

Regular Session, 2012

SENATE BILL NO. 597

BY SENATOR APPEL AND REPRESENTATIVES CARTER AND KLECKLEY

STUDENTS. Provides relative to school choice, including the Student Scholarships for Educational Excellence Program, parent petitions to transfer certain schools to be RSD, charter school authorizers, and course providers. (gov sig)

1 AN ACT

2 To amend and reenact R.S. 17:158(A)(1), 3973(3) through (6), 3981(4), 3982(A)(1)(a) and

3 (2) and (B), 3983(A)(2)(a)(i), (3)(a), and (4)(a), (b), and (d), (B)(2), and (D),

4 3991(B)(3) and (13), (C)(1)(c)(iv) and (6), (D)(2)(a)(i), and (H), 3992(A)(1),

5 3995(A)(1)(introductory paragraph) and (c) and (4)(a), 3996(C) and (G), 3998,

6 4001(A) and (C)(1) and (2), and 4011 through 4025, to enact R.S. 17:10.5(F),

7 3973(2)(b)(vi) and (7), 3981(7) and (8), 3981.1, 3981.2, 3982(A)(3),

8 3983(A)(2)(a)(iii) and (d) and (3)(d) and (E)(3), 3992(D), and Part VII of Chapter

9 42 of Title 17 of the Revised Statutes of 1950, to be comprised of R.S. 17:4002.1

10 through 4002.6, and to repeal R.S. 17:3991(B)(9) and 3996(A)(16) and (B)(4),

11 relative to school choice; to provide relative to the Student Scholarships for

12 Educational Excellence Program; to provide relative to program eligibility and

13 participation requirements for students and schools; to provide relative to selection

14 and enrollment of eligible students; to provide relative to funding and payments to

15 eligible schools including eligible nonpublic schools; to provide for reports; to

16 provide for the submission of petitions by parents requesting that a school be

17 transferred to the Recovery School District under certain conditions; to require rules

1 and regulations to be adopted by the State Board of Elementary and Secondary  
2 Education for the petition process; to change charter proposal submission time lines;  
3 to provide a mechanism for Type 1 and Type 3 charter schools to convert to a Type  
4 2 charter school under certain conditions; to authorize the state board to allow the  
5 state superintendent of education and the superintendent of the Recovery School  
6 District to amend the charter of Type 5 charter schools to accommodate a unified  
7 enrollment system; to modify the initial charter period; to provide for charter school  
8 admission requirements; to allow foreign language immersion schools to establish  
9 special admission standards; to provide for the qualifications of teachers; to provide  
10 relative to the evaluation of charter school teachers and other school employees; to  
11 provide relative to teacher certification requirements; to remove the requirement that  
12 charter schools comply with laws relative to the length of the school year; to provide  
13 for the Course Choice Program; to provide for program definitions and funding; to  
14 provide for the powers of the State Board of Elementary and Secondary Education  
15 and local public school systems relative to course providers; to provide relative to  
16 entities that authorize charter schools; to provide for certification of certain state  
17 agencies and nonprofit corporations as charter authorizers; to provide relative to the  
18 responsibilities of the State Board of Elementary and Secondary Education with  
19 respect to certification of such authorizers; to provide relative to requirements,  
20 powers, responsibilities, and limitations of such authorizers; to provide relative to  
21 schools whose charter is authorized by such entities, including matters related to  
22 funding for such schools; to provide for procedures, processes, fees, and regulations;  
23 and to provide for related matters.

24 Be it enacted by the Legislature of Louisiana:

25 Section 1. R.S. 17:158(A)(1), 3973(3) through (6), 3981(4), 3982(A)(1)(a) and (2)  
26 and (B), 3983(A)(2)(a)(i), (3)(a), and (4)(a), (b), and (d), (B)(2), and (D), 3991(B)(3) and  
27 (13), (C)(1)(c)(iv) and (6), (D)(2)(a)(i), and (H), 3992(A)(1), 3995(A)(1)(introductory  
28 paragraph) and (c) and (4)(a), 3996(C) and (G), 3998, 4001(A) and (C)(1) and (2), and 4011  
29 through 4025 are hereby amended and reenacted and R.S. 17:10.5(F), 3973(2)(b)(vi) and (7),

1 3981(7) and (8), 3981.1, 3981.2, 3982(A)(3), 3983(A)(2)(a)(iii) and (d) and (3)(d) and  
 2 (E)(3), 3992(D), and Part VII of Chapter 42 of Title 17 of the Revised Statutes of 1950, to  
 3 be comprised of R.S. 17:4002.1 through 4002.6 are enacted to read as follows:

4 §10.5. School and district accountability; failing schools; transfer to Recovery

5 School District; **parent petitions**

6 \* \* \*

7 **F.(1) Notwithstanding the provisions of Paragraph (A)(1) of this Section,**  
 8 **a public school shall be removed from the jurisdiction of the city, parish, or**  
 9 **other local public school board or other public entity and transferred to the**  
 10 **jurisdiction of the Recovery School District if such transfer is approved by the**  
 11 **State Board of Elementary and Secondary Education and both of the following**  
 12 **conditions are met:**

13 **(a) Parents or legal guardians representing more than fifty percent of**  
 14 **the students attending the school sign a petition requesting that the school be**  
 15 **transferred to the Recovery School District.**

16 **(b) The school has received a letter grade of "F" or any variation**  
 17 **thereof, pursuant to the Louisiana School and District Accountability System**  
 18 **for three consecutive years.**

19 **(2) The State Board of Elementary and Secondary Education shall**  
 20 **develop and adopt rules and regulations for implementation of this Subsection**  
 21 **which shall include but not be limited to:**

22 **(a) The format and procedures for submitting a petition pursuant to this**  
 23 **Subsection to the state superintendent of education to be brought by him before**  
 24 **the State Board of Elementary and Secondary Education for review pursuant**  
 25 **to the process established for the consideration of schools eligible for transfer**  
 26 **to the Recovery School District as provided in this Section.**

27 **(b) A requirement that each student may be signed for by his parents or**  
 28 **legal guardians only one time on any given petition such that each student**  
 29 **equals one signature.**

1                    **(c) Signature validation procedures that include the following**  
2 **requirements:**

3                    **(i) That upon submission of a petition, the state Department of**  
4 **Education shall determine if the number of signatures represents more than**  
5 **fifty percent of the students attending the school.**

6                    **(ii) That the signatures be assumed valid unless challenged or there is**  
7 **reasonable doubt of their validity. If validity is challenged or doubted, the**  
8 **department shall, within forty-five calendar days, review and verify the**  
9 **signatures. If the department finds that the number of valid signatures does not**  
10 **represent more than fifty percent of the students attending the school, parents**  
11 **or legal guardians shall have thirty calendar days, commencing with a date**  
12 **specified by the department, to resolve such discrepancies and collect the**  
13 **signatures of additional parents or legal guardians. Signatures shall not be**  
14 **discounted over technicalities if the clear intent of the parent or legal guardian**  
15 **was to support the petition.**

16                    **(d) Transfer procedures for students who choose not to remain enrolled**  
17 **at the school as a result of the state board's decision to transfer the school to the**  
18 **jurisdiction of the Recovery School District.**

19                    **(3) The state Department of Education shall maintain records regarding**  
20 **the contents and outcomes of the petitions.**

21                    **(4) Parents or legal guardians shall be free from harassment, threats,**  
22 **and intimidation related to circulation of or signing a petition.**

23                    **(5) School and district resources shall not be used to support or oppose**  
24 **any effort by petitioning parents or legal guardians to gather signatures and**  
25 **submit a petition.**

26                    \*           \*           \*

27 §158. School buses for transportation of students; employment of bus operators;  
28                    alternative means of transportation; improvement of school bus turnarounds

29                    A.(1) Except as provided by Subsection H of this Section and in accordance

1 with the requirements of Subsection F of this Section, each city, parish, and other  
 2 local public school board shall provide free transportation for any student attending  
 3 a school of suitable grade approved by the State Board of Elementary and Secondary  
 4 Education within the jurisdictional boundaries of the local board if the student  
 5 resides more than one mile from such school. **This requirement shall not apply to**  
 6 **any student attending a nonpublic school pursuant to R.S. 17:4011 through**  
 7 **4025.**

\* \* \*

8 §3973. Definitions

9  
 10 As used in this Chapter, the following words, terms, and phrases shall have  
 11 the meaning ascribed to them in this Section except when the context clearly  
 12 indicates a different meaning:

13 \* \* \*

14 (2)

15 \* \* \*

16 (b) Charter schools shall be one of the following types:

17 \* \* \*

18 **(vi) Type 1B, which means a new school or a preexisting public school**  
 19 **operated as the result of and pursuant to a charter between the nonprofit**  
 20 **corporation created to operate the school and a local charter authorizer.**  
 21 **Within such charter schools, pupils who reside within the state will be eligible**  
 22 **to attend as provided in the charter.**

23 (3) "Chartering authority" means either a local school board, **a local charter**  
 24 **authorizer**, or the State Board of Elementary and Secondary Education.

25 **(4) "Local charter authorizer" means an entity certified by the state**  
 26 **board in accordance with this Chapter to enter into agreements with chartering**  
 27 **groups.**

28 **(5) "Local school board"** means any city, parish, or other local public school  
 29 board.



1           **(8) Actively recruit chartering groups that offer a program of study or**  
2           **propose to offer a program of study that effectively addresses regional**  
3           **workforce needs, such as career and technical education, industry-based**  
4           **certifications, and vocational course work.**

5           **§3981.1. State board; powers and duties relative to local charter authorizers**

6           **A. The state board shall:**

7           **(1) Approve a process for certifying entities as local charter authorizers**  
8           **as more fully specified in this Section.**

9           **(2) Not certify any entity as a local charter authorizer under this Section**  
10           **unless it is in compliance with procedures and regulations established by the**  
11           **state board and the entity meets all of the following requirements:**

12           **(a) The entity is either a state agency or a nonprofit corporation having**  
13           **an educational mission, including but not limited to a nonprofit corporation of**  
14           **a philanthropic or policy nature, a Louisiana public postsecondary education**  
15           **institution, or a nonprofit corporation established by the governing authority**  
16           **of a parish or municipality.**

17           **(b) The entity does not operate any charter schools. An entity which**  
18           **operates charter schools may not be certified as a local charter authorizer.**

19           **(c) The entity has been incorporated for not less than three years.**

20           **(d) The entity has in its possession not less than five hundred thousand**  
21           **dollars in assets net of liabilities as reported to the Louisiana Department of**  
22           **Revenue.**

23           **(3) Review each proposed local charter authorizer in a timely manner**  
24           **and determine whether each proposed local charter authorizer complies with**  
25           **the law and rules and whether the proposal is valid, complete, financially**  
26           **well-structured, and educationally sound, whether it provides for a master plan**  
27           **of academic excellence relative to the schools it shall oversee, whether it**  
28           **provides a plan for developing the capacity to authorize not fewer than five**  
29           **schools and assures the state board that it intends to authorize not fewer than**

1 five schools, and whether it offers potential for fulfilling the purposes of this  
2 Chapter. The board shall engage in an application review process that complies  
3 with the latest Principles and Standards for Quality Charter School  
4 Authorizing, as promulgated by the National Association of Charter School  
5 Authorizers, and shall provide for an independent evaluation of the charter  
6 proposal by a third party with educational, organizational, legal, and financial  
7 expertise.

8 (4) Certify not more than five local charter authorizers to operate in any  
9 regional labor market area, as defined by the Louisiana Workforce  
10 Commission, at any given time.

11 (5) Approve a process by which charter schools authorized by a local  
12 charter authorizer shall be transferred to the state board as Type 2 or Type 5  
13 charter schools should the local charter authorizer lose its certification by the  
14 state board or otherwise cease to exist.

15 (6) Monitor and evaluate the schools authorized by a local charter  
16 authorizer in accordance with the school and district accountability system.

17 B. The initial certification of a local charter authorizer shall be for a  
18 period of five years. After the third year of operation of any charter school  
19 authorized by the local chartering authorizer, the state board shall conduct a  
20 thorough review of the authorizer's activities and the performance of the  
21 charter schools authorized by the local charter authorizer, in accordance with  
22 the school and district accountability system. If the average performance of  
23 these charter schools is a letter grade of "C", "D", or "F" or any variation  
24 thereof, the authorizer shall be placed on probation and submit a plan for  
25 improving the performance of the schools under its authority to the state board.

26 C.(1) If the average performance of the charter schools authorized by  
27 the local charter authorizer is a letter grade of "C" or any variation thereof  
28 after the initial certification period, the state board may recertify the local  
29 charter authorizer under the condition that the local charter authorizer may not



1 authorize any additional schools until the average performance of the charter  
2 schools authorized by the local charter authorizer is a letter grade of "A" or  
3 "B" or any variation thereof. The local charter authorizer may maintain the  
4 charter schools it has previously approved.

5 (2) If the average performance of the charter schools authorized by the  
6 local charter authorizer is a letter grade of "D" or "F" or any variation thereof  
7 after the initial certification period, the state board shall not recertify the local  
8 charter authorizer and shall provide for the transfer of the charter schools  
9 authorized by the local charter authorizer to the state board as Type 2 or Type  
10 5 charter schools.

11 D. After the initial certification period, the state board may grant  
12 renewal of certification for additional periods of not less than three years nor  
13 more than ten years after thorough review of the local chartering authority's  
14 activities and the performance of the charter schools authorized by the local  
15 charter authorizer. The state board shall continue to conduct a thorough review  
16 of the authorizer's activities and the performance of the charter schools  
17 authorized by the local charter authorizer, in accordance with the school and  
18 district accountability system, every three years.

