

SENATE BILL NO. 27

BY SENATOR TALBOT AND REPRESENTATIVES BAYHAM, BILLINGS AND TRAVIS JOHNSON

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AN ACT

To amend and reenact R.S. 47:6301(B)(1)(c)(v), (2)(a)(ii), and (3)(b) and (C)(1)(d)(i), relative to the credit for donations to school tuition organizations; to provide for scholarship limits from donations to school tuition organizations; to provide relative to the distribution of scholarship payments; to provide for the authorization method by parents for the scholarship payments; to provide for testing requirements of a qualified school; to authorize qualified students to receive additional scholarships or other forms of financial assistance; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:6301(B)(1)(c)(v), (2)(a)(ii), and (3)(b) and (C)(1)(d)(i) are hereby amended and reenacted to read as follows:

§6301. Credit; donations to school tuition organizations

\* \* \*

B.(1)(a)

\* \* \*

(c) A school tuition organization which provides scholarships to qualified students shall do all of the following:

\* \* \*

(v) Distribute scholarship payments ~~in September, December, February, and May~~ **on a quarterly basis** of each year as ~~checks~~ **payments** made out to a parent of a qualified student which are ~~mailed~~ **sent** to the qualifying school where the student is enrolled. The parent ~~restrictively endorse the check~~ **shall approve the payment** for deposit into the account of the school. **If payment is made by check, the parent may endorse the check electronically.** The parent shall not designate any entity or

1 individual associated with the school as the parent's attorney to endorse a scholarship  
 2 check. Any parent who receives payments in accordance with the provisions of this  
 3 Section shall not be allowed to claim the amount received as any other credit,  
 4 deduction, exemption, or rebate under Title 47 of the Louisiana Revised Statutes of  
 5 1950. If a student who has received a scholarship ceases to be enrolled in a qualified  
 6 school, the school shall immediately notify the respective student tuition  
 7 organization and the Department of Education that the student is no longer enrolled.  
 8 Upon receipt of such notification, the student tuition organization shall cease making  
 9 payments to the school for that student.

10 \* \* \*

11 (2)(a) For purposes of this Section, a "qualified school" shall mean a  
 12 nonpublic elementary or secondary school in this state which is approved,  
 13 provisionally approved, or probationally approved by the Board of Elementary and  
 14 Secondary Education and which complies with the criteria set forth in *Brumfield, et*  
 15 *al. v. Dodd, et al.*, 425 F. Supp 528. A qualified school shall do all of the following:

16 \* \* \*

17 (ii) Using funds retained for administrative costs by the school tuition  
 18 organization, annually administer ~~the state test associated with the school and district~~  
 19 ~~accountability system to measure learning gains in math and language arts to all~~  
 20 ~~participating students in grades that require testing under the state's accountability~~  
 21 ~~testing laws for public schools~~ **either any examination in English Language Arts**  
 22 **and mathematics required pursuant to the school and district accountability**  
 23 **system at the prescribed grade level or a nationally norm-referenced test or**  
 24 **assessment approved by the state board**; however, the Department of Education  
 25 shall not incur any expense for the administration of the state tests to students  
 26 applying for tuition scholarships from a school tuition organization. The qualified  
 27 school shall provide the parents of each student who was tested with a copy of the  
 28 student's test results on an annual basis, beginning with the first year the student is  
 29 tested.

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(3)(a)

\* \* \*

(b) Any qualified student receiving a scholarship from a school tuition organization pursuant to the provisions of this Section ~~shall be prohibited from receiving~~ **may receive** any other publicly funded scholarship, voucher, or other form of financial assistance specific to that student for purposes of attending a nonpublic school; ~~however~~ **furthermore**, a qualified student may receive scholarships from multiple school tuition organizations not to exceed the lesser of **actual tuition and mandatory fees at the qualified school or** eighty percent of the state average Minimum Foundation Program per pupil funding amount for the previous year in the case of a qualified student enrolled in kindergarten through eighth grade, or ninety percent of the state average Minimum Foundation Program per pupil funding amount for the previous year in the case of a qualified student enrolled in ninth through twelfth grade. **The sum of scholarships received by each qualified student from school tuition organizations and any other publicly funded scholarship, voucher, or other form of financial assistance specific to that student for purposes of attending a nonpublic school shall not exceed the actual tuition and fees at the qualified school.**

\* \* \*

C.(1)

\* \* \*

(d)(i) The Department of Education shall verify that each qualified student has received scholarships **from school tuition organizations** not to exceed the lesser of actual tuition and fees at the qualified school or eighty percent of the state average Minimum Foundation Program per pupil funding amount for the previous year in the case of a qualified student enrolled in kindergarten through eighth grade, or ninety percent of the state average Minimum Foundation Program per pupil funding amount for the previous year in the case of a qualified student enrolled in ninth through twelfth grade. **The Department of Education shall verify that the sum of scholarships received by each qualified student from school tuition**

1           organizations and any other publicly funded scholarship, voucher, or other  
2           form of financial assistance specific to that student for purposes of attending a  
3           nonpublic school does not exceed the actual tuition and fees at the qualified  
4           school. If the total amount of scholarships received from school tuition  
5           organizations by a qualified student has exceeded one of these amounts, as  
6           applicable, the school tuition organization that had awarded the scholarship that  
7           caused the student's total scholarship amount to exceed this amount shall refund the  
8           state the difference.

\* \* \*

10           Section 2. This Act shall become effective upon signature by the governor or, if not  
11           signed by the governor, upon expiration of the time for bills to become law without signature  
12           by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
13           vetoed by the governor and subsequently approved by the legislature, this Act shall become  
14           effective on the day following such approval.

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_