

2024 Regular Session

SENATE BILL NO. 313

BY SENATOR EDMONDS

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

1 AN ACT  
2 To amend and reenact R.S. 17:236 and to enact Chapter 43-C of Title 17 of the Louisiana  
3 Revised Statutes of 1950, to be comprised of R.S. 17:4037.1 through 4037.4, relative  
4 to elementary and secondary education and school choice; to authorize the  
5 development of the Louisiana Giving All True Opportunity to Rise (LA GATOR)  
6 Scholarship program; to provide for educational savings accounts to encourage  
7 learning environments and to support parental choice for educational opportunities;  
8 to provide for legislative intent; to provide for definitions; to require the Department  
9 of Education in coordination with the State Board of Elementary and Secondary  
10 Education to conduct a survey on educational resources; to authorize the State Board  
11 of Elementary and Secondary Education to develop the program and promulgate  
12 rules; to provide relative to funding for the program; and to provide for related  
13 matters.

14 Be it enacted by the Legislature of Louisiana:

15 Section 1. R.S. 17:236 is hereby amended and reenacted and Chapter 43-C of Title  
16 17 of the Louisiana Revised Statutes of 1950, comprised of R.S. 17:4037.1 through 4037.4,  
17 is hereby enacted to read as follows:

1 §236. Definition of a school

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

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

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

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

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

19 BD. ~~Solely for~~ Notwithstanding any other provision of law to the  
20 contrary, for purposes of compulsory attendance in a nonpublic school, a student  
21 who participates in a home study program approved by the State Board of  
22 Elementary and Secondary Education shall be considered in attendance at a day  
23 school; ~~a~~ A home study program shall be approved if it offers a sustained curriculum  
24 of a quality at least equal to that offered by public schools at the same grade level.

25 E. ~~Effective for the 2005-2006 school year, the~~ The provisions of Subsection  
26 Subsections A and B of this Section relative to the required operation of a minimum  
27 school session of not less than one hundred eighty days shall not be applicable.  
28 However, the State Board of Elementary and Secondary Education may adopt rules  
29 effective ~~for the 2005-2006 school year~~ relative to the minimum session required of

1 any institution in order to be classified as a school.

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

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

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

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

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

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

17 ~~EH.~~ Nothing in Subsection C of this Section shall affect the certification of  
 18 education personnel or the grade levels for which they are eligible to teach."

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

21 (LA GATOR) SCHOLARSHIP PROGRAM

22 §4037.1. Short title

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

25 §4037.2. Purpose

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

27 A. To recognize that Article VIII, Section 1 of the Constitution of  
 28 Louisiana requires that "(t)he legislature shall provide for the educational of  
 29 the people of the state and shall establish and maintain a public education

1 system." The public educational system is established to ensure that every  
2 person is afforded an equal educational opportunity and prohibits the use of  
3 state dollars in a manner that would have the effect of discriminating in  
4 providing equal educational opportunities for all students. The legislature  
5 further recognizes the importance of parental choice in providing an education  
6 choice for their children, as well as the necessity that all students have access to  
7 quality educational opportunities.

8 B. 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 C. 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 businesses.

19 §4037.3. Definitions

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

22 (1) "Department" means the state Department of Education.

23 (2) "Program" means the Louisiana Giving All True Opportunity to Rise  
24 (LA GATOR) Scholarship program authorized in this Chapter.

25 (3) "State board" means the State Board of Elementary and Secondary  
26 Education.

27 §4037.4. Program development and administration; powers and duties of the

28 State Board of Elementary and Secondary Education and the

29 state Department of Education; rules; survey and reporting

1                    requirements

2                    A. In order to assist the legislature in evaluating the effectiveness of  
3                    existing educational resources and determining the most efficient and effective  
4                    allocation of funding to maximize educational opportunities for all students, the  
5                    Department of Education, in coordination with the State Board of Elementary  
6                    and Secondary Education, shall conduct a statewide survey of all existing  
7                    educational resources available within the state that are receiving state funding  
8                    and their inputs and outcomes and report its findings to the legislature no later  
9                    than December 1, 2024. The survey shall be categorized by parish, school grade,  
10                   and disaggregated by public schools approved pursuant to R.S. 17:10, public  
11                   charter schools approved pursuant to Chapter 42 of this Title, and nonpublic  
12                   schools approved pursuant to R.S. 17:11 and shall include, to the extent  
13                   possible, the following:

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

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

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

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

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

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

29                    (7) The number of students who participated in the School Scholarships

1 for Education Excellence program for the 2023-2024 school year.

2 (8) All schools that participated in the School Scholarships for Education  
3 Excellence program for the 2023-2024 school year, the number of students who  
4 participated in the program for each participating school, the number of  
5 program seats that were available for each participating school, and the  
6 aggregate test result data for participating students for each participating  
7 school.

