

New law states legislative findings that due to the effects of Hurricanes Katrina and Rita it is in the best interest for the education of the people of the state that continuing eligibility requirements established by law for Tuition Opportunity Program for Students' (TOPS) awards be modified for the 2005-06 academic year for students displaced as a result of the disasters.

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

- (1) The person, on 8/26/05, 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 9/20/05, 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 8/26/05, was eligible for or had a program award and was enrolled in an eligible La. institution listed below:
 - (a) Delgado Community College
 - (b) Dillard University
 - (c) La. State University Health Sciences Center at New Orleans
 - (d) La. 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 9/20/05, was eligible for or had a program award and was enrolled in McNeese State University or Sowela Technical Community College.

Provides, for new law purposes, that "home of record" for a dependent student means the domiciliary address of the student's parent or court-ordered custodian and for an independent student means 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) Present law provisions (R.S. 17:3048.1(W)) relative to permitting a student 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 the 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, the respective time periods provided in existing 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) The award for a displaced student shall not be canceled 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, the time periods provided in existing law (R.S. 17:3048.1) for use of 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 the unused period of time shall remain available to the displaced student for use at an eligible La. college or university.
- (4) In addition to the provisions of existing law (R.S. 17:3048.1(B)(2)) permitting use of a TOPS-Tech 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.

New 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 existing 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. Provides similarly relative to continuing eligibility requirements for a TOPS award applicable for the 20 05-06 academic year to a student displaced during the 2005-06 academic year as a consequence of a disaster or emergency other than Hurricane Katrina or Rita for which the governor declares a state of emergency.

Provides also that in addition to APA provisions relative to legislative oversight 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 new law that has a significant program or other cost, or both, to the state.

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

Effective upon signature of governor (December 6, 2005).

(Adds R.S. 17:3048.6)