

Regular Session, 2008

HOUSE BILL NO. 1347

BY REPRESENTATIVE AUSTIN BADON

STUDENT/LOANS-SCHOLARSHIP: Provides relative to student scholarships

1 AN ACT

2 To enact Chapter 43 of Title 17 of the Louisiana Revised Statutes of 1950, comprised of  
3 R.S. 17:4011 through 4026, relative to educational choice; to establish and provide  
4 for the implementation of the Student Scholarships for Educational Excellence  
5 Program; to provide for legislative findings; to provide for definitions; to provide  
6 relative to the duties and responsibilities of the State Board of Elementary and  
7 Secondary Education and the state Department of Education; to provide relative to  
8 eligibility and participation requirements for students and schools; to provide relative  
9 to selection and enrollment of eligible students; to provide relative to funding and  
10 scholarship payments to eligible schools; to provide relative to testing; to provide for  
11 reports; and to provide for related matters.

12 Be it enacted by the Legislature of Louisiana:

13 Section 1. Chapter 43 of Title 17 of the Louisiana Revised Statutes of 1950,  
14 comprised of R.S. 17:4011 through 4026 is hereby enacted to read as follows:

15 CHAPTER 43. STUDENT SCHOLARSHIPS FOR EDUCATIONAL EXCELLENCE

16 PROGRAM

17 §4011. Short title

18 This Chapter shall be known and may be cited as the "Student Scholarship  
19 for Educational Excellence Act."

20 §4012. Legislative findings

1           The legislature finds and declares that:

2           (1) It is in the public interest that all Louisiana schoolchildren receive the best  
3           education that its citizens can provide, and the state of Louisiana has the right, the  
4           responsibility, the duty, and the obligation to accomplish the objective of quality  
5           education for all Louisiana children, particularly for those children in school systems  
6           that have been declared to be academically in crisis.

7           (2) Attendance of children at nonpublic schools constitutes compliance with  
8           the objectives of Louisiana's compulsory attendance law; nonpublic education in  
9           Louisiana makes a significant educational and economic contribution towards  
10          meeting the goal of a quality education for every Louisiana school child; and  
11          Louisiana has recognized and encouraged that contribution through providing  
12          textbooks and transportation to students attending approved nonpublic schools for  
13          many decades.

14          (3) Effective nonpublic schools exist in Louisiana's urban school systems,  
15          including those that are academically in crisis.

16          (4) Nonpublic schools can offer a quality education to students in urban  
17          systems that are currently academically in crisis, and it is in the public interest to  
18          offer students in such systems the means of accessing the educational opportunities  
19          offered by such schools, by providing them with scholarships to attend such schools.

20          §4013. Definitions

21          As used in this Chapter, unless otherwise clearly indicated, these terms have  
22          the following meanings:

23          (1) "Covered district" means a public school system which is academically  
24          in crisis pursuant to R.S. 17:10.6 and which is located in a parish with a population  
25          in excess of four hundred seventy-five thousand according to the latest federal  
26          decennial census, and the Louisiana Recovery School District to the extent of its  
27          operation in such parish.

28          (2) "Department" means the state Department of Education.

1           (3)"Eligible student" means a student who resides within the geographic  
2           boundaries of a covered district, is a member of a family with a total income that  
3           does not exceed three hundred percent of the current federal poverty guidelines as  
4           established by the federal office of management and budget, and who (a) is entering  
5           kindergarten, or (b) was enrolled in a public school located within a covered district  
6           during the previous school year in a program eligible grade, or (c) received a  
7           scholarship pursuant to this Chapter in the previous school year and remains  
8           otherwise eligible.

9           (4) "Participating school" means a nonpublic school that meets program  
10          requirements and seeks to enroll students receiving scholarships pursuant to this  
11          Chapter, or a public school in a school system that is physically contiguous to the  
12          covered district that meets program requirements and seeks to enroll students  
13          receiving scholarships pursuant to this Chapter.

14          (5) "Program" means the Student Scholarships for Educational Excellence  
15          Program.

16          (6) "Scholarship" means the funds awarded to an eligible student to attend a  
17          participating school pursuant to the program.

18          §4014. Student Scholarships for Educational Excellence Program; creation

19                 The Student Scholarships for Educational Excellence Program is hereby  
20                 created and shall be administered by the state Department of Education, subject to  
21                 the approval of the State Board of Elementary and Secondary Education.

