

2021 Regular Session

SENATE BILL NO. 148

BY SENATOR CORTEZ AND REPRESENTATIVE SCHEXNAYDER

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

COLLEGES/UNIVERSITIES. Establishes the M.J. Foster Promise Program. (gov sig)

AN ACT

To enact Chapter 20-G of Title 17 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 17:3047 through 3047.7, relative to the M.J. Foster Promise Program; to establish the program; to provide for program awards including establishing eligibility requirements and award amount limitations; to provide for funding and administration of the program; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Chapter 20-G of Title 17 of the Louisiana Revised Statutes of 1950, comprised of R.S. 17:3047 through 3047.7, is hereby enacted to read as follows:

CHAPTER 20-G. M.J. FOSTER PROMISE PROGRAM

§3047. M.J. Foster Promise Award; purpose; award amount; limitations

A. There is hereby created the M.J. Foster Promise Program to provide a financial assistance award to an eligible student who enrolls in a qualified program at a two-year public postsecondary education institution to pursue an associate degree or a shorter-term postsecondary education credential that is a requisite for certain high-demand, high-wage occupations aligned to Louisiana's workforce priorities.

1 **B.(1) Beginning with the 2022-2023 academic year, as funds allow, an**
2 **award shall be provided to apply toward the tuition and required fees of each**
3 **eligible student who enrolls in a qualified program as defined pursuant to R.S.**
4 **17:3047.1. The award shall be known as the "M.J. Foster Promise Award",**
5 **hereinafter referred to as the "award".**

6 **(2)(a) The payment of the award shall be paid by the state on behalf of**
7 **an award recipient to the two-year public postsecondary education institution**
8 **where the award recipient is enrolled in a qualified program.**

9 **(b) As a condition for a two-year public postsecondary institution to**
10 **remain eligible to receive payment from the state on behalf of an award**
11 **recipient for qualified programs offering shorter-term credentials, the**
12 **institution shall identify and provide a path for the shorter-term credentials**
13 **earned to be stackable and transfer as academic credit.**

14 **C.(1)(a) Award amounts shall not exceed three thousand two hundred**
15 **dollars per year for each award recipient enrolled full-time in a qualified**
16 **program, or an amount proportional to the hours in which the award recipient**
17 **is enrolled if enrolled less than full-time.**

18 **(b) For qualified programs of less than a year duration, the award may**
19 **be greater than the amount provided in Subparagraph (a) of this Paragraph but**
20 **shall not exceed the amount provided in Paragraph (2) of this Section.**

21 **(2) Total award payments for an award recipient shall not exceed six**
22 **thousand four hundred dollars.**

23 **D. The award shall be applicable only to the cost of tuition and required**
24 **fees.**

25 **E.(1) A student who is eligible for the award pursuant to this Chapter,**
26 **and who also qualifies for any other federal, state, or institutional financial aid**
27 **or award, may use the award only after all other financial aid and awards are**
28 **applied and only for any remaining balance due for tuition and required fees.**

29 **(2) Notwithstanding the provisions of Paragraph (1) of this Subsection**

1 to the contrary, an eligible student who initially qualifies for an award pursuant
2 to this Chapter and a Taylor Opportunity Program for Students award as
3 provided pursuant to Chapter 50 of Title 17 of the Louisiana Revised Statutes
4 of 1950, shall receive the highest award available and shall comply with the
5 requirements of the award received.

6 §3047.1. Advisory council; membership; responsibilities

7 A. The Board of Regents shall establish an advisory council to identify
8 programs in which an eligible student may enroll to receive an award pursuant
9 to this Chapter. The identified programs shall be known as "qualified
10 programs".

11 B. The advisory council shall be comprised of the following members or
12 their designees:

13 (1) The chancellor of Louisiana State University at Eunice.

14 (2) The chancellor of Southern University at Shreveport.

15 (3) The president of the Louisiana Community and Technical College
16 System.

17 (4) The commissioner of higher education.

18 (5) The state superintendent of education.

19 (6) The secretary of the Louisiana Department of Economic
20 Development.

21 (7) The executive director of the Louisiana Workforce Commission.

22 (8) The chairman of the Louisiana Workforce Investment Council.

23 (9) The secretary of the Louisiana Department of Revenue.

24 C. By January 1, 2022, and at least once every three years thereafter, the
25 advisory council shall review the workforce priorities of the state and each of
26 its workforce regions and designate qualified programs.

