

2024 Regular Session

SENATE BILL NO. 313

BY SENATOR EDMONDS

SCHOOLS. Creates the Louisiana Giving All True Opportunity to Rise (LA GATOR) Scholarship Program to provide educational savings accounts for parental choice in K-12 education. (gov sig)

1 AN ACT

2 To amend and reenact R.S. 17:236(A) and 4014, to enact R.S. 17:3996(B)(82), Chapter 43-C

3 of Title 17 of the Louisiana Revised Statutes of 1950, to be comprised of R.S.

4 17:4037.1 through 4037.12, and R.S. 17:5029(F), and to repeal R.S. 17:4011 through

5 4013 and 4015 through 4025, relative to school choice; to create and provide for the

6 administration of a school choice program that provides state funding for various

7 educational options; to provide relative to the eligibility of students, schools, and

8 service providers participating in the program; to provide relative to program funds;

9 to provide relative to the testing of students participating in the program; to require

10 the state Department of Education to submit annual reports to the legislature relative

11 to the program; to provide relative to eligibility for the Taylor Opportunity Program

12 for Students for students participating in the program; to provide for the termination

13 of the Student Scholarships for Educational Excellence Program and the transition

14 from one program to another; to provide relative to rules; to provide relative to

15 definitions; to provide for an effective date; and to provide for related matters.

16 Be it enacted by the Legislature of Louisiana:

17 Section 1. R.S. 17:236(A) and 4014 are hereby amended and reenacted and R.S.

1 17:3996(B)(82), Chapter 43-C of Title 17 of the Louisiana Revised Statutes of 1950,  
2 comprised of R.S. 17:4037.1 through 4037.12, and R.S. 17:5029(F) are hereby enacted to  
3 read as follows:

4 §236. Definition of a school

5 A. For the purposes of this Chapter, a school is defined as an institution for  
6 the teaching of children, consisting of an adequate physical plant, whether owned or  
7 leased, instructional staff members, and students. For such an institution to be  
8 classified as a school, within the meaning of this Chapter, instructional staff  
9 members shall meet the following requirements: if a public day school or a  
10 nonpublic school which receives local, state, or federal funds or support, directly or  
11 indirectly, they shall be certified in accordance with rules established by the State  
12 Board of Elementary and Secondary Education; if a nonpublic school which receives  
13 no local, state, or federal funds or support, directly or indirectly, they shall meet such  
14 requirements as may be prescribed by the school or the church. In addition, except  
15 as otherwise provided in Subsection B of this Section, any such institution, to be  
16 classified as a school, shall operate a minimum session of not less than one hundred  
17 eighty days. Solely for purposes of compulsory attendance in a nonpublic school, a  
18 child who participates in a home study program approved by the State Board of  
19 Elementary and Secondary Education shall be considered in attendance at a day  
20 school; a home study program shall be approved if it offers a sustained curriculum  
21 of a quality at least equal to that offered by public schools at the same grade level.

22 **Solely for purposes of compulsory attendance, a child shall be considered in**  
23 **attendance at a day school if the child is participating in the LA GATOR**  
24 **Scholarship Program pursuant to R.S. 17:4037.1 et seq.**

25 \* \* \*

26 §3996. Charter schools; exemptions; requirements

27 \* \* \*

28 B. Notwithstanding any state law, rule, or regulation to the contrary and  
29 except as may be otherwise specifically provided for in an approved charter, a

1 charter school established and operated in accordance with the provisions of this  
 2 Chapter and its approved charter and the school's officers and employees shall be  
 3 exempt from all statutory mandates or other statutory requirements that are  
 4 applicable to public schools and to public school officers and employees except for  
 5 the following laws otherwise applicable to public schools with the same grades:

6 \* \* \*

7 **(82) Requirements for participation in the LA GATOR Scholarship**  
 8 **Program, R.S. 17:4037.1 et seq., if a charter school opts to participate in the**  
 9 **program.**

10 \* \* \*

11 §4014. Student Scholarships for Educational Excellence Program; creation;  
 12 **termination**

13 The Student Scholarships for Educational Excellence Program is hereby  
 14 ~~created and~~ shall be administered by the department **through the end of the**  
 15 **2024-2025 school year. Effective June 30, 2025, the program shall cease to**  
 16 **operate, and no further scholarships shall be awarded through the program.**

17 \* \* \*

## 18 **CHAPTER 43-C. LOUISIANA GIVING ALL TRUE OPPORTUNITY TO RISE**

### 19 **(LA GATOR) SCHOLARSHIP PROGRAM**

#### 20 **§4037.1. Short title**

21 **This Chapter shall be known as and may be cited as the "Louisiana**  
 22 **Giving All True Opportunity to Rise (LA GATOR) Scholarship Program".**

