

Regular Session, 2011

SENATE BILL NO. 138

BY SENATOR MARIONNEAUX

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

TOPS. Converts TOPS to a loan forgiveness program beginning with students graduating during the 2011-2012 school year and thereafter. (8/15/11)

AN ACT

To amend and reenact Chapter 20-G of Title 17 of the Louisiana Revised Statutes of 1950, by enacting Part I of such Chapter, to be comprised of R.S. 17:3048, by designating R.S. 17:3048.1 and 3048.2 as Part II of such Chapter, by designating R.S. 17:3048.3 through 3048.7 as Part III of such Chapter, by enacting Part IV of such Chapter, to be comprised of R.S. 17:3048.11 and 3048.12, and by enacting Part V of such Chapter, to be comprised of R.S. 17:3048.21 through 3048.26, relative to the Taylor Opportunity Program for Students; to retain effectiveness of student eligibility and continuation requirements for awards made to high school graduates through the 2010-2011 school year; to reestablish the program as a loan program beginning with the high school graduates of the 2011-2012 school year; to provide for the adoption of rules; to provide relative to repayment; to provide for forgiveness of the loan for any student upon completion of eligibility or college graduation; to create the Taylor Opportunity Program for Students Loan Fund in the state treasury; to require students to sign a promissory note agreeing to the terms of the loan before accepting a TOPS-Tech, Opportunity, Performance, or Honors loan; to provide relative to collection and garnishment proceedings; to require an annual report to the

1 legislature; to provide for appropriations for loan operations; to provide for
2 effectiveness; to continue payment of monies for books and other instructional
3 materials for those eligible persons serving in the Louisiana National Guard and
4 participating in the tuition exemption program; to retain the program requirements
5 and implementation of the TOPS-Tech Early Start Award; and to provide for related
6 matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Part I of Chapter 20-G of the Louisiana Revised Statutes of 1950, to be
9 comprised of R.S. 17:3048, is hereby enacted to read as follows:

10 CHAPTER 20-G. LOUISIANA TAYLOR OPPORTUNITY

11 PROGRAM FOR STUDENTS

12 PART I. EFFECTIVENESS OF THE TAYLOR OPPORTUNITY

13 PROGRAM FOR STUDENTS - SCHOLARSHIP AND LOAN FORGIVENESS

14 §3048. Taylor Opportunity Program for Students; scholarship; loan
15 forgiveness; effectiveness

16 A.(1) The merit scholarship program established pursuant to the
17 provisions of Part II of this Chapter shall be effective and continue to be
18 effective for any student who graduates from high school through the 2010-2011
19 school year and who meets the requirements and is awarded a TOPS-Tech,
20 Opportunity, Performance or Honors Award until the student's program
21 eligibility ends or graduation from an eligible college or university occurs.

22 (2) The provisions of Part V shall in no way affect any TOPS-Tech,
23 Opportunity, Performance or Honors Award that has been awarded to a
24 student pursuant to the provisions of Part II of this Chapter.

25 B. The loan forgiveness program established pursuant to the provisions
26 of Part V of this Chapter shall be effective for any student who graduates from
27 high school during the 2011-2012 school year and thereafter and who meets the
28 requirements of such Part and is issued a TOPS-Tech, Opportunity,
29 Performance or Honors loan.

1 Section 2. R.S. 17:3048.1 and 3048.2 are hereby designated as Part II of
2 Chapter 20-G of the Louisiana Revised Statutes of 1950, the title of which shall read
3 as follows:

4 **PART II. TAYLOR OPPORTUNITY PROGRAM**
5 **FOR STUDENTS - SCHOLARSHIP**

6 Section 3. R.S. 17:3048.3 through 3048.7 are hereby designated as Part III
7 of Chapter 20-G of the Louisiana Revised Statutes of 1950, the title of which shall
8 read as follows:

9 **PART III. TAYLOR OPPORTUNITY PROGRAM FOR**
10 **STUDENTS - GENERAL PROVISIONS**

11 Section 4. Part IV of Chapter 20-G of the Louisiana Revised Statutes of
12 1950, to be comprised of R.S. 17:3048.11 and 3048.12, is hereby enacted to read as
13 follows:

14 **PART IV. TAYLOR OPPORTUNITY PROGRAM FOR**
15 **STUDENTS - RELATED PROGRAMS**

16 **§3048.11. Louisiana National Guard; books and other instructional materials**

17 **A. In lieu of issuance of a loan as provided in Part V of this Chapter, any**
18 **student participating in the program pursuant to R.S. 29:36.1 for persons**
19 **servicing in the Louisiana National Guard shall receive the tuition exemption as**
20 **provided therein.**

21 **B. For any student who is participating in the tuition exemption program**
22 **provided by R.S. 29:36.1 and who also meets the qualifications provided in Part**
23 **V of this Chapter for receipt of an Opportunity or TOPS-Tech loan, the state**
24 **shall pay on behalf of such student a sum of three hundred dollars per semester**
25 **or six hundred dollars per academic year to be applied toward the cost of books**
26 **and other instructional materials.**

27 **C. For any student who is participating in the tuition exemption program**
28 **provided by R.S. 29:36.1 and who also meets the qualifications provided in Part**
29 **V of this Chapter for receipt of a Performance Loan, the state shall pay on**

1 behalf of the student a sum of three hundred dollars per semester or six
2 hundred dollars per academic year to be applied toward the cost of books and
3 other instructional materials plus the sum of four hundred dollars per semester
4 or eight hundred dollars per academic year for other educational expenses as
5 defined by the Louisiana Student Financial Assistance Commission.

6 D. For any student who is participating in the tuition exemption program
7 provided by R.S. 29:36.1 and who also meets the qualifications provided in Part
8 V of this Chapter for receipt of an Honors Loan, the state shall pay on behalf
9 of the student a sum of three hundred dollars per semester or six hundred
10 dollars per academic year to be applied toward the cost of books and other
11 instructional materials plus the sum of eight hundred dollars per semester or
12 one thousand six hundred dollars per academic year for other educational
13 expenses as defined by the Louisiana Student Financial Assistance Commission.

14 §3048.12. TOPS-Tech Early Start Award; purpose; eligibility; award amounts
15 limitations; administration; implementation; reports

16 A. The TOPS-Tech Early Start Award is hereby established as part of
17 the Louisiana Taylor Opportunity Program for Students for eligible eleventh
18 and twelfth grade students attending Louisiana public high schools.

19 B.(1) A TOPS-Tech Early Start Award may be used at a Louisiana
20 public postsecondary education institution for the purpose of pursuing an
21 industry-based occupational or vocational education credential as defined by
22 the Board of Regents when such credential also meets all of the following
23 conditions:

24 (a) Is identified by the Occupation Forecasting Conference as a
25 credential for an occupation in top demand in Louisiana.

26 (b) Is recognized by the State Industry-Based Certification Council.

27 (c) Is approved by the State Board of Elementary and Secondary
28 Education and by the Board of Supervisors of Community and Technical
29 Colleges.

1 **(2) An eligible recipient may receive a TOPS-Tech Early Start Award for**
2 **two semesters during the eleventh grade and two semesters during the twelfth**
3 **grade, excluding summer sessions.**

4 **(3) The administering agency, on behalf of a TOPS-Tech Early Start**
5 **Award recipient, shall pay to the Louisiana postsecondary education institution**
6 **in which the student is enrolled in an eligible program of studies an amount of**
7 **one hundred fifty dollars for each three credit-hour or equivalent time course**
8 **taken by the student, not to exceed two such courses per high school semester**
9 **for an eleventh-grade student and two such courses per high school semester for**
10 **a twelfth-grade student.**

11 **(4) Implementation of the provisions of this Section shall be subject to**
12 **the appropriation of funds for this purpose.**

13 **C. An application for a TOPS-Tech Early Start Award shall be required**
14 **at a time and in a manner and form established by the administering agency.**
15 **At a minimum, information necessary to fully inform Louisiana public high**
16 **school students and their parents on the requirements of and procedures for**
17 **applying for the award shall be made available by the administering agency in**
18 **the same manner as required by law for other awards provided by the Taylor**
19 **Opportunity Program for Students.**

20 **D. To be eligible for an initial TOPS-Tech Early Start Award, a student**
21 **shall meet each of the following conditions and comply with other applicable**
22 **provisions of this Section and administering agency rules:**

23 **(1) Be in the eleventh or twelfth grade in a Louisiana public school.**

24 **(2) Have prepared a five-year education and career plan, including a**
25 **sequence of related courses with a career focus as provided by Subpart A-1 of**
26 **Part III of Chapter 1 of this Title.**

27 **(3) Have a cumulative high school grade point average on all courses**
28 **attempted of not less than 2.0 when calculated on a 4.0 scale.**

29 **(4) Have at least the minimum scores required to pass the mathematics**

1 **and English portions of the graduation exit exam established by the State Board**
2 **of Elementary and Secondary Education.**

3 **(5) Score at least fifteen on the English subsection and fifteen on the**
4 **mathematics subsection of the ACT PLAN assessment administered as part of**
5 **Louisiana's Educational Planning and Assessment System.**

6 **E. To maintain continuing eligibility for a TOPS-Tech Early Start**
7 **Award, a student must meet each of the following conditions and comply with**
8 **other applicable provisions of this Section and administering agency rules:**

9 **(1) Be a student in good standing in a Louisiana public high school.**

10 **(2) Maintain a cumulative high school grade point average on all courses**
11 **attempted of not less than 2.0 when calculated on a 4.0 scale.**

12 **(3) Be a student in good standing while enrolled in a Louisiana public**
13 **postsecondary education institution and continue to pursue one or more courses**
14 **leading to an industry-based credential.**

15 **F.(1) The provisions of this Section shall be administered by the**
16 **Louisiana Student Financial Assistance Commission, herein referred to as the**
17 **"administering agency". Except as otherwise provided by this Section, the**
18 **authority granted to and limitations placed on the administering agency by R.S.**
19 **17:3048.22 relative to administering other awards pursuant to the Taylor**
20 **Opportunity Program for Students shall be deemed to apply also to the**
21 **administration of the TOPS-Tech Early Start Award.**

22 **(2) The agency shall adopt, in accordance with the Administrative**
23 **Procedure Act, rules to implement and administer the provisions of this Section.**
24 **These rules shall include but not be limited to necessary guidelines, policies,**
25 **procedures, forms, and time lines.**

26 **G. Prior to the convening of each regular legislative session, the Board**
27 **of Regents, in consultation with the Louisiana Student Financial Assistance**
28 **Commission, shall provide to the governor, the House Committee on Education,**
29 **and the Senate Committee on Education a written review and analysis of**

1 TOPS-Tech Early Start Awards relative to award use by students and the
2 benefits therefrom as well as the impact on subsequent use by students of
3 TOPS-Tech awards.

