

2020 Second Extraordinary Session

SENATE BILL NO. 36

BY SENATOR FIELDS

TOPS. Provides relative to qualifications for Taylor Opportunity Program for Students scholarships. (gov sig) (Item #43)

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AN ACT

To enact amend and reenact R.S. 17:5103(B)(1)(a) and to enact R.S. 17:5104, relative to the Taylor Opportunity Program for Students; to provide relative to initial and continuing eligibility for awards; to waive or modify certain eligibility provisions for certain students in response to circumstances related to certain natural disasters and certain public health emergencies; to authorize the administering agency to waive certain eligibility requirements; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:5103(B)(1)(a) is hereby amended and reenacted and R.S. 17:5104 is hereby enacted to read as follows:

§5103. Eligibility under declared health emergency

* * *

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

(a) Notwithstanding the provisions of R.S. 17:5062, the deadline for taking the ACT or SAT for consideration for an award for ~~the 2020-2021 academic year is~~

1 time beginning with the semester during which the qualifying score was
2 achieved.

3 (b) A student who is certified by his principal to have graduated during
4 the 2020-2021 school year from an eligible out-of-state high school shall not be
5 required to have a higher minimum composite score on the ACT than required
6 by R.S. 17:5024 for a student who graduates from an eligible Louisiana high
7 school.

8 (c) The requirement that a student complete a core curriculum shall be
9 waived upon proper documentation by his principal that failure to comply is
10 due solely to the fact that required courses were not available to the student at
11 the school attended.

12 (d)(i) A dependent or independent student shall be deemed to meet
13 program residency requirements if he actually resided in Louisiana during his
14 entire eleventh grade year and was enrolled for such time in an eligible
15 Louisiana high school or, for a dependent student, if he has a parent or
16 court-ordered custodian who actually resided in an affected parish for at least
17 the twelve months prior to August 26, 2020.

18 (ii) A parent or court-ordered custodian of a dependent student who is
19 eligible for a program award pursuant to the provisions of R.S. 17:5029, relative
20 to students who graduate from certain out-of-state high schools, and who was
21 displaced as a resident from an affected parish shall be deemed to meet
22 residency requirements if the parent or court-ordered custodian actually
23 resided in Louisiana for at least the twelve months prior to August 26, 2020.

24 (e) A student who during the 2020-2021 school year successfully
25 completes at the twelfth grade level a home study program approved by the
26 State Board of Elementary and Secondary Education, referred to in this
27 Subsection as the "state board", shall be eligible for a program award by
28 complying with the provisions of R.S. 17:5029 relative to certain home study
29 students. In such case, the requirement that the student, if ever enrolled in an

1 eligible Louisiana high school, begin the program no later than the end of the
2 tenth grade is waived.

3 (2) The provisions of this Subsection shall apply only to a student who,
4 on August 26, 2020, was enrolled in a public or nonpublic high school that is
5 located in an affected parish and that has the approval required by Part I of this
6 Chapter for program eligibility purposes or who resided in such a parish and
7 was enrolled in a home study program approved by the state board.

8 C.(1) Provisions of this Chapter relative to continuing eligibility are
9 modified or waived with respect to the 2020-2021 academic year as more fully
10 specified in this Subsection:

11 (a) The provisions of R.S. 17:5041 and 5042 requiring a student to make
12 steady academic progress and achieve a certain cumulative grade point average
13 are waived.

14 (b) For a student whose program award is suspended due to a low grade
15 point average or failure to make steady academic progress, the time periods
16 provided in Part I of this Chapter for him to meet such requirements before
17 losing eligibility shall be extended by one semester for each semester that he is
18 unable to enroll or complete.

19 (c) The provisions of R.S. 17:5043 providing that a student's eligibility
20 shall be reduced by a semester for each semester that he is enrolled in an
21 out-of-state college or university are waived.

22 (2) The provisions of this Subsection shall apply only to a person who,
23 on August 26, 2020, was eligible for or had a program award and who meets
24 either of the following criteria:

25 (a) His home of record was in an affected parish. For purposes of this
26 Subparagraph, "home of record" means the domiciliary address of a dependent
27 student's parent or court-ordered custodian or an independent student's
28 domiciliary address.

29 (b) He was enrolled in an eligible college or university in an affected

1 parish.

2 D. For purposes of this Section, "affected parish" means Acadia, Allen,
3 Beauregard, Caddo, Calcasieu, Cameron, Grant, Jackson, Jefferson Davis,
4 LaSalle, Lincoln, Morehouse, Natchitoches, Ouachita, Rapides, Sabine, St.
5 Landry, Union, Vermilion, Vernon, or Winn.

6 E.(1) The administering agency may waive any provision of Part I of this
7 Chapter that imposes a program eligibility requirement that a student cannot
8 comply with if it determines that the failure to comply is, more likely than not,
9 due solely to the effects of Hurricane Laura.

