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BOARD OF REGENTS

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AGENDA

STATEWIDE PROGRAMS COMMITTEE

Wednesday, June 16, 2021

12:15 p.m.

Claiborne Building, 1st Floor
Thomas Jefferson A&B, Room 1-136
1201 North Third Street
Baton Rouge, Louisiana

I. Call to Order

II. Roll Call

III. Consent Agenda

- A. Approval of Final Rulemaking to implement the provisions of Act 17 of the Second Extraordinary Legislative Session of 2020 with respect to Hurricane Laura and Hurricane Delta
- B. Approval of Final Rulemaking to implement the provisions of Act 17 of the Second Extraordinary Legislative Session of 2020 with respect to Hurricane Zeta
- C. Approval of Final rulemaking to add two dual enrollment calculus courses as TOPS core curriculum equivalents; to provide that the calculus courses will be graded on a 5.0 scale for the purpose of calculating a student's TOPS high school GPA; to add a provision that proprietary and cosmetology schools shall report to LOSFA whether a student receiving a Chafee Educational and Training Voucher is making satisfactory academic progress for the purpose of determining whether a student meets the continuing eligibility requirements for the program; and to implement COVID-19 as an objective circumstance for which students may request an exception to the continuous enrollment, full time, and earned annual hours requirements for TOPS
- D. Approval of TOPS Exceptions

IV. Adjournment

Committee Members: Randy Ewing, Chair; Charles McDonald, Vice Chair; Sonia Pérez; Terrie Sterling; Collis Temple III; Chandler Vidrine (student member); Felix Weill; Judy Williams-Brown
Staff: Dr. Sujuan Boutté, Executive Director of LOSFA

Agenda Item III.A.

Consent Agenda: Approval of Final Rulemaking to implement the provisions of Act 17 of the Second Extraordinary Legislative Session of 2020 with respect to Hurricane Laura and Hurricane Delta.

Background:

At its December 16, 2020, meeting, the Board of Regents authorized publication of a Notice of Intent to effect the below-described rule changes. The Notice of Intent was published in the *Louisiana Register* on January 20, 2021. The text of the rule changes is reflected on the attached excerpts from the *Louisiana Register*.

This rulemaking was originally published as emergency rules and remains effective for the 2021 academic year:

- Provides that students whose home of record or students who attended a postsecondary institution in one of the parishes affected by Hurricane Laura, Hurricane Delta, or any other natural disaster occurring during the 2020-2021 Academic Year shall not have to meet the following TOPS requirements during the 2020-2021 academic year:
 - Initial Eligibility
 - Completion of the core curriculum upon documentation from the principal that the student's failure to comply was due solely to the fact that the required course(s) were not available to the student at the school attended;
 - Achievement of a higher ACT score if the student was displaced to and graduated from an out of state high school;
 - Beginning a home study program no later than the end of the tenth grade year;
 - Residency: The student or his parents must have been living in Louisiana for at least one year prior to August 26, 2020, for Hurricane Laura, or for one year prior to October 8, 2020, for Hurricane Delta.
 - Continuing Eligibility
 - Steady academic progress;
 - Continuation GPA;
 - Extends period of suspension on a one for one basis for each semester a student is unable to enroll/complete due to the effects of Hurricane Laura or Hurricane Delta.
- Provides exceptions to students in parishes affected by Hurricane Laura or Hurricane Delta as well as deferment and suspension of interest on repayments for the TOPS Teacher Scholarship Program and the Rockefeller State Wildlife Scholarship Program.
- Effective with the passage of Act 17 in November 2020 and implemented through emergency rulemaking, provides for a December 31, 2020, deadline to achieve a TOPS qualifying score on the ACT for 2020 graduates and provides that the administering agency may grant an exception to the December 31, 2020, deadline. In order to qualify for the exception, the student must provide documentation that he was registered for a test prior to the deadline and it was cancelled. He must also document that he was unable to schedule another test that occurred before the deadline. Publication of the final rule will ensure that these provisions remain effective for 2020 graduates.

LOSFA Advisory Board Recommendation

The LOSFA Advisory Board recommends that the Board of Regents authorize publication of the final rule.

Agenda Item III.B.

Consent Agenda: Approval of Final Rulemaking to implement the provisions of Act 17 of the Second Extraordinary Legislative Session of 2020 with respect to Hurricane Zeta.

Background:

At its December 16, 2020, meeting, the Board of Regents authorized publication of a Notice of Intent to effect rule changes to implement Act 17 of the Second Extraordinary Session of 2020 with respect to Hurricane Laura and Hurricane Delta. At that time, it was not known which parishes would be declared a federal disaster area as a result of Hurricane Zeta, and the Board granted authority at that time to add parishes impacted by Hurricane Zeta to the rulemaking as soon as they were known.

