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AGENDA
STATEWIDE PROGRAMS COMMITTEE

Wednesday, August 23, 2023
12:30 p.m.

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

- I. Call to Order
- II. Roll Call
- III. Consent Agenda*
 - A. Approval of Rulemaking – LOSFA Advisory Board Bylaws to implement Act 393 of the 2023 Regular Session of the Louisiana Legislature.
 - B. Approval of Rulemaking - Implements Act 287 of the 2023 Regular Session of the Louisiana Legislature.
 - C. Approval of Rulemaking – Implements Act 279 of the 2023 Regular Session of the Louisiana Legislature.
 - D. Approval of Rulemaking - Implements the provisions of Act 267, Act 224, and Act 405 of the 2023 Regular Session of the Louisiana Legislature and re-organizes the core equivalent tables.
 - E. TOPS Exceptions – TOPS provisions that require students to remain continuously enrolled and to earn the annual credit hours required during the academic year.
 - F. TOPS Home Study Exceptions - TOPS provision that requires a student to begin a home study program no later than the conclusion of the tenth grade.
- IV. Other Business
- V. Adjournment

* Act 393 – Open Meetings Laws
Act 287 – Changes to the MJ Foster Promise Program
Act 279 – Creates Patriot Scholarship Program for Louisiana National Guard Members
Act 267 – TOPS Core Curricula Additions and Changes
Act 224 – Tuition Waiver for 100% Disabled Veterans: These individuals will not receive a TOPS Award
Act 405 – Amends Louisiana Residency definition for certain TOPS recipients

Committee Members: Darren G. Mire, Chair, Wilbert D. Pryor, Vice Chair, David J. Aubrey, Randy L. Ewing, Stephanie A. Finley, Felix R. Weill, Judy A. Williams-Brown

Agenda Item III.A.

Consent Agenda: LOSFA Advisory Board Bylaws Rulemaking

Consider amendments to the LOSFA Advisory Board Bylaws to implement Act 393 of the 2023 Regular Session of the Louisiana Legislature.

Background:

Act 393 provides that advisory boards, such as the LOSFA Advisory Board, may conduct no more than one third of its annual meetings electronically, provided certain conditions are met. The bill requires that the Board provide an anchor location from which the presiding officer must conduct the meeting. The presiding officer will be required to receive and acknowledge public comment during the meeting; must ensure the identification of each person participating in the meeting; must require a roll call vote for every motion; and must ensure that all parts of the meeting, excluding executive sessions, can be seen and heard. In the event the meeting becomes unable to be seen or heard, the meeting must be recessed until such time as full audio and visual capabilities are restored. If capabilities are not restored within 2 hours, the meeting must be adjourned, and no further business may occur.

It is strongly recommended that advisory boards provide a schedule of meetings to be conducted electronically, and to be conducted in person.

Members who have a disability that is recognized by the Americans with Disabilities Act (ADA) may attend any or all meetings remotely, their presence will be counted towards a quorum, and they may participate in such meeting as if they are present.

Act 393 also provides a number of administrative requirements with which an advisory board must comply to conduct a meeting remotely. The board must: post the agenda on the agency's website at least 24 hours in advance; notify any member of the public or the news media via email if they request notice via email; post and/or distribute to media outlets and via other methods as needed; and provide detailed information on how to participate and submit comments regarding agenda items on the website.

Finally, Act 393 provides that if a board has the ability, it must provide electronic access to the meeting, regardless of whether the meeting is being conducted one hundred percent in person or electronically in order to allow any member of the public with a disability to participate via electronic means. If the board does not have such capability, it must provide alternative means for participation.

LOSFA Advisory Board Recommendation

The LOSFA Advisory Board recommends that the Board of Regents authorize the executive director to publish a notice of intent to make these rules permanent.

Agenda Item III.B

Consent Agenda: Implements Act 287 of the 2023 Regular Session of the Louisiana Legislature.

Consider rulemaking to implement Act 287 of the 2023 Regular Session of the Louisiana Legislature to make changes to the M.J. Foster Promise Program.

Background:

Act 287 makes extensive changes to the M.J. Foster Promise Program. It allows a student to receive the first payment of an award prior to filing a Free Application for Federal Student Aid (FAFSA). This provision makes the award first dollar for the initial enrollment period. In order for LOSFA to verify the income data typically received from the FAFSA, the act requires the administering agency to enter into Memoranda of Understanding (MOU) with the Louisiana Department of Children and Family Services and the Louisiana Department of Health. These MOU's will set forth the data that will be exchanged in order to allow LOSFA to determine whether an applicant earns less than the income threshold of 300 percent of the poverty level for a family of their size.

Act 287 also expands the costs that can be paid with an award from only tuition and required fees to tuition, required fees, books, and instructional materials. The act eliminates the requirement that a recipient complete at least 20 hours of community service, an apprenticeship program, or mentoring for each year they receive an award.

Act 287 eliminates the working group and adds its responsibilities to the Advisory Council. The working group was initially established in order to develop a comprehensive list of federal, state, and local services available to assist recipients in completing their postsecondary education, including childcare supplements. Subsequent to the first meeting of the working group, it was determined that the membership was a part of the governor's subcabinet and that all of the services to be compiled by the group had been integrated by the United Way in the 211 Platform. As a result, LOSFA entered into an agreement with United Way to provide a direct link to 211 on its website, thus making the working group unnecessary.

