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Title 28 EDUCATION

Part CLIII. Bulletin 133—Scholarship Programs

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Title 28 EDUCATION

Part CLIII. Bulletin 133—Scholarship Programs

Chapter 1. General Provisions

§101. Definitions

Department—the state Department of Education.

Eligible Nonpublic School—a non-public school that meets the following criteria:

1. is approved, provisionally approved, or probationally approved by the state Board of Elementary and Secondary Education pursuant to R.S. 17:11; and

2. is approved according to *Brumfield, et al. v. Dodd, et al.* 425 F. Supp. 528.

Eligible Public School—a public school with a letter grade of "A" or "B", or any variation thereof, for the most recent school year a letter grade is available, pursuant to the school and district accountability system.

Eligible Nonpublic School—a non-public school that meets the following criteria:

1. is approved by the state Board of Elementary and Secondary Education as either an accredited approved school, a non-accredited approved school, a Louisiana Montessori accredited approved school, or a Louisiana Montessori provisionally accredited approved school pursuant to R.S. 17:11; and

2. is approved according to *Brumfield, et al. v. Dodd, et al.* 425 F. Supp. 528.

Eligible Student—a student who resides in Louisiana, is a member of a family with a total income that does not exceed two hundred fifty percent of the current federal poverty guidelines as established by the federal office of management and budget, and who meets any one of the following criteria:

1. is entering kindergarten and has enrolled in the local school system in which the public school he/she would have otherwise attended is located or in a school under the jurisdiction of the Recovery School District; or

2. was enrolled in a public school in Louisiana on October first and on February first of the most recent school year pursuant to the definition of student membership established by the state board for purposes of the Minimum Foundation Program formula, and such school received a letter grade of "C", "D", or "F" or any variation thereof, for the most recent year a letter grade is available, pursuant to the school and district accountability system; or

3. received a scholarship pursuant to this Program in the previous school year.

Fees—standard educational fees that are charged to all students at a participating school.

Participating School—a school that meets program requirements and seeks to enroll scholarship recipients pursuant to this Chapter or a public school that meets program requirements and seeks to enroll scholarship recipients pursuant to this Chapter subject to any court-ordered desegregation plan in effect for the school system in which the public school is located.

Program—the Student Scholarships for Educational Excellence Program.

Scholarship Recipient—an eligible student who is awarded a scholarship pursuant to this Program.

Transfer—a change in enrollment status resulting from the movement of an eligible student from one participating school to another participating school during the current school year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and R.S. 17:4025.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR: 38:3129 (December 2012), amended LR 40:2521 (December 2014).

Chapter 3. Registration

§301. School Registration Process

A. In administering the school registration process for the program, the department shall:

1. receive an annual notice of intent from eligible public and eligible nonpublic schools seeking to participate in the program;

2. establish and publish a timeline for the submission of notices of intent from eligible schools seeking to participate in the program; and

3. establish an internal review process for determining initial and continuing school eligibility, including assessment of whether a school meets the criteria for participation as determined by the department and, as needed, additional site visits, audits, and assessments of compliance with applicable health and safety regulations. Guidance on the criteria for participation shall be published annually by the department.

B. Participating schools shall:

1. submit an annual notice of intent with the following information:

a. the number of available seats per grade. Enrollment of scholarship recipients in a participating school

that has been approved for less than two years shall not exceed 20 percent of the school's total student enrollment;

b. whether the school elects to offer an enrollment preference to a student based on the parish in which the student resides;

c. any other information requested by the department;

d. for eligible nonpublic schools:

i. if a nonpublic school elects to provide special education services, the school must provide information regarding special education services it is able to and shall provide, the services the local school system is able to and shall provide, and the services the local school system currently provides to children with special needs as defined in R.S. 17:1942;

ii. schools charging tuition must include the maximum amount of tuition, including all allowable fees;

iii. tuition and fees may not be higher than those charged to non-scholarship students;

e. for eligible public schools, the notice of intent must be submitted by the principal of the school with the approval of the local superintendent. The local school board shall delegate the authority to participate in the program to the local superintendent.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and R.S. 17:4025.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:3129 (December 2012), amended LR 40:2521 (December 2014).

