

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 REPRESENTATIVES ADAMS, AMEDEE, BACALA, BAGLEY, BEAULLIEU, BISHOP, BOURRIAQUE, BRASS, BROWN, BRYANT, BUTLER, CARRIER, GARY CARTER, ROBBY CARTER, WILFORD CARTER, CORMIER, COUSSAN, COX, CREWS, DAVIS, DEVILLIER, DUBUISSON, DUPLESSIS, ECHOLS, EDMONDS, EMERSON, FARNUM, FIRMENT, FONTENOT, FREEMAN, FREIBERG, FRIEMAN, GADBERRY, GAINES, GAROFALO, GLOVER, GOUDEAU, GREEN, HARRIS, HILFERTY, HODGES, HOLLIS, HORTON, HUGHES, HUVAL, ILLG, JEFFERSON, JENKINS, TRAVIS JOHNSON, JONES, JORDAN, KERNER, LACOMBE, LANDRY, LARVADAIN, MACK, MAGEE, MARINO, MCCORMICK, MCKNIGHT, MCMAHEN, MIGUEZ, GREGORY MILLER, MINCEY, MOORE, MUSCARELLO, NELSON, NEWELL, ORGERON, CHARLES OWEN, ROBERT OWEN, PHELPS, PIERRE, PRESSLY, ROMERO, SCHAMERHORN, SCHEXNAYDER, SCHLEGEL, SEABAUGH, SELDERS, ST. BLANC, STAGNI, STEFANSKI, TARVER, THOMAS, THOMPSON, TURNER, VILLIO, WHEAT, WHITE, WRIGHT AND ZERINGUE

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

1 AN ACT

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

7 Be it enacted by the Legislature of Louisiana:

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

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

11 **§3047. M.J. Foster Promise Award; purpose; award amount; limitations**

12 **A. There is hereby created the M.J. Foster Promise Program to provide**
13 **a financial assistance award to an eligible student who enrolls in a qualified**
14 **program at a two-year public postsecondary education institution or an**
15 **accredited proprietary school licensed by the Board of Regents to pursue an**

1 associate degree or a shorter-term postsecondary education credential that is
2 a requisite for certain high-demand, high-wage occupations aligned to
3 Louisiana's workforce priorities.

4 B.(1) Beginning with the 2022-2023 academic year, as funds allow, an
5 award shall be provided to apply toward the tuition and required fees of each
6 eligible student who enrolls in a qualified program as defined pursuant to R.S.
7 17:3047.1. The award shall be known as the "M.J. Foster Promise Award",
8 hereinafter referred to as the "award".

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

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

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

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

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

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

28 E.(1) A student who is eligible for the award pursuant to this Chapter,
29 and who also qualifies for any other federal, state, or institutional financial aid
30 or award, may use the award only after all other financial aid and awards are

1 applied and only for any remaining balance due for tuition and required fees.

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

30 (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 and proprietary
 7 school programs, at the associate degree level or below, that offer credentials
 8 and degrees that are 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
 30 requirements:

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

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

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

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

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

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

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

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

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

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

4 (8)(a) Not be incarcerated.

5 (b) Have no conviction for any crime of violence as defined in R.S.
6 14:2(B).

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

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

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

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

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

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

26 §3047.3. Maintaining eligibility

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

29 (1) Make steady academic progress as defined by the administering
30 agency toward completion of the requirements of the qualified program, unless

1 an exception for cause is granted by the administering agency.

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

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

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

8 (b) Enroll in the fall and spring semester of each academic year if
9 enrolled in a qualified program at the associate degree level.

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

12 (5)(a) Not be incarcerated.

13 (b) Have no conviction for any crime of violence as defined in R.S.
14 14:2(B).

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

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

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

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

26 B. An award recipient who successfully completes a qualified program
27 in less than three years shall be eligible to continue to receive the award, in
28 accordance with the limitations as specified in this Chapter, for any remaining
29 time of eligibility by enrolling in another qualified program and continuing to
30 meet all academic and other established eligibility requirements provided

1 pursuant to this Chapter and by rule of the administering agency.

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

7 **§3047.4. Funding**

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

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

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

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

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

23 D.(1) The "M.J. Foster Promise Program Fund", hereinafter referred
24 to in this Chapter as the "fund", is hereby created within the state treasury for
25 the purpose of providing for the financial assistance awards and administration
26 of the M.J. Foster Promise Program.

27 (2) The sources of monies deposited into the fund shall be legislative
28 appropriations, federal grants, gifts, and donations received by the state for
29 purposes of this Chapter. Monies in the fund shall be subject to appropriation
30 by the legislature and shall be available exclusively for use by the Board of

1 Regents, through the office of student financial assistance, for the M.J. Foster
2 Promise Program.

3 (3) The administering agency shall adopt regulations and guidelines for
4 the distribution and allocation of monies appropriated to the administering
5 agency which shall be subject to approval by the Joint Legislative Committee
6 on the Budget.

7 (4) All unexpended and unencumbered monies in the fund at the end of
8 the fiscal year shall remain in the fund and be available for appropriation the
9 next fiscal year. The monies shall be invested by the treasurer in the same
10 manner as monies in the state general fund, and all interest earned shall be
11 credited to the fund following compliance with the requirements of Article VII,
12 Section 9(B) of the Constitution of Louisiana, relative to the Bond Security and
13 Redemption Fund.

14 E. The costs for administering and promoting the program shall be paid
15 from the funds appropriated for the program pursuant to this Section.
16 Administrative and promotional costs shall not exceed five percent of the
17 monies appropriated to the administering agency for the M.J. Foster Promise
18 Program.

19 §3047.5. Administering agency

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

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

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

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

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

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

4 §3047.6. Coordination with other agencies

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

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

8 (b) The Louisiana Department of Health.

9 (c) The Louisiana Department of Education.

10 (d) The Louisiana Workforce Commission.

11 (e) The Louisiana Department of Veterans Affairs.

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

13 (g) The office of student financial assistance.

14 (h) The Louisiana Department of Public Safety and Corrections.

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

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

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

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

1 C. The administering agency shall enter into a memorandum of
 2 understanding with the Louisiana Department of Public Safety and Corrections
 3 to share information relative to a person's criminal history in order to
 4 determine award eligibility and to collect data relative to the recidivism rates
 5 of scholarship recipients. Any information shared or furnished shall be held
 6 confidential by the administering agency, shall be reported in the aggregate
 7 only, and shall contain no personally identifiable information.

8 §3047.7. Reporting system; implementation; requirements; applicability;
 9 participation by eligible institutions

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

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

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

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

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

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

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

29 (4) Recidivism rates of award recipients.

30 C. The administering agency shall, with the cooperation and assistance

1 of the state's public two-year institutions of postsecondary education and
 2 proprietary schools, annually query each first-time award recipient to
 3 determine the extent receiving the award influenced the recipient's decision to
 4 enroll in postsecondary education.

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

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

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

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____