

First Extraordinary Session, 2005

HOUSE BILL NO. 142

BY REPRESENTATIVE SALTER

STUDENT/LOANS-SCHOLARSHIP: Provides relative to TOPS continuing eligibility requirements for the 2005-06 academic year for postsecondary students displaced during such academic year as a consequence of Hurricane Katrina or Rita, or both (Item #37)

1 AN ACT

2 To enact R.S. 17:3048.6, relative to continuing eligibility requirements for Tuition
3 Opportunity Program for Students' awards applicable to students displaced as a
4 consequence of certain natural disasters; to provide legislative findings; to provide
5 definitions; to provide waivers and exceptions to certain program requirements and
6 conditions; to provide applicability; to provide limitations; to provide relative to the
7 authority of the Louisiana Student Financial Assistance Commission, including but
8 not limited to requiring the adoption of certain rules relative to program waivers and
9 exceptions; to provide legislative oversight; to provide for implementation; to
10 provide an effective date; and to provide for related matters.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. R.S. 17:3048.6 is hereby enacted to read as follows:

13 §3048.6. Continuing eligibility for program awards; students displaced by certain
14 natural disasters; waivers and exceptions; limitations

15 A.(1) The legislature finds that due to the effects of natural disasters declared
16 by the governor on August 26, 2005, relative to Hurricane Katrina, and on September
17 20, 2005, relative to Hurricane Rita, it is in the best interest for the education of the
18 people of the state that continuing eligibility requirements established in R.S.
19 17:3048.1 for awards pursuant to the Tuition Opportunity Program for Students be

1 modified as provided by this Section for the 2005-2006 academic year for students
2 displaced as a result of either, or both, of the disasters.

3 (2) For the purposes of this Section, the phrase "a student displaced as a
4 result of either, or both, of the disasters", hereinafter referred to in this Section as a
5 "displaced student", shall mean a person who meets any of the following conditions:

6 (a) The person, on August 26, 2005, was eligible for or had a program award
7 and had a home of record in Jefferson, Lafourche, Orleans, Plaquemines, St.
8 Bernard, St. Tammany, Tangipahoa, or Washington Parish.

9 (b) The person, on September 20, 2005, was eligible for or had a program
10 award and had a home of record in Acadia, Allen, Beauregard, Calcasieu, Cameron,
11 Iberia, Jefferson Davis, St. Mary, Terrebonne, or Vermilion Parish.

12 (c) The person, on August 26, 2005, was eligible for or had a program award
13 and was enrolled in an eligible Louisiana institution listed below:

14 (i) Delgado Community College

15 (ii) Dillard University

16 (iii) Louisiana State University Health Sciences Center at New Orleans

17 (iv) Louisiana Technical College: Jefferson, Sidney N. Collier, Slidell,
18 Sullivan, and West Jefferson campuses

19 (v) Loyola University

20 (vi) New Orleans Baptist Theological Seminary

21 (vii) Nunez Community College

22 (viii) Our Lady of Holy Cross College

23 (ix) St. Joseph Seminary College

24 (x) Southern University at New Orleans

25 (xi) Tulane University

26 (xii) University of New Orleans

27 (xiii) Xavier University

1 (d) The person, on September 20, 2005, was eligible for or had a program
2 award and was enrolled in McNeese State University or Sowela Technical
3 Community College.

4 (3) For the purposes of Subparagraphs (2)(a) and (b) of this Subsection,
5 "home of record" for a dependent student shall mean the domiciliary address of the
6 student's parent or court-ordered custodian and for an independent student shall mean
7 the domiciliary address of such student.

8 B.(1) Relative to continuing eligibility requirements for a Tuition
9 Opportunity Program for Students' award applicable for the 2005-2006 academic
10 year to a student displaced during the 2005-2006 academic year, the Louisiana
11 Student Financial Assistance Commission, in accordance with the Administrative
12 Procedure Act, shall provide by rule as follows:

13 (a)(i) The provisions of R.S. 17:3048.1(W) permitting a student qualified
14 for a program award who enrolls as a first-time freshman in an eligible out-of-state
15 college or university to subsequently use the award at an eligible Louisiana college
16 or university shall apply to a displaced student except that the time period of award
17 eligibility shall not be reduced due to the student's attendance at an eligible out-of-
18 state institution during the 2005-2006 academic year.

19 (ii) Relative to a displaced student having a suspended program award due
20 to the student not meeting a requirement relative to having a specified grade point
21 average or making steady academic progress, the respective time periods provided
22 in R.S. 17:3048.1 for the student to meet such requirement or lose program eligibility
23 shall be extended on a one-for-one basis for each semester or other term in which the
24 student does not enroll on a full-time basis in an eligible college or university during
25 the 2005-2006 academic year.