#### 23 **§4037.2. Purpose**

24 **The purpose of this Chapter is all of the following:**

25 **(1) To recognize that Article VIII, Section 1 of the Constitution of**  
 26 **Louisiana requires that "(t)he legislature shall provide for the educational of**  
 27 **the people of the state and shall establish and maintain a public education**  
 28 **system." The public educational system is established to ensure that every**  
 29 **person is afforded an equal educational opportunity and prohibits the use of**

1 state dollars in a manner that would have the effect of discriminating in  
2 providing equal educational opportunities for all students. The legislature  
3 further recognizes the importance of parental choice in providing an education  
4 choice for their children, as well as the necessity that all students have access to  
5 quality educational opportunities.

6 (2) To create an opportunity for each parent to set aside part of their tax  
7 dollars in an educational savings account in order to provide the best  
8 educational opportunities for their child, whether the child's best opportunities  
9 are found at a public school, charter school, private school, home study  
10 program, or at a faith-based or religious school.

11 §4037.3. Definitions

12 As used in this Chapter, the following terms have the following  
13 meanings, unless otherwise clearly indicated:

14 (1) "Account" means an education scholarship account established  
15 pursuant to this Chapter and composed of state funds deposited on behalf of a  
16 student eligible to participate in the program.

17 (2) "Account funds" means the funds deposited into an account on behalf  
18 of a participating student.

19 (3) "Department" means the state Department of Education.

20 (4) "Parent" means a parent, legal guardian, or custodian.

21 (5) "Participating school" means a school participating in the program  
22 pursuant to this Chapter.

23 (6) "Participating student" means a student who has been determined  
24 to be eligible to participate in the program and for whom an account has been  
25 established pursuant to this Chapter.

26 (7) "Program" means the program created by this Chapter.

27 (8) "Program manager" means an entity selected by the state  
28 Department of Education and approved by the state board to administer the  
29 program as provided in R.S. 17:4037.4.

1                   **(9) "Qualified education expenses" means any of the following:**

2                   **(a) Tuition or fees at a nonpublic school or for nonpublic online learning**  
3                   **programs.**

4                   **(b) Curricula and textbooks or other instructional materials, including**  
5                   **but not limited to any supplemental materials or online instruction required by**  
6                   **a participating school or service provider.**

7                   **(c) Tuition, fees, instructional materials, and examination fees at a career**  
8                   **or technical school.**

9                   **(d) Fees for Louisiana Educational Assessment Program tests, national**  
10                   **norm-referenced examinations, Advanced Placement examinations, and**  
11                   **examinations related to postsecondary education institution admission.**

12                   **(e) Educational services and therapies, including but not limited to**  
13                   **occupational, behavioral, physical, speech-language, and audiology therapies.**

14                   **(f) Tuition and fees at a postsecondary education institution providing**  
15                   **instruction for a student participating in dual enrollment as provided in**  
16                   **Chapter 18-A of this Title.**

17                   **(g) Any other educational expenses approved by the state board.**

18                   **(10) "Service provider" means a person or entity other than a**  
19                   **participating school that receives payments from accounts for qualified**  
20                   **education expenses.**

21                   **(11) "State board" means the State Board of Elementary and Secondary**  
22                   **Education.**

23                   **§4037.4. Program development and administration; powers and duties of the**  
24                   **State Board of Elementary and Secondary Education and the**  
25                   **state Department of Education; rules; report and reporting**  
26                   **requirements**

27                   **A. In order to assist the legislature in evaluating the effectiveness of**  
28                   **existing educational resources and determining the most efficient and effective**  
29                   **allocation of funding to maximize educational opportunities for all students, the**

1 Department of Education, in coordination with the State Board of Elementary  
2 and Secondary Education, shall collect data of all existing educational resources  
3 available within the state that are receiving state funding and their inputs and  
4 outcomes and report its findings to the legislature no later than December 1,  
5 2024. The report shall be categorized by parish, school grade, and disaggregated  
6 by public schools approved pursuant to R.S. 17:10, public charter schools  
7 approved pursuant to Chapter 42 of this Title, and nonpublic schools approved  
8 pursuant to R.S. 17:11 and shall include, to the extent possible, the following:

9 (1) The number of available seats for the 2024-2025 school year.

10 (2) The number of students enrolled for the 2024-2025 school year and  
11 the percentage of students who are economically disadvantaged.

12 (3) The number of state board approved schools and the 2023-2024  
13 school year performance score and the letter grade of each school for which the  
14 statewide system of accountability is applicable.

15 (4) The number of schools labeled as "Urgent Intervention Needed",  
16 "Urgent Intervention Required", or "Comprehensive Intervention Required"  
17 for the 2023-2024 school year.