The Notice of Intent to implement Act 17 with respect to Hurricane Zeta was published in the *Louisiana Register* on March 20, 2021. The text of the rule changes is reflected on the attached excerpts from the *Louisiana Register*.

This rulemaking was originally published as emergency rules and remains effective for the 2021 academic year:

- Provides that students whose home of record or students who attended a postsecondary institution in one of the parishes affected by Hurricane Zeta shall not have to meet the following TOPS requirements during the 2020-2021 academic year:
 - Initial Eligibility
 - Completion of the core curriculum upon documentation from the principal that the student's failure to comply was due solely to the fact that the required course(s) were not available to the student at the school attended;
 - Achievement of a higher ACT score if the student was displaced to and graduated from an out of state high school;
 - Beginning a home study program no later than the end of the tenth grade year;
 - Residency: The student or his parents must have been living in Louisiana for at least one year prior to October 28, 2020.
 -
 - Continuing Eligibility
 - Steady academic progress;
 - Continuation GPA;
 - Extends period of suspension on a one for one basis for each semester a student is unable to enroll/complete due to the effects of Hurricane Zeta.
- Provides exceptions to students in parishes affected by Hurricane Zeta as well as deferment and suspension of interest on repayments for the TOPS Teacher Scholarship Program and the Rockefeller State Wildlife Scholarship Program.

Effective with the passage of Act 17 in November 2020 and implemented through emergency rulemaking, provides for a December 31, 2020, deadline to achieve a TOPS qualifying score on the ACT for 2020 graduates and provides that the administering agency may grant an exception to the December 31, 2020, deadline. In order to qualify for the exception, the student must provide documentation that he was registered for a test prior to the deadline and it was cancelled. He must also document that he was unable to schedule another test that occurred before the deadline. Publication of the final rule will ensure that these provisions remain effective for 2020 graduates.

LOSFA Advisory Board Recommendation

The LOSFA Advisory Board recommends that the Board of Regents authorize publication of the final rule.

Agenda Item III.C.

Consent Agenda: Approval of Final rulemaking to add two dual enrollment calculus courses as TOPS core curriculum equivalents; to provide that the calculus courses will be graded on a 5.0 scale for the purpose of calculating a student's TOPS high school GPA; to add a provision that proprietary and cosmetology schools shall report to LOSFA whether a student receiving a Chafee Educational and Training Voucher is making satisfactory academic progress for the purpose of determining whether a student meets the continuing eligibility requirements for the program; and to implement COVID-19 as an objective circumstance for which students may request an exception to the continuous enrollment, full time, and earned annual hours requirements for TOPS.

Background:

At its February 24, 2021, meeting, the Board of Regents authorized publication of a Notice of Intent to effect the below-described rule changes. The Notice of Intent was published in the *Louisiana Register* on March 20, 2021. The text of the rule changes is reflected on the attached excerpts from the *Louisiana Register*.

This rulemaking:

- Adds Differential Calculus I and Integral Calculus I as an equivalent to Calculus in the TOPS core curriculum, and it provides that these courses will be graded on a 5.0 scale;
- Provides that a proprietary or cosmetology school who enrolls a former foster care student who is receiving a Chafee Educational and Training Voucher (ETV) shall report whether a student is making satisfactory academic progress in accordance with the school's policy regarding a student's continued eligibility to participate in federal financial aid programs rather than reporting hour attempted, hours earned, and quality points; and

Adds COVID-19 as an objective circumstance for which students may request an exception to the continuous enrollment, full time, and earned annual hours requirements for TOPS through the fall semester of 2021.

LOSFA Advisory Board Recommendation

The LOSFA Advisory Board recommends that the Board of Regents authorize publication of the final rule.

Agenda Item III.D.

Consent Agenda: TOPS Exceptions

Requests for exception to the TOPS regulatory provisions that require students to remain continuously enrolled and to earn the annual credit hours required during the academic year.

Background:

Sections 705.A.6 and 7 of the TOPS administrative rules require TOPS recipients to continue to enroll in the fall and spring semesters of each academic year, to remain enrolled throughout the semester, and to earn the annual credit hours required by the end of the academic year. Section 2103.E authorizes the governing body to grant an exception to these requirements when the “student/recipient has exceptional circumstances that are beyond his immediate control and that necessitate full or partial withdrawal from or non-enrollment in an eligible postsecondary institution.”

Three requests for exception were reviewed and approved by the LOSFA Advisory Board at its meeting of May 13, 2021. The students have presented facts and circumstances that the students believe justify the granting of an exception as an exceptional circumstance.

LOSFA Advisory Board Recommendation

The LOSFA Advisory Board recommends approval of TOPS requests for exception as presented.