

Regular Session, 2010

SENATE BILL NO. 297

BY SENATORS DONAHUE, APPEL, DUPLESSIS, MARTINY AND QUINN AND REPRESENTATIVES BOBBY BADON, HENRY BURNS, TIM BURNS, CARMODY, CARTER, CHAMPAGNE, CONNICK, GISCLAIR, HARDY, HOFFMANN, KATZ, LABRUZZO, LIGI, NOWLIN, RICHARD, ROBIDEAUX, SIMON, SMILEY, WILLIAMS AND WOOTON

ADULT EDUCATION. Eliminates the division of adult and community education within the Dept. of Education and transfers the responsibility for adult education programs from BESE to LCTCS. (7/1/10)

1 AN ACT

2 To amend and reenact R.S. 17:221(I) and R.S. 36:649(D), to enact R.S. 17:1871(B)(8) and

3 3217.1(D), and to repeal R.S. 17:14, relative to adult education; to provide for the

4 school attendance of certain students in adult education programs; to eliminate the

5 division of adult and community education within the Department of Education; to

6 transfer the responsibility for the provision of adult education programs from the

7 State Board of Elementary and Secondary Education to the Louisiana Community

8 and Technical College System and to provide with respect thereto; to provide for the

9 powers, duties, and functions of the Board of Supervisors of Community and

10 Technical Colleges; to provide for an effective date of such transfer; and to provide

11 for related matters.

12 Be it enacted by the Legislature of Louisiana:

13 Section 1. 17:221(I) is hereby amended and reenacted and R.S. 17:1871(B)(8) and

14 3217.1(D) are hereby enacted to read as follows:

15 §221. School attendance; compulsory ages; duty of parents; excessive absences;

16 consent to withdraw; condition for driving privileges

17 \* \* \*

1 I. Nothing in this Section shall prohibit a child who is at least sixteen years  
 2 of age ~~and~~ , who meets criteria established by the State Board of Elementary and  
 3 Secondary Education for enrolling in an **effective** adult education program, ~~that is~~  
 4 ~~approved by the board~~ from enrolling in and attending such a program. A parent,  
 5 tutor, or other person responsible for the school attendance of a child who is at least  
 6 sixteen years of age but under age eighteen and who is enrolled in and is fulfilling  
 7 the attendance requirements of an adult education program ~~that is approved by the~~  
 8 ~~board~~ shall be considered to be in compliance with the school attendance provisions  
 9 of Paragraph (A)(1) of this Section. **As used in this Subsection, an "effective adult**  
 10 **education program" means an approved program that has demonstrated a**  
 11 **proven record of student progress in the attainment of basic skills and essential**  
 12 **competencies as determined by quality indicators and performance-based**  
 13 **criteria developed and adopted by the Board of Supervisors of Community and**  
 14 **Technical Colleges in accordance with R.S. 17:3217.1(D)(2).**

15 \* \* \*

16 §1871. Board of Supervisors of Community and Technical Colleges; establishment;  
 17 members; qualifications and terms; vacancies; duties

18 \* \* \*

19 B. The board shall:

20 \* \* \*

21 **(8) Beginning July 1, 2010 and thereafter, establish, operate, and**  
 22 **maintain a statewide adult education program and adopt such regulations as**  
 23 **may be necessary for the provision of such programs.**

24 \* \* \*

25 §3217.1. Louisiana Community and Technical Colleges system

26 \* \* \*

27 **D.(1) Beginning July 1, 2010 and thereafter, the board of supervisors**  
 28 **shall:**

29 **(a) Adopt such rules and regulations as are necessary to establish,**

1 operate, and maintain a statewide program of adult education to eliminate adult  
2 illiteracy and to provide opportunities to adults to pursue a course or courses  
3 of study which upon completion will entitle them to be issued a Louisiana high  
4 school equivalency diploma.

5 (b) Fully fund the cost of a statewide adult education program and shall  
6 allocate such funds appropriated based on an adopted formula.

7 (c) Approve the method of funding and plan of operation for developing  
8 and implementing all adult education programs. The plans and policies for the  
9 development of such programs shall be administered, through the Louisiana  
10 Community and Technical College System. The board shall be responsible for  
11 the overall supervision of such programs funded to eligible entities.

12 (2) Each program of adult education shall meet eligibility criteria  
13 established and adopted by the board and be subject to the overall  
14 administration and supervision provided by this Subsection. Quality indicators  
15 and performance-based criteria, as established and adopted by the board, shall  
16 be used to allocate funds on an annual basis.

17 \* \* \*

18 Section 2. R.S. 36:649(D) is hereby amended and reenacted to read as follows:

19 §649. Offices; purposes and functions relating to elementary and secondary  
20 education

21 \* \* \*

22 D. The office of school and community support shall perform the functions  
23 of the state relating to student, school, and community health and nutrition programs,  
24 and transportation, ~~community adult training programs, and postsecondary and~~  
25 ~~workforce development~~ programs, all in accordance with applicable law.

26 \* \* \*

27 Section 3. R.S. 17:14 is hereby repealed.

28 Section 4. The Board of Supervisors of Community and Technical Colleges shall  
29 succeed the State Board of Elementary and Secondary Education as the supervising and

1 managing board for adult education programs in Louisiana. The adult education content  
 2 standards and benchmarks set forth in the Louisiana Administrative Code, Title 28, Part  
 3 CXXIX by the State Board of Elementary and Secondary Education, shall be deemed to be  
 4 the adult education content standards and benchmarks of the Louisiana Community and  
 5 Technical College System on July 1, 2010 and thereafter for the purposes of R.S.  
 6 17:3217.1(D), until such time as the Board of Supervisors of Community and Technical  
 7 Colleges promulgates rules and regulations in accordance with Administrative Procedure Act  
 8 regarding the same, to ensure a smooth transition in effectuating and implementing the  
 9 provisions of this Act.

10 Section 5. This Act shall become effective on July 1, 2010; if vetoed by the governor  
 11 and subsequently approved by the legislature, this Act shall become effective on July 1,  
 12 2010, or on the day following such approval by the legislature, whichever is later.

---

The original instrument and the following digest, which constitutes no part  
 of the legislative instrument, were prepared by Sherri H. Breaux.

---

## DIGEST

### SCHOOL ATTENDANCE (K-12)

Present law (school attendance law) requires a parent or other person having control or charge of any child from that child's seventh birthday until his 18<sup>th</sup> birthday to send such child to a public or private day school, unless the child graduates from high school prior to his 18<sup>th</sup> birthday. Specifies penalties for violation.

Present law provides that a child between the ages of 17 and 18 may withdraw from school prior to graduation if written consent is given by the parent or guardian and an exit interview is conducted where the student and his parent acknowledge that school withdrawal will likely increase the student's likelihood of being unemployed. Requires, at that time, that the student be given information from the La. Workforce Commission regarding training and employment opportunity programs, if available.

Present law provides that the parent or other person responsible for a child's school attendance who is under age 18 and who is enrolled in school beyond his 16<sup>th</sup> birthday may request that the student be allowed to attend an alternative education program or a vocational-technical education program. Further, allows for admission to a National Guard Youth Challenge Program

Proposed law retains school attendance requirements in present law.

Present law further allows a child who is at least 16 years old, who meets BESE-established criteria for enrolling in an approved adult education program, to enroll in and attend such a program. Provides that a parent or guardian of a child, who is at least 16 years old but under age 18 and who is enrolled in and fulfilling the attendance requirements of an approved adult education program, is considered to be in compliance with the school attendance laws.

Proposed law retains school attendance requirements in present law, but further specifies that the approved adult education program attended by the child must be an "effective" program. Defines an effective adult education program as an approved program that has demonstrated a proven record of student progress in the attainment of basic skills and essential competencies as determined by quality indicators and performance-based criteria developed and adopted by the Board of Supervisors of Community and Technical Colleges (board of supervisors).

#### TRANSFER OF ADULT EDUCATION PROGRAMS FROM BESE TO LCTCS

Present law provides for the establishment of the division of adult and community education within the State Dept. of Education. Requires BESE to adopt such rules and regulations as are necessary to establish, operate, and maintain a statewide adult and community education program on the elementary and secondary levels. Requires BESE to adopt, at a time not later than adoption by the board of the MFP, a recommended formula to fund the statewide adult and community education program. Requires BESE to annually request sufficient funding from the legislature to fully fund the cost to the state of the programs based on the adopted formula.

Present law provides for the appointment of a director to administer the affairs of the division of adult and community education and the state-wide adult education program. Requires BESE to approve the plan of operation for developing and implementing all adult and community education programs. Provides that the division is responsible for the overall supervision of such programs funded to parish and city school systems and to eligible community-based organizations.

Present law also provides for the Dept. of Education to allocate funds to school boards to be used to develop and continue a statewide community education program for the elderly. Provides for such program to be administered, through the department, by the division in cooperation with the parish councils on aging acting in an advisory capacity.

Proposed law repeals present law by removing authority for the division of adult and community education within the Dept. of Education. Transfers responsibility to the Board of Supervisors for Community and Technical Colleges for the provision of such programs through the La. Community and Technical College System (LCTCS). Provides, beginning July 1, 2010 and thereafter, for the board of supervisors to have the responsibility for establishing, operating, and maintaining a statewide adult education program, and the adoption of such regulations as may be necessary for the provision of such programs.

Proposed law requires the board of supervisors to fully fund the cost of a statewide adult education program and allocate such funds appropriated based on an adopted formula. Requires the board to approve the method of funding and plan of operation for developing and implementing all adult education programs. Further, provides for the board to be responsible for the overall supervision of such programs funded to eligible entities.

Proposed law requires each program of adult education to meet eligibility criteria established and adopted by the board of supervisors. Provides for quality indicators and performance-based criteria, as established and adopted by the board, to be used to allocate funds on an annual basis.

Provides that, to ensure a smooth transition in effectuating and implementing the transfer of adult education programs to LCTCS, the adult education content standards and benchmarks set forth by BESE rule shall be deemed to be the adult education content standards and benchmarks of LCTCS on July 1, 2010 and thereafter, until such time as the board of supervisors promulgates rules and regulations.

Effective July 1, 2010.

(Amends R.S. 17:221(I) and R.S. 36:649(D), adds R.S. 17:1871(B)(8) and 3217.1(D), and repeals R.S. 17:14)