

Regular Session, 2014

SENATE BILL NO. 179

BY SENATOR MORRISH

EDUCATION DEPARTMENT. Provides with respect to the Course Choice Program.  
(gov sig)

1 AN ACT

2 To amend and reenact R.S. 17:4002.3(2) and (3), 4002.4(A)(1), (2)(a), (C), and (D),  
3 4002.5(A) and (F), and 4002.6, and to repeal R.S. 17:4002.5(C) and (E), relative to  
4 the course choice program; to provide with respect to definitions; to provide with  
5 respect to student eligibility, course approval, and enrollment; to provide with  
6 respect to course amounts, funding, and reimbursement; to provide relative to teacher  
7 reciprocity; to provide with respect to a course catalogue; to provide with respect to  
8 the duties of the State Board of Elementary and Secondary Education and public  
9 school governing authorities; to provide for rules; and to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 17:4002.3(2) and (3), 4002.4(A)(1), (2)(a), (C), and (D), 4002.5(A)  
12 and (F), and 4002.6 are hereby amended and reenacted to read as follows:

13 §4002.3. Definitions

14 As used in this Part, unless otherwise clearly indicated, the following terms  
15 mean:

16 \* \* \*

17 (2) "Eligible funded student" means any student who resides in Louisiana and

1 meets ~~one~~ of the following criteria:

2 (a) ~~Is attending a public school that received a letter grade of "C", "D", or~~  
3 ~~"F", or any variation thereof, according to the Louisiana School and District~~  
4 ~~Accountability System.~~ **Is attending a public elementary or secondary school.**

5 (b) ~~Is attending a public school that does not offer the course in which the~~  
6 ~~student desires to enroll, as determined by the state board.~~ **Has obtained approval**  
7 **from the local school superintendent or other person designated by the**  
8 **governing authority of the school which he attends to enroll in a course**  
9 **pursuant to this Part.**

10 (c) ~~Is a scholarship recipient pursuant to R.S. 17:4013 and attends a~~  
11 ~~participating school in accordance with R.S. 17:4011 through 4025.~~

12 (3) "Eligible participating student" means any student who resides in  
13 Louisiana and meets one of the following criteria:

14 (a) ~~Is attending a public school that has received a letter grade of "A" or "B",~~  
15 ~~or any variation thereof, according to the school and district accountability system~~  
16 **Is a scholarship recipient pursuant to R.S. 17:4013 attending a participating**  
17 **school in accordance with R.S. 17:4011 through 4025.**

18 (b) Is attending a nonpublic school that is approved, provisionally approved,  
19 or probationally approved by the state board pursuant to R.S. 17:11.

20 (c) Is enrolled in a home study program approved by the state board.

21 \* \* \*

22 §4002.4. State board; powers and duties relative to course providers

23 A.(1) ~~Not later than January 1, 2013, the~~ **The** state board shall create a  
24 process for authorizing course providers that shall determine whether each proposed  
25 course provider complies with the law and rules, whether the proposal is valid,  
26 complete, financially well-structured, and educationally sound, whether it provides  
27 a plan for collecting data in accordance with R.S. 17:3911, and whether it offers  
28 potential for fulfilling the purposes of this Part. The state board shall provide for an  
29 independent evaluation of the proposal by a third party with educational,

1 organizational, legal, and financial expertise.

2 (2) The process shall provide for an agreement between the state and board  
3 and the course provider that shall include, at a minimum, a plan for implementing  
4 or providing the following:

5 (a) Administration of state assessments **to eligible funded students**, as  
6 required by the school and district accountability system, ~~except to students as~~  
7 ~~defined by R.S. 17:4002.3(2)(c).~~

8 \* \* \*

9 C. ~~Not later than January 1, 2013, the~~ **The** state board shall create **and**  
10 **maintain** a reciprocal teacher certification process for teachers who reside in other  
11 states but who are employed by authorized course providers and teach virtual  
12 education courses to satisfy the state certification requirements pursuant to R.S.  
13 17:7.1.

