

SENATE BILL NO. 376

BY SENATORS MIZELL, BOUDREAUX, CARTER, CATHEY, CLOUD, CONNICK, EDMONDS, HODGES, JACKSON-ANDREWS, LAMBERT, MILLER, MORRIS, SELDERS, STINE, WHEAT AND WOMACK AND REPRESENTATIVES BERAULT, BROUSSARD, CARPENTER, CARVER, CHASSION, EGAN, FREIBERG, KNOX, TERRY LANDRY, LARVADAIN, MARCELLE, MARTINEZ, PHELPS, TAYLOR, VENTRELLA, WALTERS AND WYBLE

1 AN ACT

2 To enact R.S. 17:81(A)(8), 3996(B)(92), and Chapter 47 of Title 17 of the Louisiana
3 Revised Statutes of 1950, to be comprised of R.S. 17:4201 through 4212, relative to
4 local public school boards; to provide relative to the authorization of career
5 practicums in public high schools; to provide for definitions; to provide relative to
6 cooperative endeavor agreements; to provide requirements for career practicums and
7 cooperative endeavor agreements; to provide relative to student labor, safety, and
8 supervision; to provide for reciprocity; to provide relative to the State Board of
9 Elementary and Secondary Education's rulemaking authority; to provide for trade
10 and commerce limitations; to provide for exemptions; to provide relative to charter
11 school participation; to provide for an effective date; and to provide for related
12 matters.

13 Be it enacted by the Legislature of Louisiana:

14 Section 1. R.S. 17:81(A)(8), 3996(B)(92), and Chapter 47 of Title 17 of the
15 Louisiana Revised Statutes of 1950, comprised of R.S. 17:4201 through 4212, are hereby
16 enacted to read as follows:

17 §81. General powers of local public school boards

18 A.(1) Each local public school board shall serve in a policymaking capacity
19 that is in the best interests of all students enrolled in schools under the board's
20 jurisdiction. When establishing board policies, each board shall prioritize student
21 achievement, financial efficiency, and workforce development on a local, regional,
22 and statewide basis. When choosing a local superintendent of schools, each board
23 shall select a leader who shall prioritize student achievement and act in the best
24 interests of all students enrolled in schools under the board's jurisdiction.

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(8) Each local public school board shall have the authority to establish, operate, or enter into agreements for the operation of career practicums pursuant to R.S. 17:4201 et seq.

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§3996. Charter schools; exemptions; requirements

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B. Notwithstanding any state law, rule, or regulation to the contrary and except as may be otherwise specifically provided for in an approved charter, a charter school established and operated in accordance with the provisions of this Chapter and its approved charter and the school's officers and employees shall be exempt from all statutory mandates or other statutory requirements that are applicable to public schools and to public school officers and employees except for the following laws otherwise applicable to public schools with the same grades:

* * *

(92) Career practicums, R.S. 17:4201 et seq.

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CHAPTER 47. CAREER PRACTICUMS

§4201. Short title

This Chapter shall be known and may be cited as the "Learn and Earn Act".

§4202. Legislative findings and intent

A. The legislature finds that Louisiana's long-term workforce competitiveness depends on the development of a coherent, statewide talent development system.

B. Compensated, credit-bearing work-based learning aligned with the State Board of Elementary and Secondary Education (BESE) approved career pathways is a critical component of such a system.

C. Reliance solely on external employer work sites creates inequitable access to work-based learning for rural students and students in underserved

1 communities.

2 D. Career practicums, as provided for in this Chapter, shall serve an
 3 essential educational purpose by advancing established state objectives related
 4 to career and technical education, financial literacy, employability skills, and
 5 workforce development.

6 E.(1) A career practicum shall operate pursuant to a cooperative
 7 endeavor agreement that complies with Article VII, Section 14 of the
 8 Constitution of Louisiana and meets the requirements of the *Cabela's* test as
 9 held in *Board of Directors of Indus. Development Bd. of City of Gonzales,*
 10 *Louisiana, Inc. v. All Tax Payers, Property Owners, Citizens of City of Gonzales,*
 11 *et al.*, 938 So.2d 11 (La. 9/6/06).

