2015 Regular Session

HOUSE BILL NO. 708

BY REPRESENTATIVE HUNTER

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

STUDENT/LOANS-SCHOLARSHP: Relative to TOPS and academic excellence fees assessed by LSU; provides with respect to certain minimum criteria for eligibility, to authorized uses of program funds, to repayment of award amounts in certain circumstances, and to establishment of baseline award amounts; repeals waiver of academic excellence fees assessed by LSU

AN ACT

To amend and reenact R.S. 17:3048.1(A)(1)(b)(i) and 3351.3(C)(4) and to enact R.S. 17:3048.1(A)(4)(f), (Z), (AA), and (BB), relative to postsecondary education; to provide with respect to the required minimum American College Test score for Taylor Opportunity Program for Students award eligibility; to provide relative to monetary amounts for awards granted pursuant to such program; to provide relative to future increases in award amounts; to provide relative to continued eligibility for such awards; to place certain residency or repayment requirements on recipients of program awards; to authorize the use of funds for postgraduate study if certain conditions are met; to provide relative to the waiver of academic excellence fees levied by certain boards of supervisors; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:3048.1(A)(1)(b)(i) and 3351.3(C)(4) are hereby amended and reenacted and R.S. 17:3048.1(A)(4)(f), (Z), (AA), and (BB) are hereby enacted to read as follows:

§3048.1. Program awards; eligibility; amounts; limitations; funding; administration

A.(1) As part of the Louisiana Taylor Opportunity Program for Students, the state shall financially assist any student who enrolls on a full-time basis in a public

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college or university in this state or a regionally accredited independent college or university in the state that is a member of the Louisiana Association of Independent Colleges and Universities, hereafter in this Chapter referred to collectively as "eligible colleges or universities", to pursue an academic undergraduate degree or, as provided by this Subsection, skill or occupational training as defined by the administering agency including a vocational or technical education certificate or diploma program or a nonacademic undergraduate degree, and who meets the qualifications of Subparagraph (b), (c), or (d) of this Paragraph and all of the applicable following qualifications:

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(b)(i) Has been certified as provided in Subsection D of this Section to have graduated from a public high school or a nonpublic high school which has been approved by the State Board of Elementary and Secondary Education, has a minimum cumulative grade point average of 2.50 calculated on a 4.00 scale, has a composite score on the 1990 version of the American College Test which is at least equal to or higher than the state's average composite score, ~~rounded to the nearest whole number,~~ expressed in whole number increments, reported for the prior year, but never less than twenty, or an equivalent concordant value on an enhanced or revised version of such test or on the Scholastic Aptitude Test, and, unless granted an exception for cause by the administering agency, has enrolled in an eligible college or university as a first-time freshman not later than the semester, excluding summer semesters or sessions, immediately following the first anniversary of the date that the student graduated from high school or, if the student joins the United States Armed Forces within one year after graduating from high school, has enrolled in an eligible college or university as a first-time freshman not later than the semester, excluding summer semesters or sessions, immediately following the fifth anniversary of the date that the student graduated from high school; however, effective for the 1996-1997 school year and thereafter, if, on or prior to the fifth anniversary of the date that the student graduated from high school, the student

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reenlists in the United States Armed Forces and maintains continuous active duty, the five-year period shall be extended to the semester immediately following the one-year anniversary of the student's separation from active duty service. As distinguished from all other students qualifying for this program, a student who meets the requirements of this Subparagraph shall be the recipient of an "Opportunity Award" for the purposes of this program.

* * *

(4) To maintain continued state payment of an amount equal to tuition and other amounts pursuant to an award under this Chapter once enrolled in college a student shall meet all of the following:

* * *

(f) For a student who first enrolls in an eligible institution for or during the 2015-2016 academic year or thereafter, such student is pursuing a degree or skill or occupational training that would qualify him for employment in a four or five star job, on a statewide basis, as defined by the Louisiana Workforce Commission. Notwithstanding any provision of this Subparagraph to the contrary, such student shall remain eligible to receive the award if all other requirements pursuant to this Paragraph are met and after he enrolls in but before he completes the program that would qualify him for employment in such four or five star job, the job is no longer defined as a four or five star job.

