SENATE COMMITTEE AMENDMENTS

2024 Regular Session

Amendments proposed by Senate Committee on Education to Original Senate Bill No. 313 by Senator Edmonds

1 AMENDMENT NO. 1

- 2 On page 1, line 2, after R.S. 17:236(A), delete the rest of the line and delete line 3, and insert
- 3 the following:
- 4 "and the introductory paragraph of 3996(B) and 4014, and to enact R.S.
- 5 17:3996(B)(82), Chapter 43-C of Title 17 of the Louisiana Revised Statutes of 1950,
- 6 to be comprised of R.S. 17:4037.1 through 4037.11, and R.S. 17:5029(F), and to
- 7 repeal R.S. 17:4011 through 4013 and 4015 through 4025, relative"

8 AMENDMENT NO. 2

- 9 On page 1, line 4, after "elementary and secondary education" insert "and school choice"
- delete the remainder of the line and delete lines 5 through 12 and insert the following:
- 11 "to create the Louisiana Giving All True Opportunity to Rise (LA GATOR)
- Scholarship program; provides for educational savings accounts to encourage
- learning environments and experiences designed to promote educational excellence
- for children; to provide state funding for various educational options; to provide the
- administration of a school choice program for various educational options; to provide
- relative to the eligibility of students, schools, and service providers participating in
- the program; 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 encourage eligibility for the Taylor
- 20 Opportunity Program for Students (TOPS) for students participating in the program;
- 21 to provide for the termination of the Student Scholarships for Educational Excellence
- 22 Program and the transition from one program to another; to provide relative to rules;
- 23 to provide relative to definitions; to provide for an effective date; to provide for
- 24 technical changes in current law; and to provide for related matters."

25 AMENDMENT NO. 3

- On page 1, line 14, after "reenacted" delete the rest of the line and delete lines 15 and 16, and
- insert the following:
- 28 "and the introductory paragraph of 3996(B) and 4014 are hereby amended and
- reenacted and R.S. 17:3996(B)(82), Chapter 43-C of Title 17 of the Louisiana
- Revised Statutes of 1950, comprised of R.S. 17:4037.1 through 4037.11, and R.S.
- 31 17:5029(F) are hereby enacted to read as follows:"

32 <u>AMENDMENT NO. 4</u>

- On page 2, delete lines 2 through 29, and insert the following:
- "§236. Definition of a school
- A. For the purposes of this Chapter, a school is defined as an institution for the teaching of children, consisting of an adequate physical plant, whether owned or leased, instructional staff members, and students.
- B. For such an institution to be classified as a school, within the meaning of this Chapter, **the** instructional staff members shall meet the following requirements:
- 40 (1) if Be an instructional staff member of a public day school or a 41 nonpublic school which that receives local, state, or federal funds or support, 42 directly or indirectly, they shall be and be certified in accordance with rules
- established by the State Board of Elementary and Secondary Education.

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

<u>C. In addition, except Except</u> as otherwise provided in Subsection $\underline{B} \underline{D}$ of this Section, any such institution, <u>in order</u> to be classified as a school, <u>an institution</u> shall operate a minimum session of not less than one hundred eighty days <u>or as required by R.S. 17:154.1</u>, whichever is applicable.

- BD. Solely for Notwithstanding any other provision of law to the contrary, for purposes of compulsory attendance in a nonpublic school, a student who participates in a home study program approved by the State Board of Elementary and Secondary Education shall be considered in attendance at a day school; a A home study program shall be approved if it offers a sustained curriculum of a quality at least equal to that offered by public schools at the same grade level.
- E. Effective for the 2005-2006 school year, the <u>The</u> provisions of <u>Subsection Subsections</u> A <u>and B</u> of this Section relative to the required operation of a minimum school session of not less than one hundred eighty days shall not be applicable. However, the State Board of Elementary and Secondary Education may adopt rules effective for the 2005-2006 school year relative to the minimum session required of any institution in order to be classified as a school.