26 (iii) The program award for a displaced student shall not be canceled if the
27 student enrolls during the 2005-2006 academic year in an eligible out-of-state
28 institution subsequent to use of a program award at an eligible Louisiana college or
29 university. Additionally, the periods of time provided in R.S. 17:3048.1 for use by

1 eligible recipients of program awards shall not be reduced for those semesters or
2 terms such displaced student was enrolled in an eligible out-of-state institution
3 during the 2005-2006 academic year and the unused period of time shall remain
4 available to the displaced student for use at an eligible Louisiana college or
5 university.

6 (iv) In addition to the provisions of R.S. 17:3048.1(B)(2) permitting a
7 recipient to use a TOPS-Tech Award at an eligible Louisiana college or university
8 to pursue skill or occupational training, as defined by the Board of Regents,
9 including a vocational or technical education certificate or diploma program or a
10 nonacademic degree, a TOPS-Tech Award also may be used during the 2005-2006
11 academic year by a displaced student to enroll on a full-time basis at an eligible
12 Louisiana college or university granting academic undergraduate degrees to take
13 courses that contribute to the pursuit of a skill or occupation. In such case, the award
14 amount paid by the state on behalf of the student shall be at the Opportunity Award
15 level.

16 (2)(a)(i) Relative to continuing eligibility requirements for a Tuition
17 Opportunity Program for Students' award applicable for the 2005-2006 academic
18 year to a student displaced during the 2005-2006 academic year, the Louisiana
19 Student Financial Assistance Commission, in consultation with the commissioner of
20 higher education and in accordance with the Administrative Procedure Act, shall by
21 rule waive any provision of R.S. 17:3048.1 that imposes on a displaced student a
22 program requirement or condition that such student cannot comply with or meet
23 when it is determined by the commission that a failure to comply with the
24 requirement or meet the condition, more likely than not, is due solely to a
25 consequence of Hurricane Katrina or Rita, or both.

26 (ii) Relative to continuing eligibility requirements for a Tuition Opportunity
27 Program for Students' award applicable for the 2005-2006 academic year to any
28 student displaced during the 2005-2006 academic year as a consequence of a disaster
29 or emergency other than Hurricane Katrina or Rita and for which the governor

1 declares a state of emergency to exist, the Louisiana Student Financial Assistance
2 Commission, in consultation with the commissioner of higher education and in
3 accordance with the Administrative Procedure Act, shall by rule waive any provision
4 of R.S. 17:3048.1 that imposes on such student a program requirement or condition
5 that the student cannot comply with or meet when it is determined by the
6 commission that a failure to comply with the requirement or meet the condition,
7 more likely than not, is due solely to a consequence of the declared disaster or
8 emergency.

9 (b) In addition to provisions of the Administrative Procedure Act relative to
10 oversight by the legislature of the adoption of commission rules, the Joint Legislative
11 Committee on the Budget, in accordance with procedures and threshold amounts
12 established by the committee, shall have oversight and approval authority over any
13 rule proposed for adoption pursuant to the provisions of this Paragraph that has a
14 significant program or other cost, or both, to the state.

15 C. The Louisiana Student Financial Assistance Commission shall take all
16 administrative action necessary to expedite full implementation of the provisions of
17 this Section. The commission also shall disseminate information to displaced
18 students and others regarding program changes pursuant to the provisions of this
19 Section in the most timely manner possible.

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

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument.

Salter

HB No. 142

Abstract: Modifies for the 2005-06 academic year continuing eligibility requirements for TOPS awards for displaced students (students eligible for or having program awards displaced during the 2005-06 academic year from specified parishes or postsecondary education institutions) including provisions relative to enrollment as a first-time freshman in an eligible out-of-state institution, awards suspended due to a student not meeting certain academic requirements, enrollment in an eligible out-of-state institution subsequent to award use in La., and use of a TOPS-Tech Award for certain courses at eligible La. institutions granting academic undergraduate degrees. Provides for rulemaking by the La. Student Financial Assistance Commission, for legislative oversight of such rules, and for dissemination of information about program changes made by proposed law.

Proposed law states legislative findings that due to the effects of natural disasters declared by the governor on August 26, 2005, relative to Hurricane Katrina, and on September 20, 2005, relative to Hurricane Rita, it is in the best interest for the education of the people of the state that continuing eligibility requirements established by law for awards pursuant to the Tuition Opportunity Program for Students (TOPS) be modified for the 2005-06 academic year for students displaced as a result of either, or both, of the disasters.

