
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 Delete Senate Floor Amendments, proposed by Senator Talbot and adopted by the Senate
3 on May 8, 2024, designated as SFASB313 ROBERTCA 3314

4 AMENDMENT NO. 2

5 Delete Senate Floor Amendments, proposed by Senator Jackson-Andrews and adopted by
6 the Senate on May 8, 2024, designated as SFASB313 ROBERTCA 3317

7 AMENDMENT NO. 3

8 Delete Senate Floor Amendments, proposed by Senator Miller and adopted by the Senate
9 on May 8, 2024, designated as SFLBSB313 ELLISB 3088

10 AMENDMENT NO. 4

11 On page 1, delete lines 2 through 13 and insert the following:

12 "To amend and reenact R.S. 17:236(A) and 4014, to enact R.S. 17:3996(B)(82), Chapter
13 43-C of Title 17 of the Louisiana Revised Statutes of 1950, to be comprised of R.S.
14 17:4037.1 through 4037.12, and R.S. 17:5029(F), and to repeal R.S. 17:4011 through
15 4013 and 4015 through 4025, relative to school choice; to create and provide for the
16 administration of a school choice program that provides state funding for various
17 educational options; to provide relative to the eligibility of students, schools, and
18 service providers participating in the program; to provide relative to program funds;
19 to provide relative to the testing of students participating in the program; to require
20 the state Department of Education to submit annual reports to the legislature relative
21 to the program; to provide relative to eligibility for the Taylor Opportunity Program
22 for Students for students participating in the program; to provide for the termination
23 of the Student Scholarships for Educational Excellence Program and the transition
24 from one program to another; to provide relative to rules; to provide relative to
25 definitions; to provide for an effective date; and to provide for related matters."

26 AMENDMENT NO. 5

27 On page 1, delete lines 15 through 17, delete page 2 in its entirety, and on page 3, delete
28 lines 1 through 19 and insert the following:

29 "Section 1. R.S. 17:236(A) and 4014 are hereby amended and reenacted and R.S.
30 17:3996(B)(82), Chapter 43-C of Title 17 of the Louisiana Revised Statutes of 1950,
31 comprised of R.S. 17:4037.1 through 4037.12, and R.S. 17:5029(F) are hereby enacted to
32 read as follows:

33 §236. Definition of a school

34 A. For the purposes of this Chapter, a school is defined as an institution
35 for the teaching of children, consisting of an adequate physical plant, whether
36 owned or leased, instructional staff members, and students. For such an institution
37 to be classified as a school, within the meaning of this Chapter, instructional staff
38 members shall meet the following requirements: if a public day school or a
39 nonpublic school which receives local, state, or federal funds or support, directly
40 or indirectly, they shall be certified in accordance with rules established by the
41 State Board of Elementary and Secondary Education; if a nonpublic school which
42 receives no local, state, or federal funds or support, directly or indirectly, they
43 shall meet such requirements as may be prescribed by the school or the church. In

1 addition, except as otherwise provided in Subsection B of this Section, any such
2 institution, to be classified as a school, shall operate a minimum session of not
3 less than one hundred eighty days. Solely for purposes of compulsory attendance
4 in a nonpublic school, a child who participates in a home study program approved
5 by the State Board of Elementary and Secondary Education shall be considered in
6 attendance at a day school; a home study program shall be approved if it offers a
7 sustained curriculum of a quality at least equal to that offered by public schools at
8 the same grade level. **Solely for purposes of compulsory attendance, a child**
9 **shall be considered in attendance at a day school if the child is participating**
10 **in the LA GATOR Scholarship Program pursuant to R.S. 17:4037.1 et seq.**

11 * * *

12 §3996. Charter schools; exemptions; requirements

13 * * *

14 B. Notwithstanding any state law, rule, or regulation to the contrary and
15 except as may be otherwise specifically provided for in an approved charter, a
16 charter school established and operated in accordance with the provisions of this
17 Chapter and its approved charter and the school's officers and employees shall be
18 exempt from all statutory mandates or other statutory requirements that are
19 applicable to public schools and to public school officers and employees except
20 for the following laws otherwise applicable to public schools with the same
21 grades:

22 * * *

23 **(82) Requirements for participation in the LA GATOR Scholarship**
24 **Program, R.S. 17:4037.1 et seq., if a charter school opts to participate in the**
25 **program.**

26 * * *

27 §4014. Student Scholarships for Educational Excellence Program; creation;
28 **termination**

29 The Student Scholarships for Educational Excellence Program ~~is hereby~~
30 ~~created and~~ shall be administered by the department **through the end of the**
31 **2024-2025 school year. Effective June 30, 2025, the program shall cease to**
32 **operate, and no further scholarships shall be awarded through the program.**