19 E. If the average performance of the charter schools authorized by the  
20 local charter authorizer is a letter grade of "C" or any variation thereof after  
21 any three year review, the local charter authorizer may not authorize any  
22 additional schools until the average performance of those schools is a letter  
23 grade of "A" or "B" or any variation thereof. If the average performance of  
24 the charter schools authorized by the local charter authorizer is a letter grade  
25 of "D" or "F" or any variation thereof after any three year review, the state  
26 board shall cancel the local charter authorizer's certification and provide for  
27 the transfer of those schools to the state board as Type 2 or Type 5 charter  
28 schools.

29 F. The state board may rescind a charter approval or agreement

1 between a local charter authorizer and a chartering group if the state board  
2 finds that in approving the applicant or entering the agreement the authorizer  
3 has failed to comply with laws and regulations, including but not limited to  
4 whether the local charter authorizer has engaged in a transparent application  
5 review process that complies with the latest Principles and Standards for  
6 Quality Charter School Authorizing, as promulgated by the National  
7 Association of Charter School Authorizers and has provided for an independent  
8 evaluation of the charter proposal by a third party with educational,  
9 organizational, legal, and financial expertise.

10 §3981.2. Local charter authorizers; powers and duties

11 A.(1)(a) A local charter authorizer shall comply with R.S. 17:3983 and  
12 shall review and formally act upon charter proposals received within time lines  
13 established by the State Board of Elementary and Secondary Education that are  
14 consistent with national best practices in charter school authorizing. Such time  
15 lines shall require, at a minimum, an annual charter process in which local  
16 charter authorizers are afforded at least ninety days to evaluate such  
17 applications. In conducting such review, the local charter authorizer shall  
18 determine whether the proposed charter complies with the law and rules,  
19 whether the proposal is valid, complete, financially well-structured, and  
20 educationally sound, whether it provides for a master plan for improving  
21 behavior and discipline in accordance with R.S. 17:252, whether it provides a  
22 plan for collecting data in accordance with R.S. 17:3911, and whether it offers  
23 potential for fulfilling the purposes of this Chapter. The local charter  
24 authorizer shall engage in a transparent application review process that  
25 complies with the latest Principles and Standards for Quality Charter School  
26 Authorizing, as promulgated by the National Association of Charter School  
27 Authorizers, and shall provide for an independent evaluation of the charter  
28 proposal by a third party with educational, organizational, legal, and financial  
29 expertise. Each local charter authorizer shall use a common charter application

1 developed by the state Department of Education and approved by the state  
2 board, but may request additional information from applicants as needed.

3 (b) A local charter authorizer may accept charter proposals and notify  
4 charter applicants of its final decision pursuant to time lines approved by the  
5 state board. Notifications of charter proposals denied shall include written  
6 explanation of the reasons for such denial.

7 (2) The local charter authorizer shall make public through its website,  
8 and in printed form upon request, the following:

9 (a) The guidelines for submitting a charter proposal in accordance with  
10 Paragraph (1) of this Subsection.

11 (b) All forms required for submission of a charter proposal.

12 (c) The time lines established for accepting and reviewing charter  
13 proposals.

14 (d) The process that will be used to review charter proposals submitted  
15 to the board.

16 (e) The name and contact information for a primary point of contact for  
17 charter proposals.

18 (3) If a charter applicant believes that a local charter authorizer has not  
19 complied with Paragraphs (1) and (2) of this Subsection in its evaluation of an  
20 application, the charter applicant may submit its proposal to the state board for  
21 its review and approval as a Type 2 charter. If the state board determines that  
22 the local charter authorizer failed to comply with Paragraphs (1) and (2) of this  
23 Subsection, it shall notify the local charter authorizer of that determination and  
24 may proceed with its own review of the charter application. The state board  
25 shall review each proposal according to the process set forth in R.S. 17:3981(4)  
26 and shall provide written notification of its final decision to the charter  
27 applicant pursuant to time lines established by the state board.

28 B. If a local charter authorizer loses its certification from the state board  
29 or otherwise ceases to exist, all of its public assets which it has acquired as a

1 **local charter authorizer pursuant to this Chapter shall become the property of**  
 2 **the state board. Each charter school authorizer shall document all assets**  
 3 **acquired from private funds.**

4 **C. If a preexisting public school or charter school converts to a Type 1B,**  
 5 **students previously enrolled in the school shall maintain their seat at the school,**  
 6 **unless they choose otherwise.**

7 §3982. Local school boards; duties

8 A.(1)(a)(i) Local school boards shall comply with R.S. 17:3983 and shall  
 9 review and formally act upon each ~~proposed~~ charter **proposal received within time**  
 10 **lines established by the State Board of Elementary and Secondary Education**  
 11 **that are consistent with national best practices in charter school authorizing**  
 12 ~~within ninety days of its submission and in the order in which submitted.~~ **Such time**  
 13 **lines shall require, at a minimum, an annual charter application process in**  
 14 **which local school boards are afforded at least ninety days to evaluate such**  
 15 **applications.** In ~~doing~~ **conducting** such review, the local school board shall  
 16 determine whether each proposed charter complies with the law and rules, whether  
 17 the proposal is valid, complete, financially well-structured, and educationally sound,  
 18 whether it provides for a master plan for improving behavior and discipline in  
 19 accordance with R.S. 17:252, whether it provides a plan for collecting data in  
 20 accordance with R.S. 17:3911, and whether it offers potential for fulfilling the  
 21 purposes of this Chapter. The local board shall engage in a transparent application  
 22 review process that complies with the latest Principles and Standards for Quality  
 23 Charter School Authorizing, as promulgated by the National Association of Charter  
 24 School Authorizers, and shall provide for an independent evaluation of the charter  
 25 proposal by a third party with educational, organizational, legal, and financial  
 26 expertise. **Each local board shall use a common charter application developed**  
 27 **by the state Department of Education and approved by the state board, but may**  
 28 **request additional information from applicants as needed.**

29 (ii) A local school board may accept charter proposals ~~until February twenty-~~

1 ~~eight~~h of each year and shall provide written notification of its final decision to the  
 2 chartering group **and notify charter applicants of its final decision pursuant to**  
 3 **time lines approved by the state board.** Notifications of charter proposals denied  
 4 shall include written explanation of the reasons for such denial.

5 \* \* \*

6 (2) The local school board shall make public through its website, and in  
 7 printed form upon request, the guidelines for submitting a charter proposal, all forms  
 8 required for submission of a charter proposal, the ~~timelines~~ **time lines** established for  
 9 accepting and reviewing charter proposals **in accordance with Item (1)(a)(ii) of this**  
 10 **Subsection**, the process that will be used to review charter proposals submitted to  
 11 the board, and the name and contact information for a primary point of contact for  
 12 charter proposals. ~~If no final decision is received within ninety days after the~~  
 13 ~~submission of the proposal, then the chartering group may submit its proposal to the~~  
 14 ~~state board for its review.~~

15 **(3) If a charter applicant believes that a local school board has not**  
 16 **complied with Paragraphs (1) and (2) of this Subsection in its evaluation of an**  
 17 **application, the charter applicant may submit its proposal to the state board for**  
 18 **its review and approval as a Type 2 charter. If the state board determines that**  
 19 **the school board failed to comply with Paragraphs (1) and (2) of this Subsection,**  
 20 **it shall notify the school board of that determination and may proceed with its**  
 21 **own review of the charter application. The state board shall review each**  
 22 **proposal according to the process set forth in R.S. 17:3981(4) and shall provide**  
 23 **written notification of its final decision to the charter applicant pursuant to time**  
 24 **lines established by the state board.**

25 B. Local school boards shall make available to chartering groups any vacant  
 26 school facilities or any facility slated to be vacant for lease or purchase up to fair  
 27 market value. In the case of a **Type 1B or a** Type 2 charter school created as a result  
 28 of a conversion, the facility and all property within the existing school shall be made  
 29 available to that chartering group. In return for the use of the facility and its

1 contents, the chartering group shall pay a proportionate share of the local school  
2 board's bonded indebtedness to be calculated in the same manner as set forth in R.S.  
3 17:1990(C)(2)(a)(i). If such facilities were constructed at no cost to the local school  
4 board, then such facilities, including all equipment, books, instructional materials,  
5 and furniture within such facilities, shall be provided to the charter school at no cost.

6 §3983. Chartering process by type; eligibility; limitations; faculty approval;

7 parental approval

8 A.

9 \* \* \*

10 (2)(a)(i) Each proposal for a Type 1 or Type 3 charter school shall first be  
11 made to the local school board with jurisdiction where the school is to be located,  
12 ~~except in the case of a local system in academic crisis as provided for in Item (ii)~~  
13 **Items (ii) or (iii)** of this Subparagraph, ~~involving the submission of~~ **by submitting**  
14 a written proposal. If, after review as required by R.S. 17:3982, the local school  
15 board denies the proposal, or if conditions placed on the proposal by the local school  
16 board, as provided in Paragraph (B)(2) of this Section, are not acceptable to ~~those~~  
17 ~~proposing the charter~~ **the chartering group**, then a proposal for a Type 2 charter  
18 school may be made to the ~~State Board of Elementary and Secondary Education~~  
19 **state board**.

20 \* \* \*

21 **(iii) If the local school system in which a chartering group intends to**  
22 **apply to operate a school has received a letter grade designation of "D" or "F"**  
23 **or any variation thereof, then a proposal for a Type 2 charter school may be**  
24 **made to the state board.**

25 \* \* \*

26 **(d) Each proposal for a Type 1B charter school shall be made to a**  
27 **certified local charter authorizer. If, after review as required by R.S. 17:3981.2,**  
28 **the local charter authorizer denies the proposal, or if conditions placed on the**  
29 **proposal by the local charter authorizer, as provided in Paragraph (B)(2) of this**

1 Section, are not acceptable to those proposing the charter, then a proposal for  
2 a Type 2 charter school may be made to the state board.

3 \* \* \*

4 (3)(a) The ~~State Board of Elementary and Secondary Education~~ shall accept  
5 applications for charters ~~only from April first through October thirty-first of each~~  
6 year. The board state board shall review and take action on every Type 2 and Type  
7 4 charter application it receives. ~~The board shall not approve any charter~~  
8 application before May first of each year as provided in Paragraph (A)(4) of this  
9 Section.

10 \* \* \*

11 (d)(i) Not later than January 1, 2013, the state board shall create a  
12 process for authorizing multiple charter schools for qualified chartering groups  
13 that have a demonstrated record of success. The process shall include the  
14 evaluation of performance of chartering groups that do not operate any schools  
15 in Louisiana based on the performance of schools operated in other states.

16 (ii) Chartering groups that meet the criteria established pursuant to Item  
17 (i) of this Subparagraph are eligible to apply for and be granted approval of  
18 multiple charter agreements through a single application. However, even if  
19 multiple charter agreements are approved pursuant to a single application, the  
20 chartering group shall open only one school at a time. Only after each such  
21 school meets specified performance targets, as determined by the chartering  
22 authority, may the chartering group open a subsequently approved school.

23 \* \* \*

24 (4)(a) A local school board and a local charter authorizer may enter into  
25 any charter it finds valid, complete, financially well-structured, and educationally  
26 sound after meeting the requirements of this Chapter. Each such charter entered into  
27 shall be reported by the local school board or local charter authorizer to the State  
28 Board of Elementary and Secondary Education state board not less than two  
29 business days following the event.

1                   (b) ~~The State Board of Elementary and Secondary Education~~ **state board**  
 2 may approve applications for charters as it has determined acceptable pursuant to  
 3 R.S. 17:3981(2). ~~Applications may be approved only from May first through January~~  
 4 ~~thirty-first of each year.~~

5   \*       \*       \*

6                   (d) Prior to the consideration of a charter school proposal by any local school  
 7 board, **a local charter authorizer**, or the state board, each charter applicant shall be  
 8 afforded the opportunity to ~~revise and resubmit the proposal based on the~~ **provide**  
 9 **a written response to the** independent evaluation conducted in accordance with R.S.  
 10 17:3981(4) ~~and R.S. 17:3982(A)(1)(a)(i), 3981.2(A)(1)(a), or 3982(A)(1)(a)(i), as~~  
 11 **applicable. Such response shall be available to the independent reviewers for**  
 12 **consideration prior to issuing a final recommendation to the chartering**  
 13 **authority.** However, if a proposal is not approved by the local school board **or local**  
 14 **charter authorizer** and then also not approved by the state board within the same  
 15 approval cycle, then the proposal shall be submitted to the local school board **or a**  
 16 **local charter authorizer** for its consideration during the next approval cycle prior  
 17 to being submitted to the state board.

18   \*       \*       \*

19                   B.

20   \*       \*       \*

21                   (2) Additionally, each approved charter may be approved subject to whatever  
 22 other resolatory or suspensive conditions the chartering authority requires provided  
 23 those entering into the charter agree with the conditions. **If the local board or local**  
 24 **charter authorizer seeks to amend the charter agreement in a manner that is**  
 25 **unacceptable to the charter school or if the charter school finds requested terms**  
 26 **for charter renewal to be unacceptable, the charter school may petition the state**  
 27 **board to convert to a Type 2 charter school. Upon receipt of such request, the**  
 28 **state board shall notify the local board or local charter authorizer of the request**  
 29 **and shall permit the local board or local charter authorizer to provide a**



1 **response prior to any action on such request.**

2 \* \* \*

3 D.**(1)** Prior to approving a charter for a Type 1 or Type 3 school, the local  
4 school board considering the proposal shall hold a public meeting for the purpose of  
5 considering the proposal and receiving public input. Such meeting shall be held after  
6 reasonable efforts have been made by the board to notify the public of the meeting  
7 and its content.