18 (5) The number of students who were enrolled in a "C", "D", or "F"  
19 rated school for the 2023-2024 school year.

20 (6) The number of students for the 2023-2024 school year whose family  
21 income did not exceed two hundred and fifty percent of the current federal  
22 poverty guidelines as established by the federal office of management and  
23 budget.

24 (7) The number of students who participated in the School Scholarships  
25 for Education Excellence program for the 2023-2024 school year.

26 (8) All schools that participated in the School Scholarships for Education  
27 Excellence program for the 2023-2024 school year, the number of students who  
28 participated in the program for each participating school, the number of  
29 program seats that were available for each participating school, and the

1 aggregate test result data for participating students for each participating  
2 school.

3 (9) The number of students for the 2023-2024 school year whose family  
4 income did not exceed four hundred percent of the current federal poverty  
5 guidelines as established by the federal office of management and budget.

6 (10) The number of schools subject to a school, district, or statewide  
7 system of accountability that earned a "C", "D", or "F" for the 2023-2024  
8 school year.

9 (11) The metrics, weight assigned to each metric, and point system used  
10 in determining the performance score and letter grade for the school, district,  
11 and statewide system of accountability.

12 (12) The percentage of teachers and administrators for the 2022-2023  
13 and 2023-2024 school year for which an evaluation was conducted pursuant to  
14 R.S. 17:3902 or R.S. 17:3997(D).

15 (13) The methodology, metrics, and weight of each that are utilized as  
16 evidence of growth in student achievement.

17 (14) The student characteristics and methodology utilized to determine  
18 typical outcomes of comparable students for purposes of assigning each student  
19 an expected score to be compared to the student's actual score on state  
20 assessments in determining the student's growth result.

21 (15) The percentage of students who demonstrated a positive growth  
22 result between the 2022-2023 and 2023-2024 school years.

23 (16) The percentage of students who demonstrated a negative growth  
24 result between the 2022-2023 and 2023-2024 school years.

25 §4037.5. Program creation and administration; powers and duties of the State  
26 Board of Elementary and Secondary Education and the state  
27 Department of Education; rules; implementation

28 A. The Louisiana Giving All True Opportunity to Rise (LA GATOR)  
29 Scholarship Program, a universal education scholarship account program, is

1 hereby created. The department or a program manager selected by the  
2 department as provided in this Section shall administer the program in  
3 accordance with state board rules. The state board shall adopt rules for  
4 program administration that shall, at minimum, provide for the following:

5 (1) Determination of the eligibility of students, participating schools, and  
6 service providers.

7 (2) Financial audits of the program and accounts to ensure that  
8 expenditures are made in accordance with this Chapter, including, at minimum,  
9 an annual random audit.

10 (3) The authority of the department to deem any participating student  
11 ineligible for the program and to refer a case involving the misuse of account  
12 funds to the attorney general for recovery of misused funds.

13 (4) The establishment of an online anonymous fraud reporting service.

14 (5) Requiring a surety bond or a letter of credit for participating schools  
15 or service providers that have been operating for fewer than three years and  
16 that will receive more than one hundred thousand dollars in account funds in  
17 a school year.

18 (6) The establishment of a standardized appeals process for students,  
19 schools, or service providers removed from the program.

20 (7) A rolling enrollment process adhering to the phases and student  
21 priority provided in R.S. 17:4037.6 that shall be used in the event that there are  
22 insufficient funds to fund all students whose parents apply for program  
23 participation.

24 B.(1) The department shall inform parents of a participating student, at  
25 the time of his initial entry into the program and at the beginning of the  
26 student's school year in grades eight through twelve, of the eligibility  
27 requirements for the Taylor Opportunity Program for Students for  
28 participating students as provided in R.S. 17:5029(F).

29 (2) The department shall begin enrolling participating students not later

1 than March 1, 2025, for the 2025-2026 school year; however, for students for  
2 whom account funds shall be used to pay more than one participating school or  
3 service provider, the department shall have until March 1, 2026, to begin  
4 enrolling students for the 2026-2027 school year.

5 C. The provisions of this Chapter shall be subject to specific  
6 appropriation of funds by the legislature each year for this purpose.

7 D. No locally levied school district tax revenues shall be transferred to  
8 any participating school located outside of the school district where the tax is  
9 levied or any participating nonpublic school within the district.

10 §4037.6. Account funds

11 A. The department, on a quarterly basis, shall allocate to each account  
12 from funds appropriated or otherwise made available for the program.

13 B.(1) The amount allocated to an account shall be prorated if a student  
14 transfers into the program after the beginning of a school year.