22          §4015. Program administration

23                 The department shall:

24                         (1) Determine student eligibility for scholarships.

25                         (2) Award scholarships to eligible students who enroll in a participating  
26                         school.

27                         (3) Receive the notice of intent from schools seeking to participate in the  
28                         program and qualifying such schools for participation in the program.

1           (4) Determine the actual cost of providing educational services to an eligible  
2           student, including operating and debt service costs, for the participating school in  
3           which the eligible student enrolls.

4           (5) Make scholarship payments to participating schools on behalf of an  
5           eligible student.

6           (6) Receive independent financial audits from participating non-public  
7           schools as required by this Chapter.

8           (7) In the event that there are more eligible students applying for enrollment  
9           in a participating school than there are available seats, ensure that the school shall  
10          select eligible students for admission utilizing a random selection process that  
11          provides each eligible student with equal opportunity for selection.

12          (8) Notify each eligible student and their parent or legal guardian annually  
13          regarding the student's eligibility status.

14          (9) Provide each eligible student and their parent or legal guardian with a list  
15          of schools participating in the program each year.

16          §4016. Scholarship amounts; funding

17               A. The amount of the scholarship provided to an eligible student shall be an  
18               amount equivalent to ninety percent of the per pupil amount the covered district  
19               would have received for the eligible student from combined state and local sources,  
20               or a participating school's actual cost of educating the student, whichever is less.

21               B. For an eligible student who is entitled to receive special education  
22               services, there shall be added to the amount of the scholarship an amount equivalent  
23               to any special education funding provided from federal sources. This additional  
24               amount shall not be subject to the ten percent reduction established for regular  
25               education students in Subsection A of this Section. A participating public school  
26               receiving a scholarship payment for an eligible student pursuant to this program shall  
27               not receive any funds through the Minimum Foundation Program for such student.

1           C. Funding for scholarships awarded to eligible students pursuant to this  
2           Chapter shall be provided by an appropriation from the legislature from the state  
3           general fund.

4           §4017. Payment of scholarships

5           A. The Department of Education shall remit scholarship payments directly  
6           to each participating school on behalf of the parent or other legal guardian of an  
7           eligible student, who shall assign the full value of the scholarship to the participating  
8           school.

9           B. The amount to be paid for a scholarship shall be divided into four equal  
10          payments to be made to each participating school in September, November,  
11          February, and May of each school year.

12          §4018. Student eligibility

13          A. Students are eligible to receive their initial scholarships when entering  
14          kindergarten, or when entering the first, second, or third grade if they attended public  
15          school in the covered district during the previous school year. Students in grades four  
16          through twelve are eligible for scholarships as additional grades are added to the  
17          program.

18          B. Eligible students shall remain eligible to receive scholarships in each  
19          succeeding year that they remain enrolled in a participating school through grade  
20          twelve. Student eligibility continues if a student transfers from one participating  
21          school to another participating school.

22          §4019. District eligibility

23          A covered district that is eligible for inclusion in the program on the effective  
24          date of this Chapter shall be considered a covered district for the duration of the  
25          program.

26          §4020. School participation; application

27          A. Participation in this program by a school is voluntary and this Chapter  
28          does not authorize any additional regulation of participating schools beyond that  
29          specifically authorized by this Chapter.

1           B. Any school that wishes to participate in the program and enroll eligible  
2           students shall annually notify the department of their intent to participate in the  
3           program by February first of the previous school year; except that for the 2008-2009  
4           school year, a school that seeks to participate in the program shall notify the  
5           department of their intent to participate not later than July 30, 2008. The notice shall  
6           specify the number of eligible students for which the school has space, if such  
7           number can be ascertained.

8           §4021. School eligibility

9           A. To be eligible to participate in the program, a nonpublic school shall:

10           (1) Be approved, provisionally approved, or probationally approved by the  
11           State Board of Elementary and Secondary Education pursuant to R. S. 17:11.

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

14           (3) A nonpublic school that fails to maintain meet both of the above criteria  
15           shall not be eligible to participate in the program.

16           B. To be eligible to participate in the program, a public school shall be  
17           determined to be academically acceptable pursuant to the Louisiana School and  
18           District Accountability Program.