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

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

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

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

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

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

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

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

1           **B.(1) The state board is authorized to develop an education savings**  
2           **account program, as provided by this Chapter, utilizing the findings required**  
3           **by Subsection A of this Section to support parental choice for educational**  
4           **opportunities, with a focus on using limited resources in the most strategic and**  
5           **equitable way possible to increase and support student achievement.**

6           **(2) Upon approval of the program by the favorable vote of a majority of**  
7           **the state board, the state board is authorized to promulgate rules necessary to**  
8           **implement the program.**

9           **(3) In the event that the state board develops the education savings**  
10          **account program, the state board shall make recommendations to the**  
11          **legislature for an orderly and efficient transition of participating students from**  
12          **the Student Scholarships for Educational Excellence Program to the education**  
13          **savings account program. The recommendations shall include necessary**  
14          **statutory changes to accomplish the transition.**

15          **C. The department and the state board may use available public funds**  
16          **to perform the duties provided for in this Chapter. However, the**  
17          **implementation of an education savings account program approved by the state**  
18          **board pursuant to this Chapter shall be subject to a specific appropriation of**  
19          **funds by the legislature each year for this purpose.**

20          Section 2. This Act shall become effective upon signature by the governor or, if not  
21          signed by the governor, upon expiration of the time for bills to become law without signature  
22          by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
23          vetoed by the governor and subsequently approved by the legislature, this Act shall become  
24          effective on the day following such approval.

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The original instrument was prepared by Michael Bell. The following digest, which does not constitute a part of the legislative instrument, was prepared by Carla S. Roberts.

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DIGEST

SB 313 Reengrossed                      2024 Regular Session                      Edmonds

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

Proposed law retains present law but makes technical changes to the definition of a "school."

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

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

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

- (1) Recognizes that the La. Constitution requires that the legislature is to provide for the education of the people of the state and is to establish and maintain a public educational system. The public educational system is established to ensure that every person is afforded an equal educational opportunity and prohibits the use of state dollars in a manner that would have the effect of discriminating in providing equal educational opportunities for all students. The legislature further recognizes the importance of parental choice education, as well as the necessity that all students have access to quality educational opportunities.
- (2) Creates an opportunity for each parent to set aside part of their tax dollars in an educational savings account in order to provide the best educational opportunities for their child, whether the child's best opportunities are found at a public school, charter school, private school, home study program, or at a faith-based or religious school.
- (3) 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 overdevelopment 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) "Department" means the state Dept. of Education.
- (2) "Program" means the Louisiana Giving All True Opportunity to Rise (LA GATOR) Scholarship program authorized in this Chapter.
- (3) "State board" means the State Board of Elementary and Secondary Education (BESE).

Proposed law provides that the Dept. and BESE are to conduct a statewide survey of all existing educational resources available within the state that receives state educational

funding and report those findings to the legislature no later than December 1, 2024. The survey will be categorized by parish, school grade, and collected by public schools, public charter schools, and state approved nonpublic schools. The report to the legislature will include, to the extent possible, all of the following:

- (1) The number of available seats for the 2024-2025 school year.
- (2) The number of students enrolled for the 2024-2025 school year and the percentage of students who are economically disadvantaged.
- (3) The number of BESE approved schools and the 2023-2024 school year performance score and the letter grade of each school for which the statewide system of accountability is applicable.
- (4) The number of schools labeled as "Urgent Intervention Needed", "Urgent Intervention Required", or "Comprehensive Intervention Required" for the 2023-2024 school year.
- (5) The number of students who were enrolled in a "C", "D", or "F" rated school for the 2023-2024 school year.
- (6) The number of students for the 2023-2024 school year whose family income did not exceed 250% of the current federal poverty guidelines as established by the federal office of management and budget.
- (7) The number of students who participated in the voucher program for the 2023-2024 school year.
- (8) All schools that participated in the voucher program for the 2023-2024 school year, the number of students who participated in the program for each participating school, the number of program seats that were available for each participating school, and the aggregate test result data for participating students for each participating school.
- (9) The number of students for the 2023-2024 school year whose family income did not exceed 400% of the current federal poverty guidelines as established by the federal office of management and budget.
- (10) The number of schools subject to a school, district, or statewide system of accountability that earned a "C", "D", or "F" for the 2023-2024 school year.
- (11) The metrics, weight assigned to each metric, and point system used in determining the performance score and letter grade for the school, district, and statewide system of accountability.
- (12) The percentage of teachers and administrators for the 2022-2023 and 2023-2024 school year for which an evaluation was conducted.
- (13) The methodology, metrics, and weight of each that are utilized as evidence of growth in student achievement.
- (14) The student characteristics and methodology utilized to determine typical outcomes of comparable students for purposes of assigning each student an expected score to be compared to the student's actual score on state assessments in determining the student's growth result.
- (15) The percentage of students who demonstrated a positive growth result between the 2022-2023 and 2023-2024 school years.

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

Proposed law provides that BESE is authorized to develop an ESA program for parental choice, utilizing the survey. If an ESA program is developed by BESE, the program is to be for parental choice in education and is to have a focus on using limited resources in the most strategic and equitable way possible to increase and support student achievement.

Proposed law provides that, upon approval by a favorable vote of a majority of BESE, rules are to be promulgated by BESE to implement the ESA program.

Proposed law provides that the Dept. and BESE may use available public funds to develop the ESA program but the implementation is subject to a specific appropriation of funds by the legislature each year for that purpose.

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

(Amends R.S. 17:236; adds R.S. 17:4037.1-4037.4)

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

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

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

1. Deletes Amendments proposed by the Senate Committee on Education and adopted by the Senate that required the Dept. and BESE to implement an ESA program.
2. Requires the Dept. and BESE to conduct a survey of educational resources and report the survey results to the legislature.
3. Authorizes BESE to develop an ESA program based upon the survey.
4. Requires that any ESA program include a plan for statutory changes for the orderly transition of voucher students to the ESA program.
5. Limits ESA program funding to a specific appropriation by the legislature.