

SENATE COMMITTEE AMENDMENTS

2024 Regular Session

Amendments proposed by Senate Committee on Education to Original Senate Bill No. 313
by Senator Edmonds

1 AMENDMENT NO. 1

2 On page 1, line 2, after R.S. 17:236(A), delete the rest of the line and delete line 3, and insert
3 the following:

4 "and 4014, to enact R.S. 17:3996(B)(introductory paragraph) and (B)(82), Chapter
5 43-C of Title 17 of the Louisiana Revised Statutes of 1950, to be comprised of R.S.
6 17:4037.1 through 4037.11, and R.S. 17:5029(F), and to repeal R.S. 17:4011 through
7 4013 and 4015 through 4025, relative"

8 AMENDMENT NO. 2

9 On page 1, line 4, after "elementary and secondary education" insert "and school choice" and
10 delete lines 5 through 12 and insert the following:

11 "to create the Louisiana Giving All True Opportunity to Rise (LA GATOR)
12 Scholarship program; provides for educational savings accounts to encourage
13 learning environments and experiences designed to promote educational excellence
14 for children; to provide state funding for various educational options; to provide the
15 administration of a school choice program for various educational options; to provide
16 relative to the eligibility of students, schools, and service providers participating in
17 the program; to provide relative to the testing of students participating in the
18 program; to require the state Department of Education to submit annual reports to the
19 legislature relative to the program; to encourage eligibility for the Taylor
20 Opportunity Program for Students (TOPS) for students participating in the program;
21 to provide for the termination of the Student Scholarships for Educational Excellence
22 Program and the transition from one program to another; to provide relative to rules;
23 to provide relative to definitions; to provide for an effective date; to provide for
24 technical changes in current law; and to provide for related matters."

25 AMENDMENT NO. 3

26 On page 1, line 14, after "reenacted" delete the rest of the line and delete lines 15 and 16, and
27 insert the following:

28 "and 4014 are hereby amended and reenacted and R.S. 17:3996(B)(introductory
29 paragraph) and (B)(82), Chapter 43-C of Title 17 of the Louisiana Revised Statutes
30 of 1950, comprised of R.S. 17:4037.1 through 4037.11, and R.S. 17:5029(F) are
31 hereby enacted to read as follows:"

32 AMENDMENT NO. 4

33 On page 2, delete lines 2 through 29, and insert the following:

34 "§236. Definition of a school
35 A. For the purposes of this Chapter, a school is defined as an institution for
36 the teaching of children, consisting of an adequate physical plant, whether owned or
37 leased, instructional staff members, and students.
38 **B.** For ~~such~~ an institution to be classified as a school, within the meaning of
39 this Chapter, **the** instructional staff members shall meet the following requirements:
40 **(1) if Be an instructional staff member of** a public day school or a
41 nonpublic school **which that** receives local, state, or federal funds or support,
42 directly or indirectly, ~~they shall be~~ **and be** certified in accordance with rules
43 established by the State Board of Elementary and Secondary Education;

**CHAPTER 43-C. LOUISIANA GIVING ALL TRUE OPPORTUNITY TO RISE
(LA GATOR) SCHOLARSHIP PROGRAM**

§4437.1. Short title

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

§4037.2. Purpose

The purpose of this Chapter is all of the following:

A. To create 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.

B. To create an opportunity for the best and highest rated public school districts in Louisiana to stem the continued excess migration into those top school districts. Excessive migration into top rated public school districts create school overcrowding and overdevelop of homes that inevitably result in traffic congestion, increased drainage problems, and the flooding of homes and businesses.

§4037.3. Definitions

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

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

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

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

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

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

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

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

(8) "Program manager" means an entity selected by the state Department of Education to administer the program as provided in R.S. 17:4037.2.

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

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

(b) Tutoring services provided by an individual or a tutoring facility.

(c) Services contracted for and provided by a public school, including but not limited to individual classes and extracurricular activities and programs.

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

(e) Computer hardware or other technological devices primarily used to help meet a student's educational needs.

(f) Educational software applications.

(g) School uniforms.

(h) Tuition or fees for summer education programs and specialized after school education programs but not after school childcare.

(i) Tuition, fees, instructional materials, and examination fees at a career or technical school.

