

2021 Regular Session

SENATE BILL NO. 99

BY SENATOR FIELDS

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

TOPS. Provides relative to TOPS eligibility. (gov sig)

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AN ACT

To amend and reenact R.S. 17:5002(B)(2), 5027(B), the introductory paragraph of (C), and (C)(1), 5029(A)(1)(c), 5043(2), 5062(C)(4) and (5), and 5103(B)(1) and to enact R.S. 17:5062(C)(6), relative to the Taylor Opportunity Program for Students; to clarify terminology; to provide relative to rules, procedures, and guidelines of the administering agency; to authorize the administering agency to waive certain initial eligibility requirements under certain circumstances; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:5002(B)(2), 5027(B), the introductory paragraph of (C), and (C)(1), 5029(A)(1)(c), 5043(2), 5062(C)(4) and (5), and 5103(B)(1) are hereby amended and reenacted and R.S. 17:5062(C)(6) is hereby enacted to read as follows:

§5002. Awards and amounts

* * *

B. Any student who is eligible for an Opportunity, Performance, or Honors

Award pursuant to this Chapter and who has enrolled:

* * *

1 (2) At any ~~regionally accredited~~ independent college or university in the state
 2 ~~which that~~ is a member of the Louisiana Association of Independent Colleges and
 3 Universities **and that is accredited by an institutional accrediting agency**
 4 **recognized by the United States Department of Education** to pursue an academic
 5 undergraduate degree, shall be awarded by the state an amount to be determined by
 6 the administering agency to equal the weighted average of the tuition amounts
 7 charged to students attending public colleges and universities that offer academic
 8 undergraduate degrees at the baccalaureate level during the 2016-2017 academic
 9 year.

10 * * *

11 §5027. Postsecondary institution enrollment

12 * * *

13 B. "Eligible college or university" means a public college or university in this
 14 state or a ~~regionally accredited~~ **an** independent college or university in the state that
 15 is a member of the Louisiana Association of Independent Colleges and Universities
 16 **and that is accredited by an institutional accrediting agency recognized by the**
 17 **United States Department of Education.**

18 C. Notwithstanding any provision of Subsection B of this Section, any
 19 student who meets all applicable initial and continuing program eligibility
 20 requirements of this Chapter for an Opportunity, Performance, or Honors Award
 21 may use ~~such the~~ award at an out-of-state nonpublic college or university when each
 22 of the following conditions is met:

23 (1) The college or university is accredited by a ~~regional~~ **an institutional**
 24 accrediting organization recognized by the United States Department of Education.

25 * * *

26 §5029. Alternative initial eligibility requirements

27 A. A student who graduates from an out-of-state high school shall be eligible
 28 to receive an award pursuant to this Chapter if each of the following conditions is
 29 met:

1 (1) The student has been certified by the principal or headmaster to have met
2 one of the following criteria:

3 * * *

4 (c) The student graduated during the 2002-2003 school year or thereafter
5 from an out-of-state high school that is accredited by a ~~regional~~ **an institutional**
6 accrediting organization recognized by the United States Department of Education
7 and that meets the standards adopted by the State Board of Elementary and
8 Secondary Education for approval of nonpublic schools in Louisiana.

9 * * *

10 §5043. Returning students

11 Notwithstanding any provision of this Chapter to the contrary, any otherwise
12 qualified student who meets each of the following conditions and who enrolls as a
13 first-time freshman in an out-of-state college or university, or beginning with the
14 2009-2010 academic year, first enrolls as a first-time freshman in an eligible college
15 or university in Louisiana and subsequently enrolls in an out-of-state college or
16 university, may use the program award provided for by this Section at an eligible
17 college or university in Louisiana in accordance with this Subsection and other
18 applicable provisions of this Chapter; however, the time period of award eligibility
19 set forth in R.S. 17:5002(E) shall be reduced by an equivalent number of units as
20 may be applicable for each semester or equivalent time period that the student is
21 enrolled in an out-of-state college or university:

22 * * *

23 (2) The student enrolled as a first-time freshman in one of the following:

24 (a) An out-of-state college or university in accordance with the timelines
25 specified by this Section for ~~such~~ enrollment in an eligible college or university in
26 Louisiana and the out-of-state college or university is accredited by a ~~regional~~ **an**
27 **institutional** accrediting organization recognized by the United States Department
28 of Education.

29 (b) An eligible college or university in Louisiana in accordance with the

1 timelines specified by this Section for ~~such~~ enrollment, who subsequently enrolled
 2 in an out-of-state college or university that is accredited by a ~~regional~~ **an**
 3 **institutional** accrediting organization recognized by the United States Department
 4 of Education, and then reenrolled in an eligible college or university in Louisiana
 5 during the 2009-2010 academic year or thereafter.