<u>CF</u>. For the purpose of reporting data <u>related to schools</u>, <u>as defined in this</u> <u>Section</u>, <u>the following definitions shall apply</u>:

- (1) The term "elementary school" means a school composed of any span of grades prekindergarten through grade eight that excludes grades nine through twelve.
- (2) The term "middle school" or "junior high school" means a school composed of any span of grades five through nine that includes grades seven and eight and that excludes grades prekindergarten through four and ten through twelve.
- (3) The term "high school" means a school composed of any span of grades nine through twelve.
- (4) Middle schools, junior high schools, and high schools shall be considered secondary schools.
- $\frac{\mathbf{P}}{\mathbf{F}}$. Nothing in Subsection C of this Section shall be construed to prohibit a city, parish, or other local public school board from configuring, classifying, or defining schools under its jurisdiction in a manner other than that provided in Subsection C of this Section.
- $\pm \, \underline{\mathbf{G}}$. Nothing in Subsection C of this Section shall affect the certification of education personnel or the grade levels for which they are eligible to teach."

§3996. Charter schools; exemptions; requirements

* * *

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

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(82) Requirements for participation in the Louisiana Giving All True Opportunity to Rise (LA GATOR) Scholarship program, pursuant to R.S. 17:4037.1 et seq., if a charter school opts to participate in the program.

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

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

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C	CHAPTER 43-C. LOUISIANA GIVING ALL TRUE OPPORTUNITY TO RISE
<u> </u>	(LA GATOR) SCHOLARSHIP PROGRAM
	§4437.1. Short title
	This Chapter shall be known as and may be cited as the "Louisiana"
	Giving All True Opportunity to Rise (LA GATOR) Scholarship Program".
	§4037.2. Purpose
	The purpose of this Chapter is all of the following:
	A. To create 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.
	B. To create an opportunity for the best and highest rated public school
	districts in Louisiana to stem the continued excess migration into those top
	school districts. Excessive migration into top rated public school districts create
	school overcrowding and overdevelopment of homes that inevitably result in
	traffic congestion, increased drainage problems, and the flooding of homes and
	businesses.
	§4037.3. Definitions
	As used in this Chapter, the following terms have the following
	meanings, unless otherwise clearly indicated: (1) "Account" means an education scholarship account established
	• • • • • • • • • • • • • • • • • • • •
	pursuant to this Chapter and composed of state funds deposited on behalf of a
	student eligible to participate in the program.
	(2) "Account funds" means the funds deposited into an account on
	<u>behalf of a participating student.</u> (3) "Department" means the state Department of Education.
	(4) "Parent" means a parent, legal guardian, or custodian.
	(5) "Participating school" means a school participating in the program
	pursuant to this Chapter.
	(6) "Participating student" means a student who has been determined
	to be eligible to participate in the program and for whom an account has been
	established pursuant to this Chapter.
	(7) "Program" means the program created by this Chapter.
	(8) "Program manager" means an entity selected by the state
	Department of Education to administer the program as provided in R.S.
	17:4037.2.
	(9) "Qualified education expenses" means any of the following:
	(a) Tuition or fees at a nonpublic school or for nonpublic online learning
	programs.
	(b) Tutoring services provided by an individual or a tutoring facility.
	(c) Services contracted for and provided by a public school, including
	but not limited to individual classes and extracurricular activities and
	programs.
	(d) Curricula and textbooks or other instructional materials, including
	but not limited to any supplemental materials or online instruction required by
	a participating school or service provider.
	(e) Computer hardware or other technological devices primarily used
	to help meet a student's educational needs.
	(f) Educational software applications.
	(g) School uniforms.
	(h) Tuition or fees for summer education programs and specialized after
	school education programs but not after school childcare.
	(i) Tuition, fees, instructional materials, and examination fees at a career
	or technical school.

norm-referenced examinations, Advanced Placement examinations, and

occupational, behavioral, physical, speech-language, and audiology therapies.

examinations related to postsecondary education institution admission.

