

First Extraordinary Session, 2005

HOUSE BILL NO. 143

BY REPRESENTATIVE SALTER

STUDENT/LOANS-SCHOLARSHIP: Provides relative to initial eligibility requirements for TOPS awards for high school students displaced during the 2005-2006 school year as a consequence of Hurricane Katrina or Rita, or both (Item #37)

1 AN ACT

2 To enact R.S. 17:3048.6, relative to initial eligibility requirements for Tuition Opportunity  
3 Program for Students awards applicable to students displaced as a consequence of  
4 certain natural disasters; to provide legislative findings; to provide definitions; to  
5 provide waivers and exceptions to certain program requirements and conditions; to  
6 provide applicability; to provide limitations; to provide relative to the authority of the  
7 Louisiana Student Financial Assistance Commission, including but not limited to  
8 requiring the adoption of certain rules relative to program waivers and exceptions; to  
9 provide for legislative oversight; to provide for implementation; to provide an  
10 effective date; and to provide for related matters.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. R.S. 17:3048.6 is hereby enacted to read as follows:

13 §3048.6. Initial eligibility for program awards; students displaced by certain natural  
14 disasters; waivers and exceptions; limitations

15 A.(1) The legislature finds that due to the effects of natural disasters declared  
16 by the governor on August 26, 2005, relative to Hurricane Katrina, and on September  
17 20, 2005, relative to Hurricane Rita, it is in the best interest for the education of the  
18 people of the state that initial eligibility requirements established in R.S. 17:3048.1  
19 for awards pursuant to the Tuition Opportunity Program for Students be modified as

1 provided by this Section for the 2005-2006 school year for students displaced as a  
2 result of the disasters.

3 (2) For the purposes of this Section, the phrase "a student displaced as a result  
4 of the disasters", hereinafter referred to in this Section as a "displaced student", shall  
5 mean a student who meets either or both of the following conditions:

6 (a) The student, on August 26, 2005, was enrolled in a public high school or  
7 a nonpublic high school having the approvals by the State Board of Elementary and  
8 Secondary Education required by R.S. 17:3048.1 for program eligibility purposes and  
9 such school was located in Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard,  
10 St. Tammany, Tangipahoa, or Washington Parish or the student resided in such a  
11 parish and was enrolled in a home study program approved by the State Board of  
12 Elementary and Secondary Education.

13 (b) The student, on September 20, 2005, was enrolled in a public high school  
14 or a nonpublic high school having the approvals by the State Board of Elementary and  
15 Secondary Education required by R.S. 17:3048.1 for program eligibility purposes and  
16 such school was located in Acadia, Allen, Beauregard, Calcasieu, Cameron, Iberia,  
17 Jefferson Davis, Terrebonne, or Vermilion Parish or the student resided in such a  
18 parish and was enrolled in a home study program approved by the State Board of  
19 Elementary and Secondary Education.

20 B.(1) Relative to initial eligibility requirements for a Tuition Opportunity  
21 Program for Students award applicable to a student displaced during the 2005-2006  
22 school year, the Louisiana Student Financial Assistance Commission, in accordance  
23 with the Administrative Procedure Act, shall provide by rule as follows:

24 (a) A displaced student who has been certified by the principal or headmaster  
25 to have graduated during the 2005-2006 school year from an out-of-state high school  
26 that meets the criteria to be an eligible out-of-state high school as provided in R.S.  
27 17:3048.1(P)(1)(a) shall not be required to have for the respective awards a higher  
28 minimum composite score on the American College Test or on the Scholastic  
29 Aptitude Test than required for a student who graduates from an eligible Louisiana

1 high school provided such student has, for a TOPS-Tech Award or Opportunity  
2 Award, a cumulative high school grade point average on all courses on the high  
3 school transcript of at least 2.50 calculated on a 4.00 scale or, for a Performance or  
4 Honors award, a cumulative high school grade point average on all courses on the  
5 high school transcript of at least 3.50 calculated on a 4.00 scale.