4 Section 5. Part V of Chapter 20-G of the Louisiana Revised Statutes of 1950, to be
5 comprised of R.S. 17:3048.21 through 3048.26, is hereby enacted to read as follows:

6 PART V. TAYLOR OPPORTUNITY PROGRAM

7 FOR STUDENTS - LOAN FORGIVENESS

8 §3048.21. Taylor Opportunity Program for Students; loan forgiveness

9 A. Pursuant to this Part, beginning with students who graduate from
10 high school during the 2011-2012 school year and thereafter, the state, through
11 and under the administration of the Louisiana Student Financial Assistance
12 Commission, hereinafter referred to as the "commission" or the "administering
13 agency", shall make an interest bearing educational loan to an applicant who
14 meets the requirements of this Part for an Opportunity, Performance, Honors
15 or TOPS-Tech loan.

16 B. It is the purpose and intent of this Part to make an educational loan
17 to any student who enrolls on a full-time basis in a public college or university
18 in this state or a regionally accredited independent college or university in this
19 state that is a member of the Louisiana Association of Independent Colleges and
20 Universities, hereafter in this Part referred to collectively as "eligible colleges
21 or universities", to pursue an academic degree or, as provided by this Part, or
22 skill or occupational training, including a vocational or technical education
23 certificate or diploma program or a nonacademic undergraduate degree, and
24 who meets the qualifications and requirements as provided in this Part.

25 C.(1) Except as provided in Paragraph (2) of this Subsection, a student
26 for whom a loan is made by the commission pursuant to the provisions of this
27 Part shall be required to repay the full amount of the loan, plus accrued
28 interest, to the commission with repayment commencing twelve months after
29 eligibility for a loan has terminated or six months after full-time attendance at

1 an eligible college or university has ended.

2 (2)(a) After a student has completed eligibility in accordance with R.S.
3 17:3048.22(H) or upon graduation from an eligible college or university,
4 whichever occurs first, and before repayment commences, the commission shall
5 forgive the full amount of the loan disbursements made under this Part, and the
6 interest accrued thereon, provided the student has completed and met all the
7 requirements set forth in this Part to maintain continued state payments of a
8 loan through completion of eligibility or graduation.

9 (b) If a student obtains a baccalaureate degree without using all his
10 eligibility under R.S. 17:3048.22(H) and has his previous loans forgiven, but
11 accepts an additional education loan under this Part to enroll in graduate or
12 professional school pursuant to R.S. 17:3048.22(H)(3), the commission shall
13 forgive the full amount of the new loan disbursements, and the interest accrued
14 thereon, if the student completes eligibility in accordance with R.S.
15 17:3048.22(H) or upon graduation from an eligible college or university,
16 whichever occurs first, and before repayment commences, provided the student
17 has completed and met all the requirements set forth in this Part to maintain
18 continued state payments of a loan through completion of eligibility or
19 graduation.

20 D.(1) The administering agency may provide by rule in accordance with
21 the Administrative Procedure Act for all matters necessary to the
22 implementation of this Part.

23 (2) The administering agency shall provide by rule as follows:

24 (a) Terms and conditions for loans.

25 (b) The form of the promissory note.

26 (c) The form of execution of the promissory note, including a method to
27 electronically sign.

28 (d) Procedures for repayment of loans, including, but not limited to,
29 terms of repayment agreements, payment schedules, minimum payments,

1 deferments, forbearances, and reasons for deferment and forbearance.

2 (e) Management of repayment monies received.

3 (f) A definition of "default."

4 (g) Default aversion procedures.

5 (h) Circumstances under which a loan may be discharged.

6 (i) Procedures for collection of defaulted, unforgiven loans.

7 (j) All other matters necessary to administer the program in compliance
8 with this Part.

9 E. The administering agency shall collect repayment of unforgiven loans
10 and may contract with the Department of Justice pursuant to R.S. 49:257 to
11 pursue repayment of loans.

12 §3048.22. Program loans; eligibility; amounts; limitations; funding;
13 administration

14 A.(1) As part of the Louisiana Taylor Opportunity Program for
15 Students, the state shall financially assist any student who enrolls on a full-time
16 basis in a public college or university in this state or a regionally accredited
17 independent college or university in the state that is a member of the Louisiana
18 Association of Independent Colleges and Universities, hereafter in this Part
19 referred to collectively as "eligible colleges or universities", to pursue an
20 academic undergraduate degree or, as provided by this Subsection, skill or
21 occupational training as defined by the Board of Regents, including a vocational
22 or technical education certificate or diploma program or a nonacademic
23 undergraduate degree, and who meets the qualifications of Subparagraph (b),
24 (c), or (d) of this Paragraph and all of the applicable following qualifications:

25 (a)(i)(aa) For a student graduating from high school during the 2011-
26 2012 school year and thereafter, is a citizen of the United States and if an
27 independent student, as defined by the administering agency, is a resident of
28 Louisiana or if a dependent student, as defined by the administering agency, has
29 a parent or court-ordered custodian who is a resident of Louisiana during the

1 twenty-four months preceding the date of the student's graduation from high
2 school, or is the dependent child of a resident of Louisiana on active duty with
3 the United States Armed Forces who is stationed outside Louisiana but who
4 claims Louisiana as his official state of legal residence and who has filed a
5 Louisiana state income tax return for the most recent two years, or is the
6 dependent child of a nonresident of Louisiana on active duty with the United
7 States Armed Forces who is stationed in Louisiana under permanent change of
8 station orders and who not later than one hundred eighty days after reporting
9 to such station changes his military personnel records to establish Louisiana as
10 his official state of legal residence and complies with Louisiana income tax laws
11 and regulations for the time period while stationed in Louisiana.

12 (bb) Notwithstanding the requirements of Subitem (aa) of this Item, any
13 independent or dependent student who is a resident of this state and who
14 graduates from a public or approved nonpublic high school in this state meet
15 the requirements of this Item if he is a citizen of the United States and actually
16 resides or lives in this state for the period of his last two full years of high school
17 culminating in graduation as certified by the high school.

18 (ii) Notwithstanding the requirements of Item (i) of this Subparagraph:

19 (aa) Any independent or dependent student who is a resident of this
20 state and who graduates from a public or approved nonpublic high school in
21 this state shall meet the requirements of this Subparagraph if he is a citizen of
22 the United States and actually resides or lives in this state for the period of his
23 last two full years of high school culminating in graduation as certified by the
24 high school.

25 (bb) Any student who is the dependent child of a member of the United
26 States Armed Forces who is not a resident of this state, is living in this state
27 under permanent change of station orders but does not claim Louisiana as his
28 state of legal residence, who graduates from a public or approved nonpublic
29 high school shall meet the requirements of this Subparagraph if he is a citizen

1 of the United States and actually lives in this state for the period of his last two
2 full years of high school culminating in graduation as certified by the high
3 school.

4 (iii) With regard to meeting the requirements of being a citizen of the
5 United States, a student who is not a citizen of the United States but who is a
6 permanent resident, as defined by the United States Immigration and
7 Naturalization Service, and is eligible to apply for United States citizenship shall
8 be deemed to satisfy the citizenship requirement of this Subparagraph.

9 (iv) For the purposes of this Subparagraph, residency shall be
10 demonstrated by proof of the following as required by the administering agency
11 or by other proof required by the administering agency by rule:

12 (aa) If registered to vote, is registered in Louisiana.

13 (bb) If licensed to drive a motor vehicle, is in possession of a Louisiana
14 driver's license.

15 (cc) If owning a motor vehicle located within Louisiana, is in possession
16 of Louisiana registration for that vehicle.

17 (dd) If earning an income, has filed a Louisiana state income tax return
18 and has complied with state income tax laws and regulations.

19 (b)(i) Has been certified as provided in Subsection D of this Section to
20 have graduated from a public high school or a nonpublic high school which has
21 been approved by the State Board of Elementary and Secondary Education, has
22 a minimum cumulative grade point average of 2.50 calculated on a 4.00 scale,
23 has a composite score on the ACT which is at least equal to or higher than the
24 state's average composite score, rounded to the nearest whole number, reported
25 for the prior year but never less than twenty or an equivalent concordant value
26 on an enhanced or revised version of such test or on the Scholastic Aptitude
27 Test, and, unless granted an exception for cause by the administering agency,
28 has enrolled in an eligible college or university as a first-time freshman not later
29 than the semester, excluding summer semesters or sessions, immediately

1 following the first anniversary of the date that the student graduated from high
2 school or, if the student joins the United States Armed Forces within one year
3 after graduating from high school, has enrolled in an eligible college or
4 university as a first-time freshman not later than the semester, excluding
5 summer semesters or sessions, immediately following the fifth anniversary of
6 the date that the student graduated from high school. As distinguished from all
7 other students qualifying for this program, a student who meets the
8 requirements of this Subparagraph shall be eligible for an "Opportunity Loan"
9 for the purposes of this program.

10 (ii) The minimum cumulative grade point average specified in Item (i)
11 of this Subparagraph shall be calculated by using only the grades obtained by
12 the student in completing the core curriculum requirements established by this
13 Section.

14 (c)(i) Has been certified as provided in Subsection D of this Section to
15 have graduated from a public high school or nonpublic high school which has
16 been approved by the State Board of Elementary and Secondary Education, has
17 enrolled, unless granted an exception for cause by the administering agency, in
18 an eligible college or university as a first-time freshman not later than the
19 semester, excluding summer semesters or sessions, immediately following the
20 first anniversary of the date that the student graduated from high school or, if
21 the student joins the United States Armed Forces within one year after
22 graduating from high school, has enrolled in an eligible college or university as
23 a first-time freshman not later than the semester, excluding summer semesters
24 or sessions, immediately following the fifth anniversary of the date that the
25 student graduated from high school, has achieved a minimum cumulative grade
26 point average of 3.00 calculated on a 4.00 scale, and has a composite score on
27 the ACT of twenty-three or higher or an equivalent concordant value on any
28 enhanced or revised version of such test or on the Scholastic Aptitude Test. As
29 distinguished from all other students qualifying for this program, a student who

1 meets the requirements of this Subparagraph shall be eligible for a
2 "Performance Loan" for the purposes of this program.

3 (ii) The minimum cumulative grade point average specified in Item (i)
4 of this Subparagraph shall be calculated by using only the grades obtained by
5 the student in completing the core curriculum requirements established by this
6 Section.

7 (d)(i) Has been certified as provided in Subsection D of this Section to
8 have graduated from a public high school or nonpublic high school which has
9 been approved by the State Board of Elementary and Secondary Education with
10 a minimum cumulative grade point average of 3.00 on a 4.00 scale and a score
11 of twenty-seven or higher on the ACT or an equivalent concordant value on any
12 enhanced or revised version of such test or on the Scholastic Aptitude Test, and,
13 unless granted an exception for cause by the administering agency, has enrolled
14 in an eligible college or university as a first-time freshman not later than the
15 semester, excluding summer semesters or sessions, immediately following the
16 first anniversary of the date that the student graduated from high school or, if
17 the student joins the United States Armed Forces within one year after
18 graduating from high school, has enrolled in an eligible college or university as
19 a first-time freshman not later than the semester, excluding summer semesters
20 or sessions, immediately following the fifth anniversary of the date that the
21 student graduated from high school. As distinguished from all other students
22 qualifying for this program, a student who meets the requirements of this
23 Subparagraph shall be eligible for a "Honors Loan" for the purposes of this
24 program.

