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DIGEST

SB 313 Re-Reengrossed 2024 Regular Session Edmonds

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

Proposed law retains present law but provides that a child will be considered in attendance at day school if the child is participating in the LA GATOR Scholarship Program pursuant to proposed law.

Proposed law provides that charter schools are not exempt from requirements for participation in the LA GATOR Scholarship Program if the charter school opts to participate.

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

Proposed law retains present law and further provides that the Program will terminate on June 30, 2025.

Proposed law 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.

Proposed law provides for the following definitions: "Department"; "Program"; "State board"; "Account"; "Account funds"; "Parent"; "Participating school"; "Participating student"; "Program"; "Program manager"; "Qualified education expenses"; and "Service provider".

Proposed law provides that the Dept. and BESE are to collect data 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 report 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 the Louisiana Giving All True Opportunity to Rise (LA GATOR) Scholarship Program, a universal education scholarship account program, is hereby created. The department or a program manager selected by the department as provided in proposed law must administer the program in accordance with state board rules. The state board must 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 proposed law, 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 \$100,000 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 proposed

law that must be used in the event that there are insufficient funds to fund all students whose parents apply for program participation.

Proposed law provides that the department must 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 12, of the eligibility requirements for the Taylor Opportunity Program for Students for participating students as provided in proposed law.

Proposed law is subject to specific appropriation of funds by the legislature each year for this purpose.

Proposed law provides that no locally levied school district tax revenues shall be transferred to any participating school located outside of the school district where the tax is levied or any participating nonpublic school within the district.

Proposed law provides that the department, on a quarterly basis, must allocate to each account from funds appropriated or otherwise made available for the program. The amount allocated to an account must be prorated if a student transfers into the program after the beginning of a school year.

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

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

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

Proposed law provides the requirements for student eligibility for an account.

Proposed law provides that a participating student is eligible to participate in the program through in-person education, virtual education, or a hybrid approach that combines both methods.

Proposed law provides that a student must not participate in this program concurrently with a home study program approved by the state board or a home study program registered with the department as a nonpublic school not seeking state approval, the Course Choice Program, or the School Choice Program for Certain Students with Exceptionalities.

Proposed law provides the eligibility requirements for a school to participate in the Program.

Proposed law provides that each public school governing authority may adopt a policy authorizing

the acceptance of account funds for providing services covered as qualified education expenses to a participating student who is enrolled part-time in a school under its jurisdiction or who takes individual courses provided by such a school without being enrolled in the school. The governing authority must not include any such student in its student count for purposes of receiving funding through the minimum foundation program (MFP) formula or any other state funding.

Proposed law will not be deemed to limit the independence or autonomy of any participating nonpublic school or service provider or to make the actions of a nonpublic school or service provider the actions of the state government.

Proposed law must not 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.

Proposed law provides for participation of students with exceptionalities in the Program and provides for required procedures.

Proposed law provides for the department must 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.

Proposed law provides that notwithstanding any other provision of law to the contrary, or any rules promulgated by the state Department of Education, the assessment standards and practices that the department adopts pursuant to this Section shall become the official school and district accountability system of the state.

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

Proposed law provides for reporting requirements.

Proposed law provides that any nonpublic school participating in the Student Scholarships for Excellence Program during the 2024-2025 school year.

Proposed law provides that notwithstanding proposed law, 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 department must 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 must continue until the student completes the school's terminal grade or until the student leaves the school, whichever occurs first.

Proposed law repeals provisions relative to the Student Scholarships for Educational Excellence Program. Effective one year from the date of proposed law.

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

(Amends R.S. 17:236(A) and 4014; adds R.S. 17:3996(B)(82), 4037.1-4037.12, and 5029(F); repeals R.S. 17:4011-4013 and 4015-4025)

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.

Summary of Amendments Adopted by Senate

Senate Floor Amendments to reengrossed bill

1. Makes Technical Changes.
2. Deletes Senate Floor Amendments.
3. Defines key terms.

4. Provides for Program creation, administration, rules, and implementation.
5. Provides for the use and allocation of funds.
6. Provides for eligibility requirements for students, schools, and service providers.
7. Provides for participation for students with exceptionalities.
8. Provides for annual testing or assessment.
9. Provides for reporting.
10. Provides for transitional provisions.
11. Repeals provisions relative to the Student Scholarships for Educational Excellence Program.
12. Provides for effective dates.