Regular Session, 2014

HOUSE BILL NO. 192

BY REPRESENTATIVE PEARSON

SCHOOLS/CHOICE: Provides relative to the Student Scholarships for Educational
          Excellence (voucher) Program, including scholarship amounts, funding, and
          eligibility requirements for kindergarten students

1   AN ACT

2   To amend and reenact R.S. 17:4013(2)(a) and 4016(A) and (B)(2) and to repeal R.S.

3   17:4016(C), relative to the Student Scholarships for Educational Excellence

4   Program; to provide relative to program funding, for scholarship amounts, and for

5   eligibility for kindergarten students; to provide relative to enrollment of kindergarten

6   students in the public school system; and to provide for related matters.

7   Be it enacted by the Legislature of Louisiana:

8   Section 1. R.S. 17:4013(2)(a) and 4016(A) and (B)(2) are hereby amended and

9   reenacted to read as follows:

10   §4013. Definitions

11   As used in this Chapter, unless otherwise clearly indicated, the following

12   terms mean:

13   *   *   *

14   (2) "Eligible student" means a student who resides in Louisiana, is a member

15   of a family with a total income that does not exceed two hundred fifty percent of the

16   current federal poverty guidelines as established by the federal office of management

17   and budget, and who meets any one of the following criteria:

18   (a) Is entering kindergarten and ~~has enrolled in the local school system in~~

19   ~~which~~ the public school he would have otherwise attended ~~is located~~ received a letter

20   grade of "C", "D", or "F" or any variation thereof for the most recent school year

1   pursuant to the school and district accountability system. ~~or in a school under the~~

2   ~~jurisdiction of the Recovery School District. Each local school system or the~~

3   ~~Recovery School District shall conduct its annual kindergarten enrollment process~~

4   ~~and shall report such enrollment to the department prior to the program enrollment~~

5   ~~process.~~

6   *   *   *

7   §4016. Scholarship amounts; funding

8   A. The state board shall allocate annually from ~~the minimum foundation~~

9   ~~program~~ funds appropriated or otherwise available for the program an amount per

10   pupil to each participating school equal to the amount allocated per pupil as provided

11   in the minimum foundation program formula to the local school system in which the

12   scholarship recipient resides, considering all student characteristics. ~~This amount~~

13   ~~shall be counted toward the equitable allocation of funds appropriated to parish and~~

14   ~~city school systems as provided in Article VIII, Section 13(B) of the Constitution of~~

15   ~~Louisiana.~~ For a participating school that charges tuition, if the maximum amount

16   of tuition plus incidental or supplementary fees that are charged to non-scholarship

17   students enrolled in such school and any costs incurred in administering the tests

18   required pursuant to R.S. 17:4023 is less than the amount to be allocated per pupil

19   to ~~the local school system in which the student resides, any remaining funds shall be~~

20   ~~returned to the state or to the local school system in which the scholarship recipient~~

21   ~~attended or otherwise would be attending public school for that year according to the~~

22   ~~pro rata share for the per pupil amount each year as determined by the minimum~~

23   ~~foundation program for the local school system in which the scholarship recipient~~

24   ~~attended or otherwise would be attending public school for that year.~~ the

25   participating school as provided in this Subsection, then the amount allocated per

26   pupil to such school shall equal the sum of such maximum tuition amount, such

27   incidental or supplementary fees charged to non-scholarship students, and such

28   testing costs.

29   B.

30   *   *   *

1   (2) The parent or legal guardian may make a parental placement to receive

2   special education and related services from a participating nonpublic school that has

3   demonstrated the capacity to offer such services. In such case, the nonpublic school

4   may charge a higher tuition for students receiving such services, and the state board

5   shall allocate annually from ~~the minimum foundation program~~ funds appropriated

6   or otherwise available for the program an amount per pupil to each participating

7   nonpublic school equal to a special education tuition amount based on the cost of

8   providing special education services identified for that student to the participating

9   nonpublic school. This amount shall be in addition to the participating nonpublic

10   school's maximum scholarship payment as described in Subsection A of this Section,

11   but the total of the payment and the special education tuition shall not exceed the

12   amount that would be allocated pursuant to the minimum foundation program

13   formula for that student to the local school system if the student otherwise would be

14   attending public school.

