The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Michael Bell.

DIGEST 2024 Regular Session

Edmonds

SB 313 Original

<u>Proposed law</u> creates the Education Scholarship Account (ESA) Program and provides for program administration by the state Dept. of Education (DOE) in accordance with State Board of Elementary and Secondary Education (BESE) rules which shall, at minimum, provide for:

- (1) Determination of eligibility of students, participating schools, and service providers.
- (2) Audits of the program and accounts.
- (3) DOE's authority to:
 - (a) Deem any participating student ineligible for the program and to refer cases of misuse of account funds to the attorney general for investigation.
 - (b) Contract with a vendor or provider for the administration of the program or parts of the program.
- (4) A requirement that the program begin enrolling students by the beginning of the 2025-2026 school year.

<u>Proposed law</u> provides that an eligible student may participate in the program through in-person education, virtual education, or a hybrid approach that combines both methods.

Proposed law requires DOE to:

- (1) Allocate to each account annually, from funds appropriated or otherwise made available for the program, an amount equal to the state's base per-pupil amount as provided in the minimum foundation program (MFP) formula, plus the special education weight as provided in the MFP times the state's base per pupil amount. Authorizes DOE to withhold up to 5% of funds allocated for each account annually for program administration. Requires that the amount allocated to an account be prorated if a student transfers into the program after the beginning of a school year.
- (2) Develop a system for parents to direct account funds to participating schools and service providers by electronic funds transfer, automated clearing house transfer, or another system.

Proposed law further provides as follows:

(1) Limits authorized use of funds to qualified education expenses.

- (2) Unused funds in an account shall remain in the account for the following school year.
- (3) The account shall be closed and the funds in the account shall be returned to the state general fund if a student is no longer eligible, if an account has been inactive for two consecutive years, or if a parent fails to comply with program requirements. Further provides an exception that if the legislature has not appropriated funds for the program for two consecutive years, a participating student's account will not be closed due to inactivity.

<u>Proposed law</u> provides that a school shall meet all of the following criteria to be eligible to participate:

- (1) Be approved by BESE.
- (2) Comply with criteria set forth in federal nondiscrimination requirements.
- (3) Any other criteria set by BESE.

<u>Proposed law</u> requires BESE to set eligibility criteria for schools and service providers in a way that maximizes school and provider participation. Provides that to be eligible to participate in the program, both schools and service providers shall apply to DOE and, if determined to be eligible, accept ESA funds for providing services covered as qualified education expenses.

<u>Proposed law provides for sanctions relative to admitting additional students and participation in the program if a school or service provider fails to meet continuing eligibility requirements.</u>

<u>Proposed law</u> provides that nothing in <u>proposed law</u> shall be deemed to limit the independence or autonomy of any participating school or service provider.

Proposed law requires:

- (1) DOE to develop a process for the annual administration of either of the following to participating students:
 - (a) Any examination required pursuant to the school and district accountability system at the prescribed grade level.
 - (b) A nationally norm-referenced test or a statewide assessment.
- (2) DOE to develop a process for the collection and aggregate reporting of results and ensure results are provided to parents.

<u>Proposed law</u> requires DOE, by April 30th annually, to submit a report to the House and Senate education committees and the Jt. Legislative Committee on the Budget regarding program implementation. Provides for required report content, including the results of a parental satisfaction survey and certain financial information relative to the program.

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

(Amends R.S. 17:236(A); adds R.S. 17:4037.1-4037.7)