

Regular Session, 2012

SENATE BILL NO. 182

BY SENATOR NEVERS

SCHOOLS. Provides relative to school choice. (gov sig)

AN ACT

To amend the title of Chapter 43 of Title 17 of the Louisiana Revised Statutes of 1950, to enact Part III of Chapter 43 of Title 17 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 17:4035 and 4035.1, and to enact Part IV of Chapter 43 of Title 17 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 17:4035.5 through 4035.7, relative to school choice and school and educator accountability; to establish and provide for the implementation of the Louisiana Parental School Choice Scholarship program; to provide for definitions; to provide relative to the duties of the State Board of Elementary and Secondary Education and the state Department of Education; to provide relative to eligibility and participation requirements for students and schools; to provide relative to funding and payments to eligible schools; to provide relative to testing; to provide for reports; to provide relative to participation of certain non-public schools in the state school and district accountability system; to provide with respect to the certification and evaluation of teachers and administrators employed in certain non-public schools; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

1 Section 1. The title of Chapter 43 of Title 17 of the Louisiana Revised Statutes of
2 1950, is hereby amended and reenacted and Part III of Chapter 43 of Title 17 of the
3 Louisiana Revised Statutes of 1950, comprised of R.S. 17:4035 and 4035.1, and Part IV of
4 Chapter 43 of Title 17 of the Louisiana Revised Statutes of 1950, comprised of R.S.
5 17:4035.5 through 4035.7, are hereby enacted to read as follows:

6 CHAPTER 43. SCHOOL CHOICE ~~SCHOLARSHIPS~~

7 * * *

8 PART III. PARENTAL CHOICE

9 §4035. Short title

10 This Part shall be known and may be cited as the "Louisiana Parental
11 School Choice Act".

12 §4035.1. Parental School Choice Scholarship Program

13 A. The Parental School Choice Scholarship Program is hereby created
14 and shall be administered by the Department of Education.

15 B. As used in this Section, unless otherwise clearly indicated, the
16 following terms shall mean:

17 (1) "Department" means the state Department of Education.

18 (2) "Eligible student" means any child who is required to attend school
19 pursuant to the provisions of R.S. 17:221.

20 (3) "Participating school" means:

21 (a) Every public elementary and secondary school.

22 (b) Any non-public elementary and secondary school approved by the
23 State Board of Elementary and Secondary Education that chooses to accept
24 scholarship recipients pursuant to this Part.

25 (c) Any home study program approved by the State Board of
26 Elementary and Secondary Education in accordance with the provisions of R.S.
27 17:236.1 that chooses to accept scholarship recipients pursuant to this Part.

28 (4) "Scholarship" means the funds awarded to the parent or other legal
29 guardian on behalf of an eligible student to attend a participating school

1 pursuant to this Part.

2 (5) "Scholarship recipient" means an eligible student who is awarded a
3 scholarship pursuant to this Part.

4 C. (1) Beginning with the 2012-2013 school year, notwithstanding any
5 law, rule, or regulation to the contrary, the parent or legal guardian of every
6 eligible student may choose the participating school the student will attend,
7 provided the requested school has sufficient capacity at the appropriate grade
8 level.

9 (2) The provisions of this Part shall apply regardless of school system
10 boundaries and the governing authorities of all participating schools shall work
11 cooperatively to ensure compliance herewith.

12 (3) The authority of an eligible student's parent or legal guardian to
13 choose the school the student will attend shall not be permitted and may not be
14 exercised if doing so violates the order of any court of competent jurisdiction.

15 D. The Department of Education shall:

16 (1) Determine student eligibility for scholarships.

17 (2) Establish a system to match eligible students with participating
18 schools as requested by the student's parent or other legal guardian.

19 (3) Remit scholarship payments to participating schools on behalf of a
20 scholarship recipient.

21 E.(1) The amount of the scholarship provided on behalf of a scholarship
22 recipient shall be as follows:

23 (a) For a scholarship recipient enrolled in a public elementary or
24 secondary school, the scholarship amount shall be equal to the per pupil amount
25 allocated to the governing authority of the school in which the student is
26 enrolled, as contained in the Minimum Foundation Program formula.

27 (b) For a scholarship recipient enrolled in a participating non-public
28 elementary or secondary school, the scholarship amount shall be equal to the
29 state portion of the per pupil allocation to the governing authority of the school

1 system within the boundaries of which the participating non-public school is
2 located, as contained in the Minimum Foundation Program formula.

3 (c) For a scholarship recipient enrolled in an approved home study
4 program, the scholarship amount shall be equal to the state portion of the per
5 pupil allocation to the governing authority of the school system within the
6 boundaries of which the eligible student resides, as contained in the Minimum
7 Foundation Program formula.

8 (2) Funding for scholarships awarded to parents or other legal
9 guardians of eligible students shall be provided through the Minimum
10 Foundation Program formula as adopted by the State Board of Elementary and
11 Secondary Education and approved by the legislature.

