

First Extraordinary Session, 2005

SENATE BILL NO. 97

BY SENATOR FIELDS

TOPS. Provides relative to TOPS eligibility requirements for the 2005-2006 academic year and thereafter for certain students impacted or displaced by a natural disaster or emergency and provides financial requirement for new applicants beginning in 2006-2007 school year.

1 AN ACT  
2 To enact R.S. 17:3048.6 and 3048.7, relative to continuing eligibility requirements for  
3 Tuition Opportunity Program for Students' awards; to provide for students displaced  
4 as a consequence of certain natural disasters; to provide legislative findings; to  
5 provide definitions; to provide waivers and exceptions to certain program  
6 requirements and conditions; to provide applicability; to provide relative to  
7 additional eligibility requirements beginning with new applicants during the 2006-  
8 2007 school year and thereafter; to provide limitations; to provide relative to the  
9 authority of the Louisiana Student Financial Assistance Commission, including but  
10 not limited to requiring the adoption of certain rules relative to program waivers and  
11 exceptions; to provide legislative oversight; to provide for implementation; to  
12 provide an effective date; and to provide for related matters.

13 Be it enacted by the Legislature of Louisiana:

14 Section 1. R.S. 17:3048.6 and 3048.7 are hereby enacted to read as follows:

15 **§3048.6. Continuing eligibility for program awards; students displaced by**  
16 **certain natural disasters; waivers and exceptions; limitations**

17 **A.(1) The legislature finds that due to the effects of natural disasters**

1 declared by the governor on August 26, 2005, relative to Hurricane Katrina,  
2 and on September 20, 2005, relative to Hurricane Rita, it is in the best interest  
3 for the education of the people of the state that continuing eligibility  
4 requirements established in R.S. 17:3048.1 for awards pursuant to the Tuition  
5 Opportunity Program for Students be modified as provided by this Section for  
6 the 2005-2006 academic year for students displaced as a result of either, or both,  
7 of the disasters.

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

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

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

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

21 (i) Delgado Community College

22 (ii) Dillard University

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

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

26 (v) Loyola University

27 (vi) New Orleans Baptist Theological Seminary

28 (vii) Nunez Community College

29 (viii) Our Lady of Holy Cross College

1                    (ix) St. Joseph Seminary College

2                    (x) Southern University at New Orleans

3                    (xi) Tulane University

4                    (xii) University of New Orleans

5                    (xiii) Xavier University

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

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

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

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

25                    (ii) Relative to a displaced student having a suspended program award  
26 due to the student not meeting a requirement relative to having a specified  
27 grade point average or making steady academic progress, the respective time  
28 periods provided in R.S. 17:3048.1 for the student to meet such requirement or  
29 lose program eligibility shall be extended on a one for one basis for each

1 semester or other term in which the student does not enroll on a full-time basis  
2 in an eligible college or university during the 2005-2006 academic year.

3 (iii) The program award for a displaced student shall not be cancelled  
4 if the student enrolls during the 2005-2006 academic year in an eligible  
5 out-of-state institution subsequent to use of a program award at an eligible  
6 Louisiana college or university. Additionally, the periods of time provided in  
7 R.S. 17:3048.1 for use by eligible recipients of program awards shall not be  
8 reduced for those semesters or terms such displaced student was enrolled in an  
9 eligible out-of-state institution during the 2005-2006 academic year and the  
10 unused period of time shall remain available to the displaced student for use at  
11 an eligible Louisiana college or university.

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

22 (2)(a)(i) Relative to continuing eligibility requirements for a Tuition  
23 Opportunity Program for Students' award applicable for the 2005-2006  
24 academic year to a student displaced during the 2005-2006 academic year, the  
25 Louisiana Student Financial Assistance Commission, in consultation with the  
26 commissioner of higher education and in accordance with the Administrative  
27 Procedure Act, shall by rule waive any provision of R.S. 17: 3048.1 that imposes  
28 on a displaced student a program requirement or condition that such student  
29 cannot comply with or meet when it is determined by the commission that a

1 failure to comply with the requirement or meet the condition, more likely than  
2 not, is due solely to a consequence of hurricanes Katrina or Rita, or both.

3 (ii) Relative to continuing eligibility requirements for a Tuition  
4 Opportunity Program for Students' award applicable for the 2005-2006  
5 academic year to any student displaced during the 2005-2006 academic year as  
6 a consequence of a disaster or emergency other than hurricanes Katrina or Rita  
7 and for which the governor declares a state of emergency to exist, the Louisiana  
8 Student Financial Assistance Commission, in consultation with the  
9 commissioner of higher education and in accordance with the Administrative  
10 Procedure Act, shall by rule waive any provision of R.S. 17:3048.1 that imposes  
11 on such student a program requirement or condition that the student cannot  
12 comply with or meet when it is determined by the commission that a failure to  
13 comply with the requirement or meet the condition, more likely than not, is due  
14 solely to a consequence of the declared disaster or emergency.

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

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

27 §3048.7. Eligibility beginning with new applicants in the 2006-2007 school  
28 year; financial requirement

29 A. Notwithstanding any provisions of this Chapter to the contrary, and

1 except as provided in Subsection (B), beginning with new applicants during the  
2 2006-2007 school year and thereafter, to receive an award under this Chapter  
3 a student shall meet all requirements for the award provided in this Chapter  
4 and shall have an annual gross income as reported to the administering agency  
5 that does not exceed one hundred percent of the poverty guidelines updated  
6 periodically in the Federal Register by the U.S. Department of Health and  
7 Human Services under the authority of 42 U.S.C. 9902(2).

8 B.(1) Nothing in this Section shall affect the continuation requirements  
9 for any student to whom an award is made under this Chapter prior to the  
10 2006-2007 school year.

11 (2) For students who are new applicants during or after the 2006-2007  
12 school year, continued eligibility for an award shall require continuing to meet  
13 the financial eligibility established in this Section.

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

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

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

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#### DIGEST

Proposed law states legislative findings 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 05-06 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 parishes.
- (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 parishes.
- (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
  - (d) Louisiana Technical College: Jefferson, Sidney N. Collier, Slidell, Sullivan, and West Jefferson campuses.
  - (e) Loyola University
  - (f) New Orleans Baptist Theological Seminary
  - (g) Nunez Community College
  - (h) Our Lady of Holy Cross College
  - (i) St. Joseph Seminary College
  - (j) Southern University at New Orleans
  - (k) Tulane University
  - (l) University of New Orleans
  - (m) 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 SOWELA 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 05-06 academic year to a student displaced during the 05-06 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 05-06 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 05-06 academic year.
- (3) Provides that the program award for a displaced student shall not be cancelled if the student enrolls during the 05-06 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 05-06 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 Bd. of Regents), including a vocational or technical education certificate or diploma program or a nonacademic degree, the award also may be used during the 05-06 academic year by a displaced student to enroll on a full-time bases 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 05-06 academic year to a student displaced during the 05-06 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 hurricanes Katrina or Rita, or both.

Proposed law, relative to continuing eligibility requirements for a TOPS award applicable for the 05-06 academic year to any student displaced during the 05-06 academic year as a consequence of a disaster or emergency other than hurricanes 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.

Proposed law requires to be eligible to receive a TOPS award beginning with the 06-07 school year that the student have an annual gross income as reported to LOSFA that does not exceed 100% of the poverty guidelines updated periodically in the Federal Register by the U.S. Dept. of Health and Human Services under the authority of 42 U.S.C. 9902(2).

Proposed law requires LOSFA 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 the governor or lapse of time for gubernatorial action.

(Adds R.S. 17:3048.6 and 3048.7))