

RÉSUMÉ DIGEST

ACT 1 (SB 313)

2024 Regular Session

Edmonds

New law creates the La. Giving All True Opportunity to Rise (LA GATOR) Scholarship Program, a universal education scholarship account (ESA) program for K-12 students and provides for administration by the state Dept. of Education (DOE) or a program manager selected by DOE in accordance with State Bd. of Elementary and Secondary Education (BESE) rules. Allows DOE to enter into a contract for program administration and management subject to BESE and the Joint Legislative Committee on the Budget approval and in accordance with existing administrative rule (BESE policy).

New law requires BESE to provide for certain program components by rule, including:

- (1) Determining eligibility of students, schools, and service providers.
- (2) Financial audits of the program and accounts, including an annual random audit.
- (3) DOE's authority to deem students ineligible and to refer cases involving misuse of account funds to the attorney general for recovery
- (4) Establishment of online anonymous fraud reporting service.
- (5) Requiring a surety bond or letter of credit for participants 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) Establishment of standardized appeals process for those removed from the program.
- (7) A rolling enrollment process to be used if there are insufficient funds to fund all students whose parents apply for program participation.

Funds

New law requires the department to:

- (1) Allocate an amount of funds determined by BESE to each ESA on a quarterly basis from funds appropriated by the legislature.
- (2) Develop a system for parents to direct account funds to participating schools and service providers by electronic or online funds transfer.

Eligibility; Students

New law provides that a student is initially eligible for an account if his parent submits an application for an account in accordance with procedures established by the department and signs an agreement with the department promising all of the following:

- (1) To provide an education for the participating student in at least the subjects of English language arts, mathematics, social studies, and science.
- (2) To use account funds only for qualified education expenses of the participating student.
- (3) To comply with all program requirements.

New law provides for a phased-in expansion of student eligibility over three phases.

Students with Exceptionalities

New law requires, if a student would have been entitled to special education services in his resident school system, his parent to acknowledge in writing that he agrees to accept only such services as are available to all students enrolled in the participating school. Requires participating schools to meet certain criteria to be eligible to offer such services.

Eligibility; Schools and Service Providers

New law provides that a school shall meet all of the following criteria to be eligible to participate:

- (1) Be approved by BESE and meet any standards established by BESE pertaining to health, safety, and program of study.
- (2) Prohibit racial discrimination in accordance with federal court jurisprudence.
- (3) Any other program requirements set by BESE.

New law authorizes public school governing authorities to accept account funds for providing services covered as qualified education expenses to a participating student who is enrolled part-time or who takes individual courses without being enrolled. Prohibits including such students in its student count for purposes of receiving funding through the Minimum Foundation Program (MFP) or any other state funding.

Testing

New law requires DOE to develop a process for the annual administration of either of the following to participating students: any examination in English language arts and math required pursuant to existing law relative to the school and district accountability system at the prescribed grade level or a nationally norm-referenced test or assessment approved by BESE. Allows nonpublic schools to select their own assessments. Provides that students with exceptionalities shall not be required to take assessments from which they would have been exempt if enrolled in public school. Further requires DOE to develop a process for the collection and aggregate reporting of results and ensure results are provided to parents.

Reporting

New law requires DOE, by April 30th annually, to submit a report to the Senate and House 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. The report shall include all of the following:

- (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 department for administration of the program, including the amount retained by the department, 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.

Transition from Student Scholarships for Educational Excellence Program to LA GATOR Scholarship Program

Existing law provides for the Student Scholarships for Educational Excellence Program (commonly referred to as the "voucher program"), through which students attend participating schools through state-funded scholarships. New law provides for program termination at the end of the 2024-2025 school year and provides for student and school transition from one program to another as follows:

- (1) Schools participating in voucher program in the 2024-2025 school year may join the LA GATOR scholarship program for the 2025-2026 school year without a separate approval or application process; thereafter, the school is subject to LA GATOR program application requirements.
- (2) The ESA for a student who ends voucher program participation and begins LA GATOR participation at the same school shall be funded at the amount of his voucher scholarship until he completes that school's terminal grade or leaves that school, whichever occurs first.

TOPS

Existing law provides the general eligibility requirement of graduating from a La. public school or approved nonpublic school and provides alternate eligibility requirements for students who graduate under different scenarios.

Existing law provides for the Taylor Opportunity Program for Students (TOPS) as a merit scholarship program for students meeting specific initial eligibility requirements, including the following academic requirements, which vary depending on the award level:

- (1) successful completion of a specific high school core curriculum,
- (2) attainment of a minimum grade point average on such curriculum, and
- (3) attainment of a minimum ACT score.

Existing law exempts students who complete BESE-approved home study programs from requirements provided in (1) and (2) above but requires them to score at least two points higher than the minimum ACT score required by present law to qualify for a TOPS-Tech or Opportunity Award and one point higher for a Performance or Honors Award.

New law grants students participating in the LA GATOR program who do not graduate from a La. public school or approved nonpublic school eligibility for a TOPS award under the same alternate eligibility requirements as provided by existing law for students graduating from approved home study programs. (New law prohibits students from participating concurrently in the LA GATOR program and an approved home study program.)

School choice survey and report

New law requires DOE to collect data on educational resources receiving state funding and submit a report to the legislature by Dec. 1, 2024. Provides specific report components.

Effective upon appropriation of monies by the legislature for the implementation of new law relative to the LA GATOR program.

Effective one year from the effective date of the implementation of new law to repeal the voucher program provisions.

(Amends R.S. 17:236(A) and 4014; adds R.S. 17:3996(B)(82), 4037.1-4037.12, 5029(F), and R.S. 39: 1554(T); repeals R.S. 17:4011-13 and 4015-4025)