

2020 Second Extraordinary Session

HOUSE BILL NO. 40

BY REPRESENTATIVES GAROFALO AND THOMPSON

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

1 AN ACT

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

8 Be it enacted by the Legislature of Louisiana:

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

11 §5103. Eligibility under declared health emergency

12 \* \* \*

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

16 (a) Notwithstanding the provisions of R.S. 17:5062, the deadline for taking  
17 the ACT or SAT for consideration for an award for ~~the 2020-2021 academic year is~~  
18 September 30, 2020; students graduating from high school in 2020 is December 31,  
19 2020. The administering agency may provide an exception to this deadline if the  
20 student provides documentation that he was registered for a test that was canceled

1 due to COVID-19 and was unable to schedule a test before the deadline due to  
2 circumstances beyond his control as determined by the administering agency. The  
3 administering agency shall not reduce the time period of eligibility for the award, as  
4 set forth in R.S. 17:5002, of an applicant who qualifies for an award pursuant to  
5 authority granted by this Subparagraph. The initial award or upgraded award shall  
6 be paid for the first time beginning with the semester during which the qualifying  
7 score was achieved.

8 \* \* \*

9 §5104. Eligibility for students impacted by Hurricane Laura

10 A. The legislature finds that due to the effects of Hurricane Laura, it is in the  
11 best interest of the people of the state that initial and continuing eligibility  
12 requirements established in Part I of this Chapter for awards pursuant to the Taylor  
13 Opportunity Program for Students be modified as provided by this Section.

14 B.(1) Provisions of this Chapter that provide for initial eligibility are  
15 modified or waived as more fully specified in this Subsection:

16 (a) Notwithstanding the provisions of R.S. 17:5062, the deadline for taking  
17 the ACT or SAT for students graduating from high school in 2020 is December 31,  
18 2020. The administering agency may provide an exception to this deadline if the  
19 student provides documentation that he was registered for a test that was canceled  
20 due to Hurricane Laura and was unable to schedule a test before the deadline due to  
21 circumstances beyond his control as determined by the administering agency. The  
22 administering agency shall not reduce the time period of eligibility for the award, as  
23 set forth in R.S. 17:5002, of an applicant who qualifies for an award pursuant to the  
24 authority granted by this Subparagraph. The initial award or upgraded award shall  
25 be paid for the first time beginning with the semester during which the qualifying  
26 score was achieved.

27 (b) A student who is certified by his principal to have graduated during the  
28 2020-2021 school year from an eligible out-of-state high school shall not be required

1 to have a higher minimum composite score on the ACT than required by R.S.  
2 17:5024 for a student who graduates from an eligible Louisiana high school.

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

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

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

18 (e) A student who during the 2020-2021 school year successfully completes  
19 at the twelfth grade level a home study program approved by the State Board of  
20 Elementary and Secondary Education, referred to in this Subsection as the "state  
21 board", shall be eligible for a program award by complying with the provisions of  
22 R.S. 17:5029 relative to certain home study students. In such case, the requirement  
23 that the student, if ever enrolled in an eligible Louisiana high school, begin the  
24 program no later than the end of the tenth grade is waived.

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

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

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

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

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

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

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

22          (b) He was enrolled in an eligible college or university in an affected parish.

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

27          E.(1) The administering agency may waive any provision of Part I of this  
28          Chapter that imposes a program eligibility requirement that a student cannot comply

1 with if it determines that the failure to comply is, more likely than not, due solely to  
 2 the effects of Hurricane Laura.

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

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

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

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

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#### DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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HB 40 Reengrossed

2020 Second Extraordinary Session

Garofalo

**Abstract:** Modifies TOPS eligibility provisions for students impacted by Hurricane Laura and certain other disasters and emergencies.

Present law provides for the Taylor Opportunity Program for Students (TOPS), a merit-based college scholarship program. Provides eligibility criteria for the initial awarding of a scholarship to a student and for retaining the scholarship from one semester to the next.

**Initial eligibility for students impacted by Hurricane Laura**

Proposed law modifies initial eligibility requirements for a TOPS award for certain students 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.

**Continuing eligibility for students impacted by Hurricane Laura**

Proposed law, applicable to the 2020-2021 academic year, modifies continuing eligibility requirements for a TOPS award for certain students 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 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.

#### **TOPS eligibility for students impacted by COVID-19**

Present administrative rule provides that the deadline for taking the ACT is April. 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)