Provides, for proposed law purposes, that the phrase "a student displaced as a result of either, or both, of the disasters" (referred to in proposed law as a "displaced student") shall mean a person who meets any of the following conditions:

- (1) The person, on August 26, 2005, was eligible for or had a program award and had a home of record in Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Tammany, Tangipahoa, or Washington Parish.
- (2) The person, on September 20, 2005, was eligible for or had a program award and had a home of record in Acadia, Allen, Beauregard, Calcasieu, Cameron, Iberia, Jefferson Davis, St. Mary, Terrebonne, or Vermilion Parish.
- (3) The person, on August 26, 2005, was eligible for or had a program award and was enrolled in an eligible Louisiana institution listed below:
 - (a) Delgado Community College
 - (b) Dillard University
 - (c) Louisiana State University Health Sciences Center at New Orleans
 - (e) Louisiana Technical College: Jefferson, Sidney N. Collier, Slidell, Sullivan, and West Jefferson campuses
 - (f) Loyola University
 - (g) New Orleans Baptist Theological Seminary
 - (h) Nunez Community College
 - (i) Our Lady of Holy Cross College
 - (j) St. Joseph Seminary College
 - (k) Southern University at New Orleans
 - (l) Tulane University
 - (m) University of New Orleans
 - (n) Xavier University

- (4) The person, on September 20, 2005, was eligible for or had a program award and was enrolled in McNeese State University or Sowell Technical Community College.

Provides, for proposed law purposes, that "home of record" for a dependent student shall mean the domiciliary address of the student's parent or court-ordered custodian and for an independent student shall mean the domiciliary address of such student.

Requires the La. Student Financial Assistance Commission (LSFAC), in accordance with the Administrative Procedure Act (APA), to provide by rule as follows relative to continuing eligibility requirements for a TOPS award applicable for the 2005-06 academic year to a student displaced during the 2005-06 academic year:

- (1) Provides that present law provisions (R.S. 17:3048.1(W)) relative to permitting a student qualified for a program award who enrolls as a first-time freshman in an eligible out-of-state college or university to subsequently use the award at an eligible La. college or university shall apply to a displaced student except that the time period of award eligibility shall not be reduced due to the student's attendance at an eligible out-of-state institution during the 2005-06 academic year.
- (2) Relative to a displaced student having a suspended program award due to the student not meeting a requirement relative to having a specified grade point average or making steady academic progress, specifies that the respective time periods provided in present law (R.S. 17:3048.1) for the student to meet such requirement or lose program eligibility shall be extended on a one-for-one basis for each semester or other term in which the student does not enroll on a full-time basis in an eligible college or university during the 2005-06 academic year.
- (3) Provides that the program award for a displaced student shall not be canceled if the student enrolls during the 2005-06 academic year in an eligible out-of-state institution subsequent to use of a program award at an eligible La. college or university. Additionally provides that the periods of time provided in present law (R.S. 17:3048.1) for use by eligible recipients of program awards shall not be reduced for those semesters or terms such displaced student was enrolled in an eligible out-of-state institution during the 2005-06 academic year and that the unused period of time shall remain available to the displaced student for use at an eligible La. college or university.
- (4) Provides that in addition to the provisions of present law (R.S. 17:3048.1(B)(2)) permitting a TOPS-Tech Award recipient to use the award at an eligible La. college or university to pursue skill or occupational training (as defined by the Board of Regents), including a vocational or technical education certificate or diploma program or a nonacademic degree, the award also may be used during the 2005-06 academic year by a displaced student to enroll on a full-time basis at an eligible La. college or university granting academic undergraduate degrees to take courses that contribute to the pursuit of a skill or occupation. Specifies that in such case, the award amount paid by the state on behalf of the student shall be at the Opportunity Award level.

Proposed law, relative to continuing eligibility requirements for a TOPS award applicable for the 2005-06 academic year to a student displaced during the 2005-06 academic year, requires LSFAC, in consultation with the commissioner of higher education and in accordance with the APA, to waive by rule any provision of present law (R.S. 17:3048.1) that imposes on a displaced student a program requirement or condition that such student cannot comply with or meet when it is determined by the commission that a failure to comply with the requirement or meet the condition, more likely than not, is due solely to a consequence of Hurricane Katrina or Rita, or both.

Proposed law, relative to continuing eligibility requirements for a TOPS award applicable for the 2005-06 academic year to any student displaced during the 2005-06 academic year as a consequence of a disaster or emergency other than Hurricane Katrina or Rita and for which the governor declares a state of emergency to exist, requires LSFAC, in consultation with the commissioner of higher education and in accordance with the APA, to waive by rule any provision of present law (R.S. 17:3048.1) that imposes on such student a program requirement or condition that the student cannot comply with or meet when it is determined by the commission that a failure to comply with the requirement or meet the condition, more likely than not, is due solely to a consequence of the declared disaster or emergency.

Provides also that in addition to APA provisions relative to oversight by the legislature of the adoption of LSFAC rules, the Joint Legislative Committee on the Budget, in accordance with procedures and threshold amounts established by the committee, shall have oversight and approval authority over any rule proposed for adoption pursuant to proposed law that has a significant program or other cost, or both, to the state.

Proposed law requires LSFAC to take all administrative action necessary to expedite full implementation of the provisions of proposed law. Also requires LSFAC to disseminate information to displaced students and others regarding program changes pursuant to proposed law in the most timely manner possible.

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

(Adds R.S. 17:3048.6)

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Education to the original bill.

1. Adds St. Mary Parish to proposed law provision making proposed law applicable to persons having a home of record in specified parishes on September 20, 2005.