law, has demonstrated growth in student academic achievement for the three preceding schools years, and has had no significant audit findings during the term of the charter agreement. Proposed law provides that the operator of a charter school that qualifies for automatic renewal and has received a letter grade of "A" or "B" or any variation thereof is eligible to open and operate two additional schools that serve the same grade levels and the same enrollment boundaries without formal application. Requires that the charter operator notify the chartering authority of its intent to open additional charter schools at least 120 calendar days prior to enrolling students and enter a charter agreement at least 90 calendar days prior to enrolling students.

Present law requires BESE to review information regarding the laws, regulations, and policies from which charter schools are exempt to determine if the exemptions assisted or impeded the charter schools in meeting their stated goals and objectives. Further requires BESE to report to the governor and to the legislative education committees, no later than Jan. 1, 2001, on its findings. Requires that the report include statistical analysis of performance. Proposed law repeals present law.



**Local Charter Authorizers**

Proposed law requires that BESE establish procedures for certifying other entities, other than BESE itself and local school boards, as "local charter authorizers". State agencies and nonprofit corporations with an educational mission may be certified as local charter authorizers. An entity which has been certified by BESE as a local charter authorizer may accept, evaluate, and approve applications for charter schools from charter operators.

With respect to the local charter authorizers, proposed law provides that BESE:

- (1) Shall not certify a nonprofit corporation as a charter authorizer unless it has been in existence for at least three years and it has not less than \$500,000 in assets.
- (2) Shall not certify a charter operator as a local charter authorizer.
- (3) Shall not certify more than five local charter authorizers to operate in any Regional Labor Market Area, as defined by the La. Workforce Commission, at any given time.

Proposed law provides for monitoring and standards for local charter authorizers and the schools they charter by BESE.

Proposed law provides that the initial certification of a local charter authorizer shall be for a period of five years. Certification may be renewed for periods of not less and three and not more than 10 years. Proposed law requires BESE to conduct a thorough review of schools chartered by the local charter authorizer every three years, renewal of certification and continuing authority to authorize charter schools are dependent on the grades received by the schools chartered by the authorizer. If a local charter authorizer loses its certification, its schools are transferred to BESE or the Recovery School District as charter schools.

Proposed law authorizes BESE to rescind a charter issued by a local charter authorizer if BESE finds that the local charter authorizer failed to comply with procedures and requirements in approving the charter.

Proposed law generally provides that a local charter authorizer is subject to the same requirements regarding the process for charter applications and evaluations as present law and proposed law provides for local school boards (see discussion of duties of local school boards in chartering schools under Chartering Process in this digest).

Proposed law provides that local charter authorizers may charter new schools or existing schools which convert to charter schools; any such school is referred to as a Type 1B charter school. Provides that pupils who reside within the state are eligible to attend as provided in the charter.

Present law provides that a state chartered school is a local education agency for purposes of special education funding and that the local school board is the local education agency for charter schools it has authorized. Proposed law provides that a school authorized by a local charter authorizer is a local education agency.

Present law provides that assets acquired by a charter school (except Type 4) are the property of that school for the duration of that school's charter agreement. Proposed law retains present law and makes it applicable to charter schools authorized by local charter authorizers. Proposed law requires that assets that become the property of a local charter authorizer be used solely for purposes of operating charter schools.

Present law requires that charter schools adopt budgets in accordance with the La. Local Government Budget Act. Proposed law retains present law and makes it applicable to charter schools authorized by local charter authorizers. Requires that such schools submit their budgets to their local charter authorizer.

Present law establishes the La. Charter School Start-Up Loan Fund to provide no-interest loans to assist charter schools get started. Proposed law provides that schools authorized by local charter authorizers are eligible for loans from the fund.

### **Course Providers**

Proposed law (R.S. 17:4002.1-4002.6) provides for the Course Choice Program. Requires the State Board of Elementary and Secondary Education (BESE) to create a process for authorizing course providers including online or virtual providers, postsecondary education institutions, and corporations that offer vocational or technical courses. Provides that the process shall include certain required information to be provided by proposed authorizers, including the administration of state assessments, the parishes or school systems where the provider will operate, the proposed courses offered, and the alignment of the courses with any approved La. diploma. Provides for an initial authorization period of three years and provides for reauthorization for additional periods of three to five years.