8 **(2) Prior to approving a charter for a Type 1B school, the local charter**  
9 **authorizer considering the proposal shall hold a public meeting for the purpose**  
10 **of receiving public input. Such meeting shall be held in the geographic area to**  
11 **be served by the school after reasonable efforts have been made to notify the**  
12 **public of the meeting and its content.**

13 E.

14 \* \* \*

15 **(3) Approval by a local charter authorizer shall be in accordance with**  
16 **the conditions of its certification as established by the state board.**

17 \* \* \*

18 §3991. Charter schools; requirements; limitations; renewal; amendment; revocation

19 \* \* \*

20 B. Each proposed charter shall contain or make provision for the following:

21 \* \* \*

22 (3) Admission requirements, if any, that are consistent with the school's role,  
23 scope, and mission may be established **pursuant to rules promulgated by the state**  
24 **board**. Such admission requirements shall be specific and shall include a system for  
25 admission decisions which precludes exclusion of pupils based on race, religion,  
26 gender, ethnicity, national origin, intelligence level as ascertained by an intelligence  
27 quotient examination, or identification as a ~~child~~ **student** with an exceptionality as  
28 defined in ~~R.S. 17:1943(4)~~ **R.S. 17:1942(B)**. Such admission requirements may  
29 include, however, specific requirements related to a school's mission such as

1           auditions for schools with a performing arts mission or ~~achievement of a certain~~  
 2           ~~academic record for schools with a college preparatory~~ **proficiency in a foreign**  
 3           **language for schools with a language immersion** mission. **Any school which was**  
 4           **chartered prior to July 1, 2012, and which incorporated achievement of a**  
 5           **certain academic record as part of its admission requirements may continue to**  
 6           **utilize such admission requirements.** No local board shall assign any pupil to  
 7           attend a charter school.

8   \*           \*           \*

9   (13) ~~Manner in which~~ **Assurance that** teachers and other school employees  
 10           will be evaluated **in accordance with R.S. 17:3997.**

11   \*           \*           \*

12   C. A charter school shall:

13   (1)

14   \*           \*           \*

15   (c)

16   \*           \*           \*

17   (iv) Unless otherwise provided for within the charter, charter schools may not  
 18           enroll in any given year more than one hundred twenty percent of the total number  
 19           of students which had been approved in their charter without formally amending  
 20           their charter. **The state board may authorize the state superintendent of**  
 21           **education and the superintendent of the Recovery School District to amend the**  
 22           **charter of any Type 5 charter school participating in a unified enrollment**  
 23           **system administered by the Recovery School District for the purpose of**  
 24           **adjusting student enrollment limitations.**

25   \*           \*           \*

26   ~~(6)(a)(i) Except for Type 5 charter schools to which the requirements~~  
 27           ~~provided in Subparagraph (b) of this Paragraph apply, employ teachers certified by~~  
 28           ~~the state board or the French Ministry of Education for at least seventy-five percent~~  
 29           ~~of the instructional staff employed by the charter school.~~

1 (ii) The remaining portion of the instructional staff shall meet at least one of  
2 the following requirements **Employ instructional staff who have at least a**  
3 **baccalaureate degree** and **who** shall be subject to all provisions of state law relative  
4 to background checks applicable to the employment of public school personnel.

5 ~~(aa) Be authorized under law or state board regulation to teach temporarily~~  
6 ~~while seeking a regular teaching certificate.~~

7 ~~(bb) Have at least a bachelor's degree or at least ten years of experience~~  
8 ~~related to the teaching position for which he is being hired, demonstrate exemplary~~  
9 ~~skills in his field of expertise, and be providing instruction under the supervision of~~  
10 ~~a certified teacher. Any individual who makes an application for employment under~~  
11 ~~this Item shall be employed based on a determination of the applicant's qualifications~~  
12 ~~by the charter school.~~

13 (b) A Type 5 charter school shall:

14 (i) ~~Beginning no later than the second school year of operation, have not less~~  
15 ~~than the percentage of teachers certified by the state board than was the case in the~~  
16 ~~school prior to its transfer to the Recovery School District.~~

17 (ii) ~~Beginning no later than the third school year of operation, have a teacher~~  
18 ~~certified by the state board teaching every core subject. Core subject shall be defined~~  
19 ~~by the state board by rule.~~

20 (iii) ~~All other instructional staff employed in a Type 5 charter school shall~~  
21 ~~meet the same requirements as provided in Item (a)(ii) of this Paragraph.~~

22 D.

23 \* \* \*

24 (2)(a)(i) Notwithstanding the provisions of R.S. 17:158(A), if the local  
25 school board is requested to provide transportation services to a charter school  
26 student pursuant to R.S. 17:158, then the charter school receiving the transportation  
27 services shall reimburse the local school board for the actual cost of providing such  
28 transportation **unless an amount less than actual cost is agreed upon by both**  
29 **parties.**

\* \* \*

H. Any assets acquired by a Type 1, **1B**, 2, 3, or 5 charter school are the property of that charter school for the duration of that school's charter agreement. Any assets acquired by a Type 4 charter school are the property of the local school board. If the charter agreement of any Type 1, **1B**, 2, 3, or 5 charter school is revoked or the school otherwise ceases to operate, all assets purchased with any public funds become the property of the chartering authority. **Assets that become the property of a local charter authorizer pursuant to this Subsection shall be used solely for purposes of operating charter schools.** Charter schools are to maintain records of any assets acquired with any private funds which remain the property of the nonprofit ~~organization~~ **group** operating the charter school.

\* \* \*

§3992. Charter revision and renewal

A.(1) Unless revoked as provided for in Subsection C of this Section, an approved school charter shall be valid for an initial period of ~~five~~ **four** years **and may be extended for a maximum initial term of five years**, contingent upon the results of ~~the reporting requirements at the end~~ **a review conducted after the completion** of the third year as provided in ~~R.S. 17:3998(A)(2), and~~ **R.S. 17:3998**. **The charter** may be renewed for additional periods of not less than three nor more than ten years after thorough review by the approving chartering authority of the charter school's operations and compliance with charter requirements. ~~The process for renewing a school charter shall be the same as for initial charter approval, with a written report being provided annually to the chartering authority regarding the school's academic progress that year.~~ The chartering authority shall notify the chartering group in writing of any decisions made relative to the renewal or nonrenewal of a school's charter not later than January thirty-first of the year in which the charter would expire. A notification that a charter will not be renewed shall include written explanation of the reasons for such non-renewal. Pursuant to Subsection C of this Section and using such annual review process, a charter may be

1 revoked for failure to meet agreed-upon academic results as specified in the charter.

2 \* \* \*

3 D. For each charter school which has received a letter grade designation  
4 of "A" or "B" or any variation thereof and has met the criteria of  
5 Subparagraph (A)(2)(c) of this Section pursuant to automatic renewal, a charter  
6 operator shall be eligible to open and operate two additional schools that serve  
7 the same grade levels and the same enrollment boundaries as defined in the  
8 charter agreement of the school meeting the criteria of Subparagraph (A)(2)(c)  
9 of this Section without formal application to the chartering authority with  
10 which the charter agreement for the school that meets the criteria of  
11 Subparagraph (A)(2)(c) of this Section is held. The chartering group shall notify  
12 its chartering authority of its intent to open one or two additional charter  
13 schools pursuant to this Subsection at least one-hundred and twenty calendar  
14 days prior to the day on which each additional school shall enroll students. At  
15 least ninety calendar days prior to the day on which each additional school shall  
16 enroll students, the chartering authority shall enter into a charter agreement  
17 with the chartering group for each additional school and shall notify the state  
18 board of its action.

19 \* \* \*

20 §3995. Charter school funding

21 A.(1) ~~Except as otherwise provided by this Subsection, for~~ **For** the purpose  
22 of funding, a Type 1, Type 3, and Type 4 charter school shall be considered an  
23 approved public school of the local school board entering into the charter agreement  
24 and shall receive a per pupil amount each year from the local school board based on  
25 the October first membership count of the charter school. ~~Except as otherwise~~  
26 ~~provided by this Subsection;~~ **Type 1B and** Type 2 charter schools shall receive a per  
27 pupil amount each year from the state Department of Education using state funds  
28 specifically provided for this purpose. ~~Type 2 charter schools authorized by the State~~  
29 ~~Board of Elementary and Secondary Education after July 1, 2008, shall receive a per~~

1            ~~pupil amount~~ **state board** each year as provided in the Minimum Foundation  
2            Program approved formula. The per pupil amount provided to a Type 1, **1B**, 2, 3,  
3            or 4 charter school shall be computed annually and shall be equal to no less than the  
4            per pupil amount received by the school district in which the charter school is located  
5            from the following sources based on the district's October first membership count:

6                                    \*       \*       \*

7                    (c) The provisions of this Paragraph permitting the calculation of the per  
8                    pupil amount to be provided to a Type 1, **1B**, 2, 3, or 4 charter school to exclude any  
9                    portion of local revenues specifically dedicated by the legislature or by voter  
10                   approval to capital outlay or debt service, shall be applicable only to a charter school  
11                   housed in a facility or facilities provided by the district in which the charter school  
12                   is located.

13                                    \*       \*       \*

14                    (4)(a) ~~A chartering authority~~ **The state board, a local school board, and**  
15                    **a local charter authorizer** may annually charge each charter school it authorizes a  
16                    fee in an amount equal to two percent of the total per pupil amount as defined by this  
17                    Subsection that is received by a charter school for administrative overhead costs  
18                    incurred by the chartering authority for considering the charter application and any  
19                    amendment thereto, providing monitoring and oversight of the school, collecting and  
20                    analyzing data of the school, and for reporting on school performance. Such fee  
21                    amount shall be withheld from the per pupil amount in monthly increments and shall  
22                    not be applicable to any federal money or grants received by the charter school.  
23                    Administrative overhead costs shall not include any cost incurred by the chartering  
24                    authority to provide purchased services to the charter school. As provided by  
25                    Subparagraph (b) of this Paragraph, a chartering authority or the Recovery School  
26                    District, if applicable, may provide other services for a charter school and charge the  
27                    actual cost of providing such services, but no such arrangement shall be required as  
28                    a condition for authorizing the charter school.

29                                    \*       \*       \*

1 §3996. Charter schools; exemptions; requirements

2 \* \* \*

3 C. A charter school established and operated in accordance with the  
4 provisions of this Chapter shall comply with state and federal laws and regulations  
5 otherwise applicable to public schools with respect to civil rights and individuals  
6 with disabilities. Any **Type 1B**, Type 2, or Type 5 charter school shall be considered  
7 the local education agency for the purposes of any special education funding or  
8 statutory definitions, while the local school board shall remain the local education  
9 agency for any Type 1, 3, or 4 charter school.

10 \* \* \*

11 G. All charter schools established and operated in accordance with the  
12 provisions of this Chapter shall comply with the provisions of R.S. 39:1301 through  
13 1315. Each Type 1, 3, and 4 charter school annually shall submit its budget to the  
14 local school board that approved its charter, and such board shall submit the charter  
15 school's budget to the state superintendent of education in accordance with the  
16 provisions of R.S. 17:88. **Each Type 1B charter school annually shall submit its**  
17 **budget to its authorizer.** Each Type 2 and Type 5 charter school annually shall  
18 submit its budget directly to the state superintendent of education.

19 \* \* \*

20 §3998. Reports; **review**

21 A.~~(1)~~ Each chartering authority shall report to the state board on the number  
22 of schools chartered, the status of those schools, and any recommendations by July  
23 first of each year.

24 ~~(2)~~ **B.** Each charter school shall ~~provide a comprehensive report to be~~  
25 **reviewed by** its chartering authority ~~at the end~~ **after the completion** of the third  
26 year. If the charter school is achieving its stated goals and objectives pursuant to its  
27 approved charter, then the chartering authority shall extend the duration of the  
28 charter for ~~the additional two-year period~~ **a maximum initial term of five years** as  
29 provided in R.S. 17:3992(A)(1). **If the charter school is not achieving its stated**

1        goals and objectives pursuant to its approved charter, then the chartering  
2        authority shall not extend the duration of the charter and it shall expire at the  
3        end of the school's fourth year.

4                ~~B. The state board shall review information regarding the laws, regulations,~~  
5        ~~and policies from which charter schools were exempt pursuant to this Chapter to~~  
6        ~~determine if the exemptions assisted or impeded the charter schools in meeting their~~  
7        ~~stated goals and objectives.~~

8                ~~C. The state board shall report to the governor and to the Senate and House~~  
9        ~~Committees on Education no later than January 1, 2001, on its initial findings~~  
10        ~~including recommendations to modify, expand, or terminate the approach.~~

11                ~~D. In preparing the report required by this Section, the state board shall~~  
12        ~~compare to the extent statistically possible the performance of charter school pupils~~  
13        ~~with the performance of ethnically and economically comparable groups of pupils~~  
14        ~~in other schools who are enrolled in academically comparable courses, including a~~  
15        ~~fiscal and programmatic analysis based on the total per pupil funding in each charter~~  
16        ~~school in relation to the total per pupil funding in the respective local public school~~  
17        ~~system that has been invested in instruction.~~

18                                \*        \*        \*

19        §4001. Louisiana Charter School Start-Up Loan Fund; creation; purpose;  
20                                distribution

21                A. The Louisiana Charter School Start-Up Loan Fund, hereafter referred to  
22        as the "fund", is hereby created within the state treasury for the purposes of  
23        providing a source for funding no-interest loans to assist both existing and new ~~type~~  
24        **Type 1, Type 1B, type Type 2, or type Type 3** charter schools with initial start-up  
25        funding and for funding the administrative and legal cost associated with the charter  
26        school program.