12 F. A participating non-public school and home study program shall
13 ensure that scholarship recipients are administered all examinations required
14 pursuant to the Louisiana School and District Accountability System at the
15 prescribed grade levels.

16 G. The Department of Education annually shall report to the Senate
17 Committee on Education, the House Committee on Education, and the Joint
18 Legislative Committee on the Budget regarding the implementation of the
19 program, including the number of eligible students receiving scholarships, a list
20 of participating schools and the number of scholarship recipients each such
21 school enrolled, and aggregate test result data for the scholarship recipients
22 enrolled in each participating school.

23 H. The State Board of Elementary and Secondary Education shall adopt
24 and promulgate rules and regulations in accordance with the Administrative
25 Procedure Act to implement the provisions of this Section.

26 PART IV. SCHOOL CHOICE ACCOUNTABILITY

27 §4035.5. Short Title

28 This Part shall be known and may be cited as the "Louisiana School
29 Choice Accountability Act".

1 **§4035.6. Non-public schools; participation in school and district accountability**
 2 **system; teacher and administrator certification and evaluation**

3 **Each non-public elementary and secondary school with an enrollment**
 4 **of fifty or more students and which receives any state funds shall be required**
 5 **to participate in the Louisiana School and District Accountability System**
 6 **developed pursuant to R.S. 17:10.1 in the same manner and to the same extent**
 7 **as public elementary and secondary schools.**

8 **§4035.7. Non-public schools; teacher and administrator certification and**
 9 **evaluation**

10 **Each teacher and administrator employed in a non-public elementary**
 11 **and secondary school with an enrollment of fifty or more students and which**
 12 **receives any state funds shall be required to meet the same certification**
 13 **requirements and standards established for teachers and administrators in**
 14 **public elementary and secondary schools and shall be evaluated on an annual**
 15 **basis in the same manner established for teachers and administrators employed**
 16 **in public elementary and secondary schools pursuant to R.S. 17:3881 through**
 17 **3905.**

18 Section 2. This Act shall become effective upon signature by the governor or, if not
 19 signed by the governor, upon expiration of the time for bills to become law without signature
 20 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 21 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 22 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part
 of the legislative instrument, were prepared by Jeanne C. Johnston.

DIGEST

Proposed law changes the title of Ch. 43 of Title 17 of the La. Revised Statutes from "School
 Choice Scholarships" to "School Choice".

Proposed law creates the La. Parental School Choice Scholarship Program as follows:

- (1) Beginning with the 2012-2013 school year, the parent or legal guardian of every child required to enroll in school pursuant to existing law may choose the school their child will attend, be it a public school or a participating BESE approved non-

- public school or home study program, provided the school requested has sufficient capacity at the appropriate grade level. Provides that proposed law shall be implemented regardless of school boundaries and requires the governing authorities of all participating schools to work collaboratively to comply with proposed law. Further provides that the authority of an eligible student's parent or legal guardian to choose the school the student will attend shall not be permitted and may not be exercised if doing so violates the order of any court of competent jurisdiction.
- (2) Defines "participating school" as every public elementary and secondary school, and any BESE approved non-public elementary and secondary school and home study program that chooses to accept scholarship recipients.
- (3) The Dept. of Education must:
- (a) Determine student eligibility for scholarships.
 - (b) Establish a system to match eligible students with participating schools as requested by the student's parent or legal guardian.
 - (c) Remit scholarship payments to participating schools on behalf of a scholarship recipient.
- (4) Provides for scholarship amounts as follows:
- (a) For scholarship recipients enrolled in a public elementary or secondary school, the scholarship amount shall be equal to the per pupil amount allocated to the governing authority of the school in which the student is enrolled, as contained in the MFP formula.
 - (b) For scholarship recipients enrolled in a participating non-public elementary or secondary school, the scholarship amount shall be equal to the state portion of the per pupil allocation to the governing authority of the school system within the boundaries of which the participating non-public school is located, as contained in the MFP formula.
 - (c) For scholarship recipients enrolled in an approved home study program, the scholarship amount shall be equal to the state portion of the per pupil allocation to the governing authority of the school system within the boundaries of which the eligible student resides, as contained in the MFP formula.
- (5) Provides that funding for school choice scholarships shall be provided through the MFP formula adopted by BESE and approved by the legislature.

Proposed law requires each non-public elementary and secondary school with an enrollment of 50 or more students and which receives state funds to participate in the La. School and District Accountability System in the same manner and to the same extent as public elementary and secondary schools.

Proposed law provides that each teacher and administrator employed in a non-public elementary and secondary school with an enrollment of 50 or more students and which receives state funds must meet the same certification requirements and standards established for teachers and administrators in public schools and must be evaluated on an annual basis in the same manner established for teachers and administrators employed in public elementary and secondary schools.

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

(Amends Ch. 43 of title 17 (title); adds R.S. 17:4035 and 4035.1 and 4035.5 through 4035.7)