12 (2) In order to satisfy the *Cabela's* test, a career practicum must serve a
 13 valid public purpose; be an enforceable, nongratuitous obligation; and there
 14 must be a reasonable expectation of value equal to or greater than the value of
 15 public assets provided.

16 (3) Compliance with the *Cabela's* test is mandatory and shall be
 17 demonstrated through the cooperative endeavor agreement.

18 **§4203. Definitions**

19 As used in this Chapter, the following terms have the following meanings
 20 unless the context clearly indicates otherwise:

21 (1) "Business partner" means a private business entity, financial
 22 institution, or nonprofit organization that enters into a cooperative endeavor
 23 agreement with a city, parish, or other local school board to operate a career
 24 practicum.

25 (2) "Career practicum" means a limited scope educational franchise
 26 operation conducted on a public high school campus pursuant to a cooperative
 27 endeavor agreement, whose primary purpose is to deliver compensated, credit-
 28 bearing work-based learning, aligned with BESE-approved career pathways,
 29 and related instruction.

30 (3) "Fair market value" means the value of public assets, services, or

1 resources made available to a business partner, including space, utilities,
2 equipment, or other measurable benefits, calculated pursuant to BESE-
3 approved methodology using commercially reasonable valuation principles.

4 (4) "Instructional scope" means the defined operational boundaries of
5 a career practicum that are directly tied to instructional objectives, including
6 pathway aligned activities, financial literacy instruction, employability skill
7 development, and compensated work-based learning.

8 (5) "Student participant" means a student enrolled in a BESE-approved,
9 work-based learning course who participates in a career practicum and is
10 compensated as an employee of the business partner.

11 (6) "Hazardous occupation" shall mean any occupation or activity
12 prohibited for minors under the provisions of the Louisiana Works rules
13 governing the employment of minors.

14 §4204. Authorization; limited-scope model

15 A. A city, parish, or other local school board may establish and host one
16 or more career practicums on Louisiana public high school campuses in
17 accordance with this Chapter.

18 B. A career practicum shall operate exclusively within the instructional
19 scope defined in its cooperative endeavor agreement and shall not engage in
20 general commercial activity unrelated to instructional purposes.

21 C. Career practicums shall align with BESE-approved career pathways
22 and integrate financial literacy and employability skill development.

23 D. Any student participating in a career practicum under this Chapter
24 who performs a credit-bearing internship experience aligned to a BESE-
25 approved career pathway shall be deemed to have satisfied the requirements for
26 an internship for purposes of the state school and district accountability system,
27 as defined by rules of the State Board of Elementary and Secondary Education.

28 E. A business partner shall provide reciprocity under the cooperative
29 endeavor agreement that meets or exceeds the fair market value of public assets
30 utilized and shall fulfill all educational obligations established in the agreement.

1 **F. Career practicums may provide customer-facing services only to the**
2 **extent such services fall within the instructional scope established in the**
3 **cooperative endeavor agreement.**

4 **G. Career practicums operating solely within the instructional scope of**
5 **a compliant cooperative endeavor agreement shall be deemed instructional**
6 **functions of the city, parish, or other local school board and shall not be**
7 **classified as commercial tenants.**

8 **H. Any employee, agent, or representative of a business partner who has**
9 **direct and unsupervised interaction with students participating in a career**
10 **practicum shall be subject to the same criminal background check and**
11 **eligibility requirements applicable to school employees and instructors pursuant**
12 **to applicable state law and policy of the State Board of Elementary and**
13 **Secondary Education.**

14 **I. Where a career practicum includes limited customer-facing services**
15 **within the instructional scope, the city, parish, or other local school board shall**
16 **retain full authority to regulate campus access consistent with existing safety**
17 **and visitor policies. Nothing in this Chapter shall be construed to require**
18 **general public access to school campuses.**

19 **§4205. Cooperative endeavor agreements**

20 **A. Each career practicum shall operate pursuant to a written cooperative**
21 **endeavor agreement between the city, parish, or other local school board and**
22 **the business partner.**

23 **B. The agreement shall include but not be limited to the following:**

24 **(1) A declaration of the essential educational and public purpose served.**

25 **(2) Enforceable, nongratuitous obligations of the business partner.**

26 **(3) An inventory and valuation of public assets utilized, including a fair**
27 **market value schedule.**

28 **(4) A reciprocity schedule demonstrating a reasonable expectation that**
29 **benefits provided by the business partner meet or exceed fair market value.**

30 **(5) Annual fair market value recertification.**

1 (6) A clear statement of instructional scope and operating parameters.