Requires BESE to adopt rules for implementation of proposed law. Provides for monitoring and evaluation of course providers by BESE. Further requires BESE to create a common course numbering process and course catalogue for all courses and a reciprocal teacher certification process for certain teachers residing in other states who are employed by course providers. Requires local school systems to establish policies and procedures for counting credits earned by and administering state tests to eligible students and for all services to be provided to eligible students, including those with Individual Education Plans.

Specifies that course providers shall receive a per course amount for each eligible funded student which shall be 1/6 of 90% of the annual Minimum Foundation Program (MFP) per pupil amount. Requires any remaining funds (with certain exceptions) to be returned to the state or the local school system according to the pro rata share for the annual MFP per pupil amount for the school system in which the student resides. Further requires 10% of the per pupil amount according to such pro rata share to remain with the local school system in which the student is enrolled full time to be used to finance any administrative or operational costs to support students enrolled in courses offered by course providers as determined by BESE. For eligible students who receive scholarships pursuant to present law and proposed law (R.S. 17:4011-4025), requires that the course provider shall receive payment only for the courses in which the student is enrolled pursuant to proposed law and the remaining funds for each student, up to the maximum amount as determined by the MFP, stay with the participating school in which the student is enrolled.

Allows course providers to charge tuition to eligible participating students in an amount determined by the provider. Provides that 51% of the tuition to be paid or transferred through the MFP to the course provider shall be done so upon student enrollment in a course, and 51% shall be paid or transferred upon course completion. Provides that under specified circumstances, the course provider shall receive 40% of the course amount if the student fails to complete the course in the time required by the provider.

Defines eligible students as those enrolled in certain public schools, home study programs, and nonpublic schools. Provides that certain test scores of eligible students shall be counted in the school performance score for the school where the student is enrolled full time. Requires the state Dept. of Education to publish such test scores on its website.

### **Student Scholarships for Educational Excellence Program**

Present law provides for the Student Scholarships for Educational Excellence Program for eligible K-six students. Provides that eligible students shall be those in Orleans Parish from families with a total income not exceeding 250% of the current federal poverty guidelines. Provides for scholarships to be awarded to eligible students to attend public and nonpublic schools in Orleans Parish that volunteer to participate in the program and meet certain eligibility requirements including that public schools be academically acceptable. Limits

enrollment of scholarship recipients at a nonpublic school that has been in operation for less than two years to 20% of total enrollment but permits waivers of this limitation by the state Dept. of Education.

Provides for a random selection process coordinated by the department and conducted by participating schools when there are more program applicants than seats available. Permits participating schools to give enrollment preferences to siblings of students already enrolled in the participating school. Permits scholarship recipients to remain eligible to receive scholarships in each succeeding year that they remain enrolled in a participating school through grade 12 unless determined ineligible by the department. Requires notice from schools seeking to participate. Requires participating nonpublic schools to ensure that scholarship recipients are administered all examinations required pursuant to the state's school and district accountability program.

Provides for scholarship amounts equivalent to 90% of the per pupil amount for Orleans Parish school system from combined state and local sources (or the amount of tuition and fees for participating nonpublic schools) and provides for an added amount for special education services. Prohibits participating public schools from receiving any MFP funds for scholarship recipients. Specifies that funding shall be provided by legislative appropriation from the state general fund. Requires the department to remit scholarship payments to participating schools on behalf of the parents/legal guardians who shall assign the full value of the scholarship to the participating school.

Provides for administration of the program by the state Dept. of Education in accordance with rules and regulations adopted by the State Board of Elementary and Secondary Education (BESE). Requires the department annually to report to the House and Senate education committees and the Joint Legislative Committee on the Budget on the implementation of the program including specified information.