§303. Student Enrollment Process

A. In administering the program, the department shall:

1. determine student eligibility for scholarships;

2. accept applications from parents or legal guardians of eligible students which indicate the parent or legal guardian's choice(s) of participating schools;

3. process applications from students:

a. in the event there are more eligible students who submit applications than there are available seats at participating schools for any grade, the department shall conduct a random selection process to award scholarships that provides each eligible student an equal opportunity for selection based on students' indicated preferences;

b. only after each student who attended or otherwise would be attending a public school that received a letter grade of "D" or "F" or any variation thereof has been placed at a participating school which the parent or legal guardian indicated as a choice on the eligible student's application shall a student who attended a public school that received a letter grade of "C" or any variation thereof be entered into the random selection process. At such time, each student who attended or otherwise would be attending a public school that received a letter grade of "C" or any variation

thereof shall be provided an equal opportunity for selection into that particular school;

c. the department may give preference to the following:

i. siblings of students already enrolled in the participating school;

ii. students enrolled in the Nonpublic School Early Childhood Development Program at the participating school;

iii. participating students transferring from an ineligible school; and

iv. students residing in the parishes as indicated pursuant to the notice of intent, if applicable;

d. for the purposes of the random selection process, twins, triplets, quadruplets, and other such multiple births shall constitute one individual;

4. notify parents or legal guardians of eligible students who applied for scholarships whether they have been awarded a scholarship and placed at a particular participating school;

5. notify participating schools of the roster of students assigned through the program;

6. the department will remit scholarship payments to participating schools on behalf of a scholarship recipient. See Chapter 5 of this Bulletin for more details;

B. Parent/Legal Guardian Obligations

1. Once students are notified of their scholarship award to a participating school, their parents or legal guardians shall have fourteen days to notify the participating school of their intention to enroll their student.

2. If a scholarship recipient enrolled in a participating nonpublic school would have been entitled to receive special education services in the public school he would otherwise be attending, his parent or legal guardian shall acknowledge in writing, as part of the enrollment process that the parent or legal guardian agrees to accept only such services as are available to all students enrolled in the nonpublic school.

3. Enrollment of a scholarship recipient in a participating school constitutes acceptance of any such rules, policies, and procedures of such school, including but not limited to academic policies, disciplinary rules, and procedures of the school.

C. LEA Obligations

1. Each local school system shall conduct its annual kindergarten enrollment process in accordance with the department's timeline and shall report such enrollment to the department prior to the program enrollment process.

2. Each local school system shall include and identify scholarship recipients in its student information system, as determined by the department.

D. Participating School Obligations

1. Participating schools shall:

a. not discriminate against a child with special educational needs during the program admissions process. However, a participating nonpublic school is required to offer only those services that it already provides or such services as necessary to assist students with special needs that it can provide with minor adjustments;

b. provide assistance with the student application process, as determined by the department;

c. provide an assurance to the department accepting responsibility for costs associated with any participating students enrolled who are found to be ineligible to participate in the program;

d. inform the parent or legal guardian of a scholarship recipient of any and all rules, policies, and procedures of such school, including but not limited to academic policies, disciplinary rules, and procedures of the school. Furthermore, the parent/legal guardian shall acknowledge, in writing, the policies, rules, and procedures that have been provided.

AUTHORITY NOTE: Promulgated in accordance with R.S.17:6 and R.S. 17:4025.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:3130 (December 2012).

Chapter 5. Finance

§501. Finance

A. The LDE shall allocate annually from funds appropriated or otherwise available for the program an amount per pupil to each participating school equal to the amount allocated per pupil as provided in the minimum foundation program formula, inclusive of the calculations of both the local and state per pupil allocations, to the local school system in which the scholarship recipient resides, considering all student characteristics.

B. For a participating school that charges tuition, if the maximum amount of tuition plus incidental or supplementary fees that are charged to non-scholarship students enrolled in such school and any costs incurred in administering the tests required pursuant to R.S. 17:4023 is less than the amount allocated per pupil to the local school system in which the student resides, then the amount allocated per pupil to the school shall be equal to the sum of such maximum tuition amount, such incidental or supplementary fees charged to non-scholarship students, and such testing costs.

C. The maximum amount of tuition and fees to be paid for scholarship students including annual increases shall be determined as follows.

1. When tuition and fees for participating nonpublic schools are increased, payments for scholarship students shall be determined as follows:

a. if tuition and fees were at or above two-thirds of the MFP per pupil amount for the district in which the

school is located, then the department shall not pay more than a 5 percent annual increase for participating scholarship students at the school; and

b. if tuition and fees were below two-thirds of the MFP per pupil amount for the district in which the school is located, then the department shall not pay more than two-thirds of the MFP per pupil amount for the district in which the school is located or a 5 percent annual increase for participating schools, whichever is higher;

c. once tuition and fees are equal to or greater than the MFP per pupil amount for the district in which the school is located, then the payment to the nonpublic school shall be no greater than the MFP per pupil for the district in which the school is located. The nonpublic school may continue to increase tuition and fees for privately-funded students.