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

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

1 (l) Fees for transportation paid to a fee-for-service transportation
2 provider for the student to travel to and from a service provider.

3 (m) Parent navigation services means professional consultants that assist
4 a parent in connecting their child to educational opportunities that allow a
5 parent to coordinate educational services based upon their child's needs,
6 including but not limited to locating and choosing courses and licensed tutors.

7 (n) Any other educational expenses approved by the state board.

8 (o) Tuition and fees at an institution of higher education that provides
9 course instruction for the student who is participating in dual enrollment.

10 (10) "Resident school system" means the public school system in which
11 the student would be enrolled based on his residence.

12 (11) "Service provider" means a person or entity other than a
13 participating school that receives payments from accounts for qualified
14 education expenses.

15 (12) "State board" means the State Board of Elementary and Secondary
16 Education.

17 **§4037.4. Program creation and administration; powers and duties of the State**
18 **Board of Elementary and Secondary Education and the state**
19 **Department of Education; rules**

20 A. The Louisiana Giving All True Opportunity to Rise (LA GATOR)
21 Scholarship Program, a universal education scholarship account program, is
22 hereby created. The department or a program manager selected by the
23 department as provided in this Section shall administer the program in
24 accordance with state board rules. The state board shall adopt rules for
25 program administration that shall, at minimum, provide for the following:

26 (1) Determination of the eligibility of students, participating schools, and
27 service providers.

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

31 (3) The authority of the department to deem any participating student
32 ineligible for the program and to refer a case involving the misuse of account
33 funds to the attorney general for investigation.

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

35 B. The department may contract with a program manager for the
36 administration of the program or parts of the program. In lieu of the Louisiana
37 Procurement Code, the department may use a process for selecting a program
38 manager as provided in rules adopted by the state board for this purpose. The
39 selection of the program manager is subject to the approval of the state board.
40 Upon approval, the department shall send written notification to the House
41 Committee on Education, the Senate Committee on Education, and the Joint
42 Legislative Committee on the Budget.

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

48 (2) The department shall begin enrolling participating students not later
49 than March 1, 2025, for the 2025-2026 school year; however, for students for
50 whom account funds shall be used to pay more than one participating school or
51 service provider, the department shall have until March 1, 2026, to begin
52 enrolling students for the 2026-2027 school year.

53 **§4037.5. Account funds; eligibility; phased in funding**

54 A. Subject to the phase in that is provided in Subsection B of this
55 Section, the department shall allocate from funds appropriated or otherwise
56 made available, to each account based upon family income requirements as
57 follows:

58 (1) Each created pursuant to this Section shall be an amount equivalent
59 to one hundred sixty percent of the average state and local allocation per pupil
60 as provided in the minimum foundation program for a student who meets the

1 criteria provided in R.S. 17:4031(B)(2) for qualification to participate in the
 2 School Choice Program for Certain Students with Exceptionalities.

3 (2) An amount equivalent to eighty percent of the average state and local
 4 allocation per pupil as provided in the minimum foundation program formula
 5 for a student from a family with a total income that does not exceed two
 6 hundred fifty percent of the federal poverty guidelines.

7 (3) An amount equivalent to fifty-five percent of the average state and
 8 local allocation per pupil as provided in the minimum foundation program
 9 formula for any other student.

10 B(1) During the first two school years of the program, initial student
 11 eligibility shall be phased in as provided in this Paragraph. Beginning with the
 12 third school year of the program, the only initial eligibility requirements shall
 13 be those provided in Paragraph (1) of this Subsection.

14 (2) For the 2025-2026 school year, a student is initially eligible if the
 15 student meets the requirements of Paragraph (1) of this Subsection and at least
 16 one of the following criteria:

17 (a) The student participated in the Student Scholarships for Educational
 18 Excellence Program for the 2024-2025 school year. A student meeting this
 19 criteria shall be granted first priority in terms of participation during the first
 20 year of year of the program.

21 (b) The student is entering kindergarten.

22 (c) The student was enrolled in a public school for the 2024-2025 school
 23 year.

24 (d) The student is from a family with a total income at or below two
 25 hundred fifty percent of the federal poverty guidelines.

26 (3) For the 2026-2027 school year, a student is initially eligible if the
 27 student meets the requirements of Paragraph (1) of this Subsection and at least
 28 one of the following criteria:

29 (a) The student is entering kindergarten.