27                                \*        \*        \*

28                C.(1) The ~~State Board of Elementary and Secondary Education~~ **state board**  
29        shall administer the use of the monies appropriated from the fund and shall adopt



1 rules in accordance with the Administrative Procedure Act. The adopted rules shall  
 2 specify that state board approval of any ~~type~~ **Type 2** charter school proposal that  
 3 includes within its budget a request for loan funding which complies with the  
 4 provisions of this Section and details regarding how those loan funds are to be  
 5 expended, shall constitute the approval of that loan amount. No additional loan  
 6 application paperwork shall be required. Any ~~type~~ **Type 1** or ~~type~~ **Type 3** charter  
 7 school approved by their local school board **and a Type 1B charter school**  
 8 **approved by a certified local charter authorizer** shall be required to submit no  
 9 more than their approved charter proposal and a detailed budget identifying how any  
 10 loan funds are to be expended and how such request complies with the provisions of  
 11 this Section. The state board may reject any such request which does not comply  
 12 with terms of this Section. Such rules shall also note that any loan funding may only  
 13 be used to purchase tangible items such as equipment, technology, instructional  
 14 materials, and facility acquisition, upgrade, and repairs. Such equipment or other  
 15 items shall become the property of the state if the loan is not fully repaid by virtue  
 16 of the school ceasing to operate during the three years of automatic loan repayment  
 17 as noted in Paragraph (3) of this Subsection.

18 (2) Loans shall be made only to ~~type~~ **Type 1**, **Type 1B**, ~~type~~ **Type 2**, and  
 19 ~~type~~ **Type 3** charter schools and shall not exceed one hundred thousand dollars to  
 20 pay for charter school start-up and early operating expenses. No money lent as  
 21 provided in this Section may be used to pay prior debts of the nonprofit corporation  
 22 which formed the charter school, any of the natural persons principally involved in  
 23 forming the charter school, or any former or current business or nonprofit venture  
 24 of any such natural persons for any purchase not related to the creation of the charter  
 25 school, or to pay to members of the immediate family of any such natural persons,  
 26 or to make any investments.

27 \* \* \*

## 28 **PART VII. COURSE PROVIDERS**

### 29 **§4002.1. Course Providers; short title**

1                   **This Part shall be known as the "Course Choice Program".**

2                   **§4002.2. Legislative findings**

3                   **The legislature finds and declares that:**

4                   **(1) It is in the public interest that all Louisiana school children have**  
5                   **access to the type and format of education that best meets the needs of the**  
6                   **individual student, that each student has different needs that merit a variety of**  
7                   **course choices on the individual student level, and that the state has the right,**  
8                   **responsibility, duty, and obligation to accomplish the objective of a quality,**  
9                   **individualized education for all Louisiana children.**

10                  **(2) Enrollment of children in course work offered by course providers**  
11                  **is in compliance with the objectives of Louisiana's compulsory attendance law;**  
12                  **course providers in Louisiana make a significant educational and economic**  
13                  **contribution towards meeting the goal of a quality, individualized education for**  
14                  **every Louisiana school child; and Louisiana has recognized and encouraged**  
15                  **that contribution through on-line education and dual enrollment in**  
16                  **postsecondary education institutions for many years.**

17                  **(3) Effective course providers exist in Louisiana.**

18                  **(4) Course providers can offer a quality education to students and it is**  
19                  **in the public interest to offer students the means of accessing the educational**  
20                  **opportunities offered by course providers by providing students with the public**  
21                  **funds allocated to them from local and state sources to enroll in such courses.**

22                  **(5) Postsecondary education institutions can serve as quality course**  
23                  **providers for students who seek advanced level course work or technical or**  
24                  **vocational instruction.**

25                  **(6) Online or virtual course providers can serve as quality course**  
26                  **providers for students who desire additional access to high quality courses,**  
27                  **especially but not limited to students enrolled in low-performing public schools,**  
28                  **students who for reasons of geography may not be able to exercise their right**  
29                  **to educational choice, and students who may desire an alternative schooling**

1 schedule or calendar.

2 (7) Business and industry can serve as quality course providers that offer  
3 course work in their particular field or expertise with the goal of increasing the  
4 skilled workforce required for a robust Louisiana economy.

5 §4002.3. Definitions

6 As used in this Part, unless otherwise clearly indicated, the following  
7 terms mean:

8 (1) "Course provider" means an entity that offers individual courses in  
9 person or online, including but not limited to online or virtual education  
10 providers, postsecondary education institutions, and corporations that offer  
11 vocational or technical course work in their field, and have been authorized to  
12 provide such courses by the state board.

13 (2) "Eligible funded student" means any student who resides in  
14 Louisiana and meets one of the following criteria:

15 (a) Is attending a public school that received a letter grade of "C", "D",  
16 or "F", or any variation thereof, according to the Louisiana School and District  
17 Accountability System.

18 (b) Is attending a public school that does not offer the course in which  
19 the student desires to enroll, as determined by the state board.

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

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

24 (a) Is attending a public school that has received a letter grade of "A" or  
25 "B", or any variation thereof, according to the school and district accountability  
26 system.

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

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

1                   **(4) "State board" means the State Board of Elementary and Secondary**  
2                   **Education.**

3                   **§4002.4. State board; powers and duties relative to course providers**

4                   **A.(1) Not later than January 1, 2013, the state board shall create a**  
5                   **process for authorizing course providers that shall determine whether each**  
6                   **proposed course provider complies with the law and rules, whether the proposal**  
7                   **is valid, complete, financially well-structured, and educationally sound, whether**  
8                   **it provides a plan for collecting data in accordance with R.S. 17:3911, and**  
9                   **whether it offers potential for fulfilling the purposes of this Part. The state**  
10                  **board shall provide for an independent evaluation of the proposal by a third**  
11                  **party with educational, organizational, legal, and financial expertise.**

12                  **(2) The process shall provide for an agreement with the course provider**  
13                  **that shall include, at a minimum, a plan for implementing or providing the**  
14                  **following:**

15                  **(a) Administration of state assessments as required by the school and**  
16                  **district accountability system, except to students as defined by R.S.**  
17                  **17:4002.3(2)(c).**

18                  **(b) The parishes or local school systems in which the course provider will**  
19                  **operate.**

20                  **(c) Proposed courses offered, alignment of said courses by the course**  
21                  **provider with the requirements of R.S. 17:24.4, and the designated length of**  
22                  **each course offered.**

23                  **(d) Alignment of the courses offered by the course provider with any**  
24                  **type of approved Louisiana diploma, including those provided in R.S. 17:183.2,**  
25                  **183.3, and 236.1.**

26                  **(e) Assurances that the course provider shall, to the best of its ability,**  
27                  **collaborate and coordinate with a local school system in which an eligible**  
28                  **funded student or eligible participating student is enrolled full time.**

29                  **B. (1) The initial authorization of the course provider shall be for a**

1 period of three years. After the second year of the initial authorization period,  
2 the state board shall conduct a thorough review of the course provider's  
3 activities and the academic performance of the students enrolled in courses  
4 offered by the course provider in accordance with the school and district  
5 accountability system. If the performance of the students enrolled in courses  
6 offered by the course provider pursuant to the school and district accountability  
7 system does not meet performance standards set by the state board, the state  
8 board shall place the course provider on probation.

9 (2) After the initial three year authorization period, the state board may  
10 reauthorize the course provider for additional periods of not less than three  
11 years nor more than five years after thorough review of the course provider's  
12 activities and the achievement of students enrolled in courses offered by the  
13 course provider.

14 (3) The state board shall monitor and evaluate the course provider in  
15 accordance with performance expectations set forth by the state board in which  
16 student achievement is the predominant criterion.

17 (4) The state board shall create a process for common course numbering  
18 of all courses listed in the course catalogue and for determining whether courses  
19 are in compliance with R.S. 17:24.4. For courses offered by postsecondary  
20 education institutions that are authorized course providers, the state board shall  
21 consult with the Board of Regents.

22 C. Not later than January 1, 2013, the state board shall create a  
23 reciprocal teacher certification process for teachers who reside in other states  
24 but who are employed by authorized course providers and teach virtual  
25 education courses to satisfy the state certification requirements pursuant to R.S.  
26 17:17.1.

27 D. Prior to the 2013-2014 school year, the state board shall create a  
28 course catalogue for all courses offered, by parish.

29 §4002.5. Local school systems; per course providers

1           **A.(1) Each local school board shall establish policies and procedures**  
2           **whereby for each student identified in R.S. 17:4002.3(2)(a), (2)(b), and (3)(a)**  
3           **the following shall apply:**

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

7           **(b) Tests required pursuant to R.S. 17:24.4 shall be administered to each**  
8           **such student attending a public school.**

9           **(c) 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**  
11          **courses, including but not limited to special education services pursuant to the**  
12          **student's Individual Education Plan shall be provided.**

13          **B. Each local public school system shall make available to all students**  
14          **the course catalogue as provided by the state board during the annual course**  
15          **enrollment process for that local school system.**

16          **C. No local public school system shall actively discourage, intimidate, or**  
17          **threaten an eligible funded student or an eligible participating student during**  
18          **the course enrollment process or at any time for that local school system.**

19          **D. The aggregate test scores of students who are enrolled in a course**  
20          **pursuant to this Part and in accordance with Subsection A of this Section shall**  
21          **be counted in the school performance score for the school in which the student**  
22          **is enrolled full time. The test scores shall be reported to and published by the**  
23          **state Department of Education for each course provider in an easy to**  
24          **understand format and on the department's website.**

25          **E. Each student identified in R.S. 17:4002.3(2)(a), (2)(b), and (3)(a) shall**  
26          **enroll in at least one course at the school in which he is enrolled full time.**

27          **F. The state board shall adopt rules necessary to implement this Part,**  
28          **including but not limited to the requirements of school governing authorities or**  
29          **local school systems whose students enroll in courses offered by authorized**

1 course providers.

2 §4002.6. Course providers; funding

3 A.(1) The course provider shall receive a course amount for each eligible  
4 funded student.

5 (2) For purposes of this Part, the course amount means an amount equal  
6 to the market rate as determined by the course provider and reported to the  
7 state Department of Education up to one-sixth of ninety percent of the per pupil  
8 amount each year as determined by the minimum foundation program for the  
9 local school system in which the eligible funded student resides. Any remaining  
10 funds, except those specified in Paragraph (3) of this Subsection, for that  
11 student shall be returned to the state or to the local school system according to  
12 the pro rata share for the per pupil amount each year as determined by the  
13 minimum foundation program for the local school system in which the student  
14 resides. Transfers of course payments shall be made by the state Department  
15 of Education on behalf of the responsible city or parish school system in which  
16 the student resides to the authorized course provider.

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

25 (4) For students identified in R.S. 17:4002.3(3)(c), the course provider  
26 shall receive payment only for the courses in which the student is enrolled in  
27 accordance with Subsection C of this Section. The remaining funds for each of  
28 these students up to the maximum amount for the parish in which the  
29 participating student resides as determined each year by the minimum

1 foundation program or actual tuition and fees, as applicable, shall remain with  
2 the participating school in which the student is enrolled in accordance with R.S.  
3 17:4011 through 4025.

4 B. (1) The course provider may charge tuition to any eligible  
5 participating student in an amount equal to the amount determined by the  
6 course provider and reported to the state Department of Education in  
7 accordance with Paragraph (A)(2) of this Section.

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

11 C.(1) Fifty percent of the amount of tuition to be paid or transferred  
12 through the minimum foundation program to the course provider shall be paid  
13 or transferred upon student enrollment in a course and fifty percent shall be  
14 paid or transferred upon course completion according to the published course  
15 length.

16 (2) If a student does not complete a course according to the published  
17 course length in which the course provider has received the first payment  
18 pursuant to Paragraph (1) of this Subsection, the provider shall receive forty  
19 percent of the course amount as defined in Paragraph (A)(2) of this Section only  
20 if the student completes the course and receives credit for the course prior to  
21 leaving school pursuant to R.S. 17:221 or graduating from high school pursuant  
22 to R.S. 17:24.4.

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

29 \* \* \*



1 §4011. Short title

2 This Chapter shall be known and may be cited as the "Student Scholarships  
3 for Educational Excellence Act".

4 §4012. Legislative findings

5 The legislature finds and declares that:

6 (1) It is in the public interest that all Louisiana schoolchildren receive the  
7 best education that its citizens can provide, and the state of Louisiana has the right,  
8 responsibility, duty, and obligation to accomplish the objective of quality education  
9 for all Louisiana children, ~~particularly for those children in school systems that have~~  
10 ~~been declared to be academically in crisis.~~

11 (2) Attendance of children at nonpublic schools constitutes compliance with  
12 the objectives of Louisiana's compulsory attendance law; nonpublic schools in  
13 Louisiana make a significant educational and economic contribution towards  
14 meeting the goal of a quality education for every Louisiana school child; and  
15 Louisiana has recognized and encouraged that contribution through providing  
16 textbooks and transportation to students attending approved nonpublic schools for  
17 many decades.

18 (3) Effective nonpublic schools exist in Louisiana's school systems;  
19 ~~including those that are academically in crisis.~~

20 (4) Nonpublic schools can offer a quality education to students ~~in systems~~  
21 ~~that are academically in crisis~~, and it is in the public interest to offer students in **such**  
22 **all** systems the means of accessing the educational opportunities offered by  
23 nonpublic schools by providing them with scholarships to attend such schools.

24 (5) Academically acceptable public schools can serve as quality alternatives  
25 for students attending low-performing public schools.