27 D. The process for selecting qualified programs by the advisory council
28 shall include:

29 (1) The identification of not more than five industry sectors that are

1 predominated by high-demand, high-wage jobs that are aligned to workforce
2 priorities of the state and each of its workforce regions and identify
3 high-demand, high-wage jobs in each of the sectors.

4 (2) A review of the postsecondary education requirements of each job
5 identified pursuant to Paragraph (1) of this Subsection.

6 (3) A review of the public postsecondary education programs, at the
7 associate degree level or below, that offer credentials and degrees that are
8 aligned to the identified jobs in each industry sector.

9 (4) The designation of programs that offer the credentials and degrees
10 identified pursuant to Paragraph (3) of this Subsection as "qualified programs".

11 (5) A review of the return on the state's investment in awards made to
12 recipients who completed a qualified program.

13 E. Identification of industry sectors, high-demand, high-wage jobs, and
14 the required degrees and credentials of the identified jobs shall, at a minimum,
15 be based upon the following:

16 (1) A review of the most current statewide and regional industry and
17 occupational forecasts as approved by the Occupational Forecasting Conference
18 and the Louisiana Workforce Investment Council.

19 (2) A review of nationally recognized databases for industry and
20 occupational projections.

21 (3) Input from the regional development organization in each region.

22 F. The advisory council shall identify and assist in the establishment of
23 mechanisms to support award recipients to complete a qualified program and
24 gain employment in the associated high-demand, high-wage jobs. Such
25 mechanisms shall include the provision of college academic and career
26 counseling and employer partnerships for developing mentorship programs and
27 work-based learning experiences.

28 §3047.2. Initial Eligibility

29 A. To be eligible for the award, an applicant shall meet the following

1 requirements:

2 (1) Be at least twenty-one years old.

3 (2) Have earned a high school diploma or its equivalent or shall co-enroll
4 in a qualified program and a program to earn a high school credential that is
5 recognized by the state of Louisiana.

6 (3) Be a citizen of the United States as defined by the administering
7 agency.

8 (4)(a) Be a resident of Louisiana during the twenty-four months
9 preceding the date of the application for the award or be a veteran of the United
10 States Armed Forces who received an honorable discharge or general discharge
11 under honorable conditions within the twenty-four months preceding the date
12 of application and who has become a resident of Louisiana since separation
13 from the United States Armed Forces.

14 (b) Notwithstanding Subparagraph (a) of this Paragraph or any other
15 provision of law to the contrary, an award recipient does not have to be a
16 resident of Louisiana, if the award recipient is:

17 (i) The spouse or dependent child of a resident of Louisiana on active
18 duty with the United States Armed Forces who is stationed outside Louisiana
19 but who claims Louisiana as the state of legal residence and who has filed a
20 Louisiana state income tax return for the most recent two years.

21 (ii) The spouse or dependent child of a nonresident of Louisiana on active
22 duty with the United States Armed Forces who is stationed in Louisiana under
23 permanent change of station orders and who, not later than one hundred eighty
24 days after reporting, changes his military personnel records to establish
25 Louisiana as the official state of legal residence and complies with Louisiana
26 income tax laws and regulations for the time period while stationed in
27 Louisiana.

28 (5) Have not previously earned an undergraduate degree at the associate
29 level or above.

1 (6) Meet any admission requirements of the postsecondary education
2 institution and the qualified program.

3 (7) Have received an honorable discharge or general discharge under
4 honorable conditions if the applicant served in the United States Armed Forces
5 and separated from service.

6 (8) Have no criminal convictions, except for misdemeanor traffic
7 violations.

8 (9) Applied for federal student aid, unless the applicant demonstrates
9 ineligibility for federal student aid to the administering agency.

10 (10) Provide the administering agency permission to collect and verify
11 information relative to the success of the program provided pursuant to this
12 Chapter including information regarding the applicant's employment before
13 and after receiving the award.

14 (11) Agree to reside and work full-time in Louisiana for at least one year
15 after the completion of the last semester that an award is provided.

16 (12) Agree to annually perform, during each year that an award is
17 received, at least twenty hours of community service or to participate for at
18 least twenty hours in an apprenticeship, internship, or mentorship that is
19 related to the qualified program.

20 (13) Have a family income that does not exceed three hundred percent
21 of the applicable federal poverty guideline as published in the Federal Register
22 by the United States Department of Health and Human Services or certify
23 unemployment or underemployment for at least six months prior to receiving
24 the award.

25 B. Proof of meeting each requirement shall be demonstrated and
26 certified as required by rule of the administering agency.

