

2023 Regular Session

HOUSE BILL NO. 98

BY REPRESENTATIVE HARRIS

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

SCHOOLS/CHOICE: Creates and provides for a program to provide state funding for the education of students not enrolled in public school and expands the ability of parents to enroll children in the public school of their choice

1 AN ACT

2 To amend and reenact R.S. 17:236(A) and 4035.1(A) and (F)(2)(introductory paragraph) and

3 (b), to enact R.S. 17:4035.1(I) and Chapter 43-C of Title 17 of the Louisiana Revised

4 Statutes of 1950, to be comprised of R.S. 17:4037.1 through 4037.9, and to repeal

5 R.S. 17:4035.1(C)(2) and 4037.9, relative to school choice; to expand the ability of

6 parents to enroll children in the public school of their choice by removing conditions

7 related to school performance; to create and provide for the administration of a

8 program to provide state funding for the education of students not enrolled in public

9 school; to provide relative to the eligibility of students, schools, and service

10 providers participating in the program; to provide relative to program funds; to

11 provide relative to the testing of students participating in the program; to require the

12 state Department of Education to submit annual reports to the legislature relative to

13 the program; to provide relative to rules; to provide relative to definitions; to require

14 the State Board of Elementary and Secondary Education to conduct a study on the

15 potential participation of public schools in the program; to require the state

16 superintendent to make a presentation relative to this report to the House Committee

17 on Education and the Senate Committee on Education; to provide for an effective

18 date; and to provide for related matters.

19 Be it enacted by the Legislature of Louisiana:

1 Section 1. R.S. 17:236(A) and 4035.1(A) and (F)(2)(introductory paragraph) and (b)  
2 are hereby amended and reenacted and R.S. 17:4035.1(I) and Chapter 43-C of Title 17 of the  
3 Louisiana Revised Statutes of 1950, comprised of R.S. 17:4037.1 through 4037.9, are hereby  
4 enacted to read as follows:

5 §236. Definition of a school

6 A. For the purposes of this Chapter, a school is defined as an institution for  
7 the teaching of children, consisting of an adequate physical plant, whether owned or  
8 leased, instructional staff members, and students. For such an institution to be  
9 classified as a school, within the meaning of this Chapter, instructional staff  
10 members shall meet the following requirements: if a public day school or a  
11 nonpublic school which receives local, state, or federal funds or support, directly or  
12 indirectly, they shall be certified in accordance with rules established by the State  
13 Board of Elementary and Secondary Education; if a nonpublic school which receives  
14 no local, state, or federal funds or support, directly or indirectly, they shall meet such  
15 requirements as may be prescribed by the school or the church. In addition, except  
16 as otherwise provided in Subsection B of this Section, any such institution, to be  
17 classified as a school, shall operate a minimum session of not less than one hundred  
18 eighty days. Solely for purposes of compulsory attendance in a nonpublic school,  
19 a child who participates in a home study program approved by the State Board of  
20 Elementary and Secondary Education shall be considered in attendance at a day  
21 school; a home study program shall be approved if it offers a sustained curriculum  
22 of a quality at least equal to that offered by public schools at the same grade level.  
23 Solely for purposes of compulsory attendance in a nonpublic school, a child shall be  
24 considered in attendance at a day school if the child is eligible to participate in the  
25 Sunshine Scholarship Program pursuant to R.S. 17:4037.4.

26 \* \* \*

1 §4035.1. Public school choice

2 A. The parent or other legal guardian of any student may enroll his child in  
3 the public school of his choice, without regard to residence, school system  
4 geographic boundaries, or attendance zones, ~~provided both of the following apply:~~

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

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

14 \* \* \*

15 F.

16 \* \* \*

17 (2) Prior to the transfer request period, the public school governing authority  
18 shall notify parents and legal guardians of students enrolled in ~~a~~ each school ~~that~~  
19 ~~received a "D" or "F" school performance letter grade pursuant to the state's school~~  
20 ~~and district accountability system for the most recent school year under its~~  
21 ~~jurisdiction of the following:~~

22 \* \* \*

23 (b) The ~~schools~~ school performance letter grade assigned to each school  
24 ~~under the jurisdiction of the governing authority that received an "A", "B", or "C"~~  
25 ~~school performance letter grade, if any.~~

26 \* \* \*

1           I. The State Board of Elementary and Secondary Education shall adopt rules  
2           in accordance with the Administrative Procedure Act for the implementation of this  
3           Section.

