

Regular Session, 2014

HOUSE BILL NO. 1011

BY REPRESENTATIVE SCHRODER

SCHOOLS: Provides relative to schools, including nonpublic schools and home study

1 AN ACT

2 To amend and reenact R.S. 17:11(C), 222(B)(1), 236(A) and (C)(introductory paragraph),
3 and 236.1 and to repeal R.S. 17:236(B), relative to schools; to provide relative to the
4 definition of a school for purposes of the general school law; to provide relative to
5 accountability for students who transfer to home study programs; to change certain
6 references to private schools; to provide relative to definitions of schools for the
7 reporting of data; to provide relative to diplomas issued by nonpublic schools and
8 home study programs; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 17:11(C), 222(B)(1), 236(A) and (C)(introductory paragraph), and
11 236.1 are hereby amended and reenacted to read as follows:

12 §11. Approval of private schools by board

13 * * *

14 C. All certificates and diplomas issued by an approved ~~private~~ nonpublic
15 school shall ~~carry the same privileges as one~~ be equivalent to those issued by a state
16 public school.

17 * * *

18 §222. Age of school entrance; proof of age, race, and parentage required; exceptions

19 * * *

1 B.(1) All children upon entering a parish or city school system or ~~private~~
2 approved nonpublic school in the state of Louisiana for the first time shall be
3 required to present a copy of their official birth record to the school principal. A
4 short-form birth certification card shall be acceptable as a copy of an official birth
5 record. Only records from the local or state registrar of vital statistics will be
6 accepted for children born in Louisiana. Birth verification forms issued by the local
7 registrar of the parish of birth shall be valid and acceptable for entry into the parish
8 or city schools or ~~private~~ approved nonpublic schools.

9 * * *

10 §236. Definition of a school

11 A. For the purposes of this Chapter, a school is defined as an institution for
12 the teaching of children, consisting of an adequate physical plant, whether owned or
13 leased, instructional staff members, and students. For such an institution to be
14 classified as a school, within the meaning of this Chapter, instructional staff
15 members shall meet the following requirements: if a public day school or a an
16 approved nonpublic school, ~~which receives local, state, or federal funds or support,~~
17 ~~directly or indirectly, they~~ such staff members shall be certified in accordance with
18 rules established by the State Board of Elementary and Secondary Education; if a
19 nonapproved, registered nonpublic school, ~~which receives no local, state, or federal~~
20 ~~funds or support, directly or indirectly, they~~ such staff members shall meet such
21 requirements as may be prescribed by the school or the church. In addition, ~~except~~
22 ~~as otherwise provided in Subsection B of this Section, any such~~ public or approved
23 nonpublic institution, to be classified as a school, shall operate a minimum session
24 of not less than one hundred eighty days. Solely for purposes of compulsory
25 attendance ~~in a nonpublic school~~, a child who participates in a home study program
26 approved by the State Board of Elementary and Secondary Education shall be
27 considered in attendance at a day school; a home study program shall be approved
28 if it offers a sustained curriculum of a quality at least equal to that offered by public
29 schools at the same grade level. The local school board may use drop code for

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

1 accountability for a student who transfers from a public school to a home study
2 program. A letter from the student's parent concerning such transfer shall be
3 sufficient documentation to do so.

4 C. For the purpose of reporting public school data:

5 * * *

6 §236.1. Approval of home study programs

7 A. The approval of a home study program by the State Board of Elementary
8 and Secondary Education shall not be required.

9 ~~A.~~ B. ~~A~~ If seeking approval of a home study program, a parent or legal
10 guardian shall apply to the Board of Elementary and Secondary Education for
11 approval of a home study program. An initial application must be made within
12 fifteen days after commencement of the program. A renewal application must be
13 made by the first of October of the school year, or within twelve months of approval
14 of the initial application, whichever is later. The Board of Elementary and
15 Secondary Education, upon receipt of such initial or renewal application, shall
16 immediately notify the city or parish school superintendent within whose jurisdiction
17 the home study is being conducted of such application and also shall notify said
18 superintendent of subsequent actions taken by the board on the application.