15 (2) If a participating school or service provider requires partial payment  
16 of tuition or fees prior to the start of the school year to reserve space for a  
17 student, the department may make the partial payment prior to the start of the  
18 school year and deduct the amount from subsequent quarterly account deposits  
19 to ensure adequate funds remain available throughout the school year; however,  
20 if the parent decides not to use the school or service provider, the school or  
21 service provider shall return the partial reservation payment to the department  
22 which shall credit the amount to the account.

23 C. The department shall implement a system for parents to direct funds  
24 from accounts to participating schools and service providers for qualified  
25 education expenses by electronic or online funds transfer. The system shall also  
26 allow parents to publicly rate, review, and share information about  
27 participating schools and service providers.

28 D.(1) Account funds shall be used only for qualified education expenses  
29 for the participating student. Funds in a student's account that are not used in

1 a given school year shall be retained in the account for future use.

2 (2) The department shall continue to allocate funds to an account until  
3 any of the following occurs, at which point the account shall be closed and funds  
4 returned to the state general fund:

5 (a) The parent enrolls the student full-time in a public school.

6 (b) The department determines that a parent has failed to comply with  
7 the provisions of this Chapter or state board rules pertaining to the program,  
8 including but not limited to a determination that the parent has misused  
9 account funds.

10 (c) The parent withdraws the student from the program.

11 (d) The student graduates from high school.

12 (e) The account has been inactive for two consecutive years unless  
13 inactivity is due to lack of available funding for accounts.

14 E. No account funds shall be refunded, rebated, or shared with a parent  
15 or student in any manner. Any rebate or refund for goods or services purchased  
16 with account funds shall be credited directly to the account.

17 §4037.7. Student eligibility; initial and continuing

18 A.(1) A student is initially eligible for an account if he meets both of the  
19 following requirements:

20 (a) The student's parent submits an application for an account in  
21 accordance with procedures established by the department.

22 (b) The student's parent agrees in writing to all of the following:

23 (i) To provide an education for the participating student in at least the  
24 subjects of English language arts, mathematics, social studies, and science.

25 (ii) To use account funds only for qualified education expenses of the  
26 participating student.

27 (iii) To comply with all program requirements.

28 (2)(a) Initial student eligibility shall be phased in as provided in this  
29 Paragraph.

1                   **(b) In the first phase, a student is initially eligible if the student meets the**  
2                   **requirements of Paragraph (1) of this Subsection and at least one of the**  
3                   **following criteria:**

4                   **(i) The student participated in the Student Scholarships for Educational**  
5                   **Excellence Program for the previous school year. A student meeting this**  
6                   **criterion shall be granted first priority in terms of participation during the first**  
7                   **phase of the program.**

8                   **(ii) The student is entering kindergarten.**

9                   **(iii) The student was enrolled in a public school for the previous school**  
10                  **year.**

11                  **(iv) The student is from a family with a total income at or below two**  
12                  **hundred fifty percent of the federal poverty guidelines.**

13                  **(c) In the second phase, a student is initially eligible if the student meets**  
14                  **the requirements of Paragraph (1) of this Subsection and at least one of the**  
15                  **following criteria:**

16                  **(i) The student is entering kindergarten.**

17                  **(ii) The student was enrolled in a public school in the previous school**  
18                  **year.**

19                  **(iii) The student is from a family with a total income at or below four**  
20                  **hundred percent of the federal poverty guidelines.**

21                  **(d) In the third phase, a student is initially eligible if the student meets**  
22                  **the requirements of Paragraph (1) of this Subsection. In this phase, first priority**  
23                  **shall be granted to the following groups of students with equal consideration**  
24                  **being given to each group:**

25                  **(i) A student who meets the criteria provided in R.S. 17:4031(B)(2) for**  
26                  **qualification to participate in the School Choice Program for Certain Students**  
27                  **with Exceptionalities.**

28                  **(ii) A student who is from a family with a total income at or below two**  
29                  **hundred fifty percent of the federal poverty guidelines.**

1            **B.(1) The written agreement pursuant to Subparagraph (A)(1)(b) of this**  
2            **Section satisfies the compulsory school attendance requirements of R.S. 17:221.**  
3            **The parent of a participating student shall ensure the student is complying with**  
4            **the attendance requirements of the participating school or service provider.**  
5            **Each participating student who fails to comply with the attendance**  
6            **requirements shall be reported to the state director of child welfare and**  
7            **attendance by the participating school or service provider and shall be subject**  
8            **to the provisions of R.S. 17:233.**

9            **(2) A participating student is eligible to participate in the program**  
10           **through in-person education, virtual education, or a hybrid approach that**  
11           **combines both methods.**