25 (ii) The minimum cumulative grade point average specified in Item (i)
26 of this Subparagraph shall be calculated by using only the grades obtained by
27 the student in completing the core curriculum requirements established by this
28 Section.

29 (e) Except as otherwise provided by this Section and through the 2012-

1 2013 school year, meets standards for admission to the desired college or
2 university and has successfully completed at least seventeen and one-half units
3 of high school course work as permitted by this Subparagraph, which
4 constitutes a core curriculum. Except as otherwise provided by this Section and
5 beginning with the 2013-2014 school year and thereafter, meets the standards
6 for admissions to the desired college or university and has successfully
7 completed at least nineteen units of high school course work as permitted by
8 this Subparagraph, which constitutes a core curriculum. Except as otherwise
9 provided by this Section, the core curriculum shall be defined as follows:

10 (i) English I, II, III, and IV (four units).

11 (ii) Algebra I (one unit) or Applied Algebra 1A and 1B (two units) and
12 Algebra II (one unit).

13 (iii) Geometry, Calculus, or comparable Advanced Mathematics (one
14 unit through the 2012-2013 school year, two units beginning with the 2013-2014
15 school year and thereafter).

16 (iv) Biology (one unit).

17 (v) Chemistry (one unit).

18 (vi) Earth Science, Environmental Science, Physical Science, Biology II,
19 Chemistry II, Physics, Physics II, Physics for Technology, or Agriscience I and
20 II (both for one unit)(one unit through the 2012-2013 school year, two units
21 beginning with the 2013-2014 school year and thereafter).

22 (vii) American History (one unit).

23 (viii) World History, Western Civilization, or World Geography (one
24 unit through the 2012-2013 school year, two units beginning with the 2013-2014
25 school year and thereafter).

26 (ix) Civics and Free Enterprise (one unit combined) or Civics (one unit,
27 nonpublic).

28 (x) Fine Arts Survey (one unit; or substitute two units of performance
29 courses in music, dance, or theater; or substitute two units of visual art courses;

1 or substitute two units of studio art courses; or substitute one unit as an elective
2 from among the other subjects listed in this core curriculum).

3 (xi) Foreign Language (two units in a single language).

4 (xii) Computer Science, Computer Literacy, or Business Computer
5 Applications (one-half unit; or substitute at least one-half unit of an elective
6 course related to computers that is approved by the State Board of Elementary
7 and Secondary Education; or substitute at least one-half unit as an elective from
8 among the other subjects listed in this core curriculum). The provisions of this
9 Item shall not be applicable to any student who graduates during the 2013-2014
10 school year or thereafter.

11 (xiii) For students who graduate through the 2012-2013 school year, at
12 least one unit as an elective from among the following math subjects: Geometry,
13 Calculus, or approved advanced math substitute, or the following science
14 subjects: Biology II, Chemistry II, Physics or Physics II.

15 (f) Students funded through the Louisiana minimum foundation
16 program and who are attending any high school in an adjoining state pursuant
17 to an agreement in effect as of June 4, 1994, between the parish school system
18 and the local governing authority of the school in the adjoining state, shall be
19 considered as having graduated from a state-approved nonpublic high school
20 for the purpose of qualifying under Subparagraphs (A)(1)(b), (c), and (d) of this
21 Section.

22 (2) Any student who is eligible for an Opportunity Loan in accordance
23 with Subparagraph (A)(1)(b) of this Section, who has enrolled in any public
24 college or university in the state to pursue an academic undergraduate degree
25 or skill or occupational training, including a vocational or technical education
26 certificate or diploma program or a nonacademic undergraduate degree, and
27 who meets the qualifications enumerated in Subparagraphs (A)(1)(a) and (e) of
28 this Section, shall be issued by the state an amount determined by the
29 administering agency to equal the tuition charged by the public college or

1 university attended in the state. For any student who meets such qualifications
2 and who has enrolled at any regionally accredited independent college or
3 university in the state which is a member of the Louisiana Association of
4 Independent Colleges and Universities to pursue an academic undergraduate
5 degree or skill or occupational training, including a vocational or technical
6 education certificate or diploma program or a nonacademic undergraduate
7 degree, the state shall issue a loan in an amount to be determined by the
8 administering agency to equal the weighted average of amounts paid under this
9 Section for students attending public colleges and universities that offer
10 academic undergraduate degrees at the baccalaureate level or an amount to be
11 determined by the administering agency to equal the weighted average of
12 amounts paid under this Section for students attending public colleges and
13 universities who are enrolled in the permitted skill or occupational training, as
14 may be applicable.

15 (3) Any student who is eligible for a Performance or Honors loan in
16 accordance with Subparagraph (A)(1)(c) or (d) of this Section and who meets
17 the qualifications enumerated in Subparagraphs (A)(1)(a) and (e) of this
18 Section, shall have payments made on their behalf as follows:

19 (a)(i) For any student who is eligible to receive an Honors Loan in
20 accordance with Subparagraph (A)(1)(d) of this Section and who has enrolled
21 at any public college or university in the state to pursue an academic
22 undergraduate degree or to pursue skill or occupational training, including a
23 vocational or technical education certificate or diploma program or a
24 nonacademic undergraduate degree, the state shall issue a loan in the amount
25 determined by the administering agency to equal the tuition charged by the
26 public college or university attended in the state. The state shall pay a stipend
27 that is not subject to repayment by students who receive the Honors Loan in the
28 amount of four hundred dollars per semester or eight hundred dollars per
29 academic year.

1 (ii) For any student who is eligible to receive an Honors Loan in
2 accordance with Subparagraph (A)(1)(d) of this Section and who has enrolled
3 at any regionally accredited independent college or university in the state which
4 is a member of the Louisiana Association of Independent Colleges and
5 Universities to pursue an academic undergraduate degree or skill or
6 occupational training, including a vocational or technical education certificate
7 or diploma program or a nonacademic undergraduate degree, the state shall
8 issue a loan in an amount determined by the administering agency to equal the
9 weighted average of the amounts loaned under this Section for students
10 attending public colleges and universities that offer academic undergraduate
11 degrees at the baccalaureate level or an amount to be determined by the
12 administering agency to equal the weighted average of amounts paid under this
13 Section for students attending public colleges and universities who are enrolled
14 in the permitted skill or occupational training, as may be applicable. The state
15 shall pay a stipend that is not subject to repayment by students who receive the
16 Honors Loan in the amount of four hundred dollars per semester or eight
17 hundred dollars per academic year.

18 (b)(i) For any student who is eligible to receive a Performance Loan in
19 accordance with Subparagraph (A)(1)(c) of this Section and who has enrolled
20 at any public college or university in the state to pursue an academic
21 undergraduate degree or to pursue skill or occupational training, including a
22 vocational or technical education certificate or diploma program or a
23 nonacademic undergraduate degree, the state shall issue a loan in the amount
24 equal to the tuition charged by the public college or university attended in the
25 state. The state shall pay a stipend that is not subject to repayment by students
26 who receive the Performance Loan in the amount of two hundred dollars per
27 semester or four hundred dollars per academic year.

28 (ii) For any student who is eligible to receive a Performance Loan in
29 accordance with Subparagraph (A)(1)(c) of this Section and who has enrolled

1 at any regionally accredited independent college or university in the state which
2 is a member of the Louisiana Association of Independent Colleges and
3 Universities to pursue an academic undergraduate degree or skill or
4 occupational training, including a vocational or technical education certificate
5 or diploma program or a nonacademic undergraduate degree, the state shall
6 issue a loan in the amount determined by the administering agency to equal the
7 weighted average of the amounts loaned under this Section for students
8 attending public colleges and universities that offer academic undergraduate
9 degrees at the baccalaureate level or the amount to be determined by the
10 administering agency to equal the weighted average of amounts paid under this
11 Section for students attending public colleges and universities who are enrolled
12 in the permitted skill or occupational training, as may be applicable. The state
13 shall pay a stipend that is not subject to repayment by students who receive the
14 Performance Loan in the amount of two hundred dollars per semester or four
15 hundred dollars per academic year.

16 (4) To continue to receive state educational loans under this Part once
17 enrolled in college, a student shall meet all of the following:

18 (a)(i) If pursuing an academic undergraduate degree, make steady
19 academic progress toward a degree as defined by the administering agency,
20 earning not less than the minimum number of hours of credit required for full-
21 time standing in each academic year or the required number of hours needed
22 to complete the undergraduate degree during that semester or quarter.

23 (ii) If pursuing skill or occupational training as provided for by this
24 Subsection, make steady academic progress as defined by the administering
25 agency toward completion of the requirements of the program in which enrolled
26 earning not less than the minimum number of hours of credit required for full-
27 time standing or the required number of hours needed to complete the
28 program's requirements.

29 (iii) If at any time a student fails to maintain the cumulative grade point

1 average required for continuation in the program or as of the end of any
2 semester or term during the academic year fails to make steady academic
3 progress as defined by the administering agency, such student shall become
4 ineligible for further educational loans under this Part. Educational loans in the
5 amount authorized in Paragraph (A)(2) of this Section regardless of whether the
6 originally granted loan was an Opportunity, Performance, or Honors loan may
7 be reinstated upon attainment of the grade point average required by this
8 Paragraph for a student to continue to receive state educational loans under this
9 Part once enrolled in college and the standards for steady academic progress as
10 defined by the administering agency, provided that the student has maintained
11 other continuation requirements and the period of ineligibility did not persist
12 for more than two years from the date of loss of eligibility. If this two-year
13 period is interrupted due to a student's active duty service in the United States
14 Armed Forces, the two-year period shall be extended for a length of time equal
15 to the student's active duty service, not to exceed four years.

16 (b)(i) If pursuing an academic undergraduate degree, maintain
17 continuous enrollment for not less than two semesters or three quarters in each
18 successive academic year, unless granted an exception for cause by the
19 administering agency.

20 (ii) If pursuing skill or occupational training as provided for by this
21 Subsection, maintain continuous enrollment as a full-time student unless
22 granted an exception for cause by the administering agency.

23 (c) For students who are eligible for an Opportunity Loan under
24 Subparagraph A(1)(b) of this Section, have a cumulative grade point average
25 of the following as evaluated at the end of each academic year:

26 (i) At least 2.30 calculated on a 4.00 scale after completion of twenty-four
27 hours of credit.

28 (ii) At least 2.50 calculated on a 4.00 scale after completion of forty-eight
29 hours of credit.

1 (d)(i) For students who are eligible to receive a Performance or Honors
2 loan under Subparagraph A(1)(c) or (d) of this Section, have a cumulative grade
3 point average of at least 3.00 on a 4.00 scale at the end of each academic year.

4 (ii) However, if at any time an otherwise eligible student receiving a
5 Performance or an Honors loan in accordance with the provisions of this Part
6 fails to have a cumulative grade point average of at least 3.00 on a 4.00 scale at
7 the end of any academic year but has and continues to maintain a cumulative
8 grade point average at least equal to that required by Subparagraph (c) of this
9 Paragraph for continued receipt of educational loans by a recipient of an
10 Opportunity Loan, the student receiving a Performance or Honors loan shall
11 remain eligible for state educational loans but only in the amount provided for
12 in Paragraph (A)(2) of this Section for a recipient of an Opportunity Loan. The
13 students shall no longer be eligible for the stipends authorized for the
14 Performance and Honors loans. The provisions of this Item shall apply to all
15 students who receive a Performance or an Honors loan.

