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HOUSE FLOOR AMENDMENTS

2022 Regular Session

Amendments proposed by Representative DeVillier to Reengrossed Senate Bill No. 203 by
Senator Hewitt

1 AMENDMENT NO. 1

2 On page 1, line 3, after "4037.8," and before "relative," insert "and Chapter 43-D of Title 17
3 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 17:4037.11 through
4 4037.18,"

5 AMENDMENT NO. 2

6 On page 1, line 6, after "school;" and before "to provide" insert "to create and provide for
7 the administration of a program to provide state funding for the education of certain other
8 students who are not enrolled in public school;"

9 AMENDMENT NO. 3

10 On page 1, line 14, after "4037.8," and before "hereby" delete "is" and insert "and Chapter
11 43-D of Title 17 of the Louisiana Revised Statutes of 1950, comprised of R.S. 17:4037.11
12 through 4037.18, are"

13 AMENDMENT NO. 4

14 On page 2, at the end of line 20, delete the period "." and insert "**or if the child is eligible**
15 **to participate in the Education Savings Account Program pursuant to R.S. 17:4037.14**
16 **and the child's parent has signed an agreement pursuant to R.S. 17:4037.14(A)(3).**"

17 AMENDMENT NO. 5

18 On page 9, between lines 20 and 21, insert the following:

19 **"CHAPTER 43-D. EDUCATION SAVINGS ACCOUNT PROGRAM -**
20 **MILITARY, FOSTER CARE, DENIED SCHOOL TRANSFERS**
21 **§4037.11. Definitions**

22 **As used in this Chapter the following terms have the following meanings,**
23 **unless the context clearly indicates otherwise:**

24 **(1) "Account" means an education account established pursuant to this**
25 **Chapter and composed of state funds deposited on behalf of a student eligible**
26 **to participate in the program.**

27 **(2) "Account funds" means the funds deposited into an account on**
28 **behalf of a participating student.**

29 **(3) "Department" means the state Department of Education.**

30 **(4) "Parent" means a parent, legal guardian, custodian, or other person**
31 **or entity with legal authority to act on behalf of a student.**

32 **(5) "Participating school" means a nonpublic school participating in the**
33 **program pursuant to the requirements of this Chapter.**

34 **(6) "Participating student" means a student who has been determined**
35 **to be eligible to participate in the program and for whom an account has been**
36 **established pursuant to this Chapter.**

37 **(7) "Program" means the program created by this Chapter.**

- 1 **(8) "Qualified education expenses" means any of the following:**
- 2 **(a) Tuition, fees, and textbooks required by a participating school or**
- 3 **service provider.**
- 4 **(b) Tutoring services provided by an educator with a valid Louisiana**
- 5 **teaching certificate.**
- 6 **(c) Supplemental materials required by a course of study for a**
- 7 **particular content area.**
- 8 **(d) Technological devices used to meet the student's educational needs,**
- 9 **subject to approval by the department or a licensed physician.**
- 10 **(9) "Resident school system" means the public school system in which**
- 11 **the student would be enrolled based on his residence.**
- 12 **(10) "Service provider" means a person or an entity other than a**
- 13 **participating school that provides services that are covered as qualified**
- 14 **education expenses.**
- 15 **(11) "State board" means the State Board of Elementary and Secondary**
- 16 **Education.**

17 **§4037.12. Program creation and administration; powers and duties of the State**

18 **Board of Elementary and Secondary Education and state Department**

19 **of Education; rules**

20 **The Education Savings Account Program is hereby created. The**

21 **department shall administer the program, and the state board shall adopt rules**

22 **and regulations for the administration of the program which shall, at minimum,**

23 **provide for the following:**

- 24 **(1) Determination of the eligibility of students, participating schools, and**
- 25 **service providers, including standards that schools and service providers shall**
- 26 **meet as conditions of participation in the program.**
- 27 **(2) Audits of the program and accounts.**
- 28 **(3) The authority of the department to deem any participating student**
- 29 **ineligible for the program and to refer a case involving the misuse of account**
- 30 **funds to the attorney general for investigation.**
- 31 **(4) The authority of the department to contract with a vendor for the**
- 32 **administration of the program or parts of the program.**