Finally, Act 287 adds to the reporting requirements as follows:

- Number of students who do not qualify for federal aid.
- Number of students who are unable to complete the FAFSA due to extenuating circumstances, as defined by the administering agency.
- Number of students enrolled in each program of study.
- Number of students enrolled in each program of study, by credit or non-credit.
- Number of hours to complete credit courses.
- Length of time to complete non-credit courses.
- Cost of each eligible program of study.

LOSFA Advisory Board Recommendation

The LOSFA Advisory Board recommends that the Board of Regents authorize the executive director to publish a notice of intent to make these rules permanent.

Agenda Item III.C

Consent Agenda: Implements Act 279 of the 2023 Regular Session of the Louisiana Legislature.

Consider administrative rulemaking to implement Act 279 of the 2023 Regular Session of the Louisiana Legislature which creates the Patriot Scholarship Program for members of the Louisiana National Guard.

Background:

Act 279 creates the Patriot Scholarship Program which provides payment of mandatory fees for Louisiana National Guard members eligible for the National Guard tuition waiver program provided for in R.S. 29:36.1. In addition to being a member in good standing with the Louisiana National Guard, the student must be a Louisiana resident and be enrolled in a Louisiana public postsecondary institution.

Students may receive the award for four full academic years, including summer semesters/terms until such time as a student achieves a baccalaureate degree. This maximum period may be extended on a semester for semester basis for any semester/term during which the student is called to active duty or mobilized.

To continue receiving the scholarship, a student must remain in good standing with the Louisiana National Guard, must remain eligible for the tuition waiver provided by R.S. 29:36.1, and not be on academic probation.

In addition to the initial and continuing eligibility requirements noted above, the rulemaking provides for the responsibilities of LOSFA, the Board of Regents, and the Louisiana National Guard to ensure the efficient administration of the program. It also provides for data reporting requirements for participating postsecondary institutions.

LOSFA Advisory Board Recommendation

The LOSFA Advisory Board recommends that the Board of Regents authorize the executive director to publish a notice of intent to make these rules permanent.

Agenda Item III.D

Consent Agenda: Implements Act 267, Act 224, and Act 405 of the 2023 Regular Session of the Louisiana Legislature.

Consider rulemaking to amend Sections 301, 701, 703, and 803, and to add Sections 704 and 804 to implement the provisions of Act 267, Act 224, and Act 405 of the 2023 Regular Session of the Louisiana Legislature and re-organize the core equivalent tables.

Background:

This rulemaking deletes the core curriculum tables and the equivalent tables for TOPS Opportunity, Performance, and Honors (OPH) from Section 703 and moves them to Section 704. Likewise, it deletes the TOPS Tech core curriculum tables and the equivalent tables from Section 803 to a new Section 804.

In addition, this rulemaking adds core equivalents and designates core equivalents that may be graded on a 5.0 grading scale that were approved by the Board of Elementary and Secondary Education and the Board of Regents at the joint meeting conducted on June 14, 2023.

Finally, this rulemaking implements the provisions of Act 267, Act 224, and Act 405 of the 2023 Regular Session of the Louisiana Legislature, as follows:

- Act 267
 - Sections 704 and 804: Adds Financial Literacy as a required, one unit core curriculum course for both the TOPS OPH and TOPS Tech core curricula. For TOPS OPH, it adds an additional core curriculum course bringing the total courses required to 20. For TOPS Tech, it reduces the math electives to one course instead of two and adds Financial Literacy as the third required math.
- Act 224
 - Section 701: Adds a provision that students who receive a tuition waiver as a result of being a 100% disabled veteran will not receive a TOPS Award. Note that the House Floor eliminated the stipend of \$600 per academic year and the enhanced book stipend for TOPS Performance and Honors recipients.
- Act 405
 - Section 301: Amends the definition of Louisiana Resident to allow graduates of 2023 and later to meet the residency requirement if their parent or court-ordered custodian was a Louisiana resident for at least the 24 months preceding the date they moved out of the country provided that they remain a Louisiana resident as demonstrated by ownership of property, maintenance of a home, payment of Louisiana taxes, etc. during the entire time the parent or custodian was living out of the country.

LOSFA Advisory Board Recommendation

The LOSFA Advisory Board recommends that the Board of Regents authorize the executive director to publish a notice of intent to make these rules permanent.

Agenda Item III.E.

Consent Agenda: TOPS Exceptions

Requests for exception to the TOPS 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 their immediate control and that necessitate full or partial withdrawal from or non-enrollment in an eligible postsecondary institution.

Nine requests for exception were reviewed and approved by the LOSFA Advisory Board at its meeting on June 22, 2023. 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.

Agenda Item III.F

Consent Agenda: TOPS Home Study Exceptions

Requests for exception to the TOPS provision that requires a student to begin a home study program no later than the conclusion of the tenth grade.

The TOPS statute requires that a student begin a home study program no later than the conclusion of the tenth-grade year. Act 95 of the 2021 Regular Session of the Louisiana Legislature implemented a provision which allows the administering agency to grant exceptions to this requirement when a student provides documentation that the transfer to a home study program later than the statutorily provided time frame was beyond the student's control.

Two requests for an exception to the deadline to begin a home study program were reviewed and approved by the LOSFA Advisory Board at its meeting on June 22, 2023. The students have presented facts and documentation 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 the requests for exception to the deadline to begin a home study program no later than the conclusion of the tenth-grade year.