16 (5)(a) Notwithstanding any provision of this Section to the contrary, any
17 student who meets all applicable initial and continuing program eligibility
18 requirements of this Section for an Opportunity, Performance, or Honors loan
19 may use the proceeds of such loan at an out-of-state nonpublic college or
20 university when each of the following conditions is met:

21 (i) The college or university is accredited by a regional accrediting
22 organization recognized by the United States Department of Education.

23 (ii) All programs and services at the college or university are specifically
24 designed to accommodate deaf and hard-of-hearing students.

25 (iii) Deaf and hard-of-hearing students comprise the majority of students
26 enrolled at the college or university at the undergraduate level.

27 (iv) The loan recipient meets the admission requirements of the college
28 or university that are applicable to deaf and hard-of-hearing students.

29 (v) The college or university provides to the administering agency such

1 information as would otherwise be required by the agency for program
2 administration purposes from an eligible Louisiana college or university if the
3 student was enrolled in such Louisiana institution.

4 (b)(i) For any student who is the recipient of an Opportunity Loan and
5 who is eligible to use the loan at an out-of-state nonpublic college or university
6 pursuant to the provisions of Subparagraph (a) of this Paragraph, the state shall
7 issue a loan in the amount determined by the administering agency to equal the
8 weighted average of amounts paid under this Section for students attending
9 Louisiana public colleges and universities that offer academic undergraduate
10 degrees.

11 (ii) For any student who is the recipient of a Performance Loan and who
12 is eligible to use the loan at an out-of-state nonpublic college or university
13 pursuant to the provisions of Subparagraph (a) of this Paragraph, the state shall
14 issue a loan in the amount determined by the administering agency to equal the
15 weighted average of amounts paid under this Section for students attending
16 Louisiana public colleges and universities that offer academic undergraduate
17 degrees. The state shall pay a stipend that is not subject to repayment by
18 students who receive the Performance Loan in the amount of two hundred
19 dollars per semester or four hundred dollars per academic year.

20 (iii) For any student who is the recipient of an Honors Loan and who is
21 eligible to use the loan at an out-of-state nonpublic college or university
22 pursuant to the provisions of Subparagraph (a) of this Paragraph, the state shall
23 issue a loan in the amount determined by the administering agency to equal the
24 weighted average of amounts paid under this Section for students attending
25 Louisiana public colleges and universities that offer academic undergraduate
26 degrees. The state shall pay a stipend that is not subject to repayment by
27 students who receive the Honors Loan in the amount of four hundred dollars
28 per semester or eight hundred dollars per academic year.

29 B.(1) A student who meets the requirements of this Subsection shall be

1 **the recipient of a "TOPS-Tech Loan" for the purposes of this program.**

2 **(2) As part of the Louisiana Taylor Opportunity Program for Students,**
3 **the state shall issue a loan in the amount determined by the administering**
4 **agency in accordance with the provisions of Subparagraph (e) of this Paragraph**
5 **for any student who enrolls on a full-time basis in an eligible college or**
6 **university as defined in Subsection A of this Section to pursue skill or**
7 **occupational training as defined by the Board of Regents, including a vocational**
8 **or technical education certificate or diploma program or a nonacademic**
9 **undergraduate degree, and who meets the following qualifications and all other**
10 **applicable qualifications of this Part:**

11 **(a) Complies with the provisions of Subparagraphs (A)(1)(a) and (b) of**
12 **this Section, except that the student shall have a composite score on the specified**
13 **ACT of seventeen or higher or an equivalent concordant value on any enhanced**
14 **or revised version of such test or on the Scholastic Aptitude Test. The student**
15 **may, as an alternative requirement, have attained a silver level score on the**
16 **assessments of the ACT WorkKeys system.**

17 **(b) Except as otherwise provided by this Section, has successfully**
18 **completed a core curriculum, and meets standards for admission to the desired**
19 **eligible college or university. Except as otherwise provided by this Section, a**
20 **student may qualify for a TOPS-Tech Loan by meeting the core curriculum**
21 **requirements of Subparagraph (A)(1)(e) of this Section or the core curriculum**
22 **defined as follows:**

23 **(i) English I, II, III, and IV (four units, or substitute one unit of Business**
24 **English for English IV).**

25 **(ii) Algebra I (one unit); or both Algebra I, Part 1 and Algebra I, Part 2;**
26 **or both Applied Mathematics I and Applied Mathematics II.**

27 **(iii) Geometry, Applied Mathematics III, Algebra II, Financial**
28 **Mathematics, Advanced Mathematics I, Advanced Mathematics II, Discrete**
29 **Mathematics, or Probability and Statistics (two units). Integrated Mathematics**

1 **I, II, and III may be substituted for Algebra I, Geometry, and Algebra II, and**
2 **shall be considered the equivalent of the three required math units.**

3 **(iv) Biology (one unit).**

4 **(v) Chemistry or Applied Chemistry (one unit).**

5 **(vi) Earth Science, Environmental Science, Agriscience I and II (both for**
6 **one unit), Physical Science, Integrated Science, Biology II, Chemistry II,**
7 **Physics, Physics II, or Physics for Technology (one unit).**

8 **(vii) American History (one unit).**

9 **(viii) World History, Western Civilization, or World Geography (one**
10 **unit).**

11 **(ix) Civics and Free Enterprise (one unit combined) or Civics (one unit,**
12 **nonpublic).**

13 **(x) Remaining core courses shall be selected from one of the following**
14 **options:**

15 **(aa) OPTION 1, consisting of four units as follows:**

16 **(I) Fine Arts Survey (one unit) or substitute two units of performance**
17 **courses in music, dance, or theater; or substitute two units of visual art courses;**
18 **or substitute two units of studio art courses; or a course from the career and**
19 **technical program of studies that is approved by the State Board of Elementary**
20 **and Secondary Education; or substitute one unit as an elective from among the**
21 **other subjects listed in this core curriculum.**

22 **(II) Foreign Language, Technical Writing, Speech I, or Speech II (two**
23 **units).**

24 **(III) One unit from the secondary computer education program of**
25 **studies that is approved by the State Board of Elementary and Secondary**
26 **Education.**

27 **(bb) OPTION 2, consisting of six units required as a concentration under**
28 **the career options law as follows:**

29 **(I) At least four units in a career major comprised of a sequence of**

1 related specialty courses.

2 (II) At least two units in related or technical fields, including credit in a
3 basic computer course.

4 (c) Students funded through the Louisiana minimum foundation
5 program and who are attending any high school in an adjoining state pursuant
6 to an agreement in effect as of June 4, 1994, between the parish school system
7 and the local governing authority of the school in the adjoining state shall be
8 considered as having graduated from a state-approved nonpublic high school
9 for the purpose of qualifying under this Section.

10 (d)(i) For any student attending an eligible public college or university
11 that does not offer an academic undergraduate degree at the baccalaureate level
12 or higher, the amount shall equal the actual cost of tuition.

13 (ii) For any student attending an eligible college or university other than
14 as provided for in Item (i) of this Subparagraph, the amount shall equal the
15 weighted average of amounts paid pursuant to Item (i) of this Subparagraph.

16 (3) To continue to receive state educational loans under this Subsection
17 once enrolled in an institution, a student shall meet all of the following:

18 (a) Make steady academic progress as defined by the administering
19 agency toward completion of the requirements of the program in which enrolled
20 earning not less than the minimum number of hours of credit required for full-
21 time standing or the required number of hours needed to complete the
22 program's requirements. If at any time a student fails to maintain the
23 cumulative grade point average required for continuation in the program or as
24 of the end of any term during the school year fails to make steady academic
25 progress as defined by the administering agency, the student shall become
26 ineligible for further receipt of educational loans under this Part. Educational
27 loans may be reinstated upon attainment of the grade point average required
28 for continuation of the original loan and the standards for steady academic
29 progress as defined by the administering agency, provided that the student has

1 maintained other continuation requirements and the period of ineligibility did
2 not persist for more than one year from the date of loss of eligibility. If this one-
3 year period is interrupted due to a student's active duty service in the United
4 States Armed Forces, the one-year period shall be extended for a length of time
5 equal to the student's active duty service, not to exceed four years.

6 (b) Maintain continuous enrollment as a full-time student unless granted
7 an exception for cause by the administering agency.

8 (c) Have a cumulative grade point average of at least 2.5 calculated on
9 a 4.00 scale.

10 (4)(a) In addition to the provisions of the introductory paragraph of
11 Paragraph (A)(1) of this Section, for purposes of the TOPS-Tech Loan as
12 provided by this Part, the term "eligible colleges and universities" shall include
13 any school that has a valid and current certificate of registration issued by the
14 State Board of Cosmetology in accordance with law and that is accredited by an
15 accrediting organization recognized by the United States Department of
16 Education and any proprietary school that has a valid and current license
17 issued by the Board of Regents in accordance with law and that is accredited by
18 an accrediting organization recognized by the United States Department of
19 Education. Such a school also shall comply with all other applicable provisions
20 of this Part and rules adopted by the administering agency relative to a college
21 or university being initially eligible and remaining eligible for program
22 purposes.

23 (b) For a student who is the recipient of a TOPS-Tech Loan and who
24 enrolls in a school that is eligible pursuant to the provisions of Subparagraph
25 (a) of this Paragraph to pursue skill or occupational training as defined by the
26 Board of Regents, including a vocational or technical education certificate or
27 diploma program or a nonacademic undergraduate degree, the state shall issue
28 a loan in the amount determined by the administering agency to equal the
29 weighted average of amounts paid under this Section for students attending

1 public colleges and universities who are enrolled in the permitted skill or
2 occupational training, as may be applicable.

3 (5)(a) In addition to the provisions of the introductory paragraph of
4 Paragraph (A)(1) of this Section, a student who is the recipient of an
5 Opportunity, Performance, or Honors loan and who pursues skill or
6 occupational training as defined by the Board of Regents, including a vocational
7 or technical education certificate or diploma program or a nonacademic
8 undergraduate degree, may use the proceeds of the loan at any school that has
9 a valid and current certificate of registration issued by the Louisiana State
10 Board of Cosmetology in accordance with law and that is accredited by an
11 accrediting organization recognized by the United States Department of
12 Education and at any proprietary school that has a valid and current license
13 issued by the Board of Regents in accordance with law and that is accredited by
14 an accrediting organization recognized by the United States Department of
15 Education. Such a school shall comply with all other applicable provisions of
16 this Part and rules adopted by the administering agency relative to a college or
17 university being initially eligible and remaining eligible for program purposes.

18 (b) For a student who is the recipient of an Opportunity, Performance,
19 or Honors loan and who enrolls in a school that is eligible pursuant to the
20 provisions of Subparagraph (a) of this Paragraph to pursue the skill or
21 occupational training as defined by the Board of Regents, including a vocational
22 or technical education certificate or diploma program or a nonacademic
23 undergraduate degree, the state shall issue a loan in an amount determined by
24 the administering agency to equal the weighted average of amounts paid under
25 this Section for students attending public colleges and universities who are
26 enrolled in the permitted skill or occupational training, as may be applicable.
27 The students who are eligible for the Performance and Honors loans shall also
28 receive the stipends authorized in Subsection A of this Section.