6 * * *

7 §5062. Rules, procedures, and guidelines

8 * * *

9 C. The administering agency shall provide the following:

10 * * *

11 (4)(a) Guidelines and procedures permitting the administering agency to
 12 receive and consider, ~~beginning with~~ **for** awards made for the 2000-2001 academic
 13 year ~~and~~ through the 2002-2003 academic year, an applicant's qualifying score on
 14 the ACT or on the SAT that is obtained on an authorized testing date after the date
 15 of the applicant's high school graduation but prior to July first of the year of ~~such~~
 16 graduation.

17 (b) Guidelines and procedures permitting the administering agency to receive
 18 and consider, ~~beginning with~~ **for** awards made for the 2003-2004 academic year ~~and~~
 19 ~~thereafter~~ **through the 2019-2020 academic year**, an applicant's qualifying score
 20 on the ACT or on the SAT ~~which~~ **that** is first obtained on an authorized testing date
 21 after the national April ACT testing date in the year of the applicant's high school
 22 graduation but prior to July first of the year of ~~such~~ graduation.

23 (c) Guidelines and procedures permitting the administering agency to receive
 24 and consider, ~~beginning with~~ **for** awards made for the 2011-2012 academic year ~~and~~
 25 ~~thereafter~~ **through the 2019-2020 academic year**, an applicant's qualifying score
 26 on the ACT or on the SAT ~~which~~ **that** is first obtained on an authorized testing date
 27 after the national April ACT testing date in the year of the applicant's high school
 28 graduation but prior to ~~July first~~ **September thirtieth** of the year of ~~such~~ graduation
 29 ~~or~~, if the administering authority determines that the applicant was prevented from

1 taking the test prior to July first of the year of graduation due to circumstances
2 beyond the immediate control of the student and attributable to the administration
3 of the test, ~~prior to September thirtieth of the year of such graduation.~~

4 (d) **Guidelines and procedures permitting the administering agency to**
5 **receive and consider, beginning with awards made for the 2020-2021 academic**
6 **year, an applicant's qualifying score on the ACT or on the SAT that is first**
7 **obtained on an authorized testing date after the national April ACT testing date**
8 **in the year of the applicant's high school graduation but prior to August first**
9 **of the year of graduation.**

10 (e) When granting an award to an applicant whose qualifying test score is
11 considered by the agency pursuant to the provisions of this Paragraph, the agency
12 shall reduce the time period of eligibility for the award as set forth in R.S. 17:5002
13 by one semester or an equivalent number of units at an eligible institution ~~which that~~
14 operates on a schedule based on units other than semesters.

15 (5)(a) ~~Notwithstanding any other provision of law, guidelines~~ **Guidelines** and
16 procedures by which the administering agency may receive and consider, **for awards**
17 **made through the 2019-2020 academic year,** an applicant's qualifying score on the
18 ACT or SAT ~~which that~~ is first obtained on an authorized testing date after the
19 national April testing date in the year of the applicant's high school graduation
20 provided that:

21 (i) The administering agency determines that the applicant was prevented
22 from taking the test on or prior to the national April testing date of the year of the
23 applicant's graduation due to circumstances beyond the immediate control of the
24 student ~~which that~~ were attributable to the administration of the test.

25 (ii) The applicant's qualifying score is obtained on an authorized testing date
26 prior to August first of the year of the applicant's graduation.

27 (b) **Guidelines and procedures by which the administering agency may**
28 **receive and consider, beginning with awards made for the 2020-2021 academic**
29 **year, an applicant's qualifying score on the ACT or SAT that is first obtained**

1 on an authorized testing date after the national April testing date in the year of
2 the applicant's high school graduation provided that:

3 (i) The administering agency determines that the applicant was
4 prevented from taking the test on or prior to the national April testing date of
5 the year of the applicant's graduation due to circumstances beyond the
6 immediate control of the student that were attributable to the administration
7 of the test.

8 (ii) The applicant's qualifying score is obtained on an authorized testing
9 date prior to September thirtieth of the year of the applicant's graduation.

10 (c) When granting an award to an applicant whose qualifying test score is
11 considered by the agency pursuant to the provisions of this Paragraph, the agency
12 shall not reduce the time period of eligibility for the award as set forth in R.S.
13 17:5002.

14 (6)(a) Guidelines and procedures by which the administering agency may
15 receive and consider, beginning with awards made for the 2020-2021 academic
16 year, an application for an initial award from an applicant who graduated from
17 an approved home study program who did not meet the requirements of R.S.
18 17:5029(B)(1)(b)(i) provided that:

19 (i) The administering agency determines the applicant's move to an
20 approved home study program was precipitated by circumstances documented
21 to be beyond the immediate control of the applicant.

22 (ii) The applicant meets all other requirements of R.S. 17:5029(B).

23 (b)When granting an award to an applicant whose qualifying test score
24 is considered by the agency pursuant to the provisions of this Paragraph, the
25 agency shall not reduce the time period of eligibility for the award as set forth
26 in R.S. 17:5002.

27 * * *

28 §5103. Eligibility under declared health emergency

29 * * *

1 B.(1) In response to the public health emergency, provisions of this Chapter
2 that provide for initial eligibility are modified or waived as more fully specified in
3 this Subsection:

4 (a) Notwithstanding the provisions of R.S. 17:5062, the deadline for taking
5 the ACT or SAT for **purposes of** consideration for an award for students graduating
6 from high school in 2020 is December 31, 2020.

