AN ACT

To amend and reenact the heading of Part IV of Chapter 50 of Title 17 of the Louisiana Revised Statutes of 1950 and to enact R.S. 17:8, 3351(M), and 5103, relative to elementary, secondary, and postsecondary education; to provide relative to students impacted as a consequence of the public health emergency declared by the governor on March 11, 2020, in response to COVID-19; to provide with respect to the applicability of certain statutes related to the provision and conduct of elementary and secondary education; to provide relative to the powers and duties of postsecondary management boards; to provide for waivers and exceptions to certain program requirements and conditions for Taylor Opportunity Program for Students' awards; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. The heading of Part IV of Chapter 50 of Title 17 of the Louisiana Revised Statutes of 1950 is hereby amended and reenacted and R.S. 17:8, 3351(M), and 5103 are hereby enacted to read as follows:

§8. Students impacted by declaration of public health emergency; 2019-2020 school year
A. The legislature finds that the public health emergency declared by the
governor on March 11, 2020, relative to the novel coronavirus, COVID-19, and
the subsequent ordered closure of public schools is in the best interests of the
elementary and secondary students of this state that certain statutory provisions
be suspended for the entirety of the 2019-2020 school year including:

(1) The provisions of R.S. 17:10.1 relative to the statewide school and
district accountability system.

(2) The provisions of R.S. 17:24.4 that mandate annual administration
of testing through the Louisiana Educational Assessment Program and end-of-
course examinations.

(3) The provisions of R.S. 17:4023 and 6301(B)(2)(ii) that require
nonpublic schools to administer state assessments to students participating in
the Louisiana Student Scholarships for Educational Excellence Program and to
students receiving scholarships from donations to school tuition organizations.

(4) The provisions of R.S. 17:391.2 et seq. relative to public school
accountability and assessments.

(5) The provisions of R.S. 17:407.23 relative to a uniform assessment and
accountability system for publicly funded early childhood education programs.

(6) The provisions of R.S. 17:154.1 that provide for a minimum number
of instructional days and instructional minutes per school year.

(7) The provisions of R.S. 17:154.3 that require teachers to work a
minimum number of days per school year.

(8) The provisions of R.S. 17:194(B) to allow school districts greater
flexibility in administering nutrition programs.

(9) The provisions of R.S. 17:221 that mandate school attendance.

(10) The provisions of R.S. 17:232 that require attendance to be checked
at all schools.

(11) The provisions of R.S. 17:3881 et seq., R.S. 17:3901 et seq., and R.S.
17:3997(D) relative to teacher evaluations and use of value-added data as a
criteria for the receipt of teaching credentials.

(12) The provisions of R.S. 17:3991(C)(1)(b) that require charter schools to adhere to certain student application and enrollment procedures.

B. The State Board of Elementary Education shall adopt emergency rules in accordance with the Administrative Procedure Act to effect the suspension of the statutes enumerated in Subsection A of this Section.

§3351. General powers, duties, and functions of postsecondary education management boards

M. Each public postsecondary education management board shall adopt such policies as it deems necessary and prudent to address and minimize the negative impacts of the public health emergency declared by the governor in response to the novel coronavirus, COVID-19, upon the students, faculty, and employees of each institution under its management and supervision. Such policies may include, but not necessarily be limited to, online and distance learning, student housing and food services, refund of tuition and fees as appropriate, faculty and employees working remotely, cancellation or postponement of campus events, commencement activities, and regular communication with students, faculty, and employees.

PART IV. STUDENTS DISPLACED AFFECTED BY CERTAIN NATURAL DISASTERS AND EMERGENCIES

§5103. Eligibility under declared health emergency

A. The legislature finds that due to the effects of the public health emergency declared by the governor on March 11, 2020, relative to the novel coronavirus, COVID-19, it is in the best interest for the education 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 for students impacted as a result of the public health emergency.

B.(1) In response to the public health emergency, 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 taking the ACT or SAT for consideration for an award for the 2020-2021 academic year is September 30, 2020. The administering agency shall not reduce the time period of eligibility for the award, as set forth in R.S. 17:5002, of an applicant who qualifies for an award pursuant to authority granted by this Subparagraph.

(b) Notwithstanding the provisions of R.S. 17:5026, a student on a Jump Start graduation track shall not be required to complete any Jump Start course, experience, or credential that was waived by the student's high school for high school graduation purposes.