10 (2) The administering agency may waive any provision of Part I of this
11 Chapter that imposes a program eligibility requirement that a student cannot
12 comply with if it determines that the failure to comply is, more likely than not,
13 due solely to the effects of any gubernatorially declared disaster or emergency.
14 The authority granted by this Paragraph shall only apply to the 2020-2021
15 academic year.

16 (3) In addition to the provisions of the Administrative Procedure Act
17 relative to legislative oversight, the Joint Legislative Committee on the Budget
18 shall have oversight and approval authority over any rule proposed for
19 adoption pursuant to the authority granted by this Subsection.

20 F. The administering agency may adopt any rule, policy, or guideline
21 necessary to implement the provisions of this Section and shall disseminate
22 information regarding program changes pursuant to the provisions of this
23 Section in the most timely manner possible.

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

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

DIGEST

SB 36 Original

2020 Second Extraordinary Session

Fields

Proposed law modifies initial eligibility requirements for a TOPS award for certain students impacted by Hurricane Laura as follows:

- (1) Present administrative rule provides that the deadline for taking the ACT is April. Proposed law provides that the 2020 deadline is Dec. 31, 2020, and prohibits reducing the period of eligibility for a student who qualifies under this extended deadline. Authorizes the administering agency to provide an exception if the student was registered for a test canceled due to the hurricane and unable to schedule a test before the deadline due to circumstances beyond his control. Specifies that the initial or upgraded award shall first be paid for the semester during which the qualifying score was achieved.
- (2) A student who graduates from an out-of-state high school shall not be required to have a higher ACT score than in-state graduates.
- (3) A student shall not be required to complete a core curriculum if his principal certifies that failure to comply was due to lack of course availability.
- (4) Residency requirements shall be satisfied:
 - (a) If a student actually resided in La. during his entire 11th grade year and was enrolled for such time in an eligible La. high school or, for dependent students, if he has a parent or court-ordered custodian who actually resided in an affected parish for at least the 12 months prior to Aug. 26, 2020.
 - (b) If a parent of a student who graduates from an out-of-state high school and who was displaced from an affected parish due to Hurricane Laura actually resided in La. for at least the 12 months prior to Aug. 26, 2020.
- (5) A home study student who attended a La. high school and who completes the 12th grade in a home study program shall not be required to have completed both the 11th and 12th grades in the program.

Proposed law above relative to initial eligibility applies only to a student who, on Aug. 26, 2020, met one of the following criteria:

- (1) He was enrolled in a public or nonpublic high school located in an affected parish.
- (2) He resided in an affected parish and was enrolled in a BESE-approved home study program.

Proposed law, applicable to the 2020-2021 academic year, modifies continuing eligibility requirements for a TOPS award for certain students impacted by Hurricane Laura as follows:

- (1) Waives present law requirements for steady academic progress and a certain cumulative GPA.
- (2) Present law provides for possible reinstatement of an award suspended because of GPA or failure to make steady academic progress. Proposed law extends the time a student has to recover an award by one semester for each semester that he is unable to enroll or complete.

- (3) Waives present law providing for the reduction of eligibility by a semester for each semester that a student is enrolled in an out-of-state college or university.

Proposed law above relative to continuing eligibility is only applicable to a person who, on Aug. 26, 2020, was eligible for or had a program award and met one of the following criteria:

- (1) He had a home of record in an affected parish.
- (2) He was enrolled in an eligible college or university in an affected parish.

For all of the above proposed law purposes, "affected parish" means Acadia, Allen, Beauregard, Caddo, Calcasieu, Cameron, Grant, Jackson, Jefferson Davis, LaSalle, Lincoln, Morehouse, Natchitoches, Ouachita, Rapides, Sabine, St. Landry, Union, Vermilion, Vernon, or Winn.

Proposed law authorizes the administering agency to waive present law relative to TOPS eligibility requirements that a student cannot comply with if it determines that failure to comply is, more likely than not, due solely to one of the following:

- (1) The effects of Hurricane Laura.
- (2) Another declared disaster or emergency; this authority is limited to the 2020-2021 academic year.

Rules adopted pursuant to this authority to waive eligibility requirements are subject to, in addition to present law relative to legislative oversight, the oversight and approval authority of the Jt. Legislative Committee on the Budget.

Present administrative rule provides that the deadline for taking the ACT is April. Due to COVID-19, present law moves this deadline for 2020 to Sept. 30, 2020, and prohibits reducing the period of eligibility for a student who qualifies under this extended deadline.

Proposed law moves this deadline from Sept. 30, 2020, to Dec. 31, 2020, and authorizes the administering agency to provide an exception if the student was registered for a test canceled due to COVID-19 and unable to schedule a test before the deadline due to circumstances beyond his control. Specifies that the initial or upgraded award shall first be paid for the semester during which the qualifying score was achieved.

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

(Amends R.S. 17:5103(B)(1)(a); Adds R.S. 17:5104)