
SENATE FLOOR AMENDMENTS

2024 Regular Session

Amendments proposed by Senator Talbot to Reengrossed Senate Bill No. 313 by Senator Edmonds

1 AMENDMENT NO. 1

2 On page page 1, line 3, change "4037.4" to "4037.12"

3 AMENDMENT NO. 2

4 On page 1, line 12, after "program;" insert "to provide requirements; to provide for
5 eligibility; to provide for accountability; to provide for protection of program funds; to
6 provide for the prosecution of fraud or theft of program funds;"

7 AMENDMENT NO. 3

8 On page 4, delete lines 13 through 18

9 AMENDMENT NO. 4

10 On page 4, between line 26 and 27, insert the following:

11 **"(4) "Account" means an education scholarship account established**
12 **pursuant to this Chapter and composed only of state fund dollars deposited on**
13 **behalf of a student eligible to participate in the program, subject to an annual**
14 **appropriation by the legislature, that is in an amount equivalent.**

15 **(5) "Amount equivalent" means the state general fund dollars that are**
16 **deposited into the education savings account fund in the amount that is**
17 **equivalent to the average state allocation per pupil as provided in the minimum**
18 **foundation program which shall include all weighted funds based upon student**
19 **characteristics.**

20 **(6) "Account funds" means the funds deposited into an account on behalf**
21 **of a participating student.**

22 **(7) "Department" means the state Department of Education.**

23 **(8) "Parent" means a parent, legal guardian, or custodian.**

24 **(9) "Participating school" means a school participating in the program**
25 **pursuant to this Chapter.**

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

29 **(11) "Phase" refers to the particular year of the program's**
30 **implementation, if the provisions of R.S. 17:4037.4 are met.**

31 **(12) "Program" means the program created by this Chapter.**

32 **(13) "Qualified education expenses" means any of the following:**

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

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

38 **(c) Tuition, fees, instructional materials, and examination fees at a career**
39 **or technical school.**

40 **(d) Fees for accountability and testing including the Louisiana**
41 **Educational Assessment Program tests or such other accountability**
42 **examination that is approved by the state board, national norm-referenced**
43 **examinations, Advanced Placement examinations, and examinations related to**
44 **postsecondary education institution admission.**

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

- 1 (f) Tuition and fees at an institution of higher education that provides
- 2 course instruction for the student who is participating in dual enrollment.
- 3 (g) Any other educational expenses approved by the state board.
- 4 (14) "Service provider" means a person or entity other than a
- 5 participating school that receives payments from accounts for qualified
- 6 education expenses."

7 AMENDMENT NO. 5

8 On page 7, between lines 19 and 20, insert the following:

9 "Section 2. R.S. 17:5029(F) and R.S. 17:4037.5 through 4037.12 are hereby enacted
10 to read as follows:

11 §4037.5. Requirements; state board; notification

12 If after having met the survey and reporting requirements in R.S.
13 17:4037.4(A) and if the state board elects to develop the program as authorized
14 in R.S. 17:4037.4(B) and subject to an appropriation by the legislature, then the
15 following requirements shall apply:

16 A. The state board shall adopt rules for program administration that
17 shall, at minimum, provide for all of 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 recovery of misused funds.

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

27 (5) Requiring a surety bond or a letter of credit for participating schools
28 or service providers that have been operating for fewer than three years and
29 that will receive more than one hundred thousand dollars in account funds in
30 a school year.

31 (6) The establishment of a standardized appeals process for students,
32 schools, or service providers removed from the program.

33 (7) A rolling enrollment process adhering to the phases and student
34 priority set forth in this Chapter and shall be used in the event that there are
35 insufficient funds to fund all students who parents apply for program
36 participation.

37 B. The department shall inform parents of a participating student, at the
38 time of his initial entry into the program and at the beginning of the student's
39 school year in grades eight through twelve, of the eligibility requirements for
40 the Taylor Opportunity Program for Students for participating students as
41 provided in R.S. 17:5029(F).

42 §4037.6. Account funds

43 If after having met the survey and reporting requirements in R.S.
44 17:4037.4(A) and if the state board elects to develop the program as authorized
45 in R.S. 17:4037.4(B) and subject to appropriation by the legislature, then the
46 following shall apply:

47 A. The department, on a quarterly basis for students enrolled full-time
48 in a participating nonpublic school and twice annually for students not enrolled
49 full-time in a participating nonpublic school shall allocate to each account the
50 funds appropriated by the legislature in the amount equivalent, as defined in
51 R.S. 17:4037.3, for the purpose of this Chapter.

52 B. The amount allocated to an account shall be prorated if a student
53 transfers into the program after the beginning of a school year.

54 C. If a participating school or service provider requires partial payment
55 of tuition or fees prior to the start of the school year to reserve space for a
56 student, the department may make the partial payment prior to the start of the

1 school year and deduct the amount from subsequent quarterly account deposits
2 to ensure adequate funds remain available throughout the school year; however,
3 if the parent decides not to use the school or service provider, the school or
4 service provider shall return the partial reservation payment to the department
5 which shall credit the amount to the account.

6 D. The department shall implement a system for parents to direct funds
7 from accounts to participating schools and service providers for qualified
8 education expenses by electronic or online funds transfer. The system shall also
9 allow parents to publicly rate, review, and share information about
10 participating schools and service providers.

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

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

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

18 (b) The department determines that a parent has failed to comply with
19 the provisions of this Chapter or state board rules pertaining to the program,
20 including but not limited to a determination that the parent has misused
21 account funds.

