

- (7) "Program" means the program created by proposed law.
- (8) "Program manager" means an entity selected by the state Dept. of Education to administer the program as provided in R.S. 17:4037.2.
- (9) "Qualified education expenses" means tuition or fees at a nonpublic school or for nonpublic online learning programs, tutoring services provided by an individual or a tutoring facility, services contracted for and provided by a public school such as individual classes, textbooks, online instructional material, computer hardware and software, school uniforms, summer school programs, tuition and fees at technical school, fees for the LEAP tests or national norm-referenced examinations, advanced placement examinations, the ACT or other college admissions, speech-language therapy, fee-for-service transportation student to qualified service providers that assist a parent in connecting their child in locating and choosing courses and licensed tutors, adding any other educational expenses approved by BESE, tuition for dual enrollment at a college.
- (10) "Resident school system" means the public school system in which the student would be enrolled based on his residence.
- (11) "Service provider" means a person or entity other than a participating school that receives payments from accounts for qualified education expenses.
- (12) "State board" means the State Board of Elementary and Secondary Education (BESE).

Proposed law provides that the Louisiana Giving All True Opportunity to Rise (LA GATOR) Scholarship Program is an educational savings account to provide for parental choice in education. The Dept. of Education or a program manager selected by the Dept. is to administer the program in accordance with BESE's rules. BESE is to adopt rules for the program administration including determining the eligibility of students, participating schools, and service providers. The program is subject to financial audits. The Dept. may deem any participating student ineligible for the program and to refer a case involving the misuse of account funds to the attorney general for investigation. The Dept. is to establishment of an online anonymous fraud reporting service.

Proposed law provides that the Dept. may manage the program or use a chosen program manager. If a program manager is chosen then that selection is subject to the approval of BESE. After approval, the Dept. is to send written notification to the House Education and Senate Education Committees as well the Joint Legislative Committee on the Budget.

Proposed law provides that the Dept. is to 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, that college aid is available for the Taylor Opportunity Program for Students (TOPS).

Proposed law provides that the Dept. is to begin enrolling participating students not later than March 1, 2025, for the 2025-2026 school year and pay no more than the one participating school or service

provider, the Dept. is to have until March 1, 2026, to begin enrolling students for the 2026-2027 school year.

Proposed law provides according to the phase in of the program, the Dept. is to allocate from funds appropriated or otherwise made available, to each account based upon family income requirements as follows:

- (1) A family income of 160% of the average state and local allocation per pupil as provided in the minimum foundation program (MFP) for a student who meets the criteria to participate in the School Choice Program for Certain Students with Exceptionalities.
- (2) An amount equal to 80% of the MFP for a student whose family income does not exceed 250% of the federal poverty guidelines.
- (3) An amount equivalent to 55% of the average state and local allocation per pupil amount as provided in the MFP.

Proposed law provides a phase in of the program, as follows:

- (1) During the first two school years of the program, initial student eligibility is to be phased in, beginning with the third school year of the program, and only for the students with exceptionalities.
- (2) For the 2025-2026 school year, a student is initially eligible if the student meets the requirements to participate in the scholarship program provided in proposed law if the student meets at least on the following criteria:
 - (a) The student participated in the Student Scholarships for Educational Excellence Program for the 2024-2025 school year. A student meeting this criteria is to be granted first priority in terms of participation during the first year of the program.
 - (b) The student is entering kindergarten.
 - (c) The student was enrolled in a public school for the 2024-2025 school year.
 - (d) The student is from a family with a total income at or below 250% of the federal poverty guidelines.
- (3) For the 2026-2027 school year, a student is initially eligible if the student meets at least one of the following criteria:
 - (a) The student is entering kindergarten.
 - (b) The student was enrolled in a public school in the 2025-2026 school year.
 - (c) The student is from a family with a total income at or below 400% of the federal

poverty guidelines.

Proposed law provides that the Dept. may withhold up to five percent of funds appropriated or otherwise made available for the program annually for program administration. Any amount withheld by the Dept. does not reduce the amount allocated to accounts.

Proposed law provides that the amount allocated to an account is to be prorated if a student transfers into the program after the beginning of a school year. For students enrolled full-time in a participating school or an educational program operated by a service provider, the Dept., on a quarterly basis, is to allocate funds. If partial payment of tuition or fees is required prior to the start of the school year to reserve space for a student, the Dept. may make the partial payment prior to the start of the school year and deduct the amount from subsequent 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 is to return the partial reservation payment to the Dept. which is to credit the amount to the account.

Proposed law provides that for students not enrolled full-time in a participating school or educational program operated by a service provider, the Dept., on a bi-annual basis, is to allocate funds.

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

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

Proposed law provides that the Dept. is to continue to allocate funds to an account until any of the following occurs, at which point the account is to be closed and funds returned to the state general fund:

- (1) The parent enrolls the student full-time in public school.
- (2) The Dept. determines that a parent has failed to comply with the provisions of proposed law or BESE rules pertaining to the program, including but not limited to a determination that the parent has misused account funds.
- (3) The parent withdraws the student from the program.
- (4) The student graduates from high school.
- (5) The account has been inactive for two consecutive years unless inactivity is due to lack of available funding for accounts.

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

Proposed law provides that a student is initially eligible for an account if he meets both of the following the requirements:

- (1) The student's parent submits an application for an account in accordance with procedures established by the Dept.
- (2) The student's parent agrees in writing to all of the following:
 - (a) To provide an education for the participating student in at least the subjects of English language arts, mathematics, social studies, and science.
 - (b) To use account funds only for qualified education expenses of the participating student.
 - (c) To comply with all program requirements.

Proposed law provides that the Dept. is to 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 BESE.

Proposed law provides that a participating nonpublic school may select an assessment that is substantially aligned with its program of study to be administered to participating students.

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

Proposed law requires that a written report is submitted no later than April 13th of each year, by the Dept. to the House Committee on Education, the Senate Committee on Education, and the Joint Legislative Committee on the Budget regarding the implementation of the program. The report, at a minimum, is to include the following information:

- (1) The total number of students participating in the program.
- (2) A list of all participating schools and service providers.
- (3) The total student enrollment of each participating school, the number of participating students enrolled in each school, and the percentage of the total enrollment of each school

represented by program participants.

- (4) Aggregate test result data for participating students.
- (5) The percentage of funds used for each type of qualified education expense.
- (6) An analysis of the program's fiscal impact.
- (7) The amount withheld by the Dept. for administration of the program, including the amount retained by the Dept., the amount paid to the program manager for the administration of the program, and the amount paid to vendors for managing the payment system.
- (8) The amount of program funds received by each participating school and service provider.

Proposed law provides that any nonpublic school participating in the Student Scholarships for Excellence Program during the 2024-2025 school year may participate in the (LA GATOR) Scholarship Program during the 2025-2026 school year without undergoing a separate application or approval process. For each school year thereafter, such schools are to comply with (LA GATOR) Scholarship Program requirements with respect to the application process.

Proposed law provides that 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 Dept. is to 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 is to continue until the student completes the school's terminal grade or until the student leaves the school, whichever occurs first.

(Amends R.S. 17:236(A), 3996(B)(intro para) and 4014; adds R.S. 17:3996(B)(82), 4037.1-4037.11, and 5029(F); repeals R.S. 17:4011-4013 and 4015-4025)

Summary of Amendments Adopted by Senate

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.