

# DECLARATION OF EMERGENCY

**Student Financial Assistance Commission  
Office of Student Financial Assistance  
Scholarship/Grant Programs  
TOPS Tech Early Start Award  
(LAC 28:IV.1001, 1003, 1005, 1007, 1009, 1011, 1013, 1015, 1017, 1901)**

The Louisiana Student Financial Assistance Commission (LASFAC) is exercising the emergency provisions of the Administrative Procedure Act [R.S. 49:953(B)] to amend and re-promulgate the rules of the Scholarship/Grant programs (R.S. 17:3021-3025, R.S. 3041.10-3041.15, and R.S. 17:3042.1.1-3042.8, R.S. 17:3048.1, R.S. 56:797.D(2)).

This rulemaking implements Act 737 of the 2014 Regular Session of the Louisiana Legislature by amending the TOPS Tech Early Start Award rules to provide payment to public and nonpublic postsecondary institutions and approved training providers that provide dual enrollment courses to eligible public high school students in occupational and vocational training programs leading to a credential approved by the Louisiana Investment Council in a top demand occupation. The emergency rules are necessary to implement changes to the Scholarship/Grant programs to allow the Louisiana Office of Student Financial Assistance and state educational institutions to effectively administer these programs. A delay in promulgating rules would have an adverse impact on the financial welfare of the eligible students and the financial condition of their families. LASFAC has determined that these emergency rules are necessary in order to prevent imminent financial peril to the welfare of the affected students.

This declaration of emergency is effective July 17, 2014, and shall remain in effect for the maximum period allowed under the Administrative Procedure Act. (SG15154E)

## Title 28

### EDUCATION

#### Part IV. Student Financial Assistance—Higher Education Scholarship and Grant Programs

#### Chapter 10. TOPS-Tech Early Start Award

##### §1001. General Provisions

A. Legislative Authority. The TOPS-Tech Early Start Award was created by Act 348 of the 2005 Regular Session of the Louisiana Legislature and amended by Act 737 of the 2014 Regular Session of the Legislature.

B. Description, History and Purpose. The TOPS-Tech Early Start Award is established as part of the Taylor Opportunity Program for Students (TOPS) to provide grants for Louisiana residents taking a technical or applied course in pursuit of pursuing occupational or vocational training while being dually enrolled in a state public high school at the 11th and 12th grade levels and at a Louisiana public or nonpublic postsecondary institution or in an approved training program that offers an occupational or vocational education credential in a top demand occupation. The purpose of TOPS-Tech Early Start is to provide an incentive for qualified Louisiana public high school students to prepare for and pursue an industry-based occupational or

vocational education credential in a top demand occupation while still in high school.

C. Effective Date. The TOPS-Tech Early Start Award shall be first awarded beginning with the 2005-2006 award year to 11th and 12th grade students meeting the eligibility criteria set forth in this Chapter.

D. Eligible Terms. The TOPS-Tech Early Start Award is limited to six credit hours per semester and 12 credit hours each academic year (college). TOPS-Tech Early Start is not payable for summer semesters or sessions.

E. Award Amount. The TOPS-Tech Early Start Award provides a payment not to exceed \$300 for up to six credit hours each semester or \$600 each academic year (college) at a rate of \$50 per credit hour.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3036, R.S. 17:3042.1, R.S. 17:3048.1 and R.S. 17:3048.5.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 31:3109 (December 2005), LR 35:231 (February 2009).

##### §1003. ~~Top Demand Occupation~~ **Definitions**

Approved Training Program-a program provided by an approved training provider of technical and/or applied courses toward a credential in a top demand occupation.

Approved Training Provider-a Louisiana provider recognized by the Louisiana Workforce Commission and approved by the State Board of Elementary and Secondary Education to provide technical and/or applied courses toward a credential in a top demand occupation.

Credential-Industry-Based Certification, a Certificate of Applied Science or a Certificate of Technical Sciences approved by the Workforce Investment Council.

~~A. For the purposes of this Chapter, a credential in a "Top Demand Occupation":~~an occupation

- ~~1. is a credential defined by the Board of Regents; and~~
- ~~2. is identified by the Occupation Forecasting Conference as being a credential for an occupation in top demand in Louisiana; and~~
- ~~3. is recognized by the State Industry-Based Certification Leadership Council; and~~
- ~~4. is approved by the State Board of Elementary and Secondary Education; and~~
- ~~5. is approved by the Board of Supervisors of Community and Technical Colleges.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3036, R.S. 17:3042.1, R.S. 17:3048.1 and R.S. 17:3048.5.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 31:3110 (December 2005).