2 (7) Liability insurance naming the city, parish, or other local school
3 board and the state as additional insureds.

4 (8) Indemnification of the city, parish, or other local school board and
5 the state.

6 (9) Safety, supervision, and training requirements.

7 (10) Compliance with applicable federal and state laws governing student
8 data privacy, child labor, workplace safety, and accessibility.

9 C. Each cooperative endeavor agreement shall be public record and
10 posted on the website of the city, parish, or other local school board.

11 D. Nothing in this Chapter shall limit the authority of a city, parish, or
12 other local school board to oversee, monitor, or evaluate the operations of a
13 career practicum.

14 §4206. Student labor, safety, and supervision

15 A. Student participants shall:

16 (1) Earn academic credit pursuant to BESE rules.

17 (2) Receive wages at or above the applicable minimum wage.

18 (3) Be employees of the business partner for wage and workers'
19 compensation purposes.

20 (4) Receive required safety training prior to participation.

21 (5) Be prohibited from engaging in hazardous occupations barred for
22 minors.

23 B. Career practicums shall be structured so that student participants are
24 the primary beneficiaries of the educational experience.

25 C. Career practicums shall comply with all applicable school safety,
26 supervision, and visitor access requirements.

27 §4207. Reciprocity and restricted use of funds

28 A. Business partners shall provide reciprocity as established in the
29 cooperative endeavor agreement, meeting or exceeding fair market value
30 requirements.

1 B. Any funds provided to a city, parish, or other local school board as
2 reciprocity or compensation shall be deposited into a restricted Career
3 Practicum Fund and used solely for work-based learning, instructional
4 equipment, or related educational purposes.

5 §4208. Rulemaking authority; limitations

6 The State Board of Elementary and Secondary Education shall
7 promulgate rules and regulations necessary to implement this Chapter in
8 accordance with the provisions of the Administrative Procedure Act. Such rules
9 shall implement but not waive, narrow, or redefine the statutory requirements
10 of instructional scope, fair market value valuation, reciprocity, or student
11 protections established in this Chapter.

12 §4209. Trade and commerce limitation

13 A career practicum operating solely within the instructional scope of a
14 compliant cooperative endeavor agreement shall not be deemed to be engaged
15 in trade or commerce for purposes of R.S. 51:1401 et seq.

16 §4210. Proprietary school exemption

17 A career practicum authorized under this Chapter shall be deemed an
18 extension of public educational programming and shall not be classified as a
19 proprietary school pursuant to R.S. 17:3140.1 et seq.

20 §4211. Charter school participation

21 A charter school governing authority may authorize a career practicum
22 on its campus in accordance with applicable charter law and the school's
23 charter contract. Where the career practicum involves the use of facilities or
24 property owned by a city, parish, or other local school board or other public
25 entity, any cooperative endeavor agreement required under this Chapter shall
26 be executed in a manner consistent with applicable law governing such
27 property.

28 §4212. Existing programs

29 A. On-campus business operations or work-based learning programs
30 lawfully operating on Louisiana public high school campuses prior to the

1 effective date of this Act may continue, provided they serve an educational
2 purpose and comply with Article VII, Section 14 of the Louisiana Constitution.

3 B. Beginning with the 2029-2030 school year, all programs subject to
4 Subsection A of this Section shall be in compliance with all other provisions of
5 this Chapter.

6 Section 2. This Act shall become effective upon signature by the governor or, if not
7 signed by the governor, upon expiration of the time for bills to become law without signature
8 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
9 vetoed by the governor and subsequently approved by the legislature, this Act shall become
10 effective on the day following such approval.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____