

## COMPARISON DOCUMENT

### Title 28

### EDUCATION

### Part CLV. *Bulletin 134—Tuition Donation Rebate Program*

### Chapter 1. General Provisions

#### §103. Definitions

A. – A.2. ...

*Administrative Costs*—all costs and expenses associated with the operation of a school tuition organization, including promotional costs and the costs associated with administering state testing, other than scholarship awards. Administrative costs shall not exceed 5 percent of any donation.

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*Qualified School*—a nonpublic elementary or secondary school in Louisiana which is approved by the Board of Elementary and Secondary Education (BESE) or public elementary or secondary laboratory school operated by a public college or university in Louisiana and which complies with the criteria set forth in *Brumfield, et al. v. Dodd, et al., 425 F. Supp 528*.

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AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6301.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 39:1024 (April 2013), amended LR 41:41 (January 2015), LR 42:553 (April 2016), LR 43:2480 (December 2017), LR 51:

### Chapter 3. School Tuition Organizations

#### §303. Awarding of Scholarships

A. – G. ...

H. Any qualified student receiving a scholarship from a school tuition organization may receive ~~shall be prohibited from receiving~~ any other publicly funded scholarship, voucher, or other form of public financial assistance specific to that student for purposes of attending a nonpublic school.

I. A qualified student may receive scholarships from multiple school tuition organizations the total amount of which may not exceed the lesser of actual tuition and mandatory fees at the qualified school or:

1. – 2. ...

J. 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.

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#### §311. Scholarship and Tuition Payments

A. School tuition organizations shall distribute scholarship payments on a quarterly basis ~~in September, December, February, and May~~ of each year as payments ~~checks~~ made out to a parent of a qualified student that are mailed to the qualifying school where the student is enrolled. The parent shall approve the payment ~~restrictively endorse each check~~ for deposit into the account of the school. If the payment is made by check, the parent may endorse the check electronically. The parent shall not designate any entity or individual associated with the school as the parent's attorney to endorse a scholarship check.

B. ...

C. The LDQE 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 80 percent of the state average MFP per pupil funding amount for the previous year in the case of a qualified student enrolled in kindergarten-eighth grade, or 90 percent of the state average MFP per pupil funding amount for the previous year in the case of a qualified student enrolled in ninth-twelfth grade. If the total amount of scholarships received from school tuition organizations by a qualified student has exceeded one of these amounts, as applicable, the school tuition organization that awarded the scholarship that caused the student's total scholarship amount to exceed this amount shall refund the state the difference.

D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6301.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 39:1025 (April 2013), amended LR 40:499 (March 2014), LR 43:2481 (December 2017), LR 51:

### Chapter 11. Qualified Schools

#### §1109. Testing of Scholarship Students

A. Using funds retained for administrative costs by the school tuition organization, schools enrolling participating students shall annually administer either any examination in ELA and mathematics required pursuant to the school and district accountability system at the prescribed grade level or a nationally norm-referenced test or assessment approved by BESE ~~the state test associated with the school and district accountability system to measure learning gains in math and language arts to each participating qualified student in grades that require testing under the state's accountability and testing laws for public schools.~~

B. – C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6301.

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