26 §4013. Definitions

27 As used in this Chapter, unless otherwise clearly indicated, the following  
28 terms ~~shall~~ mean:

29 (1) ~~"Covered district" means a local public school system which meets all~~

1 of the following criteria:

2 (a) ~~Has been found to be academically in crisis pursuant to R.S. 17:10.6.~~

3 (b) ~~Has had schools transferred to the jurisdiction of the Recovery School~~  
4 ~~District pursuant to R.S. 17:10.7.~~

5 (c) ~~Is located in a municipality with a population of at least three hundred~~  
6 ~~thousand persons according to the latest federal decennial census and includes the~~  
7 ~~Recovery School District established pursuant to R.S. 17:1990 to the extent that~~  
8 ~~schools under the district's jurisdiction are located within the geographic boundaries~~  
9 ~~of a covered district.~~

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

11 (3) (2) "Eligible student" means a student who resides ~~within the geographic~~  
12 ~~boundaries of a covered district,~~ **in Louisiana,** is a member of a family with a total  
13 income that does not exceed two hundred fifty percent of the current federal poverty  
14 guidelines as established by the federal office of management and budget, and who  
15 meets any one of the following criteria:

16 (a) Is entering kindergarten **and has enrolled in the local school system in**  
17 **which the public school he would have otherwise attended is located or in a**  
18 **school under the jurisdiction of the Recovery School District. Each local school**  
19 **system or the Recovery School District shall conduct its annual kindergarten**  
20 **enrollment process and shall report such enrollment to the department prior to**  
21 **the program enrollment process.**

22 (b) Was enrolled in a public school ~~located within a covered district during~~  
23 ~~the previous school year in a program-eligible grade~~ **in Louisiana on October first**  
24 **and on February first of the most recent school year pursuant to the definition**  
25 **of student membership established by the state board for purposes of the**  
26 **minimum foundation program formula,** and such school has been identified as  
27 academically unacceptable or has a school performance score or an assessment index  
28 of sixty or less as defined by the State Board of Elementary and Secondary  
29 Education **received a letter grade of "C", "D", or "F" or any variation thereof,**

1 **for the most recent year** pursuant to ~~policies developed and adopted by the board~~  
2 ~~for implementation of the school and district accountability system.~~

3 (c) Received a scholarship pursuant to this Chapter in the previous school  
4 year ~~and remains otherwise eligible.~~

5 ~~(4)~~ **(3)** "Participating school" means a nonpublic school that meets program  
6 requirements and seeks to enroll scholarship recipients pursuant to this Chapter or  
7 a public school ~~located within the geographic boundaries of a covered district that~~  
8 meets program requirements and seeks to enroll scholarship recipients pursuant to  
9 this Chapter **subject to any court-ordered desegregation plan in effect for the**  
10 **school system in which the public school is located.**

11 ~~(5)~~ **(4)** "Program" means the Student Scholarships for Educational Excellence  
12 Program.

13 ~~(6)~~ **(5)** "Scholarship" means the funds awarded to a parent or other legal  
14 guardian on behalf of an eligible student to attend a participating **public or**  
15 **nonpublic** school pursuant to this Chapter.

16 ~~(7)~~ **(6)** "Scholarship recipient" means an eligible student who is awarded a  
17 scholarship pursuant to this Chapter.

18 §4014. Student Scholarships for Educational Excellence Program; creation

19 The Student Scholarships for Educational Excellence Program is hereby  
20 created and shall be administered by the ~~state Department of Education~~ **department.**

21 §4015. Program administration

22 In administering the program pursuant to this Chapter, the department shall:

23 (1) Determine student eligibility for **awarding** scholarships.

24 (2) Receive ~~the~~ notice of intent from schools seeking to participate in the  
25 program; **which shall include the number of available seats per grade and**  
26 **whether the school elects to offer an enrollment preference to a student based**  
27 **on the parish in which the student resides, and** qualify such schools for  
28 participation in the program, ~~and determine the number of available seats, by grade,~~  
29 ~~at participating schools.~~ **For eligible public schools, the notice of intent shall be**

1 submitted by the principal of the school with the approval of the local  
2 superintendent. The local school board shall delegate the authority to  
3 participate in the program to the local superintendent.

4 (3)(a) Accept applications from parents ~~and other~~ or legal guardians of  
5 eligible students and award scholarships to eligible students ~~who submit applications,~~  
6 up to the number of available seats in each grade at all participating schools. Each  
7 application shall indicate the parent or legal guardian's choice or choices of  
8 participating schools.

9 (b) In the event there are more eligible students who submit applications than  
10 there are available seats at participating schools for any grade, the department shall  
11 ~~utilize~~ conduct a random selection process to award scholarships that provides each  
12 eligible student an equal opportunity for selection. However, the department may  
13 give preference to the following:

14 (i) Siblings of students already enrolled in the participating school.

15 (ii) Students enrolled in the Nonpublic School Early Childhood  
16 Development Program at the participating school.

17 (iii) Participating students transferring from an ineligible school  
18 pursuant to R.S. 17:4015.

19 (iv) Students residing in the parishes as indicated pursuant to the notice  
20 of intent, if applicable.

21 (c) For the purposes of the random selection process, twins, triplets,  
22 quadruplets, and other such multiple births shall constitute one individual.

23 (4) Notify parents ~~and other~~ or legal guardians of eligible students who  
24 applied for scholarships whether they have been awarded a scholarship and ~~of the~~  
25 ~~process that must be followed to enroll in a~~ placed at a particular participating  
26 school. The scholarship recipient shall be placed through the random selection  
27 process and according to his indicated preferences as provided in Paragraph (3)  
28 of this Subsection. For the purposes of this Section, a unified enrollment system  
29 administered by the Recovery School District may be considered the random

1 **selection process. The department shall continue the random selection process**  
2 **until each seat is filled according to the time line established by the department.**

3 (5) Remit scholarship payments to participating schools on behalf of a  
4 scholarship recipient.

5 (6) Receive independent financial audits from participating nonpublic  
6 schools as required by ~~this Chapter~~ **R.S. 17:4022(4)**.

7 ~~(7) In the event that there are more scholarship recipients applying for~~  
8 ~~enrollment in a participating school than there are available seats, ensure that the~~  
9 ~~school shall select scholarship recipients for admission utilizing a random selection~~  
10 ~~process that provides each scholarship recipient with an equal opportunity for~~  
11 ~~selection. The department shall establish a time line that coordinates a random~~  
12 ~~selection process at all participating schools and shall ensure that each participating~~  
13 ~~school adopts procedures for conducting such random selection process and notifies~~  
14 ~~the parents or legal guardians of scholarship recipients of the procedures to be~~  
15 ~~followed should a random selection process be required.~~

16 (8) For students enrolled in the program, annually verify the eligibility status  
17 of each student and notify his parent or other legal guardian of his status by not later  
18 than April thirtieth or a date determined by the department that would provide  
19 students who are no longer eligible for a scholarship sufficient time to apply to  
20 another school within the covered district.

21 (9) Provide **(7) Annually publish** each scholarship recipient and their parent  
22 or legal guardian with a list of **the following information for all** schools  
23 participating in the program: :

24 **(a) The most recent aggregate average proficiency rates on state**  
25 **assessments for scholarship recipients enrolled at each participating school.**

26 **(b) A list of all public schools with a letter grade of "C", "D", or "F", or**  
27 **any variation thereof.**

28 **(c) The rate at which scholarship recipients finish the highest grade level**  
29 **offered at a participating school, by entering cohort.**

1 **(d) The retention rate for scholarship recipients.**

2 **(e) The percentage of parents or legal guardians of scholarship recipients**  
3 **who are satisfied with the participating school.**

4 ~~(10)~~ **(8)**(a) Place any participating school that fails to comply with the audit  
5 provisions pursuant to R.S. 17:4022(4) on probation for a period of one year during  
6 which such school shall not be permitted to enroll additional scholarship recipients.

7 (b) If such school ~~has not come into~~ **is not in** full compliance by the end of  
8 the one-year probationary period, the school shall be ineligible to participate in the  
9 program until such time as the department has determined that the school is in full  
10 compliance.

11 (c) The department shall assist any scholarship recipient attending a school  
12 that is ~~no longer eligible~~ **ineligible** to participate in the program ~~to transfer in~~  
13 **transferring** to another participating school, provided such school has sufficient  
14 capacity at the appropriate grade level.

15 §4016. Scholarship amounts; funding

16 A. The **state board shall allocate annually from the minimum foundation**  
17 **program an amount per pupil to each participating school equal to the amount**  
18 **allocated per pupil to the local school system in which the scholarship recipient**  
19 **resides. This amount shall be counted toward the equitable allocation of funds**  
20 **appropriated to parish and city school systems as provided in Article VIII,**  
21 **Section 13(B) of the state constitution.** ~~of the scholarship provided on behalf of a~~  
22 ~~scholarship recipient shall be an amount equivalent to ninety percent of the per pupil~~  
23 ~~amount the covered district receives from combined state and local sources~~ **For a**  
24 **participating school that charges tuition, if** ~~or the maximum amount of tuition plus~~  
25 ~~incidental or supplementary fees that are charged to non-scholarship students~~  
26 ~~enrolled in such school and any costs incurred in administering the tests required~~  
27 ~~pursuant to R.S. 17:4023~~ **is less than the amount allocated per pupil to the local**  
28 **school system in which the student resides,** ~~whichever is less.~~ **any remaining**  
29 **funds shall be returned to the state or to the local school system in which the**

1 scholarship recipient attended or otherwise would be attending public school for  
2 that year according to the pro rata share for the per pupil amount each year as  
3 determined by the minimum foundation program for the local school system in  
4 which the scholarship recipient attended or otherwise would be attending public  
5 school for that year.

6 ~~B. The amount of the scholarship provided on behalf of a scholarship~~  
7 ~~recipient that enrolls in a participating school that does not charge tuition shall be an~~  
8 ~~amount equivalent to ninety percent of the per pupil amount the covered district~~  
9 ~~receives from combined state and local sources or the participating school's actual~~  
10 ~~cost of educating a student plus any costs incurred in administering the tests required~~  
11 ~~pursuant to R.S. 17:4023, whichever is less.~~

12 ~~C. B(1) For If a scholarship recipient who is enrolled in a participating~~  
13 ~~nonpublic school would have been entitled to receive special education services~~  
14 ~~there shall be added to the amount of the scholarship an amount equivalent to special~~  
15 ~~education funding provided to a covered district for such a student from federal~~  
16 ~~sources. A participating public school receiving a scholarship payment for a~~  
17 ~~scholarship recipient pursuant to this Chapter shall not receive any funds through the~~  
18 ~~Minimum Foundation Program for such student. in the public school he would~~  
19 ~~otherwise be attending, his parent or legal guardian shall indicate in writing, as~~  
20 ~~part of the enrollment process, one of the following:~~

21 ~~(a) That the scholarship recipient's parent or legal guardian revokes~~  
22 ~~consent for the participating student to receive such services from either the~~  
23 ~~nonpublic participating school or the local school system in which the~~  
24 ~~scholarship recipient otherwise would be attending.~~

25 ~~(b) That the scholarship recipient will receive such services from the~~  
26 ~~participating nonpublic school if the school chooses to offer such services. In~~  
27 ~~such case the nonpublic school may charge a higher tuition for students~~  
28 ~~receiving such services, the state board shall allocate annually from the~~  
29 ~~minimum foundation program an amount per pupil to each participating~~

1 nonpublic school equal to a special education tuition amount based on the cost  
2 of providing special education services identified for that student to the  
3 participating nonpublic school. This amount shall be in addition to the  
4 participating nonpublic school's maximum scholarship payment as described  
5 in Subsection (A) of this Section but the total of the payment and the special  
6 education tuition shall not exceed the amount allocated for that student to the  
7 local school system if the student otherwise would be attending public school.

8 (2) To offer special education services pursuant to Subparagraph (1)(b)  
9 of this Subsection, a participating nonpublic school shall meet all of the  
10 following criteria:

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

19 (b) In accordance with time lines as determined by the department,  
20 inform the department of the types of student exceptionalities as defined in R.S.  
21 17:1942(B) that the school is willing to serve.

22 ~~D. C. Funding for scholarships awarded to parents or other legal guardians~~  
23 ~~of eligible students pursuant to this Chapter shall be provided by an appropriation~~  
24 ~~from the legislature from the state general fund. Each scholarship recipient is a~~  
25 ~~member of the local school system in which he attended or otherwise would be~~  
26 ~~attending public school for that school year. Prior to the program enrollment~~  
27 ~~process and in accordance with a time line specified by the department for this~~  
28 ~~purpose, students entering kindergarten shall enroll in the membership of the~~  
29 ~~local school system in which they otherwise would be attending public school for~~



1 **that school year. Each local school system shall conduct its annual kindergarten**  
 2 **enrollment process in accordance with the department's time line and shall**  
 3 **report such enrollment to the department prior to the program enrollment**  
 4 **process.**

5 ~~E. The total amount of state funds expended to implement the provisions of~~  
 6 ~~this Chapter for Fiscal Year 2008-2009 shall not exceed ten million dollars.~~

7 §4017. Payment of scholarships

8 A. ~~The Department of Education~~ **department** shall remit **transfer**  
 9 scholarship payments ~~directly~~ to each participating school on behalf of the ~~parent or~~  
 10 ~~other legal guardian of a scholarship recipient. The parent or other legal guardian~~  
 11 ~~shall assign the full value of the scholarship to the participating school~~ **responsible**  
 12 **local public school system.**

13 B. The amount to be paid for a scholarship shall be divided into four equal  
 14 payments to be made to each participating school in September, ~~November,~~  
 15 **December,** February, and May of each school year. Payments shall be based on per  
 16 pupil count dates as determined by the department. No refunds shall be made to the  
 17 department or to the parent or ~~other~~ legal guardian if the scholarship recipient  
 18 withdraws from the program or is otherwise not enrolled prior to the next count date.  
 19 **The school in which the scholarship recipient is enrolled on the next count date**  
 20 **shall receive the next payment.**

21 §4018. Student eligibility

22 A. ~~For the 2008-2009 academic year, students shall be eligible to receive~~  
 23 ~~their initial scholarships when entering kindergarten or when entering the first,~~  
 24 ~~second, or third grade if they attended public school in the covered district during the~~  
 25 ~~previous school year. Students in grades four through twelve shall be eligible for~~  
 26 ~~scholarships as additional grade levels are added to the program.~~

27 B. Scholarship recipients shall remain eligible to receive scholarships in each  
 28 succeeding year that they remain enrolled in a participating school through grade  
 29 twelve. ~~As the 2008-2009 cohort of scholarship recipients advances in grade level,~~

1           ~~one additional grade level of eligibility shall be added to the program, beginning in~~  
2           ~~2009-2010. Student eligibility continues~~ **Eligibility shall continue** if a student  
3           **recipient** transfers from one participating school to another participating school.