**§1005. Establishing Eligibility**

A. To establish eligibility for the TOPS-Tech Early Start Award, the student applicant must meet all of the following criteria:

1. be in the 11th or 12th grade in a Louisiana public high school;
2. have prepared a five-year education and career plan, including a sequence of related courses with a career focus as provided by the High School Career Option Subchapter in R.S. 17:183.2 et seq.;
3. have a cumulative high school grade point average on all courses attempted of not less than 2.0 when calculated on a 4.0 scale;
- ~~4. have at least the minimum scores required to pass the mathematics and English portions of the graduation exit exam established by the State Board of Elementary and Secondary Education;~~
5. score at least 15 on the English subsection and 15 on the mathematics subsection of the ACT PLAN assessment administered as part of Louisiana's Educational Planning and Assessment System;
6. enroll in a course in an Industry-Based Occupational or Vocational Education Credential Program in a top demand occupation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3036, R.S. 17:3042.1, R.S. 17:3048.1 and R.S. 17:3048.5.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 31:3110 (December 2005).

**§1007. Maintaining Eligibility**

A. To continue receiving the TOPS-Tech Early Start Award, the recipient must meet all of the following criteria:

~~1. agree that the award will be used exclusively for educational expenses; and~~

~~2.1.~~ be a student in good standing in a Louisiana public high school; and

~~3.2.~~ maintain a cumulative high school grade point average on all courses attempted of not less than 2.0 when calculated on a 4.0 scale; and

~~4.3.~~ continue to pursue one or more courses leading to an industry-based a credential in a top demand occupation; and

~~5.4.~~ be a student in good standing while enrolled in a Louisiana public or nonpublic postsecondary education institution or an approved training program; and

~~6.5.~~ maintain *steady academic progress* as defined in §301; and

~~7. maintain, by the end of the spring term, a cumulative college grade point average of at least 2.50 on a 4.00 maximum scale.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3036, R.S. 17:3042.1, R.S. 17:3048.1 and R.S. 17:3048.5.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 31:3110 (December 2005).

**§1009. Responsibilities of LOSFA**

A. Upon receipt of bills from institutions submitted in accordance with §1903.B, LOSFA will reimburse the institution for each eligible student in accordance with §1903.

B. LOSFA shall conduct audits of participating Louisiana public and nonpublic postsecondary institutions, approved training providers, and high schools to ensure compliance with program requirements.

C. LOSFA shall provide the information necessary to fully inform Louisiana public high school students and their parents on the requirements of and procedures for applying for and maintaining the award.

D. In the event that the funds appropriated for the TOPS-Tech Early Start Award are insufficient to pay all awards for all eligible students, LOSFA shall develop and submit to LASFAC a plan to limit the awards to the amount appropriated.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3036, R.S. 17:3042.1, R.S. 17:3048.1 and R.S. 17:3048.5.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 31:3110 (December 2005), amended LR 36:2029 (September 2010).

**§1011. Responsibilities of High Schools**

A. The high school shall comply with the reporting requirements of §1703 for all students enrolled in high school.

B. The high school shall determine whether the student is eligible to participate in the TOPS-Tech Early Start

program and approve or disapprove the student's participation in the program.

C. The high school's approval of a student's participation in the program by signing the student's application certifies that the student meets the eligibility criteria provided in §1005.A.1-5, and, if applicable, §1007.A.21 and 32.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3036, R.S. 17:3042.1, R.S. 17:3048.1 and R.S. 17:3048.5.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 31:3110 (December 2005), amended LR 36:2029 (September 2010).

### **§1013. Responsibilities of Louisiana Public and Nonpublic Postsecondary Institutions and Approved Training Providers**

A. Each Louisiana public and nonpublic postsecondary institution and each approved training provider that offers an industry based occupational or vocational education credential in a top demand occupation shall:

1. determine whether an eligible student has applied for enrollment in a course at that institution or provider to pursue an industry based occupational or vocational education credential in a top demand occupation in accordance with §1903.D;

2. determine whether the student has met the requirements to maintain an award as required by §1007.A.34-65;

3. submit bills to LOSFA in accordance with §1903.B for each eligible student so enrolled; and

4. comply with the reporting and records retention requirements of §1903.A and F.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3036, R.S. 17:3042.1, R.S. 17:3048.1 and R.S. 17:3048.5.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 31:3111 (December 2005), amended LR 36:2030 (September 2010).