D. Attendance of students in a participating school must be supported by appropriate documentation of daily attendance, either written or electronic, to include dates of absences.

E. The amount to be paid for a scholarship shall be divided into four equal payments to be made to each participating school in September, December, February, and May of each school year.

1. Payments shall be based on per pupil count dates as determined by the department. No refunds shall be made to the department or to the parent or legal guardian if the scholarship recipient withdraws from the program or is otherwise not enrolled prior to the next count date. The school in which the scholarship recipient is enrolled on the next count date shall receive the next payment.

2. The LDE shall annually set a timeline for the independent financial audit required by statute.

3. If the audit yields a finding regarding tuition and fees or attendance, payment adjustments will be made to the May payment.

F. If a participating nonpublic school charges a higher tuition for students receiving special education services and meets the criteria set forth below, the LDE shall allocate funds appropriated or otherwise available to the program an amount per pupil to each participating nonpublic school equal to a special education tuition amount based on the cost of providing special education services identified for that student to the participating nonpublic school. This amount shall be in addition to the participating nonpublic schools' maximum scholarship payment, but the total of the payment and the special education tuition shall not exceed the amount that would be allocated for that student to the local school system if the student otherwise would be attending public school.

1. Only a participating non-public school meeting the criteria below shall be allowed to charge a higher tuition for scholarship recipients receiving special education services:

a. for at least two years, the participating non-public school has provided needed educational services to students

with exceptionalities, as defined in R.S. 17:1942, excluding students deemed to be gifted or talented; and

b. the participating non-public school has provided needed services to students by teachers holding appropriate special education certification or other appropriate education and training as defined in Bulletin 1706; and

c. the participating non-public school provides services and instruction in accordance with a student's individual education plan and/or services plan.

G. A participating non-public school shall submit to the department an independent financial audit of the school conducted by a certified public accountant who has been approved by the legislative auditor.

1. Such audit shall be accompanied by the auditor's statement that the report is free of material misstatements and fairly presents the participating school's maximum tuition or actual cost of educating a student pursuant to R.S. 17:4016.

2. The audit shall be limited in scope to those records necessary for the department to make scholarship payments to the participating school and shall be submitted to the legislative auditor for review and investigation of any irregularities or audit findings.

3. The participating school shall account for all scholarship funds separately from other funds by maintaining funds in a separate account or by using accounting procedures that allow the legislative auditor to identify the separate funds. Such accounting shall allow for thorough auditing of the receipt and expenditure of state scholarship funds allocated through the LDE.

4. The participating school shall return to the state any funds that the legislative auditor determines were expended in a manner inconsistent with state law or program regulations.

5. The participating school shall pay the cost of such audit unless funds are appropriated by the legislature for such purpose, in which case the department shall pay the cost of such audit.

H. The department shall receive independent financial audits from participating nonpublic schools as required in §501.E.

1. The department shall place any participating school that fails to comply with the audit provisions pursuant to R.S. 17:4022(3) on probation for a period of one year during which such school shall not be permitted to enroll additional scholarship recipients.

2. If such school is not in full compliance by the end of the one-year probationary period, the school shall be ineligible to participate in the program until such time as the department has determined that the school is in full compliance.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and R.S. 17:4025.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:3130 (December 2012), amended LR 40:498 (March 2014), LR 40:2521 (December 2014).

Chapter 7. Testing

§701. Required Participation in the State Testing Program

A. Scholarship recipients attending participating public schools shall participate in the state assessment program as outlined in Bulletin 118.

B. Nonpublic Schools

1. Participating nonpublic schools shall administer all state assessments that are subject to the Louisiana School and District Accountability System to their eligible student with nonpublic school staff in the school setting.

2. The participating nonpublic school will develop and submit to the department annually a test security policy in compliance with Bulletin 118, Chapter 3 approved by its board. After review of the test security policy by the department, the participating nonpublic school may be required to make revisions and resubmit.

