

2017 Regular Session

HOUSE BILL NO. 390

BY REPRESENTATIVE GARY CARTER

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

TOPS: Provides relative to TOPS award amounts and for procedures for reducing award amounts in the event of insufficient funding

1 AN ACT

2 To amend and reenact R.S. 17:5002(A), (B), and (D) and 5065(D) and to enact R.S.
3 17:5065(E), relative to the Taylor Opportunity Program for Students; to differentiate
4 award amounts for students based on certain financial and academic criteria; to
5 provide for procedures for reducing or eliminating a student's award based on such
6 criteria if the program is funded insufficiently; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 17:5002(A), (B), and (D) and 5065(D) are hereby amended and
9 reenacted and R.S. 17:5065(E) is hereby enacted to read as follows:

10 §5002. Awards and amounts

11 A.(1) A student shall be eligible for an Opportunity, Performance, Honors,
12 or TOPS-Tech Award based on his academic achievement.

13 (2) The award amount as provided for in Subsection B or D of this Section
14 ~~to a student enrolled in any given institution shall be equal to the award amount paid~~
15 ~~for a student at that institution during the 2016-2017 academic year unless the~~
16 ~~legislature, by law, increases the award amount.~~ shall be as provided in this
17 Paragraph.

18 (a) For an eligible student who meets at least one of the following criteria,
19 the award amount shall be the amount determined by the administering agency as

1 applicable to students who meet one of the following criteria attending the applicable
2 type of institution as provided in Subsections B and D of this Section:

3 (i) The student's expected family contribution is no greater than twice the
4 amount necessary to be eligible for a federal Pell Grant.

5 (ii) The student has earned a composite score on the 1990 version of the
6 ACT of thirty or higher or an equivalent concordant value on any enhanced or
7 revised version of such test or on the SAT.

8 (b) For all other eligible students, the award amount shall be the amount
9 determined by the administering agency as applicable to all other eligible students
10 attending the applicable type of institution as provided in Subsections B and D of this
11 Section for the 2017-2018 academic year.

12 B. ~~Any~~ Subject to the limitation in Paragraph (A)(2)(b) of this Section, a
13 student who is eligible for an Opportunity, Performance, or Honors Award pursuant
14 to this Chapter and who has enrolled:

15 (1) In any public college or university in this state, shall be awarded by the
16 state an amount determined by the administering agency to equal the tuition charged
17 by the public college or university ~~during the 2016-2017 academic year.~~

18 (2) At any regionally accredited independent college or university in the state
19 which is a member of the Louisiana Association of Independent Colleges and
20 Universities to pursue an academic undergraduate degree, shall be awarded by the
21 state an amount to be determined by the administering agency to equal the weighted
22 average of amounts ~~paid under this Section~~ for students attending public colleges and
23 universities that offer academic undergraduate degrees at the baccalaureate level
24 ~~during the 2016-2017 academic year.~~

25 (3) In a school that has a valid and current certificate of registration issued
26 by the Louisiana State Board of Cosmetology in accordance with law and that is
27 accredited by an accrediting organization recognized by the United States
28 Department of Education or in any proprietary school that has a valid and current
29 license issued by the Board of Regents in accordance with law and that is accredited

1 by an accrediting organization recognized by the United States Department of
2 Education, shall be awarded by the state an amount determined by the administering
3 agency to equal the weighted average of amounts ~~paid under this Section~~ for students
4 attending public colleges and universities ~~during the 2016-2017 academic year~~ and
5 who are enrolled in the permitted skill or occupational training, as may be applicable.

6 (4) In an out-of-state college or university that is specifically designed to
7 accommodate deaf and hard-of-hearing students under R.S. 17:5027(C), shall be
8 awarded an amount determined by the administering agency to equal the weighted
9 average of amounts ~~paid under this Section~~ for students attending Louisiana public
10 colleges and universities that offer academic undergraduate degrees ~~during the 2016-~~
11 ~~2017 academic year.~~

12 * * *

13 D.(1) Except as otherwise provided in this Subsection and subject to the
14 limitation in Paragraph (A)(2) of this Section, a student who is eligible for a
15 TOPS-Tech Award pursuant to this Chapter and who is enrolled:

16 (a) In an eligible public college or university that does not offer an academic
17 undergraduate degree at the baccalaureate level in those associate's degree or other
18 shorter-term training and education programs that are aligned to state workforce
19 priorities as determined by the Board of Regents and the Louisiana Workforce
20 Investment Council shall be awarded by the state an amount determined by the
21 administering agency to equal the tuition charged by the college or university ~~during~~
22 ~~the 2016-2017 academic year.~~ If the Board of Regents and the Louisiana Workforce
23 Investment Council determine that a program is no longer aligned with those
24 priorities, an otherwise eligible student who had previously received an award and
25 enrolled in that program may continue to use the award.

