

ACT No. 297

2015 Regular Session

HOUSE BILL NO. 154

BY REPRESENTATIVE CARTER

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AN ACT

To amend and reenact R.S. 17:81(X)(2)(c), 176(F)(1), 407.2, 407.26(F)(3)(c), 407.27(B)(1), 407.33(A)(4), 407.38(B), 407.49, 407.51(F), (H), (J), and (K), 407.52, 407.64(A), 407.66(B), 407.70, 407.71(C) and (E), 407.72(A), 407.82(2), 3095(A)(1)(b) and (c), 3914(K)(3)(a) and (c)(introductory paragraph), 3921.2(B)(6), 4002.4(D)(2), 4002.6(B), 4017(B), 4019, 4022(3), and 4035.1(D), relative to various provisions in Title 17; to provide for technical corrections in various education laws including corrections in legal citations and corrections in names of programs and agencies; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:81(X)(2)(c), 176(F)(1), 407.2, 407.26(F)(3)(c), 407.27(B)(1), 407.33(A)(4), 407.38(B), 407.49, 407.51(F), (H), (J), and (K), 407.52, 407.64(A), 407.66(B), 407.70, 407.71(C) and (E), 407.72(A), 407.82(2), 3095(A)(1)(b) and (c), 3914(K)(3)(a) and (c)(introductory paragraph), 3921.2(B)(6), 4002.4(D)(2), 4002.6(B), 4017(B), 4019, 4022(3), and 4035.1(D) are hereby amended and reenacted to read as follows:

§81. General powers of local public school boards

* * *

X.

* * *

(2)

* * *

(c) Instruction required pursuant to this Subsection shall not result in the certification of students in cardiopulmonary resuscitation or the use of an automated

1 external defibrillator. If, ~~separate and~~ apart from the instruction required by this
 2 Subsection, a school governing authority provides a training program that is intended
 3 to result in such certification, the instructor shall be authorized to provide instruction
 4 for certification by the American Heart Association, the American Red Cross, or a
 5 similar nationally recognized association. Prior to the certification of any student
 6 under the age of eighteen through such a training program, a school governing
 7 authority shall obtain parental consent.

* * *

9 §176. Extracurricular activities; interscholastic athletics; participation; standards;
 10 prohibitions; filming or videotaping; definitions

* * *

12 F.(1) Notwithstanding any other law to the contrary, no public school or
 13 nonpublic school that receives ~~any~~ public funds may be a member of, or participate
 14 in any competition sponsored by, any intrastate interscholastic ~~extra-curricular~~
 15 extracurricular athletic association or organization that does not provide for third-
 16 party arbitration of eligibility issues.

* * *

18 §407.2. Louisiana Early Childhood Opportunity Program

19 The department shall establish the Louisiana Early Childhood Opportunity
 20 Program to assist in the development and funding of appropriate early childhood
 21 programs for educationally at-risk children ages three to five years. ~~Beginning with~~
 22 ~~the 1992-1993 school year, the~~ The department, with the approval of its governing
 23 authority, shall award grants or contracts to qualified early childhood programs,
 24 including but not limited to Head Start, HIPPI, Parents as Teachers (~~PAT~~), and
 25 programs for youngsters with developmental disabilities or who are educationally
 26 or environmentally at-risk, selected by the department in accordance with specified
 27 programmatic standards and guidelines to be established by the department with the
 28 approval of its governing authority.

* * *

1 §407.26. The Cecil J. Picard LA 4 Early Childhood Program

2 * * *

3 F.

4 * * *

5 (3) Such collaborative agreements may include but shall not be limited to the
6 following options:

7 * * *

8 (c) The nonschool system provider ~~supplies~~ may supply the physical space
9 and all of the teaching and ancillary personnel, materials, and supplies needed to
10 meet LA 4 program requirements.