29 C.(1) The provisions of this Section shall be administered by the

1 **Louisiana Student Financial Assistance Commission. The administering agency**
2 **may provide by rule adopted as provided by the Administrative Procedure Act**
3 **for all matters necessary to the implementation of this Section.**

4 **(2) Except as otherwise provided by this Paragraph, the administering**
5 **agency by rule shall provide for:**

6 **(a) A mechanism for informing all students of the availability of the**
7 **assistance provided pursuant to this Section early enough in their schooling that**
8 **a salutary motivational effect is possible.**

9 **(b) Applications, forms, financial audit procedures, eligibility and other**
10 **program audit procedures, and other matters related to efficient operation,**
11 **including timelines and deadlines for receipt by the administering agency of any**
12 **information required to implement the provisions of this Part. The**
13 **administering agency may provide an alternative application for students who**
14 **can demonstrate that they do not qualify for federal grant aid.**

15 **(c)(i) A procedure for waiver of the requirement that a student complete**
16 **the high school curriculum specified in this Section upon proper documentation**
17 **by the high school's principal or authorized designee that the student is an**
18 **exceptional child as defined by R.S. 17:1942(B), excluding gifted and talented,**
19 **and that failure to comply with the specified curriculum was due solely to the**
20 **student's exceptionality.**

21 **(ii) A procedure for waiver of a high school curriculum requirement**
22 **specified in this Section for any student not otherwise covered by the provisions**
23 **of Item (i) of this Subparagraph but who has one or more learning, visual,**
24 **hearing, or physical disabilities diagnosed by a person licensed or certified to**
25 **diagnose such disability, when the diagnosis states the need for the student to**
26 **be provided special accommodation by the high school relative to the**
27 **curriculum requirement, the student requested and was provided such special**
28 **accommodation by the high school, and failure to comply with the curriculum**
29 **requirement was due solely to the student being disabled.**

1 **(d) A requirement that all reports of student performance or disability**
2 **submitted to the administering agency and used to determine student eligibility**
3 **be certified by the responsible authority.**

4 **(e) Guidelines and procedures by which the administering agency may**
5 **update the course name and establish course equivalencies for any course**
6 **included in the definition of core curriculum provided by this Section. The**
7 **guidelines and procedures shall include but not be limited to a requirement that**
8 **any change in a course name and the establishment of any course equivalency**
9 **be done by rule adopted by the administering agency and a requirement that**
10 **prior to issuing a notice of intent to consider any such rule the administering**
11 **agency shall consult with and seek the written comments and recommendations**
12 **of the State Board of Elementary and Secondary Education and the Board of**
13 **Regents on making the name change or establishing the course equivalency.**

14 **(f) Guidelines and procedures directing that when tuition is paid from**
15 **a source other than the loan made pursuant to this Section, the loan shall be**
16 **applied by the institution attended by the student toward payment of expenses**
17 **other than tuition which are described in the term "cost of attendance" as that**
18 **term is defined in 20 U.S.C. 1087(II), as amended, for the purpose of qualifying**
19 **the student or his parent or court-ordered custodian for the federal income tax**
20 **credits provided for under 26 U.S.C. 25A.**

21 **(g)(i)(aa) Guidelines and procedures permitting the administering**
22 **agency to receive and consider an application for an initial loan, an application**
23 **for the continuation of a loan, or an application to return from an out-of-state**
24 **college or university under this Part that is received by the agency after the final**
25 **deadline established by the agency for the receipt of such application but not**
26 **later than one hundred twenty days after the deadline.**

27 **(bb) Guidelines and procedures permitting the administering agency to**
28 **receive and consider an application for a loan under this Part as authorized by**
29 **Subsection T of this Section that is received by the agency after the final**

1 **deadline established by the agency for the receipt of such application, but not**
2 **later than one hundred twenty days after the deadline.**

3 **(ii) When issuing a loan based on an application that is considered by the**
4 **agency pursuant to the provisions of this Subparagraph and such application**
5 **is received by the agency not later than sixty days after the final deadline, the**
6 **agency shall reduce the time period of eligibility for the loan as set forth in**
7 **Subsection H of this Section by one semester or an equivalent number of units**
8 **at an eligible institution which operates on a schedule based on units other than**
9 **semesters.**

10 **(iii) When issuing a loan based on an application that is considered by**
11 **the agency pursuant to the provisions of this Subparagraph and such**
12 **application is received by the agency more than sixty days after the final**
13 **deadline, the agency shall reduce the time period of eligibility for the loan as set**
14 **forth in Subsection H of this Section by two semesters or an equivalent number**
15 **of units at an eligible institution which operates on a schedule based on units**
16 **other than semesters.**

17 **(h)(i) Guidelines and procedures permitting the administering agency to**
18 **receive and consider an applicant's qualifying score on the ACT or on the**
19 **Scholastic Aptitude Test which is first obtained on an authorized testing date**
20 **after the national April ACT testing date in the year of the applicant's high**
21 **school graduation but prior to July first of the year of such graduation.**

22 **(ii) When granting a loan to an applicant whose qualifying test score is**
23 **considered by the agency pursuant to the provisions of this Subparagraph, the**
24 **agency shall reduce the time period of eligibility for the loan as set forth in**
25 **Subsection H of this Section by one semester or an equivalent number of units**
26 **at an eligible institution which operates on a schedule based on units other than**
27 **semesters.**

28 **(3) In addition to any other requirements of this Part, the administering**
29 **agency shall notify all appropriate public and nonpublic school personnel,**

1 **including school counselors, of any changes in law or agency rules relative to the**
2 **Taylor Opportunity Program for Students no later than sixty days after such**
3 **change.**

4 **D. Each city, parish, and other local public school board for the high**
5 **school under its jurisdiction or the principals of such high schools and the**
6 **principal or headmaster of each nonpublic high school approved by the State**
7 **Board of Elementary and Secondary Education shall:**

8 **(1) Using the criteria in Subparagraphs (A)(1)(b), (c), (d), and (e) of this**
9 **Section as the minimum qualifications for selection, identify and certify to the**
10 **administering agency those achieving the required academic standards to**
11 **qualify for a loan pursuant to this Section.**

12 **(2) Using the criteria in Subparagraphs (A)(1)(b) and (B)(2)(b) of this**
13 **Section as the minimum qualifications for selection, identify and certify to the**
14 **administering agency those achieving the required academic standards to**
15 **qualify for a TOPS-Tech Loan pursuant to this Section.**

16 **E.(1) The legislature annually shall appropriate to the administering**
17 **agency funds which, together with any other funds available, are sufficient to**
18 **cover the disbursements for the loans made pursuant to this Part, both initial**
19 **and continuing, for the coming academic year. All loan disbursements shall be**
20 **made by the administering agency directly to the institution to which such loan**
21 **disbursement is due after notice to the institution that the state shall pay, on**
22 **behalf of the qualifying student, the applicable loan amount stipulated in this**
23 **Section and after notice from the institution that the student has actually**
24 **enrolled.**

25 **(2) No loan disbursements made on behalf of any student receiving a loan**
26 **pursuant to the provisions of this Part shall be used by an institution of higher**
27 **education to supplant the granting of free tuition for such student pursuant to**
28 **a scholarship given in accordance with the provisions of Act No. 43 of the 1884**
29 **Regular Session of the Legislature, as amended.**

1 **F. The administering agency may seek, accept, and expend funds from**
2 **any source, including private business, industry, foundations, and other groups**
3 **as well as any federal or other governmental funding available for this purpose.**

4 **G. Implementation of the educational loan program provided by this**
5 **Section shall be subject to the appropriation of funds for this purpose.**

6 **H.(1) No student shall be eligible for an educational loan pursuant to this**
7 **Section for the Opportunity Loan, the Performance Loan, or the Honors Loan**
8 **for more than eight semesters or an equivalent number of units in an eligible**
9 **institution which operates on a schedule based on units other than semesters,**
10 **unless an extension is granted by the administering agency in accordance with**
11 **its rules.**

12 **(2) No student shall be eligible for an educational loan pursuant to this**
13 **Section for the TOPS-Tech Loan for more than two years unless an extension**
14 **is granted by the administering agency in accordance with its rules.**

15 **(3)(a) Any student who is eligible for an Opportunity, Performance, or**
16 **Honors loan and successfully completes an academic undergraduate degree in**
17 **less than the eight semesters or its equivalent loan disbursements provided by**
18 **this Subsection shall be eligible to continue to receive educational loans under**
19 **this Part, in accordance with the limitations as specified in Subparagraph (c) of**
20 **this Paragraph, for any remaining semester or semesters or the equivalent**
21 **thereof of eligibility not used to obtain the undergraduate degree provided such**
22 **student pursues a postgraduate academic degree at an eligible institution and**
23 **the student continues to meet all academic and other requirements provided by**
24 **this Section and by rule of the administering agency for continued receipt of the**
25 **loan as an undergraduate except as such requirements, including requirements**
26 **provided by this Section for undergraduate students, may be modified by the**
27 **administering agency as necessary to apply such requirements to postgraduate**
28 **study.**

29 **(b) In developing rules to implement this Paragraph, the administering**

1 agency shall establish reasonable time lines and deadlines for receipt of any
2 information required to implement this Paragraph both for current and
3 subsequent students receiving Opportunity, Performance, or Honors loans and
4 for any student previously receiving such a loan who successfully completed an
5 academic undergraduate degree in less than eight semesters. Such rules shall
6 also provide for appropriate notice to all such students of the time lines,
7 deadlines, and rules governing implementation of this Paragraph.

8 (c) The amount of the educational loan under this Paragraph shall not
9 exceed the amounts determined by the administering agency to equal the tuition
10 charged for the postgraduate study or for undergraduate full-time enrollment
11 charged by the highest cost public college university in the state, whichever
12 amount is less.

13 I. A loan issued pursuant to this Section may be combined with a
14 disbursement from the Louisiana Student Tuition Assistance and Revenue
15 Trust Program, as provided in R.S. 17:3091 through 3099.2, to pay the student's
16 tuition, and any portion of the loan which is offset by such a disbursement shall
17 then be expended in payment of current year educational expenses as defined
18 by the administering agency and billed to the student by the institution. Any
19 remaining balance of the loan amount may then be expended by the student in
20 payment of room and board.

21 J. No student shall receive a loan disbursement pursuant to this Section
22 in an amount greater than the tuition charged by the institution attended. The
23 institution shall credit any amount in excess of the cost of tuition to the student's
24 account to pay room and board or other "cost of attendance". The student shall
25 apply for a federal grant prior to receiving a grant of state funds under this
26 Section unless the student can demonstrate that he does not qualify for federal
27 grant aid.

28 K.(1)(a) Notwithstanding any provision of this Section to the contrary,
29 any student who accepts loan proceeds as provided in this Section and who also

1 qualifies for any other financial assistance offered by the state public college or
2 university which the student attends shall be allowed to combine such loan and
3 financial assistance in any manner to cover any "cost of attendance" as
4 determined for that student in accordance with regulations governing the award
5 of federal student aid under Title IV of the Higher Education Act of 1965, as
6 amended, including room and board, books, and other instructional materials.

