

2021 Regular Session

HOUSE BILL NO. 494

BY REPRESENTATIVE MINCEY

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

SCHOOLS/CHOICE: Provides relative to public school choice

1 AN ACT

2 To amend and reenact R.S. 17:4035.1(A), (B), and (C), relative to public school choice; to  
3 provide relative to school funding; to require a written agreement between certain  
4 parties; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 17:4035.1(A), (B), and (C) are hereby amended and reenacted to read  
7 as follows:

8 §4035.1. Public ~~School Choice~~ school choice

9 A. The parent or other legal guardian of any student may enroll his child in  
10 the public school of his choice, without regard to residence, school system  
11 geographic boundaries, or attendance zones, ~~provided both of the following apply:~~  
12 if the public school governing authority with jurisdiction where the student resides  
13 and the public school governing authority of the school to which the parent or legal  
14 guardian seeks to have the student enroll reach an agreement on such transfer as  
15 provided in Subsection B of this Section.

16 ~~(1) The public school in which the student was most recently enrolled, or~~  
17 ~~would otherwise attend, received a school performance letter grade of "D" or "F" for~~  
18 ~~the most recent school year, pursuant to the state's school and district accountability~~  
19 ~~system.~~

1           ~~(2) The school in which the student seeks to enroll received a school~~  
2           ~~performance letter grade of "A", "B", or "C" for the most recent school year,~~  
3           ~~pursuant to the state's school and district accountability system, and has sufficient~~  
4           ~~capacity at the appropriate grade level.~~

5           B. ~~The authority to enroll a student in the public school of choice shall not~~  
6           ~~be permitted and shall not be exercised if doing so violates the order of a court of~~  
7           ~~competent jurisdiction.~~ The agreement provided for in this Section shall at a  
8           minimum:

9           (1) Be a written agreement between the two affected public school governing  
10           authorities and a parent or legal guardian of the student.

11           (2) Arrange for transportation for the student to and from the admitting  
12           school.

13           (3) Provide for the transfer of sufficient local funds to account for the  
14           student's transfer, including a schedule for payments.

15           (4) Establish the conditions under which the transfer agreement may be  
16           terminated prior to the end of its stated term, which shall include the impact an early  
17           termination would have on the transfer of local funds as provided for in this  
18           Subsection.

19           (5) Include an acknowledgment that such a transfer does not create an  
20           entitlement to future enrollment beyond the term of the agreement.

21           C. ~~Notwithstanding the provisions of R.S. 17:158 to the contrary, a school~~  
22           ~~system shall not be required to provide transportation to any student enrolled in a~~  
23           ~~public school pursuant to this Section that is located outside of the geographic~~  
24           ~~boundaries of the school system in which the student resides, if providing such~~  
25           ~~transportation will result in additional cost to the school system.~~ Entry into an  
26           agreement as provided for in this Section is discretionary by both affected public  
27           school governing authorities.

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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)]

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HB 494 Original

2021 Regular Session

Mincey

**Abstract:** Requires a written agreement between affected public school governing authorities and a parent for a student to attend the public school of his choice.

Present law allows parents to enroll children in the public school of their choice, without regard to residence, school system geographic boundaries, or attendance zones, if both of the following apply:

- (1) The public school in which the student was most recently enrolled or would otherwise attend received a school performance letter grade of "D" or "F" for the most recent school year.
- (2) The school in which the student seeks to enroll received a school performance letter grade of "A", "B", or "C" for the most recent school year and has sufficient capacity at the appropriate grade level.

Proposed law removes school performance letter grade and school capacity requirements.

Present law further provides for public school choice as follows:

- (1) The authority to enroll a student in the public school of choice shall not be exercised if doing so violates a court order.
- (2) A public school governing authority shall not be required to provide transportation to any student enrolled in a public school that is located outside the geographic boundaries of the school district in which he resides if it will result in additional cost to the governing authority.

Proposed law removes such provisions.

Present law provides a student enrolled in a public school shall be counted by the public school governing authority in which he is enrolled for purposes of the Minimum Foundation Program formula and any other available state or federal funding for which the student is eligible. Proposed law retains present law.

Proposed law requires, for a student to transfer to a public school of his choice, a written agreement between his current public school governing authority, his prospective public school governing authority, and his parent to address at a minimum:

- (1) Transportation for the student to and from the admitting school.
- (2) Local funds to be transferred to cover the cost of the student's transfer.
- (3) The conditions for which the agreement may be terminated.
- (4) An acknowledgment that the transfer agreement does not guarantee future enrollment beyond the timeline and scope of the agreement.

(Amends R.S. 17:4035.1(A), (B), and (C))