### **§1015. Responsibilities of the Board of Regents Workforce Investment Council**

~~A.—The Board of Regents~~ Workforce Investment Council shall define, maintain, and make available to LOSFA and to public and nonpublic postsecondary institutions and to Louisiana training providers a list of industry based occupational or vocational education credentials.

~~B.—In the event that the funds appropriated for the TOPS-Tech Early Start Award are insufficient to pay all awards for all eligible students, the Board of Regents shall develop, approve and deliver a plan to LOSFA to limit the awards to the amount appropriated.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3036, R.S. 17:3042.1, R.S. 17:3048.1 and R.S. 17:3048.5.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 31:3111 (December 2005), amended LR 36:2030 (September 2010).

### **§1017. Responsibilities of the State Board of Elementary and Secondary Education (BESE)**

A. BESE shall determine which training providers are approved to provide courses each academic year for the TOPS-Tech Early Start Award in accordance with LSA R.S. 17:3048.5.B.(4).

B. BESE shall notify LOSFA of the names and addresses for the approved training providers no later than March 1 for the fall of that year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3036, R.S. 17:3042.1, R.S. 17:3048.1 and R.S. 17:3048.5.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 31:3111 (December 2005), amended LR 36:2030 (September 2010).

## **Chapter 19. Eligibility and Responsibilities of Post-Secondary Institutions**

### **§1901. Eligibility of Post-Secondary Institutions to Participate**

A. Undergraduate degree granting schools which are components of Louisiana public university medical centers and two- and four-year public colleges and universities are authorized to participate in the Taylor Opportunity Program for Students (TOPS), TOPS-Tech, TOPS-Tech Early Start, Rockefeller State Wildlife Scholarship, ~~Leveraging Educational Assistance Partnership (LEAP) Program~~ and the GO-Youth ChalleNGe Program.

B. Regionally accredited private colleges and universities which are members of the Louisiana Association of Independent Colleges and Universities, Inc. (LAICU) are authorized to participate in TOPS (for both academic programs and programs for a vocational or technical education certificate or diploma or a non-academic undergraduate degree), TOPS-Tech, TOPS Tech Early Start Award, ~~LEAP~~ and the GO-Youth ChalleNGe Program. As of April 2000, LAICU membership included Centenary College, Dillard University, Louisiana College, Loyola University, New Orleans Theological Seminary, Our Lady of the Lake College, Our Lady of Holy Cross College, St. Joseph Seminary College, Tulane Medical Center, Tulane University and Xavier University.

C. Campuses of Louisiana Technical College are authorized to participate in TOPS, TOPS-Tech, TOPS-Tech Early Start, ~~LEAP~~ and the GO-Youth ChalleNGe Program.

~~D. Approved—Eligible~~ Louisiana proprietary and ~~cosmetology/beauty~~ schools are authorized to participate in LEAP-TOPS for all awards and TOPS Tech Early Start Awards only.

E. Out-of-state colleges and universities may participate in TOPS if all the conditions of §703.I are met.

~~F. Eligible cosmetology and proprietary schools may participate in TOPS for all awards. Approved training~~

providers may participate in the TOPS Tech Early Start Award Program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3036, R.S. 17:3042.1 and R.S. 17:3048.1 and R.S. 17:3050.1-3050.4.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 22:338 (May 1996), repromulgated LR 24:645 (April 1998), amended LR 24:1914 (October 1998), LR 25:1459 (August 1999), LR 26:1998 (September 2000), repromulgated LR 27:1864 (November 2001), amended LR 28:448 (March 2002), LR 30:784 (April 2004), LR 31:3111 and 3114 (December 2005), LR 35:235 (February 2009), LR 35:1490 (August 2009), LR 36:2857 (December 2010).

**Family Impact Statement:** The proposed rule has no known impact on family formation, stability, or autonomy, as described in LSA-R.S. 49:972.

**Poverty Impact Statement:** The proposed rulemaking will have no impact on poverty as described in LSA-R.S. 49:973.

**Business Impact Statement:** The proposed rule will have no adverse impact on small businesses as described in LSA-R.S. 49:965.2 *et seq.*

**Provider Impact Statement:** The proposed rule will have no adverse impact on providers of services for individuals with developmental disabilities as described in HCR 170 of 2014.

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