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AGENDA
STATEWIDE PROGRAMS COMMITTEE

Wednesday, September 20, 2023

11:40 a.m.

Claiborne Building, 1st Floor
Louisiana Purchase Room 1-100
1201 North Third Street
Baton Rouge, Louisiana

- I. Call to Order
- II. Roll Call
- III. Consent Agenda
 - A. Approval of Rulemaking – Reinstates COVID-19 as an objective circumstance for which a student may request an exception.
 - B. TOPS and M.J. Foster Exceptions – TOPS and M.J. Foster provisions that require students to remain continuously enrolled and to earn the annual credit hours required during the academic year.
 - C. 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. National Recovery Month
- V. Other Business
- VI. Adjournment

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: COVID-19 as an Objective Circumstance for TOPS Exception

Rulemaking to reinstate 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 the 2023-2024 academic year.

Background:

Recent reports indicate that the COVID-19 positivity rate within the state has increased from a low of six percent in January 2023 to 25 percent as of August 23, 2023. Staff is seeing an increase in students who are requesting exceptions based on positive COVID-19 tests and based on COVID-19 quarantine protocols.

Those students who have positive COVID-19 tests are currently processed for exceptions based on temporary disability, but those who must quarantine due to being exposed to COVID-19 must be processed as exceptional circumstances. At this time, we have only one student who was able to provide documentation to support such a request.

Exceptions staff also met with a local college's student health center team regarding TOPS exceptions in general, and the staff noted that an increasing number of students are withdrawing from a class or two, or are withdrawing from school completely, due to testing positive, experiencing symptoms, and/or adhering to quarantine protocols for COVID-19.

Throughout the time period during which this exception was applicable, colleges and universities were providing classes either 100% online or in a hybrid format. As a result, the definition of the exception included circumstances wherein the student had difficulty with online learning, enrollment in online instruction was not conducive to the student's course of study, lack of infrastructure to attend class online, and a lack of income for the family due to layoffs or reduced hours due to mitigation measures implemented to prevent the spread of COVID-19. The rulemaking at that time specified the documentation to be provided for each of these.

Since none of the above circumstances are applicable at this time, staff proposes to include a new definition which will be applicable to COVID-19 exceptions for the 2023-2024 academic year, as follows:

- The student has been diagnosed with COVID-19;
- A member of the student's family with whom they reside has been diagnosed with COVID-19;
- The student was exposed to COVID-19 and must adhere to quarantine protocols for COVID-19; or
- The student lives with a family member or provides care to a family member who is at high risk for complications due to COVID-19.

Should classes return to 100% online or hybrid, the definition that was available for the fall semester of 2020 through the summer semester of 2022 will apply. A provision is included in the rulemaking that provides for reinstatement of any or all of these definitions through a bulletin to schools and notification on LOSFA's website and social media pages.

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 permanent rules to reinstate objective COVID-19 exceptions through the end of the 2023-2024 academic year.

Agenda Item III.B.

Consent Agenda: TOPS and M.J. Foster 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 and requests to the M.J. Foster provision that requires students to remain continuously enrolled.

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.

Section 2207.A.5 of the M.J. Foster administrative rules provide that students must maintain continuous enrollment, unless granted an exception for cause in accordance with §2103 of the Scholarship and Grant administrative rules. The same exceptions that apply for TOPS students apply to all programs administered by LOSFA, including M.J. Foster.

Twenty-seven requests for exception to the TOPS requirements and two requests for exception to the M.J. Foster requirement were reviewed and approved by the LOSFA Advisory Board at its meetings on August 2, 2023, and September 13, 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 and M.J. Foster requests for exception as presented.

Agenda Item III.C.

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.

Four requests for an exception to the deadline to begin a home study program were reviewed and approved by the LOSFA Advisory Board at its meetings on August 2, 2023, and September 13, 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.