SENATE BILL NO. 481

BY SENATORS FIELDS, ABRAHAM, BARROW, BOUIE, CARTER, CATHEY, CLOUD, CONNICK, CORTEZ, FESI, FOIL, HARRIS, HENSGENS, HEWITT, JACKSON, JOHNS, LAMBERT, LUNEAU, MCMATH, MILLIGAN, ROBERT MILLS, POPE, PRICE, REESE, SMITH, TARVER, WARD, WHITE AND WOMACK

STUDENTS. Provides relative to students impacted due to the COVID-19 public health emergency. (gov sig)

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 due to 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, it 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.

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

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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.

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

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§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 Reengrossed 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

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

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.

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