4   \*       \*       \*

5           CHAPTER 43-C. SUNSHINE SCHOLARSHIP PROGRAM

6           §4037.1. Definitions

7           As used in this Chapter, the following terms have the following meanings,  
8           unless otherwise clearly indicated:

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

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

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

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

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

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

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

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

24          (a) Tuition, fees, and textbooks required for either in-person or virtual  
25          instruction by a participating school or service provider.

26          (b) Instructional or tutoring services.

27          (c) Curricula.

28          (d) Supplemental materials and supplies required by a course of study for a  
29          particular content area.

1           (e) Fees for Louisiana Educational Assessment Program tests, national norm-  
2           referenced examinations, Advanced Placement courses or examinations or similar  
3           courses or examinations, and any examinations related to postsecondary education  
4           institution admission.

5           (f) Educational services for students with disabilities from a licensed or  
6           accredited practitioner or provider.

7           (g) Fees for account management by vendors or providers approved by the  
8           department.

9           (h) Technological devices that are required to meet a participating student's  
10          educational needs, subject to the approval of the department or a licensed physician,  
11          and that shall not include a television, a video game console or accessory, or home  
12          theater or audio equipment.

13          (i) Any other expenses incurred in the education of the student.

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

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

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

20          §4037.2. Program creation and administration; powers and duties of the State Board  
21          of Elementary and Secondary Education and state Department of Education;  
22          rules

23          The Sunshine Scholarship Program, a universal education freedom account  
24          program, is hereby created. The department shall administer the program, and the  
25          state board shall adopt rules and regulations for the administration of the program  
26          which shall, at minimum, provide for the following:

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

1           (2) Audits of the program and accounts.

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

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

7           (5) A requirement that the program shall begin enrolling participating  
8           students not later than the beginning of the 2024-2025 school year.

9           §4037.3. Account funds

10           A. The department shall annually allocate to each account, from funds  
11           appropriated or otherwise made available for the program, an amount equal to the  
12           average state per-pupil allocation as provided in the minimum foundation program  
13           formula, which includes all weighted funds based on student characteristics. The  
14           department may withhold up to five percent of funds allocated for each account  
15           annually for program administration. The amount allocated to an account shall be  
16           appropriately prorated if a student transfers into the program after the beginning of  
17           a school year.

18           B. The department shall develop a system for parents to direct account funds  
19           to participating schools and service providers by electronic funds transfer, automated  
20           clearing house transfer, or another system. The department may contract with a  
21           vendor or provider to manage the payment system.

22           C.(1) Account funds shall be used only for qualified education expenses for  
23           the participating student. Unused funds in an account shall be retained in the  
24           student's account for the following school year.

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

1           (3) Notwithstanding any provision of Paragraph (2) of this Subsection, if a  
2           participating student's account has been inactive for two consecutive years and the  
3           legislature has failed to appropriate funds for the program for these two years, the  
4           account of such participating student shall not be closed because of inactivity.

5           D. Account funds do not constitute taxable income of the parent of the  
6           participating student and shall not be claimed as a credit, deduction, exemption, or  
7           rebate under Title 47 of the Louisiana Revised Statutes of 1950.

8           E. No participating school or service provider shall share funds paid from an  
9           account with a parent or student in any manner, including but not limited to a refund  
10          or rebate.

11          §4037.4. Student eligibility; initial and continuing

12           A.(1) A student is initially eligible for an account if he is eligible to enroll  
13           in kindergarten or meets the requirements of Paragraph (2) of this Subsection and  
14           meets both of the following criteria:

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

17           (b) The student's parent signs an agreement promising all of the following:

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

20           (ii) Not to enroll the student in a public school while participating in the  
21           program.

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

24           (iv) To comply with all program requirements.