19 ~~B.~~ C. An initial application for participation in a home study program shall
20 be accompanied by a certified copy of the birth certificate of the child. A short-form
21 birth certification card shall be acceptable as a certified copy of the birth certificate.
22 The initial application or, during the 1984-1985 school year, a renewal application,
23 shall be approved if the parent certifies that the home study program will offer a
24 sustained curriculum of quality at least equal to that offered by public schools at the
25 same grade level.

26 ~~C.~~ D.(1) After the 1984-1985 school year, a renewal application for
27 participation in a home study program shall be approved if the parent submits to the
28 board satisfactory evidence that the program has in fact offered a sustained
29 curriculum of quality at least equal to that offered by public schools at the same

1 grade level. To substantiate this fact, the parent shall submit with the renewal
2 application a packet of materials which includes such documents as:

3 (a) A complete outline of each of the subjects taught during the previous
4 year,

5 (b) Lists of books and materials used,

6 (c) Copies of the student's work,

7 (d) Copies of standardized tests,

8 (e) Statements by third parties who have observed the child's progress, and

9 (f) Any other evidence of the quality of the program being offered.

10 (2) If the material submitted is inadequate, the Department of Education
11 shall notify the parent of the deficiencies and request additional materials.

12 (3) On the basis of all the information submitted, the Board of Elementary
13 and Secondary Education shall determine whether the program offers a sustained
14 curriculum of quality at least equal to that offered in public schools at the same grade
15 level and shall approve or disapprove the application accordingly.

16 ~~D.~~ E. After the 1984-1985 school year, a renewal application shall be
17 approved if, in lieu of submission of the packet of materials provided in the previous
18 Subsection, the parent submits with the application any one of the following:

19 (1) Verification that the child has taken the competency-based education
20 examination provided in R.S. 17:24.4 and scored at or above the passing level
21 established by the Board of Elementary and Secondary Education for public school
22 students at his grade level.

23 (2) Verification that the child has taken the California Achievement Test
24 (CAT) or such other standardized examination as may be approved by the board and
25 the child has scored at or above his grade level or the child has progressed at a rate
26 equal to one grade level for each year in home study program.

27 (3) A statement from a teacher certified to teach at the child's grade level that
28 the teacher has examined the program being offered and that, in his professional
29 opinion, the child is being taught in accordance with a sustained curriculum of

1 quality at least equal to that offered by public schools at the same grade level or, in
2 the case of children with mental or physical disabilities, at least equal to that offered
3 by public schools to children with similar disabilities. Any such teacher evaluation
4 provided for in this Subsection shall be subject to review and approval of the State
5 Board of Education.

6 ~~E.~~ F.(1) In May and September of each year and on such other dates as may
7 be determined by the city or parish superintendent of schools, the local school board
8 shall, upon request of a parent whose child is participating in a home study program,
9 administer the competency-based education examination to the child. The test shall
10 be administered with the same instructions and under similar conditions as provided
11 children enrolled in the public schools.

12 (2) The local school board may charge a fee for this service not to exceed
13 thirty-five dollars.

14 (3) The certified teacher administering the examination shall promptly
15 provide the parent a statement indicating the child's score and whether he passed the
16 examination.

17 ~~F.~~ G.(1) In May and September of each year and on such other dates as may
18 be determined by the state superintendent of elementary and secondary education,
19 the Department of Education shall, upon the request of the parent, administer the
20 competency-based education examination to any child enrolled in a home study
21 program or enrolled in a private school. The test shall be administered with the same
22 instructions and under similar conditions as provided children enrolled in the public
23 schools.

24 (2) The Department of Education may charge a fee for this service not to
25 exceed thirty-five dollars.

26 (3) The certified teacher administering the examination shall promptly
27 provide the parent a statement indicating the child's score and whether he passed the
28 examination.