3. Participating nonpublic schools shall follow BESE's test security policy as stated in Bulletin 118.

4. The participating nonpublic school shall name a school test coordinator for the school and provide contact information to the department.

a. The school test coordinator for the participating nonpublic school shall attend the pretest workshop designed for the participating nonpublic schools as well as any additional training required to administer the state tests.

b. All designated school test coordinators are required to provide the department with a valid work email address. Personal email addresses (Yahoo!, Hotmail, Google, etc.) will not be accepted.

c. When the school test coordinator changes, the participating nonpublic school shall provide the name and contact information of the new school test coordinator to the department on school letterhead within 15 days of the change in appointment.

5. The participating nonpublic school shall be responsible for all required accountability and demographic coding of testing documents.

6. The participating nonpublic school shall investigate and report any testing irregularities and/or violations of test security to the department. In addition, the department has the authority to conduct an investigation and void any scores deemed to be invalid.

7. The department staff shall have the authority to:

a. monitor the implementation of the state testing;

b. require changes to the testing plan as deemed necessary; and

- c. conduct site visits during testing.
- 8. The department staff shall:
 - a. notify participating nonpublic schools of any new requirements in state testing; and
 - b. evaluate annually the testing plan to ensure full compliance with policies and procedures.
- 9. The local school district shall not test any students enrolled in participating nonpublic schools unless there is a written agreement between the local school district and the participating nonpublic school to this effect. No local school district shall ever be required to test students attending the participating nonpublic schools under the scholarship program.

AUTHORITY NOTE: Promulgated in accordance with R.S.17:6 and R.S. 17:4025.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:3131 (December 2012).

Chapter 9. Continued Eligibility

§901. Continued Eligibility

A. For continued eligibility in the scholarship program, participating schools must:

- 1. use an open admissions process in enrolling scholarship recipients in the program;
- 2. within ten business days of the first day of school as determined by the participating school, notify the department of scholarship recipients enrolled;
- 3. comply with all testing requirements listed in Chapter 7;
- 4. accept the scholarship amount as full payment of all educational costs, including all fees;
- 5. prior to enrollment, inform the parent or legal guardian of a scholarship recipient of any and all rules, policies, and procedures of the school, including but not limited to academic policies, disciplinary rules, and procedures of the school;
- 6. submit an annual independent financial audit as described in Chapter 5;
- 7. notify the department of any expulsion within two days; and
- 8. meet the criteria for participation as determined by the department and, as needed, additional site visits, audits, and assessments of compliance with applicable health and safety regulations.

B. If a school elects to withdraw from the scholarship program or to no longer accept new students, it shall notify the department on a timeline established by the department.

- 1. If a school notifies the department that it will no longer participate in the program after the established deadline for continuing school participation in the program,

the department may disallow the school from participating in the program for up to five academic years.

2. Schools electing to no longer accept new students from the scholarship program may continue to receive scholarship payments for all continuing students.

C. If a school withdraws from or becomes ineligible to participate in the scholarship program in the middle of a school year, it shall allow all enrolled scholarship recipients to remain at the school for the remainder of the school year and shall pay for the educational services for those students.

D. The department shall assist any scholarship recipient attending a school that is ineligible to participate in the program in transferring to another participating school, provided such school has sufficient capacity at the appropriate grade level.

E. If enrolled in a participating school that fails to meet eligibility criteria established in this Bulletin, then scholarship recipients may transfer to another participating school for the succeeding school year without loss of eligibility, and such recipients shall be given preference for enrollment at other participating schools.

AUTHORITY NOTE: Promulgated in accordance with R.S.17:6 and R.S. 17:4025.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:3132 (December 2012).

Chapter 11. Reporting

§1101. Reporting

A. The department shall annually report to the Senate Committee on Education, the House Committee on Education, the Joint Legislative Committee on the Budget, and each individual legislator regarding the implementation of the program. The report, at a minimum, shall include the following information:

- 1. the total number of students receiving scholarships;
- 2. a list of all schools participating in the program;
- 3. a list of all schools participating in the program grouped by legislative district;
- 4. the total enrollment of each participating school, the number of scholarship recipients enrolled in each school, and the percentage of the total enrollment of each school represented by scholarship recipients; and
- 5. aggregate test result data for the scholarship recipients enrolled in each participating school.

B. No later than April 30 of each year, the department shall send a printed copy of the report required by this Section to each legislative committee as provided in Subsection A of this Section and to each member of the Legislature.

C. The department shall annually publish the following information for all schools participating in the program:

1. the most recent aggregate average proficiency rates on state assessments for scholarship recipients enrolled at each participating school;

2. a list of all public schools with a letter grade of "C", "D", or "F", or any variation thereof;

3. the rate at which scholarship recipients finish the highest grade level offered at a participating school, by entering cohort;

4. the retention rate for scholarship recipients;

5. the percentage of parents or legal guardians of scholarship recipients who are satisfied with the participating school; and

6. the rate at which all participating schools admit and serve students with special education needs.