7 (b) Additionally, any student who is eligible for a loan as provided in this
8 Section shall be allowed to use the proceeds of such loan in any manner to cover
9 any "cost of attendance" at an eligible public college or university as
10 determined for that student in accordance with regulations governing the award
11 of federal student aid under Title IV of the Higher Education Act of 1965, as
12 amended.

13 (2) If a student is receiving other financial assistance that, when
14 combined with a loan issued under this Section, exceeds the "cost of
15 attendance" as determined for that student in accordance with regulations
16 governing the award of federal student aid under Title IV of the Higher
17 Education Act of 1965, as amended, the amount of any federal student loans
18 shall be reduced by the amount of such excess and if there is still an excess the
19 amount of the loan under this Part shall be reduced by the amount of such
20 excess.

21 L.(1) In the event the legislature appropriates insufficient money to fund
22 all loans made to students qualifying under the provisions of this Section, the
23 number of students to whom loans shall be made shall be reduced as necessary
24 pursuant to a procedure set out by rule adopted by the administering agency.
25 The procedure shall include consideration of the following:

26 (a) Whether the student is eligible for the TOPS Tech Loan or for the
27 Opportunity, Performance or Honors loans.

28 (b) The scores on the ACT for students who have met the requirements
29 for initial eligibility and have received a loan for less than two semesters or an

1 equivalent number of units.

2 (c) The student's college cumulative grade point average for students
3 who have received a loan for two or more semesters or an equivalent number
4 of units.

5 (d) The number of semesters or equivalent units completed for which a
6 loan was made in accordance with this Section.

7 (e) The scores on the ACT and then on the ability of each student's
8 family to pay the student's tuition as evidenced by the expected family
9 contribution determined by using the standardized federal methodology for
10 establishing student financial need. Students for whom the expected family
11 contribution cannot be determined shall be treated as having the highest
12 expected family contribution.

13 (2) Among students denied their loans as provided in this Subsection,
14 those students whose families have the least capacity to pay shall be the first to
15 receive their loans if monies become available.

16 M.(1) Notwithstanding any initial student eligibility requirement of this
17 Part to the contrary, a student shall be eligible to receive a TOPS-Tech Loan
18 pursuant to this Section provided each of the applicable following conditions are
19 met:

20 (a) The student has been certified by the principal or headmaster to have
21 graduated from an out-of-state high school that is accredited by a regional
22 accrediting organization recognized by the United States Department of
23 Education and meets the standards adopted by the State Board of Elementary
24 and Secondary Education for approval of nonpublic schools in Louisiana; or
25 from a high school which has been approved by the United States Department
26 of Defense.

27 (b) The student has a composite score on the most revision of the ACT
28 which is at least three points higher than that required by this Section for a
29 student graduating from a Louisiana public high school or nonpublic high

1 school which has been approved by the State Board of Elementary and
2 Secondary Education or an equivalent concordant value on an enhanced or
3 revised version of the test or on the Scholastic Aptitude Test.

4 (c) Unless granted an exception for cause by the administering agency,
5 the student has enrolled in a Louisiana public postsecondary institution as a
6 first-time freshman not later than the semester, excluding summer semesters or
7 sessions, immediately following the first anniversary of the date that the student
8 graduated from high school or, if the student joins the United States Armed
9 Forces within one year after graduating from high school, has enrolled in a
10 Louisiana public postsecondary institution as a first-time freshman not later
11 than the semester, excluding summer semesters or sessions, immediately
12 following the fifth anniversary of the date that the student graduated from high
13 school.

14 (d) The student meets the eligibility requirements provided in
15 Subparagraph (A)(1)(a) of this Section.

16 (2) Notwithstanding any initial student eligibility requirement of this
17 Part to the contrary, a student shall be eligible to receive an Opportunity Loan
18 pursuant to this Section provided each of the following conditions are met:

19 (a) The student meets the eligibility requirements provided in
20 Subparagraph (1)(a) of this Subsection.

21 (b) Unless granted an exception for cause by the administering agency,
22 the student has enrolled in an eligible college or university as a first-time
23 freshman not later than the semester, excluding summer semesters or sessions,
24 immediately following the first anniversary of the date that the student
25 graduated from high school or, if the student joins the United States Armed
26 Forces within one year after graduating from high school, has enrolled in an
27 eligible college or university as a first-time freshman not later than the
28 semester, excluding summer semesters or sessions, immediately following the
29 fifth anniversary of the date that the student graduated from high school.

1 (c) The student has a composite score on the ACT which is at least three
2 points higher than that required by this Section for a student graduating from
3 a Louisiana public high school or nonpublic high school which has been
4 approved by the State Board of Elementary and Secondary Education or an
5 equivalent concordant value on an enhanced or revised version of the test or on
6 the Scholastic Aptitude Test.

7 (d) The student meets the eligibility requirements provided in
8 Subparagraph (A)(1)(a) of this Section.

9 (3) Notwithstanding any initial student eligibility requirement of this
10 Section to the contrary, a student shall be eligible to receive a Performance
11 Loan pursuant to this Section provided each of the following conditions are met:

12 (a) The student meets the eligibility requirements provided in
13 Subparagraph (1)(a) of this Subsection.

14 (b) Unless granted an exception for cause by the administering agency,
15 the student has enrolled in an eligible college or university as a first-time
16 freshman not later than the semester, excluding summer semesters or sessions,
17 immediately following the first anniversary of the date that the student
18 graduated from high school or, if the student joins the United States Armed
19 Forces within one year after graduating from high school, has enrolled in an
20 eligible college or university as a first-time freshman not later than the
21 semester, excluding summer semesters or sessions, immediately following the
22 fifth anniversary of the date that the student graduated from high school.

23 (c) The student has a composite score on the ACT which is at least three
24 points higher than that required by this Section for a student graduating from
25 a Louisiana public high school or nonpublic high school which has been
26 approved by the State Board of Elementary and Secondary Education or an
27 equivalent concordant value on an enhanced or revised version of the test or on
28 the Scholastic Aptitude Test.

29 (d) The student meets the eligibility requirements provided in

1 **Subparagraph (A)(1)(a) of this Section.**

2 **(4) Notwithstanding any initial student eligibility requirement of this**
3 **Part to the contrary, a student shall be eligible to receive an Honors Loan**
4 **pursuant to this Section provided each of the following conditions are met:**

5 **(a) The student meets the eligibility requirements provided in**
6 **Subparagraph (1)(a) of this Subsection.**

7 **(b) Unless granted an exception for cause by the administering agency,**
8 **the student has enrolled in an eligible college or university as a first-time**
9 **freshman not later than the semester, excluding summer semesters or sessions,**
10 **immediately following the first anniversary of the date that the student**
11 **graduated from high school or, if the student joins the United States Armed**
12 **Forces within one year after graduating from high school, has enrolled in an**
13 **eligible college or university as a first-time freshman not later than the**
14 **semester, excluding summer semesters or sessions, immediately following the**
15 **fifth anniversary of the date that the student graduated from high school.**

16 **(c) The student has a composite score on the ACT which is at least three**
17 **points higher than that required by this Section for a student graduating from**
18 **a Louisiana public high school or nonpublic high school which has been**
19 **approved by the State Board of Elementary and Secondary Education or an**
20 **equivalent concordant value on an enhanced or revised version of the test or on**
21 **the Scholastic Aptitude Test.**

22 **(d) The student meets the eligibility requirements provided in**
23 **Subparagraph (A)(1)(a) of this Section.**

24 **N.(1) Notwithstanding any initial student eligibility requirement of this**
25 **Part to the contrary, a student shall be eligible to receive a TOPS-Tech Loan**
26 **pursuant to this Section provided each of the following conditions are met:**

27 **(a) The student has been certified by a parent or court-ordered custodian**
28 **to have successfully completed at the twelfth grade level a home study program**
29 **approved by the State Board of Elementary and Secondary Education.**

1 Additionally, the student, if ever enrolled in a Louisiana public high school or
2 nonpublic high school which has been approved by the State Board of
3 Elementary and Secondary Education, must have begun his studies in the
4 approved home study program no later than the conclusion of the tenth grade
5 year.

6 (b) The student meets the eligibility requirements provided in
7 Subparagraph (A)(1)(a) of this Section.

8 (c) The student has a composite score on the ACT which is at least two
9 points higher than that required by this Section for a student graduating from
10 a Louisiana public high school or nonpublic high school which has been
11 approved by the State Board of Elementary and Secondary Education or an
12 equivalent concordant value on an enhanced or revised version of the test or on
13 the Scholastic Aptitude Test.

14 (d) Unless granted an exception for cause by the administering agency,
15 the student has enrolled in a Louisiana public postsecondary institution as a
16 first-time freshman not later than the semester, excluding summer semesters or
17 sessions, immediately following the first anniversary of the date that the
18 student's initial application is received by the administering agency or, if the
19 student joins the United States Armed Forces within one year after completing
20 the home study program, has enrolled in a Louisiana public postsecondary
21 institution as a first-time freshman not later than the semester, excluding
22 summer semesters or sessions, immediately following the fifth anniversary of
23 the date that the student's initial application is received by the administering
24 agency.

25 (2) Notwithstanding any initial student eligibility requirement of this
26 Part to the contrary, a student shall be eligible to receive an Opportunity Loan
27 pursuant to this Section provided each of the following conditions are met:

28 (a) The student meets the eligibility requirements provided in
29 Subparagraphs (1)(a), (b), and (d) of this Subsection.

1 **(b) The student has a composite score on the ACT which is at least two**
2 **points higher than that required by this Section for a student graduating from**
3 **a Louisiana public high school or nonpublic high school which has been**
4 **approved by the State Board of Elementary and Secondary Education or an**
5 **equivalent concordant value on an enhanced or revised version of the test or on**
6 **the Scholastic Aptitude Test.**

7 **(3) Notwithstanding any initial student eligibility requirement of this**
8 **Part to the contrary, a student shall be eligible to receive a Performance Loan**
9 **pursuant to this Section provided each of the following conditions are met:**

10 **(a) The student meets the eligibility requirements provided in**
11 **Subparagraphs (1)(a), (b), and (d) of this Subsection.**

12 **(b) The student has a composite score on the ACT which is at least one**
13 **point higher than that required by this Section for a student graduating from**
14 **a Louisiana public high school or nonpublic high school which has been**
15 **approved by the State Board of Elementary and Secondary Education or an**
16 **equivalent concordant value on an enhanced or revised version of the test or on**
17 **the Scholastic Aptitude Test.**

18 **(4) Notwithstanding any initial student eligibility requirement of this**
19 **Part to the contrary, a student shall be eligible to receive an Honors Loan**
20 **pursuant to this Section provided each of the following conditions are met:**

21 **(a) The student meets the eligibility requirements provided in**
22 **Subparagraphs (1)(a), (b), and (d) of this Subsection.**

23 **(b) The student has a composite score on the ACT which is at least one**
24 **point higher than that required by this Section for a student graduating from**
25 **a Louisiana public high school or nonpublic high school which has been**
26 **approved by the State Board of Elementary and Secondary Education or an**
27 **equivalent concordant value on an enhanced or revised version of the test or on**
28 **the Scholastic Aptitude Test.**

29 **O. To qualify for a loan pursuant to the provisions of this Part, any**

1 student who has successfully completed a home study program approved by the
2 State Board of Elementary and Secondary Education and who has previously
3 attended a Louisiana public high school, a Louisiana nonpublic high school, or
4 an out-of-state high school shall be required to provide certification from the
5 principal, headmaster, or other appropriate person at the high school
6 previously attended that the student was in good standing at the time the
7 student last attended such school.