4           ~~§4019. District eligibility~~

5                     ~~A covered district that is eligible for inclusion in the program on June 25,~~  
6           ~~2008, shall be considered a covered district for the duration of the program.~~

7           §4020. School participation; application

8                     A. Participation in this program by a school is voluntary, and **nothing in** this  
9           Chapter shall ~~not~~ be **construed to** authorize any additional regulation of participating  
10          schools beyond that specifically authorized by this Chapter.

11                    B. Any school that wishes to participate in the program and enroll  
12          scholarship recipients annually shall notify the department of its intent to participate  
13          in the program by February first of the previous school year; except that for the  
14          ~~2008-2009~~ **2012-2013** school year, a school that seeks to participate in the program  
15          shall notify the department of its intent to participate not later than ~~July 30, 2008.~~  
16          **June 30, 2012.** The notice shall specify the number of seats the school will have  
17          available for scholarship recipients at each grade level and the maximum amount of  
18          tuition attributable to each available seat, **as applicable.**

19          §4021. School eligibility

20                    A. To be eligible to participate in the program, a nonpublic school shall meet  
21          all of the following criteria:

22                    (1) Be approved, provisionally approved, or probationally approved by the  
23          State Board of Elementary and Secondary Education pursuant to R.S. 17:11.

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

26                    (3)~~(a)~~ Enrollment of scholarship recipients in a participating school that has  
27          been ~~in operation~~ **approved, provisionally approved, or probationally approved**  
28          for less than two years shall not exceed twenty percent of such school's total student  
29          enrollment.

1                   (b) ~~The department may grant a waiver of this requirement to a participating~~  
2 ~~school if the governing authority of such school demonstrates a proven record of~~  
3 ~~successful operation of other schools.~~

4                   B. To be eligible to participate in the program, a public school shall be  
5 ~~determined to be academically acceptable~~ **have received a letter grade of "A" or**  
6 **"B", or any variation thereof, for the most recent school year** pursuant to the  
7 ~~Louisiana School and District Accountability Program~~ **school and district**  
8 **accountability system.**

9                   C. Scholarship recipients enrolled in a participating school that fails to meet  
10 the eligibility criteria established in this Section may transfer to another participating  
11 school for the succeeding school year without loss of eligibility, and such ~~students~~  
12 **recipients** shall be given preference for enrollment at other participating schools.

13 §4022. Participating schools; requirements

14                   Each participating school shall:

15                   (1) ~~Within sixty days after the scholarship program admissions period as~~  
16 ~~scheduled by the department, notify the applicant in writing whether the applicant~~  
17 ~~has been accepted.~~

18                   (2) Use an open admissions process in enrolling scholarship recipients in the  
19 program and shall not require any additional eligibility criteria other than those  
20 specified in R.S. 17:4013(3)(2). ~~In the event that there are more scholarship~~  
21 ~~recipients applying for enrollment in a participating school than there are available~~  
22 ~~seats, select scholarship recipients for admission utilizing a random selection process~~  
23 ~~that provides each scholarship recipient with equal opportunity for selection.~~  
24 However, a participating school may give preference to siblings of a student who is  
25 already enrolled in the participating school. ~~For the purposes of such random~~  
26 ~~selection process, twins, triplets, quadruplets, and other such multiple births shall~~  
27 ~~constitute one individual. Participating schools shall notify the department of any~~  
28 ~~scholarship recipient not selected by random selection so that the department may~~  
29 ~~notify those students of other participating schools with an available seat. In the~~

1 event that the student not selected does not wish to enroll in another participating  
2 school, the school shall add the student to a waiting list so that he may be enrolled  
3 when a seat becomes available. Students may remain on more than one participating  
4 school's waiting list; however, upon enrolling in a participating school, their names  
5 shall be removed from waiting lists maintained by other participating schools.

6 ~~(3)~~ **(2)** **Within ten business days of the first day of school as**  
7 **determined by the participating school, notify** the department of scholarship  
8 recipients enrolled.

9 ~~(4)~~ **(3)** Submit to the department an independent financial audit of the school  
10 conducted by a certified public accountant who has been approved by the legislative  
11 auditor. Such audit shall be accompanied by the auditor's statement that the report  
12 is free of material misstatements and fairly presents the participating school's  
13 maximum tuition or actual cost of educating a student pursuant to R.S. 17:4016. The  
14 audit shall be limited in scope to those records necessary for the department to make  
15 scholarship payments to the participating school and shall be submitted to the  
16 legislative auditor for review and investigation of any irregularities or audit findings.  
17 The participating school shall return to the state any funds that the legislative auditor  
18 determines were expended in a manner inconsistent with state law or program  
19 regulations. The cost of such audit shall be paid by the department from funds  
20 appropriated by the legislature to implement the provisions of this Chapter.

21 ~~(5)~~ **(4)** Accept the scholarship amounts provided to scholarship recipients as  
22 full payment of all educational costs, including incidental or supplementary fees; that  
23 are charged to all enrolled students; including but not limited to meals, field trips,  
24 and before- or after-school care.

25 ~~(6)~~ **(5)** ~~Upon enrolling scholarship recipients pursuant to this Chapter, allow~~  
26 ~~such students~~ **Allow scholarship recipients** to remain enrolled in the school **for the**  
27 **duration of the school year at no additional cost to the state or the recipients'**  
28 **parents or legal guardians** if the school voluntarily withdraws from the program  
29 provided that continued funding is appropriated by the legislature for the program.

1           However, ~~students~~ **a scholarship recipient** may be expelled from the school  
 2           according to the school's discipline policy ~~or disqualified from enrollment in~~  
 3           ~~subsequent years if the student is no longer eligible for the program as determined~~  
 4           ~~by the department. In the event~~ **and shall report such dismissal to the department**  
 5           **within two business days of such dismissal.** ~~If~~ funding is not available to continue  
 6           the program, the participating school shall allow a scholarship recipient to remain  
 7           enrolled in such school, provided such ~~student~~ **recipient** meets the school's  
 8           requirements for continued enrollment and ~~the student's~~ **his** parent or legal guardian  
 9           assumes responsibility for paying the tuition and fees charged to all students enrolled  
 10          in the school.

11           ~~(7)~~ **(6)** Prior to enrollment, inform the parent or ~~other~~ legal guardian of a  
 12          scholarship recipient of any and all rules, policies, and procedures of such school,  
 13          including but not limited to academic policies, disciplinary rules, and procedures of  
 14          the school. Enrollment of a scholarship recipient in a participating school constitutes  
 15          acceptance of any such rules, policies, and procedures of such school.

16          §4023. Testing

17                 A participating nonpublic school shall ensure that scholarship recipients are  
 18          administered all examinations required pursuant to the ~~Louisiana School and District~~  
 19          ~~Accountability System~~ **school and district accountability system** at the prescribed  
 20          grade levels ~~including the Louisiana Educational Assessment Program, the integrated~~  
 21          ~~Louisiana Educational Assessment Program (iLEAP), and graduation exit~~  
 22          ~~examinations~~ **and that the results of such examinations are provided to parents**  
 23          **or legal guardians.**

24          §4024. Reports

25                 The ~~Department of Education~~ **department** annually shall report to the Senate  
 26          Committee on Education, the House Committee on Education, and the Joint  
 27          Legislative Committee on the Budget regarding the implementation of the program,  
 28          including the number of eligible students receiving scholarships, a list of  
 29          participating schools and the number of scholarship recipients each such school

1 enrolled, and aggregate test result data for the scholarship recipients enrolled in each  
2 participating school.

3 §4025. Rules

4 The State Board of Elementary and Secondary Education shall adopt and  
5 promulgate rules and regulations in accordance with the Administrative Procedure  
6 Act to implement the provisions of this Chapter.

7 Section 2. R.S. 17:3991(B)(9) and 3996(A)(16) and (B)(4) are hereby repealed in  
8 their entirety.

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The original instrument and the following digest, which constitutes no part  
of the legislative instrument, were prepared by Alan Miller.

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#### DIGEST

Appel (SB 597)

#### **PARENT PETITIONS FOR TRANSFERRING SCHOOLS TO THE RSD**

Present law (R.S. 17:10.5) provides a mechanism by which the State Board of Elementary and Secondary Education (BESE) may remove a failing public school from the jurisdiction of the local public school board transfer such school to the Recovery School District (RSD).

Proposed law (R.S. 17:10.5(F)) retains present law but additionally provides for the transfer of a public school to the RSD if such transfer is approved by BESE and both of the following conditions are met:

1. Parents or legal guardians representing more than 50% of the students attending the school sign a petition requesting the transfer.
2. The school has received a letter grade of "F" or any variation thereof, for three consecutive years.

Requires BESE to adopt rules and regulations for implementation of the petition process including a petition format and submission process, signature validation procedures, and student transfer procedures. Requires the state Dept. of Education (DOE) to maintain records regarding petition contents and outcomes. Provides that parents/legal guardians shall be free from harassment, threats, and intimidation related to the circulation or signing of petitions. Prohibits the use of school and district resources to support or oppose any effort by petitioning parents/legal guardians to gather signatures or sign petitions.

#### **CHARTER SCHOOLS**

Present law provides generally for charter schools which are independent public schools that operate pursuant to a charter agreement with either a local public school board or the State Board of Elementary and Secondary Education (BESE). Local school boards authorize Type 1 and Type 3 charter schools. BESE authorizes Type 2, 4, and 5 charter schools (Type 5 charters may only be found in the RSD). Depending upon the type of charter proposed, a nonprofit organization that wishes to run a charter school, the "chartering group", applies to the "chartering authority" (the local school board or BESE) for approval to operate a charter school. If the application is approved, the chartering authority enters into an agreement with the chartering group which specifies the goals, objectives, terms, and conditions applicable

to the particular school.

### **Type 1B Charter Schools**

Proposed law creates a new type of charter school, Type 1B, and requires BESE to approve a process for certifying "Local Charter Authorizers" which may accept, evaluate, and approve applications for Type 1B charters in accordance with state law and BESE rules and regulations.

Proposed law provides that a Type 1B charter school may be a new school or a preexisting public school that has been converted to a charter school pursuant to an agreement between a nonprofit corporation and a local charter authorizer. Students who reside within the state are eligible to attend a Type 1B charter, as provided in the charter agreement.

Proposed law requires a local charter authorizer to hold a public meeting to receive public input prior to approving a charter for a Type B charter school. Such meeting must be held in the geographic area to be served by the school.

Present law provides that a BESE authorized charter school shall be considered the local education agency for purposes of special education funding and the local school board is the local education agency for the charter schools it authorizes.

Proposed law retains present law and additionally provides that a Type 1B charter school authorized by a local charter authorizer shall be considered the local education agency for special education funding purposes in the same manner as BESE authorized charter schools.

Present law requires charter schools to adopt budgets in accordance with the La. Local Government Budget Act. Proposed law retains present law and makes it applicable to Type 1B charter schools authorized by local charter authorizers. Requires that such schools submit their budgets to their local charter authorizer.

Present law establishes the La. Charter School Start-Up Loan Fund to provide no interest loans to assist charter schools with initial funding.

Proposed law provides that Type 1B charter schools authorized by local charter authorizers are eligible for loans from the fund.

### **Local Charter Authorizers**

Proposed law requires BESE to establish procedures for certifying "local charter authorizers" as an alternate chartering authority (in addition to local school boards and BESE) for public charter schools. Entities eligible to be certified as a local charter authorizer include state agencies, nonprofit corporations with an educational mission, La. public postsecondary education institutions, or the governing authority of a parish or municipality.

With respect to the local charter authorizers, proposed law provides that BESE:

1. Shall not certify a nonprofit corporation as a charter authorizer unless it has been incorporated for at least three years and has not less than \$500,000 in assets, net of liabilities, as reported to the La. Dept. of Revenue.
2. Shall not certify a charter operator as a local charter authorizer.
3. Shall review each proposed local charter authorizer in a timely manner in accordance with the latest Principles and Standards for Quality Charter School Authorizing as established by the National Assoc. of Charter School Authorizers. Further requires BESE to provide for an independent evaluation of the charter proposal by a third party with specified expertise. BESE shall determine whether the proposal complies

- with law and BESE rules and regulations and is valid, complete, financially well-structured, and educationally sound. Provides that such proposals must provide for a master plan of academic excellence for the schools the local charter authorizer will oversee, whether the capacity exists for the local authorizer to authorize not fewer than five schools, and the assurance that it will authorized at least five schools.
4. Shall not certify not more than five local charter authorizers to operate in any regional labor market area, as defined by the Louisiana Workforce Commission, at any given time.
  5. Approve a process by which Type 1B charter schools authorized by a local charter authorizer shall be transferred to BESE as a Type 2 or a Type 5 charter, should the local charter authorizer lose BESE certification or otherwise cease to exist.
  6. Monitor and evaluate the charter schools authorized by a local charter authorizer in accordance with the state's school and district accountability system.
  7. May rescind a charter agreement between a local charter authorizer and a chartering group if the board finds that the local charter authorizer failed to comply with state law and BESE procedures and requirements in approving the charter.