19           C. Eligible students enrolled in a school that fails to meet the eligibility  
20           criteria established in this Section may transfer to another participating school for the  
21           succeeding school year without loss of eligibility.

22           §4022. Participating schools; requirements

23           A participating school shall:

24           (1) Within sixty days of receiving an admissions application from an eligible  
25           student, notify the applicant in writing whether the applicant has been accepted.

26           (2) In the event that there are more eligible students applying for enrollment  
27           in a participating school than there are available seats, select eligible students for  
28           admission utilizing a random selection process that provides each eligible student  
29           with equal opportunity for selection. However, a participating school may give

1 preference to siblings of a student who is already enrolled in the participating school.

2 For the purposes of such random selection process, twins, triplets, quadruplets, and  
3 other such multiple births shall constitute one individual.

4 (3) Submit an independent financial audit of the school conducted by a  
5 certified public accountant, accompanied by the auditor's statement that the report  
6 is free of material misstatements and fairly presents pupil costs to the Department of  
7 Education. This audit shall be limited in scope to those records necessary for the  
8 department to make scholarship payments to the participating school.

9 (4) Accept the scholarship amounts provided to eligible students as full  
10 payment of all educational costs, with the exception of incidental or supplementary  
11 fees, that are charged to all enrolled students, including but not limited to meals, field  
12 trips, and before or after school care.

13 §4023. Participating nonpublic schools; responsibilities; policies

14 Notwithstanding any provision of law to the contrary, but otherwise subject  
15 to state law and the policies of the State Board of Elementary and Secondary  
16 Education applicable to non-public schools, a participating non-public school shall  
17 be permitted to:

18 (1) Establish separate criteria for the enrollment of students other than  
19 eligible students awarded scholarships pursuant to this program.

20 (2) Prior to enrollment, inform the parent or legal guardian of an eligible  
21 student who chooses to send his child to a participating school of any and all rules,  
22 policies, and procedures of such school, including but not limited to academic  
23 policies and disciplinary rules and procedures of the school. Enrollment of an  
24 eligible student in a participating nonpublic school constitutes acceptance of any  
25 such rules, policies, and procedures of such school, including but not limited to  
26 academic policies and disciplinary rules of the school.

27 (3) Except where otherwise prohibited by federal law, elect to admit students  
28 of only one gender and may elect to admit students with exceptionalities to the extent

1        that it determines, in its own discretion, that the school is able to provide for their  
2        needs.

3                (4) Administer its own policies and disciplinary rules and procedures which  
4        may differ from the policies and disciplinary rules and procedures of public schools.  
5        However, a participating nonpublic school may, at its discretion, adhere to the same  
6        disciplinary procedures used in public schools pursuant to state law.

7        §4024. Testing

8                A participating school shall ensure that eligible students attending their  
9        schools take the Louisiana Educational Assessment Program (LEAP) reading and  
10       mathematics tests administered in the fourth and eighth grades to public school  
11       students, provided that such eligible students have completed at least three  
12       continuous years of school attendance in a participating school at the time of the  
13       testing, whether at the current participating school or another participating school.

14               (2) In lieu of requiring that its eligible students take the LEAP tests, a  
15       participating nonpublic school may administer a nationally-normed standardized test  
16       in to eligible students enrolled in the fourth and eighth grades.

17       §4025. Reports

18               The Department of Education shall report annually to the Senate Committee  
19       on Education, the House Committee on Education, and the Joint Legislative  
20       Committee on the Budget regarding the implementation of the program, including  
21       the number of eligible students receiving scholarships and a list of participating  
22       schools, along with the number of eligible students each school has enrolled.

23       §4026. Rules

24               The State Board of Elementary and Secondary Education shall adopt and  
25       promulgate such rules and regulations as are necessary to implement the provisions  
26       of this Chapter.

27       Section 2. This Act shall become effective upon signature by the governor or, if not  
28       signed by the governor, upon expiration of the time for bills to become law without signature  
29       by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If



- 1 vetoed by the governor and subsequently approved by the legislature, this Act shall become
- 2 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)]

---

Austin Badon

HB No. 1347

**Abstract:** Creates the Student Scholarships for Educational Excellence Program to provide scholarships to eligible students to attend participating public and nonpublic schools.

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

(Adds R.S. 17:4011 through 4026)