* * *

Z.(1) Notwithstanding any provision of this Chapter to the contrary, beginning with the 2016-2017 award year, the amount awarded by the state to a student who is the recipient of any award granted pursuant to this Chapter shall be equal to the award amount paid for the 2015-2016 award year.

(2)(a) Beginning with the 2016-2017 award year, the legislature may, by law, increase the amount awarded by the state in any given award year to a student who is the recipient of any award granted pursuant to this Chapter.

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(b) Any increase in award amounts granted by the legislature pursuant to this Paragraph shall be established as the minimum amount to be awarded to a student who is the recipient of any award granted pursuant to this Chapter.

(c) In no case shall the amount awarded to a student who is the recipient of any award pursuant to this Chapter be less than the amount paid for the previous award year.

(3) The award amounts as provided in this Subsection shall be exclusive of any additional amounts awarded to students who receive a Performance Award or an Honors Award.

AA.(1) Notwithstanding any provision of this Chapter to the contrary, an otherwise qualified student who meets each of the following conditions may use the program award provided for by this Section to pursue a postgraduate academic degree at an eligible Louisiana institution:

(a) The student has been determined by the administering agency to meet the initial eligibility requirements established by this Section for an Opportunity, Performance, or Honors award.

(b) The student first enrolled as a full-time postsecondary student in an out-of-state college or university that is accredited by a regional accrediting organization recognized by the United States Department of Education and remains enrolled in and graduates from the college or university.

(c) While enrolled in such a college or university, the student met all requirements of this Section for continuation of the initial award that would have been applicable to the student if he had enrolled in an eligible college or university in Louisiana.

(d) The student graduated from high school during the 2010-2011 school year or thereafter.

(2) The amount of the award provided for in this Subsection shall not exceed the amounts determined by the administering agency to equal the tuition charged for

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the postgraduate study or for undergraduate full-time enrollment charged by the highest cost public college or university in the state, whichever amount is less.

(3)(a) A student may continue to receive the award provided for in this Subsection if he continues to meet all academic and other requirements, as provided by this Section and by rule of the administering agency as applicable to an undergraduate for continued receipt of the award, including any modifications of such requirements by the administering agency that are necessary to apply such requirements to postgraduate study.

(b) A student may receive the award provided for in this Subsection for not more than three academic years or the equivalent number of semesters or quarters and shall not receive an award for any term that begins more than seven years after the student graduated from high school.

BB.(1) For a recipient of an Opportunity, Performance, or Honors award pursuant to this Section who first enrolls in an eligible institution for or during the 2015-2016 academic year or thereafter, upon completion of a bachelor's or postgraduate degree, as applicable, such recipient shall do one of the following:

(a) Reside in Louisiana for at least one year for each full academic year of award received pursuant to this Section.

(b) Repay a full academic year of award for each year he fails to comply with Subparagraph (a) of this Paragraph.

(2) If such student loses eligibility to receive further awards provided for by this Section for any reason other than completion of a bachelor's or postgraduate degree or receipt for eight semesters or the equivalent, he shall repay all amounts received as awards.

(3) If such student is required to repay awards pursuant to this Subsection, he shall:

(a) Repay amounts in the reverse order from that in which they were received.

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(b) Repay one year of award within each calendar year until all awards have been repaid; the student shall not be required to pay any interest on amounts owed if they are paid in accordance with this Subparagraph.

(4) If such student is required to repay awards pursuant to this Subsection, he may defer such repayment and no interest shall accrue:

(a) While he is a full time student pursuing an associate, undergraduate, or graduate degree.

(b) While he is engaged in active duty service with the U.S. military.

(5) The provisions of this Subsection shall not apply to a student who completes a degree at a Louisiana college or university and accepts employment and remains employed in any of the following for at least four years:

(a) Government service including military service.

(b) Employment with a company that is based in Louisiana.

