1 AMENDMENT NO. 1

On page 1, after "reenact" delete the remainder of the line and delete line 2 and insert "R.S. 17:236(A) and 416.13(D)(3)(f)(i) and (v) and to enact Chapter 43-C of Title 17 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 17:4037.1 through 4037.8, Chapter 43-D of Title 17 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 17:4037.11 through 4037.18, and Chapter 43-E of Title 17 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 17:4037.21 through 4037.28, relative"

8 AMENDMENT NO. 2

On page 1, line 6, after "school;" and before "to provide" insert "to create and provide for the administration of a program to provide state funding for the education of certain other students who are not enrolled in public school; to provide relative to parental options under certain circumstances related to bullying in public schools; to create and provide for the administration of a program to provide state funding for the education of certain students who have been victims of bullying and who are not enrolled in public school;"

15 AMENDMENT NO. 3

On page 1, delete lines 12 through 14 and insert the following:

"Section 1. R.S. 17:236(A) and 416.13(D)(3)(f)(i) and (v) are hereby amended and reenacted and Chapter 43-C of Title 17 of the Louisiana Revised Statutes of 1950, comprised of R.S. 17:4037.1 through 4037.8, Chapter 43-D of Title 17 of the Louisiana Revised Statutes of 1950, comprised of R.S. 17:4037.21 through 4037.28, and Chapter 43-E of Title 17 of the Louisiana Revised Statutes of 1950, comprised of R.S. 17:4037.21 through 4037.28, are hereby enacted to read as follows:"

23 AMENDMENT NO. 4

On page 2, at the end of line 20, delete the period "." and insert "or if the child is eligible to participate in an education savings account program pursuant to R.S. 17:4037.14 or R.S. 17:4037.24 and his parent has signed an agreement pursuant to R.S. 17:4037.14(A)(3) or R.S. 17:4037.24(A)(3)."

28 AMENDMENT NO. 5

On page 2, between lines 21 and 22, insert the following:

"§416.13. Student code of conduct; requirement; bullying; prohibition; notice; reporting; accountability

*       *       *

D. The State Board of Elementary and Secondary Education, in collaboration with the state Department of Education, shall develop and adopt rules and regulations to implement the provisions of this Section relative to the procedures and
processes to be used to report and investigate bullying and which shall include but not be limited to:

* * *

(3) Investigation Procedure. The State Board of Elementary and Secondary Education shall develop and adopt a procedure for the investigation of reports of bullying of a student by another student. The procedure shall include the following:

* * *

(f) Parental Relief. (i) If a parent, legal guardian, teacher, or other school official has made four two or more reports of separate instances of bullying, as provided in Paragraph (2) of this Subsection, and either no investigation pursuant to Paragraph (3) of this Subsection has occurred or no resolution that is acceptable to the parent or legal guardian has been reached, the parent or legal guardian with responsibility for decisions regarding the education of the victim about whom the report or reports have been made may exercise an option to apply for an education savings account as provided in Chapter 43-E of this Title or to have the student enroll in or attend another school operated by the governing authority of the public elementary or secondary school in which the student was enrolled on the dates when at least three one of the reports were was submitted as provided in Items (ii) through (v) of this Subparagraph. Any student who has been the victim of bullying that involved sexual assault as defined in R.S. 46:2184 where the perpetrator is a student at the victim's school may exercise an option after the first such incident of sexual assault to apply for an education savings account as provided in Chapter 43-E of this Title or to have the student enroll in or attend another school operated by the governing authority of the public elementary or secondary school in which the student was enrolled.

* * *

(v) At the end of any school year, the parent or legal guardian may make a request to the governing authority of the school at which the student was enrolled when at least three one of the reports were was filed to transfer the student back to the school. The governing authority shall make a seat available at the school at which the student was originally enrolled. No other schools shall qualify for transfer under this Subparagraph.

