

2021 Regular Session

# Corrected Copy

SENATE BILL NO. 148

BY SENATORS CORTEZ, ABRAHAM, ALLAIN, BARROW, BERNARD, BOUDREAUX, CATHEY, CLOUD, FIELDS, FOIL, HARRIS, HENRY, HENSGENS, HEWITT, JACKSON, JOHNS, LAMBERT, LUNEAU, MCMATH, MILLIGAN, FRED MILLS, ROBERT MILLS, MIZELL, PEACOCK, POPE, PRICE, REESE, TALBOT, TARVER, WHITE AND WOMACK 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)

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## 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 or an accredited proprietary school licensed by the Board of Regents 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

1 Louisiana's workforce priorities.

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

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

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

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

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

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

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

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

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

7           §3047.1. Advisory council; membership; responsibilities

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

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

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

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

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

18                   (4) The commissioner of higher education.

19                   (5) The state superintendent of education.

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

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

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

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

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

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

1           (1) The identification of not more than five industry sectors that are  
2           predominated by high-demand, high-wage jobs that are aligned to workforce  
3           priorities of the state and each of its workforce regions and identify  
4           high-demand, high-wage jobs in each of the sectors.

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

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

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

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

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

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

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

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

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

29          §3047.2. Initial Eligibility

1           **A. To be eligible for the award, an applicant shall meet the following**  
2 **requirements:**

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

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

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

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

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

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

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

29           **(5) Have not previously earned an undergraduate degree at the associate**

1 level or above.

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

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

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

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

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

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

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

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

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

28 §3047.3. Maintaining eligibility

29 A. To maintain continued state payment of the award, once enrolled in

1 a postsecondary education institution, an award recipient shall:

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

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

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

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

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

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

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

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

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

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

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

28 B. An award recipient who successfully completes a qualified program  
29 in less than three years shall be eligible to continue to receive the award, in

1 accordance with the limitations as specified in this Chapter, for any remaining  
2 time of eligibility by enrolling in another qualified program and continuing to  
3 meet all academic and other established eligibility requirements provided  
4 pursuant to this Chapter and by rule of the administering agency.

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

10 §3047.4. Funding

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

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

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

21 (2)(a) State appropriations for the program shall not exceed ten million  
22 dollars per year for students enrolled in public postsecondary education  
23 institutions.

24 (b) State appropriations shall not exceed five hundred thousand dollars  
25 for students enrolled in proprietary schools.

26 §3047.5. Administering Agency

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

29 B. The administering agency shall adopt rules and regulations in

1 accordance with the Administrative Procedure Act to implement the provisions  
2 of this Chapter including the following:

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

4 (2) Financial audit procedures, program audit procedures, and other  
5 matters related to the efficient operation of the program.

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

9 (4) Notification to all appropriate public postsecondary education and  
10 proprietary school personnel of any changes in law or agency rules relative to  
11 the program no later than sixty days after such change.

12 §3047.6. Coordination with other agencies

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

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

16 (b) The Louisiana Department of Health.

17 (c) The Louisiana Department of Education.

18 (d) The Louisiana Workforce Commission.

19 (e) The Louisiana Department of Veterans Affairs.

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

21 (g) The office of student financial assistance.

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

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

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

1           B. Notwithstanding R.S. 47:1508 or any other law to the contrary, the  
2           administering agency shall enter into a memorandum of understanding with the  
3           Louisiana Department of Revenue and the Louisiana Workforce Commission  
4           to share information relative to a taxpayer's reported income and employment  
5           information for purposes of generating data related to the success of award  
6           recipients in the workforce. Any information shared or furnished shall be held  
7           confidential by the administering agency, shall be reported in the aggregate  
8           only, and shall contain no personally identifiable information.

9           §3047.7. Reporting system; implementation; requirements; applicability;  
10           participation by eligible institutions

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

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

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

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

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

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

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



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 or proprietary school 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 or proprietary school 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 for students enrolled in public postsecondary education institutions and \$500,000 per year for students enrolled in proprietary schools.

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.

Committee Amendments Proposed by Senate Committee on Finance to the engrossed bill

1. Authorizes students at an accredited proprietary school licensed by the Board of Regents to participate in the program.

Senate Floor Amendments to reengrossed bill

1. Make technical changes.