

DECLARATION OF EMERGENCY
Louisiana Board of Regents
Office of Student Financial Assistance
Scholarship/Grant Programs
Chafee Educational and Training Voucher Program
(LAC 28:IV.1805 and 1813)

The Louisiana Board of Regents is exercising the emergency provisions of the Administrative Procedure Act [R.S. 49:950 et seq]] to amend and re-promulgate the rules of the Scholarship/Grant programs (LSA-R.S. 17:3021-3025, LSA-R.S. 3041.10-3041.15, LSA-R.S. 17:3042.1.1-3042.8, LSA-R.S. 17:5001 et seq., and LSA-R.S. 56:797.D(2)).

This rulemaking implements the Family First Prevention Services Act of 2018 as it relates to the eligibility of students to participate in and receive funding under the federal Chafee Educational and Training Voucher Program.

The emergency rules are necessary to implement changes to the Scholarship/Grant programs to allow the Louisiana Office of Student Financial Assistance to administer the payments to postsecondary institutions for this program on behalf of the Louisiana Department of Children and Family Services. A delay in promulgating rules would have an adverse impact on the financial welfare of the eligible students who are or have aged out of the foster care program. The Board of Regents 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 September 26, 2018, and shall remain in effect for the maximum period allowed under the Administrative Procedure Act. (SG19184E)

TITLE 28
EDUCATION

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

Chapter 18. Chafee Educational and Training Voucher Program

§1805. Eligibility

A. To establish eligibility through the 2017-2018 academic year, a student must:

1. be ages 16 to 21, except that a student who was participating in the Chafee ETV Program at age 21 may continue to receive ETVs until he attains the age of 23; and

2. be in the foster care system, or aged out of the foster care system, or was under legal guardianship, or was in the foster care system or under legal guardianship and was adopted after age 16; and

3. be enrolled in postsecondary education; and

4. annually complete the free application for federal student aid.

B. To establish eligibility beginning in the 2018-2019 academic year, a student must:

1. be ages 14 to 26;

2. be in the foster care system, aged out of the foster care system, exited the foster care system through legal

guardianship or adoption after attaining the age of 16, or was in the foster care system after the age of 14 and exited for reasons other than adoption, guardianship, or aging out; and

3. be enrolled in postsecondary education; and

4. annually complete the free application for federal student aid.

B.C. To continue to receive Chafee ETV through the 2017-2018 academic year, a student must:

1. not have attained the age of 21, or the age of 23 if the student was receiving a Chafee ETV at the age of 21 and received the Chafee ETV continuously; and

2. be making satisfactory academic progress in his program of study.

D. To continue to receive Chafee ETV beginning in the 2018-2019 academic year, a student must:

1. not have attained the age of 26; and

2. be enrolled in postsecondary education; and

3. not have participated in the program for more than five years, whether or not consecutively; and

4. be making satisfactory academic progress in his program of study.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3031 and R.S. 17:3129.7.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 36:2548 (November 2010), amended LR 40:52 (January 2014),

amended by the Board of Regents, Office of Student Financial Assistance, LR 44:555 (March 2018).

§1813. Responsibilities of the Louisiana Department of Children and Family Services (DCFS)

A. Through the 2017-2018 academic year, DCFS shall verify that a student:

1. was in the foster care system, or aged out of the foster care system; or
2. was under legal guardianship; or
3. was in the foster care system or under legal guardianship and was adopted after age 16; or
4. is a Native American whose Indian tribe has an approved plan under Title IV-E of the Social Security Act for foster care, adoption assistance, and kinship guardianship within that Indian tribe.

B. Beginning in the 2018-2019 academic year, DCFS shall verify that a student:

1. be in the foster care system, aged out of the foster care system, exited the foster care system through legal guardianship or adoption after attaining the age of 16, or was in the foster care system after the age of 14 and exited for reasons other than adoption, guardianship, or aging out; or

2. is a Native American whose Indian tribe has an approved plan under Title IV-E of the Social Security Act for foster care, adoption assistance, and kinship guardianship within that Indian Tribe.

BC. DCFS will notify LOSFA of any students who are eligible to receive a Chafee ETV and for whom LOSFA did not previously request verification in accordance with §1817.A, including those students who may be attending school in a state other than Louisiana.

CD. In the event of receipt of notice of a shortfall and additional funds are not allocated for payment of all anticipated awards for subsequent semesters, terms and sessions during the academic year, DCFS shall develop, approve and deliver a plan to LOSFA to address the shortfall.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3031 and R.S. 17:3129.7.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 36:2549 (November 2010), amended by the Board of Regents, Office of Student Financial Assistance, LR 44:556 (March 2018).

Robyn Rhea Lively
Senior Attorney