(j) Fees for Louisiana Educational Assessment Program tests, national

(k) Educational services and therapies, including but not limited to

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1	(2) The department shan continue to anocate runus to an account until
2	any of the following occurs, at which point the account shall be closed and funds
3	returned to the state general fund:
4	(a) The parent enrolls the student full-time in public school.
5	(b) The department determines that a parent has failed to comply with
6	the provisions of this Chapter or state board rules pertaining to the program.
7	including but not limited to a determination that the parent has misused
8	account funds.
9	(c) The parent withdraws the student from the program.
10	(d) The student graduates from high school.
11	(e) The account has been inactive for two consecutive years unless
12	inactivity is due to lack of available funding for accounts.
13	F. No account funds shall be refunded, rebated, or shared with a parent
14	or student in any manner. Any rebate or refund for good or services purchased
15	with account funds shall be credited directly to the account.
16	§4037.6. Student eligibility; initial and continuing
17	A. A student is initially eligible for an account if he meets both of the
18	following the requirements:
19	(1) The student's parent submits an application for an account in
20	accordance with procedures established by the department.
21	(2) The student's parent agrees in writing to all of the following:
22	(a) To provide an education for the participating student in at least the
23	subjects of English language arts, mathematics, social studies, and science.
24	(b) To use account funds only for qualified education expenses of the
25	participating student.
26	(c) To comply with all program requirements.
27	B.(1) The written agreement pursuant to Subparagraph (A)(1)(b) of this
28	Section satisfies the compulsory school attendance requirements of R.S. 17:221
29	The parent of a participating student shall ensure the student is complying with
30	the attendance requirements of the participating school or service provider
31	Each participating student who fails to comply with the attendance
32	requirements shall be reported to the state director of child welfare and
33	attendance by the participating school or service provider and shall be subject
34	to the provisions of R.S. 17:233.
35	(2) A participating student is eligible to participate in the program
36	through in-person education, virtual education, or a hybrid approach that
37	combines both methods.
38	C. A student shall not participate in this program concurrently with a
39	home study program approved by the state board or a home study program
40	registered with the department as a nonpublic school not seeking state approval.
41 42	the Course Choice Program, or the School Choice Program for Certain
42	Students with Exceptionalities. §4037.7. Schools and service providers; eligibility; participation
44	A. To be eligible to participate in the program, a school shall meet all of
45	the following criteria:
46	(1) It has been approved by the state board pursuant to R.S. 17:10 or
47	R.S. 17:11 and meets any other standards established by the state board
48	pertaining to health, safety, and program of study as required by the state
49	board.
50	(2) It is in compliance with the criteria set forth in Brumfield, et al. v.
51	Dodd, et al., 425 F. Supp. 528 (E.D. La. 1977).
52	B. The state board shall provide eligibility criteria for both schools and
53	service providers in program rules in a way that maximizes school and provider
54	participation.
55	C. A public school governing authority may adopt a policy authorizing
56	the acceptance of account funds for providing services covered as qualified
57	education expenses to a participating student who is enrolled part-time in a
58	school under its jurisdiction or who takes individual courses provided by such
59	a school without being enrolled in the school. The public school governing
60	authority shall not include any such student in its student count for purposes of
61	receiving funding through the minimum foundation program formula or any

other state funding.

- D.(1) To be eligible to participate in the program, a nonpublic school or service provider shall apply to participate in the program and, if determined to be eligible, accept account funds for providing services covered as qualified education expenses. A nonpublic school shall annually report its full-time tuition and fees to the department.
- (2) If the department finds that any participating school or service provider has failed to maintain continuing eligibility criteria or has demonstrated gross or a persistent lack of academic competence, the department shall restrict its ability to serve additional students though the program and may terminate its participation in the program. The department shall report any such action to the state board and to parents of participating students as soon as practicable. Additionally, the state superintendent of education may declare a school or service provider immediately ineligible to participate in cases of financial malfeasance or if its participation endangers the academic welfare, health, or safety of children.
- (3) A school deemed ineligible to participate in the Student Scholarships for Educational Excellence Program or a charter school not approved for charter renewal by the authorizer is not eligible to participate in the program.
- (4)(a) Nothing in this Chapter shall 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.
- (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, or employment policies in order to accept account funds.

