

Regular Session, 2010

# ACT No. 515

HOUSE BILL NO. 216

BY REPRESENTATIVES FOIL, THIBAUT, AND WILLIAMS AND SENATORS APPEL, DUPLESSIS, LAFLEUR, AND LONG

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; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

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

11 PART II. SCHOOL CHOICE PILOT PROGRAM

12 §4031. School choice; students with exceptionalities; pilot program; establishment;  
13 purpose; student eligibility; nonpublic school eligibility; administration;  
14 implementation; reporting

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

19 B.(1) The School Choice Pilot Program for Certain Students with  
20 Exceptionalities, hereinafter referred to as the "program", is hereby established as a  
21 two-year pilot program in each parish having a population in excess of one hundred  
22 ninety thousand persons according to the most recent federal decennial census. The  
23 program shall be implemented beginning with the 2011-2012 school year.

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

1           (a) The student has been evaluated by a local education agency as defined  
 2           in R.S. 17:1942, is determined to be in need of services for autism, a mental  
 3           disability, emotional disturbance, developmental delay, other health impairment,  
 4           specific learning disability, or traumatic brain injury, and has an Individual  
 5           Education Plan or a services plan in accordance with Title 34 of the Code of Federal  
 6           Regulations Part 300.37.

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

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

10          (d) The student is not deemed to be gifted or talented.

11          C.(1) The state Department of Education, hereafter in this Part referred to as  
 12          the "department", shall administer and provide for implementation of the program  
 13          pursuant to rules and regulations developed and adopted for such purpose by the  
 14          State Board of Elementary and Secondary Education in accordance with the  
 15          Administrative Procedure Act. Such rules and regulations shall include procedures  
 16          and guidelines permitting a parent or guardian of an eligible student who chooses to  
 17          enroll the student in an eligible nonpublic school as provided in Subsection D of this  
 18          Section to apply for an educational certificate, which is to be applied to the cost of  
 19          educational services offered by the school and which is redeemable by the school  
 20          from the department upon verification from the school that the student is enrolled in  
 21          the school. The value of each certificate shall be determined by the department; the  
 22          value shall be equivalent to fifty percent of the per pupil allocation of state funds to  
 23          the city, parish, or other local public school district in which the eligible student is  
 24          residing for that school year but shall not exceed the amount of tuition charged by  
 25          the eligible nonpublic school. The funds to be paid for a certificate shall be divided  
 26          into four equal payments to be made to each participating school in September,  
 27          November, February, and May of each school year. Payments shall be based on per  
 28          pupil count dates as determined by the department.

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

1                    D.(1) To be eligible to participate in the program and accept eligible students  
2                    for enrollment in the program, a nonpublic school shall meet all of the following  
3                    criteria:

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

7                    (b) Comply with the criteria set forth in Brumfield, et al. v. Dodd, et al. 425  
8                    F. Supp. 528.

9                    (c) Has existed and provided educational services to students with  
10                    exceptionalities as defined in R.S. 17:1942, excluding students deemed to be gifted  
11                    or talented, for at least two years prior to participation in the program and such  
12                    provision of services shall be pursuant to an established program in place at the  
13                    school that includes instruction by teachers holding appropriate certification in  
14                    special education or other appropriate education or training as defined by the  
15                    department and that is in accordance with a student's Individual Education Plan and  
16                    rules and regulations developed as required in this Section.

17                    (2) In accordance with time lines as determined by the department, each  
18                    eligible nonpublic school choosing to participate in the program shall inform the  
19                    department of the types of student exceptionalities as defined in R.S. 17:1942 that  
20                    the school is willing to serve. Each school may determine the number of eligible  
21                    students it will accept in any year of program participation and may establish criteria  
22                    for enrollment of students. Each school shall have discretion in enrolling eligible  
23                    students for participation in the program and no school shall be required to accept  
24                    any eligible student.

25                    (3) No eligible nonpublic school shall require any student seeking to enroll  
26                    and participate in the program to take an entrance examination.

27                    (4) Prior to enrollment, each eligible nonpublic school shall inform the  
28                    parent or guardian of an eligible student of all rules, policies, and procedures of such  
29                    school including but not limited to academic policies and disciplinary policies and  
30                    procedures. Enrollment of an eligible student in the school shall constitute

1 acceptance of such rules, policies, and procedures by the parent or guardian  
2 individually and on behalf of the eligible student. An eligible student may be  
3 expelled from the school in accordance with the school's discipline policies or may  
4 be disqualified from enrollment if the student is no longer eligible for the program  
5 as determined by the department.

6 (5) Enrollment of eligible students shall be completed not later than April  
7 thirtieth of the school year prior to the year of participation by the school, and the  
8 school shall submit a list of all eligible students enrolled in the school to the  
9 department not later than June first of such year.

10 E. The department shall submit a report to the House Committee on  
11 Education and the Senate Committee on Education not later than August 1, 2012, on  
12 the implementation of the program. The report shall include but shall not be limited  
13 to the number of eligible students participating in the program, the name of each  
14 participating nonpublic school, the number of eligible students each such school  
15 enrolled for participation in the program, and the department's recommendations as  
16 to whether the pilot program should continue on a pilot basis or be implemented  
17 statewide after the initial two-year pilot has ended.

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

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_