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

- On page 1, line 2, after R.S. 17:236(A), delete the rest of the line and delete line 3, and insert
 the following:
- 4 "and the introductory paragraph of 3996(B) and 4014, and to enact R.S.
 5 17:3996(B)(82), Chapter 43-C of Title 17 of the Louisiana Revised Statutes of 1950,
 6 to be comprised of R.S. 17:4037.1 through 4037.11, and R.S. 17:5029(F), and to
 7 repeal R.S. 17:4011 through 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"
10 delete the remainder of the line and delete lines 5 through 12 and insert the following:

"to create the Louisiana Giving All True Opportunity to Rise (LA GATOR) 11 12 Scholarship program; provides for educational savings accounts to encourage 13 learning environments and experiences designed to promote educational excellence for children; to provide state funding for various educational options; to provide the 14 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; to provide relative to definitions; to provide for an effective date; to provide for 23 24 technical changes in current law; and to provide for related matters."

- 25 AMENDMENT NO. 3
- On page 1, line 14, after "reenacted" delete the rest of the line and delete lines 15 and 16, and
 insert the following:

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

32 AMENDMENT NO. 4

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- 33 On page 2, delete lines 2 through 29, and insert the following:
- 34 "§236. Definition of a school

A. For the purposes of this Chapter, a school is defined as an institution for the teaching of children, consisting of an adequate physical plant, whether owned or leased, instructional staff members, and students.

38 <u>**B.**</u> For such an institution to be classified as a school, within the meaning of
 39 this Chapter, <u>the</u> instructional staff members shall meet the following requirements:

40 (1) if <u>Be an instructional staff member of</u> a public day school or a
41 nonpublic school which <u>that</u> receives local, state, or federal funds or support,
42 directly or indirectly, they shall be <u>and be</u> certified in accordance with rules
43 established by the State Board of Elementary and Secondary Education;

(2) if <u>Be an instructional staff member of</u> a nonpublic school which <u>that</u> receives no local, state, or federal funds or support, directly or indirectly, they shall meet such <u>and meets the</u> requirements as may be prescribed by the school or the church <u>that established the school</u>.

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<u>C. In addition, except Except</u> as otherwise provided in Subsection <u>B</u><u>D</u> of this Section, any such institution, <u>in order</u> to be classified as a school, <u>an institution</u> shall operate a minimum session of not less than one hundred eighty days <u>or as</u> required by R.S. 17:154.1, whichever is applicable.

<u>BD.</u> Solely for <u>Notwithstanding any other provision of law to the</u> <u>contrary, for</u> purposes of compulsory attendance in a nonpublic school, a student who participates in a home study program approved by the State Board of Elementary and Secondary Education shall be considered in attendance at a day school; $\underline{a} \underline{A}$ home study program shall be approved if it offers a sustained curriculum of a quality at least equal to that offered by public schools at the same grade level.

<u>E.</u> Effective for the 2005-2006 school year, the <u>The</u> provisions of Subsection <u>Subsections</u> A and <u>B</u> of this Section relative to the required operation of a minimum school session of not less than one hundred eighty days shall not be applicable. However, the State Board of Elementary and Secondary Education may adopt rules effective for the 2005-2006 school year relative to the minimum session required of any institution in order to be classified as a school.

<u>CF</u>. For the purpose of reporting data <u>related to schools, as defined in this</u> <u>Section, the following definitions shall apply</u>:

(1) The term "elementary school" means a school composed of any span of grades prekindergarten through grade eight that excludes grades nine through twelve.

(2) The term "middle school" or "junior high school" means a school composed of any span of grades five through nine that includes grades seven and eight and that excludes grades prekindergarten through four and ten through twelve.

(3) The term "high school" means a school composed of any span of grades nine through twelve.

(4) Middle schools, junior high schools, and high schools shall be considered secondary schools.

 $E \underline{G}$. Nothing in Subsection C of this Section shall affect the certification of education personnel or the grade levels for which they are eligible to teach."

§3996. Charter schools; exemptions; requirements

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B. Notwithstanding any state law, rule, or regulation <u>other provision of law</u> to the contrary, and except as may be otherwise specifically provided for in <u>with</u> <u>respect to</u> an approved charter; or a charter school established and operated in accordance with the provisions of <u>pursuant to</u> this Chapter, and its approved charter and the school's officers and employees shall be exempt from all statutory mandates or other statutory requirements that are applicable to public schools and to public school officers and employees except for the following laws <u>that are</u> otherwise applicable <u>with respect</u> to public schools with the same grades:

(82) Requirements for participation in the Louisiana Giving All True Opportunity to Rise (LA GATOR) Scholarship program, pursuant to R.S. 17:4037.1 et seq., if a charter school opts to participate in the program.

§4014. Student Scholarships for Educational Excellence Program; creation: termination

The Student Scholarships for Educational Excellence Program is hereby created and shall be administered by the department <u>through the end of the 2024-</u> 2025 school year. Effective June 30, 2025, the program shall cease to operate, and no further scholarships shall be awarded through the program.