27 §3047.3. Maintaining eligibility

28 A. To maintain continued state payment of the award, once enrolled in
29 a postsecondary education institution, an award recipient shall:

1 (1) Make steady academic progress as defined by the administering
2 agency toward completion of the requirements of the qualified program, unless
3 an exception for cause is granted by the administering agency.

4 (2) Remain in good academic standing at the postsecondary education
5 institution while enrolled in a qualified program.

6 (3) Maintain continuous enrollment, unless granted an exception for
7 cause by the administering agency. Continuous enrollment shall mean:

8 (a) Earn at least one shorter-term postsecondary education credential
9 per year if enrolled in a qualified program below the associate degree level.

10 (b) Enrollment in the fall and spring semester of each academic year if
11 enrolled in a qualified program at the associate degree level.

12 (4) Maintain a cumulative grade point average of at least 2.00 calculated
13 on a 4.00 scale in a qualified program for which grades are issued.

14 (5) Have no criminal conviction, except for misdemeanor traffic
15 violations.

16 (6) Have received an honorable discharge or general discharge under
17 honorable conditions from the United States Armed Forces, if separation occurs
18 after becoming a recipient of the award.

19 (7) Have received the award for not more than three consecutive
20 academic years, unless an extension is granted for cause by the administering
21 agency in accordance with its rules.

22 (8) Have used the award to earn not more than sixty hours of academic
23 credit.

24 (9) Certify the completion of at least twenty hours of community service
25 or participation in an apprenticeship, internship, or mentorship for the prior
26 calendar year.

27 B. An award recipient who successfully completes a qualified program
28 in less than three years shall be eligible to continue to receive the award, in
29 accordance with the limitations as specified in this Chapter, for any remaining

1 time of eligibility by enrolling in another qualified program and continuing to
2 meet all academic and other established eligibility requirements provided
3 pursuant to this Chapter and by rule of the administering agency.

4 C. If an award recipient previously received the award and enrolled in
5 a program that is subsequently determined to no longer meet the criteria as a
6 qualified program, the award recipient may continue to use the award to
7 continue in the program as long as all other continuing eligibility requirements
8 are met.

9 **§3047.4. Funding**

10 A. The administering agency may seek, accept, and expend funds from
11 any source, including private business, industry, foundations, and other groups,
12 as well as any available federal or other governmental funding.

13 B. If the available funding is not sufficient to fully fund all eligible award
14 recipients, awards shall be provided to eligible students in the order that
15 applications are received, with priority given to previous award recipients who
16 have met all requirements for maintaining the award and who are continuing
17 in a qualified program for which they previously received the award.

18 C.(1) Implementation of the provisions of this Chapter shall be subject
19 to the appropriation of funds by the Legislature.

20 (2) State appropriations for the program shall not exceed ten million
21 dollars per year.

22 **§3047.5. Administering Agency**

23 A. The program provided pursuant to this Chapter shall be administered
24 by the Board of Regents through the office of student financial assistance.

25 B. The administering agency shall adopt rules and regulations in
26 accordance with the Administrative Procedure Act to implement the provisions
27 of this Chapter including the following:

28 (1) A mechanism for informing residents of the availability of the award.

29 (2) Financial audit procedures, program audit procedures, and other

1 matters related to the efficient operation of the program.

2 (3) Applications, forms, timelines, deadlines, guidelines, policies,
3 procedure, including timelines and deadlines for receipt by the administering
4 agency of any required information.

5 (4) Notification to all appropriate public postsecondary education
6 personnel of any changes in law or agency rules relative to the program no later
7 than sixty days after such change.

8 §3047.6. Coordination with other agencies

9 A.(1) The office of student financial assistance shall establish a working
10 group composed of an appointee from each of the following:

11 (a) The Louisiana Department of Children and Family Services.

12 (b) The Louisiana Department of Health.

13 (c) The Louisiana Department of Education.

14 (d) The Louisiana Workforce Commission.

15 (e) The Louisiana Department of Veterans Affairs.

16 (f) The Louisiana Association of Student Financial Aid Administrators.

17 (g) The office of student financial assistance.

18 (2) The working group shall meet at least annually upon the call of the
19 executive director of the office of student financial assistance.

20 (3) The working group shall identify federal and state programs,
21 including childcare supplements and other aid or services, that may provide
22 additional support to award recipients to further their postsecondary education.

23 (4) The working group shall compile a list of all identified aid and
24 services, provide a copy to the Board of Regents, and post the listing on the
25 website of the office of student financial assistance.