26 (b) In an eligible college or university other than as provided for in
27 Subparagraph (a) of this Paragraph in those associate's degree or other shorter-term
28 training education programs that are aligned to state workforce priorities as
29 determined by the Board of Regents and the Louisiana Workforce Investment

1 Council shall be awarded by the state an amount determined by the administering
 2 agency to equal the weighted average of amounts ~~paid to~~ for students attending an
 3 eligible public college or university that does not offer an academic undergraduate
 4 degree at the baccalaureate level ~~during the 2016-2017 academic year~~. If the Board
 5 of Regents and the Louisiana Workforce Investment Council determine that a
 6 program is no longer aligned with those priorities, an otherwise eligible student who
 7 had previously received an award and enrolled in that program may continue to use
 8 the award.

9 (2) A student who graduated prior to the 2016-2017 school year, who is
 10 eligible for a TOPS-Tech Award pursuant to this Chapter, and who is enrolled:

11 (a) In an eligible college or university that does not offer an academic
 12 undergraduate degree at the baccalaureate level shall be awarded by the state an
 13 amount determined by the administering agency to equal the tuition charged by the
 14 college or university ~~during the 2016-2017 academic year~~.

15 (b) In an eligible college or university other than as provided for in
 16 Subparagraph (a) of this Paragraph shall be awarded by the state an amount
 17 determined by the administering agency to equal the weighted average of amounts
 18 ~~paid to~~ for students attending an eligible public college or university that does not
 19 offer an academic undergraduate degree at the baccalaureate level ~~during the 2016-~~
 20 ~~2017 academic year~~.

21 * * *

22 §5065. Funding

23 * * *

24 ~~D.(1) In the event~~ If the legislature appropriates insufficient money to fully
 25 fund all awards made to students qualifying under the provisions of this Chapter, the
 26 administering agency shall:

27 (1) ~~equitably~~ Eliminate awards for certain students or equitably reduce the
 28 amount of the program award for ~~each qualifying student~~ certain students by an
 29 equal percentage on a pro rata basis, as provided in this Subsection, so that ~~every~~

1 ~~student receives the award for which he qualifies and~~ the total amount of all awards
2 in any award year does not exceed the funds available to the agency for this purpose,
3 either from legislative appropriation or other sources of funding. Such elimination
4 or reduction shall also apply, in like manner, to any additional amount awarded to
5 a student as provided in R.S. 17:5002(C), referred to in this Subsection as a
6 "stipend".

7 (2) Identify each qualifying student who meets at least one of the following
8 criteria, each of whom is deemed an "identified student" for purposes of this
9 Subsection:

10 (a) His expected family contribution is no greater than twice the amount
11 necessary to be eligible for a federal Pell Grant.

12 (b) He earned a composite score on the 1990 version of the ACT of thirty or
13 higher or an equivalent concordant value on any enhanced or revised version of such
14 test or on the SAT.

15 (3) Determine whether funds are sufficient to fully fund the award and
16 stipend, if applicable, of each identified student. The administering agency shall take
17 the following actions based on this determination:

18 (a) If funds are sufficient, the administering agency shall fully fund the
19 award and stipend, if applicable, of each identified student and subject the awards
20 of other qualifying students to the pro rata cut as provided in Paragraph (1) of this
21 Subsection.

22 (b) If funds are not sufficient, the administering agency shall subject the
23 award of each identified student to the pro rata cut as provided in Paragraph (1) of
24 this Subsection and shall not fund the awards or stipends of other qualifying students.

25 ~~(2)~~E. If awards are reduced or eliminated pursuant to Subsection D of this
26 Section:

27 (1) If a student's award amount is less than the tuition established for the
28 public postsecondary institution in which he is enrolled, the institution may bill the
29 student for the difference between the student's award amount and the tuition

1 established for the institution; unless the institution grants a tuition waiver to the
2 student.

