**SENATE COMMITTEE AMENDMENTS**

2024 Regular Session

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

by Senator Edmonds

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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:

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

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2 **AMENDMENT NO. 2**

On page 1, line 4, after "elementary and secondary education" insert "and school choice" 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) Scholarship program; provides for educational savings accounts to encourage learning environments and experiences designed to promote educational excellence for children; to provide state funding for various educational options; to provide the administration of a school choice program for various educational options; to provide relative to the eligibility of students, schools, and service providers participating in the program; to provide relative to the testing of students participating in the program; to require the state Department of Education to submit annual reports to the legislature relative to the program; to encourage eligibility for the Taylor Opportunity Program for Students (TOPS) for students participating in the program; to provide for the termination of the Student Scholarships for Educational Excellence 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 technical changes in current law; and to provide for related matters."

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3 **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:"

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4 **AMENDMENT NO. 4**

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

"§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.

B. For such an institution to be classified as a school, within the meaning of this Chapter, the instructional staff members shall meet the following requirements:

(1) Be an instructional staff member of a public day school or a nonpublic school which that receives local, state, or federal funds or support, directly or indirectly, they shall be and be certified in accordance with rules established by the State Board of Elementary and Secondary Education."
Be an instructional staff member of a nonpublic school which that
receives no local, state, or federal funds or support, directly or indirectly, they shall
meet and meets the requirements as may be prescribed by the school or the
church that established the school.

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

D. Solely for Notwithstanding any other provision of law to the
contrary, for 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. 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.

E. Effective for the 2005-2006 school year, the provisions of Subsection
Subsections A and B 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.

F. For the purpose of reporting data related to schools, as defined in this
Section, the following definitions shall apply:

(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.

F. Nothing in Subsection C of this Section shall be construed to prohibit
a city, parish, or other local public school board from configuring, classifying, or
defining schools under its jurisdiction in a manner other than that provided in
Subsection C of this Section.

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

B. Notwithstanding any state law, rule, or regulation other provision of law
to the contrary, and except as may be otherwise specifically provided for in with
respect to an approved charter, or a charter school established and operated in
accordance with the provisions of pursuant to 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 that are otherwise
applicable with respect 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 through the end of the 2024-
2025 school year. Effective June 30, 2025, the program shall cease to operate,
and no further scholarships shall be awarded through the program.
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 overdevelopment 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.
(l) Fees for transportation paid to a fee-for-service transportation provider for the student to travel to and from a service provider.

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

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

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

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

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

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

§4037.4. Program creation and administration; powers and duties of the State Board of Elementary and Secondary Education; rules

A. 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 this Section shall administer the program in accordance with state board rules. The state board shall 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 this Chapter, 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 investigation.

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

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

C.(1) The department shall 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 twelve, of the eligibility requirements for the Taylor Opportunity Program for Students for participating students as provided in R.S. 17:5029(F).

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

§4037.5. Account funds; eligibility; phased in funding

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

(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 as provided in the minimum foundation program for a student who meets the...
criteria provided in R.S. 17:4031(B)(2) for qualification to participate in the
School Choice Program for Certain Students with Exceptionalities.

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

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

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

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

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

(b) The student is entering kindergarten.

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

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

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

(a) The student is entering kindergarten.

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

(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
appropriated or otherwise made available for the program annually for
program administration. Any amount withheld by the department shall not
reduce the amount allocated to accounts.

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

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

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

D. The department shall 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 shall also
allow parents to publicly rate, review, and share information about
participating schools and service providers.

E.(1) Account funds shall 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 shall be retained in the account for future use.
The department shall continue to allocate funds to an account until any of the following occurs, at which point the account shall be closed and funds returned to the state general fund:

(a) The parent enrolls the student full-time in public school.
(b) The department determines that a parent has failed to comply with the provisions of this Chapter or state board rules pertaining to the program, including but not limited to a determination that the parent has misused account funds.
(c) The parent withdraws the student from the program.
(d) The student graduates from high school.
(e) The account has been inactive for two consecutive years unless inactivity is due to lack of available funding for accounts.

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

§4037.6. Student eligibility; initial and continuing

A. A student is initially eligible for an account if he meets both of the following requirements:

(1) The student’s parent submits an application for an account in accordance with procedures established by the department.
(2) The student’s parent agrees in writing to all of the following:
   (a) To provide an education for the participating student in at least the subjects of English language arts, mathematics, social studies, and science.
   (b) To use account funds only for qualified education expenses of the participating student.
   (c) To comply with all program requirements.

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

C. A 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 public school governing authority shall not include any such student in its student count for purposes of receiving funding through the minimum foundation program formula or any...
other state funding.

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

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

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

(4)(a) Nothing in this Chapter shall 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.

(b) Participating nonpublic schools and service providers shall be given 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

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. 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:

(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.

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

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

§4037.10. Reports

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

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

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

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

(4) Aggregate test result data for participating students.

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

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

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

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

§4037.11. Transitional provisions; Student Scholarships for Excellence Program

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

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

B. Notwithstanding the provisions of R.S. 17:4037.3, for a student who participates in the Student Scholarships for Educational Excellence Program during the 2024-2025 school year and participates in the Louisiana Giving All True Opportunity to Rise (LA GATOR) Scholarship Program during the 2025-2026 school year at the same school, the department shall 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 shall continue until the student completes the school's terminal grade or until the student leaves the school, whichever occurs first.

§5029. Alternative initial eligibility requirements

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

(1) The participating student has graduated from a public or approved nonpublic high school as provided in R.S. 17:5021 and has met all requirements
of this Chapter applicable to such graduates.

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

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

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

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

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

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

AMENDMENT NO. 5

Delete pages 3 through 8 in their entirety.

AMENDMENT NO. 6

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