26 B. Notwithstanding R.S. 47:1508 or any other law to the contrary, the
27 administering agency shall enter into a memorandum of understanding with the
28 Louisiana Department of Revenue and the Louisiana Workforce Commission
29 to share information relative to a taxpayer's reported income and employment

1 information for purposes of generating data related to the success of award
2 recipients in the workforce. Any information shared or furnished shall be held
3 confidential by the administering agency, shall be reported in the aggregate
4 only, and shall contain no personally identifiable information.

5 §3047.7. Reporting system; implementation; requirements; applicability;
6 participation by eligible institutions

7 A.(1) The administering agency shall develop and implement a uniform
8 information reporting system for the purposes of policy analysis and program
9 evaluation and for providing accurate data and statistics to the legislature, the
10 governor, appropriate executive branch agencies, and the public relative to the
11 effectiveness of the award provided pursuant to this Chapter.

12 (2) The reporting system shall include data on all award recipients.

13 (3) Compliance with the requirements of the information reporting
14 system shall be a condition for a postsecondary education institution to remain
15 eligible to receive payments from the state on behalf of an award recipient.
16 Compliance determinations shall be made annually by the administering
17 agency.

18 B. The information reporting system shall include the following:

19 (1) The mean length of time required for award recipients to complete
20 a qualified program as compared to other completers of the program who did
21 not receive the award.

22 (2) Demographic information of award recipients, including age, race,
23 gender, and household income.

24 (3) Pre- and post-award employment information, including employment
25 status, annual wages, and employer's industry sector.

26 C. The administering agency shall, with the cooperation and assistance
27 of the state's public two-year institutions of postsecondary education, annually
28 query each first-time award recipient to determine the extent receiving the
29 award influenced the recipient's decision to enroll in postsecondary education.

1 **D. Not later than December first of each year, the administering agency**
 2 **shall submit a written report including all of the information required by this**
 3 **Section for the preceding academic year to the Senate Committee on Education**
 4 **and the House Committee on Education.**

5 **E. All information reported pursuant to this Section shall be reported in**
 6 **the aggregate only and shall contain no personally identifiable information.**

7 Section 2. This Act shall become effective upon signature by the governor or, if not
 8 signed by the governor, upon expiration of the time for bills to become law without signature
 9 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 10 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 11 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 148 Engrossed 2021 Regular Session Cortez

Proposed law creates the M.J. Foster Promise Award Program to provide a financial award to an eligible student who enrolls in a qualified program at a two-year public postsecondary education institution to pursue an associate degree or shorter-term postsecondary education credential required for certain high-demand, high-wage occupations aligned to Louisiana's workforce priorities.

Proposed law provides an award of up to \$3,200 per year to apply to the tuition and required fees of each award recipient enrolled full-time or an amount proportional to the hours enrolled if the recipient is enrolled part-time. Allows awards for students enrolled in qualified programs of less than a year duration to receive an award greater \$3,200 but less than \$6,400. Caps the total award amount at \$6,400 per recipient.

Proposed law requires the award to be paid by the state to the two-year public postsecondary education institution on behalf of the award recipient. Further requires all other financial aid that the student qualifies for to be applied before the M.J. Foster Promise Award. Proposed law further requires, in order to receive the funding, two-year public postsecondary institutions offering qualified programs to identify and provide a path for credentials earned to be stackable and transfer as academic credit.

Proposed law requires the Board of Regents to establish an advisory council to identify programs in which an eligible student may enroll to receive the award which shall be designated as "quality programs", including a review of the return on the state's investment in awards made to recipients who completed a qualified program. Proposed law delineates the process that the advisory council must use in designating qualified programs including a review of the return on the state's investment in award made to recipients who completed a qualified program. Further requires the advisory council to identify and assist in the establishment of mechanisms to support award recipients to complete a qualified program and gain employment in the associated high-demand, high-wage jobs.

Proposed law provides that the advisory council is comprised of the following members or their designees:

- (1) The chancellor of Louisiana State University at Eunice.
- (2) The chancellor of Southern University at Shreveport.
- (3) The president of the Louisiana Community and Technical College System.
- (4) The commissioner of higher education.
- (5) The state superintendent of education.
- (6) The secretary of the Louisiana Department of Economic Development.
- (7) The executive director of the Louisiana Workforce Commission.
- (8) The chairman of the Louisiana Workforce Investment Council.
- (9) The secretary of the Louisiana Department of Revenue.

