

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

(1) 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 Paragraph. The initial award or upgraded award shall be paid for the first time
10 beginning with the semester during which the qualifying score was achieved.

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

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

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

26 (b) A parent or court-ordered custodian of a dependent student who is
27 eligible for a program award pursuant to the provisions of R.S. 17:5029, relative
28 to students who graduate from certain out-of-state high schools and who was
29 displaced as a resident from an affected parish shall be deemed to meet

1 residency requirements if the parent or court-ordered custodian actually
2 resided in Louisiana for at least the twelve months prior to August 27, 2021.

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

11 (6) The provisions of Paragraphs (2) through (5) of this Subsection shall
12 apply only to a student who on August 27, 2021, was enrolled in a public or
13 nonpublic high school that is located in an affected parish and that has the
14 approval required by Part I of this Chapter for program eligibility purposes or
15 who resided in such a parish and was enrolled in a home study program
16 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

1 shall have oversight and approval authority over any rule proposed for
 2 adoption pursuant to the authority granted by this Subsection.

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

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 178 Engrossed

2022 Regular Session

Fields

Present law provides for the Taylor Opportunity Program for Students and specifies initial and continuing eligibility requirements.

Proposed law authorizes the administering agency to waive present law relative to TOPS initial eligibility requirements that a student cannot comply with if it determines that failure to comply is, more likely than not, due solely to the effects of Hurricane Ida.

Proposed law, applicable to the 2021-2022 academic year, modifies continuing eligibility requirements for a TOPS award for certain students as follows:

- (1) Waives present law requirements for steady academic progress and a certain cumulative GPA.
- (2) Present law provides for possible reinstatement of an award suspended because of GPA or failure to make steady academic progress. Proposed law extends the time a student has to recover an award by one semester for each semester he is unable to enroll or complete.
- (3) Waives present law providing for the reduction of eligibility by a semester for each semester that a student is enrolled in an out-of-state college or university.

Proposed law is applicable only to a person who, on Aug. 27, 2021, was eligible for or had a program award and met one of the following criteria:

- (1) He had a home of record in an affected parish.
- (2) He was enrolled in an eligible college or university in an affected parish.
- (3) Was a member of the Louisiana National Guard called to active duty to assist in the

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)

Summary of Amendments Adopted by Senate

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

1. Clarifies which initial eligibility provisions are only applicable to students enrolled in high school on August 27, 2021.