8 P. Notwithstanding any rule by the administering agency to the contrary,
9 no student who graduates from high school in less than four years and who
10 receives a loan under this Part shall be restricted or otherwise delayed as to the
11 date the loan may be first used at an eligible institution due to the student
12 having graduated from high school in less than four years.

13 Q. In addition to any other eligibility requirement provided for by this
14 Section for a student graduating from a Louisiana nonpublic high school to be
15 eligible for a loan under this Part, the nonpublic high school from which the
16 student graduates shall be approved by the State Board of Elementary and
17 Secondary Education pursuant to R.S. 17:11 and, in addition, shall meet the
18 standards required by the board for the students in such school to be eligible to
19 receive from the state the benefit of appropriations for such items as
20 transportation, textbooks, and administrative cost reimbursement.

21 R. Annually, the Louisiana Student Financial Assistance Commission
22 shall, with the cooperation and assistance of the state's institutions of
23 postsecondary education, query each first-time recipient of a Taylor
24 Opportunity Program for Students loan to determine the extent to which
25 receiving the loan influenced the decision of the student to attend a Louisiana
26 college or university.

27 S.(1) Notwithstanding any initial student eligibility requirement of this
28 Part to the contrary, a student shall be eligible to receive a TOPS-Tech Loan
29 pursuant to this Section provided each of the following conditions are met:

1 **(a) The student has been certified by the principal or headmaster to have**
2 **graduated from a high school located outside of the United States and its**
3 **territories which meets the standards adopted by the State Board of Elementary**
4 **and Secondary Education for approval of nonpublic schools in Louisiana and**
5 **which is accredited by an accrediting organization recognized by the United**
6 **States Department of Education or, in the alternative, has been certified by a**
7 **parent or court-ordered custodian to have successfully completed at the twelfth**
8 **grade level a home study program approved by the State Board of Elementary**
9 **and Secondary Education conducted outside the United States and its**
10 **territories.**

11 **(b) The student has a composite score on the ACT which is at least three**
12 **points higher than that otherwise required by this Section for a TOPS-Tech**
13 **Loan for a student graduating from a Louisiana public high school or an**
14 **equivalent concordant value on an enhanced or revised version of the or on the**
15 **Scholastic Aptitude Test.**

16 **(c)(i) If graduating from a high school and unless granted an exception**
17 **for cause by the administering agency, the student has enrolled in an eligible**
18 **college or university as a first-time freshman not later than the semester,**
19 **excluding summer semesters or sessions, immediately following the first**
20 **anniversary of the date that the student graduated from high school or, if the**
21 **student joins the United States Armed Forces within one year after the date that**
22 **the student graduated from high school, has enrolled in an eligible college or**
23 **university as a first-time freshman not later than the semester, excluding**
24 **summer semesters or sessions, immediately following the fifth anniversary of**
25 **the date that the student graduated from high school.**

26 **(ii) If a completer of a home study program approved by the State Board**
27 **of Elementary and Secondary Education and unless granted an exception for**
28 **cause by the administering agency, the student has enrolled in an eligible college**
29 **or university as a first-time freshman not later than the semester, excluding**

1 summer semesters or sessions, immediately following the first anniversary of
2 the date that the student completed a home study program approved by the
3 State Board of Elementary and Secondary Education or, if the student joins the
4 United States Armed Forces within one year after the date that the student
5 completed a home study program approved by the State Board of Elementary
6 and Secondary Education, has enrolled in an eligible college or university as a
7 first-time freshman not later than the semester, excluding summer semesters or
8 sessions, immediately following the fifth anniversary of the date that the student
9 completed a home study program approved by the State Board of Elementary
10 and Secondary Education.

11 (d) The student meets the eligibility requirements provided in Items
12 (A)(1)(a)(i) and (iv) of this Section, provided that a parent or court-ordered
13 custodian who is living outside the United States and its territories, is actively
14 engaged in work or another activity on behalf of a Louisiana employer or
15 sponsor, and is not on active duty with the United States Armed Forces, may
16 meet the residency requirement specified in Subsection A of this Section for
17 dependent students by providing evidence satisfactory to the administering
18 agency that the parent or court-ordered custodian complies with all of the
19 following:

20 (i) Was a resident of Louisiana who actually lived in Louisiana for at
21 least the twenty-four months preceding the date he started the work or activity
22 outside the United States and its territories.

23 (ii) Has remained a resident of Louisiana through the date of the
24 student's graduation from high school or completion of a home study program
25 approved by the State Board of Elementary and Secondary Education.

26 (2) Notwithstanding any initial student eligibility requirement of this
27 Part to the contrary, a student shall be eligible to receive an Opportunity Loan
28 pursuant to this Section provided each of the following conditions are met:

29 (a) The student meets the eligibility requirements provided in

1 **Subparagraphs (1)(a), (c), and (d) of this Subsection.**

2 **(b) The student has a composite score on the ACT which is at least three**
3 **points higher than that otherwise required by this Section for an Opportunity**
4 **Loan for a student graduating from a Louisiana public high school or an**
5 **equivalent concordant value on an enhanced or revised version of the test or on**
6 **the Scholastic Aptitude Test.**

7 **(3) Notwithstanding any provision of Subparagraph (1)(b) or (2)(b) of**
8 **this Subsection to the contrary and effective for a student qualifying for an**
9 **initial TOPS-Tech or Opportunity loan, the student, if a completer of a home**
10 **study program approved by the State Board of Elementary and Secondary**
11 **Education, shall have a minimum composite score on the ACT which is at least**
12 **two points higher than that otherwise required by this Section for a student**
13 **graduating from a Louisiana public high school or nonpublic high school which**
14 **has been approved by the State Board of Elementary and Secondary Education**
15 **or an equivalent concordant value on an enhanced or revised version of the test**
16 **or on the Scholastic Aptitude Test.**

17 **T. Notwithstanding any provision of this Part to the contrary, any**
18 **otherwise qualified student who meets each of the following conditions and who**
19 **enrolls as a first-time freshman in an out-of-state college or university, or first**
20 **enrolls as a first-time freshman in an eligible college or university in Louisiana**
21 **and subsequently enrolls in an out-of-state college or university, may use the**
22 **educational loan provided for by this Section at an eligible college or university**
23 **in Louisiana in accordance with this Subsection and other applicable provisions**
24 **of this Part; however, the time period of loan eligibility set forth in Subsection**
25 **H of this Section shall be reduced by an equivalent number of units as may be**
26 **applicable for each semester or equivalent time period that the student is**
27 **enrolled in an out-of-state college or university:**

28 **(1) The student has been determined by the administering agency to meet**
29 **the initial eligibility requirements established by this Section for an**

1 **Opportunity, Performance, or Honors loan.**

2 **(2)(a) The student enrolled as a first-time freshman in an out-of-state**
3 **college or university in accordance with the timelines specified by this Section**
4 **for such enrollment in an eligible college or university in Louisiana and the out-**
5 **of-state college or university is accredited by a regional accrediting organization**
6 **recognized by the United States Department of Education, or**

7 **(b) The student enrolled as a first-time freshman in an eligible college or**
8 **university in Louisiana in accordance with the timelines specified by this**
9 **Section for such enrollment, who subsequently enrolled in an out-of-state**
10 **college or university that is accredited by a regional accrediting organization**
11 **recognized by the United States Department of Education, and then re-enrolled**
12 **in an eligible college or university in Louisiana.**

13 **(3) While enrolled in such an out-of-state college or university the**
14 **student met all requirements of this Section that would have been applicable to**
15 **such student for continuation of the initial loan if the student had enrolled in an**
16 **eligible college or university in Louisiana.**

17 **U.(1) In addition to other provisions of this Section relative to student**
18 **eligibility for Opportunity, Performance, and Honors loans, a student who**
19 **meets each of the following conditions shall be eligible for such a loan as**
20 **provided by this Subsection:**

21 **(a) The student meets the citizenship requirements established by this**
22 **Section for program loans and actually resides in this state for at least two years**
23 **prior to the student's first enrollment in an eligible college.**

24 **(b) The student does not meet the initial eligibility requirements for an**
25 **Opportunity, Performance, or Honors loan pursuant to any other provision of**
26 **this Section.**

27 **(c) As certified by a psychologist or psychiatrist licensed to practice in**
28 **Louisiana, the student has a score that is at least in the superior range on the**
29 **Wechsler Intelligence Scale for Children (Third Edition) or revised version of**

1 such instrument or, if provided for by the administering agency by rule, has an
2 equivalent score on a comparable diagnostic instrument.

3 (d) As certified by a psychologist or psychiatrist licensed to practice in
4 Louisiana, the student has a composite score that is at least at the ninetieth
5 percentile at the twelfth grade level in the reading, mathematics, and written
6 language portions of the Wechsler Individual Achievement Test (Second
7 Edition) or revised version of such test or, if provided for by the administering
8 agency by rule, has an equivalent score on a comparable test.

9 (e) Prior to enrolling for the first time in an eligible college or university,
10 the student meets the requirements of this Section otherwise applicable to a
11 student who graduates from an eligible Louisiana high school relative to the
12 student having at least the minimum composite score on the ACT or having an
13 equivalent score on the Scholastic Aptitude Test as specified for the respective
14 loans.

15 (f) The student enrolls in an eligible college or university and after
16 successful completion of twelve hours of credit the student is enrolled in such
17 a college or university on a full-time basis no later than his nineteenth birthday
18 to pursue an academic undergraduate degree at the baccalaureate level. A
19 student's loan pursuant to the provisions of this Subsection shall be effective
20 upon such enrollment on a full-time basis.

21 (g) The student makes steady academic progress as defined by the
22 administering agency toward the baccalaureate degree, earns not less than the
23 minimum number of hours of credit required for full-time standing or the
24 required number of hours needed to complete the degree program
25 requirements, and while pursuing such baccalaureate degree maintains a
26 cumulative grade point average as otherwise required by this Section for the
27 particular loan made to the student.

28 (h) Except as otherwise provided by this Subsection, the student meets
29 and continues to meet all requirements of this Section relative to a student

1 remaining eligible for the particular program loan made to the student once a
2 student is enrolled in an eligible college or university.

3 (2) State educational loan disbursements on behalf of a student eligible
4 for a loan pursuant to this Subsection shall be in the same amounts as otherwise
5 provided for by this Section for the loan. The loans provided by this Subsection
6 shall be for no more than eight semesters or an equivalent number of units in
7 a college or university which operates on a schedule based on units other than
8 semesters unless an extension is granted by the administering agency in
9 accordance with its rules.