Proposed law requires an applicant for the award must:

- (1) Be at least twenty-one years old.
- (2) Have earned a high school diploma or its equivalent or co-enroll in a qualified program and a program to earn a high school credential.
- (3) Be a citizen of the United States.
- (4) Be a Louisiana resident during the twenty-four months preceding the date of application.
- (5) Not have previously earned an undergraduate degree at the associate level or above.
- (6) Meet any admission requirements of the postsecondary education institution and the qualified program.
- (7) Have received an honorable discharge if previously served.
- (8) Not have any criminal convictions, except for misdemeanor traffic violations.
- (9) Applied for federal student aid.
- (10) Provide the administering agency permission to collect and verify information relative to the success of the award program including information regarding the applicant's employment before and after receiving the award.
- (11) Agree to reside and work full-time in Louisiana for at least one year after the completion of the last semester that an award is provided.
- (12) Agree to annually perform, during each year that an award is received, at least twenty hours of community service or to participate for at least twenty hours in an apprenticeship, internship, or mentorship that is related to the qualified program.
- (13) Have a family income that does not exceed three hundred percent of the applicable federal poverty guideline as published in the Federal Register by the United States Department of Health and Human Services or certify unemployment or

underemployment for at least the six months prior to the receipt of the award.

Proposed law provides that to maintain an award the award recipient must:

- (1) Make steady academic progress unless provided an exception for cause by the administering agency.
- (2) Remain in good academic standing at the postsecondary education institution while enrolled in a qualified program.
- (3) Maintain continuous enrollment by earning at least one shorter-term postsecondary education credential per year or enrolling in the fall and spring semester of each academic year depending on the program in which enrolled.
- (4) Maintain a cumulative grade point average of at least 2.00 calculated on a 4.00 scale in a qualified program for which grades are issued.
- (5) Have no criminal conviction, except for misdemeanor traffic violations.
- (6) Have received an honorable discharge if separation occurs after becoming a recipient of the award.
- (7) Have received the award for not more than three academic years.
- (8) Have used the award to earn not more than sixty hours of academic credit.
- (9) Certify the completion of at least twenty hours of community service or participation in an apprenticeship, internship, or mentorship for the prior calendar year.

Proposed law allows an award recipient who successfully completes a qualified program in less than three years to be eligible to continue to receive the award for any remaining time of eligibility by enrolling in another qualified program and continuing to meet all other eligibility requirements.

Proposed law allows an award recipient who previously received the award and enrolled in a program that is no longer a qualified program, to continue to use the award to continue in the program as long as all other continuing eligibility requirements are met.

Proposed law provides that the administering agency may seek, accept, and expend funds from any source, including private business, industry, foundations, and other groups, as well as any available federal or other governmental funding.

Proposed law provides that if the funding provided is not sufficient to fully fund all eligible award recipients, awards shall be provided to eligible students in the order that applications are received, with priority given to previous award recipients who have met all requirements for maintaining the award and who are continuing in a qualified program for which they previously received the award.

Proposed law provides that implementation of the award is subject to the appropriation of state funds by the Legislature and limits the state appropriation to \$10 million per year.

Proposed law provides for the program to be administered by the Board of Regents, through the office of student financial assistance (OSFA) and requires the administering agency to adopt rules and regulations in accordance with the Administrative Procedure Act.

Proposed law requires OSFA to establish a working group to identify federal and state programs, including childcare supplements and other aid or services, that may provide additional support to award recipients to further their postsecondary education endeavors.

Provides that the working group be composed of an appointee from each of the following:

- (1) The Louisiana Department of Children and Family Services.
- (2) The Louisiana Department of Health.
- (3) The Louisiana Department of Education.
- (4) The Louisiana Workforce Commission.
- (5) The Louisiana Department of Veterans Affairs.
- (6) The Louisiana Association of Student Financial Aid Administrators.
- (7) The OSFA.

Proposed law requires the administering agency to enter into a memorandum of understanding with the Louisiana Department of Revenue and the Louisiana Workforce Commission to share information relative to a taxpayer's reported income and employment information for purposes of generating data related to the success of award recipients in the workforce. Proposed law requires that any information shared or furnished shall be held confidential by the administering agency, shall be reported in the aggregate only, and shall contain no personally identifiable information for any award recipient.

Proposed law requires the administering agency to develop and implement a uniform information reporting system for the purposes of policy analysis and program evaluation. Additionally, requires an annual report to the legislature and provides that all information reported shall be reported in the aggregate only and contain no personally identifiable information for any award recipient.

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

(Adds R.S. 17:3047-3047.7)

Summary of Amendments Adopted by Senate

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

1. Allows the annual award amount to be higher for certain programs.
2. Requires the advisory council to consider the return on the state's investment in selecting qualified programs.