§4037.8. 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. §4037.9. Testing
- A. 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

2	(2) A nationary norm-referenced test of assessment approved by the
3	state board.
4	B. Notwithstanding Subsection A of this Section, upon approval by the
5	state board, a participating nonpublic school may select an assessment that is
6	substantially aligned with its program of study to be administered to
7	participating students.
8	C. The department shall develop a process for the collection and
9	aggregate reporting of assessment results and shall ensure that the results of
10	such assessments are provided to parents of participating students and the
11	public.
11 12 13 14	<u>§4037.10. Reports</u>
13	Not later than April thirtieth of each year, the department shall submit
14	a written report to the House Committee on Education, the Senate Committee
15	on Education, and the Joint Legislative Committee on the Budget regarding the
16 17	implementation of the program. The report, at a minimum, shall include the
17	following information:
18	(1) The total number of students participating in the program.
19	(2) A list of all participating schools and service providers.
20	(3) The total student enrollment of each participating school, the
21	number of participating students enrolled in each school, and the percentage of
22	the total enrollment of each school represented by program participants.
23	(4) Aggregate test result data for participating students.
24	(5) The percentage of funds used for each type of qualified education
21 22 23 24 25 26 27 28	expense.
26	(6) An analysis of the program's fiscal impact.
20	(7) The amount withheld by the department for administration of the
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20	program, including the amount retained by the department, the amount paid
	to the program manager for the administration of the program, and the amount
30	paid to vendors for managing the payment system.
31	(8) The amount of program funds received by each participating school
32 33	and service provider.
	§4037.11. Transitional provisions; Student Scholarships for Excellence Program
34	A.(1) Any nonpublic school participating in the Student Scholarships for
35	Excellence Program during the 2024-2025 school year may participate in the
36	Louisiana Giving All True Opportunity to Rise (LA GATOR) Scholarship
37	Program during the 2025-2026 school year without undergoing a separate
38	application or approval process.
39	(2) For each school year thereafter, such schools shall comply with
40	Louisiana Giving All True Opportunity to Rise (LA GATOR) Scholarship
41	Program requirements with respect to the application process.
42	B. Notwithstanding the provisions of R.S. 17:4037.3, for a student who
43	participates in the Student Scholarships for Educational Excellence Program
14	during the 2024-2025 school year and participates in the Louisiana Giving All
45	True Opportunity to Rise (LA GATOR) Scholarship Program during the 2025-
46	2026 school year at the same school, the department shall annually allocate to
1 7	the account, subject to funds appropriated or otherwise made available for the
48	program, an amount equal to the amount of the scholarship paid during the
49	2024-2025 school year through the Student Scholarships for Educational
50	Excellence Program, which shall continue until the student completes the
51	school's terminal grade or until the student leaves the school, whichever occurs
52 53	<u>first.</u> * * *
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54	§5029. Alternative initial eligibility requirements
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56	F. A student participating in the Louisiana Giving All True Opportunity
57	to Rise (LA GATOR) Scholarship Program as provided in Chapter 43-C of this
58	Title shall be eligible to receive an award pursuant to this Chapter if he qualifies
59	as follows:
60	(1) The participating student has graduated from a public or approved
51	nonpublic high school as provided in R.S. 17:5021 and has met all requirements
	<u> </u>

grade level.

1	of this Chapter applicable to such graduates.
2	(2) Any other participating student has been certified by a parent, legal
3	guardian, or custodian to have successfully completed at the twelfth grade level
4	an educational program provided through the Louisiana Giving All True
5	Opportunity to Rise (LA GATOR) Scholarship Program and has met the
6	following criteria:
7	(a) The student became a participant in the Louisiana Giving All True
8	Opportunity to Rise (LA GATOR) Scholarship Program no later than the
9	conclusion of his tenth grade year.
10	(b) The student meets the requirements of Paragraphs (B)(2) and (3) of
11	this Section."
12	Section 2. R.S. 17:4011 through 4013 and 4015 through 4025 are hereby
13	repealed in their entirety.
14	Section 3. Section 1 and this Section of this Act shall become effective upor
15	signature of this Act by the governor or, if not signed by the governor, upor
16	expiration of the time for bills to become law without signature by the governor, as
17	provided by Article III, Section 18 of the Constitution of Louisiana. If this Act is
18	vetoed by the governor and subsequently approved by the legislature, Section 1 and
19	this Section of this Act shall become effective on the day following such approval
20	Section 4. Section 2 of this Act shall become effective on June 30, 2025.
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22	AMENDMENT NO. 5
22	Delete many 2 through 0 in their auticates
23	Delete pages 3 through 8 in their entirety.
24	AMENDMENT NO. 6
25	On page 9, delete lines 1 through 12 in their entirety.