25           (2)(a) In the first school year of the program, to be initially eligible a student  
26           enrolling in grades one through twelve shall have been enrolled in a Louisiana public  
27           school during the previous school year.

1           (b) In the second school year of the program, to be initially eligible a student  
2           enrolling in grades one through eight shall have been enrolled in a Louisiana public  
3           school during the previous school year.

4           (c) In the third school year of the program, to be initially eligible a student  
5           enrolling in grades one through five shall have been enrolled in a Louisiana public  
6           school during the previous school year.

7           (d) In the fourth year of the program and thereafter, the school the student  
8           attended in the previous year is not an initial eligibility criteria for any student.

9           B.(1) The signed agreement pursuant to Paragraph (A)(2) of this Section  
10          satisfies the compulsory school attendance requirements of R.S. 17:221. However,  
11          the parent of a participating student shall ensure the student is complying with the  
12          attendance requirements of the participating school or service provider. Each  
13          participating student who fails to comply with the attendance requirements shall be  
14          reported to the state director of child welfare and attendance by the participating  
15          school or service provider and shall be subject to the provisions of R.S. 17:233.

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

19          (3) A participating student is eligible to participate in the program through  
20          in-person education, virtual education, or a hybrid approach that combines both  
21          methods.

22          C. A participating student is eligible to participate in this program  
23          concurrently with the Course Choice Program, the Student Scholarships for  
24          Educational Excellence Program, the School Choice Program for Certain Students  
25          with Exceptionalities, and the Tuition Donation Credit Program; however, the total  
26          amount applied toward the student shall not exceed the statewide average of the state  
27          and local per pupil amount as provided in the approved minimum foundation  
28          program formula.



1        §4037.5. Schools and service providers; eligibility; participation

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

4            (1) It has been approved by the state board pursuant to R.S. 17:11.

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

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

9            B. The state board shall provide eligibility criteria for both schools and  
10       service providers in program rules in a way that maximizes school and provider  
11       participation.

12           C. To be eligible to participate in the program, a school or service provider  
13       shall apply to the department to participate in the program and, if determined to be  
14       eligible, accept account funds for providing services covered as qualified education  
15       expenses.

16           D. If the department finds that a participating school or service provider has  
17       failed to maintain continuing eligibility criteria or has demonstrated gross or a  
18       persistent lack of academic competence, the department shall restrict the school's  
19       ability to serve additional students and may terminate the school's participation in the  
20       program. The department shall report any such action to the state board within three  
21       business days.

22           E.(1) Nothing in this Chapter shall be deemed to limit the independence or  
23       autonomy of any participating school or service provider or to make the actions of  
24       a participating school or service provider the actions of the state government.

25           (2) Participating schools and service providers shall be given maximum  
26       freedom to provide for the educational needs of participating students without  
27       governmental control.

28           (3) Nothing in this Chapter shall be construed to expand the regulatory  
29       authority of the state, its officers, or any school district to impose any additional

1 regulation of participating schools or service providers beyond those necessary to  
2 enforce the requirements of the program.

3 (4) A participating school or service provider that accepts funds pursuant to  
4 this Chapter is not an agent of the state or federal government.

5 (5) No participating school or service provider shall be required to alter its  
6 creed, practices, admissions policy, or curriculum in order to accept account funds.

7 §4037.6. Students with exceptionalities

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

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

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

22 (2) The department shall make information regarding the services  
23 participating schools and the resident school system can provide to children with  
24 special needs available to parents prior to the enrollment process.

25 §4037.7. Testing

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

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

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

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

5           §4037.8. Reports

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

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

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

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

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

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

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

21           (7) Results of a parental satisfaction survey.

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

26          §4037.9. Public school participation; study and report

27           A. The state board shall study the feasibility and advisability of the full-time  
28          and part-time participation of students attending public schools, including both  
29          traditional public schools and charter schools, in the program and submit a written

1 report of findings and conclusions, including but not limited to any recommendations  
 2 for related legislation, funding considerations, best practices from other states, and  
 3 a potential timeline for implementation, to the House Committee on Education and  
 4 the Senate Committee on Education not later than December 31, 2023.

