

2020 Second Extraordinary Session

HOUSE BILL NO. 40

BY REPRESENTATIVES GAROFALO AND THOMPSON

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
21 due to COVID-19 and was unable to schedule a test before the deadline due to
22 circumstances beyond his control as determined by the administering agency. The
23 administering agency shall not reduce the time period of eligibility for the award, as
24 set forth in R.S. 17:5002, of an applicant who qualifies for an award pursuant to

1 authority granted by this Subparagraph. The initial award or upgraded award shall
 2 be paid for the first time beginning with the semester during which the qualifying
 3 score was achieved.

4 * * *

5 §5104. Eligibility for students impacted by Hurricane Laura

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

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

12 (a) Notwithstanding the provisions of R.S. 17:5062, the deadline for taking
 13 the ACT or SAT for students graduating from high school in 2020 is December 31,
 14 2020. The administering agency may provide an exception to this deadline if the
 15 student provides documentation that he was registered for a test that was canceled
 16 due to Hurricane Laura and was unable to schedule a test before the deadline due to
 17 circumstances beyond his control as determined by the administering agency. The
 18 administering agency shall not reduce the time period of eligibility for the award, as
 19 set forth in R.S. 17:5002, of an applicant who qualifies for an award pursuant to the
 20 authority granted by this Subparagraph. The initial award or upgraded award shall
 21 be paid for the first time beginning with the semester during which the qualifying
 22 score was achieved.

23 (b) A student who is certified by his principal to have graduated during the
 24 2020-2021 school year from an eligible out-of-state high school shall not be required
 25 to have a higher minimum composite score on the ACT than required by R.S.
 26 17:5024 for a student who graduates from an eligible Louisiana high school.

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

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

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

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

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

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

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

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

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

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

12 **(a) His home of record was in an affected parish. For purposes of this**
13 **Subparagraph, "home of record" means the domiciliary address of a dependent**
14 **student's parent or court-ordered custodian or an independent student's domiciliary**
15 **address.**

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

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

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

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

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

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

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

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____