33 **§4037.13. Account funds**

34 **A. The department shall allocate to each account annually, from funds**

35 **appropriated or otherwise made available for the program, an amount equal to**

36 **the state's average per-pupil allocation as provided in the minimum foundation**

37 **program formula, considering all student characteristics. The amount allocated**

38 **to an account shall be appropriately prorated if a student transfers into the**

39 **program after the beginning of a school year.**

40 **B. The department shall develop a system for parents to direct account**

41 **funds to participating schools and service providers by electronic funds**

42 **transfer, automated clearing house transfer, or another system. The**

43 **department may contract with a private financial management firm to manage**

44 **the payment system.**

45 **C.(1) Account funds shall be used only for qualified education expenses**

46 **for the participating student. Unused funds in an account, up to fifty percent**

47 **of the total funds deposited into the account for the current school year, shall**

48 **be retained in the student's account for the following school year.**

49 **(2) The account shall be closed and the funds in the account shall be**

50 **returned to the state general fund if the student is determined to be no longer**

51 **eligible, if an account has been inactive for two consecutive years, or if a parent**

52 **fails to comply with the provisions of this Chapter or state board rules**

53 **pertaining to the program.**

54 **§4037.14. Student eligibility; initial and continuing**

55 **A. A student is initially eligible for an account if he is eligible to enroll**

56 **in kindergarten or was enrolled in a Louisiana public school during the**

57 **previous school year and meets all of the following criteria:**

- 58 **(1) He meets at least one of the following criteria:**
- 59 **(a) He has a parent who is an active duty military service member.**

1 **(b) His parent submitted an enrollment request for an interdistrict or**
 2 **intradistrict transfer pursuant to R.S. 17:4035.1 during the most recent transfer**
 3 **request period and such request was denied.**

4 **(c) Pursuant to foster care placement through the Department of**
 5 **Children and Family Services, he is residing with a prospective permanent**
 6 **placement or has achieved permanency through adoption or permanent**
 7 **guardianship.**

8 **(2) The student's parent submits an application for an account to the**
 9 **department in accordance with program timelines.**

10 **(3) The student's parent signs an agreement promising all of the**
 11 **following:**

12 **(a) To provide an education for the participating student in at least the**
 13 **subjects of English language arts, mathematics, social studies, and science.**

14 **(b) Not to enroll the student in a public school while participating in the**
 15 **program.**

16 **(c) To use account funds only for qualified education expenses of the**
 17 **participating student.**

18 **(d) To comply with all program requirements.**

19 **B.(1) The signed agreement pursuant to Paragraph (A)(3) of this Section**
 20 **satisfies the compulsory school attendance requirements of R.S. 17:221.**
 21 **However, the parent of a participating student shall ensure the student is**
 22 **complying with the attendance requirements of the participating school or**
 23 **service provider. Each participating student who fails to comply with such**
 24 **attendance requirements shall be reported to the state director of child welfare**
 25 **and attendance by the participating school or service provider and shall be**
 26 **subject to the provisions of R.S. 17:233.**

27 **(2) A participating student is eligible to continue to participate in the**
 28 **program until he enrolls in a public school, he receives a high school diploma**
 29 **or its equivalent, or his account is closed.**

30 **C. A participating student shall not participate in any of the following**
 31 **concurrently with this program: any other education savings account program**
 32 **provided in this Title, the Course Choice Program, the Student Scholarships**
 33 **for Educational Excellence Program, the School Choice Program for Certain**
 34 **Students with Exceptionalities, or the Tuition Donation Credit Program.**

35 **§4037.15. Schools and service providers; eligibility; participation**

36 **A. To be eligible to participate in the program, a school shall meet all of**
 37 **the following criteria:**

38 **(1) It has been approved, provisionally approved, or probationally**
 39 **approved by the state board pursuant to R.S. 17:11.**

