

SENATE BILL NO. 313

BY SENATOR EDMONDS

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AN ACT

To amend and reenact R.S. 17:236(A) and 4014, 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 4037.12, and R.S. 17:5029(F), and R.S. 39:1554(T), and to repeal R.S. 17:4011 through 4013 and 4015 through 4025, relative to school choice; to require the state Department of Education to report to the legislature relative to educational options that receive state funding; to provide for the components of the report and a submission deadline; to create and provide for the administration of a school choice program that provides state funding for various educational options; to provide relative to the eligibility of students, schools, and service providers participating in the program; to provide relative to program funds; 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 provide relative to eligibility for the Taylor Opportunity Program for Students for students participating in the program; to provide for the termination of the Student Scholarships for Educational Excellence Program and the transition from one program to another; to provide relative to rules; to provide relative to procurement; to provide for definitions; to provide for an effective date; and to provide for related matters.

1 Be it enacted by the Legislature of Louisiana:

2 Section 1. R.S. 17:236(A) and 4014 are hereby amended and reenacted and R.S.
3 17:3996(B)(82), Chapter 43-C of Title 17 of the Louisiana Revised Statutes of 1950,
4 comprised of R.S. 17:4037.1 through 4037.12, and R.S. 17:5029(F) are hereby enacted to
5 read as follows:

6 §236. Definition of a school

7 A. For the purposes of this Chapter, a school is defined as an institution for
8 the teaching of children, consisting of an adequate physical plant, whether owned or
9 leased, instructional staff members, and students. For such an institution to be
10 classified as a school, within the meaning of this Chapter, instructional staff
11 members shall meet the following requirements: if a public day school or a
12 nonpublic school which receives local, state, or federal funds or support, directly or
13 indirectly, they shall be certified in accordance with rules established by the State
14 Board of Elementary and Secondary Education; if a nonpublic school which receives
15 no local, state, or federal funds or support, directly or indirectly, they shall meet such
16 requirements as may be prescribed by the school or the church. In addition, except
17 as otherwise provided in Subsection B of this Section, any such institution, to be
18 classified as a school, shall operate a minimum session of not less than one hundred
19 eighty days. Solely for purposes of compulsory attendance in a nonpublic school, a
20 child who participates in a home study program approved by the State Board of
21 Elementary and Secondary Education shall be considered in attendance at a day
22 school; a home study program shall be approved if it offers a sustained curriculum
23 of a quality at least equal to that offered by public schools at the same grade level.

24 **Solely for purposes of compulsory attendance, a child shall be considered in**
25 **attendance at a day school if the child is participating in the LA GATOR**
26 **Scholarship Program pursuant to R.S. 17:4037.1 et seq.**

27 * * *

28 §3996. Charter schools; exemptions; requirements

29 * * *

30 B. Notwithstanding any state law, rule, or regulation to the contrary and

1 except as may be otherwise specifically provided for in an approved charter, a
2 charter school established and operated in accordance with the provisions of this
3 Chapter and its approved charter and the school's officers and employees shall be
4 exempt from all statutory mandates or other statutory requirements that are
5 applicable to public schools and to public school officers and employees except for
6 the following laws otherwise applicable to public schools with the same grades:

7 * * *

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

11 * * *

12 §4014. Student Scholarships for Educational Excellence Program; creation;
13 **termination**

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

18 * * *

19 **CHAPTER 43-C. LOUISIANA GIVING ALL TRUE OPPORTUNITY TO RISE**
20 **(LA GATOR) SCHOLARSHIP PROGRAM**

21 **§4037.1. Short title**

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

24 **§4037.2. Purpose**

25 **The purpose of this Chapter is all of the following:**

26 **(1) To recognize that Article VIII, Section 1 of the Constitution of**
27 **Louisiana requires that "(t)he legislature shall provide for the educational of**
28 **the people of the state and shall establish and maintain a public education**
29 **system." The public educational system is established to ensure that every**
30 **person is afforded an equal educational opportunity and prohibits the use of**

1 state dollars in a manner that would have the effect of discriminating in
2 providing equal educational opportunities for all students. The legislature
3 further recognizes the importance of parental choice in providing an education
4 choice for their children, as well as the necessity that all students have access to
5 quality educational opportunities.

6 (2) To create an opportunity for each parent to set aside part of their tax
7 dollars in an educational scholarship account in order to provide the best
8 educational opportunities for their child, whether the child's best opportunities
9 are found at a public school, charter school, private school, home study
10 program, or at a faith-based or religious school.

11 §4037.3. Definitions

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

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

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

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

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

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

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

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

27 (8) "Program manager" means an entity selected by the state
28 Department of Education and approved by the state board to administer the
29 program as provided in R.S. 17:4037.5.

30 (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) Curricula and textbooks or other instructional materials, including
4 but not limited to any supplemental materials or online instruction required by
5 a participating school or service provider.

6 (c) Tuition, fees, instructional materials, and examination fees at a career
7 or technical school.

8 (d) Fees for Louisiana Educational Assessment Program tests, national
9 norm-referenced examinations, Advanced Placement examinations, and
10 examinations related to postsecondary education institution admission.

