



2800 Grapese Drive, Suite 323  
Baton Rouge, LA 70803  
Phone: (225) 769-2432  
Fax: (225) 769-2438  
blackwell-associates.com

July 25, 2012

**VIA TELECOPIER:** [REDACTED]

[REDACTED]

Re: *Injunction of recipients from accepting funding under the Student Scholarships for Educational Excellence Program*  
Our file No.: 2012-New

**TO WHOM IT MAY CONCERN:**

This law firm has been retained by the Louisiana Association of Educators, various local education associations and a number of individual citizens and taxpayers to challenge the constitutionality of Act 2 ("Act 2") and Senate Concurrent Resolution 99 ("SCR 99") of the 2012 Regular Session of the Louisiana Legislature.

On June 22, 2012, we filed a *Petition for Declaratory and Injunctive Relief Concerning the Constitutionality of Act 2 and Senate Concurrent Resolution 99 of the 2012 Regular Session of the Louisiana Legislature* in the 19th Judicial District Court for the Parish of East Baton Rouge, Louisiana. That lawsuit challenges the constitutionality of Act 2 and SCR 99 on a variety of different grounds. In addition, that lawsuit requested both a preliminary and permanent injunction against the State of Louisiana, the Louisiana Board of Elementary and Secondary Education and the Louisiana Department of Education restraining, enjoining and prohibiting those Defendants, their officers, agents, employees, and counsel, and those persons in active concert or participation with them from enforcing, applying and/or implementing any of the provisions of Act 2 and/or SCR 99.

At a hearing held on July 10, 2012, Judge Tim Kelley held that he did not have jurisdiction to grant the injunctive relief requested. In our opinion, Judge Kelley's decision was erroneous and, on July 24, 2012, we filed an Application for Emergency Supervisory Writs with the First Circuit Court of Appeal seeking expedited consideration and review of Judge Kelley's decision. That application remains pending.

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We understand that [redacted] School has chosen to participate in the *Student Scholarships for Educational Excellence Program* created by Act 2 and funded by SCR 99. In our opinion, both Act 2 and SCR 99 are unconstitutional. Any payment to [redacted] School under the program would constitute an unconstitutional payment of public funds.

Our clients have directed us to take whatever means necessary to prevent the unconstitutional transfer of public monies to [redacted] School. We hope that you agree with us that proceeding with a program that is blatantly unconstitutional does not benefit students, parents, public schools or non-public schools.

The purpose of this letter is to try to avoid litigation with [redacted] School. To assist us in achieving that purpose, please sign and return the attached letter to us no later than 4:00 P.M. on Friday, July 27, 2012. Please return the letter to us by faxing it to (225) 769-2463.

If we do not receive a signed copy of the attached letter from you by 4:00 P.M. on Friday, July 27, 2012, we will have no alternative other than to institute litigation against [redacted] School and will request that a temporary restraining order, preliminary and permanent injunction be issued restraining, enjoining and prohibiting [redacted] School, its officers, agents, employees, and counsel, and those persons in active concert or participation with [redacted] School from accepting any funds from the State of Louisiana, the Louisiana Board of Elementary and Secondary Education and/or the Louisiana Department of Education pursuant to the *Student Scholarships for Educational Excellence Program* during the pendency of our clients' lawsuit challenging the constitutionality of Act 2 and SCR 99.

I look forward to your prompt return of the enclosed letter to us. In the event you should have any questions, comments or wish to discuss this matter, please do not hesitate to contact me.

Very truly yours,  
**BLACKWELL & ASSOCIATES**

Brian F. Blackwell

BFB/llj

[REDACTED]

July 27, 2012

Mr. John White  
State Superintendent of Education  
Louisiana Department of Education  
1201 North Third Street  
Baton Rouge, LA 70802-5243

Re: *Funding under the  
Student Scholarships for Educational Excellence Program*

Dear Mr. White:

As you know, [REDACTED] School agreed to participate in the *Student Scholarships for Educational Excellence Program* for the 2012-2013 school year.

It has been brought to our attention that a number of legal challenges have been brought with respect to the constitutionality of Act 2 ("Act 2") and Senate Concurrent Resolution 99 ("SCR 99") of the 2012 Regular Session of the Louisiana Legislature. As you know, Act 2 created the *Student Scholarships for Educational Excellence Program* and SCR 99 funds the program.

In light of the constitutional challenges to the program, please be advised that [REDACTED] School will not accept any funds from the State of Louisiana, the Louisiana Board of Elementary and Secondary Education and/or the Louisiana Department of Education pursuant to the *Student Scholarships for Educational Excellence Program* until there is a final and definitive resolution of the various lawsuits challenging the constitutionality of Act 2 and SCR 99.

Very truly yours,

[REDACTED] School

By: \_\_\_\_\_