40 **(2) It is in compliance with the criteria set forth in Brumfield, et al. v.**
 41 **Dodd, et al., 425 F. Supp. 528 (E.D. La. 1977).**

42 **(3) It meets any other eligibility criteria set by the state board in**
 43 **program rules.**

44 **B. The state board shall provide eligibility criteria for service providers**
 45 **in program rules.**

46 **C. To be eligible to participate in the program, a school or service**
 47 **provider shall apply to the department to participate in the program and, if**
 48 **determined to be eligible, accept account funds for providing services covered**
 49 **as qualified education expenses.**

50 **D. If the department finds that a participating school or service provider**
 51 **has failed to maintain continuing eligibility criteria or has demonstrated gross**
 52 **or a persistent lack of academic competence, the department shall restrict the**
 53 **school's ability to serve additional students and may be terminated from the**
 54 **program. Such action shall be reported to the state board within three business**
 55 **days.**

56 **§4037.16. Student with exceptionalities**

57 **A. If a participating student enrolled in a participating school would**
 58 **have been entitled to receive special education services in the resident school**
 59 **system, his parent shall acknowledge in writing, as part of the program**

1 enrollment process, that the parent agrees to accept only such services as are
 2 available to all students enrolled in the participating school.

3 B. A parent may make a parental placement to receive special education
 4 and related services from a participating school that has demonstrated the
 5 capacity to offer such services.

6 C.(1) A participating school shall not discriminate against a child with
 7 special educational needs during the program admissions process. However, a
 8 participating school is required to offer only those services that it already
 9 provides or such services as necessary to assist students with special needs that
 10 it can provide with minor adjustments. A participating school may partner
 11 with the local school system to provide special education services.

12 (2) Information regarding the services a participating school can
 13 provide and the services the resident school system can provide to children with
 14 special needs who are enrolled in a participating school shall be made available
 15 by the department to parents prior to the enrollment process.

16 D. The department shall determine whether a participating school has
 17 a demonstrated capacity to offer special education services. A participating
 18 school that desires to offer special education services shall inform the
 19 department of the types of student exceptionalities as defined in R.S. 17:1942
 20 that the school is able to serve. The department may authorize the school to
 21 provide such services only if the school has existed and provided educational
 22 services to students with exceptionalities as defined in R.S. 17:1942, excluding
 23 students deemed to be gifted or talented, for at least two years prior to
 24 participation in the program, and such provision of services is pursuant to an
 25 established program in place at the school that includes instruction by teachers
 26 holding appropriate certification in special education or other appropriate
 27 education or training as defined by the department and that is in accordance
 28 with a student's Individual Education Plan.

29 §4037.17. Testing

30 A. A participating school shall ensure that participating students are
 31 administered a nationally norm-referenced test or a statewide assessment and
 32 that the results of such examinations are provided to parents.

33 B. The department shall develop a process for the annual administration
 34 of assessments and the collection of results for participating students not
 35 enrolled full time in a participating school.

36 §4037.18. Reports

37 Not later than April thirtieth of each year, the department shall submit
 38 a written report to the House Committee on Education, the Senate Committee
 39 on Education, and the Joint Legislative Committee on the Budget regarding the
 40 implementation of the program. The report, at a minimum, shall include the
 41 following information:

42 (1) The total number of students participating in the program.

43 (2) A list of all participating schools and service providers.

44 (3) The total student enrollment of each participating school, the
 45 number of participating students enrolled in each school, and the percentage of
 46 the total enrollment of each school represented by program participants.

47 (4) Aggregate test result data for participating students.

48 (5) The percentage of funds used for each type of qualified education
 49 expense.

50 (6) An analysis of the program's fiscal impact on the state and on local
 51 public school systems.

52 (7) The results of a parental satisfaction survey.

53 (8) The amount withheld by the department for administration of the
 54 program, including the amount retained by the department, the amount paid
 55 to vendors for the administration of the program, and the amount paid to
 56 vendors for managing the payment system."