14 D. ~~Prior to the 2013-2014 school year, the~~ **(1) The** state board shall create a  
15 course catalogue for all courses offered, by parish, **and shall timely update the**  
16 **catalogue prior to the beginning of each school year.**

17 **(2) The state board shall include any course offered for dual enrollment**  
18 **by a Louisiana public institution of postsecondary education in the course**  
19 **catalogue, with no requirement for course approval by the board or the**  
20 **Department of Education, provided the course meets the Carnegie unit**  
21 **requirements for high school graduation.**

22 §4002.5. ~~Local school systems~~ **Public school governing authority duties; per**  
23 ~~course providers~~ **accountability; rules**

24 A. ~~Each local school board~~ **The governing authority of each public**  
25 **elementary and secondary school** shall establish policies and procedures whereby  
26 for each student identified in R.S. 17:4002.3(2)(a) and (b) and (3)(a) the following  
27 shall apply: **whereby an eligible funded student may be granted approval to**  
28 **enroll in a course pursuant to this Part, which shall also provide for the**  
29 **following:**

1                    **(1) Determination of whether a requested course is academically**  
2                    **appropriate for the student.**

3                    ~~(1)~~ **(2)** Credits earned through the course provider shall appear on each such  
4 student's official transcript and count fully towards the requirements of any approved  
5 Louisiana diploma.

6                    ~~(2)~~ **(3)** Tests required pursuant to R.S. 17:24.4 shall be administered to each  
7 such student attending a public school **State assessments as required by the school**  
8 **and district accountability system shall be administered to each student.**

9                    ~~(3)~~ **(4)** All services to which each such student attending public school would  
10 be entitled if attending the school in which he is enrolled full time for all courses,  
11 including but not limited to special education services pursuant to the student's  
12 Individual Education Plan shall be provided.

13                    \*           \*           \*

14                    F. The state board shall adopt rules necessary to implement this Part;  
15 including but not limited to the requirements of school governing authorities or local  
16 school systems whose students enroll in courses offered by authorized course  
17 providers **in accordance with the Administrative Procedure Act.**

18 §4002.6. Course providers; funding; **course amounts; reimbursement**

19                    A.~~(1)~~ The course provider shall receive a course amount for each eligible  
20 funded student, **as approved by the State Board of Elementary and Secondary**  
21 **Education.**

22                    ~~(2)~~ For purposes of this Part, the per course amount means an amount equal  
23 to the market rate as determined by the course provider and reported to the state  
24 Department of Education up to one-sixth of ninety percent of the per pupil amount  
25 each year as determined by the minimum foundation program for the local school  
26 system in which the eligible funded student resides. Any remaining funds, except  
27 those specified in Paragraph ~~(3)~~ of this Subsection, for that student shall be returned  
28 to the state or to the local school system according to the pro rata share for the per  
29 pupil amount each year as determined by the minimum foundation program for the

1 local school system in which the student resides. Transfers of course payments shall  
 2 be made by the state Department of Education on behalf of the responsible city or  
 3 parish school system in which the student resides to the authorized course provider.

4 (3) For each student identified in R.S. 17:4002.3(2)(a) and (b), an amount  
 5 equal to ten percent of the per pupil amount according to the pro rata share as  
 6 determined each year by the minimum foundation program for the local school  
 7 system in which such student resides shall remain with the local school system in  
 8 which the eligible funded student is enrolled full time. These funds shall be used to  
 9 finance any administrative or operational costs to support students enrolled in  
 10 courses offered by course providers, as determined by the state board.

11 (4) For students identified in R.S. 17:4002.3(2)(c), the course provider shall  
 12 receive payment only for the courses in which the student is enrolled in accordance  
 13 with Subsection C of this Section. The remaining funds for each of these students up  
 14 to the maximum amount for the parish in which the participating student resides as  
 15 determined each year by the minimum foundation program or actual tuition and fees,  
 16 as applicable, shall remain with the participating school in which the student is  
 17 enrolled in accordance with R.S. 17:4011 through 4025.

18 B.(†) The course provider may charge tuition to any eligible participating  
 19 student in an amount equal to the amount determined by the course provider and  
 20 reported to the state **approved by the** Department of Education in accordance with  
 21 Paragraph (A)(2) of this Section.

22 (2) The course provider shall accept the amount specified in Paragraph (A)(2)  
 23 of this Section as total tuition and fees for the eligible participating student.

