

2021 Regular Session

HOUSE BILL NO. 85

BY REPRESENTATIVES MCKNIGHT, ADAMS, BACALA, BAGLEY, BRASS, BUTLER, CARPENTER, GARY CARTER, WILFORD CARTER, CORMIER, COX, DAVIS, EDMONDS, FREEMAN, FREIBERG, FRIEMAN, GADBERRY, GAINES, GAROFALO, GREEN, HARRIS, HORTON, HUGHES, ILLG, IVEY, JAMES, JEFFERSON, JENKINS, MIKE JOHNSON, JONES, JORDAN, KERNER, LARVADAIN, MARCELLE, MCFARLAND, DUSTIN MILLER, MOORE, NEWELL, ORGERON, CHARLES OWEN, PIERRE, SCHEXNAYDER, SEABAUGH, SELDERS, STAGNI, ST. BLANC, THOMAS, THOMPSON, TURNER, WILLARD, WRIGHT, AND ZERINGUE

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

STUDENTS: Creates a literacy program for certain public school students

1 AN ACT

2 To enact Part III of Chapter 43 of Title 17 of the Louisiana Revised Statutes of 1950, to be  
3 comprised of R.S. 17:4032.1, relative to reading assistance for certain public school  
4 students; to establish the Steve Carter Literacy Program; to provide for student and  
5 service provider eligibility, program administration, payment amounts and uses,  
6 notifications, reports, and funding; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Part III of Chapter 43 of Title 17 of the Louisiana Revised Statutes of  
9 1950, comprised of R.S. 17:4032.1, is hereby enacted to read as follows:

10 PART III. STEVE CARTER LITERACY PROGRAM

11 §4032.1. Steve Carter Literacy Program; establishment; student eligibility; service  
12 provider eligibility and approval; administration; payment amounts and uses;  
13 notifications; reports; funding

14 A. The Steve Carter Literacy Program, referred to in this Part as the  
15 "program", is hereby established for the purpose of providing funds for supplemental  
16 educational services for eligible students.

1           B. A public school student who falls into one of the following categories is  
2           eligible to participate in the program:

3           (1) He is in kindergarten or the first, second, or third grade and is determined  
4           to read below grade level or be at risk for reading difficulties according to the results  
5           of a literacy screener.

6           (2) He is in the fourth or fifth grade and scored below mastery in English  
7           language arts on the state assessment administered the prior school year.

8           (3) His eligibility cannot be determined according to the measures provided  
9           in Paragraphs (1) and (2) of this Subsection due to the lack of literacy screener or  
10          state assessment results but he is recommended by his English language arts teacher  
11          for participation in the program due to the student's reading difficulties.

12          C. The state Department of Education shall administer and provide for the  
13          implementation of the program pursuant to rules and regulations developed and  
14          adopted for such purpose by the State Board of Elementary and Secondary Education  
15          in accordance with the Administrative Procedure Act.

16          D. In administering the program, the department shall:

17          (1) Evaluate student's eligibility for the program.

18          (2) Develop an application process for students and providers and accept  
19          applications.

20          (3) Evaluate providers of supplemental educational services including but  
21          not limited to those with expertise in early literacy to determine their initial and  
22          continued eligibility for program payments. The department shall establish  
23          minimum criteria by which approved providers shall be evaluated to ensure program  
24          effectiveness in improving students' reading abilities, including but not limited to  
25          performance on approved literacy screeners and the Louisiana Educational  
26          Assessment Program state assessment. Providers that fail to demonstrate  
27          improvement in students' reading abilities for two consecutive years shall be deemed  
28          ineligible to participate in the program.

1           (4) Remit payments to such providers for services rendered to students in the  
2           program with the lowest-performing economically disadvantaged students given the  
3           highest priority.

4           (5) Notify the governing authority of each public school of the application  
5           process, requirements, and deadlines for parents and legal guardians.

6           E. By not later than September thirtieth of each year, or as soon as  
7           practicable if a student's reading deficiency is identified after this date, each public  
8           school governing authority shall notify the parent or legal guardian of each student  
9           who is eligible to participate in the program of the process for applying for the  
10           program and other information provided by the department pursuant to Paragraph  
11           (D)(5) of this Section.

12           F.(1) The department shall remit payment for services provided, up to a  
13           maximum of one thousand dollars per student per school year. Program money may  
14           be used for any of the following eligible expenses that are designed to improve  
15           reading or literacy skills:

16           (a) Books for home use, including electronic or digital books and  
17           subscriptions to online book clubs; however, such costs shall not exceed two hundred  
18           fifty dollars per school year.

19           (b) Instructional materials and curriculum, including but not limited to online  
20           materials, that have been reviewed in accordance with R.S. 17:351.1 and have been  
21           determined to fully align with state academic content standards.

22           (c) Tutoring services provided by a person who is trained in the state  
23           standards for English language arts and who holds a valid teaching certificate in  
24           either elementary education or reading or holds a baccalaureate or graduate degree  
25           in education, English, or another subject area indicative of expertise in reading and  
26           literacy.

