

## SENATE SUMMARY OF HOUSE AMENDMENTS

SB 203

2022 Regular Session

Hewitt

## KEYWORD AND SUMMARY AS RETURNED TO THE SENATE

FUNDS/FUNDING. Creates education savings account programs for certain students. (gov sig)

## SUMMARY OF HOUSE AMENDMENTS TO THE SENATE BILL

1. Removes as an initial eligibility requirement that a student be tested for a learning disability and that the results be shared with his parent and school.
2. Provides for two additional education saving accounts (ESA) for students who were eligible to enroll in kindergarten or who were enrolled in a public school during the prior school year and who meet certain other criteria.
  - (A) The military, foster care and denied school transfers ESA. An eligible student is required to either have a parent who is an active duty military member, been denied a request to transfer to a school of his choice pursuant to R.S. 17:4035.1, or be residing in a prospective permanent placement or permanent placement through foster care.
  - (B) The victims of bullying ESA. An eligible student is required to have been a victim of bullying as defined in present law and have made two or more reports of separate instances of bullying which have either had no investigation or no resolution that is acceptable to parent. Proposed law further provides that any student that has been the victim of bullying that involved sexual assault may apply for the ESA after the first incident of sexual assault.

## DIGEST OF THE SENATE BILL AS RETURNED TO THE SENATE

## DIGEST

SB 203 Reengrossed

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Present law provides for the definition of a school. Further provides that a child participating in an approved home study program shall be counted in attendance at a school for the purposes of compulsory attendance laws.

Proposed law retains present law and adds that a child who is eligible for a Education Savings Account Program (ESA) and whose parent has signed an agreement for the ESA shall be considered in attendance at a school for the purposes of compulsory attendance laws. Requires the parent to ensure the student is complying with attendance requirements of the participating school or provider. Further requires the participating school or provider to report any child who fails to comply with the attendance requirements to the state director of child welfare and attendance.

Proposed law creates three Education Savings Account Programs. Provides for the programs to be administered by the state Dept. of Education (DOE) in accordance with State Board of Elementary and Secondary Education (BESE) rules that provide for:

- (1) Determination of eligibility of students, participating schools, and service providers.
- (2) Audits of the program and accounts.
- (3) DOE's authority to:
  - (a) Deem any participating student ineligible for the program and to refer cases of misuse of account funds to the attorney general for investigation.

- (b) Contract with a vendor for program administration.
- (c) Retain five percent of the funds allocated to each ESA for administrative purposes.

Proposed law requires DOE to:

- (1) 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 (MFP) formula, considering all student characteristics.
- (2) Develop a system for parents to direct account funds to participating schools and service providers.

Proposed law further provides that:

- (1) Account funds shall be used only for qualified education expenses for the participating student.
- (2) Unused funds in an account, up to 50% of the total funds deposited into the account for the current school year, shall remain in the account for the following school year.
- (3) The account shall be closed and the funds in the account shall be returned to the state general fund if a student is no longer eligible, if an account has been inactive for two consecutive years, or if a parent fails to comply with program requirements.

Proposed law requires the parent of each student to:

- (1) Submit a timely application.
- (2) Sign 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, math, social studies, and science.
  - (b) Not 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.

Proposed law further provides that a participating student:

- (1) Is eligible until he enrolls in a public school, he receives a high school diploma or its equivalent, or his account is closed.
- (2) Is prohibited from participating concurrently in the more than one ESA program, the Course Choice Program, the Student Scholarships for Educational Excellence Program, the School Choice Program for Certain Students with Exceptionalities, and the Tuition Donation Credit Program.

Proposed law provides that to be eligible to participate, a school shall:

- (1) Be approved, provisionally approved, or probationally approved by BESE.
- (2) Comply with federal nondiscrimination requirements.
- (3) Satisfy any other criteria set by BESE.

Proposed law requires BESE to adopt rules to set eligibility criteria for service providers. Further provides that to be eligible to participate in the program, a school or service provider shall apply to DOE and, if determined to be eligible, accept ESA funds for providing

services covered as qualified education expenses. Provides for a school or provider that fails to maintain eligibility criteria or a gross or persistent lack of academic competence to be restricted from serving additional students and may be terminated from the program.

Proposed law requires, if a student would have been entitled to special education services in his resident school system, his parent to acknowledge in writing that he agrees to accept only such services available in the participating school. Proposed law further requires participating schools to meet certain criteria to be eligible to offer such services.

Proposed law provides that a participating school shall not discriminate against a child with special educational needs during the admissions process, but that the participating school is only required to offer services it already provides or services it can provide with minor adjustments. Proposed law further requires DOE to provide information relative to special education services to parents prior to the enrollment process.

Proposed law requires the DOE to develop a process for the annual administration of assessments to participating students and to provide the results of such examinations to parents.

Proposed law requires DOE, by April 30th annually, to submit a report to the House and Senate education committees and the Joint Legislative Committee on the Budget regarding program implementation.

Proposed law provides for the reading ESA. A student shall be eligible for the reading ESA if the student was enrolled in a Louisiana public school in the second or third grade, or just completed those grades the prior school year, and is not reading on grade level as determined by the results of a literacy assessment provided in the second or third grade.

Proposed law provides for the military, foster care, and denied school transfer ESA. A student shall be eligible for the military, foster care, and denied school transfer ESA if the student was eligible to enroll in kindergarten or was enrolled in a public school during the prior school year and either has a parent who is an active duty military member, is a student who has been denied a request to transfer to a school of his choice pursuant to R.S. 17:4035.1, or is a student who is residing in a prospective permanent placement or permanent placement through foster care.

Proposed law provides for the victims of bullying ESA. A student shall be eligible for the bullying ESA if the student was eligible to enroll in kindergarten or was enrolled in a public school during the prior school year and has been a victim of bullying, as defined in present law, and has made two or more reports of separate instances of bullying which have either had no investigation or no resolution that is acceptable to parent. Further provides that any student that has been the victim of bullying that involved sexual assault may apply for the ESA after the first incident of sexual assault.

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

(Amends R.S. 17:236(A) and 416.13(D)(3)(f)(i) and (v); Adds R.S. 17:4037.1-4037.8, 4037.11-4037.18, 4037.21-4037.28)

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