24 C.(1) Fifty percent of the course amount ~~of~~ or tuition to be paid ~~or~~  
 25 transferred through the minimum foundation program to the course provider shall be  
 26 paid ~~or transferred~~ upon student enrollment in a course, and fifty percent shall be  
 27 paid ~~or transferred~~ upon course completion, according to the published course length.

28 (2) If a student does not complete a course according to the published course  
 29 length, in which **and** the course provider has received the first payment pursuant to

1 Paragraph (1) of this Subsection, the **course** provider shall receive forty percent of  
2 the course amount as ~~defined~~ **provided** in Paragraph (A)(2) ~~only if~~ **Subsections A**  
3 **and B of this Section, provided** the student completes **and receives credit for** the  
4 course ~~and receives credit for the course~~ prior to leaving school pursuant to R.S.  
5 17:221 or graduating from high school ~~pursuant to R.S. 17:24.4.~~

6 (3) ~~The remaining ten percent of the per pupil amount according to the pro~~  
7 ~~rata share as determined each year by the minimum foundation program for the local~~  
8 ~~public school system in which the eligible funded student resides shall remain with~~  
9 ~~the school in which the eligible funded student is enrolled full time. This shall be in~~  
10 ~~addition to the ten percent specified in Paragraph (A)(3) of this Section.~~

11 **(a) The state shall reimburse the governing authority of the public school**  
12 **a student attends for ninety percent of the cost established for each course the**  
13 **student enrolls in pursuant to this Part out of funds appropriated or otherwise**  
14 **made available for this purpose.**

15 **(b) The Department of Education shall provide forms and guidelines**  
16 **whereby the governing authority of a public school may request such**  
17 **reimbursement and ensure that reimbursement is made within sixty days of**  
18 **receipt of the application.**

19 Section 2. R.S. 17:4002.5(C) and (E) are hereby repealed.

20 Section 3. This Act shall become effective upon signature by the governor or, if not  
21 signed by the governor, upon expiration of the time for bills to become law without signature  
22 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
23 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
24 effective on the day following such approval.

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The original instrument was prepared by Jeanne Johnston. The following digest, which does not constitute a part of the legislative instrument, was prepared by Linda Nugent.

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#### DIGEST

Morrish (SB 179)

Present law provides for the Course Choice Program and requires the State Board of Elementary and Secondary Education (BESE) to create a process for authorizing course providers, including online or virtual providers, postsecondary education institutions, and corporations that offer vocational or technical courses. Provides for an initial authorization period of three years and provides for reauthorization for additional periods of three to five years, subject to BESE review of the course provider's activities and the academic performance of the students enrolled in courses offered by the course provider. Further provides for monitoring and evaluation of course providers by BESE.

Proposed law retains present law.

Present law defines "eligible funded student" as a student who resides in La. and meets one of the following criteria:

- (1) Attends a public school with a school performance letter grade of "C", "D", or "F".
- (2) Attends a public school that does not offer the course in which a student desires to enroll.
- (3) Is the recipient of a scholarship pursuant to the Student Scholarships for Educational Excellence Program.

Proposed law instead defines "eligible funded student" as a student who resides in La. and meets the following criteria:

- (1) Attends a public elementary or secondary school.
- (2) Has obtained permission from the local school superintendent or other person designated by the governing authority of the school which he attends to enroll in a course offered by a course provider.

Present law defines "eligible participating student" as a student who resides in La. and meets one of the following criteria:

- (1) Attends a public school with a school performance letter grade of "A" or "B".
- (2) Attends a nonpublic school that is approved, provisionally approved, or probationally approved by BESE.
- (3) Is enrolled in a BESE-approved home study program.

Proposed law instead defines "eligible participating student" as a student who resides in La. and meets one of the following criteria:

- (1) Is the recipient of a scholarship pursuant to the Student Scholarships for Educational Excellence Program.
- (2) Attends a nonpublic school that is approved, provisionally approved, or probationally approved by BESE.

(3) Is enrolled in a BESE-approved home study program.

Present law provides for administration of state tests to students attending a public school, pursuant to the school and district accountability system.

Proposed law retains present law.