1 CI	HAPTER 43-C. LOUISIANA GIVING ALL TRUE OPPORTUNITY TO RISE
2	(LA GATOR) SCHOLARSHIP PROGRAM
3	§4437.1. Short title
4	This Chapter shall be known as and may be cited as the "Louisiana"
5	Giving All True Opportunity to Rise (LA GATOR) Scholarship Program".
6	<u>§4037.2. Purpose</u>
7	The purpose of this Chapter is all of the following:
8	A. To create an opportunity for each parent to set aside part of their tax
9	dollars in an educational savings account in order to provide the best
10	educational opportunities for their child, whether the child's best opportunities
11	are found at a public school, charter school, private school, home study
12	program, or at a faith-based or religious school.
13	B. To create an opportunity for the best and highest rated public school
14	districts in Louisiana to stem the continued excess migration into those top
15	school districts. Excessive migration into top rated public school districts create
16	school overcrowding and overdevelopment of homes that inevitably result in
17	traffic congestion, increased drainage problems, and the flooding of homes and
18 19	businesses.
19 20	<u>§4037.3. Definitions</u> As used in this Chapter, the following terms have the following
20 21	meanings, unless otherwise clearly indicated:
21	(1) "Account" means an education scholarship account established
22	pursuant to this Chapter and composed of state funds deposited on behalf of a
23	student eligible to participate in the program.
25	(2) "Account funds" means the funds deposited into an account on
26	behalf of a participating student.
27	(3) "Department" means the state Department of Education.
28	(4) "Parent" means a parent, legal guardian, or custodian.
29	(5) "Participating school" means a school participating in the program
30	pursuant to this Chapter.
31	(6) "Participating student" means a student who has been determined
32	to be eligible to participate in the program and for whom an account has been
33	established pursuant to this Chapter.
34	(7) "Program" means the program created by this Chapter.
35	(8) "Program manager" means an entity selected by the state
36	Department of Education to administer the program as provided in R.S.
37	$\frac{17:4037.2}{(0)}$
38 39	(9) "Qualified education expenses" means any of the following: (a) Tuition or fees at a nonpublic school or for nonpublic online learning
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40 41	<u>programs.</u> (b) Tutoring services provided by an individual or a tutoring facility.
42	(c) Services contracted for and provided by a public school, including
43	but not limited to individual classes and extracurricular activities and
44	programs.
45	(d) Curricula and textbooks or other instructional materials, including
46	but not limited to any supplemental materials or online instruction required by
47	a participating school or service provider.
48	(e) Computer hardware or other technological devices primarily used
49	to help meet a student's educational needs.
50	(f) Educational software applications.
51	(g) School uniforms.
52	(h) Tuition or fees for summer education programs and specialized after
53	school education programs but not after school childcare.
54	(i) Tuition, fees, instructional materials, and examination fees at a career
55	or technical school.
56 57	(j) Fees for Louisiana Educational Assessment Program tests, national
57 58	<u>norm-referenced</u> examinations, Advanced Placement examinations, and examinations related to postsecondary education institution admission.
58 59	(k) Educational services and therapies, including but not limited to
59 60	occupational, behavioral, physical, speech-language, and audiology therapies.
00	occupational, benavioral, physical, specen-language, and audiology therapies.

1	(1) 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	<u>course instruction for the student who is participating in dual enrollment.</u>
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	<u>Scholarship Program, a universal education scholarship account program, is</u>
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	<u>expenditures are made in accordance with this Chapter, including, at minimum,</u>
30	<u>an annual random audit.</u>
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	<u>administration of the program or parts of the program. In lieu of the Louisiana</u>
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 52	enrolling students for the 2026-2027 school year.
53 54	§4037.5. Account funds; eligibility; phased in funding
54	A. Subject to the phase in that is provided in Subsection B of this
55 56	Section, the department shall allocate from funds appropriated or otherwise
56 57	made available, to each account based upon family income requirements as
57 58	<u>follows:</u> (1) Each arouted pursuant to this Section shall be an amount equivalent
58 59	(1) Each created pursuant to this Section shall be an amount equivalent to one hundred sixty percent of the average state and local allocation per pupil
59 60	to one hundred sixty percent of the average state and local allocation per pupil as provided in the minimum foundation program for a student who meets the
00	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	<u>formula for any other student.</u>
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 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
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31	year.
32	(c) The student is from a family with a total income at or below four
32 33	(c) The student is from a family with a total income at or below four hundred percent of the federal poverty guidelines.
32 33 34	(c) The student is from a family with a total income at or below four hundred percent of the federal poverty guidelines. C.(1) The department may withhold up to five percent of funds
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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
2 3	returned to the state general fund:
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	(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. A student is initially eligible for an account if he meets both of the
18	following the requirements:
19	(1) The student's parent submits an application for an account in
20	accordance with procedures established by the department.
20 21	(2) The student's parent agrees in writing to all of the following:
21 22	
	(a) To provide an education for the participating student in at least the
23	subjects of English language arts, mathematics, social studies, and science.
24	(b) To use account funds only for qualified education expenses of the
25	participating student.
26	(c) 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	<u>Dodd, et al., 425 F. Supp. 528 (E.D. La. 1977).</u>
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. D.(1) To be eligible to participate in the program, a nonpublic school or 2 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 education expenses. A nonpublic school shall annually report its full-time 5 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 students without governmental control.

(c) Nothing in this Chapter shall 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.

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

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

§4037.8. Students with exceptionalities

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

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

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

(2) The department shall make information regarding the services participating schools and the resident school system can provide to children with special needs available to parents prior to the enrollment process. §4037.9. Testing

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

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

1	ana da lavral
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	<u>public.</u>
12	<u>§4037.10. Reports</u>
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	<u>number of participating students enrolled in each school, and the percentage of</u>
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 year 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	<u>first.</u>
53	* * *
54	§5029. Alternative initial eligibility requirements
55	* * *
56	F. A student participating in the Louisiana Giving All True Opportunity
57	to Rise (LA GATOR) Scholarship Program as provided in Chapter 43-C of this
58	Title shall be eligible to receive an award pursuant to this Chapter if he qualifies
59	as follows:
60	(1) 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	(2) 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	<u>following criteria:</u>
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	<u>conclusion of his tenth grade year.</u>
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	<u>AMENDMENT NO. 5</u>
23	Delete pages 3 through 8 in their entirety.
24	

- 24 <u>AMENDMENT NO. 6</u>
- 25 On page 9, delete lines 1 through 12 in their entirety.