11 * * *

12 §407.27. The Cecil J. Picard LA 4 Early Childhood Program; early childhood
13 development and enrichment activity classes; financial assistance

14 * * *

15 B.(1) Recognizing the success and growth of the Cecil J. Picard LA 4 Early
16 Childhood Program and in order to maintain the long-term financial stability of the
17 program, private businesses, industry, foundations, charities, and other groups may
18 ~~request from~~ ask the division of administration ~~that~~ for, notwithstanding any
19 provision of law to the contrary, ~~they may~~ authority to create privately funded
20 scholarship programs to make payments to participating school districts on behalf
21 of qualified students. If the division of administration ~~were to approve~~ authorizes
22 a private scholarship program, ~~then any~~ scholarship funds received by a participating
23 school district from a private scholarship program on behalf of a student shall cause
24 a reduction in the dollar amount of the allocation to the participating school district
25 such that the allocation shall be an amount that is equal to the dollar amount that the
26 allocation would have been if no private scholarship funds had been received less the
27 amount of private scholarship funds received by the participating school district.

28 * * *

1 §407.33. Definitions

2 A. As used in this Part, the following definitions shall apply unless the
3 context clearly states otherwise:

4 * * *

5 (4) "Department" means the state Department of Education.

6 * * *

7 §407.38. Transitional provisions; applicable regulations

8 * * *

9 B. The administrative rules contained in the Louisiana Administrative Code
10 promulgated by the Department of Children and Family Services ~~which~~ that govern
11 or are applicable to the programs and operations transferred from the Department of
12 Children and Family Services to the Department of Education ~~by this Act~~ shall
13 continue to be effective until the State Board of Elementary and Secondary
14 Education promulgates rules to implement the types of licenses required by R.S.
15 17:407.36.

16 * * *

17 §407.49. Parent-child relationship

18 The State Board of Elementary and Secondary Education and the department
19 shall not interfere with the parent-child relationship regarding the religious training
20 of a child, ~~where~~ all if both of the following conditions are met:

21 (1) The parent or legal custodian has enrolled ~~their~~ his child in a child care
22 facility, including but not limited to a child residential facility, operated by a
23 religious, nonprofit organization ~~which~~ that is exempt from federal income taxes
24 pursuant to 26 U.S.C. 501(c)(3).

25 (2) ~~Where, as~~ As a condition of enrollment, the child is required to attend
26 religious services or classes and the parent or legal custodian of the child agrees to
27 such condition.

28 * * *

29 §407.51. Advisory Council

30 * * *

1 F. The ~~Department of Education~~ department shall provide staff support for
 2 the council, including but not limited to the scheduling of meetings, providing public
 3 notice of scheduled meetings, and including information about the council and its
 4 meeting minutes on its website. Council meeting minutes shall be provided to the
 5 state board at its next regularly scheduled meeting.

6 * * *

7 H. The council shall provide input and guidance to the board and the
 8 ~~Department of Education~~ department on matters pertaining to the development and
 9 implementation of rules, regulations, bulletins, policies, or standards related to all
 10 ~~publicly-funded~~ publicly funded early care and education programs, including early
 11 learning centers, enrollment in early learning centers, the Cecil J. Picard ~~LA 4~~ LA 4
 12 Early Childhood Program, the Child Care and Development Fund Block Grant, ~~or~~
 13 the Child Care Assistance Program, Early Head Start, and Head Start.

14 * * *

15 J. Prior to the board's consideration of any rule or standard related to early
 16 learning centers, enrollment in early learning centers, the Cecil J. Picard ~~LA 4~~ LA 4
 17 Early Childhood Program, the Child Care and Development Fund Block Grant, or
 18 the Child Care Assistance Program, the department shall consult with and provide
 19 a draft of the proposed rules to the council; and provide an opportunity for the
 20 council to make recommendations. Recommendations made by the council shall be
 21 reported to the state board prior to their adoption. ~~Nothing herein shall prevent the~~
 22 ~~board from adopting an emergency rule pursuant to the Administrative Procedure~~
 23 ~~Act.~~ The provisions of this Subsection shall not apply to the adoption of emergency
 24 rules. However, the department shall notify the council of any meetings of the State
 25 Board of Elementary and Secondary Education at which emergency rules pertaining
 26 to matters described in Subsection H of this Section will be considered. Such
 27 notification shall be given at the same time that public notice of the meeting is given
 28 and shall include a draft of the proposed emergency rule.