Present law requires BESE to create a reciprocal teacher certification process for teachers who reside in other states but who are employed by authorized course providers and teach virtual education courses to satisfy state certification requirements.

Proposed law retains present law and additionally requires BESE to maintain the reciprocal teacher certification process.

Present law requires BESE to create a common course numbering system and a course catalogue for all courses offered, by parish.

Proposed law retains present law and additionally requires BESE to timely update the course catalogue prior to the beginning of each school year. Further requires BESE to include any course offered for dual enrollment by a Louisiana public institution of postsecondary education in the course catalogue, with no requirement for course approval by the board or the Department of Education, provided the course meets the Carnegie unit requirements for high school graduation.

Proposed law changes references in present law to "local school system" and "local board" to "public school governing authority".

Present law requires local school systems to establish policies and procedures for counting credits earned by and administering state tests to eligible students and for all services to be provided to eligible students, including those with Individual Education Plans.

Proposed law retains present law and additionally requires the governing authority of each public school to establish policies and procedures whereby an eligible funded student may be granted approval to enroll in a course offered by a course provider, including a determination of whether a requested course is academically appropriate for the student.

Present law requires BESE to adopt rules necessary to implement present law, including requirements of school governing authorities whose students enroll in courses offered by course providers.

Proposed law deletes authority for BESE to adopt rules imposing requirements on school governing authorities and requires BESE to promulgate rules to implement the course choice program in accordance with the Administrative Procedure Act.

Present law requires that course providers receive a per course amount for each eligible funded student (including students attending certain low-performing public schools and students receiving scholarships pursuant to the Student Scholarships for Educational Excellence Program) which shall be 1/6 of 90% of the annual MFP per-pupil amount. Requires any remaining funds (with certain exceptions) to be returned to the state or the local school system in accordance with certain annual MFP per-pupil amounts. Provides for certain amounts of funds to remain with local school systems and schools participating in the scholarship program to finance administrative or operational costs to support students enrolled in courses offered by course providers.

Proposed law deletes present law and instead provides that the course provider shall receive a course amount for each eligible funded student, as approved by BESE.

Present law allows course providers to charge tuition to eligible participating students in an

amount determined by the provider and reported to the Dept. of Education.

Proposed law instead allows a course provider to charge tuition to any eligible participating student in an amount approved by the Dept. of Education.

Present law provides that 50% of the amount of tuition to be paid or transferred through the minimum foundation program (MFP) to the course provider shall be paid or transferred upon student enrollment in a course, and fifty percent shall be paid or transferred upon course completion, according to the published course length.

Proposed law deletes reference to payment or transfer through the MFP, and instead provides that 50% of the course amount or tuition to be paid to the course provider shall be paid upon student enrollment in a course, and fifty percent shall be paid upon course completion, according to the published course length.

Present law provides that if a student does not complete a course according to the published course length, the course provider shall receive 40% of the course amount, provided the student completes and receives credit for the course before graduating from high school or leaving school as provided by present law.

Proposed law retains present law.

Proposed law provides that the state shall reimburse the governing authority of the public school a student attends for ninety percent of the cost established for each course the student enrolls in pursuant to the course choice program out of funds appropriated or otherwise made available for this purpose. Further requires the Dept. of Education to provide forms and guidelines whereby the governing authority of a public school may request such reimbursement and ensure that reimbursement is made within sixty days of receipt of the application.

Present law provides that no local public school system shall actively discourage, intimidate, or threaten an eligible funded student or an eligible participating student during the course enrollment process or at any time for that local school system.

Proposed law deletes present law.

Present law requires each public school student to enroll in at least one course at the school in which he is enrolled full time.

Proposed law deletes present law.

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

(Amends R.S. 17:4002.3(2) and (3), 4002.4(A)(1), (2)(a), (C), and (D), 4002.5(A) and (F), and 4002.6; repeals R.S. 17:4002.5(C) and (E))

#### Summary of Amendments Adopted by Senate

##### Committee Amendments Proposed by Senate Committee on Education to the engrossed bill

1. Requires that a course offered for dual enrollment, and included in the course catalogue, must meet the Carnegie unit requirements for high school graduation.
2. Requires BESE to approve the course amount for each eligible funded student instead of the Dept. of Education or the governing authority of the public school the student attends.