

2022 Regular Session

SENATE BILL NO. 178

BY SENATOR FIELDS

TOPS. Provides for TOPS exceptions due to Hurricane Ida. (gov sig)

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AN ACT

To enact R.S. 17:5105, relative to the Taylor Opportunity Program for Students; to provide relative to eligibility for awards; to waive or modify certain eligibility provisions for certain students in response to circumstances related to certain natural disasters and certain public health emergencies; to authorize the administering agency to waive eligibility requirements; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:5105 is hereby enacted to read as follows:

**§5105. Eligibility for students impacted by Hurricane Ida**

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

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

**(a) Notwithstanding the provisions of R.S. 17:5062, the deadline for**

1 taking the ACT or SAT for students graduating from high school in 2021 is  
2 December 31, 2021. The administering agency may provide an exception to this  
3 deadline if the student provides documentation that he was registered for a test  
4 that was canceled due to Hurricane Ida and was unable to schedule a test before  
5 the deadline due to circumstances beyond his control as determined by the  
6 administering agency. The administering agency shall not reduce the time  
7 period of eligibility for the award, as set forth in R.S. 17:5002, of an applicant  
8 who qualifies for an award pursuant to the authority granted by this  
9 Subparagraph. The initial award or upgraded award shall be paid for the first  
10 time beginning with the semester during which the qualifying score was  
11 achieved.

12 (b) A student who is certified by his principal to have graduated during  
13 the 2021-2022 school year from an eligible out-of-state high school shall not be  
14 required to have a higher minimum composite score on the ACT than required  
15 by R.S. 17:5024 for a student who graduates from an eligible Louisiana high  
16 school.

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

21 (d)(i) A dependent or independent student shall be deemed to meet  
22 program residency requirements if he actually resided in Louisiana during his  
23 entire eleventh grade year and was enrolled for such time in an eligible  
24 Louisiana high school or, for a dependent student, if he has a parent or  
25 court-ordered custodian who actually resided in an affected parish for at least  
26 the twelve months prior to August 27, 2021.

27 (ii) A parent or court-ordered custodian of a dependent student who is  
28 eligible for a program award pursuant to the provisions of R.S. 17:5029, relative  
29 to students who graduate from certain out-of-state high schools, and who was

1 displaced as a resident from an affected parish shall be deemed to meet  
2 residency requirements if the parent or court-ordered custodian actually  
3 resided in Louisiana for at least the twelve months prior to August 27, 2021.

4 (e) A student who during the 2021-2022 school year successfully  
5 completes at the twelfth grade level a home study program approved by the  
6 State Board of Elementary and Secondary Education, referred to in this  
7 Subsection as the "state board", shall be eligible for a program award by  
8 complying with the provisions of R.S. 17:5029 relative to certain home study  
9 students. In such case, the requirement that the student, if ever enrolled in an  
10 eligible Louisiana high school, begin the program no later than the end of the  
11 tenth grade is waived.

12 (2) The provisions of this Subsection shall apply only to a student who,  
13 on August 27, 2021, was enrolled in a public or nonpublic high school that is  
14 located in an affected parish and that has the approval required by Part I of this  
15 Chapter for program eligibility purposes or who resided in such a parish and  
16 was enrolled in a home study program approved by the state board.

17 C.(1) Provisions of this Chapter relative to continuing eligibility are  
18 modified or waived with respect to the 2021-2022 academic year as more fully  
19 specified in this Subsection:

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

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

28 (c) The provisions of R.S. 17:5043 providing that a student's eligibility  
29 shall be reduced by a semester for each semester that he is enrolled in an

1 out-of-state college or university are waived.

2 (2) The provisions of this Subsection shall apply only to a person who, on  
3 August 27, 2021, was eligible for or had a program award and who meets either  
4 of the following criteria:

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

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

11 (3) Notwithstanding the provisions of Paragraph (2), this Subsection  
12 shall also apply to a student who, on August 27, 2021, was a member of the  
13 Louisiana National Guard called to active duty to assist in the preparation for  
14 and response to Hurricane Ida.

15 D. For purposes of this Section, "affected parish" means Jefferson,  
16 Lafourche, Livingston, Plaquemines, St. Charles, St. Helena, St. James, St. John  
17 the Baptist, Tangipahoa, or Terrebone.

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

22 (2) The administering agency may waive any provision of Part I of this  
23 Chapter that imposes a program eligibility requirement that a student cannot  
24 comply with if it determines that the failure to comply is, more likely than not,  
25 due solely to the effects of any gubernatorially declared disaster or emergency.  
26 The authority granted by this Paragraph shall apply only to the 2021-2022  
27 academic year.

28 (3) In addition to the provisions of the Administrative Procedure Act  
29 relative to legislative oversight, the Joint Legislative Committee on the Budget



preparation for and response to Hurricane Ida.

Proposed law defines "affected parish" as Jefferson, Lafourche, Livingston, Plaquemines, St. Charles, St. Helena, St. James, St. John the Baptist, Tangipahoa, or Terrebone.

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

(Adds R.S. 17:5105)