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

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))