

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. (See Act)

AN ACT

To amend and reenact R.S. 17:236(A) 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 to elementary and secondary education and school choice; 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

1 one program to another; to provide relative to rules; to provide relative to definitions;  
 2 to provide for an effective date; to provide for technical changes in current law; and  
 3 to provide for related matters.

4 Be it enacted by the Legislature of Louisiana:

5 Section 1. R.S. 17:236(A) and the introductory paragraph of 3996(B) and 4014 are  
 6 hereby amended and reenacted and R.S. 17:3996(B)(82), Chapter 43-C of Title 17 of the  
 7 Louisiana Revised Statutes of 1950, comprised of R.S. 17:4037.1 through 4037.11, and R.S.  
 8 17:5029(F) are hereby enacted to read as follows:

9 §236. Definition of a school

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

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

15 **(1) if Be an instructional staff member of** a public day school or a  
 16 nonpublic school ~~which~~ **that** receives local, state, or federal funds or support,  
 17 directly or indirectly, ~~they shall be~~ **and be** certified in accordance with rules  
 18 established by the State Board of Elementary and Secondary Education;

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

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

27 **BD.** ~~Solely for~~ **Notwithstanding any other provision of law to the**  
 28 **contrary, for** purposes of compulsory attendance in a nonpublic school, a student  
 29 who participates in a home study program approved by the State Board of

1 Elementary and Secondary Education shall be considered in attendance at a day  
2 school; ~~a~~ **A** home study program shall be approved if it offers a sustained curriculum  
3 of a quality at least equal to that offered by public schools at the same grade level.

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

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

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

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

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

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

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

25 ~~E~~ **G.** Nothing in Subsection C of this Section shall affect the certification of  
26 education personnel or the grade levels for which they are eligible to teach."

27 \* \* \*

28 §3996. Charter schools; exemptions; requirements

29 \* \* \*

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

9 \* \* \*

10 (82) Requirements for participation in the Louisiana Giving All True  
11 Opportunity to Rise (LA GATOR) Scholarship program, pursuant to R.S.  
12 17:4037.1 et seq., if a charter school opts to participate in the program.

13 \* \* \*

14 §4014. Student Scholarships for Educational Excellence Program; creation;  
15 termination

16 The Student Scholarships for Educational Excellence Program is hereby  
17 ~~created and~~ shall be administered by the department through the end of the 2024-  
18 2025 school year. Effective June 30, 2025, the program shall cease to operate,  
19 and no further scholarships shall be awarded through the program.

20 \* \* \*

21 CHAPTER 43-C. LOUISIANA GIVING ALL TRUE OPPORTUNITY TO RISE

22 (LA GATOR) SCHOLARSHIP PROGRAM

23 §4437.1. Short title

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

26 §4037.2. Purpose

27 The purpose of this Chapter is all of the following:

28 A. To create an opportunity for each parent to set aside part of their tax  
29 dollars in an educational savings account in order to provide the best

1 educational opportunities for their child, whether the child's best opportunities  
2 are found at a public school, charter school, private school, home study  
3 program, or at a faith-based or religious school.

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

10 §4037.3. Definitions

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

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

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

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

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

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

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

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

26 (8) "Program manager" means an entity selected by the state  
27 Department of Education to administer the program as provided in R.S.  
28 17:4037.2.