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

23 (d) The student graduates from high school.

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

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

29 §4037.7. Student eligibility; initial and continuing

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

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

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

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

37 (ii) To use account funds only for qualified education expenses of the
38 participating student.

39 (iii) To comply with all program requirements.

40 (2)(a) In the first-year phase, a student is initially eligible if the student
41 meets the requirements of Paragraph (1) of this Subsection and at least one of
42 the following criteria:

43 (i) The student participated in the Student Scholarships for Educational
44 Excellence Program for the previous school year. A student meeting this
45 criterion shall be granted first priority in terms of participation during the first
46 phase of the program.

47 (ii) The student is entering kindergarten.

48 (iii) The student was enrolled in a public school for the previous school
49 year.

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

52 (b) In the second-year phase, a student is initially eligible if the student
53 meets the requirements of Paragraph (1) of this Subsection and at least one of
54 the following criteria:

55 (i) The student is entering kindergarten.

56 (ii) The student was enrolled in a public school in the previous school
57 year.

58 (iii) The student is from a family with a total income at or below four
59 hundred percent of the federal poverty guidelines.

1 (c) In the third phase, a student is initially eligible if the student meets
2 the requirements of Paragraph (1) of this Subsection. In this phase, first priority
3 shall be granted to the following groups of students with equal consideration
4 being given to each group:

5 (i) A student who meets the criteria provided in R.S. 17:4031(B)(2) to
6 participate in the School Choice Program for Certain Students with
7 Exceptionalities.

8 (ii) A student who is from a family with a total income at or below two
9 hundred fifty percent of the federal poverty guidelines.

10 B.(1) The written agreement pursuant to Subparagraph (A)(1)(b) of this
11 Section satisfies the compulsory school attendance requirements of R.S. 17:221.
12 The parent of a participating student shall ensure the student is complying with
13 the attendance requirements of the participating school or service provider.
14 Each participating student who fails to comply with the attendance
15 requirements shall be reported to the state director of child welfare and
16 attendance by the participating school or service provider and shall be subject
17 to the provisions of R.S. 17:233.

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

21 §4037.8. Participating schools; eligibility; participation

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

24 (1) To be eligible to participate in the program, a school shall be
25 approved by the state board pursuant to R.S. 17:10 or R.S. 17:11.

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

28 § 4037.9. Participation by schools; optional public school participation for part-
29 time participating students

30 A. A public school governing authority or a public charter school
31 governing authority may adopt a policy authorizing the acceptance of account
32 funds for providing services covered as qualified education expenses to a
33 participating student who is enrolled part-time in a school under its jurisdiction
34 or who takes individual courses provided by such a school without being
35 enrolled in the school. The public school governing authority shall not include
36 any such part-time participating student in its student count for purposes of
37 receiving funding through the minimum foundation program formula or any
38 other state funding.

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

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

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

57 (4)(a) Nothing in this Chapter shall be deemed to limit the independence
58 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, admissions policy, religious statement of faith, or curricula in order to accept account funds.

§4037.10. 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.(1) A participating school may adhere to its own admissions policy in considering the admission of students participating in the program. A participating school shall not discriminate against a child with special educational needs during the program admissions process. However, a participating school is required to offer only those services that it already provides or such services as necessary to assist students with special needs that it can provide with minor adjustments. A participating school may partner or contract with the local school system to provide special education services.

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

§4037.11. Accountability; testing and assessment

In order to provide accountability for funds appropriated by the legislature, 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 that substantially aligns with the curriculum of the student.

§4037.12. 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 based upon R.S. 17:4037.11.

- 1 **(5) The percentage of funds used for each type of qualified education**
- 2 **expense.**
- 3 **(6) An analysis of the program's fiscal impact.**
- 4 **(8) The amount of program funds received by each participating school**
- 5 **and service provider.**

6 * * *

7 §5029. Alternative initial eligibility requirements

8 * * *

9 **F. A student participating in the LA GATOR Scholarship Program**

10 **as provided in Chapter 43-C of this Title shall be eligible to receive an award**

11 **pursuant to this Chapter if he qualifies as follows:**

12 **(1) The participating student has graduated from a public or**

13 **approved nonpublic high school as provided in R.S. 17:5021 and has met all**

14 **requirements of this Chapter applicable to such graduates.**

15 **(2) Any other participating student has been certified by a parent,**

16 **legal guardian, or custodian to have successfully completed at the twelfth**

17 **grade level an educational program provided through the LA GATOR**

18 **Scholarship Program and has met the following criteria:**

19 **(a) He became a participant in the LA GATOR Scholarship Program**

20 **no later than the conclusion of his tenth grade year.**

21 **(b) He meets the requirements of Paragraphs (B)(2) and (3) of this**

22 **Section.**

23 Section 3. The Louisiana State Law Institute, pursuant to its statutory authority, is

24 hereby authorized and directed to make the technical changes to arrange in alphabetical

25 order and renumber the provisions of law in R.S. 17:4037.3 with respect to "Definitions"

26 in Section 1 of this Act."

27 AMENDMENT NO. 6

28 On page 7, line 20, change "Section 2." to "Section 4." and after "This" insert "Section

29 and Section 1 of this"

30 AMENDMENT NO. 7

31 On page 7, after line 24, insert the following:

32 Section 5. This Section and Section 2 of this Act shall become effective if, and on

33 the date that, the state Board of Elementary and Secondary Education approves the program

34 by the favorable vote of a majority of the state board as provided in R.S. 17:4037.4 in

35 Section 1 of this Act.