6 (b) The program requirement that a student who graduates from an eligible  
7 Louisiana high school during the 2005-2006 school year must have successfully  
8 completed the applicable core curriculum shall be waived for a displaced student upon  
9 proper documentation by the student's high school principal or headmaster or  
10 authorized designee that failure to comply with such requirement is due solely to the  
11 fact that the required course or courses were not available to the student at the school  
12 attended.

13 (c)(i) A dependent or independent displaced student shall be deemed to meet  
14 the residency requirements for a program award if such student actually resided in  
15 Louisiana during his entire eleventh grade year of high school and was enrolled for  
16 such time in an eligible Louisiana high school or, for dependent students, if the  
17 displaced student has a parent or court-ordered custodian who actually resided in a  
18 parish listed in Subparagraph (A)(2)(a) of this Section for at least the twelve months  
19 prior to August 26, 2005, or in a parish listed in Subparagraph (A)(2)(b) of this  
20 Section for at least the twelve months prior to September 20, 2005.

21 (ii)(aa) A parent or court-ordered custodian of a dependent student who is  
22 eligible for a program award pursuant to the provisions of R.S. 17:3048.1(P), relative  
23 to students who graduate from certain out-of-state high schools, and who was  
24 displaced as a resident from a parish listed in Subparagraph (A)(2)(a) of this Section  
25 due to Hurricane Katrina shall be deemed to meet program residency requirements  
26 if such parent or court-ordered custodian actually resided in Louisiana for at least the  
27 twelve months prior to August 26, 2005.

28 (bb) A parent or court-ordered custodian of a dependent student who is  
29 eligible for a program award pursuant to the provisions of R.S. 17:3048.1(P), relative

1 to students who graduate from certain out-of-state high schools, and who was  
2 displaced as a resident from a parish listed in Subparagraph (A)(2)(b) of this Section  
3 due to Hurricane Rita shall be deemed to meet program residency requirements if  
4 such parent or court-ordered custodian actually resided in Louisiana for at least the  
5 twelve months prior to September 20, 2005.

6 (d) A displaced student who during the 2005-2006 school year successfully  
7 completes at the twelfth grade level a home study program approved by the State  
8 Board of Elementary and Secondary Education shall be eligible for program awards  
9 by complying with the provisions of R.S. 17:3048.1(Q), relative to certain students  
10 who have successfully completed home study programs approved by the state board.  
11 In such case, the statutory requirement that a student, if ever enrolled in a eligible  
12 Louisiana high school, must have begun his approved home study program no later  
13 than the conclusion of the tenth grade year shall not apply to the displaced student.

14 (2)(a)(i) Relative to initial eligibility requirements for a Tuition Opportunity  
15 Program for Students award applicable for the 2005-2006 school year to a displaced  
16 student, the Louisiana Student Financial Assistance Commission, in consultation with  
17 the commissioner of higher education and in accordance with the Administrative  
18 Procedure Act, shall by rule waive any provision of R.S. 17:3048.1 that imposes on  
19 such displaced student a program requirement or condition that such student cannot  
20 comply with or meet when it is determined by the commission that a failure to comply  
21 with the requirement or meet the condition, more likely than not, is due solely to a  
22 consequence of Hurricane Katrina or Rita, or both.

23 (ii) Relative to initial eligibility requirements for a Tuition Opportunity  
24 Program for Students award applicable for the 2005-2006 school year to any student  
25 displaced during the 2005-2006 school year as a consequence of a disaster or  
26 emergency other than Hurricane Katrina or Rita and for which the governor declares  
27 a state of emergency to exist, the Louisiana Student Financial Assistance  
28 Commission, in consultation with the commissioner of higher education and in  
29 accordance with the Administrative Procedure Act, shall by rule waive any provision

1 of R.S. 17: 3048.1 that imposes on such student a program requirement or condition  
2 that the student cannot comply with or meet when it is determined by the commission  
3 that a failure to comply with the requirement or meet the condition, more likely than  
4 not, is due solely to a consequence of the declared disaster or emergency.