15   *   *   *

16   Section 2. R.S. 17:4016(C) is hereby repealed in its entirety.

17   Section 3. This Act shall become effective upon signature by the governor or, if not

18 signed by the governor, upon expiration of the time for bills to become law without signature

19 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If

20 vetoed by the governor and subsequently approved by the legislature, this Act shall become

21 effective on the day following such approval.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part
of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute
part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Pearson   HB No. 192

Abstract: Relative to the Student Scholarships for Educational Excellence (voucher)
Program, provides relative to program funding, scholarship amounts, and scholarship
eligibility for kindergarten students.

Present law provides for a voucher program known as the Student Scholarships for
Educational Excellence Program administered by the state Dept. of Education. Provides for
scholarships to be awarded to eligible students to attend public and nonpublic schools that

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored
are additions.

volunteer to participate in the program and meet certain eligibility requirements. Present law provides that an eligible student is one residing in La. from a family with a total income not exceeding 250% of the current federal poverty guidelines who meets one of the following criteria:

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

(2)   Was enrolled in a La. public school during the most recent school year and the school had a letter grade of "C", "D", or "F".

(3)   Received a scholarship the previous school year.

Proposed law retains present law except specifies, with respect to eligibility for a student entering kindergarten, that the public school he would otherwise have attended must have received a letter grade of "C", "D", or "F" or any variation thereof for the most recent school year.

Present law provides that each voucher recipient is a member of the local public school system and each kindergarten student must enroll with the school system in which he would otherwise be attending school. Requires each local school system and the Recovery School District to conduct an annual kindergarten enrollment process and report such enrollment to the department prior to the voucher program enrollment process. Proposed law repeals present law.

Present law provides that minimum foundation program (MFP) funds be allocated per participating student to each participating school in an amount equal to the per-pupil amount allocated to the local school system where the participating student resides. Provides that the amount be counted toward the equitable allocation of funds appropriated to local school systems as provided in present constitution (Art. VIII, §13). For participating schools that charge tuition, if the maximum tuition plus fees charged to non-scholarship students plus costs incurred for administering school and district accountability system tests required by the program (R.S. 17:4023) is less than the amount allocated per pupil to the local school system where the student resides, requires that any remaining funds be returned to the state or to the local public school system according to the pro rata share for the annual per-pupil amount as determined by the MFP.

Present case law holds that the diversion of MFP funds to nonpublic schools is unconstitutional, *Louisiana Federation of Teachers, et al v State of Louisiana, et al*, 118 So.3d 1033, 2013-0120 (La. 5/7/13).

Proposed law provides instead that funds appropriated or otherwise available for the purpose be allocated per participating student to each participating school in an amount equal to the per-pupil amount allocated in the MFP to the local school system where the participating student resides. Removes provision that the amount be counted toward the equitable allocation of funds appropriated to local school systems as provided in present constitution (Art. VIII, §13). Provides that for participating schools that charge tuition, if the maximum tuition plus fees charged to non-scholarship students plus costs incurred for administering school and district accountability system tests is less than the amount to be allocated per pupil to the participating school, then the amount allocated per pupil to such school shall equal the sum of such maximum tuition amount, such incidental or supplementary fees charged to non-scholarship students, and such testing costs.

Present law provides that parents of special education students receiving scholarships may make a parental placement to receive special education services from a nonpublic school that has demonstrated capacity to offer the services. Allows participating nonpublic schools to charge higher tuition for special education students. Requires MFP funds be allocated to each participating school in a per-pupil amount equal to a special education tuition amount

which is in addition to the nonpublic school's maximum scholarship payment. Prohibits the total of the payment and the special education tuition from exceeding the amount allocated for that student to the local school system.

Proposed law retains present law except requires funds appropriated or otherwise available for the purpose, instead of MFP funds, to be allocated for this purpose. Also clarifies that the total of the payment and the special education tuition shall not exceed the amount that would be allocated pursuant to the MFP formula for that student to the local school system if the student otherwise would be attending public school.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 17:4013(2)(a) and 4016(A) and (B)(2); Repeals R.S. 17:4016(C))