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

- 1                    **(a) Tuition or fees at a nonpublic school or for nonpublic online learning**  
2                    **programs.**
- 3                    **(b) Tutoring services provided by an individual or a tutoring facility.**
- 4                    **(c) Services contracted for and provided by a public school, including but**  
5                    **not limited to individual classes and extracurricular activities and programs.**
- 6                    **(d) Curricula and textbooks or other instructional materials, including**  
7                    **but not limited to any supplemental materials or online instruction required by**  
8                    **a participating school or service provider.**
- 9                    **(e) Computer hardware or other technological devices primarily used to**  
10                   **help meet a student's educational needs.**
- 11                   **(f) Educational software applications.**
- 12                   **(g) School uniforms.**
- 13                   **(h) Tuition or fees for summer education programs and specialized after**  
14                   **school education programs but not after school childcare.**
- 15                   **(i) Tuition, fees, instructional materials, and examination fees at a career**  
16                   **or technical school.**
- 17                   **(j) Fees for Louisiana Educational Assessment Program tests, national**  
18                   **norm-referenced examinations, Advanced Placement examinations, and**  
19                   **examinations related to postsecondary education institution admission.**
- 20                   **(k) Educational services and therapies, including but not limited to**  
21                   **occupational, behavioral, physical, speech-language, and audiology therapies.**
- 22                   **(l) Fees for transportation paid to a fee-for-service transportation**  
23                   **provider for the student to travel to and from a service provider.**
- 24                   **(m) Parent navigation services means professional consultants that assist**  
25                   **a parent in connecting their child to educational opportunities that allow a**  
26                   **parent to coordinate educational services based upon their child's needs,**  
27                   **including but not limited to locating and choosing courses and licensed tutors.**
- 28                   **(n) Any other educational expenses approved by the state board.**
- 29                   **(o) Tuition and fees at an institution of higher education that provides**

1 course instruction for the student who is participating in dual enrollment.

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

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

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

9 §4037.4. Program creation and administration; powers and duties of the State  
10 Board of Elementary and Secondary Education and the state  
11 Department of Education; rules

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

18 (1) Determination of the eligibility of students, participating schools, and  
19 service providers.

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

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

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

27 B. The department may contract with a program manager for the  
28 administration of the program or parts of the program. In lieu of the Louisiana  
29 Procurement Code, the department may use a process for selecting a program

1 manager as provided in rules adopted by the state board for this purpose. The  
2 selection of the program manager is subject to the approval of the state board.  
3 Upon approval, the department shall send written notification to the House  
4 Committee on Education, the Senate Committee on Education, and the Joint  
5 Legislative Committee on the Budget.

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

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

16 §4037.5. Account funds; eligibility; phased in funding

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

20 (1) Each created pursuant to this Section shall be an amount equivalent  
21 to one hundred sixty percent of the average state and local allocation per pupil  
22 as provided in the minimum foundation program for a student who meets the  
23 criteria provided in R.S. 17:4031(B)(2) for qualification to participate in the  
24 School Choice Program for Certain Students with Exceptionalities.

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

29 (3) An amount equivalent to fifty-five percent of the average state and



1 local allocation per pupil as provided in the minimum foundation program  
2 formula for any other student.

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

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

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

14 (b) The student is entering kindergarten.

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

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

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

22 (a) The student is entering kindergarten.

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

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

27 C.(1) The department may withhold up to five percent of funds  
28 appropriated or otherwise made available for the program annually for  
29 program administration. Any amount withheld by the department shall not

1 reduce the amount allocated to accounts.

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

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

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

17 D. The department shall implement a system for parents to direct funds  
18 from accounts to participating schools and service providers for qualified  
19 education expenses by electronic or online funds transfer. The system shall also  
20 allow parents to publicly rate, review, and share information about  
21 participating schools and service providers.

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

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

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

29 (b) The department determines that a parent has failed to comply with

1 the provisions of this Chapter or state board rules pertaining to the program,  
2 including but not limited to a determination that the parent has misused  
3 account funds.

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

5 (d) The student graduates from high school.

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

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

11 §4037.6. Student eligibility; initial and continuing

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

14 (1) The student's parent submits an application for an account in  
15 accordance with procedures established by the department.

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

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

19 (b) To use account funds only for qualified education expenses of the  
20 participating student.

21 (c) To comply with all program requirements.

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

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

4           C. A student shall not participate in this program concurrently with a  
5 home study program approved by the state board or a home study program  
6 registered with the department as a nonpublic school not seeking state approval,  
7 the Course Choice Program, or the School Choice Program for Certain  
8 Students with Exceptionalities.

9           §4037.7. Schools and service providers; eligibility; participation

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

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

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

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

21           C. A public school governing authority may adopt a policy authorizing  
22 the acceptance of account funds for providing services covered as qualified  
23 education expenses to a participating student who is enrolled part-time in a  
24 school under its jurisdiction or who takes individual courses provided by such  
25 a school without being enrolled in the school. The public school governing  
26 authority shall not include any such student in its student count for purposes of  
27 receiving funding through the minimum foundation program formula or any  
28 other state funding.

