

Regular Session, 2014

HOUSE BILL NO. 774

BY REPRESENTATIVE SHADOIN

SCHOOLS/CHOICE: Provides relative to the Course Choice Program

1 AN ACT

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

10 Be it enacted by the Legislature of Louisiana:

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

13 §4002.3. Definitions

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

16 \* \* \*

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

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

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

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

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

12 (a) ~~Is attending a public school that has received a letter grade of "A" or "B",~~  
13 ~~or any variation thereof, according to the school and district accountability system~~  
14 Is a scholarship recipient attending a participating school pursuant to R.S. 17:4011,  
15 et seq.

16 \* \* \*

17 §4002.4. State board; powers and duties relative to course providers

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

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

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

4 \* \* \*

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

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

13 (2) The state board shall include any course offered for dual enrollment by  
14 a Louisiana public institution of postsecondary education in the course catalogue,  
15 with no requirement for course approval by the board or the state Department of  
16 Education.

17 §4002.5. ~~Local school systems~~ Public school governing authority duties; per course  
18 providers accountability; rules

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

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

26 (1) ~~(2)~~ (2) Credits earned through the course provider shall appear on each ~~such~~  
27 student's official transcript and count fully towards the requirements of any approved  
28 Louisiana diploma.

1           ~~(2) (3)~~ Tests required pursuant to R.S. 17:24.4 shall be administered to each  
2 such student attending a public school State assessments as required by the school  
3 and district accountability system shall be administered to each student.

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

8   \*       \*       \*

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

13 §4002.6. Course providers; funding; course amounts; reimbursement

14           A.~~(1)~~ The course provider shall receive a course amount for each eligible  
15 funded student, as approved by the state Department of Education or the governing  
16 authority of the public elementary or secondary school that the student attends.

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

28           ~~(3)~~ For each student identified in R.S. 17:4002.3(2)(a) and (b), an amount  
29 equal to ten percent of the per pupil amount according to the pro rata share as

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 ~~determined each year by the minimum foundation program for the local school~~  
2 ~~system in which such student resides shall remain with the local school system in~~  
3 ~~which the eligible funded student is enrolled full time. These funds shall be used to~~  
4 ~~finance any administrative or operational costs to support students enrolled in~~  
5 ~~courses offered by course providers, as determined by the state board.~~

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

13 B.(1) ~~The course provider may charge tuition to any eligible participating~~  
14 ~~student in an amount equal to the amount determined by the course provider and~~  
15 ~~reported to the approved by the state Department of Education in accordance with~~  
16 ~~Paragraph (A)(2) of this Section.~~

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

19 C.(1) Fifty percent of the course amount ~~of~~ or tuition to be paid ~~or~~  
20 ~~transferred through the minimum foundation program to the course provider shall be~~  
21 ~~paid or transferred upon student enrollment in a course and fifty percent shall be paid~~  
22 ~~or transferred upon course completion according to the published course length.~~

23 (2) If a student does not complete a course according to the published course  
24 length ~~in which~~ and the course provider has received the first payment pursuant to  
25 Paragraph (1) of this Subsection, the course provider shall receive forty percent of  
26 the course amount as ~~defined~~ provided in Paragraph (A)(2) of this Section only if  
27 Subsections A and B of this Section, provided the student completes and receives  
28 credit for the course ~~and receives credit for the course~~ prior to leaving school  
29 pursuant to R.S. 17:221 or graduating from high school pursuant to R.S. 17:24.4.

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

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

10          (b) The Department of Education shall provide forms and guidelines  
11          whereby the governing authority of a public school may request such reimbursement  
12          and ensure that reimbursement is made within sixty days of receipt of the  
13          application.

14          Section 2. R.S. 17:4002.5(C) and (E) are hereby repealed in their entirety.

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

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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Shadoin

HB No. 774

**Abstract:** Provides relative to the Course Choice Program including student eligibility and enrollment, course approval, course amounts, and funding.

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

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

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

Proposed law instead defines "eligible funded student" as a student who resides in La., attends a public school, and has obtained permission from the local school superintendent or other designated person to enroll in a course offered by a course provider.

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

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

Proposed law retains present law except changes (1) to a student who is a scholarship recipient pursuant to the voucher program instead of a student who attends an "A" or "B" public school.

Present law requires that course providers receive a per course amount for each eligible funded student which shall be 1/6 of 90% of the annual minimum foundation program (MFP) per-pupil amount. Requires any remaining funds (with certain exceptions) to be returned to the state or the local school system in accordance with certain annual MFP per-pupil amounts. Provides for certain amounts of funds to remain with local school systems and schools participating in the voucher program to finance administrative or operational costs to support students enrolled in courses offered by course providers. Proposed law instead provides that the course provider shall receive a course amount for each eligible funded student, as approved by the state Dept. of Education or the governing authority of the public school that the student attends.

Present law allows course providers to charge tuition to eligible participating students in an amount determined by the provider and reported to the state Dept. of Education. Proposed law instead allows a course provider to charge tuition to any eligible participating student in an amount approved by the department.

Present law provides that 50% of the amount of tuition to be paid or transferred through the MFP to the course provider shall be paid or transferred upon student enrollment in a course, and 50% shall be paid or transferred upon course completion, according to the published course length. Proposed law retains present law payment process except deletes reference to payment or transfer through the MFP.

Proposed law provides that the state shall reimburse the governing authority of the public school a student attends for 90% of the cost established for each course the student enrolls in pursuant to the course choice program out of funds appropriated or otherwise made available for this purpose. Further requires the Dept. of Education to provide forms and guidelines whereby the governing authority of a public school may request such reimbursement and ensure that reimbursement is made within 60 days of receipt of the application.

Present law requires BESE to create a common course numbering system and a course catalogue for all courses offered, by parish. Proposed law retains present law and additionally requires BESE to update the course catalogue prior to the beginning of each school year. Further requires BESE to include any course offered for dual enrollment by a La. public postsecondary education institution in the course catalogue, with no requirement for course approval by BESE or the state Dept. of Education.

Proposed law changes references in present law to "local school system" and "local board" to "public school governing authority" and requires such governing authorities to establish policies and procedures for granting approval to an eligible funded student to enroll in a course offered by a course provider.

Present law requires BESE to adopt rules necessary to implement the Course Choice Program, including requirements for school governing authorities whose students enroll in courses offered by course providers. Proposed law deletes authority for rules imposing requirements on school governing authorities and requires BESE to promulgate rules to implement the program in accordance with the Administrative Procedure Act.

Present law prohibits local public school systems from actively discouraging, intimidating, or threatening a student during the course enrollment process or at any time. Requires each public school student to enroll in at least one course at the school in which he is enrolled full time. Proposed law deletes present law.

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

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