Proposed law provides as follows for initial certification and renewal of local charter authorizers as follows:

1. The initial certification of a local charter authorizer shall be for a period of five years.
2. After the third year of operation, BESE must thoroughly review a local charter authorizer's activities and the performance of the schools it has authorized.
3. If the average performance of the schools authorized by the local charter authorizer is a letter grade of "C", "D", or "F", or any variation thereof, the local charter authorizer shall be placed on probation and must submit a school improvement plan to BESE.
4. If the average performance of the schools authorized by the local charter authorizer is a letter grade of "C", or any variation thereof, after the initial certification period, BESE may recertify the local charter authorizer. The local charter authorizer may maintain the charter schools it previously approved, but may not authorize any additional schools until the average school performance letter grade of the charter schools it authorizes is an "A" or "B", or any variation thereof.
5. If the average performance of the schools authorized by the local charter authorizer is a letter grade of "D", or "F", or any variation thereof, after the initial certification period, BESE shall not recertify the local charter authorizer and shall provide for the transfer of the charter schools authorized by such local charter authorizer to the board as a Type 2 or Type 5 charter school.
6. BESE may renew the certification of a local charter authorizer for periods of not less than three and not more than 10 years, after conducting a thorough review of the schools chartered by the local charter authorizer. BESE must continue to review the local charter authorizer and the schools it authorizes every three years. Renewal of certification and continuing authority to authorize charter schools is dependent on the average school performance letter grades received by the schools chartered by the authorizer. As with the initial 3-year review, an average performance letter grade of "C", or any variation thereof, rescinds a local charter authorizer's authority to charter additional charter schools until performance improves to an "A" or "B". A "D" or "F" letter grade, or any variation thereof, requires BESE cancellation of the



local charter authorizer's certification and transfer of the schools it has authorized to the state board as a Type 2 or Type 5 charter.

Proposed law requires each local charter authorizer to make public through its website, and in printed form, information regarding the guidelines for submitting a charter proposal, the time lines and processes to be used to review such proposals, all forms required to submit a charter proposal, and the name and contact information for a primary point of contact for charter proposals.

Proposed law provides that a charter applicant who believes that a local charter authorizer has not complied with state law and BESE rules and regulations governing the evaluation of a charter application may submit its proposal to BESE for review and approval as a Type 2 charter.

Present law provides that assets acquired by a charter school (except Type 4) are the property of that school for the duration of that school's charter agreement. If the charter agreement is revoked or the school otherwise ceases to operate, all assets purchased with public funds become the property of the chartering authority. Proposed law retains present law and makes it applicable to charter schools authorized by local charter authorizers, with the stipulation that assets that become the property of a local charter authorizer must be used solely for purposes of operating charter schools.

Proposed law provides that if a local charter authorizer loses its BESE certification or otherwise ceases to exist, all of its public assets acquired as a local charter authorizer shall become the property of BESE. Further requires such authorizer to document all assets acquired with private funds.

### **Chartering Process**

Proposed law requires BESE to approve common charter applications developed by DOE for use by all chartering authorities in the state and provides that such applications shall allow a potential chartering group to propose multiple charter schools through a single application.

Proposed law requires BESE to recruit chartering groups that offer programs that address regional workforce needs and which may include vocational and technical education and industry-based certifications.

Proposed law requires BESE to create a process for authorizing multiple charter schools for charter operators that have a demonstrated record of success, including operators that do not operate any schools in La. An operator that meets qualifications established by BESE may enter agreements with BESE to operate more than one charter school under a single agreement.

Present law requires the school board to determine whether a proposed charter is valid, complete, financially well-structured, and educationally sound, whether it provides for a master plan for improving behavior and discipline, whether it provides a plan for collecting data, and whether it offers potential for fulfilling the purposes of the charter school law. Requires a transparent application review process that complies with standards established by the National Assoc. of Charter School Authorizers. Requires that local school boards post specified information regarding charter applications on their websites.

Proposed law retains present law.

Present law requires an independent evaluation of the charter proposal by a third party with educational, organizational, legal, and financial expertise. Requires that, prior to final consideration by the school board, the charter operator must be afforded an opportunity to revise and resubmit an application in response to the independent evaluation.

Proposed law removes requirement for opportunity to revise and resubmit and provides instead for opportunity to submit a written response and that such a response shall be available to the independent reviewer before it makes its final recommendation.

Present law authorizes school boards to accept charter applications until Feb. 28 of each year and requires school boards to act upon charter applications within 90 days after submission and in the order of submission.

Proposed law requires instead that school boards act within time lines established by BESE that are consistent with national best practices. Provides that the BESE time lines shall provide for an annual charter application process and afford school boards at least 90 days to evaluate applications. Further requires each school board to use the common charter application developed by the department and approved by BESE, but authorizes the school board to request additional information.

Present law provides that if an applicant has not received a decision from the school board after 90 days, the charter operator may apply to BESE for a charter.

Proposed law removes this provision and provides instead that if a local board fails to comply with state law, the charter applicant may submit its proposal to BESE. Provides that BESE may review the charter proposal if it determines a local school board failed to comply with state law.

Present law requires local school boards to make available to chartering groups any vacant school facilities for lease or purchase up to fair market value. Provides that in the case of a Type 2 charter created as the result of a conversion, the facility and all property within the existing school shall be made available to the chartering group. Requires the chartering group to pay a proportionate share of the local school board's bonded indebtedness in return for use of the facilities. Further provides that if the facilities were constructed at no cost to the local school board, then such facilities and contents within shall be provided to the charter school at no extra cost.

Proposed law retains present law and includes Type 1B charter schools in the provisions that apply to Type 2 charter schools.

Present law requires that proposals for Type 1 and Type 3 charter schools must first be made to the local school board with jurisdiction where the school is to be located. If the local school board denies the proposal, or if conditions placed on the proposal by the local school board are not acceptable to the chartering group, then a proposal for a Type 2 charter school may be made to BESE.

Proposed law retains present law and additionally provides that if the local school system where a chartering group intends to apply to operate a charter school has received a school performance letter grade of "D" or "F", or any variation thereof, then a proposal for a Type 2 charter school may be made to BESE.

Present law provides that each application for a charter (except a Type 4 charter) shall be submitted to the pertinent chartering authority by a nonprofit corporation established in accordance with state law. Further provides that each approved charter may be approved subject to whatever resolatory or suspensive conditions the chartering authority requires, provided those entering into the charter agree with the conditions.

Proposed law retains these provisions and additionally provides that if the local board or local charter authorizer seeks to amend the charter agreement in a manner that is unacceptable to the charter school or if the charter school finds requested terms for charter renewal to be unacceptable, the charter school may petition BESE to convert to a Type 2 charter school. Requires BESE to notify the local board or local charter authorizer of the request and permit the local board to respond prior to any action.

**Charter School Admissions Criteria**

Present law requires that proposed charters contain or provide for a system for admission decisions that prohibits exclusion of students based on race, religion, special education needs, and other specified factors. Permits admission requirements related to a school's mission such as auditions for performing arts schools and academic achievement for college preparatory schools.

Proposed law generally retains present law except as follows:

1. Disallows inclusion of academic achievement as an admissions criterion for college preparatory schools, but provides that schools chartered prior to July 1, 2012, that include academic achievement as an admission requirement may continue to use such requirement.
2. Allows a charter school with a language immersion mission to use proficiency in a foreign language as an admissions criterion.

**Charter School Enrollment**

Present law provides that unless otherwise provided in the charter agreement a charter school may not enroll in any given year more than 120% of the total number of students which had been approved in the charter without formally amending their charter.

Proposed law retains this provision but additionally provides that BESE may authorize the state superintendent of education and the RSD superintendent to amend the charter of any Type 5 charter school participating in a unified enrollment system administered by the RSD for the purpose of adjusting student enrollment limitations.

**Charter School Teachers and Other School Employees**

Present law requires all charter schools, other than those in the RSD, to employ teachers certified by the state board or the French Ministry of Education for at least 75% of the instructional staff. Provides that the remaining instructional staff shall meet one of the following requirements:

1. Be authorized under law or BESE regulation to teach temporarily while seeking a regular teaching certificate.
2. Have at least a bachelor's degree or at least ten years of experience related to the teaching position, demonstrate exemplary skills in his field of expertise, and be providing instruction under the supervision of a certified teacher.

With respect to charter schools in the RSD, present law requires each school:

1. Beginning no later than the second school year of operation, have not less than the percentage of BESE-certified teachers than was the case in the school prior to its transfer to the RSD.
2. Beginning no later than the third school year of operation, have a BESE-certified teacher teaching every core subject.
3. All other instructional staff shall meet the same requirements established for other types of charter schools.

Proposed law deletes these requirements and instead requires that all instructional staff at a charter school must have at least a baccalaureate degree.

**Charter Revision and Renewal**

Present law provides that approved charters are valid for an initial period of five years.

Proposed law provides that the initial period is four years, but may be extended for an additional year.

Present law provides that after the initial period, a charter may be renewed for periods of not less than three nor more than 10 years.

Proposed law retains present law.

Present law provides that the process for renewing a charter shall be the same as for initial charter approval, with a written report being provided annually to the chartering authority regarding the school's academic progress that year.

Proposed law deletes present law.

Proposed law provides that the operator of a charter school which received a letter grade designation of "A" or "B", or any variation thereof, and has met the criteria established in present law for automatic renewal shall be eligible to open and operate two additional schools that serve the same grade levels and the same enrollment boundaries as defined in the charter agreement of the school it currently operates, without formal application to its chartering authority. Requires the chartering group to notify its chartering authority of its intent to open one or two additional schools at least 120 calendar days prior to the day on which each additional school shall enroll students. Further requires that at least 90 days prior to the day on which each additional school shall enroll students, the chartering authority shall enter into a charter agreement with the chartering group for each additional school and notify BESE of its action.

Present law requires that each charter school provide a comprehensive report to its chartering authority after three years of operation. If the school is achieving its goals, the chartering authority must extend the charter for an additional two years.

Proposed law deletes the reporting requirement and requires instead that the chartering authority review each charter school after three years. If the school is meeting its goals, the initial charter period may be extended to include the fifth year. If not, the charter expires at the end of the school's fourth year.

Present law provides that a charter is automatically renewed if the school has met or exceeded, for the three preceding years, the benchmarks established for it in accordance with present law, has demonstrated growth in student academic achievement for the three preceding school years, and has had no significant audit findings during the term of the charter agreement.

Proposed law provides that the operator of a charter school that qualifies for automatic renewal and has received a letter grade of "A" or "B", or any variation thereof, is eligible to open and operate two additional schools that serve the same grade levels and the same enrollment boundaries without formal application. Requires that the charter operator notify the chartering authority of its intent to open additional charter schools at least 120 calendar days prior to enrolling students and enter into a charter agreement at least 90 calendar days prior to enrolling students.

**Charter School Funding**

Present law provides that for funding purposes, Type 1, Type 3, and Type 4 charter schools shall be considered an approved public school of the local school board entering into the charter agreement and shall receive a per pupil amount each year from the local school

board.

Proposed law retains this provision.

Present law provides that Type 2 charter schools chartered prior to July 1, 2008 (legacy Type 2 charters) shall receive a per pupil amount from DOE using state funds appropriated for that purpose. Provides that Type 2 charter schools authorized by BESE after July 1, 2008 shall receive a per pupil amount each as provided in the MFP formula.

Proposed law deletes provisions for legacy Type 2 charter schools to be funded outside of the MFP formula. Provides that Type 1B charter schools and all Type 2 charter schools will be funded through the MFP formula.

Present law allows a chartering authority to annually charge each charter school it authorizes a fee in an amount equal to two percent of the total per pupil amount received by the charter school to be sued for administrative overhead costs incurred by the chartering authority.

Proposed law retains these provisions but deletes the general reference to the "chartering authority" and instead specifies that BESE, a local school board, and a local charter authorizer may charge such administrative fee.

Present law requires BESE to review information regarding the laws, regulations, and policies from which charter schools are exempt to determine if the exemptions assisted or impeded the charter schools in meeting their stated goals and objectives. Further requires BESE to report to the governor and to the legislative education committees, no later than Jan. 1, 2001, on its findings. Requires that the report include statistical analysis of performance.

Proposed law repeals present law.

### **COURSE PROVIDERS**

Proposed law (R.S. 17:4002.1-4002.6) provides for the Course Choice Program as follows:

#### Definitions:

1. "Course provider" means an entity that offers individual courses in person or online, including online or virtual education providers, postsecondary education institutions, and corporations that offer vocational or technical course work and have been authorized by BESE to provide such courses.
2. "Eligible funded student" means any La. resident student who meets one of the following criteria:
  - (a) Attends a public school with a performance letter grade of "C", "D", or "F", or any variation thereof.
  - (b) Attends a public school that does not offer the course in which the student desires to enroll.
  - (c) Is the recipient of a scholarship pursuant to the Student Scholarship for Educational Excellence program.
3. "Eligible participating student" means any La. resident student who meets one of the following criteria:
  - (a) Attends a public school that has received a performance letter grade of "A" or "B", or any variation thereof.

- (b) Attends a BESE approved nonpublic school.
- (c) Is enrolled in a BESE approved home study program.