(c) Employment with a nonprofit organization that qualifies as tax-exempt pursuant to Section 501(c)(3) of the Internal Revenue Code.

(6) The administering agency may promulgate rules necessary to implement the provisions of this Subsection. Such rules shall include provision for all available means of collecting amounts owed and interest on unpaid amounts.

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§3351.3. Academic excellence fee; Louisiana State University and Agricultural and Mechanical College

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(4) The fee shall be paid by all students. ~~However, the board shall establish criteria for waiving the fee in cases of financial hardship as determined by the board. Information relative to such waivers and the criteria and procedures for obtaining a waiver shall be made available to all prospective students in a timely manner such that each student is informed of the availability of a waiver prior to the student~~

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~~making a final decision concerning attendance at any institution under the management and supervision of the board~~.

* * *

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.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 708 Original 2015 Regular Session Hunter

Abstract: Authorizes use of Taylor Opportunity Program for Students (TOPS) awards for postgraduate study in certain circumstances; requires recipients of TOPS awards to (1) pursue a field of study that will qualify the recipient for employment in certain categories of jobs, (2) repay awards unless the recipient completes a bachelor's or postgraduate degree and resides in La. for at least one year for each year of award received; establishes amounts paid for TOPS scholarships in the 2015-2016 award year as baseline amounts for future awards; authorizes the legislature to increase base-award amounts in the future; prohibits future award amounts from decreasing below the base-award amount; eliminates waivers of academic excellence fees at La. State University.

Minimum ACT Score

With respect to TOPS, present law provides that a student, among other eligibility criteria, must have a composite ACT score equal to or higher than the state average composite score, rounded to the nearest whole number, reported for the previous year, but never less than 20 or an equivalent value on the SAT in order to receive a TOPS Opportunity award.

Proposed law retains the requirement that a student have a minimum ACT score equal to or greater than the state average, but never less than 20, but specifies that the state average be expressed in whole number increments.

Establishment of Baseline Award Amounts

Present law provides as follows relative to the amount awarded to TOPS recipients of Opportunity, Performance, or Honors awards:

(1) For a recipient who attends a La. public college or university to pursue an academic undergraduate degree or skill or occupational training, the award amount is an amount determined by the La. Student Financial Assistance Commission (LASFAC) to equal the tuition charged by the college or university attended.

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(2) For a recipient who attends an eligible state nonpublic college or university, the award amount is an amount determined by LASFAC to equal the weighted average amount of amounts paid for students attending public colleges and universities that offer academic undergraduate degrees at the baccalaureate level or an amount determined by LASFAC to equal the weighted average of amounts paid for students attending public colleges and universities who are enrolled in permitted skill or occupational training.

(3) For a recipient who is eligible to use the award at an out-of-state nonpublic college or university to pursue an academic undergraduate degree, the award amount is an amount determined by LASFAC to equal the weighted average of amounts paid for students attending La. public colleges and universities that offer academic undergraduate degrees.

(4) For a student who is the recipient of an Opportunity, Performance, or Honors award who enrolls in a cosmetology school registered by the La. State Board of Cosmetology or a proprietary school licensed by the Board of Regents, the award amount is equal to the amount determined by the LASFAC to equal the weighted average of amounts for students attending public colleges and universities who are enrolled in the permitted skill or occupational training.

(5) Provides an additional $200 per semester, or $400 per academic year, to a recipient of a Performance Award, and provides an additional $400 per semester, or $800 per academic year, to a recipient of an Honors Award.

Relative to the amount of a TOPS-Tech Award, present law provides as follows:

(1) For a recipient who attends an eligible La. public college or university that does not offer an academic undergraduate degree at the baccalaureate level or higher to pursue permitted skill or occupational training, the award amount equals the actual cost of tuition.

(2) For a recipient who attends any other eligible postsecondary education institution, the award amount equals the amount determined by LASFAC to equal the weighted average of amounts paid for students attending public institutions who are enrolled in the permitted skill or occupational training.

Proposed law provides that, beginning with the 2016-2017 award year:

(1) The amount awarded by the state to a student who is the recipient of any TOPS award shall be equal to the award amount established for each respective award for the 2015-2016 award year.

(2) The legislature may, by law, increase the amount awarded in any given award year to a student who is the recipient of any TOPS award.

(3) Any increase in award amounts granted by the legislature shall be established as the minimum amount to be awarded to a student who is the recipient of any TOPS award.

(4) The amount awarded to a student who is the recipient of any TOPS award shall not be less than the amount paid for the previous award year.

(5) Retains payment of the supplemental amounts established in present law for a recipient of a Performance or Honors award.

Continuing Eligibility for Award

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Present law requires that a recipient of a Taylor Opportunity Program for Students (TOPS) award meet certain criteria in order to maintain continued receipt of such award. Such criteria include, but are not limited to:

(1) Earning enough credits to maintain full-time status as a student.

(2) Maintain a minimum required grade point average, depending on the type of award received.

(3) Have no criminal conviction, except for misdemeanor traffic violations.

Proposed law adds a requirement that the student pursue a degree or skill or occupational training that would qualify him for employment in a four or five star job, on a statewide basis, as defined by the Louisiana Workforce Commission. Further provides that a student shall remain eligible for an award if all other conditions of present law are met and if after the student enrolls in but before he completes the program of study such job is no longer defined as a four or five star job.

Awards for Postgraduate Study

Proposed law provides that an otherwise qualified student who meets each of the following conditions may use the TOPS award to pursue a postgraduate academic degree at an eligible La. institution:

(1) The student meets the initial eligibility requirements for an Opportunity, Performance, or Honors award.

(2) The student first enrolled as a postsecondary student in and graduated from an out-of-state college or university accredited by a regional accrediting organization recognized by the U.S. Dept. of Education.

(3) While enrolled in such a college or university, the student met all requirements for continuation of the initial award that would have been applicable had he been enrolled in a La. college or university.

(4) The student graduated from high school during the 2010-2011 school year or thereafter.

Provides that the amount of the tuition award shall not exceed the amounts determined by the administering agency to equal the tuition charged for the postgraduate study or for undergraduate full-time enrollment charged by the highest cost public college or university in the state, whichever is less.

Provides that the student may continue to receive the award if he continues to meet all academic and other requirements for continued receipt of the award as applicable to an undergraduate, including any modifications of such requirements made by the administering agency as needed to apply such requirements to postgraduate study.

Permits student to receive the award for not more than three academic years or the equivalent number of semesters or quarters; prohibits receipt of the award for a term that begins more than seven years after high school graduation.

Repayment of Award Amounts

Proposed law provides that for an award recipient first enrolling in an eligible institution for or during the 2015-2016 academic year or thereafter, upon completion of a bachelor's or postgraduate degree, such former recipient of an award shall either reside in La for at least one year for each year of award he received or repay one year of award for each year he fails

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to meet this residency requirement. Requires any such recipient who loses eligibility to receive awards to repay amounts received.

Proposed law requires that the former recipient repay amounts in the reverse order from that in which they were received and repay one year of awards within each calendar year until all awards have been repaid. Authorizes deferral of repayment for full-time students and those engaged in military service. Waives the repayment requirement for a recipient who completes a degree and works for at least four years in any of the following: government service including military service; for a La.-based company; or for a nonprofit organization.

Proposed law authorizes the administering agency to promulgate rules necessary to implement proposed law, including provision for collecting amounts owed and interest on unpaid amounts.

Academic Excellence Fees; LSU

Present law (R.S. 17:3351.3) authorizes the board of supervisors of LSU to assess an "academic excellence" fee in addition to any other tuition or attendance fees and charges established by the board. Proposed law retains present law.

Present law authorizes the board to waive the academic excellence fee in cases of financial hardship. Proposed law repeals present law.

(Amends R.S. 17:3048.1(A)(1)(b)(i) and 3351.3(C)(4) and adds R.S. 17:3048.1(A)(4)(f), (Z), (AA), and (BB))

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