

Regular Session, 2013

HOUSE BILL NO. 558

BY REPRESENTATIVE HOLLIS

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

SCHOOLS/CHOICE: Provides generally relative to the "Course Choice Program"

1 AN ACT

2 To amend and reenact Part VII of Chapter 42 of Title 17, comprised of R.S. 17:4002.1
3 through 4002.7, relative to the Course Choice Program; to provide relative to the
4 establishment, organization, and administration of such program; to provide relative
5 to the powers and duties of the State Board of Elementary and Secondary Education
6 with respect to such program; to provide relative to the powers and duties of local
7 public school boards with respect to such program; to provide relative to the rights,
8 obligations, and qualifications of providers in such program; to provide relative to
9 funding and payments; to provide definitions; to provide for severability of
10 provisions; to provide for technical corrections; and to provide for related matters.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. Part VII of Chapter 42 of Title 17, comprised of R.S. 17:4002.1 through
13 4002.7 is hereby amended and reenacted to read as follows:

14 PART VII. COURSE PROVIDERS

15 §4002.1. Course providers; short title

16 This Part ~~shall be known~~ may be cited as the "Course Choice Program".

17 §4002.2. Legislative findings

18 The legislature finds and declares that:

19 (1) It is in the public interest that all Louisiana school children have access
20 to the type and format of education that best meets the needs of the individual

1 student; that each student has different needs that merit a variety of course choices
2 on the individual student level; and that the state has the right, responsibility, duty,
3 and obligation to accomplish the objective of a quality, individualized education for
4 all Louisiana children.

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

12 (3) Effective course providers exist in Louisiana.

13 (4) Course providers can offer a quality, individualized education to students
14 and that it is in the public interest to offer students the means of accessing the
15 educational opportunities offered by course providers by providing students with the
16 public funds allocated to them from local and state sources to enroll in such courses.

17 (5) Postsecondary education institutions can serve as quality course
18 providers for students who seek ~~advanced-level~~ advanced-level course work or
19 technical or vocational instruction.

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

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

29 §4002.3. Definitions

1 As used in this Part, unless otherwise clearly indicated, the following terms
2 mean:

3 (1) "Course provider" means an entity that offers individual courses in
4 person or online, including but not limited to online or virtual education providers,
5 postsecondary education institutions, including any postsecondary institution under
6 the management of the Board of Supervisors of Community and Technical Colleges,
7 and corporations that offer vocational or technical ~~course work~~ coursework in their
8 field, and have been authorized to provide such courses by the state board.

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

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

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

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

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

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

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

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

25 (4) "State board" means the State Board of Elementary and Secondary
26 Education.

27 §4002.4. State board; powers and duties relative to course providers

28 A.(1) Not later than January 1, 2013, the state board shall create a process
29 for authorizing course providers that shall determine whether each proposed course

1 provider complies with the law and rules, whether the proposal is valid, complete,
2 financially well-structured, and educationally sound, whether it provides a plan for
3 collecting data in accordance with R.S. 17:3911, and whether it offers potential for
4 fulfilling the purposes of this Part. The state board shall provide for an independent
5 evaluation of the proposal by a third party with educational, organizational, legal,
6 and financial expertise.

7 (2) The process shall provide for an agreement between the state ~~and~~ board
8 and the course provider that shall include, at a minimum, a plan for implementing
9 or providing the following:

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

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

14 (c) Proposed courses offered, alignment of the courses by the course
15 provider with the requirements of R.S. 17:24.4, and the designated length of each
16 course offered.

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

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

23 B.(1) The initial authorization of the course provider shall be for a period of
24 three years. After the second year of the initial authorization period, the state board
25 shall conduct a thorough review of the course provider's activities and the academic
26 performance of the students enrolled in courses offered by the course provider in
27 accordance with the school and district accountability system. If the performance
28 of the students enrolled in courses offered by the course provider pursuant to the

1 school and district accountability system does not meet performance standards set
2 by the state board, the state board shall place the course provider on probation.

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

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

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

15 C. Not later than January 1, 2013, the state board shall create a reciprocal
16 teacher certification process for teachers who reside in other states but who are
17 employed by authorized course providers and teach virtual education courses to
18 satisfy the state certification requirements pursuant to R.S. 17:7.1.

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

21 §4002.5. Local school systems; per course providers

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

25 (1) Credits earned through the course provider shall appear on each such
26 student's official transcript and count fully towards the requirements of any approved
27 Louisiana diploma.

28 (2) Tests required pursuant to R.S. 17:24.4 shall be administered to each
29 such student attending a public school.

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

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

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

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

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

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

23 §4002.6. Course providers; funding

24 A.(1) The course provider shall receive a per course amount for each eligible
25 funded student.

26 (2) For purposes of this Part, the per course amount means an amount equal
27 to the market rate as determined by the course provider and reported to the state
28 Department of Education up to one-sixth of ninety percent of the per pupil amount
29 each year as determined by the Minimum Foundation Program for the local school

1 system in which the eligible funded student resides. Any remaining funds, except
2 those specified in Paragraph (3) of this Subsection, for that student shall be returned
3 to the state or to the local school system according to the pro rata share for the per
4 pupil amount each year as determined by the minimum foundation program for the
5 local school system in which the student resides. Transfers of per course payments
6 amounts shall be made by the state Department of Education on behalf of the
7 responsible city or parish school system in which the student resides to the
8 authorized course provider.

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

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

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

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

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

5 (2) If a student does not complete a course according to the published course
6 length in which the course provider has received the first payment pursuant to
7 Paragraph (1) of this Subsection, the provider shall receive forty percent of the
8 course amount as defined in Paragraph (A)(2) of this Section only if the student
9 completes the course and receives credit for the course prior to leaving school
10 pursuant to R.S. 17:221 or graduating from high school pursuant to R.S. 17:24.4.

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

16 §4002.7. Severability

17 A. If any provision of this Part or the application thereof is held invalid, such
18 invalidity shall not affect other provisions or applications of this Part which can be
19 given effect without the invalid provisions or applications, and to this end the
20 provisions of this Part are hereby declared severable.

21 B. The severability provision of this Section shall be broadly construed so
22 as to give effect to each and every possible provision or application of this Part
23 which is not specifically held invalid, unlawful, or unconstitutional.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Hollis

HB No. 558

Abstract: Provides generally for the establishment, organization, and administration of the "Course Choice Program".

Present law (R.S. 17:4002.1-4002.6) establishes 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.

Present 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.

Present law 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, requires that the course provider shall receive payment only for the courses in which the student is enrolled pursuant to present 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.

Present law allows course providers to charge tuition to eligible participating students in an amount determined by the provider. Provides that 50% 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 50% 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.

Present law 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.

Proposed law provides that the provisions of present law are severable should a provision be held invalid.

Proposed law makes technical changes to present law.

(Amends R.S. 17:4002.1-4002.6; Adds R.S. 17:4002.7)