27           (d) Summer education programs.

28           (e) After-school education programs.

1           (2) The department shall remit payments to approved providers on behalf of  
2           eligible students.

3           (3) Any expenses above the limit established in Paragraph (1) of this  
4           Subsection shall be the responsibility of the parent or legal guardian.

5           (4) The department shall develop a procedure for verification that students  
6           in the program received the services for which payments were made.

7           G. The department shall submit a report to the House Committee on  
8           Education and the Senate Committee on Education by not later than April thirtieth  
9           each year regarding the implementation of the program. The report shall include, at  
10          a minimum, the following information for that year:

11           (1) The total number of students on whose behalf payments were remitted.

12           (2) The public schools in which such students are enrolled and the number  
13          of students on whose behalf payments were remitted in each school.

14           (3) The total dollar amount of payments remitted to approved providers.

15           (4) A list of the approved providers to which payments were remitted and the  
16          supplemental educational services provided to each student.

17           (5) A report relative to the performance of each provider and overall  
18          program performance with respect to improving participants' reading abilities.

19           H. Implementation of the program is subject to the appropriation of funds for  
20          such purpose. The department may use any federal or state funds appropriated for  
21          the purpose of increasing early literacy or supporting academic achievement among  
22          elementary school students to make program payments.

23          Section 2. The state Department of Education shall provide a written report to the  
24          House Committee on Education and the Senate Committee on Education not later than sixty  
25          days prior to the beginning of the 2022 Regular Session of the Legislature relative to the  
26          feasibility of providing state-approved early literacy training to persons who do not meet the  
27          requirements of R.S. 17:4032.1(F)(1)(c) as enacted by this Act in order to equip them with  
28          the knowledge and skills necessary to serve as effective providers of tutoring services for  
29          the program.

1 Section 3. If the Act that originated as Senate Bill No. 216 of the 2021 Regular  
2 Session of the Louisiana Legislature is enacted and becomes effective, the state Department  
3 of Education shall ensure that any person who provides tutoring services through this  
4 program successfully completes and provides documentation of successful completion of  
5 the early literacy professional development course required by such Act not later than  
6 December 31, 2023.

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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 85 Re-Reengrossed

2021 Regular Session

McKnight

**Abstract:** Creates a literacy program for certain public school students in kindergarten through 5th grade.

Proposed law establishes the Steve Carter Literacy Program for eligible students. Defines "eligible student" as a public school student who is in kindergarten or the first, second, or third grade and who reads below grade level or is at risk for reading difficulties according to a literacy screener, a student who is in the fourth or fifth grade and who scored below mastery in English language arts on the state assessment in the prior school year, or a student in these grades recommended by an English teacher. Gives priority to the lowest performing economically disadvantaged students.

Proposed law provides for payments of up to \$1000 per student per school year for eligible services intended to improve reading or literacy skills.

Proposed law requires the Dept. of Education to administer the program pursuant to rules and regulations adopted by the State Bd. of Elementary and Secondary Education. Further requires the department to:

- (1) Develop an application process and accept applications for both students and service providers.
- (2) Evaluate students for eligibility.
- (3) Evaluate service providers for eligibility.
- (4) Remit payments to service providers for services rendered.
- (5) Annually report to the House and Senate education committees on the program.

Proposed law requires the department to evaluate program provider effectiveness through participants' Louisiana Educational Assessment Program (LEAP) state assessment scores and literacy screener results. Provides that providers who fail to demonstrate improvement in students' reading abilities for two consecutive years shall be deemed ineligible to participate in the program.

Proposed law requires the department to notify school governing authorities and the governing authorities to notify the parents or legal guardians of eligible students of the program and the application process.

Proposed law requires that implementation of the program is subject to the appropriation of funds. Requires program payments to be made only from money appropriated for the purpose of increasing early literacy or supporting academic achievement among elementary school students.

(Adds R.S. 17:4032.1)

#### Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Education to the original bill:

1. Specify that the applications the department shall process and accept are those for both students and service providers.
2. Specify that potential service providers shall include those with expertise in early literacy.
3. Change annual deadline from Oct. 31 to Sept. 30 for public school governing authorities to notify parents of eligible students regarding the program application process. Require that authorities notify parents after the Sept. 30 deadline if a reading deficiency is discovered after such date.
4. Increase maximum payment for services per student from \$500 to \$1,000.
5. Specify that the teaching certificate an eligible tutor holds shall be in elementary education or reading and requires that an eligible tutor be trained in the state English language arts standards.
6. Add reading services provided by public schools and public school districts to the list of eligible expenses.
7. Change the types of funds that can be used for program purposes.

The Committee Amendments Proposed by House Committee on Appropriations to the engrossed bill:

1. Provide proposed law is subject to the appropriation of funds.
2. Add cap of \$250 per program participant per school year for books for home use.
3. Add requirement for the department to evaluate the program's effectiveness through participants' LEAP scores and literacy screener results.
4. Remove requirement that a tutor's valid teaching certificate be from Louisiana.