5 B. The state superintendent of education or his designee shall make a  
 6 presentation on the report and any related matters he deems appropriate to the  
 7 committees, meeting separately or jointly, not later than January 31, 2024.

8 Section 2. R.S. 17:4035.1(C)(2) is hereby repealed in its entirety.

9 Section 3. R.S. 17:4037.9 is hereby repealed in its entirety.

10 Section 4.(A) Sections 1 and 2 and this Section of this Act shall become effective  
 11 upon signature of this Act by the governor or, if not signed by the governor, upon expiration  
 12 of the time for bills to become law without signature by the governor, as provided by Article  
 13 III, Section 18 of the Constitution of Louisiana. If this Act is vetoed by the governor and  
 14 subsequently approved by the legislature, Sections 1 and 2 and this Section of this Act shall  
 15 become effective on the day following such approval.

16 (B) Section 3 of this Act shall become effective on February 1, 2024.

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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 98 Reengrossed

2023 Regular Session

Harris

**Abstract:** Creates and provides for the administration of a program for the purpose of providing state funding for qualified education expenses for students in grades kindergarten through 12 who are not enrolled in a public school and expands the ability of parents to enroll children in the public school of their choice by removing conditions relative to school performance.

#### **Sunshine Scholarship Program; Creation and Administration**

Proposed law creates the Sunshine Scholarship Program, a universal education freedom account program for students not enrolled in public school and provides for program administration by the state Dept. of Education (DOE) in accordance with State Board of Elementary and Secondary Education (BESE) rules which shall, at minimum, 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 or provider for the administration of the program or parts of the program.
- (4) A requirement that the program begin enrolling students by the beginning of the 2024-2025 school year.

### **Funds**

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 average state MFP per pupil allocation, which includes all applicable weighted funds based on student characteristics. Authorizes DOE to withhold up to 5% of funds allocated for each account annually for program administration. Requires that the amount allocated to an account be prorated if a student transfers into the program after the beginning of a school year.
- (2) 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.

Proposed law further provides as follows:

- (1) Limits authorized use of funds to qualified education expenses.
- (2) Unused funds in an account 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.
- (4) The account shall not be closed due to inactivity if the participating student's two year inactivity was due to the failure of the legislature to appropriate funds.
- (5) Account funds do not constitute taxable income and shall not be claimed as a credit, deduction, exemption, or rebate.
- (6) Schools and service providers shall not share funds paid from an account with a parent or student in any manner, including but not limited to a refund or rebate.

### **Eligibility; Students**

Proposed law provides that a student shall be initially eligible for an account if he is eligible to enroll in kindergarten or was enrolled in a La. public school during the previous school year and meets all of the following criteria:

- (1) The student's parent submits a timely application.

- (2) 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, math, 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.

Proposed law provides for a phased-in expansion of eligibility for students regardless of whether they attended a public school in the previous school year.

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 eligible to participate concurrently in this program and 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, but the total amount applied toward the student shall not exceed the statewide average of the state and local per pupil amount as provided by the minimum foundation program formula.
- (3) Shall be considered in attendance at a day school for purposes of compulsory attendance; proposed law requires parents to ensure students comply with attendance requirements and requires schools and service providers to report students who fail to comply to the state director of child welfare and attendance.

### **Students with Exceptionalities**

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 as are available to all students enrolled in the participating school. Requires participating schools to meet certain criteria to be eligible to offer such services.

### **Eligibility; Schools and Service Providers**

Proposed law provides that a school shall meet all of the following criteria to be eligible to participate:

- (1) Be approved by BESE.
- (2) Comply with criteria set forth in federal nondiscrimination requirements.
- (3) Any other criteria set by BESE.

Proposed law requires BESE to set eligibility criteria for schools and service providers in a way that maximizes school and provider participation. Provides that to be eligible to participate in the program, both schools and service providers shall apply to DOE and, if determined to be eligible, accept program funds for providing services covered as qualified education expenses.

Proposed law provides for sanctions relative to admitting additional students and participation in the program if a school or service provider fails to meet continuing eligibility requirements.