33 * * *

34 AMENDMENT NO. 6

35 On page 3, at the beginning of line 27, change "A." to "(1)"

36 AMENDMENT NO. 7

37 On page 4, at the beginning of line 8, change "B." to "(2)"

38 AMENDMENT NO. 8

39 On page 4, delete lines 13 through 18 in their entirety

40 AMENDMENT NO. 9

41 On page 4, between lines 21 and 22, insert the following:

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

45 **(2) "Account funds" means the funds deposited into an account on**
46 **behalf of a participating student."**

47 AMENDMENT NO. 10

48 On page 4, at the beginning of line 22, change "(1)" to "(3)"

1 AMENDMENT NO. 11

2 On page 4, delete lines 23 and 24, insert the following:

- 3 **"(4) "Parent" means a parent, legal guardian, or custodian.**
- 4 **(5) "Participating school" means a school participating in the**
- 5 **program pursuant to this Chapter.**
- 6 **(6) "Participating student" means a student who has been determined**
- 7 **to be eligible to participate in the program and for whom an account has**
- 8 **been established pursuant to this Chapter.**
- 9 **(7) "Program" means the program created by this Chapter.**
- 10 **(8) "Program manager" means an entity selected by the state**
- 11 **Department of Education and approved by the state board to administer the**
- 12 **program as provided in R.S. 17:4037.4.**
- 13 **(9) "Qualified education expenses" means any of the following:**
- 14 **(a) Tuition or fees at a nonpublic school or for nonpublic online**
- 15 **learning programs.**
- 16 **(b) Curricula and textbooks or other instructional materials,**
- 17 **including but not limited to any supplemental materials or online instruction**
- 18 **required by a participating school or service provider.**
- 19 **(c) Tuition, fees, instructional materials, and examination fees at a**
- 20 **career or technical school.**
- 21 **(d) Fees for Louisiana Educational Assessment Program tests,**
- 22 **national norm-referenced examinations, Advanced Placement examinations,**
- 23 **and examinations related to postsecondary education institution admission.**
- 24 **(e) Educational services and therapies, including but not limited to**
- 25 **occupational, behavioral, physical, speech-language, and audiology therapies.**
- 26 **(f) Tuition and fees at a postsecondary education institution providing**
- 27 **instruction for a student participating in dual enrollment as provided in**
- 28 **Chapter 18-A of this Title.**
- 29 **(g) Any other educational expenses approved by the state board.**
- 30 **(10) "Service provider" means a person or entity other than a**
- 31 **participating school that receives payments from accounts for qualified**
- 32 **education expenses."**

33 AMENDMENT NO. 12

34 On page 4, at the beginning of line 25, change "(3)" to "(11)"

35 AMENDMENT NO. 13

36 On page 4, line 29, change "survey" to "report"

37 AMENDMENT NO. 14

38 On page 5, line 6, delete "conduct a statewide survey" and insert "collect data"

39 AMENDMENT NO. 15

40 On page 5, line 9, change "survey" to "report"

41 AMENDMENT NO. 16

42 Delete page 7 in its entirety and insert the following:

43 **"§4037.5. Program creation and administration; powers and duties of the**
 44 **State Board of Elementary and Secondary Education and the state Department of**
 45 **Education; rules; implementation**
 46 **A. The Louisiana Giving All True Opportunity to Rise (LA GATOR)**
 47 **Scholarship Program, a universal education scholarship account program, is**
 48 **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 recovery of misused funds.

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

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

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

(7) A rolling enrollment process adhering to the phases and student priority provided in R.S. 17:4037.6 that shall be used in the event that there are insufficient funds to fund all students whose parents apply for program participation.

B.(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.

C. The provisions of this Chapter shall be subject to specific appropriation of funds by the legislature each year for this purpose.
§4037.6. Account funds

A. The department, on a quarterly basis, shall allocate to each account from funds appropriated or otherwise made available for the program.

B.(1) The amount allocated to an account shall be prorated if a student transfers into the program after the beginning of a school year.

(2) 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 quarterly 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.

C. 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.

D.(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.

(2) 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:

1 (a) The parent enrolls the student full-time in a public school.
 2 (b) The department determines that a parent has failed to comply
 3 with the provisions of this Chapter or state board rules pertaining to the
 4 program, including but not limited to a determination that the parent has
 5 misused account funds.

6 (c) The parent withdraws the student from the program.
 7 (d) The student graduates from high school.
 8 (e) The account has been inactive for two consecutive years unless
 9 inactivity is due to lack of available funding for accounts.

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

13 **§4037.7. Student eligibility; initial and continuing**

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

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

18 (b) The student's parent agrees in writing to all of the following:
 19 (i) To provide an education for the participating student in at least the
 20 subjects of English language arts, mathematics, social studies, and science.

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

23 (iii) To comply with all program requirements.