5 (b) In addition to provisions of the Administrative Procedure Act relative to  
6 oversight by the legislature of the adoption of commission rules, the Joint Legislative  
7 Committee on the Budget, in accordance with procedures and threshold amounts  
8 established by the committee, shall have oversight and approval authority over any  
9 rule proposed for adoption pursuant to the provisions of this Paragraph that has a  
10 significant program or other cost, or both, to the state.

11 C. The Louisiana Student Financial Assistance Commission shall take all  
12 administrative action necessary to expedite full implementation of the provisions of  
13 this Section. The commission also shall disseminate information to displaced  
14 students and others regarding program changes pursuant to the provisions of this  
15 Section in the most timely manner possible.

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

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#### DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument.

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Salter

HB No. 143

**Abstract:** Provides for Tuition Opportunity for Students (TOPS) awards for students displaced by Hurricanes Katrina and Rita from specified parishes who graduate from out-of-state high schools during the 2005-2006 school year and for certain other students who graduate from out-of-state high schools or complete the 12th grade level of a home study program. Provides for waiver of core curriculum requirement for certain displaced students who graduate from eligible La. high schools. Provides for rulemaking by the La. Student Financial Assistance Commission for oversight of such rules and for dissemination of information about program changes made by proposed law.

Proposed law states legislative findings that due to the effects of natural disasters declared by the governor on August 26, 2005, relative to Hurricane Katrina, and on September 20, 2005, relative to Hurricane Rita, it is in the best interest for the education of the people of the state that initial eligibility requirements established by law for awards pursuant to the Tuition Opportunity Program for Students (TOPS) be modified for the 2005-2006 school year for students displaced as a result of the disasters.

Provides that the phrase "a student displaced as a result of either, or both, of the disasters", (referred to in proposed law as a "displaced student"), shall mean a student who meets either or both of the following conditions:

- (1) The student, on August 26, 2005, was enrolled in a public high school or a nonpublic high school having the approvals by the State Board of Elementary and Secondary Education (BESE) required by present law (R.S. 17:3048.1) for program eligibility purposes and such school was located in Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Tammany, Tangipahoa, or Washington Parish or the student resided in such a parish and was enrolled in a BESE-approved home study program.
- (2) The student, on September 20, 2005, was enrolled in a public high school or a nonpublic high school having the approvals by BESE required by present law (R.S. 17:3048.1) for program eligibility purposes and such school was located in Acadia, Allen, Beauregard, Calcasieu, Cameron, Iberia, Jefferson Davis, Terrebonne, or Vermilion Parish or the student resided in such a parish and was enrolled in a BESE-approved home study program.

Requires the La. Student Financial Assistance Commission (LSFAC), in accordance with the Administrative Procedure Act (APA), to provide by rule as follows relative to initial eligibility requirements for a TOPS award applicable to a student displaced during the 2005-2006 school year:

- (1) Specifies that a displaced student who has been certified by the principal or headmaster to have graduated during the 2005-06 school year from an out-of-state high school that meets criteria to be an eligible out-of-state high school as provided by present law (R.S. 17:3048.1(P)(1)(a)) shall not be required to have for the respective awards a higher minimum composite score on the American College Test (ACT) or on the Scholastic Aptitude Test (SAT) than required for a student who graduates from an eligible La. high school provided such student has, for a TOPS-Tech Award or Opportunity Award, a cumulative high school grade point average on all courses on the high school transcript of at least 2.50 calculated on a 4.00 scale or, for a Performance or Honors award, a cumulative high school grade point average on all courses on the high school transcript of at least 3.50 calculated on a 4.00 scale.
- (2) Provides that the program requirement that a student who graduates from an eligible La. high school during the 2005-06 school year must have successfully completed the applicable core curriculum shall be waived for a displaced student upon proper documentation by the student's high school principal or headmaster (or authorized designee) that failure to comply with such requirement is due solely to the fact that the required course or courses were not available to the student at the school attended.
- (3) Provides that a displaced student shall be deemed to meet program residency requirements if such student actually resided in La. during his entire 11th grade year of high school and was enrolled for such time in an eligible La. high school or, for dependent students, if the displaced student has a parent or court-ordered custodian who actually resided in Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Tammany, Tangipahoa, or Washington Parish for at least the 12 months prior to August, 25, 2005, or in Acadia, Allen, Beauregard, Calcasieu, Cameron, Iberia, Jefferson Davis, Terrebonne, or Vermilion Parish for at least the 12 months prior to September 20, 2005.

- (4) Provides that a parent or court-ordered custodian of a dependent student who is eligible for a program award pursuant to present law provisions relative to students who graduate from certain out-of-state high schools (R.S. 17:3048.1(P)), and who was displaced as a resident from Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Tammany, Tangipahoa, or Washington Parish due to Hurricanes Katrina shall be deemed to meet program residency requirements if such parent or court-ordered custodian actually resided in La. for at least the 12 months prior to August 26, 2005.
- (5) Provides that a parent or court-ordered custodian of a dependent student who is eligible for a program award pursuant to present law provisions relative to students who graduate from certain out-of-state high schools (R.S. 17:3048.1(P)), and who was displaced as a resident from Acadia, Allen, Beauregard, Calcasieu, Cameron, Iberia, Jefferson Davis, Terrebonne, or Vermilion Parish due to Hurricane Rita shall be deemed to meet program residency requirements if such parent or court-ordered custodian actually resided in La. for at least the 12 months prior to September 20, 2005.
- (6) Provides that a displaced student who during the 2005-06 school year successfully completes at the 12th grade level a BESE-approved home study program shall be eligible for program awards by complying with the provisions of present law (R.S. 17:3048.1(Q)) relative to certain students who have successfully completed BESE-approved home study programs. Specifies that in such case, the statutory requirement that a student, if ever enrolled in an eligible La. high school, must have begun his approved home study program no later than the conclusion of the 10th grade year shall not apply.

Proposed law, relative to initial eligibility requirements for a TOPS award applicable for the 2005-06 school year to a displaced student, requires LSFAC, in consultation with the commissioner of higher education and in accordance with the APA, to waive by rule any provision of present law (R.S. 17: 3048.1) that imposes on a displaced student a program requirement or condition that such student cannot comply with or meet when it is determined by the commission that a failure to comply with the requirement or meet the condition, more likely than not, is due solely to a consequence of Hurricane Katrina or Rita, or both.

Relative to initial eligibility requirements for a TOPS award applicable for the 2005-06 school year to any student displaced during the 2005-06 school year as a consequence of a disaster or emergency other than Hurricane Katrina or Rita and for which the governor declares a state of emergency to exist, requires LSFAC, in consultation with the commissioner of higher education and in accordance with the APA, to waive by rule any provision of present law (R.S. 17:3048.1) that imposes on such student a program requirement or condition that such student cannot comply with or meet when it is determined by the commission that a failure to comply with the requirement or meet the condition, more likely than not, is due solely to a consequence of the declared disaster or emergency.

Provides also that in addition to APA provisions relative to oversight by the legislature of the adoption of LSFAC rules, the Joint Legislative Committee on the Budget, in accordance with procedures and threshold amounts established by the committee, shall have oversight and approval authority over any rule proposed for adoption pursuant to proposed law that has a significant program or other cost, or both, to the state.

Proposed law requires LSFAC to take all administrative action necessary to expedite full implementation of the provisions of proposed law. Also requires LSFAC to disseminate information to displaced students and others regarding program changes pursuant to proposed law in the most timely manner possible.

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

(Adds R.S. 17:3048.6)