10 §3048.23. Taylor Opportunity Program for Students Loan Fund; creation

11 A. In the state treasury, there is hereby created, the Taylor Opportunity
12 Program for Students Loan Fund, hereinafter referred to as the "TOPS Loan
13 Fund."

14 B.(1) All money collected as repayment for loans made pursuant to this
15 Part as well as earnings resulting from the investment of any money in the fund
16 shall, after compliance with Article VII, Section 9(B) of the Constitution of
17 Louisiana, relative to the Bond Security and Redemption Fund, be deposited
18 into the fund. In addition, any unexpended and unencumbered balances
19 remaining in the fund at the end of any fiscal year shall remain in the fund.

20 (2) The state treasurer shall invest money in the fund in the same manner
21 and with the same authority as he has for the state general fund.

22 C. The legislature shall annually appropriate money in the fund, in
23 addition to appropriations from any source, to the commission for the purpose
24 of providing loans in compliance with the provisions of this Part.

25 §3048.24. Promissory note required; repayment of loan; collection;
26 garnishment proceedings

27 A. Prior to acceptance of an Opportunity, Performance, Honors, or
28 TOPS-Tech loan under this Part, the student shall execute a promissory note
29 that includes the terms and conditions upon which the loan shall be made. The

1 promissory note shall be prepared by the in-house counsel of the commission
2 and shall be signed by the student. Electronic signatures shall be accepted.

3 B. The conditions of the loan as provided in the promissory note shall
4 include the student's intent to pursue an academic degree or skill or
5 occupational training, including a vocational or technical education certificate
6 or diploma program or a nonacademic undergraduate degree from an eligible
7 college or university.

8 C. The obligation of the student to repay a loan pursuant to the
9 provisions of this Part shall remain in effect until the student has repaid the
10 loan or the commission has forgiven or discharged the loan, all in accordance
11 with the terms of the promissory note executed by the student for the loan.

12 D. Upon breach of any terms of the promissory note by the student, the
13 remaining amount of the loan paid to the student which the commission has not
14 forgiven or discharged shall become due and payable by the student in
15 accordance with the terms of the promissory note executed by the student, and
16 the commission shall take all necessary steps to secure collection. The
17 commission shall have all authority provided by state law for collection of any
18 student loan debt administered by the commission or for the collection of any
19 debt.

20 E.(1) Notwithstanding any provision of law to the contrary, and in
21 addition to any other authority provided in state law, the commission may
22 garnish the disposable pay of a student who is not making the required
23 repayment under the promissory note or under a repayment agreement with the
24 commission, to collect the amount owed by the student pursuant to the
25 promissory note required by this Section, provided the following requirements
26 are satisfied:

27 (a) The amount deducted for any pay period shall not exceed fifteen
28 percent of the student's disposable pay, except that a greater percentage may
29 be deducted with the written consent of the student.

1 **(b) The student shall be provided written notice, sent by mail to the**
2 **student's last known address, a minimum of thirty days prior to the initiation**
3 **of proceedings informing the student of the nature and amount of the loan**
4 **obligation to be collected, the intention of the commission to initiate proceedings**
5 **to collect the debt through garnishment of the student's pay, and an explanation**
6 **of the rights of the student pursuant to this Subsection.**

7 **(c) The student shall be provided an opportunity to inspect and copy**
8 **records relating to the debt.**

9 **(d) The student shall be provided an opportunity to enter into a written**
10 **agreement with the commission to establish a schedule for the repayment of the**
11 **loan debt.**

12 **(e) The student shall be provided an opportunity for a hearing in**
13 **accordance with Subsection F of this Section concerning the existence or the**
14 **amount of the debt, and, in the case of an individual whose repayment schedule**
15 **is established other than by a written agreement pursuant to Subparagraph (d)**
16 **of this Paragraph, concerning the terms of the repayment schedule.**

17 **(f) No amount may be deducted from the disposable pay of a student who**
18 **was involuntarily separated from employment and has not been re-employed**
19 **for twelve months.**

20 **(2) As used in this Subsection, "disposable pay" means that part of the**
21 **compensation of any person from an employer remaining after the deduction**
22 **of any amounts required by law to be withheld.**

23 **F.(1) A hearing shall be provided prior to issuance of a garnishment**
24 **order if the student, on or before the thirtieth day following the mailing of the**
25 **notice provided for in Subparagraph (E)(1)(b) of this Section, and in accordance**
26 **with such procedures as the commission may prescribe, files a petition**
27 **requesting such a hearing. If the individual does not file a petition requesting**
28 **a hearing prior to such date, the commission shall provide the individual a**
29 **hearing upon request, but such hearing need not be provided prior to issuance**

1 of a garnishment order.

2 (2) Notwithstanding the provisions of any other law to the contrary, any
3 hearing conducted pursuant to this Part may, at the request of the commission,
4 be conducted by any administrative law judge, including those employed by the
5 Division of Administrative Law or its successor; however, a hearing under this
6 Part may not be conducted by an individual under the supervision or control of
7 the commission.

8 (3) The administrative law judge shall issue a final decision no later than
9 thirty days after the hearing.

10 G.(1) The notice to the employer of the withholding order shall contain
11 only such information as may be necessary for the employer to comply with the
12 withholding order.

13 (2) The employer shall pay to the commission as directed in the
14 withholding order issued. The commission may sue the employer to recover any
15 amount that such employer fails to withhold from wages due an employee
16 following receipt of such employer of notice of the withholding order, plus
17 attorney fees and costs. Notwithstanding any provision of law to the contrary,
18 for the purpose of all suits filed against employers under this Paragraph, venue
19 shall be in the Nineteenth Judicial District Court.

20 H. An employer may not discharge from employment, refuse to employ,
21 or take disciplinary action against an individual subject to wage withholding in
22 accordance with this Section by reason of the fact that the individual's wages
23 have been subject to garnishment under this Section, and the individual may sue
24 in a state or federal court of competent jurisdiction any employer who takes
25 such action. The court shall award attorney fees to a prevailing employee and,
26 in its discretion, may order reinstatement of the individual, award punitive
27 damages and back pay to the employee, or order such other remedy as may be
28 reasonably necessary.

29 I. Notwithstanding the provisions of R.S. 9:5701, a loan made under this

Part shall not prescribe.

J. Notwithstanding any other provision of law to the contrary, the administering agency may file suit to collect on defaulted loans. In all these suits, the attorney general shall represent the administering agency.

§3048.25. Reports

The commission shall make a report to the legislature after the end of each fiscal year of its activities under the provisions of this Part.

§3048.26. Annual appropriations for loan operations

Costs for loan operations under this Part, including collection of repayments and of defaulted loans, shall be budgeted by the administering agency and the legislature shall appropriate sufficient funds for these costs on an annual basis.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Sherri H. Breaux.

DIGEST

Present law provides for the Taylor Opportunity Program for Students (TOPS) as a program of merit scholarships for first time freshman attending public postsecondary institutions or regionally accredited independent colleges or universities in this state who meet a specified GPA, ACT score, and core curriculum requirements.

Proposed law retains present law eligibility and requirements for TOPS awards, which will be effective and continue to be effective for any student who graduates from high school through the 2010-2011 school year and who meets the requirements and is awarded a TOPS-Tech, Opportunity, Performance or Honors Award until the student's program eligibility ends or graduation from an eligible college or university occurs.

Proposed law re-establishes TOPS as a loan forgiveness program beginning with students graduating from high school during the 2011-2012 school year. Provides that a TOPS loan will be made to students who intend to pursue an academic undergraduate degree or skill or occupational training from an eligible postsecondary institution. Provides that the establishment of the new loan forgiveness program will in no way affect any student who graduated from high school during the 2010-2011 school year or before and who received a TOPS award under the original TOPS program.

To qualify for a loan, proposed law retains all eligibility requirements as is required for students in present law under the merit scholarship program for a TOPS-Tech, Opportunity, Performance, or Honors award. Provides that all loan amounts to be made under proposed law are the same as those provided under the award program in present law. Provides that any stipend paid for recipients of a Performance or Honors Loan is not subject to repayment. Retains all continuation requirements.

Provides for the adoption of rules for implementation of the loan forgiveness program. Specifies the methods by which loans will be made in event the legislature appropriates

insufficient money to fund all loans made to qualifying under proposed law.

Proposed law, requires, under the loan forgiveness program, for students who do not meet certain continuation requirements, to repay the full amount of the loan with repayment commencing 12 months after eligibility for a loan has terminated or six months after full-time attendance at a college or university has ended. Provides that after a student has completed eligibility, or upon graduation, and before such repayment begins, that the full amount of the loan and the interest accrued be forgiven, provided the student completed and met all the requirements to maintain continued state payments of a loan.

Requires all students who accept an Opportunity, Performance, Honors or TOPS-Tech loan to sign a promissory note with the La. Student Financial Assistance Commission agreeing to the terms and conditions upon which the loan is made. Provides that the obligation of the student to repay a loan remains in effect until the student has repaid the loan or the commission has forgiven or discharged the loan, all in accordance with the terms of the promissory note.

Provides that, upon breach of any terms of the promissory note, the remaining amount of the loan paid to the student which has not been forgiven or discharged becomes due and payable by the student. Grants to the commission all authority provided by state law for collection of any student loan debt administered by the commission or for the collection of any debt.

Authorizes the commission to garnish the disposable pay of a student who is not making the required repayment under the promissory note or under a repayment agreement with the commission, to collect the amount owed by the student pursuant to the promissory note. Specifies conditions and requirements for garnishment.

Provides for a hearing to be provided prior to issuance of a garnishment order if the student files a petition requesting such a hearing, on or before the 30th day following the mailing of the notice regarding the initiation of garnishment proceedings. Provides that if the individual does not file a petition requesting a hearing prior to such date, the commission will provide the individual a hearing upon request, but such hearing need not be provided prior to issuance of a garnishment order.

Provides that any hearing conducted may, at the request of the commission, be conducted by any administrative law judge, including those employed by the Division of Administrative Law. Requires the administrative law judge to issue a final decision no later than 30 days after the hearing.

Allows the administering agency to file suit to collect on defaulted loans, and in all such suits, the attorney general will represent the administering agency.

Creates the TOPS Loan Fund in the state treasury for monies deposited as repayment for loans as well as earnings resulting from the investment of any money in the fund. Provides for any unexpended and unencumbered balances remaining in the fund at the end of any fiscal year to remain in the fund. Provides for the legislature to annually appropriate money in the fund, in addition to appropriations from any source, to the commission for the purpose of providing loans.

Proposed law retains the present law program providing for the payment of monies for books and other instructional materials for those persons serving in the La. National Guard and participating in the tuition exemption program (R.S. 29:36.1) and who meet the qualifications for each TOPS level as provided in present law. Retains all award amounts to such students at each award level.

Proposed law retains present law provisions for the TOPS-Tech Early Start Award for eligible 11th and 12th grade students, which may be used at a La. public postsecondary education institution for the purpose of pursuing an industry-based occupational or

vocational education credential as defined by the Board of Regents.

Effective August 15, 2011.

(Adds R.S. 17:3048, 3048.11, 3048.12, and 3048.21 through 3048.26)