

Title 28
Education

Part CXLV. Bulletin 133—Student Scholarships for Educational Excellence

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 in LR 38:

§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.

<p>Financial Practice</p>	<p>Participating schools shall comply with the following rules regarding financial practice. Violations may result in a school being declared ineligible to participate.</p> <p><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.</p> <p>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.</p> <p><i>Tuition</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.</p> <p><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 established by the LDE may incur penalties including being declared ineligible to participate.</p>
<p>Student Mobility</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>
<p>Health, Safety and Welfare of Students</p>	<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>
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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 in LR 38:

§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	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.

students enrolled in tested grades.	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.
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- E. There shall be two fundamental rules of the accountability system for participating nonpublic schools that receive Scholarship Cohort Indexes:
1. Starting with the 2012-2013 school year, 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.
 2. Starting with the 2012-2013 school year, 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.
 3. The following exceptions shall exist:
 - a. The State Superintendent shall waive both of the above provisions 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.
 4. 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 in LR 38: