

SENATE BILL NO. 656

BY SENATOR BUFFINGTON

1 AN ACT

2 To amend and reenact R.S. 17:4016(A) and (B)(2), and 4017, and to enact R.S. 17:4019,
3 relative to scholarships for certain students; to authorize public or private entities to
4 make certain donations to various participating schools for recipients of scholarships;
5 to provide for an effective date; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 17:4016(A) and (B)(2), and 4017 are hereby amended and reenacted
8 and R.S. 17:4019 is hereby enacted to read as follows:

9 §4016. Scholarship amounts; funding

10 A. The ~~state board~~ **department** shall allocate annually from ~~the minimum~~
11 ~~foundation program~~ **funds appropriated or otherwise available for the program**
12 an amount per pupil to each participating school equal to the amount allocated per
13 pupil **as provided in the minimum foundation program formula, inclusive of the**
14 **calculations of both the local and state per pupil allocations,** to the local school
15 system in which the scholarship recipient resides, considering all student
16 characteristics. ~~This amount shall be counted toward the equitable allocation of~~
17 ~~funds appropriated to parish and city school systems as provided in Article VIII,~~
18 ~~Section 13(B) of the Constitution of Louisiana.~~ For a participating school that

1 charges tuition, if the maximum amount of tuition plus incidental or supplementary
 2 fees that are charged to non-scholarship students enrolled in such school and any
 3 costs incurred in administering the tests required pursuant to R.S. 17:4023 is less
 4 than the amount allocated per pupil to the local school system in which the student
 5 resides, ~~any remaining funds shall be returned to the state or to the local school~~
 6 ~~system in which the scholarship recipient attended or otherwise would be attending~~
 7 ~~public school for that year according to the pro rata share for the per pupil amount~~
 8 ~~each year as determined by the minimum foundation program for the local school~~
 9 ~~system in which the scholarship recipient attended or otherwise would be attending~~
 10 ~~public school for that year~~ **then the amount allocated per pupil to the school shall**
 11 **be equal to the sum of such maximum tuition amount, such incidental or**
 12 **supplementary fees charged to non-scholarship students, and such testing costs.**

B.

* * *

15 (2) The parent or legal guardian may make a parental placement to receive
 16 special education and related services from a participating nonpublic school that has
 17 demonstrated the capacity to offer such services. In such case, the nonpublic school
 18 may charge a higher tuition for students receiving such services, **and** ~~the state board~~
 19 **department** shall allocate annually from the ~~minimum foundation program~~ **funds**
 20 **appropriated or otherwise available to the program** an amount per pupil to each
 21 participating nonpublic school equal to a special education tuition amount based on
 22 the cost of providing special education services identified for that student to the
 23 participating nonpublic school. This amount shall be in addition to the participating
 24 nonpublic school's maximum scholarship payment as described in Subsection A of
 25 this Section but the total of the payment and the special education tuition shall not
 26 exceed the amount **that would be** allocated **as provided in Subsection A of this**
 27 **Section** for that student to the local school system if the student otherwise would be
 28 attending public school.

* * *

§4017. Payment of scholarships

1 A. The department shall transfer scholarship payments to each participating
 2 school on behalf of the responsible city or parish school district. No locally levied
 3 school district tax revenues shall be transferred to any participating school located
 4 outside of the school district where the tax is levied or any participating nonpublic
 5 school within the district.

6 B. The amount to be paid for a scholarship shall be divided into four equal
 7 payments to be made to each participating school in September, December,
 8 February, and May of each school year. Payments shall be based on per pupil count
 9 dates as determined by the department. No refunds shall be made to the department
 10 or to the parent or legal guardian if the scholarship recipient withdraws from the
 11 program or is otherwise not enrolled prior to the next count date. The school in
 12 which the scholarship recipient is enrolled on the next count date shall receive the
 13 next payment.

14 B. Notwithstanding any other provision of this Chapter to the contrary,
 15 any public or private entity, including any nonprofit organization, may make
 16 a directed donation to any participating school for a student who is a recipient
 17 of a Student Scholarships for Educational Excellence scholarship.

18 * * *

19 §4019. Private scholarships

20 A. Recognizing the success of the program and in order to maintain the
 21 long-term financial stability of the program, private businesses, industry,
 22 foundations, charities, and other groups may request from the division of
 23 administration that, notwithstanding any provision of law to the contrary, they
 24 may create privately funded scholarship programs to make payments to
 25 participating schools on behalf of individual students. If the division of
 26 administration were to approve such a private scholarship program then any
 27 private scholarship funds received by a participating school from such private
 28 scholarship program on behalf of a student shall cause a reduction in the dollar
 29 amount of the Student Scholarships for Educational Excellence scholarship to
 30 the participating school attributable to that student such that the Student

1 Scholarships for Educational Excellence scholarship associated with that
2 student shall be an amount that is equal to the dollar amount that the Student
3 Scholarships for Educational Excellence scholarship would have been if no such
4 private scholarship funds had been received less the amount of private
5 scholarship funds received by the participating school on behalf of that student.

6 B. This Section shall in no way be interpreted in such a manner that a
7 student could receive less benefits from a combination of the Student
8 Scholarships for Educational Excellence scholarship and the private scholarship
9 funded on his behalf than he would have received solely from the Student
10 Scholarships for Educational Excellence scholarship if there had been no such
11 private scholarship funded on his behalf. Therefore, to the extent any such
12 privately funded scholarship funds provided for in this Section made to a
13 participating school on behalf of a qualified student are for an amount less than
14 the amount a given student would have otherwise received as a Student
15 Scholarships for Educational Excellence scholarship if no such private
16 scholarship funds had been paid under this Section, then the participating
17 school shall receive that difference on behalf of the student as the student's
18 Student Scholarships for Educational Excellence scholarship.

19 C. As provided in this Section, when a participating school receives
20 privately funded scholarship funds on behalf of a student pursuant to this
21 Section, the annual appropriation of state funds for the Student Scholarships
22 for Educational Excellence program shall be reduced by the amount of such
23 private scholarship program funds so received. The commissioner of
24 administration shall determine and specify the amount of the reduction from
25 the source of the funds to provide the maximum benefit to the state from the
26 privately funded scholarship program. The state treasurer shall deposit the
27 amount of such reduction as specified by the commissioner of administration
28 into the Overcollections Fund created in R.S. 39:100.21 and credit such deposit
29 to an account within the fund hereby established and created to be known as the
30 "Program Participation Savings Account".

1 Section 2. This Act shall become effective on July 1, 2014; if vetoed by the governor
2 and subsequently approved by the legislature, this Act shall become effective on July 1,
3 2014, or on the day following such approval by the legislature, whichever is later.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____