Proposed law changes the program as follows:

- (1) Eligible students shall be those residing in La. (instead of Orleans Parish only) from families with a total income not exceeding 250% of the current federal poverty guidelines who are entering kindergarten, were enrolled in a La. public school on Feb. 1 of the previous year that had a letter grade of C, D, or F or any variation thereof, or received a scholarship the previous school year. Specifies that those students entering kindergarten shall have enrolled in the local school system where the public school they otherwise would have attended is located or in an RSD school.
- (2) Eligible participating schools shall be those throughout La. (instead of in Orleans Parish only) that meet program requirements. Adds that public school participation shall be subject to any applicable court-ordered desegregation plans.
- (3) Provides that the state Dept. of Education shall conduct the random selection process until each seat is filled. Authorizes the department to give enrollment preferences to siblings and to students enrolled in the Nonpublic School Early Childhood Development Program at the participating school, students transferring from an ineligible school, and students residing in parishes as may be specified by eligible participating schools. Permits a unified enrollment system administered by the Recovery School District to be the random selection process.
- (4) Requires the principal of an eligible public school to submit the notice of intent for program participation with the local superintendent's approval and further requires the local school board to delegate the authority to participate in the program to the local superintendent. Requires that the notice include the number of seats available per grade and whether the school will offer enrollment preferences to students based on the parishes where they reside.

- (5) Changes/updates notification deadlines for participating schools.
- (6) Requires that applications from parents/legal guardians shall indicate their choices of participating schools and requires that scholarship recipients be placed according to the indicated preferences.
- (7) Deletes requirements that the department annually verify student eligibility status.
- (8) Relative to nonpublic schools accepting scholarship students as more than 20% of total enrollment, requires that the school has to have been approved, provisionally approved, or probationally approved for more than two years instead of in operation for such time and removes authority for the department to waive this requirement.
- (9) Deletes eligibility requirement that a public school be academically acceptable and instead requires that the school have a letter grade of A or B or any variation thereof, for the most recent school year.
- (10) Deletes that a scholarship recipient already participating in the program may be determined ineligible and disqualified from participating in the program in subsequent years.
- (11) Specifies that if a scholarship recipient remains enrolled in a school after the school withdraws from the program, it shall be at no cost to the state or the parents.
- (12) Excludes scholarship recipients attending participating nonpublic schools from present law that requires local school boards to provide free transportation to students who reside more than one mile from school.
- (13) Requires the department annually to publish certain student test result data, a list of public schools with certain letter grades, cohort graduation rates, retention rates, and parental satisfaction rates for participating schools as applicable. Requires participating schools to inform parents of certain test result data compiled and received from the department.
- (14) Deletes requirement that the scholarship amount for participating schools be 90% of the per pupil amount or applicable tuition costs and instead requires BESE annually to allocate from the MFP to each participating school, an amount equal to the amount allocated per pupil to the local school system in which the participating student resides. Provides that such amount shall be counted toward the equitable allocation of funds appropriated to local school systems as provided in present constitution (Art. 8, §13). For participating schools that charge tuition, provides that under certain circumstances, any remaining funds shall be returned to the state or to the local public school system according to the pro rata share for the annual per pupil amount as determined by the MFP.
- (15) Requires transfers of scholarship payments to be made by the department to participating schools on behalf of the responsible local school districts.
- (16) Provides that scholarship recipients shall be considered public school students for MFP funding purposes.
- (17) For program funding purposes, requires students entering kindergarten to enroll in their local public school system or in an RSD school and requires school systems and the RSD to conduct and report their annual kindergarten enrollment in accordance with a time line specified by the department prior to the program enrollment process.
- (18) Deletes the requirement that federal special education funding be added for special education students receiving scholarships, the prohibition on participating schools

receiving any MFP funds for scholarship recipients, and the requirement that funding be provided by legislative appropriation from the state general fund.

- (19) Provides that parents of scholarship recipients in participating nonpublic schools who are entitled to special education services shall indicate how or if the student will receive such services. Allows participating nonpublic schools to charge higher tuition for special education students.
- (20) Requires BESE annually to allocate from the MFP to each participating school a per pupil amount equal to a special education tuition amount which is in addition to the nonpublic school's maximum scholarship payment. Prohibits the total of the payment and the special education tuition from exceeding the amount allocated for that student to the local school system.
- (21) Requires that in order to provide special education services, a participating nonpublic school shall meet certain criteria including having had provided special education services for at least two years under specified conditions.