29 K. The department shall provide quarterly reports on the implementation and
 30 progress, activities, and status of the Early Childhood Care and Education Network,

1 including the creation and implementation of an accountability system for early care
2 and education programs and the transition of the Child Care and Development fund
3 Block Grant and licensure to the ~~Department of Education~~ department. Any
4 recommendations by the council shall be reflected in meeting minutes.

5 * * *

6 §407.52. Coordination

7 The ~~Department of Education~~ department shall coordinate with the office of
8 state fire marshal and the Department of Health and Hospitals to align standards for
9 licensing of early learning centers with the standards for early childhood education
10 programs.

11 * * *

12 §407.64. Rules and regulations; inspection requirements

13 A. The Department of Health and Hospitals shall promulgate rules and
14 regulations in accordance with the Administrative Procedure Act to carry out the
15 provisions of this Part for all family child day care homes ~~which~~ that receive state
16 or federal funds except those family child day care homes ~~which~~ that participate in
17 the United States Child and Adult Care Food Program or the Child Care and
18 Development Fund Block Grant.

19 * * *

20 §407.66. Fees

21 * * *

22 B. The office of state fire marshal shall transfer sufficient funds to the
23 Department of Health and Hospitals or the state Department of Education for those
24 family child day care homes ~~which~~ that receive state or federal funds but do not
25 participate in the United States Child and Adult Care Food Program to carry out the
26 registration process in accordance with this Part.

27 * * *

28 §407.70. Notification of health and safety violations

29 The department shall notify the appropriate agencies if it ~~is determined~~
30 determines that one or more violations ~~exist within a family child day care home~~

1 ~~which~~ that place the health and well-being of a child or children in imminent danger
2 exist within a family child day care home.

3 §407.71. Grounds for revocation or refusal to renew registration; criminal activities;
4 lack of CPR or first aid training

5 * * *

6 C. The department may deny, revoke, or refuse to renew any registration of
7 a family child day care home ~~which~~ that violates the provisions of this Section.

8 * * *

9 E. The provisions of this Section shall not apply to a family child day care
10 home registered with the state Department of Education solely for participation in
11 the United States Child and Adult Care Food Program.

12 §407.72. Orientation

13 A. ~~All~~ Each family child day care home ~~providers receiving~~ provider that
14 receives payments from the state Department of Education shall be required to
15 participate in a four-hour orientation. The orientation curriculum shall include but
16 not be limited to the following subjects: recordkeeping; immunization schedules and
17 requirements; recognizing signs of child abuse; child abuse prevention;
18 communicating with parents; age appropriate activities for young children; child
19 development; child safety; and nutritional needs of children. The orientation ~~will~~
20 shall count toward the required hours of professional development training mandated
21 by the state Department of Education.

22 * * *

23 §407.82. Definitions.

24 * * *

25 (2) "Department" means the state Department of Education.

26 * * *

27 §3095. Education savings accounts; types, use, limitations, and disclosures

28 A.(1)

29 * * *

1 (b) For tax years beginning on and after January 1, 2001, amounts which an
2 account owner deposits into an education savings account shall be exempt from
3 inclusion in the account owner's taxable income for the purposes of state income tax
4 up to a maximum of two thousand four hundred dollars per account owned per
5 taxable year for account owners filing single returns and up to a maximum of four
6 thousand eight hundred dollars per beneficiary per taxable year for account owners
7 filing joint returns, as provided in ~~R.S. 47:293(6)(a)(vi)~~ R.S. 47:293(9)(a)(vi). If an
8 account owner deposits less than the maximum two thousand four hundred dollars
9 per year in an owned account and files a single return or if married account owners
10 deposit less than the maximum of four thousand eight hundred dollars per year in an
11 account or accounts for a beneficiary and file a joint return, the difference between
12 the total deposits and two thousand four hundred dollars or four thousand eight
13 hundred dollars, respectively, will roll over to subsequent years and will be exempt
14 from inclusion in the account owner's taxable income for the purposes of state
15 income tax in addition to the two thousand four hundred dollars or four thousand
16 eight hundred dollars in the year actually deposited, as provided in ~~R.S.~~
17 ~~47:293(6)(a)(vi)~~ R.S. 47:293(9)(a)(vi).

