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## DIGEST

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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 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))