

2020 Regular Session

SENATE BILL NO. 481

BY SENATORS FIELDS, ABRAHAM, BARROW, BOUIE, CARTER, CATHEY, CLOUD, CONNICK, CORTEZ, FESI, FOIL, HARRIS, HENSGENS, HEWITT, JACKSON, JOHNS, LAMBERT, LUNEAU, MCMATH, MILLIGAN, ROBERT MILLS, POPE, PRICE, REESE, SMITH, TARVER, WARD, WHITE AND WOMACK

STUDENTS. Provides relative to students impacted due to the COVID-19 public health emergency. (gov sig)

1 AN ACT

2 To amend and reenact the heading of Part IV of Chapter 50 of Title 17 of the Louisiana

3 Revised Statutes of 1950 and to enact R.S. 17:8, 3351(M), and 5103, relative to

4 elementary, secondary, and postsecondary education; to provide relative to students

5 impacted as a consequence of the public health emergency declared by the governor

6 on March 11, 2020, in response to COVID-19; to provide with respect to the

7 applicability of certain statutes related to the provision and conduct of elementary

8 and secondary education; to provide relative to the powers and duties of

9 postsecondary management boards; to provide for waivers and exceptions to certain

10 program requirements and conditions for Taylor Opportunity Program for Students'

11 awards; and to provide for related matters.

12 Be it enacted by the Legislature of Louisiana:

13 Section 1. The heading of Part IV of Chapter 50 of Title 17 of the Louisiana Revised  
14 Statutes of 1950 is hereby amended and reenacted and R.S. 17:8, 3351(M), and 5103 are  
15 hereby enacted to read as follows:

16 **§8. Students impacted by declaration of public health emergency; 2019-2020**  
17 **school year**

1           A. The legislature finds that due to the public health emergency declared  
2           by the governor on March 11, 2020, relative to the novel coronavirus, COVID-  
3           19, and the subsequent ordered closure of public schools, it is in the best  
4           interests of the elementary and secondary students of this state that certain  
5           statutory provisions be suspended for the entirety of the 2019-2020 school year,  
6           including:

7                   (1) The provisions of R.S. 17:10.1 relative to the statewide school and  
8                   district accountability system.

9                   (2) The provisions of R.S. 17:24.4 that mandate annual administration  
10                  of testing through the Louisiana Educational Assessment Program and end-of-  
11                  course examinations.

12                  (3) The provisions of R.S. 17:4023 and 6301(B)(2)(ii) that require  
13                  nonpublic schools to administer state assessments to students participating in  
14                  the Louisiana Student Scholarships for Educational Excellence Program and to  
15                  students receiving scholarships from donations to school tuition organizations.

16                  (4) The provisions of R.S. 17:391.2 et seq. relative to public school  
17                  accountability and assessments.

18                  (5) The provisions of R.S. 17:407.23 relative to a uniform assessment and  
19                  accountability system for publicly funded early childhood education programs.

20                  (6) The provisions of R.S. 17:154.1 that provide for a minimum number  
21                  of instructional days and instructional minutes per school year.

22                  (7) The provisions of R.S. 17:154.3 that require teachers to work a  
23                  minimum number of days per school year.

24                  (8) The provisions of R.S. 17:194(B) to allow school districts greater  
25                  flexibility in administering nutrition programs.

26                  (9) The provisions of R.S. 17:221 that mandate school attendance.

27                  (10) The provisions of R.S. 17:232 that require attendance to be checked  
28                  at all schools.

29                  (11) The provisions of R.S. 17:3881 et seq., R.S. 17:3901 et seq., and R.S.

1 17:3997(D) relative to teacher evaluations and use of value-added data as a  
2 criteria for the receipt of teaching credentials.

3 (12) The provisions of R.S. 17:3991(C)(1)(b) that require charter schools  
4 to adhere to certain student application and enrollment procedures.

5 B. The State Board of Elementary Education shall adopt emergency  
6 rules in accordance with the Administrative Procedure Act to effect the  
7 suspension of the statutes enumerated in Subsection A of this Section.

8 \* \* \*

9 §3351. General powers, duties, and functions of postsecondary education  
10 management boards

11 \* \* \*

12 M. Each public postsecondary education management board shall adopt  
13 such policies as it deems necessary and prudent to address and minimize the  
14 negative impacts of the public health emergency declared by the governor in  
15 response to the novel coronavirus, COVID-19, upon the students, faculty, and  
16 employees of each institution under its management and supervision. Such  
17 policies may include, but not necessarily be limited to, online and distance  
18 learning, student housing and food services, refund of tuition and fees as  
19 appropriate, faculty and employees working remotely, cancellation or  
20 postponement of campus events, commencement activities, and regular  
21 communication with students, faculty, and employees.

22 \* \* \*

23 PART IV. STUDENTS ~~DISPLACED~~ AFFECTED BY CERTAIN  
24 NATURAL DISASTERS AND EMERGENCIES

25 \* \* \*

26 §5103. Eligibility under declared health emergency

27 A. The legislature finds that due to the effects of the public health  
28 emergency declared by the governor on March 11, 2020, relative to the novel  
29 coronavirus, COVID-19, it is in the best interest for the education of the people

1 of the state that initial and continuing eligibility requirements established in  
2 Part I of this Chapter for awards pursuant to the Taylor Opportunity Program  
3 for Students be modified as provided by this Section for students impacted as  
4 a result of the public health emergency.