12           **C. A student shall not participate in this program concurrently with a**  
13           **home study program approved by the state board or a home study program**  
14           **registered with the department as a nonpublic school not seeking state approval,**  
15           **the Course Choice Program, or the School Choice Program for Certain**  
16           **Students with Exceptionalities.**

17           **§4037.8. Schools and service providers; eligibility; participation**

18           **A. To be eligible to participate in the program, a school shall meet all of**  
19           **the following criteria:**

20           **(1) It has been approved by the state board pursuant to R.S. 17:10 or**  
21           **R.S. 17:11 and meets any other standards established by the state board**  
22           **pertaining to health, safety, and program of study as required by the state**  
23           **board.**

24           **(2) It is in compliance with the criteria set forth in Brumfield, et al. v.**  
25           **Dodd, et al., 425 F. Supp. 528 (E.D. La. 1977).**

26           **(3) It meets all other program requirements provided in rules**  
27           **promulgated by the state board.**

28           **B. The state board shall provide eligibility criteria for both schools and**  
29           **service providers in program rules in a way that maximizes school and provider**

1           participation.

2           C. Each public school governing authority may adopt a policy  
3           authorizing the acceptance of account funds for providing services covered as  
4           qualified education expenses to a participating student who is enrolled part-time  
5           in a school under its jurisdiction or who takes individual courses provided by  
6           such a school without being enrolled in the school. The governing authority shall  
7           not include any such student in its student count for purposes of receiving  
8           funding through the minimum foundation program formula or any other state  
9           funding.

10          D.(1) To be eligible to participate in the program, a nonpublic school or  
11          service provider shall apply to participate in the program and, if determined to  
12          be eligible, accept account funds for providing services covered as qualified  
13          education expenses. A nonpublic school shall annually report its full-time  
14          tuition and fees to the department.

15          (2) If the department finds that any participating school or service  
16          provider has failed to maintain continuing eligibility criteria or has  
17          demonstrated gross or a persistent lack of academic competence, the  
18          department shall restrict its ability to serve additional students through the  
19          program and may terminate its participation in the program. The department  
20          shall report any such action to the state board and to parents of participating  
21          students as soon as practicable. Additionally, the state superintendent of  
22          education may declare a school or service provider immediately ineligible to  
23          participate in cases of financial malfeasance or if its participation endangers the  
24          academic welfare, health, or safety of children.

25          (3) A school deemed ineligible to participate in the Student Scholarships  
26          for Educational Excellence Program or a charter school not approved for  
27          charter renewal by the authorizer is not eligible to participate in the program.

28          (4)(a) Nothing in this Chapter shall be deemed to limit the independence  
29          or autonomy of any participating nonpublic school or service provider or to

1 make the actions of a nonpublic school or service provider the actions of the  
2 state government.

3 (b) Participating nonpublic schools and service providers shall be given  
4 maximum freedom to provide for the educational needs of participating  
5 students without governmental control.

6 (c) Nothing in this Chapter shall be construed to expand the regulatory  
7 authority of the state, its officers, or any school district to impose any additional  
8 regulation of participating nonpublic schools or service providers beyond those  
9 necessary to enforce the requirements of the program.

10 (d) A participating nonpublic school or service provider that accepts  
11 funds pursuant to this Chapter is not an agent of the state or federal  
12 government.

13 (e) No participating nonpublic school or service provider shall be  
14 required to alter its creed, practices, admissions policy, or curricula in order to  
15 accept account funds.

16 §4037.9. Students with exceptionalities

17 A. If a participating student enrolled in a participating nonpublic school  
18 would have been entitled to receive special education services in the resident  
19 school system, his parent shall acknowledge in writing, as part of the program  
20 enrollment process, that the parent agrees to accept only such services as are  
21 available to all students enrolled in the participating school.

22 B. A parent may make a parental placement to receive special education  
23 and related services from a participating school that has demonstrated the  
24 capacity to offer such services.

25 C.(1) A participating school may adhere to its own admissions policy in  
26 considering the admission of students participating in the program. A  
27 participating school shall not discriminate against a child with special  
28 educational needs during the program admissions process. However, a  
29 participating school is required to offer only those services that it already

1 provides or such services as necessary to assist students with special needs that  
2 it can provide with minor adjustments. A participating school may partner or  
3 contract with the local school system to provide special education services.

4 (2) The department shall make information regarding the services  
5 participating schools and the resident school system can provide to children  
6 with special needs available to parents prior to the enrollment process.

7 §4037.10. Testing

8 A. The department shall develop a process for the annual administration  
9 of either of the following to participating students:

10 (1) Any examination in English language arts and mathematics required  
11 pursuant to the school and district accountability system at the prescribed  
12 grade level.

13 (2) A nationally norm-referenced test or assessment approved by the  
14 state board.