**BESE duties and responsibilities:**

1. Create a process for authorizing course providers that shall determine whether the provider's proposal complies with state law and rules, and other specified criteria. The initial authorization period for course providers shall be three years and course providers may be reauthorized for additional periods of 3-5 years.
2. Provide for an independent evaluation of proposals submitted by course providers by a third party with educational, organizational, legal, and financial expertise.
3. Provide for an agreement with each course provider that includes a plan for implementing or providing the following:
  - (a) Administration of state assessments pursuant to the state and district accountability system to all students except for home study students.
  - (b) The parishes or local school systems in which the course provider will operate.
  - (c) Courses to be offered, the designated length of each course, and the alignment of such courses with state content standards.
  - (d) Alignment of courses with high school graduation requirements for all types of state diplomas.
  - (e) Assurance that the course provider, to the best of its ability, will collaborate and coordinate with local school systems.
4. Monitor and evaluate course providers in accordance with performance expectations established by the board. Specifies that student achievement shall be the predominant criterion.
5. Create a common course numbering process and course catalog for all courses offered, by parish, prior to the 2013-2014 school year.
6. Create a reciprocal teacher certification process for certain teachers residing in other states who are employed by course providers and teach virtual education courses to satisfy teacher certification requirements.
7. Adopt rules for implementation of proposed law.

**Local school system duties and responsibilities:**

1. Establish policies and procedures for counting credits earned by and administering state tests to eligible students enrolled in public schools and for all services to be provided to such students, including those with Individual Education Plans.
2. Make the course catalog created by BESE available to all students during the annual course enrollment process.
3. Shall not actively discourage, intimidate, or threaten a student at any time, including during the course enrollment process.

**General Provisions:**

1. Provides that the aggregate test scores of students enrolled in courses offered by course providers shall be counted in the school performance score for the school in which the student is enrolled full time. Further provides that these scores be reported to and published by DOE for each course provider.
2. Provides that all participating students other than home study students must enroll in at least one course at the school in which he is enrolled in full time.

**Funding and Payment to Course Providers:**

1. Specifies that course providers shall receive a per course amount for each eligible funded student equal to 1/6 of 90% of the MFP per pupil amount for the local school system in which the student resides.
2. Provides that 10% of the MFP per pupil amount according to such pro rata share shall remain with the local school system in which the student is enrolled full time to be used to finance any administrative or operational costs to support students enrolled in courses offered by course providers as determined by BESE.
3. Provides that DOE shall transfer course payments to the authorized course provider on behalf of the responsible city or parish school system.
4. For eligible students who receive scholarships to attend nonpublic schools pursuant to state law, the course provider shall receive payment only for the courses in which the student is enrolled and the remaining funds for each student up to the maximum amount as determined by the MFP shall stay with the participating nonpublic school in which the student is enrolled.
5. Allows course providers to charge tuition to eligible participating students (public school students attending an "A" or "B" school, nonpublic school students attending a BESE approved nonpublic school, and home study students enrolled in a BESE approved home study program) in an amount determined by the provider.
6. Provides that 50% of the tuition to be paid or transferred through the MFP to the course provider shall be done so upon student enrollment in a course and 50% shall be paid or transferred upon course completion if the student completes the course within the time established by the course provider. Provides the course provider shall only receive 40% of the course amount if the student completes the course later than the published course length established by the course provider. The remaining 10% of the course amount shall remain with the school in which the eligible funded student is enrolled full time.

**STUDENT SCHOLARSHIPS FOR EDUCATIONAL EXCELLENCE PROGRAM**

Present law provides for the Student Scholarships for Educational Excellence Program for eligible students in grades K-6 as follows:

1. Provides that "eligible student" means a student who:
  - (a) Resides in Orleans Parish.
  - (b) Is a member of a family with a total income not exceeding 250% of the current federal poverty guidelines.
  - (c) Is entering kindergarten or was enrolled in a failing public school in New Orleans in a program eligible grade or received a scholarship in the previous school year and remains program eligible.

2. Provides for scholarships to be awarded to eligible students to attend academically acceptable public schools and nonpublic schools that volunteer to participate in the program and meet certain eligibility requirements.
3. Limits enrollment of scholarship recipients at a participating nonpublic school that has been in operation for less than two years to 20% of total enrollment but permits waivers of this limitation by the state Dept. of Education.
4. Provides for a random selection process coordinated by the department and conducted by participating schools when there are more program applicants than seats available.
5. Permits participating schools to give enrollment preferences to siblings of students already enrolled in the participating school.
6. Permits scholarship recipients to remain eligible to receive scholarships in each succeeding year that they remain enrolled in a participating school through grade 12, unless determined ineligible by the department.
7. Requires participating nonpublic schools to ensure that scholarship recipients are administered all examinations required pursuant to the state's school and district accountability program.
8. Provides for scholarship amounts equivalent to 90% of the per pupil amount for Orleans Parish school system from combined state and local sources (or the amount of tuition and fees for participating nonpublic schools, whichever is less) and provides for an added amount for special education services.
9. Prohibits participating public schools from receiving any MFP funds for scholarship recipients.
10. Specifies that funding shall be provided by legislative appropriation from the state general fund.
11. Requires DOE to remit scholarship payments to participating schools on behalf of the parents/legal guardians who shall assign the full value of the scholarship to the participating school.
12. Provides for administration of the program by DOE in accordance with rules and regulations adopted by BESE.
13. Requires DOE to annually report to the House and Senate education committees and the Joint Legislative Committee on the Budget on the implementation of the program including specified information.

Proposed law changes the program as follows:

1. Expands eligibility to students statewide and provides that "eligible student" means a student who:
  - (a) Is a member of a family with a total income not exceeding 250% of the current federal poverty guidelines.
  - (b) Is entering kindergarten or was enrolled in a La. public school on Feb. 1<sup>st</sup> of the previous year that had a letter grade of "C", "D", or "F", or any variation thereof, or received a scholarship the previous school year. Specifies that those students entering kindergarten shall have enrolled in the local school system where the public school they otherwise would have attended is



located or in an RSD school.

2. Eligible participating schools shall be those throughout La. (instead of Orleans Parish only) that meet program requirements. Specifies that public school participation shall be subject to any applicable court-ordered desegregation plans.
3. Requires the notice of intent from schools seeking to participate to include the number of seats available per grade and whether the school will offer enrollment preferences to students based on the parishes where they reside.
4. Requires the principal of an eligible public school to submit the notice of intent for program participation with the local superintendent's approval. Further requires the local school board to delegate the authority to participate in the program to the local superintendent.
5. Provides that DOE shall conduct the random selection process until each seat is filled, instead of the participating school. Permits a unified enrollment system administered by the Recovery School District to be considered the random selection process.
6. Requires that applications from parents/legal guardians of students shall indicate their choices of participating schools and requires that scholarship recipients be placed according to the indicated preferences.
7. Authorizes DOE to give enrollment preferences to:
  - (a) Siblings of students already enrolled in the participating school.
  - (b) Students enrolled in the Nonpublic School Early Childhood Development Program at the participating school.
  - (c) Students transferring from an ineligible school.
  - (d) Students residing in such parishes as may be specified by an eligible participating school in its notice of intent.
8. Deletes requirements that the department annually verify student eligibility status.
9. Requires DOE to annually publish the following information for all participating schools:
  - (a) The most recent aggregate average proficiency rates on state assessments for scholarship recipients enrolled at each participating school.
  - (b) A list of all public schools with a letter grade of "C", "D", or "F", or any variation thereof.
  - (c) The rate at which scholarship recipients finish the highest grade level offered at a participating school, by entering cohort.
  - (d) The retention rate for scholarship recipients.
  - (e) The percentage of parents/legal guardians of scholarship recipients who are satisfied with the participating school.
10. Relative to nonpublic schools accepting scholarship students as more than 20% of total enrollment, requires that the school has to have been approved, provisionally approved, or probationally approved by BESE for more than 2 years instead of in

- operation for such time and removes authority for the department to waive this requirement.
11. Deletes eligibility requirement that a public school be academically acceptable and instead requires that the school have a letter grade of "A" or "B" or any variation thereof, for the most recent school year.
  12. Deletes provisions that a scholarship recipient already participating in the program may be determined ineligible and disqualified from participating in the program in subsequent years.
  13. Specifies that if a scholarship recipient remains enrolled in a school after the school withdraws from the program, it shall be at no cost to the state or the parents.
  14. Excludes scholarship recipients attending participating nonpublic schools from present law that requires local school boards to provide free transportation to students who reside more than one mile from school.
  15. Requires the department annually to publish certain student test result data, and requires participating schools to inform parents of certain test result data compiled and received from the department.
  16. Deletes requirement that the scholarship amount for participating schools be 90% of the per pupil amount or applicable tuition costs and instead requires BESE to annually allocate from the MFP to each participating school, an amount equal to the amount allocated per pupil to the local school system in which the participating student resides. Provides that such amount shall be counted toward the equitable allocation of funds appropriated to local school systems as provided in Art. 8, Sec. 13, of the state constitution. For participating schools that charge tuition, provides that any remaining funds shall be returned to the state or to the local public school system according to the pro rata share for the annual per pupil amount as determined by the MFP.
  17. Requires DOE to transfer scholarship payments to participating schools on behalf of the responsible local public school system.
  18. Provides that scholarship recipients shall be considered public school students for MFP funding purposes.
  19. For program funding purposes, requires students entering kindergarten to enroll in their local public school system or in an RSD school and requires school systems and the RSD to conduct and report their annual kindergarten enrollment in accordance with a time line specified by the department prior to the program enrollment process.
  20. Deletes the requirement that federal special education funding be added for special education students receiving scholarships, deletes the prohibition on participating schools receiving any MFP funds for scholarship recipients, and deletes the requirement that funding be provided by legislative appropriation from the state general fund.
  21. Provides that parents of scholarship recipients in participating nonpublic schools who are entitled to special education services shall indicate, in writing, one of the following:
    - (a) That the parent/legal guardian revokes consent for the student to receive such services from the participating nonpublic school or the local school system in which the scholarship recipient would otherwise be attending.

- (b) That the scholarship recipient will receive such services from the participating nonpublic school if the school chooses to offer such services. Allows participating nonpublic schools to charge higher tuition for special education students receiving such services.
22. Requires BESE annually to allocate from the MFP to each participating school a per pupil amount equal to a special education tuition amount which is in addition to the nonpublic school's maximum scholarship payment. Prohibits the total of the payment and the special education tuition from exceeding the amount allocated for that student to the local school system.
23. Requires that in order to provide special education services, a participating nonpublic school shall meet certain criteria including having had provided special education services for at least 2 years under specified conditions.

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

(Amends R.S. 17:158(A)(1), 3973(3) through (6), 3981(4), 3982(A)(1)(a) and (2) and (B), 3983(A)(2)(a)(i), (3)(a), and (4)(a), (b), and (d), (B)(2), (D), and (G), 3991(B)(3) and (13), (C)(1)(c)(iv) and (6), (D)(2)(a)(i), and (H), 3992(A)(1), 3995(A)(1)(intro para) and (c) and (4)(a), 3996(C) and (G), 3998, 4001(A) and (C)(1) and (2), and 4011 through 4025; Adds 17:10.5(F), 3973(2)(b)(vi) and (7), 3981(7) and (8), 3981.1, 3981.2, 3982(A)(3), 3983(A)(2)(a)(iii) and (d) and (3)(d) and (E)(3), 3992(D), and 4002.1 through 4002.6; Repeals R.S. 17:3991(B)(9), 3996(A)(16) and (B)(4))

#### Summary of Amendments Adopted by Senate

##### Committee Amendments Proposed by Senate Committee on Education to the original bill.

1. Changes the percentage of parental signatures required to petition BESE to transfer a public school with a letter grade of "F" from "at least 51%" of the student enrollment to "more than 50%".
2. Allows a chartering group in a local school system with a "D" or "F" letter grade to apply to BESE for a Type 2 charter without first applying to the local school board.
3. Deletes present law allowing proposed charters to include academic achievement for college preparatory schools as admission requirements for schools chartered after July 1, 2012.
4. Permits that admission requirements of proposed charters may include proficiency in a foreign language for schools with a language immersion mission.
5. Makes present law requirement that assets acquired by a charter school (except Type 4) remain the property of that school for the duration of that school's charter agreement applicable to charter schools authorized by local charter authorizers.
6. Adds that assets that become the property of a local charter authorizer shall be used solely for purposes of operating charter schools.
7. Requires that in addition to qualifying for automatic renewal to be eligible to open and operate two additional schools without formal application, a charter school operator also shall have received a letter grade of "A" or "B" or any variation thereof.
8. Relative to course providers, removes home study students from the definition

of "eligible funded student" and instead includes such students in the definition of "eligible participating student".

9. Relative to funding for eligible participating students (in the course choice program) who receive scholarships pursuant to the scholarship program, requires that the course provider shall receive payment only for the courses in which the student is enrolled pursuant to proposed law and the remaining funds for each student up to the maximum amount as determined by the MFP stay with the participating school in which the student is enrolled.
10. Relative to the Student Scholarships for Education Excellence Program, adds to enrollment requirements for students entering kindergarten that they enroll in their local public school system or in an RSD school and also requires the RSD to conduct and report its annual kindergarten enrollment.
11. Adds requirement that the notice of intent from a school seeking to participate in the program include whether the school elects to offer enrollment preferences to students based on the parishes where they reside.
12. Adds authorization for the state Dept. of Education to give enrollment preferences to students residing in parishes as may be specified by eligible participating schools in their notices of intent.
13. Provides that the state Dept. of Education shall conduct the random selection process until each seat is filled according to the department's established time line instead of prior to the start of the school year.
14. Provides that in order to accept scholarship students as more than 20% of total enrollment, a nonpublic school has to have been approved, provisionally approved, or probationally approved for more than 2 years instead of in operation for such time and deletes present law and proposed law waiver authority and related criterion.