7 **(i)** The administering agency may provide an exception to this deadline if the
8 student provides documentation ~~that he was registered for a test that was canceled~~
9 ~~due to COVID-19 and was unable to schedule~~ **of:**

10 **(aa) Registration for a test scheduled on a date prior to the deadline.**

11 **(bb) Inability to take the test as scheduled due to circumstances related**
12 **to COVID-19.**

13 **(cc) Inability to reschedule** a test before the deadline due to circumstances
14 beyond ~~his~~ **the student's** control, as determined by the administering agency.

15 **(ii)** The administering agency shall not reduce the time period of eligibility
16 for the award, as set forth in R.S. 17:5002, of an applicant who qualifies for an award
17 pursuant to authority granted by this ~~Subparagraph~~ **Item.** The initial award or
18 upgraded award shall be paid for the first time beginning with the semester during
19 which the qualifying score was achieved.

20 **(b)(i) Notwithstanding the provisions of R.S. 17:5062, the deadline for**
21 **taking the ACT or SAT for consideration for an award for students graduating**
22 **from high school in 2021 may be extended beyond the deadline if the applicant**
23 **provides documentation of:**

24 **(aa) Registration for a test scheduled on a date prior to the deadline.**

25 **(bb) Inability to take the test as scheduled due to circumstances related**
26 **to COVID-19.**

27 **(cc) Inability to reschedule a test before the deadline due to**
28 **circumstances beyond the student's control, as determined by the administering**
29 **agency.**

1 (ii) The administering agency shall not reduce the time period of
 2 eligibility for the award, as set forth in R.S. 17:5002, of an applicant who
 3 qualifies for an award pursuant to authority granted by this Item.

4 ~~(b)(c)~~ Notwithstanding the provisions of R.S. 17:5026, a student on a Jump
 5 Start graduation track shall not be required to complete any Jump Start course,
 6 experience, or credential that was waived by the student's high school for high school
 7 graduation purposes.

8 ~~(e)(d)~~ The administering agency may waive the home study requirements of
 9 ~~R.S. 17:5029~~ R.S. 17:5029(B)(1)(b)(i) for a student if it determines that the student's
 10 failure to meet those requirements was, more likely than not, due solely to
 11 consequences of measures taken to limit the spread of COVID-19.

12 * * *

13 Section 2. This Act shall become effective upon signature by the governor or, if not
 14 signed by the governor, upon expiration of the time for bills to become law without signature
 15 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 16 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 17 effective on the day following such approval.

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

DIGEST

SB 99 Engrossed 2021 Regular Session Fields

Present law provides for the Taylor Opportunity Program for Students.

Proposed law updates terminology relative to institutional accrediting agencies to conform to federal rule changes by removing the terms "regional" and "regionally".

Present law requires the administering agency to provide for rules, procedures, and guidelines for the TOPS program, including procedures for considering a student's application. Further requires the administering agency to develop guidelines and procedures for considering qualifying ACT and SAT test scores that are obtained after the national ACT test date in April of a student's graduation year. Present law provides for a one semester award reduction for qualifying scores earned after the April test date and provides exceptions to the reduction.

Proposed law extends, beginning with students who graduate in the 2020-2021 academic year, the date by which a student must take the ACT or SAT to receive qualifying scores with a one semester award reduction from July first to August first. Additionally, provides that if a student was prevented from taking the test on or prior to the April national ACT test

date due to issues with test administration, the student may provide a qualifying test score by September 30th without a one semester award reduction.

Present law provides alternative initial eligibility for students who graduate from approved home study programs, provided the student began the home study program prior to the end of their tenth grade year and met all other qualifications required by law.

Proposed law retains present law, and additionally requires the administering agency to provide guidelines and procedures for receiving and considering an application for an award from a student who commenced an approved home study program after the end of their tenth grade year, if the move to home study was due to documented circumstances beyond the immediate control of the student.

Present law provides for modified eligibility requirements during a declared health emergency. Present law provides that for students graduating in 2020, the deadline for taking the ACT or SAT for purposes of consideration for an award shall be December 31, 2020.

Proposed law allows the administering agency to make exemptions for students who graduate in 2020 and 2021 and test after the prescribed deadlines, if the student provides documentation of:

- (1) Registration for a test scheduled on a date prior to the deadline.
- (2) Inability to take the test as scheduled due to circumstances related to COVID-19.
- (3) Inability to reschedule a test before the deadline due to circumstances beyond the student's control, as determined by the administering agency.

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

(Amends R.S. 17:5002(B)(2), 5027(B), (C)(intro para), and (C)(1), 5029(A)(1)(c), 5043(2), 5062(C)(4) and (5), and 5103(B)(1); adds R.S. 17:5062(C)(6))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Education to the original bill

1. Makes technical corrections to title and enacting clause.