15 B. Notwithstanding Subsection A of this Section:

16 (1) Upon approval by the state board, a participating nonpublic school  
17 may select an assessment that is substantially aligned with its program of study  
18 and that is to be administered to participating students.

19 (2) A student with an exceptionality shall not be required to take any  
20 assessment from which he would have been exempt if enrolled in a public  
21 school.

22 C. The department shall develop a process for the collection and  
23 aggregate reporting of assessment results and shall ensure that the results of  
24 such assessments are provided to parents of participating students and the  
25 public.

26 D. Notwithstanding any other provision of law to the contrary and any  
27 rules promulgated by the state Department of Education, the assessment  
28 standards and practices that the department adopts pursuant to this Section  
29 shall become the official school and district accountability system of the state.

1           **§4037.11. Reports**

2                   Not later than April thirtieth of each year, the department shall submit  
3           a written report to the Senate Committee on Education, the House Committee  
4           on Education, and the Joint Legislative Committee on the Budget regarding the  
5           implementation of the program. The report, at a minimum, shall include the  
6           following information:

7                   (1) The total number of students participating in the program.

8                   (2) A list of all participating schools and service providers.

9                   (3) The total student enrollment of each participating school, the number  
10           of participating students enrolled in each school, and the percentage of the total  
11           enrollment of each school represented by program participants.

12                   (4) Aggregate test result data for participating students.

13                   (5) The percentage of funds used for each type of qualified education  
14           expense.

15                   (6) An analysis of the program's fiscal impact.

16                   (7) The amount withheld by the department for administration of the  
17           program, including the amount retained by the department, the amount paid  
18           to the program manager for the administration of the program, and the amount  
19           paid to vendors for managing the payment system.

20                   (8) The amount of program funds received by each participating school  
21           and service provider.

22           **§4037.12. Transitional provisions; Student Scholarships for Excellence**  
23                   **Program**

24                   A. Any nonpublic school participating in the Student Scholarships for  
25           Excellence Program during the 2024-2025 school year may participate in the LA  
26           GATOR Scholarship Program during the 2025-2026 school year without  
27           undergoing a separate application or approval process. For each school year  
28           thereafter, such schools shall comply with LA GATOR Scholarship Program  
29           requirements with respect to the application process.



1 Section 3. (A) Section 1 of this Act shall become effective when an Act of the  
2 legislature containing a specific appropriation of monies for the implementation of the  
3 provisions of this Act becomes effective.

4 (B) Section 2 of this Act shall become effective one year from the date of  
5 effectiveness of Section 1 of this Act.

6 (C) The provisions of this Section shall become effective upon signature of this Act  
7 by the governor or, if not signed by the governor, upon expiration of the time for bills to  
8 become law without signature by the governor, as provided by Article III, Section 18 of the  
9 Constitution of Louisiana. If this Act is vetoed by the governor and subsequently approved  
10 by the legislature, the provisions of this Section shall become effective on the day following  
11 such approval.

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The original instrument was prepared by Michael Bell. The following digest,  
which does not constitute a part of the legislative instrument, was prepared  
by Mary Francis Aucoin.

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	DIGEST	
SB 313 Re-Reengrossed	2024 Regular Session	Edmonds

Present law provides for the definition of a "school".

Proposed law retains present law but provides that a child will be considered in attendance at day school if the child is participating in the LA GATOR Scholarship Program pursuant to proposed law.

Proposed law provides that charter schools are not exempt from requirements for participation in the LA GATOR Scholarship Program if the charter school opts to participate.

Present law provides for the Student Scholarships for Educational Excellence Program (voucher program).

Proposed law retains present law and further provides that the Program will terminate on June 30, 2025.

Proposed law authorizes the State Board of Elementary and Secondary Education (BESE) to develop an educational savings account program (ESA), subject to an appropriation by the legislature. If ESA program is authorized by BESE, then BESE is to make recommendations to the legislature for an orderly and efficient transition of participating students from the voucher program to the ESA program. The recommendations are to include the necessary statutory changes that the legislature would need to make in order to accomplish the transition.

Proposed law provides that the purpose of proposed law is to do all of the following:

- (1) Recognizes that the La. Constitution requires that the legislature is to provide for the

education of the people of the state and is to establish and maintain a public educational system. The public educational system is established to ensure that every person is afforded an equal educational opportunity and prohibits the use of state dollars in a manner that would have the effect of discriminating in providing equal educational opportunities for all students. The legislature further recognizes the importance of parental choice education, as well as the necessity that all students have access to quality educational opportunities.

- (2) Creates an opportunity for each parent to set aside part of their tax dollars in an educational savings account in order to provide the best educational opportunities for their child, whether the child's best opportunities are found at a public school, charter school, private school, home study program, or at a faith-based or religious school.