30 (b) The student was enrolled in a public school in the 2025-2026 school
 31 year.

32 (c) The student is from a family with a total income at or below four
 33 hundred percent of the federal poverty guidelines.

34 C.(1) The department may withhold up to five percent of funds
 35 appropriated or otherwise made available for the program annually for
 36 program administration. Any amount withheld by the department shall not
 37 reduce the amount allocated to accounts.

38 (2) The amount allocated to an account shall be prorated if a student
 39 transfers into the program after the beginning of a school year.

40 (3) For students enrolled full-time in a participating school or an
 41 educational program operated by a service provider, the department, on a
 42 quarterly basis, shall allocate funds. If a participating school or service
 43 provider requires partial payment of tuition or fees prior to the start of the
 44 school year to reserve space for a student, the department may make the partial
 45 payment prior to the start of the school year and deduct the amount from
 46 subsequent account deposits to ensure adequate funds remain available
 47 throughout the school year; however, if the parent decides not to use the school
 48 or service provider, the school or service provider shall return the partial
 49 reservation payment to the department which shall credit the amount to the
 50 account.

51 (4) For students not enrolled full-time in a participating school or
 52 educational program operated by a service provider, the department, on a twice
 53 annual basis, shall allocate funds.

54 D. The department shall implement a system for parents to direct funds
 55 from accounts to participating schools and service providers for qualified
 56 education expenses by electronic or online funds transfer. The system shall also
 57 allow parents to publicly rate, review, and share information about
 58 participating schools and service providers.

59 E.(1) Account funds shall be used only for qualified education expenses
 60 for the participating student. Funds in a student's account that are not used in
 61 a given school year shall be retained in the account for future use.

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

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

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

9 **(c) The parent withdraws the student from the program.**

10 **(d) The student graduates from high school.**

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

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

16 **§4037.6. Student eligibility; initial and continuing**

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

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

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

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

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

26 **(iii) To comply with all program requirements.**

27 **B.(1) The written agreement pursuant to Subparagraph (A)(1)(b) of this**
 28 **Section satisfies the compulsory school attendance requirements of R.S. 17:221.**
 29 **The parent of a participating student shall ensure the student is complying with**
 30 **the attendance requirements of the participating school or service provider.**
 31 **Each participating student who fails to comply with the attendance**
 32 **requirements shall be reported to the state director of child welfare and**
 33 **attendance by the participating school or service provider and shall be subject**
 34 **to the provisions of R.S. 17:233.**

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

38 **C. A student shall not participate in this program concurrently with a**
 39 **home study program approved by the state board or a home study program**
 40 **registered with the department as a nonpublic school not seeking state approval,**
 41 **the Course Choice Program, or the School Choice Program for Certain**
 42 **Students with Exceptionalities.**

43 **§4037.7. Schools and service providers; eligibility; participation**

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

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

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

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

55 **C. A public school governing authority may adopt a policy authorizing**
 56 **the acceptance of account funds for providing services covered as qualified**
 57 **education expenses to a participating student who is enrolled part-time in a**
 58 **school under its jurisdiction or who takes individual courses provided by such**
 59 **a school without being enrolled in the school. The public school governing**
 60 **authority shall not include any such student in its student count for purposes of**
 61 **receiving funding through the minimum foundation program formula or any**

1 other state funding.

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

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

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

20 (4)(a) Nothing in this Chapter shall be deemed to limit the independence
 21 or autonomy of any participating nonpublic school or service provider or to
 22 make the actions of a nonpublic school or service provider the actions of the
 23 state government.

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

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

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

34 (e) No participating nonpublic school or service provider shall be
 35 required to alter its creed, practices, or employment policies in order to accept
 36 account funds.

37 §4037.8. Students with exceptionalities

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

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

46 C.(1) A participating school may adhere to its own admissions policy in
 47 considering the admission of students participating in the program. A
 48 participating school shall not discriminate against a child with special
 49 educational needs during the program admissions process. However, a
 50 participating school is required to offer only those services that it already
 51 provides or such services as necessary to assist students with special needs that
 52 it can provide with minor adjustments. A participating school may partner or
 53 contract with the local school system to provide special education services.

