

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 initial eligibility requirements established by law for Tuition Opportunity Program for Students' (TOPS) awards be modified for the 2005-06 school year for students displaced as a result of the disasters.

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

- (1) The student, on 8/26/05, was enrolled in a public high school or a nonpublic high school having the approvals by the State Board of Elementary and Secondary Education (BESE) required by existing law (R.S. 17:3048.1) for program eligibility purposes and such school was located in Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Tammany, Tangipahoa, or Washington Parish or the student resided in such a parish and was enrolled in a BESE-approved home study program.
- (2) The student, on 9/20/05, was enrolled in a public high school or a BESE-approved nonpublic high school (see No. 1 above) and such school was located in Acadia, Allen, Beauregard, Calcasieu, Cameron, Iberia, Jefferson Davis, St. Mary, Terrebonne, or Vermilion Parish or the student resided in such a parish and was enrolled in a BESE-approved home study program.

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

- (1) A displaced student who has been certified by the principal or headmaster to have graduated during the 2005-06 school year from an eligible out-of-state high school shall not be required to have for the respective awards a higher minimum composite score on the American College Test (ACT) or on the Scholastic Aptitude Test (SAT) than required for a student who graduates from an eligible La. high school provided such student has, for TOPS-Tech or Opportunity awards, a cumulative high school grade point average on all courses on the high school transcript of at least 2.50 calculated on a 4.00 scale or, for Performance or Honors awards, a cumulative high school grade point average on all courses on the high school transcript of at least 3.50 calculated on a 4.00 scale.
- (2) The requirement that a student who graduates from an eligible La. high school during the 2005-06 school year must have successfully completed the applicable core curriculum shall be waived for a displaced student upon documentation by the student's high school principal, headmaster, or designee that failure to comply with such requirement is due solely to the fact that the required course or courses were not available to the student at the school attended.
- (3) A displaced student shall be deemed to meet program residency requirements if such student actually resided in La. during his entire 11th grade year of high school and was enrolled for such time in an eligible La. high school or, for dependent students, if the displaced student has a parent or court-ordered custodian who actually resided in Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Tammany, Tangipahoa, or Washington Parish for at least the 12 months prior to 8/25/05, or in Acadia, Allen, Beauregard, Calcasieu, Cameron, Iberia, Jefferson Davis, St. Mary, Terrebonne, or Vermilion Parish for at least the 12 months prior to 9/20/05.
- (4) A parent or court-ordered custodian of a dependent student who is eligible for a program award pursuant to existing law relative to students who graduate from certain out-of-state high schools (R.S. 17:3048.1(P)), and who was displaced as a resident from Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Tammany, Tangipahoa, or Washington Parish due to Hurricane Katrina shall be deemed to meet program residency requirements if such parent or court-ordered custodian actually resided in La. for at least the 12 months prior to 8/26/05.

- (5) A parent or court-ordered custodian of a dependent student who is eligible for a program award pursuant to existing law provisions relative to students who graduate from certain out-of-state high schools (R.S. 17:3048.1(P)), and who was displaced as a resident from Acadia, Allen, Beauregard, Calcasieu, Cameron, Iberia, Jefferson Davis, St. Mary, Terrebonne, or Vermilion Parish due to Hurricane Rita shall be deemed to meet program residency requirements if such parent or court-ordered custodian actually resided in La. for at least the 12 months prior to 9/20/05.
- (6) A displaced student who during the 2005-06 school year successfully completes at the 12th grade level a BESE-approved home study program shall be eligible for program awards by complying with the provisions of existing law (R.S. 17:3048.1(Q)) relative to certain students who have successfully completed BESE-approved home study programs. Specifies that in such case, the statutory requirement that a student, if ever enrolled in an eligible La. high school, must have begun his approved home study program no later than the conclusion of the 10th grade year shall not apply.

New law, relative to initial eligibility requirements for a TOPS award applicable for the 2005-06 school year to a displaced student, 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 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 initial eligibility requirements for a TOPS award applicable for the 2005-06 school year to any student displaced during the 2005-06 school 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)