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

13 (f) Tuition and fees at a postsecondary education institution providing
14 instruction for a student participating in dual enrollment as provided in
15 Chapter 18-A of this Title.

16 (g) Any other educational expenses approved by the state board.

17 (10) "Service provider" means a person or entity other than a
18 participating school that receives payments from accounts for qualified
19 education expenses.

20 (11) "State board" means the State Board of Elementary and Secondary
21 Education.

22 §4037.4. School choice report

23 In order to assist the legislature in evaluating the effectiveness of existing
24 educational resources and determining the most efficient and effective
25 allocation of funding to maximize educational opportunities for all students, the
26 Department of Education, in coordination with the State Board of Elementary
27 and Secondary Education, shall collect data of all existing educational resources
28 available within the state that are receiving state funding and their inputs and
29 outcomes and report its findings to the legislature no later than December 1,
30 2024. The report shall be categorized by parish, school grade, and disaggregated

1 by public schools approved pursuant to R.S. 17:10, public charter schools
2 approved pursuant to Chapter 42 of this Title, and nonpublic schools approved
3 pursuant to R.S. 17:11 and shall include, to the extent possible, the following:

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

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

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

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

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

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

19 (7) The number of students who participated in the School Scholarships
20 for Education Excellence program for the 2023-2024 school year.

21 (8) All schools that participated in the School Scholarships for Education
22 Excellence program for the 2023-2024 school year, the number of students who
23 participated in the program for each participating school, the number of
24 program seats that were available for each participating school, and the
25 aggregate test result data for participating students for each participating
26 school.

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

30 (10) The number of schools subject to a school, district, or statewide

1 system of accountability that earned a "C", "D", or "F" for the 2023-2024
2 school year.

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

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

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

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

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

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

19 §4037.5. Program creation and administration; powers and duties of the State
20 Board of Elementary and Secondary Education and the state
21 Department of Education; rules; implementation

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

28 (1) Determination of the eligibility of students, participating schools, and
29 service providers.

30 (2) Financial audits of the program and accounts to ensure that

1 expenditures are made in accordance with this Chapter, including, at minimum,
2 an annual random audit.

3 (3) The authority of the department to deem any participating student
4 ineligible for the program and to refer a case involving the misuse of account
5 funds to the attorney general for recovery of misused funds.

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

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

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

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

17 B. The department may enter into any contract for the administration
18 and management of the program or parts of the program subject to the
19 approval of the state board and the Joint Legislative Committee on the Budget.

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

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

30 D. The provisions of this Chapter shall be subject to specific

1 appropriation of funds by the legislature each year for this purpose.

2 E. No locally levied school district tax revenues shall be transferred to
3 any participating school located outside of the school district where the tax is
4 levied or any participating nonpublic school within the district.

5 §4037.6. Account funds

6 A. The department, on a quarterly basis, shall allocate funds, in an
7 amount determined by the state board, to each account from funds
8 appropriated or otherwise made available for the program.

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

11 (2) If a participating school or service provider requires partial payment
12 of tuition or fees prior to the start of the school year to reserve space for a
13 student, the department may make the partial payment prior to the start of the
14 school year and deduct the amount from subsequent quarterly account deposits
15 to ensure adequate funds remain available throughout the school year; however,
16 if the parent decides not to use the school or service provider, the school or
17 service provider shall return the partial reservation payment to the department
18 which shall credit the amount to the account.

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

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

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

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

1 **(b) The department determines that a parent has failed to comply with**
 2 **the provisions of this Chapter or state board rules pertaining to the program,**
 3 **including but not limited to a determination that the parent has misused**
 4 **account funds.**

5 **(c) The parent withdraws the student from the program.**

6 **(d) The student graduates from high school.**

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

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

12 **§4037.7. Student eligibility; initial and continuing**

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

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

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

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

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

22 **(iii) To comply with all program requirements.**

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

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

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

1 phase of the program.

2 (ii) The student is entering kindergarten.

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

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

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

10 (i) The student is entering kindergarten.

11 (ii) The student was enrolled in a public school in the previous school
12 year.

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

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

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

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

24 B.(1) The written agreement pursuant to Subparagraph (A)(1)(b) of this
25 Section satisfies the compulsory school attendance requirements of R.S. 17:221.

26 The parent of a participating student shall ensure the student is complying with
27 the attendance requirements of the participating school or service provider.

28 Each participating student who fails to comply with the attendance
29 requirements shall be reported to the state director of child welfare and

30 attendance by the participating school or service provider and shall be subject

1 to the provisions of R.S. 17:233.

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

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

10 §4037.8. Schools and service providers; eligibility; participation

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

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

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

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

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

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

1 funding.

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

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

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

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

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

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

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

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

7 §4037.9. Students with exceptionalities

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

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

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

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

27 §4037.10. Testing

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

30 (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:**

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

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

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

16 **§4037.11. Reports**

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

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

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

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

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

28 (5) The percentage of funds used for each type of qualified education
 29 expense.

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

1 Constitution of Louisiana. If this Act is vetoed by the governor and subsequently approved
2 by the legislature, the provisions of this Section shall become effective on the day following
3 such approval.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____