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

57 §4037.9. Testing

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

60 (1) Any examination in English language arts and mathematics required
 61 pursuant to the school and district accountability system at the prescribed

1 grade level.

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

4 B. Notwithstanding Subsection A of this Section, upon approval by the
5 state board, a participating nonpublic school may select an assessment that is
6 substantially aligned with its program of study to be administered to
7 participating students.

8 C. The department shall develop a process for the collection and
9 aggregate reporting of assessment results and shall ensure that the results of
10 such assessments are provided to parents of participating students and the
11 public.

12 §4037.10. Reports

13 Not later than April thirtieth of each year, the department shall submit
14 a written report to the House Committee on Education, the Senate Committee
15 on Education, and the Joint Legislative Committee on the Budget regarding the
16 implementation of the program. The report, at a minimum, shall include the
17 following information:

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

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

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

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

24 (5) The percentage of funds used for each type of qualified education
25 expense.

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

27 (7) The amount withheld by the department for administration of the
28 program, including the amount retained by the department, the amount paid
29 to the program manager for the administration of the program, and the amount
30 paid to vendors for managing the payment system.

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

33 §4037.11. Transitional provisions; Student Scholarships for Excellence Program

34 A.(1) Any nonpublic school participating in the Student Scholarships for
35 Excellence Program during the 2024-2025 school may participate in the
36 Louisiana Giving All True Opportunity to Rise (LA GATOR) Scholarship
37 Program during the 2025-2026 school year without undergoing a separate
38 application or approval process.

39 (2) For each school year thereafter, such schools shall comply with
40 Louisiana Giving All True Opportunity to Rise (LA GATOR) Scholarship
41 Program requirements with respect to the application process.

42 B. Notwithstanding the provisions of R.S. 17:4037.3, for a student who
43 participates in the Student Scholarships for Educational Excellence Program
44 during the 2024-2025 school year and participates in the Louisiana Giving All
45 True Opportunity to Rise (LA GATOR) Scholarship Program during the 2025-
46 2026 school year at the same school, the department shall annually allocate to
47 the account, subject to funds appropriated or otherwise made available for the
48 program, an amount equal to the amount of the scholarship paid during the
49 2024-2025 school year through the Student Scholarships for Educational
50 Excellence Program, which shall continue until the student completes the
51 school's terminal grade or until the student leaves the school, whichever occurs
52 first.

53 * * *

54 §5029. Alternative initial eligibility requirements

55 * * *

56 F.(1) A student participating in the Louisiana Giving All True
57 Opportunity to Rise (LA GATOR) Scholarship Program as provided in
58 Chapter 43-C of this Title shall be eligible to receive an award pursuant to this
59 Chapter if he qualifies as follows:

60 (2) The participating student has graduated from a public or approved
61 nonpublic high school as provided in R.S. 17:5021 and has met all requirements

1 of this Chapter applicable to such graduates.

2 (3) Any other participating student has been certified by a parent, legal
3 guardian, or custodian to have successfully completed at the twelfth grade level
4 an educational program provided through the Louisiana Giving All True
5 Opportunity to Rise (LA GATOR) Scholarship Program and has met the
6 following criteria:

7 (a) The student became a participant in the Louisiana Giving All True
8 Opportunity to Rise (LA GATOR) Scholarship Program no later than the
9 conclusion of his tenth grade year.

10 (b) The student meets the requirements of Paragraphs (B)(2) and (3) of
11 this Section."

12 Section 2. R.S. 17:4011 through 4013 and 4015 through 4025 are hereby
13 repealed in their entirety.

14 Section 3. Section 1 and this Section of this Act shall become effective upon
15 signature of this Act by the governor or, if not signed by the governor, upon
16 expiration of the time for bills to become law without signature by the governor, as
17 provided by Article III, Section 18 of the Constitution of Louisiana. If this Act is
18 vetoed by the governor and subsequently approved by the legislature, Section 1 and
19 this Section of this Act shall become effective on the day following such approval.

20 Section 4. Section 2 of this Act shall become effective on June 30, 2025."
21

22 AMENDMENT NO. 5

23 Delete pages 3 through 8 in their entirety.

24 AMENDMENT NO. 6

25 On page 9, delete lines 1 through 12 in their entirety.