(c) The administering agency may waive the home study requirements of R.S. 17:5029 for a student if it determines that the student's failure to meet those requirements was, more likely than not, due solely to consequences of measures taken to limit the spread of COVID-19.

(2) The provisions of this Subsection apply only to students who meet one of the following criteria:

(a) The student was enrolled in a Louisiana public high school.

(b) The student was enrolled in a nonpublic high school in Louisiana having the approval by the State Board of Elementary and Secondary Education required by Part I of this Chapter for program eligibility purposes.

(c) The student resided in the state of Louisiana and was enrolled in a home study program approved by the State Board of Elementary and Secondary Education.
(d) The student resided out of state during the 2019-2020 academic year but is able to meet the residency requirements to qualify for an award provided for in R.S. 17:5023.

C.(1) In response to the public health emergency, provisions of this Chapter relative to continuing eligibility are modified or waived with respect to the 2019-2020 academic year as more fully specified in this Subsection:

(a) The provisions of R.S. 17:5041 or 5042 requiring that a student meet steady academic progress as defined by the administering agency are waived.

(b) The provisions of R.S. 17:5041 or 5042 requiring that a student achieve a certain cumulative grade point average to continue eligibility for his award are waived.

(c) For a student whose program award was suspended due to a low grade point average or failure to make steady academic progress, the time periods provided in Part I of this Chapter for the student to meet such requirement before losing program eligibility shall be extended by one semester for each semester the student is unable to enroll or complete due to measures taken to limit the spread of COVID-19.

(d) The administering agency may, by rule, waive any provision of Part I of this Chapter that imposes a program requirement or condition that a student cannot comply with or meet if the administering agency determines that the failure to comply with the requirement or meet the condition is, more likely than not, due solely to a consequence of measures taken to limit the spread of COVID-19.

(2) The provisions of this Subsection apply only to students who meet one of the following criteria:

(a) The student was enrolled full time as of the census date at an eligible college or university during the spring semester of 2020.

(b) The student was enrolled full time at an out-of-state college or university as of the census date during the spring semester of 2020.
(c) The student was scheduled to be enrolled full time at a school operating on a basis other than semesters during the spring of 2020.

D. The administering agency may adopt any rule, policy, or guideline necessary to implement the provisions of this Section and shall disseminate information regarding program changes pursuant to the provisions of this

Section in the most timely manner possible.

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

The original instrument was prepared by Jeanne Johnston. The following digest, which does not constitute a part of the legislative instrument, was prepared by Cheryl M. Serrett.

DIGEST
SB 481 Engrossed 2020 Regular Session Fields

Proposed law provides for suspension of certain laws pertaining to elementary and secondary education for students impacted by the public health emergency declared by the governor in response to the novel coronavirus, COVID-19.

Proposed law requires postsecondary education management boards to adopt policies to address the negative impacts on postsecondary students, faculty, and other employees by the public health emergency declared by the governor in response to the novel coronavirus, COVID-19.

Proposed law makes the following modifications to initial eligibility requirements for a Taylor Opportunity Program for Students (TOPS) award:

(1) The deadline for taking the ACT or SAT test is Sept. 30, 2020. (The deadline is normally April, as provided by rule.)

      Present law provides that a student loses a semester of eligibility if he is late qualifying. Proposed law provides that present law shall not be applied to a student who qualifies under the extended deadline.

(2) Provides that if any Jump Start graduation requirement was waived by a high school for graduation purposes, the requirement shall also be waived for TOPS-Tech eligibility purposes.

(3) Authorizes the administering agency to waive the home study requirements in present law if it determines that the student's failure to meet those requirements was, more likely than not, due solely to consequences of measures taken to limit the spread of COVID-19.

Coding: Words which are struck through are deletions from existing law; words in **boldface type and underscored** are additions.
Proposed law makes the following modifications to continuing eligibility requirements for a TOPS award with respect to the 2019-2020 academic year:

1. Waives requirements for steady academic progress.
2. Waives requirements for the achievement of certain cumulative grade point averages.
3. Extends the time a student has to recover an award that was suspended because of a low grade point average or failure to make steady academic progress.
4. Authorizes the administering agency to waive other provisions of present law if the agency determines that a failure to comply with the provision is, more likely than not, due solely to a consequence of measures taken to limit the spread of COVID-19.

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

(Adds R.S. 17:8, 3351(M), and 5103)

Summary of Amendments Adopted by Senate

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

1. Provides technical amendments.
2. Clarifies TOPS related provisions.