AUTHORITY NOTE: Promulgated in accordance with R.S.17:6 and R.S. 17:4025.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:3132 (December 2012), amended LR 40:2521 (December 2014).

Chapter 13. Criteria for School Participation in the Student Scholarships for Educational Excellence Program

§1301. Purpose

A. The Student Scholarships for Educational Excellence Act requires the LDE to “develop criteria for [school] participation that includes an accountability system for participating students at participating schools.” In accordance with this requirement, the criteria set forth in this Chapter shall reflect the following values:

1. achievement—a common standard for student performance across the system of traditional public, charter public, and nonpublic schools;

2. autonomy—minimizing bureaucracy and complexity;

3. responsibility—upholding the public trust when public funds are involved;

4. safety—protection of children’s health and welfare.

B. The purpose of these criteria shall be to protect children while avoiding a labyrinth of policies that tie the hands of educators and families. They exist to minimize the rare harmful circumstance rather than to regulate day-to-day conditions in participating schools. In applying these criteria, the state superintendent may waive any provisions of this Chapter needed to ensure the academic welfare, health, or safety of participating students, or to address extenuating circumstances.

C. Any revisions to this Chapter shall be referred to the Nonpublic Schools Council for review and comment prior to consideration by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S.17:6 and R.S. 17:4025.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 39:82 (January 2013).

§1303. Participation Criteria for Nonpublic Schools

A. To participate in the scholarship program, nonpublic schools shall satisfy the criteria within this Chapter in addition to criteria for participation already established in law. Schools that do not meet these criteria may be declared ineligible to participate in the program. Ineligibility to participate may result in the school enrolling no new students for one or more years, enrolling no new students permanently, or ending all participation immediately.

| Focus Area | Standard |
|--------------------|--|
| Enrollment | Participating schools shall indicate the number of students they are able and willing to serve. If the increase to total student enrollment would result in total student enrollment that is greater than 125 percent of their total student enrollment in the previous school year or 50 students more than were enrolled in the previous school year, including pre-kindergarten enrollment, the LDE shall consider granting the request after a review of parent demand (demonstrated through the student application process) and the school’s demonstrated capacity to effectively serve such students. |
| Financial Practice | Participating schools shall comply with the following rules regarding financial practice. Violations may result in a school being declared ineligible to participate. <i>Use of Funds—</i> Scholarship funds shall be spent only on “educational purposes,” as defined in the most recently approved Minimum Foundation Program formula. Any expenditure of scholarship funds constituting gross irresponsibility or gross individual enrichment is prohibited. No officer, administrator, director, manager, or employee of a participating school shall use the authority of his office or position in connection with the school’s participation in the scholarship program, directly or indirectly, in a manner intended to compel or coerce any person to provide himself or any other person with anything of economic value. <i>Tuition and Fees—</i> Tuition and fees received through the scholarship program for participating students shall not exceed tuition and fees charged to enrolled students not participating in the program. Tuition and fees shall be defined as the total payment charged to enrolled students not participating in the scholarship program, and paid on behalf of those students. Scholarship funds may not be used to pay tuition and fees for students not participating in the scholarship program. <i>Annual Independent Scholarship Audit—</i> The LDE shall publish guidance as to the contents of the annual independent scholarship audit so as to ensure compliance with the limits entailed in the law. The audit shall address rules of financial practice contained in this bulletin. Failure to correct violations of the rules contained in this bulletin, or evidence of gross fiscal irresponsibility, may result in penalties including the school being declared ineligible to participate. Schools that do not obtain an audit or do not submit the audit according to a timeline |

| Focus Area | Standard |
|--|--|
| Student Mobility | <p>established by the LDE may incur penalties including being declared ineligible to participate.</p> <p>In participating schools, the LDE may investigate instances in which the rate of students remaining enrolled from the beginning of one school year to the next school year falls short of the average of all participating schools by a significant percentage. Schools with exaggerated, repeated, or uncorrected patterns of low relative rates of continued enrollment may be instructed to enroll no new students for one year or to fully end participation.</p> |
| Health, Safety and Welfare of Students | <p>Participating schools shall be in compliance with all federal, state, and local laws and regulations pertaining to the health, safety, and welfare of students for public or nonpublic schools, as applicable.</p> |
| | <p>Participating schools shall not have an employee, or any person having supervisory or disciplinary authority over children, who has been convicted of or pled nolo contendere to any crime listed in R.S. 15:587.1(C) except R.S. 14:74 or has been convicted under the laws of any state or of the United States or of any foreign government or country of a crime which, if committed in Louisiana, would be an R.S. 15:587.1 crime.</p> |
| | <p>The state superintendent may immediately declare a school ineligible to participate if the school's continued participation endangers the academic welfare, health, or safety of children.</p> |