* * *

AMENDMENT NO. 6

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

"CHAPTER 43-D. EDUCATION SAVINGS ACCOUNT PROGRAM - MILITARY, FOSTER CARE, DENIED SCHOOL TRANSFERS
§4037.11. Definitions
As used in this Chapter the following terms have the following meanings, unless the context clearly indicates otherwise:
(1) "Account" means an education account established pursuant to this Chapter and composed of state funds deposited on behalf of a student eligible to participate in the program.
(2) "Account funds" means the funds deposited into an account on behalf of a participating student.
(3) "Department" means the state Department of Education.
(4) "Parent" means a parent, legal guardian, custodian, or other person or entity with legal authority to act on behalf of a student.
(5) "Participating school" means a nonpublic school participating in the program pursuant to the requirements of this Chapter.
(6) "Participating student" means a student who has been determined to be eligible to participate in the program and for whom an account has been established pursuant to this Chapter.
(7) "Program" means the program created by this Chapter.
(8) "Qualified education expenses" means any of the following:
(a) Tuition, fees, and textbooks required by a participating school or service provider.
(b) Tutoring services provided by an educator with a valid Louisiana teaching certificate.
(c) Supplemental materials required by a course of study for a particular content area.
(d) Technological devices used to meet the student's educational needs, subject to approval by the department or a licensed physician.
(9) "Resident school system" means the public school system in which the student would be enrolled based on his residence.
(10) "Service provider" means a person or an entity other than a participating school that provides services that are covered as qualified education expenses.
(11) "State board" means the State Board of Elementary and Secondary Education.

§4037.12. Program creation and administration; powers and duties of the State Board of Elementary and Secondary Education and state Department of Education; rules

The Education Savings Account Program is hereby created. The department shall administer the program, and the state board shall adopt rules and regulations for the administration of the program which shall, at minimum, provide for the following:

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

§4037.13. Account funds

A. The department shall allocate to each account annually, from funds appropriated or otherwise made available for the program, an amount equal to the state's average per-pupil allocation as provided in the minimum foundation program formula, considering all student characteristics. The amount allocated to an account shall be appropriately prorated if a student transfers into the program after the beginning of a school year.

B. The department shall develop a system for parents to direct account funds to participating schools and service providers by electronic funds transfer, automated clearing house transfer, or another system. The department may contract with a private financial management firm to manage the payment system.

C.(1) Account funds shall be used only for qualified education expenses for the participating student. Unused funds in an account, up to fifty percent of the total funds deposited into the account for the current school year, shall be retained in the student's account for the following school year.
(2) The account shall be closed and the funds in the account shall be returned to the state general fund if the student is determined to be no longer eligible, if an account has been inactive for two consecutive years, or if a parent fails to comply with the provisions of this Chapter or state board rules pertaining to the program.

§4037.14. Student eligibility: initial and continuing

A. A student is initially eligible for an account if he is eligible to enroll in kindergarten or was enrolled in a Louisiana public school during the previous school year and meets all of the following criteria:
(1) He meets at least one of the following criteria:
(a) He has a parent who is an active duty military service member.
(b) His parent submitted an enrollment request for an interdistrict or
intradistrict transfer pursuant to R.S. 17:4035.1 during the most recent transfer
request period and such request was denied.
(c) Pursuant to foster care placement through the Department of
Children and Family Services, he is residing with a prospective permanent
placement or has achieved permanency through adoption or permanent
guardianship.

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

(3) The student's parent signs an agreement promising all of the
following:
(a) To provide an education for the participating student in at least the
subjects of English language arts, mathematics, social studies, and science.
(b) Not to enroll the student in a public school while participating in the
program.
(c) To use account funds only for qualified education expenses of the
participating student.
(d) To comply with all program requirements.

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

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

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

§4037.15. Schools and service providers; eligibility; participation
A. To be eligible to participate in the program, a school shall meet all of
the following criteria:
(1) It has been approved, provisionally approved, or probationally
approved by the state board pursuant to R.S. 17:11.
(2) It is in compliance with the criteria set forth in Brumfield, et al. v.
(3) It meets any other eligibility criteria set by the state board in
program rules.
B. The state board shall provide eligibility criteria for service providers
in program rules.
C. To be eligible to participate in the program, a school or service
provider shall apply to the department to participate in the program and, if
determined to be eligible, accept account funds for providing services covered
as qualified education expenses.
D. If the department finds that a participating school or service provider
has failed to maintain continuing eligibility criteria or has demonstrated gross
or a persistent lack of academic competence, the department shall restrict the
school's ability to serve additional students and may be terminated from the
program. Such action shall be reported to the state board within three business
days.

§4037.16. Student with exceptionalities
A. If a participating student enrolled in a participating school would
have been entitled to receive special education services in the resident school
system, his parent shall acknowledge in writing, as part of the program

CODING: Words in struck through type are deletions from existing law; words underscored
are additions.
enrollment process, that the parent agrees to accept only such services as are available to all students enrolled in the participating school.

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

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

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

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

§4037.17. Testing

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

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

§4037.18. Reports

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

(1) The total number of students participating in the program.
(2) A list of all participating schools and service providers.
(3) The total student enrollment of each participating school, the number of participating students enrolled in each school, and the percentage of the total enrollment of each school represented by program participants.
(4) Aggregate test result data for participating students.
(5) The percentage of funds used for each type of qualified education expense.
(6) An analysis of the program's fiscal impact on the state and on local public school systems.
(7) The results of a parental satisfaction survey.
(8) The amount withheld by the department for administration of the program, including the amount retained by the department, the amount paid to vendors for the administration of the program, and the amount paid to vendors for managing the payment system.