Proposed law provides for the following definitions: "Department"; "Program"; "State board"; "Account"; "Account funds"; "Parent"; "Participating school"; "Participating student"; "Program"; "Program manager"; "Qualified education expenses"; and "Service provider".

Proposed law provides that the Dept. and BESE are to collect data of all existing educational resources available within the state that receives state educational funding and report those findings to the legislature no later than December 1, 2024. The report will be categorized by parish, school grade, and collected by public schools, public charter schools, and state approved nonpublic schools. The report to the legislature will include, to the extent possible, all of the following:

- (1) The number of available seats for the 2024-2025 school year.
- (2) The number of students enrolled for the 2024-2025 school year and the percentage of students who are economically disadvantaged.
- (3) The number of BESE approved schools and the 2023-2024 school year performance score and the letter grade of each school for which the statewide system of accountability is applicable.
- (4) The number of schools labeled as "Urgent Intervention Needed", "Urgent Intervention Required", or "Comprehensive Intervention Required" for the 2023-2024 school year.
- (5) The number of students who were enrolled in a "C", "D", or "F" rated school for the 2023-2024 school year.
- (6) The number of students for the 2023-2024 school year whose family income did not exceed 250% of the current federal poverty guidelines as established by the federal office of management and budget.
- (7) The number of students who participated in the voucher program for the 2023-2024 school year.
- (8) All schools that participated in the voucher program for the 2023-2024 school year, the number of students who participated in the program for each participating school, the number of program seats that were available for each participating school, and the aggregate test result data for participating students for each participating school.
- (9) The number of students for the 2023-2024 school year whose family income did not exceed 400% of the current federal poverty guidelines as established by the federal office of management and budget.
- (10) The number of schools subject to a school, district, or statewide system of

accountability that earned a "C", "D", or "F" for the 2023-2024 school year.

- (11) The metrics, weight assigned to each metric, and point system used in determining the performance score and letter grade for the school, district, and statewide system of accountability.
- (12) The percentage of teachers and administrators for the 2022-2023 and 2023-2024 school year for which an evaluation was conducted.
- (13) The methodology, metrics, and weight of each that are utilized as evidence of growth in student achievement.
- (14) The student characteristics and methodology utilized to determine typical outcomes of comparable students for purposes of assigning each student an expected score to be compared to the student's actual score on state assessments in determining the student's growth result.
- (15) The percentage of students who demonstrated a positive growth result between the 2022-2023 and 2023-2024 school years.
- (16) The percentage of students who demonstrated a negative growth result between the 2022-2023 and 2023-2024 school years.

Proposed law provides that the Louisiana Giving All True Opportunity to Rise (LA GATOR) Scholarship Program, a universal education scholarship account program, is hereby created. The department or a program manager selected by the department as provided in proposed law must administer the program in accordance with state board rules. The state board must adopt rules for program administration that shall, at minimum, provide for the following:

- (1) Determination of the eligibility of students, participating schools, and service providers.
- (2) Financial audits of the program and accounts to ensure that expenditures are made in accordance with proposed law, including, at minimum, an annual random audit.
- (3) The authority of the department to deem any participating student ineligible for the program and to refer a case involving the misuse of account funds to the attorney general for recovery of misused funds.
- (4) The establishment of an online anonymous fraud reporting service.
- (5) Requiring a surety bond or a letter of credit for participating schools or service providers that have been operating for fewer than three years and that will receive more than \$100,000 in account funds in a school year.
- (6) The establishment of a standardized appeals process for students, schools, or service providers removed from the program.
- (7) A rolling enrollment process adhering to the phases and student priority provided in proposed law that must be used in the event that there are insufficient funds to fund all students whose parents apply for program participation.

Proposed law provides that the department must inform parents of a participating student, at the time of his initial entry into the program and at the beginning of the student's school year in grades eight through 12, of the eligibility requirements for the Taylor Opportunity Program for Students for participating students as provided in proposed law.

Proposed law is subject to specific appropriation of funds by the legislature each year for this

purpose.

Proposed law provides that no locally levied school district tax revenues shall be transferred to any participating school located outside of the school district where the tax is levied or any participating nonpublic school within the district.

Proposed law provides that the department, on a quarterly basis, must allocate to each account from funds appropriated or otherwise made available for the program. The amount allocated to an account must be prorated if a student transfers into the program after the beginning of a school year.

Proposed law provides that the department must implement a system for parents to direct funds from accounts to participating schools and service providers for qualified education expenses by electronic or online funds transfer. The system must also allow parents to publicly rate, review, and share information about participating schools and service providers.