AUTHORITY NOTE: Promulgated in accordance with R.S.17:6 and R.S. 17:4025.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 39:82 (January 2013).

§1305. Accountability System for Participating Nonpublic Schools

A. Accountability criteria shall serve the goal of ensuring the public trust that all schools participating promote student achievement.

B. Within the accountability system, the state superintendent may adjust individual numeric performance targets and thresholds to accommodate changing policies and circumstances outside the accountability system.

C. Because some schools are larger participants than others in the program, and thus take on a larger share of the public trust, accountability criteria shall vary depending on the number of scholarship students enrolled in the school as of October 1 of each academic year, as follows.

D. As nonpublic schools approved by the board in accordance with Article 8, Section 4 of the Louisiana State Constitution, all participating schools shall continue to demonstrate a sustained curriculum of quality at least equal to that prescribed for similar public schools. In accordance with R.S. 17:11, the LDE will periodically determine whether the nonpublic school is maintaining such quality.

| Number of Participating Students | Means of Academic Numeric Measurement and Reporting |
|---|---|
| Average of 0-9.9 participating students per K-12 grade in the school and fewer than 40 students enrolled in tested grades | Per state and federal law, state test scores will be reported publicly for the entirety of the scholarship program student cohort if the school has 10 or more participating students taking tests, as well as for any grade level with 10 or more participating students taking tests. |
| Average of ≥10 participating students per K-12 grade in the school or 40 or more students enrolled in tested grades | Per state and federal law, state test scores will be reported publicly for the entirety of the scholarship program student cohort if the school has 10 or more participating students taking tests, as well as for any grade level with 10 or more participating students taking tests. |
| | A Scholarship Cohort Index, calculated in a manner that is substantially similar to the school performance score outlined in Bulletin 111 and is based on state assessments of student learning, shall be produced after the school year in which assessments were taken. The scholarship Cohort Index will measure only students in the scholarship program rather than the school as a whole. |

E. Nonpublic Schools that Receive Scholarship Cohort Indexes

1. There shall be two fundamental rules of the accountability system for participating nonpublic schools that receive scholarship cohort indexes. Starting with the 2012-2013 school year:

a. Scholarship cohort indexes will be released after the school year on which they are based. If the school receives a scholarship cohort index below 50 in the second year of participation or in any year thereafter (on a scale of 150), the school shall not enroll additional scholarship recipients for the next school year. Students attending a participating school that receives a score below 50 in any year shall have priority admission to attend another participating school the following year;

b. following four school years of program participation, and in any period of four school years thereafter, if the participating school has scored below 50 for the majority of years in which it received a scholarship cohort index, the school shall be able to enroll new scholarship recipients only after achieving a score greater than 50 and a satisfactory quality review by the LDE.

2 The following exceptions shall exist.

a. The state superintendent shall waive both of the provisions in Paragraph 1 of this Subsection for a given school if likely new enrollees otherwise would predominantly be enrolled in schools performing at levels lower than or equivalent to the participating school.

b. The state superintendent may waive either or both of the above provisions for a given school if the school has improved by more than 15 points on the scholarship cohort index over the last four school years, with the 2012-2013 school year being the first such year.

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c. The state superintendent may waive either or both of the above provisions for a given school if the school received a score higher than an equivalent school performance score correlating to a letter grade of an “F” according to the school performance score formula outlined in *Bulletin 111—the Louisiana School, District, and State Accountability System*.

3. In accordance with the Louisiana Constitution, the board shall ensure that approved nonpublic schools maintain a curriculum of quality at least equal to that prescribed for similar public schools and periodically determine whether the nonpublic school is maintaining such quality. If, in the

process of such a periodic review, or at any other time, a participating school is found to have demonstrated gross or persistent lack of basic academic competence, the school may incur penalties including ineligibility to participate or ineligibility to accept new students.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and R.S. 17:4025.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 39:83 (January 2013), amended LR 42:553 (April 2016).