### **Parent Petitions for Transferring Schools to the RSD**

Proposed law (R.S. 17:10.5(F)) provides for a public school to be transferred to the Recovery School District (RSD) if such transfer is approved by BESE and both of the following conditions are met:

- (1) Parents or legal guardians representing at least 51% of the students attending the school sign a petition requesting the transfer.
- (2) The school has received a letter grade of "F" or any variation thereof, for three consecutive years.

Requires BESE to adopt rules and regulations for implementation of the petition process including a petition format and submission process, signature validation procedures, and student transfer procedures. Requires the state Dept. of Education to maintain records regarding petition contents and outcomes. Provides that parents/legal guardians shall be free from harassment, threats, and intimidation related to the circulation or signing of petitions. Prohibits the use of school and district resources to support or oppose any effort by petitioning parents/legal guardians to gather signatures or sign petitions.

Provides that proposed law shall be in addition to present law (R.S. 17:10.5(A)) process for transferring certain schools to the RSD.

(Amends R.S. 17:158(A)(1), 3973(3)-(6), 3981(4), 3982(A)(1)(a) and (2) and (B), 3983(A)(2)(a)(i), (3)(a), and (4)(a), (b), and (d), (B)(2), and (D), 3991(B)(3) and (13), (C)(1)(c)(iv) and (6), (D)(2)(a)(i), and (H), 3992(A)(1), 3995(A)(1)(intro. para.) and (c) and (4)(a), 3996(C) and (G), 3998, 4001(A) and (C)(1) and (2), and 4011-4025; Adds 17:10.5(F), 3973(2)(b)(vi) and (7), 3981(7) and (8), 3981.1, 3981.2, 3982(A)(3), 3983(A)(2)(a)(iii) and (d) and (3)(d) and (E)(3), 3992(D), and 4002.1-4002.6; Repeals R.S. 17:3991(B)(9) and 3996(A)(16) and (B)(4))

### **Summary of Amendments Adopted by House**

Committee Amendments Proposed by House Committee on Education to the original bill.

1. Deletes present law allowing proposed charters to include academic achievement for college preparatory schools as admission requirements and provides instead that schools chartered prior to July 1, 2012, with certain academic achievement as part of the admission requirements may continue to use such requirements.

2. Permits that admission requirements of proposed charters may include proficiency in a foreign language for schools with a language immersion mission.
3. Makes present law requirement that assets acquired by a charter school (except Type 4) remain the property of that school for the duration of that school's charter agreement applicable to charter schools authorized by local charter authorizers.
4. Adds that assets that become the property of a local charter authorizer shall be used solely for purposes of operating charter schools.
5. Requires that in addition to qualifying for automatic renewal to be eligible to open and operate two additional schools without formal application, a charter school operator also shall have received a letter grade of "A" or "B" or any variation thereof.
6. Relative to course providers, removes home study students from the definition of "eligible funded student" and instead includes such students in the definition of "eligible participating student".
7. Relative to funding for eligible participating students (in the Course Choice Program) who receive scholarships pursuant to the scholarship program, requires that the course provider shall receive payment only for the courses in which the student is enrolled pursuant to proposed law and the remaining funds for each student, up to the maximum amount as determined by the MFP, stay with the participating school in which the student is enrolled.
8. Relative to the Student Scholarships for Education Excellence Program, adds to enrollment requirements for students entering kindergarten that they enroll in their local public school system or in an RSD school and also requires the RSD to conduct and report its annual kindergarten enrollment.
9. Adds requirement that the notice of intent from a school seeking to participate in the program include whether the school elects to offer enrollment preferences to students based on the parishes where they reside.
10. Adds authorization for the state Dept. of Education to give enrollment preferences to students residing in parishes as may be specified by eligible participating schools in their notices of intent.
11. Provides that the state Dept. of Education shall conduct the random selection process until each seat is filled according to the department's established time line instead of prior to the start of the school year.
12. Provides that in order to accept scholarship students as more than 20% of total enrollment, a nonpublic school has to have been approved, provisionally approved, or probationally approved for more than two years instead of in operation for such time and deletes present law and proposed law waiver authority and related criterion.