5 B.(1) In response to the public health emergency, provisions of this  
6 Chapter that provide for initial eligibility are modified or waived as more fully  
7 specified in this Subsection:

8 (a) Notwithstanding the provisions of R.S. 17:5062, the deadline for  
9 taking the ACT or SAT for consideration for an award for the 2020-2021  
10 academic year is September 30, 2020. The administering agency shall not reduce  
11 the time period of eligibility for the award, as set forth in R.S. 17:5002, of an  
12 applicant who qualifies for an award pursuant to authority granted by this  
13 Subparagraph.

14 (b) Notwithstanding the provisions of R.S. 17:5026, a student on a Jump  
15 Start graduation track shall not be required to complete any Jump Start course,  
16 experience, or credential that was waived by the student's high school for high  
17 school graduation purposes.

18 (c) The administering agency may waive the home study requirements  
19 of R.S. 17:5029 for a student if it determines that the student's failure to meet  
20 those requirements was, more likely than not, due solely to consequences of  
21 measures taken to limit the spread of COVID-19.

22 (2) The provisions of this Subsection apply only to students who meet one  
23 of the following criteria:

24 (a) The student was enrolled in a Louisiana public high school.

25 (b) The student was enrolled in a nonpublic high school in Louisiana  
26 having the approval by the State Board of Elementary and Secondary  
27 Education required by Part I of this Chapter for program eligibility purposes.

28 (c) The student resided in the state of Louisiana and was enrolled in a  
29 home study program approved by the State Board of Elementary and

1        Secondary Education.

2                (d) The student resided out of state during the 2019-2020 academic year  
3        but is able to meet the residency requirements to qualify for an award provided  
4        for in R.S. 17:5023.

5                C.(1) In response to the public health emergency, provisions of this  
6        Chapter relative to continuing eligibility are modified or waived with respect  
7        to the 2019-2020 academic year as more fully specified in this Subsection:

8                (a) The provisions of R.S. 17:5041 or 5042 requiring that a student meet  
9        steady academic progress as defined by the administering agency are waived.

10                (b) The provisions of R.S. 17:5041 or 5042 requiring that a student  
11        achieve a certain cumulative grade point average to continue eligibility for his  
12        award are waived.

13                (c) For a student whose program award was suspended due to a low  
14        grade point average or failure to make steady academic progress, the time  
15        periods provided in Part I of this Chapter for the student to meet such  
16        requirement before losing program eligibility shall be extended by one semester  
17        for each semester the student is unable to enroll or complete due to measures  
18        taken to limit the spread of COVID-19.

19                (d) The administering agency may, by rule, waive any provision of Part  
20        I of this Chapter that imposes a program requirement or condition that a  
21        student cannot comply with or meet if the administering agency determines that  
22        the failure to comply with the requirement or meet the condition is, more likely  
23        than not, due solely to a consequence of measures taken to limit the spread of  
24        COVID-19.

25                (2) The provisions of this Subsection apply only to students who meet one  
26        of the following criteria:

27                (a) The student was enrolled full time as of the census date at an eligible  
28        college or university during the spring semester of 2020.

29                (b) The student was enrolled full time at an out-of-state college or

1 university as of the census date during the spring semester of 2020.

2 (c) The student was scheduled to be enrolled full time at a school  
 3 operating on a basis other than semesters during the spring of 2020.

4 D. The administering agency may adopt any rule, policy, or guideline  
 5 necessary to implement the provisions of this Section and shall disseminate  
 6 information regarding program changes pursuant to the provisions of this  
 7 Section in the most timely manner possible.

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

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The original instrument was prepared by Jeanne Johnston. The following digest, which does not constitute a part of the legislative instrument, was prepared by Cheryl M. Serrett.

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#### DIGEST

SB 481 Reengrossed

2020 Regular Session

Fields

Proposed law provides for suspension of certain laws pertaining to elementary and secondary education for students impacted by the public health emergency declared by the governor in response to the novel coronavirus, COVID-19.

Proposed law requires postsecondary education management boards to adopt policies to address the negative impacts on postsecondary students, faculty, and other employees by the public health emergency declared by the governor in response to the novel coronavirus, COVID-19.

Proposed law makes the following modifications to initial eligibility requirements for a Taylor Opportunity Program for Students (TOPS) award:

- (1) The deadline for taking the ACT or SAT test is Sept. 30, 2020. (The deadline is normally April, as provided by rule.)

Present law provides that a student loses a semester of eligibility if he is late qualifying. Proposed law provides that present law shall not be applied to a student who qualifies under the extended deadline.

- (2) Provides that if any Jump Start graduation requirement was waived by a high school for graduation purposes, the requirement shall also be waived for TOPS-Tech eligibility purposes.

- (3) Authorizes the administering agency to waive the home study requirements in present law if it determines that the student's failure to meet those requirements was, more likely than not, due solely to consequences of measures taken to limit the

spread of COVID-19.

Proposed law makes the following modifications to continuing eligibility requirements for a TOPS award with respect to the 2019-2020 academic year:

- (1) Waives requirements for steady academic progress.
- (2) Waives requirements for the achievement of certain cumulative grade point averages.
- (3) Extends the time a student has to recover an award that was suspended because of a low grade point average or failure to make steady academic progress.
- (4) Authorizes the administering agency to waive other provisions of present law if the agency determines that a failure to comply with the provision is, more likely than not, due solely to a consequence of measures taken to limit the spread of COVID-19.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Adds R.S. 17:8, 3351(M), and 5103)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Education to the original bill

1. Provides technical amendments.
2. Clarifies TOPS related provisions.