

Regular Session, 2012

HOUSE BILL NO. 895

BY REPRESENTATIVE NANCY LANDRY

SCHOOLS/CHOICE: Provides for the School Choice Scholarship Program

1 AN ACT

2 To enact Chapter 45 of Title 17 of the Louisiana Revised Statutes of 1950, to be comprised
3 of R.S. 17:4051, relative to school choice; to create the School Choice Scholarship
4 Program; to provide for student eligibility; to provide for scholarship value and
5 amounts; to provide for nonpublic school eligibility; to provide for administration
6 and implementation by the state Department of Education; to provide for rules and
7 regulations adopted by the State Board of Elementary and Secondary Education; to
8 provide for funding; to provide an effective date; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. Chapter 45 of Title 17 of the Louisiana Revised Statutes of 1950,
11 comprised of R.S. 17:4051, is hereby enacted to read as follows:

12 CHAPTER 45. SCHOOL CHOICE

13 §4051. School Choice Scholarship Program; creation; administration; student
14 eligibility; nonpublic school eligibility; value; funding

15 A. The School Choice Scholarship Program, hereafter referred to as the
16 "program" is hereby created.

17 B. The program shall be administered and implemented by the state
18 Department of Education, hereafter in this Section referred to as the "department",
19 pursuant to rules and regulations developed and adopted for such purpose by the
20 State Board of Elementary and Secondary Education in accordance with the

1 Administrative Procedure Act. Such rules and regulations shall include procedures
2 and guidelines permitting a parent or legal guardian of an eligible student who
3 chooses to enroll the student in an eligible nonpublic school as provided in this
4 Section to apply for a scholarship to attend the school.

5 C. Any student who meets all of the following criteria is an eligible student:

6 (1) The student resides in Louisiana.

7 (2) The student has attended public school for at least two consecutive
8 semesters immediately preceding application to the program.

9 (3) Except as provided in Paragraph (D)(3) of this Section, the student is a
10 member of a family that meets certain federal income guidelines as specified in
11 Subsection D of this Section.

12 D. The value of each scholarship shall be determined by the department; the
13 value shall be as follows:

14 (1) If an eligible student does not have an Individual Education Plan and is
15 a member of a family with a total income that does not exceed one hundred percent
16 of the current federal poverty guidelines as established by the federal office of
17 management and budget, one of the following, whichever is less:

18 (a) An amount equivalent to ninety percent of the per pupil allocation of state
19 and local funds to the city, parish, or other local public school district in which the
20 eligible student is residing for that school year.

21 (b) An amount equivalent to the amount of tuition and fees charged by the
22 participating nonpublic school that the student has received a scholarship to attend.

23 (c) An amount of four thousand five hundred dollars.

24 (2) If an eligible student does not have an Individual Education Plan and is
25 a member of a family with a total income that is greater than one hundred percent but
26 does not exceed one hundred fifty percent of the current federal poverty guidelines
27 as established by the federal office of management and budget, one of the following,
28 whichever is less:

1 (a) An amount equivalent to fifty percent of the per pupil allocation of state
2 and local funds to the city, parish, or other local public school district in which the
3 eligible student is residing for that school year.

4 (b) An amount equivalent to the amount of tuition and fees charged by the
5 participating nonpublic school that the student has received a scholarship to attend.

6 (c) An amount of four thousand five hundred dollars.

7 (3) If an eligible student has an Individual Education Plan, one of the
8 following, whichever is less:

9 (a) An amount equivalent to the per pupil allocation of state and local funds
10 to the city, parish, or other local public school district in which the eligible student
11 is residing for that school year.

12 (b) An amount equivalent to the amount of tuition and fees charged by the
13 participating nonpublic school that the student has received a scholarship to attend.

14 (c) An amount of four thousand five hundred dollars.

15 E. The funds to be paid for a scholarship shall be divided into four equal
16 payments to be made to each participating nonpublic school in September,
17 November, February, and May of each school year. Payments shall be based on per
18 pupil count dates as determined by the department.

19 F. To be eligible to participate in the program and accept eligible students
20 for enrollment in the program, a nonpublic school shall meet all of the following
21 criteria:

22 (1) Be approved by the State Board of Elementary and Secondary Education
23 pursuant to R.S. 17:11 and have been so approved for the school year prior to the
24 school's participation in the program.

25 (2) Comply with the criteria set forth in Brumfield, et al. v. Dodd, et al. 425
26 F. Supp. 528.

27 G. A nonpublic school that wishes to participate in the program and enroll
28 scholarship recipients annually shall notify the department of its intent to participate
29 in the program by February first of the previous school year; except that for the

1 2012-2013 school year, a school that seeks to participate in the program shall notify
2 the department of its intent to participate not later than June 30, 2012. The notice
3 shall specify the number of seats the school will have available for scholarship
4 recipients at each grade level and the maximum amount of tuition attributable to each
5 available seat.

6 H. A participating nonpublic school shall administer to all students enrolled
7 in the school, all examinations required pursuant to the Louisiana School and District
8 Accountability System and annually shall be assigned a letter grade in the same
9 manner, to the extent possible, as those assigned to public schools pursuant to the
10 accountability system.

11 I. The implementation of this Section shall be subject to the appropriation
12 of funds for such purpose.

13 Section 2. This Act shall become effective upon signature by the governor or, if not
14 signed by the governor, upon expiration of the time for bills to become law without signature
15 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
16 vetoed by the governor and subsequently approved by the legislature, this Act shall become
17 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)]

Nancy Landry

HB No. 895

Abstract: Creates and provides for the School Choice Scholarship Program.

Proposed law creates the School Choice Scholarship Program for any student who meets all of the following criteria:

- (1) The student resides in Louisiana.
- (2) The student has attended public school for at least two consecutive semesters immediately preceding application to the program.
- (3) Except for students with Individualized Education Plans (IEP), the student is a member of a family that meets certain federal income guidelines as specified in proposed law.

Provides for scholarship value for eligible students to be the lesser of three specified payments depending on whether or not the student has an IEP. Provides for scholarship payment procedures. Provides eligibility requirements for nonpublic schools for participation in the program and program participation requirements. Requires participating nonpublic schools to administer all tests to all students and be assigned a letter grade pursuant to the La. School and District Accountability System.

Provides for program administration and implementation by the state Dept. of Education pursuant to rules and regulations by the State Board of Elementary and Secondary Education. Further provides that program implementation shall be subject to the appropriation of funds.

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

(Adds R.S. 17:4051)