18 (c) For tax years beginning on and after January 1, 2005, twice the amount
19 that an account owner donates into an education savings account classified under
20 R.S. 17:3096(A)(1)(e) shall be exempt from inclusion in the account owner's taxable
21 income for the purposes of state income tax, up to a maximum donation of two
22 thousand four hundred dollars per account owned, per taxable year, if the
23 beneficiary's family reported a federal adjusted gross income of less than thirty
24 thousand dollars or the beneficiary was entitled to a free lunch under the Richard B.
25 Russell National School Act (42 USC 1751 et seq.), as provided in ~~R.S.~~
26 ~~47:293(6)(a)(viii)~~ R.S. 47:293(9)(a)(viii). If an account owner deposits less than the
27 amount that would qualify for the maximum exclusion or two thousand four hundred
28 dollars per year in an owned account, the difference between the total deposits and
29 two thousand four hundred dollars will roll over to subsequent years and shall
30 increase the amount of deposits that qualify for the double exclusion from the

1 account owner's taxable income for the purposes of state income tax in addition to
2 the applicable exclusion for the year actually deposited, as provided in ~~R.S.~~
3 ~~47:293(6)(a)(vi)~~ R.S. 47:293(9)(a)(vi).

4 * * *

5 §3914. Student information; privacy; legislative intent; definitions; prohibitions;
6 parental access; penalties

7 * * *

8 K.

9 * * *

10 (3)(a) ~~Beginning in the eighth grade, the~~ The governing authority of each
11 public school shall ~~annually~~, at the beginning of each school year, provide a form to
12 be signed by the parent or legal guardian of each student in grades eight through
13 twelve enrolled in the school, whereby the student's parent or legal guardian may
14 provide consent or deny consent for the collection and disclosure of the student's
15 information as provided in Paragraphs (1) and (2) of this Subsection.

16 * * *

17 (c) The form ~~will~~ shall contain the following:

18 * * *

19 §3921.2. Statewide Educational Technology Plan

20 * * *

21 B. The plan shall do all of the following:

22 * * *

23 (6) Provide for the development and implementation of a strategy to provide
24 training and ongoing professional development to ensure that teachers and other
25 school level staff have the skills necessary to effectively and efficiently ~~utilize~~ use
26 the technology infrastructure, software, data management, and online resources.

27 * * *

28 §4002.4. State board; powers and duties relative to course providers

29 * * *

1 D.

2 * * *

3 (2) The state board shall include any course offered for dual enrollment by
4 a Louisiana public institution of postsecondary education in the course catalogue,
5 with no requirement for course approval by the board or the state Department of
6 Education, provided the course meets the Carnegie unit requirements for high school
7 graduation.

8 * * *

9 §4002.6. Course providers; funding; course amounts

10 * * *

11 B. The course provider may charge tuition to any eligible participating
12 student in an amount approved by the state Department of Education.

13 * * *

14 §4017. Payment of scholarships

15 * * *

16 B. Notwithstanding any other provision of this Chapter to the contrary, any
17 public or private entity, including any nonprofit organization, may make a directed
18 donation to any participating school for a ~~student who is a~~ scholarship recipient of
19 ~~a Student Scholarships for Educational Excellence scholarship.~~