Proposed law adds that nothing in proposed law shall be deemed to limit the independence or autonomy of any participating school or service provider.

### **Testing**

Proposed law requires:

- (1) DOE to develop a process for the annual administration of either of the following to participating students:
  - (a) Any examination required pursuant to the school and district accountability system at the prescribed grade level.
  - (b) A nationally norm-referenced test or a statewide assessment.
- (2) DOE to develop a process for the collection and aggregate reporting of results and ensure results are provided to parents.

### **Reporting**

Proposed law requires DOE, by April 30th annually, to submit a report to the House and Senate education committees and the Jt. Legislative Committee on the Budget regarding program implementation. Provides for required report content, including the results of a parental satisfaction survey and certain financial information relative to the program.

### **Public School Participation in the Sunshine Scholarship Program; BESE Study**

Proposed law requires BESE to study the feasibility and advisability of the full-time and part-time participation of students attending public schools, including both traditional public schools and charter schools, in the Sunshine Scholarship Program and submit a written report of findings and conclusions, including but not limited to any recommendations for related legislation, funding considerations, best practices from other states, and a potential timeline for implementation, to the House and Senate education committees not later than Dec. 31, 2023. Requires the state superintendent or his designee to make a presentation on the report and any related matters he deems appropriate to the committees, meeting separately or jointly, not later than Jan. 31, 2024.

### **Public School 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 the following conditions are met:

- (1) The public school in which the student was most recently enrolled or would otherwise attend received a 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 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 retains the condition relative to sufficient capacity at the receiving school but removes all conditions pertaining to school letter grades. Proposed law adds that the receiving school also have sufficient projected capacity at the appropriate grade level.

Present law requires each public school governing authority to notify parents of students enrolled in a "D" or "F" school of the "A", "B", and "C" schools under its jurisdiction and the process for submitting students transfer requests. Proposed law requires each public school governing authority to notify the parents of all of its students of the letter grades of all schools under its jurisdiction and otherwise retains present law.

Proposed law requires BESE to adopt rules for the implementation of present law and proposed law and retains the following present law relative to public school choice:

- (1) That a student shall not be enrolled in a school if it would violate the order of a court of competent jurisdiction.
- (2) That parents may request that BESE review transfers that are denied.
- (3) That a school system shall not be required to provide transportation to any student enrolled in a public school that is located outside of the geographic boundaries of the school system in which the student resides if it would result in additional cost to the school system.
- (4) That a student enrolled in a public school shall be counted by the local public school system in which he is enrolled for purposes of the minimum foundation program and formula and any other available state or federal funding for which the student is eligible.
- (5) That each public school governing authority shall work collaboratively and cooperatively to ensure compliance.
- (6) That BESE shall report to the House and Senate education committees annually regarding both interdistrict and intradistrict transfers.
- (7) That present law shall not be construed to require a selective admissions school to enroll a student who does not meet admissions requirements.

Effective upon signature of governor or lapse of time for gubernatorial action except for repeal of provisions relative to BESE's study and superintendent's presentation, which are effective Feb. 1, 2024.

(Amends R.S. 17:236(A) and 4035.1(A) and (F)(2)(intro. para.) and (b); Adds R.S. 17:4035.1(I) and 4037.1-4037.9; Repeals R.S. 17:4035.1(C)(2) and 4037.9)

#### Summary of Amendments Adopted by House

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

1. Add other expenses incurred in the education of the student to the list of qualified education expenses.
2. Revise the amount of the annual allocation to each account.
3. Allow all unspent funds, rather than up to 50% of the total funds deposited into the account for the current school year, to remain in the account.
4. Add that nothing in proposed law shall be deemed to limit the independence or autonomy of any participating school or service provider.
5. Remove certain criteria relative to the provision of special education services by participating nonpublic schools.



6. Specify that BESE study potential full-time and part-time participation of public school students in the proposed law scholarship program.

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

1. Provide for schools to have sufficient projected capacity for students at the appropriate grade level.
2. Provide that a participating student's account shall not be closed for inactivity when that two year inactivity is due to a lack of appropriated funds from the legislature.