Proposed law provides that account funds must be used only for qualified education expenses for the participating student. Funds in a student's account that are not used in a given school year must be retained in the account for future use.

Proposed law provides that no account funds must be refunded, rebated, or shared with a parent or student in any manner. Any rebate or refund for goods or services purchased with account funds must be credited directly to the account.

Proposed law provides the requirements for student eligibility for an account.

Proposed law provides that a participating student is eligible to participate in the program through in-person education, virtual education, or a hybrid approach that combines both methods.

Proposed law provides that a student must not participate in this program concurrently with a home study program approved by the state board or a home study program registered with the department as a nonpublic school not seeking state approval, the Course Choice Program, or the School Choice Program for Certain Students with Exceptionalities.

Proposed law provides the eligibility requirements for a school to participate in the Program.

Proposed law provides that each public school governing authority may adopt a policy authorizing the acceptance of account funds for providing services covered as qualified education expenses to a participating student who is enrolled part-time in a school under its jurisdiction or who takes individual courses provided by such a school without being enrolled in the school. The governing authority must not include any such student in its student count for purposes of receiving funding through the minimum foundation program (MFP) formula or any other state funding.

Proposed law will not be deemed to limit the independence or autonomy of any participating nonpublic school or service provider or to make the actions of a nonpublic school or service provider the actions of the state government.

Proposed law must not be construed to expand the regulatory authority of the state, its officers, or any school district to impose any additional regulation of participating nonpublic schools or service providers beyond those necessary to enforce the requirements of the program.

Proposed law provides for participation of students with exceptionalities in the Program and provides for required procedures.

Proposed law provides for the department must develop a process for the annual administration of either of the following to participating students:

- (1) Any examination in English language arts and mathematics required pursuant to the school and district accountability system at the prescribed grade level.
- (2) A nationally norm-referenced test or assessment approved by the state board.

Proposed law provides that notwithstanding any other provision of law to the contrary, or any rules promulgated by the state Department of Education, the assessment standards and practices that the department adopts pursuant to this Section shall become the official school and district accountability system of the state.

Proposed law provides that the department must develop a process for the collection and aggregate reporting of assessment results and must ensure that the results of such assessments are provided to parents of participating students and the public.

Proposed law provides for reporting requirements.

Proposed law provides that any nonpublic school participating in the Student Scholarships for Excellence Program during the 2024-2025 school year.

Proposed law provides that notwithstanding proposed law, for a student who participates in the Student Scholarships for Educational Excellence Program during the 2024-2025 school year and participates in the LA GATOR Scholarship Program during the 2025-2026 school year at the same school, the department must annually allocate to the account, subject to funds appropriated or otherwise made available for the program, an amount equal to the amount of the scholarship paid during the 2024-2025 school year through the Student Scholarships for Educational Excellence Program, which must continue until the student completes the school's terminal grade or until the student leaves the school, whichever occurs first.

Proposed law repeals provisions relative to the Student Scholarships for Educational Excellence Program. Effective one year from the date of proposed law.

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

(Amends R.S. 17:236(A) and 4014; adds R.S. 17:3996(B)(82), 4037.1-4037.12, and 5029(F); repeals R.S. 17:4011-4013 and 4015-4025)

Summary of Amendments Adopted by the Senate and proposed by the Senate Committee on Education to the original bill

1. Expands the provisions related to educational savings accounts (ESA) for students with exceptionalities who are not enrolled in public school.
2. Adds the La. Giving All True Opportunity to Rise (LA GATOR) Scholarship Program (ESA) for parental choice in kindergarten through 12th (K-12) education.

Committee Amendments Proposed by Senate Committee on Finance to the engrossed bill

1. Deletes Amendments proposed by the Senate Committee on Education and adopted by the Senate that required the Dept. and BESE to implement an ESA program.
2. Requires the Dept. and BESE to conduct a survey of educational resources

and report the survey results to the legislature.

3. Authorizes BESE to develop an ESA program based upon the survey.
4. Requires that any ESA program include a plan for statutory changes for the orderly transition of voucher students to the ESA program.
5. Limits ESA program funding to a specific appropriation by the legislature.

#### Summary of Amendments Adopted by Senate

##### Senate Floor Amendments to reengrossed bill

1. Makes Technical Changes.
2. Deletes Senate Floor Amendments.
3. Defines key terms.
4. Provides for Program creation, administration, rules, and implementation.
5. Provides for the use and allocation of funds.
6. Provides for eligibility requirements for students, schools, and service providers.
7. Provides for participation for students with exceptionalities.
8. Provides for annual testing or assessment.
9. Provides for reporting.
10. Provides for transitional provisions.
11. Repeals provisions relative to the Student Scholarships for Educational Excellence Program.
12. Provides for effective dates.