1 ~~G.H.~~ Notwithstanding any rule, regulation, or other provision of law to the
 2 contrary, a high school diploma awarded by a home study program approved by the
 3 State Board of Elementary and Secondary Education shall be deemed by all public
 4 postsecondary educational institutions, all state departments, agencies, boards, and
 5 commissions, and all other state and local governmental entities to ~~have all of the~~
 6 ~~rights and privileges afforded to~~ be the equivalent of a high school diploma awarded
 7 by a state-approved nonpublic school.

8 Section 2. R.S. 17:236(B) is hereby repealed in its entirety.

9 Section 2. This Act shall become effective upon signature by the governor or, if not
 10 signed by the governor, upon expiration of the time for bills to become law without signature
 11 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 12 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 13 effective on the day following such approval.

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)]

Schroder

HB No. 1011

Abstract: Relative to schools, provides for the definition of a school for purposes of the general school law, changes certain references to private schools, provides relative to the reporting of data, and provides relative to diplomas issued by nonpublic schools and home study programs.

Present law (R.S. 17:11(C)) provides that all certificates and diplomas issued by an approved private school shall carry the same privileges as those issued by a state public school.

Proposed law provides instead that all certificates and diplomas issued by an approved nonpublic school shall be equivalent to those issued by a state public school.

Present law R.S. 17:222(B)(1)) requires children entering a public or private school for the first time to present a copy of their official birth record.

Proposed law retains present law except makes it applicable to an approved nonpublic school instead of a private school.

Present law (R.S. 17:236(A)), relative to the definition of a school for purposes of Chapter 1 of Title 17 of the La. Revised Statutes (General School Law), provides that a "school" is an institution for the teaching of children, consisting of an adequate physical plant, whether owned or leased, instructional staff members, and students.

Proposed law retains present law.

Present law provides that for such an institution to be classified as a school, instructional staff members shall meet the following requirements:

- (1) A public day school or a nonpublic school which receives local, state, or federal funds or support, directly or indirectly – staff members must be certified in accordance with State Board of Elementary and Secondary Education (BESE) rules
- (2) A nonpublic school which receives no local, state, or federal funds or support, directly or indirectly – staff members must meet requirements prescribed by the school or the church.

Proposed law changes applicability of present law and makes requirement that staff members be certified in accordance with BESE rules applicable to a public day school or an approved nonpublic school and makes requirement that staff members meet requirements of the school or church applicable to a nonapproved, registered nonpublic school.

Present law further requires that to be classified as a school the institution must operate a minimum session of not less than 180 days.

Proposed law excepts nonapproved, registered nonpublic schools from this requirement by making it applicable only to public and approved nonpublic schools.

Proposed law provides that a local school board may use drop code for accountability for a student who transfers from a public school to a home study program, and that a letter from the student's parent concerning such transfer shall be sufficient documentation to do so.

Present law (R.S. 17:236(B)) made the required operation of a minimum school session of not less than 180 days inapplicable to the 2005-2006 school year and authorized BESE to adopt rules for that school year relative to the minimum session required for an institution to be classified as a school.

Proposed law repeals present law.

Present law (R.S. 17:236(C)) for the purpose of reporting data, defines the terms "elementary school", "middle school" or "junior high school", and "high school".

Proposed law makes this provision applicable only to collection of public school data.

Present law (R.S. 17:236.1) provides relative to the approval of home study programs by BESE and procedures and requirements for such approval.

Proposed law retains present law except to specify that approval of home study programs by BESE is not required.

Present law provides that a high school diploma awarded by a BESE approved home study program shall be deemed by all public postsecondary educational institutions, all state departments, agencies, boards, and commissions, and all other state and local governmental entities to have all of the rights and privileges afforded to a high school diploma awarded by a state-approved nonpublic school. (R.S. 17:11(C) provides that diplomas of approved private schools carry the same privileges as those of state public schools. See change in this Section at the beginning of this digest.)

Proposed law retains present law except provides that such diplomas shall be deemed to be the equivalent of a diploma awarded by a state-approved nonpublic school, instead of deemed to have all the rights and privileges afforded approved nonpublic school diplomas.

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

(Amends R.S. 17:11(C), 222(B)(1), 236(A) and (C)(introductory paragraph), and 236.1;
repeals R.S. 17:236(B))