CHAPTER 43-E. EDUCATION SAVINGS ACCOUNT PROGRAM FOR CERTAIN STUDENTS WHO HAVE BEEN VICTIMS OF BULLYING

§4037.21. Definitions
As used in this Chapter the following terms have the following meanings, unless the context clearly indicates otherwise:

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

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

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

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

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

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

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

(8) "Qualified education expenses" means any of the following:

(a) Tuition, fees, and textbooks required by a participating school or service provider.

(b) Instructional or tutoring services.

(c) Supplemental materials required by a course of study for a particular content area.

(d) Technological devices used to meet the student's educational needs, subject to approval by the department or a licensed physician.

(9) "Resident school system" means the public school system in which the student would be enrolled based on his residence.

(10) "Service provider" means a person or an entity other than a participating school that provides services that are covered as qualified education expenses.

(11) "State board" means the State Board of Elementary and Secondary Education.

§4037.22. Program creation and administration; powers and duties of the State Board of Elementary and Secondary Education and state Department of Education; rules

The Education Savings Account Program is hereby created. The department shall administer the program, and the state board shall adopt rules and regulations for the administration of the program which shall, at minimum, provide for the following:

(1) Determination of the eligibility of students, participating schools, and service providers, including standards that schools and service providers shall meet as conditions of participation in the program.

(2) Audits of the program and accounts.

(3) The authority of the department to deem any participating student ineligible for the program and to refer a case involving the misuse of account funds to the attorney general for investigation.

(4) The authority of the department to contract with a vendor or provider for the administration of the program or parts of the program.

(5) A requirement that the program shall begin enrolling participating students not later than the beginning of the 2023-2024 school year.

§4037.23. Account funds

A. The department shall allocate to each account annually, from funds appropriated or otherwise made available for the program, an amount equal to the state's average per-pupil allocation as provided in the minimum foundation program formula, considering all student characteristics. The amount allocated to an account shall be appropriately prorated if a student transfers into the program after the beginning of a school year. The department may withhold up to five percent of funds allocated for each account annually for program administration.
B. The department shall develop a system for parents to direct account funds to participating schools and service providers by electronic funds transfer, automated clearing house transfer, or another system. The department may contract with a private financial management firm to manage the payment system.

C.(1) Account funds shall be used only for qualified education expenses for the participating student. Unused funds in an account, up to fifty percent of the total funds deposited into the account for the current school year, shall be retained in the student’s account for the following school year.

(2) The account shall be closed and the funds in the account shall be returned to the state general fund if the student is determined to be no longer eligible, if an account has been inactive for two consecutive years, or if a parent fails to comply with the provisions of this Chapter or state board rules pertaining to the program.

§4037.24. Student eligibility; initial and continuing

A. A student is initially eligible for an account if he is eligible to enroll in kindergarten or was enrolled in a Louisiana public school during the previous school year and meets all of the following criteria:

(1) He has been the victim of bullying under the conditions provided in R.S. 17:416.13(D)(3)(f)(i).

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

(3) The student’s parent signs an agreement promising all of the following:

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

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

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

(d) To comply with all program requirements.

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

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

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

§4037.25. Schools and service providers; eligibility; participation

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

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


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

B. The state board shall provide eligibility criteria for service providers in program rules in a way that maximizes provider participation.
C. To be eligible to participate in the program, a school or service provider shall apply to the department to participate in the program and, if determined to be eligible, accept account funds for providing services covered as qualified education expenses.

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

§4037.26. Student with exceptionalities

A. If a participating student enrolled in a participating school would have been entitled to receive special education services in the resident school system, his parent shall acknowledge in writing, as part of the program enrollment process, that the parent agrees to accept only such services as are available to all students enrolled in the participating school.

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

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

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

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

§4037.27. Testing

A. The department shall develop a process for the annual administration of either of the following to participating students:

(1) Any examination required pursuant to the school and district accountability system at the prescribed grade level.

(2) A nationally norm-referenced test or statewide assessment.

B. The department shall develop a process for the collection and aggregate reporting of results and shall ensure that the results of such assessments are provided to parents of participating students.

§4037.28. Reports

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

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

(2) A list of all participating schools and service providers.
(3) The total student enrollment of each participating school, the number of participating students enrolled in each school, and the percentage of the total enrollment of each school represented by program participants.

(4) Aggregate test result data for participating students.

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

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

(7) The results of a parental satisfaction survey.

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