20 * * *

21 §4019. Private scholarships

22 A. Recognizing the success of the program and in order to maintain the long-
23 term financial stability of the program, private businesses, industry, foundations,
24 charities, and other groups may ~~request from~~ ask the division of administration ~~that~~
25 for, notwithstanding any provision of law to the contrary, ~~they may~~ authority to
26 create privately funded scholarship programs to make payments to participating
27 schools on behalf of individual students. If the division of administration ~~were to~~
28 ~~approve~~ authorizes such a private scholarship program, ~~then any~~ private scholarship
29 funds received by a participating school from such private scholarship program on
30 behalf of a student shall cause a reduction in the dollar amount of the ~~Student~~

1 ~~Scholarships for Educational Excellence~~ program scholarship to the participating
2 school attributable to that student such that the ~~Student Scholarships for Educational~~
3 ~~Excellence~~ program scholarship associated with that student shall be an amount that
4 is equal to the dollar amount that the ~~Student Scholarships for Educational~~
5 ~~Excellence~~ program scholarship would have been if no such private scholarship
6 funds had been received less the amount of private scholarship funds received by the
7 participating school on behalf of that student.

8 B. This Section shall in no way be interpreted in such a manner that a student
9 could receive less benefits from a combination of the ~~Student Scholarships for~~
10 ~~Educational Excellence~~ program scholarship and the private scholarship funded on
11 his behalf than he would have received solely from the ~~Student Scholarships for~~
12 ~~Educational Excellence~~ program scholarship if there had been no such private
13 scholarship funded on his behalf. Therefore, to the extent any such privately funded
14 scholarship funds provided for in this Section made to a participating school on
15 behalf of a qualified student are for an amount less than the amount a given student
16 would have otherwise received as a ~~Student Scholarships for Educational Excellence~~
17 program scholarship if no such private scholarship funds had been paid under this
18 Section, then the participating school shall receive that difference on behalf of the
19 student as the student's ~~Student Scholarships for Educational Excellence~~ program
20 scholarship.

21 C. As provided in this Section, when a participating school receives privately
22 funded scholarship funds on behalf of a student pursuant to this Section, the annual
23 appropriation of state funds for the ~~Student Scholarships for Educational Excellence~~
24 program shall be reduced by the amount of such private scholarship program funds
25 so received. The commissioner of administration shall determine and specify the
26 amount of the reduction from the source of the funds to provide the maximum
27 benefit to the state from the privately funded scholarship program. The state
28 treasurer shall deposit the amount of such reduction as specified by the
29 commissioner of administration into the Overcollections Fund created in R.S.

1 39:100.21 and credit such deposit to an account within the fund hereby established
2 and created to be known as the "Program Participation Savings Account".

3 * * *

4 §4022. Participating schools; requirements

5 Each participating school shall:

6 * * *

7 (3) Submit to the department an independent financial audit of the school
8 conducted by a certified public accountant who has been approved by the legislative
9 auditor. Such audit shall be accompanied by the auditor's statement that the report
10 is free of material misstatements and fairly presents the participating school's
11 maximum tuition or actual cost of educating a student pursuant to R.S. 17:4016. The
12 audit shall be limited in scope to those records necessary for the department to make
13 scholarship payments to the participating school and shall be submitted to the
14 legislative auditor for review and investigation of any irregularities or audit findings.
15 The participating school shall account for all scholarship funds separately from other
16 funds by maintaining funds in a separate account or by using accounting procedures
17 that allow the legislative auditor to identify the separate funds pursuant to the
18 authority of this Section. Such accounting shall allow for thorough auditing of the
19 receipt and expenditure of state scholarship funds allocated through the ~~Louisiana~~
20 ~~Department of Education~~ department. The participating school shall return to the
21 state any funds that the legislative auditor determines were expended in a manner
22 inconsistent with state law or program regulations. The cost of such audit shall be
23 paid by the department from funds appropriated by the legislature to implement the
24 provisions of this Chapter.

25 * * *

26 §4035.1. Public School Choice

27 * * *

28 D. Any student enrolled in a public school pursuant to the provisions of this
29 Section shall be counted by the local public school system in which he is enrolled for
30 purposes of the ~~Minimum Foundation Program~~ minimum foundation program and

1 formula, and any other available state or federal funding for which the student is
2 eligible.

3 * * *

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____