29           D.(1) To be eligible to participate in the program, a nonpublic school or

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

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

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

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

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

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

29 (d) A participating nonpublic school or service provider that accepts

1 funds pursuant to this Chapter is not an agent of the state or federal  
2 government.

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

6 §4037.8. Students with exceptionalities

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

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

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

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

26 §4037.9. Testing

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

29 (1) Any examination in English language arts and mathematics required

1 pursuant to the school and district accountability system at the prescribed  
2 grade level.

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

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

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

13 §4037.10. Reports

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

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

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

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

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

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

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

28 (7) The amount withheld by the department for administration of the  
29 program, including the amount retained by the department, the amount paid

1 to the program manager for the administration of the program, and the amount  
2 paid to vendors for managing the payment system.

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

5 §4037.11. Transitional provisions; Student Scholarships for Excellence  
6 Program

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

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

15 B. Notwithstanding the provisions of R.S. 17:4037.3, for a student who  
16 participates in the Student Scholarships for Educational Excellence Program  
17 during the 2024-2025 school year and participates in the Louisiana Giving All  
18 True Opportunity to Rise (LA GATOR) Scholarship Program during the 2025-  
19 2026 school year at the same school, the department shall annually allocate to  
20 the account, subject to funds appropriated or otherwise made available for the  
21 program, an amount equal to the amount of the scholarship paid during the  
22 2024-2025 school year through the Student Scholarships for Educational  
23 Excellence Program, which shall continue until the student completes the  
24 school's terminal grade or until the student leaves the school, whichever occurs  
25 first.

26 \* \* \*

27 §5029. Alternative initial eligibility requirements

28 \* \* \*

29 F. A student participating in the Louisiana Giving All True Opportunity



1 to Rise (LA GATOR) Scholarship Program as provided in Chapter 43-C of this  
2 Title shall be eligible to receive an award pursuant to this Chapter if he qualifies  
3 as follows:

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

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

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

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

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

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

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

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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Michael Bell.

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## DIGEST

SB 313 Engrossed

2024 Regular Session

Edmonds

Present law provides for the definition of a "school" and the Student Scholarships for Educational Excellence Program.

Proposed law retains present law but phases out the Student Scholarships for Educational Excellence Program to provide for proposed law that creates the La. Giving All True Opportunity to Rise (LA GATOR) Scholarship Program which establishes educational savings accounts (ESA) for parental choice in kindergarten through 12th (K-12) education.

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

- A. 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.
- B. Creates 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.

Proposed law provides for the following definitions:

- (1) "Account" means an education scholarship account established pursuant to proposed law 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 Dept. of Education.
- (4) "Parent" means a parent, legal guardian, or custodian.
- (5) "Participating school" means a school participating in the program.
- (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.
- (7) "Program" means the program created by proposed law.
- (8) "Program manager" means an entity selected by the state Dept. of Education to administer the program as provided in R.S. 17:4037.2.
- (9) "Qualified education expenses" means tuition or fees at a nonpublic school or for nonpublic online learning programs, tutoring services provided by an individual or a tutoring facility, services contracted for and provided by a public school such as individual classes, textbooks, online instructional material, computer hardware and software, school uniforms, summer school programs, tuition and fees at technical school, fees for the LEAP tests or national norm-referenced examinations, advanced placement examinations, the ACT or other college admissions, speech-language

therapy, fee-for-service transportation student to qualified service providers that assist a parent in connecting their child in locating and choosing courses and licensed tutors, adding any other educational expenses approved by BESE, tuition for dual enrollment at a college.

- (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 (BESE).

Proposed law provides that the Louisiana Giving All True Opportunity to Rise (LA GATOR) Scholarship Program is an educational savings account to provide for parental choice in education. The Dept. of Education or a program manager selected by the Dept. is to administer the program in accordance with BESE's rules. BESE is to adopt rules for the program administration including determining the eligibility of students, participating schools, and service providers. The program is subject to financial audits. The Dept. may 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. The Dept. is to establishment of an online anonymous fraud reporting service.

Proposed law provides that the Dept. may manage the program or use a chosen program manager. If a program manager is chosen then that selection is subject to the approval of BESE. After approval, the Dept. is to send written notification to the House Education and Senate Education Committees as well the Joint Legislative Committee on the Budget.