24 (2)(a) Initial student eligibility shall be phased in as provided in this
 25 Paragraph.

26 (b) In the first phase, a student is initially eligible if the student meets
 27 the requirements of Paragraph (1) of this Subsection and at least one of the
 28 following criteria:

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

33 (ii) The student is entering kindergarten.

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

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

38 (c) In the second phase, a student is initially eligible if the student
 39 meets the requirements of Paragraph (1) of this Subsection and at least one
 40 of the following criteria:

41 (i) The student is entering kindergarten.

42 (ii) The student was enrolled in a public school in the previous school
 43 year.

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

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

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

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

55 B.(1) The written agreement pursuant to Subparagraph (A)(1)(b) of
 56 this Section satisfies the compulsory school attendance requirements of R.S.
 57 17:221. The parent of a participating student shall ensure the student is
 58 complying with the attendance requirements of the participating school or
 59 service provider. Each participating student who fails to comply with the
 60 attendance requirements shall be reported to the state director of child

1 welfare and attendance by the participating school or service provider and
 2 shall be subject to the provisions of R.S. 17:233.

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

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

11 §4037.8. Schools and service providers; eligibility; participation

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

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

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

20 (3) It meets all other program requirements provided in rules
 21 promulgated by the state board.

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

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

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

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

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

52 (4)(a) Nothing in this Chapter shall be deemed to limit the
 53 independence or autonomy of any participating nonpublic school or service
 54 provider or to make the actions of a nonpublic school or service provider the
 55 actions of the state government.

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

59 (c) Nothing in this Chapter shall be construed to expand the
 60 regulatory authority of the state, its officers, or any school district to impose
 61 any additional regulation of participating nonpublic schools or service

1 providers beyond those necessary to enforce the requirements of the
 2 program.

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

6 (e) No participating nonpublic school or service provider shall be
 7 required to alter its creed, practices, admissions policy, or curricula in order
 8 to accept account funds.

9 §4037.9. Students with exceptionalities

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

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

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

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

30 §4037.10. Testing

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

33 (1) Any examination in English language arts and mathematics
 34 required pursuant to the school and district accountability system at the
 35 prescribed grade level.

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

38 B. Notwithstanding Subsection A of this Section:

39 (1) Upon approval by the state board, a participating nonpublic
 40 school may select an assessment that is substantially aligned with its program
 41 of study and that is to be administered to participating students.

42 (2) A student with an exceptionality shall not be required to take any
 43 assessment from which he would have been exempt if enrolled in a public
 44 school.

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

49 §4037.11. Reports

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

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

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

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

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

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

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

10 §4037.12. Transitional provisions; Student Scholarships for Excellence

11 Program

12 A. Any nonpublic school participating in the Student Scholarships for
13 Excellence Program during the 2024-2025 school year may participate in the
14 LA GATOR Scholarship Program during the 2025-2026 school year without
15 undergoing a separate application or approval process. For each school year
16 thereafter, such schools shall comply with LA GATOR Scholarship Program
17 requirements with respect to the application process.

18 B. Notwithstanding the provisions of R.S. 17:4037.5, for a student who
19 participates in the Student Scholarships for Educational Excellence Program
20 during the 2024-2025 school year and participates in the LA GATOR
21 Scholarship Program during the 2025-2026 school year at the same school,
22 the department shall annually allocate to the account, subject to funds
23 appropriated or otherwise made available for the program, an amount equal
24 to the amount of the scholarship paid during the 2024-2025 school year
25 through the Student Scholarships for Educational Excellence Program,
26 which shall continue until the student completes the school's terminal grade
27 or until the student leaves the school, whichever occurs first.

28 * * *

29 §5029. Alternative initial eligibility requirements

30 * * *

31 F. A student participating in the LA GATOR Scholarship Program as
32 provided in Chapter 43-C of this Title shall be eligible to receive an award
33 pursuant to this Chapter if he qualifies as follows:

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

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

41 (a) He became a participant in the LA GATOR Scholarship Program
42 no later than the conclusion of his tenth grade year.

43 (b) He meets the requirements of Paragraphs (B)(2) and (3) of this
44 Section.

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

47 Section 3. (A) Section 1 of this Act shall become effective when an Act of the
48 legislature containing a specific appropriation of monies for the implementation of the
49 provisions of this Act becomes effective.

50 (B) Section 2 of this Act shall become effective one year from the date of
51 effectiveness of Section 1 of this Act.

52 (C) The provisions of this Section shall become effective upon signature of this
53 Act by the governor or, if not signed by the governor, upon expiration of the time for
54 bills to become law without signature by the governor, as provided by Article III, Section
55 18 of the Constitution of Louisiana. If this Act is vetoed by the governor and
56 subsequently approved by the legislature, the provisions of this Section shall become
57 effective on the day following such approval."