3 ~~(3)~~(2) A student whose award is reduced or eliminated ~~pursuant to this~~
4 ~~Section~~ shall not be required to accept payment of his award or to enroll or maintain
5 continuous enrollment in an eligible college or university during the time period for
6 which there is a funding shortfall and may defer acceptance of his award benefits.
7 If a student opts to defer acceptance of his award payment pursuant to this
8 Paragraph, all of the following shall apply:

9 (a) The student, upon enrollment or re-enrollment in an eligible college or
10 university, shall be eligible to receive all applicable award benefits for any remaining
11 semester or semesters, or the equivalent thereof, of his unused eligibility.

12 (b) The student shall meet all academic and other eligibility requirements
13 provided by this Chapter and by rule of the administering agency, except as
14 otherwise provided in this Subsection.

15 (c) The student shall exhaust all unused award eligibility within five years
16 of the initial reduction or elimination of his award pursuant to this Section, ~~provided~~
17 ~~that if~~ if the student requests and is granted an exception for cause to the
18 requirement to enroll or to maintain continuous enrollment in an eligible college or
19 university, the time period within which the student must exhaust his eligibility for
20 his award shall be extended by the amount of time for which he was granted an
21 exception.

DIGEST

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

HB 390 Original

2017 Regular Session

Gary Carter

Abstract: Sets future TOPS award amounts at the level of 2017-2018 academic year award amounts but provides that this limit does not apply to students meeting certain financial or academic criteria; in the event of a funding shortfall, provides procedures for reducing or eliminating awards based on such criteria.

Taylor Opportunity Program for Students (TOPS), Generally

Present law provides for the Taylor Opportunity Program for Students (TOPS) as a program of merit scholarships for students attending certain postsecondary education institutions who meet certain academic and other qualifications. Provides for Opportunity, Performance and Honors Awards (eight semesters) and TOPS-Tech Awards (two years).

Establishment of Baseline Award Amounts

Present law provides award amounts for Opportunity, Performance, and Honors awards:

Opportunity, Performance, or Honors Award	
Institution Type	Award Amount
La. public college or university	Tuition charged by institution
La. nonpublic college or university	Weighted average of amounts paid for students attending La. public colleges and universities that offer academic baccalaureate degrees
Out-of-state college or university designed to accommodate deaf and hard-of-hearing students	Weighted average of amounts paid for students attending La. public colleges and universities that offer academic undergraduate degrees
Licensed cosmetology and proprietary schools	Weighted average of amounts paid for students attending public colleges and universities for skill or occupational training

Present law provides for award amounts for a TOPS-Tech award:

TOPS-Tech Award	
Institution Type	Award Amount
Public college or university that does not offer an academic undergraduate degree at the baccalaureate level	Tuition charged by institution
Other eligible college or university	Weighted average of amounts paid for students attending an eligible public college or university that does not offer an academic baccalaureate degree

Present law "decouples" TOPS award amounts from future tuition increases by fixing the award amount for a given institution at the award amount *paid* for a student at that institution during the 2016-2017 academic year. (A pro rata cut reduced the awards for all students for the 2016-2017 academic year pursuant to present law; thus, the award amount *paid* during such academic year was a reduced amount.)

Proposed law does the following:

- (1) "Recouples" TOPS awards to future tuition amounts for students whose expected family contribution (EFC) is no greater than twice the amount necessary to qualify for a Pell Grant or whose ACT score is 30 or higher.

- (2) TOPS awards and tuition increases remain decoupled for all other students, but proposed law changes the academic year to which a student's award amount is tied from 2016-2017 to 2017-2018.
- (3) Provides that the fixed amount is the actual award amount as defined by present law (see the tables above) and not the amount paid and provides that weighted averages are those of award amounts and not amounts paid.

Funding

Present law requires the legislature annually to appropriate funds sufficient to cover the costs of TOPS awards. Proposed law retains present law.

Present law requires the administering agency, if the legislature appropriates insufficient money to fully fund all awards, to equitably reduce the amount of award for each qualifying student by an equal percentage on a pro rata basis (a "pro rata cut"), so that every student receives the award for which he qualifies and the total amount of all awards in any award year does not exceed the funds available.

Proposed law requires identification of each student whose EFC is no greater than twice the amount necessary to qualify for a Pell Grant or whose ACT score is 30 or higher; such students are referred to as identified students. Provides for application of pro rata cuts to award amounts, as required by present law, as follows:

- (1) If funds are sufficient to fully fund awards for such identified students, other students are subject to pro rata cuts.
- (2) If funds are not sufficient to fully fund awards for such identified students, the identified students are subject to pro rata cuts and awards are eliminated for other students.

(Amends R.S. 17:5002(A), (B), and (D) and 5065(D); Adds R.S. 17:5065(E))