

---

## 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)]

---

HB 745 Reengrossed

2024 Regular Session

Emerson

**Abstract:** Creates and provides for the administration of a program for the purpose of providing state funding for qualified education expenses for students in grades kindergarten through 12.

### **LA GATOR Scholarship Program; Creation and Administration**

Proposed law creates the La. Giving All True Opportunity to Rise (LA GATOR) Scholarship Program, a universal education scholarship account (ESA) program for K-12 students and provides for administration by the state Dept. of Education (DOE) or a program manager selected by DOE in accordance with State Bd. of Elementary and Secondary Education (BESE) rules. Subjects selection of program manager to BESE approval. Proposed law provides that proposed law relative to the LA GATOR program becomes effective when an Act of the legislature containing a specific appropriation of monies for proposed law implementation becomes effective.

Proposed law requires BESE to provide for certain program components by rule, including:

- (1) Requiring a surety bond or letter of credit for participating schools or service providers in operation for fewer than three years and that will receive more than \$100,000 in account funds in a school year.
- (2) DOE's authority to refer cases involving misuse of account funds to the attorney general for recovery.

### **Funds**

Proposed law requires the department to:

- (1) Allocate to each ESA annually, subject to funds appropriated or otherwise made available for the program, an amount that varies according to family income and whether or not the student has certain exceptionalities.
- (2) Develop a system for parents to direct account funds to participating schools and service providers by electronic or online funds transfer.

### **Eligibility; Students**

Proposed law provides that a student is initially eligible for an account if his parent submits an application for an account in accordance with procedures established by the department and signs an agreement with the department promising all of the following:

- (1) To provide an education for the participating student in at least the subjects of English language arts, mathematics, social studies, and science.
- (2) To use account funds only for qualified education expenses of the participating student.
- (3) To comply with all program requirements.

Proposed law provides for a phased-in expansion of student eligibility over three years.

### **Students with Exceptionalities**

Proposed law requires, if a student would have been entitled to special education services in his resident school system, his parent to acknowledge in writing that he agrees to accept only such services as are available to all students enrolled in the participating school. Requires participating schools to meet certain criteria to be eligible to offer such services.

### **Eligibility; Schools and Service Providers**

Proposed law provides that a school shall meet all of the following criteria to be eligible to participate:

- (1) Be approved by BESE and meet any standards established by BESE pertaining to health, safety, and program of study.
- (2) Comply with criteria set forth in federal nondiscrimination requirements.
- (3) Any other program requirements set by BESE.

Proposed law authorizes public school governing authorities to accept account funds for providing services covered as qualified education expenses to a participating student who is enrolled part-time or who takes individual courses without being enrolled. Prohibits including such students in its student count for purposes of receiving funding through the MFP or any other state funding.

### **Testing**

Proposed law requires DOE to develop a process for the annual administration of either of the following to participating students: any examination in English language arts and math required pursuant to the present law relative to school and district accountability system at the prescribed grade level or a nationally norm-referenced test or assessment approved by BESE. Allows nonpublic schools to select their own assessments. Provides that students with exceptionalities shall not be required to take assessments from which they would have been exempt if enrolled in public school.

Further requires DOE to develop a process for the collection and aggregate reporting of results and ensure results are provided to parents.

### **Reporting**

Proposed law requires DOE, by April 30th annually, to submit a report to the House and Senate education committees and the Jt. Legislative Committee on the Budget regarding program implementation. Provides for required report content, including the results of a parental satisfaction survey and certain financial information relative to the program.

### **Transition from Student Scholarships for Educational Excellence Program to LA GATOR Scholarship Program**

Present law provides for the Student Scholarships for Educational Excellence Program (SSEEP), through which students attend participating schools through state-funded scholarships. Proposed law provides for program termination at the end of the 2024-2025 school year and provides for student and school transition from one program to another as follows:

- (1) Schools participating in SSEEP in the 2024-2025 school year may join the LA GATOR scholarship program for the 2025-2026 school year without a separate approval or application process; thereafter, the school is subject to LA GATOR program application requirements.
- (2) The ESA for a student who ends SSEEP participation and begins LA GATOR participation at the same school shall be funded at the amount of his SSEEP scholarship until he completes that school's terminal grade or leaves that school, whichever occurs first.

### **TOPS**

Present law provides for the Taylor Opportunity Program for Students (TOPS) as a merit scholarship program for students meeting specific initial eligibility requirements, including the following academic requirements, which vary depending on the award level:

- (1) Successful completion of a specific high school core curriculum.
- (2) Attaining a minimum grade point average on such curriculum.
- (3) Attaining a minimum ACT score.

Present law provides the general eligibility requirement of graduating from a La. public school or approved nonpublic school and provides alternate eligibility requirements for students who graduate under different scenarios.

Present law exempts students who complete BESE-approved home study programs from requirements provided in (1) and (2) above but requires them to score at least two points higher than

the minimum ACT score required by present law to qualify for a TOPS-Tech or Opportunity Award and one point higher for a Performance or Honors Award.

Proposed law grants students participating in the LA GATOR program who do not graduate from an La. public school or approved nonpublic school eligibility for a TOPS award under the same alternate eligibility requirements as provided by present law for students graduating from approved home study programs. (Proposed law prohibits students from participating concurrently in the LA GATOR program and an approved home study program.)

Effective upon signature of governor or lapse of time for gubernatorial action except for:

- (1) The establishment of the LA GATOR program, which shall become effective when an Act of the legislature containing a specific appropriation of monies for its implementation becomes effective.
- (2) The repeal of the Student Scholarships for Educational Excellence Program provisions, which shall become effective one year from the effective date of (1) above.

(Amends R.S. 17:236(A) and 4014; Adds R.S. 17:3996(B)(82), 4037.1-4037.9, and 5029(F); Repeals R.S. 17:4011-13 and 4015-4025)

#### Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Education to the original bill:

1. Add that students with exceptionalities shall not be required to take assessments from which they would be exempt if enrolled in public school.
2. Add letter of credit as alternative to surety bond for schools and service providers receiving more than \$100,000 in a school year and limits application to those in operation fewer than three years.
3. Relative to qualified education expenses:
  - (a) Add tuition and fees for students participating in dual enrollment.
  - (b) Elaborate on meaning of parent navigation services.
4. Add that proposed law relative to the LA Gator program shall become effective when an Act of the legislature containing a specific appropriation of monies for program implementation becomes effective.

The House Floor Amendments to the engrossed bill:

1. Provide for DOE's authority to refer cases of misuse of account funds to the attorney

general for the recovery of such funds instead of for investigation.