Regular Session, 2014

# ACT No. 482

**ENROLLED**

SENATE BILL NO. 179

BY SENATOR MORRISH

AN ACT

To amend and reenact R.S. 17:4002.3(2) and (3), 4002.4(A)(1), (2)(a), (C), and (D), 4002.5(A) and (F), and 4002.6, and to repeal R.S. 17:4002.5(C) and (E), relative to the course choice program; to provide with respect to definitions; to provide with respect to student eligibility, course approval, and enrollment; to provide with respect to course amounts and funding; to provide relative to teacher reciprocity; to provide with respect to a course catalogue; to provide with respect to the duties of the State Board of Elementary and Secondary Education and public school governing authorities; to provide for rules; to provide for disbursement of funds available for the program; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

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

§4002.3. Definitions

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

* * *

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

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

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



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**pursuant to this Part.**

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

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

(a) ~~Is attending a public school that has received a letter grade of "A"or "B", or any variation thereof, according to the school and district accountability system~~ **Is a scholarship recipient as defined in R.S. 17:4013 attending a participating school in accordance with R.S. 17:4011 through 4025**.

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

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

* * *

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

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

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

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

* * *

C. ~~Not later than January 1, 2013, the~~ **The** state board shall create **and**



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**maintain** a reciprocal teacher certification process for teachers who reside in other states but who are employed by authorized course providers and teach virtual education courses to satisfy the state certification requirements pursuant to R.S. 17:7.1.

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

**(2) The state board shall include any course offered for dual enrollment by a Louisiana public institution of postsecondary education in the course catalogue, with no requirement for course approval by the board or the Department of Education, provided the course meets the Carnegie unit requirements for high school graduation.**

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

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

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

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

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

~~(3)~~**(4)** All services to which each ~~such~~ student ~~attending public school~~ would be entitled if attending the school in which he is enrolled full time for all courses,


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including but not limited to special education services pursuant to the student's Individual Education Plan shall be provided.

* * *

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

§4002.6. Course providers; funding**; course amounts**

A.~~(1)~~ The course provider shall receive a course amount for each eligible funded student**, as approved by the State Board of Elementary and Secondary Education**.

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

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

~~(4) For students identified in R.S. 17:4002.3(2)(c), the course provider shall~~



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~~receive payment only for the courses in which the student is enrolled in accordance with Subsection C of this Section. The remaining funds for each of these students up to the maximum amount for the parish in which the participating student resides as determined each year by the minimum foundation program or actual tuition and fees, as applicable, shall remain with the participating school in which the student is enrolled in accordance with R.S. 17:4011 through 4025.~~

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

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

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

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

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

**(a) The state shall disburse any funds allocated, appropriated, or otherwise made available for the purposes of this Part to each city and parish**



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**public school system and other public school.**

**(b) Any such funds that are not committed for use by the school system or other public school shall be subject to reallocation to another public school system or other public school for the purposes of this Part.**

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

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

_____
PRESIDENT OF THE SENATE

_____
SPEAKER OF THE HOUSE OF REPRESENTATIVES

_____
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____


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