Proposed law provides that the Dept. is to 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, that college aid is available for the Taylor Opportunity Program for Students (TOPS).

Proposed law provides that the Dept. is to begin enrolling participating students not later than March 1, 2025, for the 2025-2026 school year and pay no more than the one participating school or service provider, the Dept. is to have until March 1, 2026, to begin enrolling students for the 2026-2027 school year.

Proposed law provides according to the phase in of the program, the Dept. is to allocate from funds appropriated or otherwise made available, to each account based upon family income requirements as follows:

- (1) A family income of 160% of the average state and local allocation per pupil as provided in the minimum foundation program (MFP) for a student who meets the criteria to participate in the School Choice Program for Certain Students with Exceptionalities.
- (2) An amount equal to 80% of the MFP for a student whose family income does not exceed 250% of the federal poverty guidelines.
- (3) An amount equivalent to 55% of the average state and local allocation per pupil amount as provided in the MFP.

Proposed law provides a phase in of the program, as follows:

- (1) During the first two school years of the program, initial student eligibility is to be phased in, beginning with the third school year of the program, and only for the students with exceptionalities.

- (2) For the 2025-2026 school year, a student is initially eligible if the student meets the requirements to participate in the scholarship program provided in proposed law if the student meets at least on 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 is to 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 250% of the federal poverty guidelines.
- (3) For the 2026-2027 school year, a student is initially eligible if the student meets 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 400% of the federal poverty guidelines.

Proposed law provides that the Dept. 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 Dept. does not reduce the amount allocated to accounts.

Proposed law provides that the amount allocated to an account is to be prorated if a student transfers into the program after the beginning of a school year. For students enrolled full-time in a participating school or an educational program operated by a service provider, the Dept., on a quarterly basis, is to allocate funds. If partial payment of tuition or fees is required prior to the start of the school year to reserve space for a student, the Dept. 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 is to return the partial reservation payment to the Dept. which is to credit the amount to the account.

Proposed law provides that for students not enrolled full-time in a participating school or educational program operated by a service provider, the Dept., on a bi-annual basis, is to allocate funds.

Proposed law provides that the Dept. is to 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 is to also allow parents to publicly rate, review, and share information about participating schools and service providers.

Proposed law provides that account funds are to 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 are to be retained in the account for future use.

Proposed law provides that the Dept. is to continue to allocate funds to an account until any of the following occurs, at which point the account is to be closed and funds returned to the state general fund:

- (1) The parent enrolls the student full-time in public school.
- (2) The Dept. determines that a parent has failed to comply with the provisions of proposed law or BESE rules pertaining to the program, including but not limited to a determination that the parent has misused account funds.
- (3) The parent withdraws the student from the program.
- (4) The student graduates from high school.
- (5) The account has been inactive for two consecutive years unless inactivity is due to lack of available funding for accounts.

Proposed law provides that no account funds is to 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 is to be credited directly to the account.

Proposed law provides that a student is initially eligible for an account if he meets both of the following the requirements:

- (1) The student's parent submits an application for an account in accordance with procedures established by the Dept.
- (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.

Proposed law provides that the Dept. is to 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 BESE.

Proposed law provides that a participating nonpublic school may select an assessment that is substantially aligned with its program of study to be administered to participating students.

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

Proposed law requires that a written report is submitted no later than April 13th of each year, by the Dept. 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, is to 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 Dept. for administration of the program, including the amount retained by the Dept., 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.

Proposed law provides that any nonpublic school participating in the Student Scholarships for Excellence Program during the 2024-2025 school year may participate in the (LA GATOR) Scholarship Program during the 2025-2026 school year without undergoing a separate application or approval process. For each school year thereafter, such schools are to comply with (LA GATOR) Scholarship Program requirements with respect to the application process.

Proposed law provides that 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 Dept. is to 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 is to continue until the student completes the school's terminal grade or until the student leaves the school, whichever occurs first.

(Amends R.S. 17:236(A), 3996(B)(intro para) and 4014; adds R.S. 17:3996(B)(82), 4037.1-4037.11, and 5029(F); repeals R.S. 17:4011-4013 and 4015-4025)

#### Summary of Amendments Adopted by Senate

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.