

First Extraordinary Session, 2005

ACT No. 65

HOUSE BILL NO. 143

BY REPRESENTATIVES SALTER, SCHNEIDER, AND WALSWORTH

1 AN ACT

2 To enact R.S. 17:3048.6, relative to initial eligibility requirements for Tuition Opportunity
3 Program for Students awards applicable to students displaced as a consequence of
4 certain natural disasters; to provide legislative findings; to provide definitions; to
5 provide waivers and exceptions to certain program requirements and conditions; to
6 provide applicability; to provide limitations; to provide relative to the authority of
7 the Louisiana Student Financial Assistance Commission, including but not limited
8 to requiring the adoption of certain rules relative to program waivers and exceptions;
9 to provide for legislative oversight; to provide for implementation; to provide an
10 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. Initial eligibility for program awards; students displaced by certain natural
14 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 initial eligibility requirements established in R.S. 17:3048.1
19 for awards pursuant to the Tuition Opportunity Program for Students be modified as
20 provided by this Section for the 2005-2006 school year for students displaced as a
21 result of the disasters.

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

1 (a) The student, on August 26, 2005, was enrolled in a public high school or
2 a nonpublic high school having the approvals by the State Board of Elementary and
3 Secondary Education required by R.S. 17:3048.1 for program eligibility purposes
4 and such school was located in Jefferson, Lafourche, Orleans, Plaquemines, St.
5 Bernard, St. Tammany, Tangipahoa, or Washington Parish or the student resided in
6 such a parish and was enrolled in a home study program approved by the State Board
7 of Elementary and Secondary Education.

8 (b) The student, on September 20, 2005, was enrolled in a public high school
9 or a nonpublic high school having the approvals by the State Board of Elementary
10 and Secondary Education required by R.S. 17:3048.1 for program eligibility
11 purposes and such school was located in Acadia, Allen, Beauregard, Calcasieu,
12 Cameron, Iberia, Jefferson Davis, St. Mary, Terrebonne, or Vermilion Parish or the
13 student resided in such a parish and was enrolled in a home study program approved
14 by the State Board of Elementary and Secondary Education.

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

19 (a) A displaced student who has been certified by the principal or headmaster
20 to have graduated during the 2005-2006 school year from an out-of-state high school
21 that meets the criteria to be an eligible out-of-state high school as provided in R.S.
22 17:3048.1(P)(1)(a) shall not be required to have for the respective awards a higher
23 minimum composite score on the American College Test or on the Scholastic
24 Aptitude Test than required for a student who graduates from an eligible Louisiana
25 high school provided such student has, for a TOPS-Tech Award or Opportunity
26 Award, a cumulative high school grade point average on all courses on the high
27 school transcript of at least 2.50 calculated on a 4.00 scale or, for a Performance or
28 Honors award, a cumulative high school grade point average on all courses on the
29 high school transcript of at least 3.50 calculated on a 4.00 scale.

1 **(b) The program requirement that a student who graduates from an eligible**
2 **Louisiana high school during the 2005-2006 school year must have successfully**
3 **completed the applicable core curriculum shall be waived for a displaced student**
4 **upon proper documentation by the student's high school principal or headmaster or**
5 **authorized designee that failure to comply with such requirement is due solely to the**
6 **fact that the required course or courses were not available to the student at the school**
7 **attended.**

8 **(c)(i) A dependent or independent displaced student shall be deemed to meet**
9 **the residency requirements for a program award if such student actually resided in**
10 **Louisiana during his entire eleventh grade year of high school and was enrolled for**
11 **such time in an eligible Louisiana high school or, for dependent students, if the**
12 **displaced student has a parent or court-ordered custodian who actually resided in a**
13 **parish listed in Subparagraph (A)(2)(a) of this Section for at least the twelve months**
14 **prior to August 26, 2005, or in a parish listed in Subparagraph (A)(2)(b) of this**
15 **Section for at least the twelve months prior to September 20, 2005.**

16 **(ii)(aa) A parent or court-ordered custodian of a dependent student who is**
17 **eligible for a program award pursuant to the provisions of R.S. 17:3048.1(P), relative**
18 **to students who graduate from certain out-of-state high schools, and who was**
19 **displaced as a resident from a parish listed in Subparagraph (A)(2)(a) of this Section**
20 **due to Hurricane Katrina shall be deemed to meet program residency requirements**
21 **if such parent or court-ordered custodian actually resided in Louisiana for at least the**
22 **twelve months prior to August 26, 2005.**

23 **(bb) A parent or court-ordered custodian of a dependent student who is**
24 **eligible for a program award pursuant to the provisions of R.S. 17:3048.1(P), relative**
25 **to students who graduate from certain out-of-state high schools, and who was**
26 **displaced as a resident from a parish listed in Subparagraph (A)(2)(b) of this Section**
27 **due to Hurricane Rita shall be deemed to meet program residency requirements if**
28 **such parent or court-ordered custodian actually resided in Louisiana for at least the**
29 **twelve months prior to September 20, 2005.**

1 (d) A displaced student who during the 2005-2006 school year successfully
2 completes at the twelfth grade level a home study program approved by the State
3 Board of Elementary and Secondary Education shall be eligible for program awards
4 by complying with the provisions of R.S. 17:3048.1(Q), relative to certain students
5 who have successfully completed home study programs approved by the state board.
6 In such case, the statutory requirement that a student, if ever enrolled in a eligible
7 Louisiana high school, must have begun his approved home study program no later
8 than the conclusion of the tenth grade year shall not apply to the displaced student.

9 (2)(a)(i) Relative to initial eligibility requirements for a Tuition Opportunity
10 Program for Students award applicable for the 2005-2006 school year to a displaced
11 student, the Louisiana Student Financial Assistance Commission, in consultation
12 with the commissioner of higher education and in accordance with the
13 Administrative Procedure Act, shall by rule waive any provision of R.S. 17:3048.1
14 that imposes on such displaced student a program requirement or condition that such
15 student cannot comply with or meet when it is determined by the commission that
16 a failure to comply with the requirement or meet the condition, more likely than not,
17 is due solely to a consequence of Hurricane Katrina or Rita, or both.

18 (ii) Relative to initial eligibility requirements for a Tuition Opportunity
19 Program for Students award applicable for the 2005-2006 school year to any student
20 displaced during the 2005-2006 school year as a consequence of a disaster or
21 emergency other than Hurricane Katrina or Rita and for which the governor declares
22 a state of emergency to exist, the Louisiana Student Financial Assistance
23 Commission, in consultation with the commissioner of higher education and in
24 accordance with the Administrative Procedure Act, shall by rule waive any provision
25 of R.S. 17:3048.1 that imposes on such student a program requirement or condition
26 that the student cannot comply with or meet when it is determined by the
27 commission that a failure to comply with the requirement or meet the condition,
28 more likely than not, is due solely to a consequence of the declared disaster or
29 emergency.

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

7 **C. The Louisiana Student Financial Assistance Commission shall take all**
 8 **administrative action necessary to expedite full implementation of the provisions of**
 9 **this Section. The commission also shall disseminate information to displaced**
 10 **students and others regarding program changes pursuant to the provisions of this**
 11 **Section in the most timely manner possible.**

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

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____