

Regular Session, 2010

HOUSE BILL NO. 216

BY REPRESENTATIVE FOIL

SCHOOLS/CHOICE: Provides for a school choice pilot program for certain students with exceptionalities

1 AN ACT

2 To enact Part II of Chapter 43 of Title 17 of the Louisiana Revised Statutes of 1950, to be
3 comprised of R.S. 17:4031, relative to the establishment of a school choice pilot
4 program in certain parishes for certain students with exceptionalities; to provide for
5 the purpose of the program; to provide program eligibility requirements for
6 participating students and nonpublic schools; to provide for program administration,
7 implementation, and reporting; to provide for effectiveness; and to provide for
8 related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. Part II of Chapter 43 of Title 17 of the Louisiana Revised Statutes of 1950,
11 comprised of R.S. 17:4031, is hereby enacted to read as follows:

12 PART II. SCHOOL CHOICE PILOT PROGRAM

13 §4031. School choice; students with exceptionalities; pilot program; establishment;
14 purpose; student eligibility; nonpublic school eligibility; administration;
15 implementation; reporting

16 A. The purpose of the pilot program established in this Section is to provide
17 certain students with exceptionalities the opportunity to attend schools of their
18 parents' choosing that provide educational services that specifically address the needs
19 of such students.

1 B.(1) The School Choice Pilot Program for Certain Students with
2 Exceptionalities, hereinafter referred to as the "program", is hereby established as a
3 two-year pilot program in each parish having a population in excess of one hundred
4 ninety thousand persons according to the most recent federal decennial census. The
5 program shall be implemented beginning with the 2010-2011 school year.

6 (2) Any student who meets all of the following criteria is an eligible student:

7 (a) The student is a student with an exceptionality as defined in R.S.
8 17:1942, excluding any student who is deemed to be gifted or talented.

9 (b) The student is residing within a pilot program parish.

10 (c) The student is eligible to attend public school and is entering
11 kindergarten or grades one through eight.

12 C.(1) The state Department of Education, hereafter in this Part referred to as
13 the "department", shall administer and provide for implementation of the program
14 pursuant to rules and regulations developed and adopted for such purpose by the
15 State Board of Elementary and Secondary Education in accordance with the
16 Administrative Procedure Act. Such rules and regulations shall include procedures
17 and guidelines permitting a parent or guardian of an eligible student who chooses to
18 enroll the student in an eligible nonpublic school as provided in Subsection D of this
19 Section to apply for and receive an educational certificate, which is to be applied to
20 the cost of educational services offered by the school and which is redeemable by the
21 school from the department. The value of each certificate shall be determined by the
22 department; the value shall be equivalent to fifty percent of the per pupil allocation
23 of state funds to the city, parish, or other local public school district in which the
24 eligible student is residing for that school year.

25 (2) Any cost of educational services above the amount of the certificate
26 issued to the parent or guardian shall not be paid by the state.

27 D. To be eligible to participate in the program and accept eligible students
28 for enrollment in the program, a nonpublic school shall meet all of the following
29 criteria:

1 (1) Be approved by the State Board of Elementary and Secondary Education
2 pursuant to R.S. 17:11 and have been so approved for the school year prior to the
3 school's participation in the program.

4 (2) Comply with the criteria set forth in Brumfield, et al. v. Dodd, et al. 425
5 F. Supp. 528.

6 E. The department shall submit a report to the House Committee on
7 Education and the Senate Committee on Education by not later than August 1, 2011,
8 on the implementation of the program. The report shall include but shall not be
9 limited to the number of eligible students participating in the program, the name of
10 each participating nonpublic school, the number of eligible students each such school
11 enrolled for participation in the program, and the department's recommendations as
12 to whether the pilot program should continue on a pilot basis or be implemented
13 statewide after the initial two-year pilot has ended.

14 Section 2. The Louisiana State Law Institute is authorized and directed to designate
15 R.S. 17:4011 through 4025 as Part I of Chapter 43 of Title 17 of the Louisiana Revised
16 Statutes of 1950, to be entitled "Student Scholarships for Educational Excellence Program".
17 The Louisiana State Law Institute is further authorized and directed to change the title of
18 Chapter 43 to "School Choice Scholarships".

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

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 No. 216

Abstract: Establishes the School Choice Pilot Program for Certain Students with Exceptionalities in certain parishes beginning with the 2010-2011 school year. Provides program eligibility requirements for students and participating nonpublic

schools. Provides for program administration and implementation by the state Dept. of Education.

Proposed law establishes the School Choice Pilot Program for Certain Students with Exceptionalities as a two-year pilot program beginning with the 2010-2011 school year in any parish with a population in excess of 190,000 according to the most recent federal decennial census.

Provides for student eligibility as follows:

- (1) The student is a student with an exceptionality as defined in present law (R.S. 17:1942(B)), except gifted or talented students.
- (2) The student is residing in a pilot program parish.
- (3) The student is eligible to attend public school and is entering kindergarten or grades one through eight.

Provides for nonpublic school eligibility as follows:

- (1) Be approved by the State Board of Elementary and Secondary Education and have been so approved for the school year prior to the school's participation in the program.
- (2) Comply with the criteria set forth in *Brumfield, et al. v. Dodd, et al.* 425 F. Supp. 528.

Provides for program administration and implementation by the state Dept. of Education pursuant to rules and regulations adopted by the State Board of Elementary and Secondary Education. Provides that such rules and regulations shall include procedures and guidelines permitting a parent or guardian of an eligible student who chooses to enroll the student in an eligible nonpublic school to apply for and receive an educational certificate for the cost of educational services offered by the school. Specifies that the value of each certificate shall be determined by the department and shall be an amount equivalent to 50% of the per pupil allocation of state funds to the local public school district in which the eligible student is residing for that school year. Requires that any cost above the amount of the certificate issued to the parent or guardian shall not be paid by the state.

Requires the department to submit a report to the House and Senate education committees by Aug. 1, 2011, on the implementation of the program. Requires certain information to be contained in the report including the department's recommendations as to whether the pilot program should continue on a pilot basis or be implemented statewide.

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

(Adds R.S. 17:4031)