LOUISIANA OFFICE OF STUDENT FINANCIAL ASSISTANCE

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NOTICE OF INTENT
Louisiana Board of Regents
Office of Student Financial Assistance
Scholarship/Grant Programs
MJ Foster Promise Program
(LAC 28:IV.Chapter 22)

The Louisiana Board of Regents announces its intention to amend its Scholarship/Grant rules (LSA-R.S. 17:3021-3025, LSA-R.S. 3041.10-3041.15, LSA-R.S. 17:3042.1, LSA-R.S. 17:3048.1, LSA-R.S. 17:3048.5 and LSA-R.S. 17:3048.6).

This rulemaking adds Chapter 22 to the Scholarship and Grant Program rules to implement the M.J. Foster Promise Program, enacted by Act 457 of the 2021 Regular Session of the Louisiana Legislature. (SG22201NI)

TITLE 28

EDUCATION

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

Chapter 22. M.J. Foster Promise Program

§2201. General Provisions

A. Act 457 of the 2021 Regular Session of the Louisiana Legislature establishes the M.J. Foster Promise Program in R.S 17:3047 et seq. The Act provides that the board shall establish the criteria for initial and continuing eligibility and other requirements not otherwise provided in the statutes. The Act further provides that the M.J. Foster Promise Program shall be administered by the board through the Louisiana Office of Student Financial Assistance.

B. Description and Purpose. The M.J. Foster Promise Program provides financial assistance to eligible students enrolled in two year public post-secondary institutions and accredited proprietary schools to pursue an associate degree or a shorter term credential aligned with Louisiana's workforce priorities.

C. Effective Date. Awards shall be made, and these rules shall apply, beginning with the 2022-2023 academic year.

D. Authority to Audit. By participating in the scholarship and grant programs administered by the board and described in LAC 28:IV, all participants grant the board, LOSFA, and the Louisiana Legislative Auditor the right to inspect records and perform on-site audits of each institution's administration of the programs for the purpose of determining the institution's compliance with state law and the board's rules and regulations.

E. Discrimination Prohibition. The exclusion of a person from equal opportunity for an M.J. Foster Promise Program grant by the board because of race, religion, sex, handicap, national origin or ancestry is prohibited. No policy or procedure of this agency shall be interpreted as superseding or contradicting this prohibition.

F. Criminal Penalties. If an erroneous award has been made and the board determines that the award was made based upon incorrect information submitted by the student or the student's parent(s) or court-ordered custodian, the board may seek reimbursement from the student, the student's parent(s) or court-ordered custodian, and if it is further determined that the award was made due to an intentional misrepresentation by the student, the student's parent(s) or court-ordered custodian, then the board shall refer the case to the attorney general for investigation and prosecution. If a student or the student's parent(s) or court-ordered custodian is suspected of having intentionally misrepresented the facts which were provided to the board and used by it to determine the eligibility of the student for the program and the board has referred the case to the attorney general for investigation, then the student shall remain ineligible for future award consideration pending an outcome of said investigation which is favorable to the student.

G. Award amount. The award amount shall be applied only to tuition and fees required for enrollment. A student who is eligible for the Taylor Opportunity Program for Students (TOPS) as well as the M.J. Foster Promise Program shall receive the highest award available only.

1. For programs which exceed one year, the award amount shall not exceed three thousand two hundred dollars ($3,200) per academic year for a student enrolled full time, or an amount proportional to the hours in which the student is enrolled if enrolled less than full time.

2. For programs which can be completed in less than one year, the award amount may exceed the amount provided for in paragraph 1 of this subsection.

3. In no case shall a student be awarded more than six thousand four hundred ($6,400) over a three year period.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3047 et seq.

HISTORICAL NOTE: Promulgated by the by the Board of Regents, Office of Student Financial Assistance, LR 44:

§2203. Definitions

A. Words and terms not otherwise defined in this Chapter shall have the meanings ascribed to such words and terms in this Section. Where the masculine is used in these rules, it includes the feminine, and vice versa; where the singular is used, it includes the plural, and vice versa. The term "the board" refers to the Louisiana Board of Regents.

Academic year—for purposes of this program, the academic year begins on July 1 and ends on the following June 30.

Administering Agency—the Louisiana Board of Regents (the Board) through the Louisiana Office of Student Financial Assistance (LOSFA).

Continuous enrollment—

a. Earn at least one shorter-term postsecondary education credential per year if enrolled in a qualified program below the associate degree level; or

b. Enroll in the fall and spring semester at each academic year if enrolled in a qualified program at the associate degree level.

Eligible Colleges—two-year public postsecondary institutions and accredited proprietary schools licensed by the board in the state of Louisiana.

Louisiana Resident—

a. a dependent or independent student whose true, fixed, and permanent home of residence is Louisiana as reported on the free application for federal student aid (FAFSA);

b. a dependent student whose non-custodial parent completes a residency affidavit in Subparagraph f below that establishes Louisiana residency;

c. a veteran of the United States Armed Forces who received an honorable discharge or general discharge under honorable conditions within the twenty-four months preceding the date of application and who has become a resident of Louisiana since separation from the United States Armed Forces;

d. the spouse or dependent child of a resident of Louisiana on active duty with the United States Armed Forces who is stationed outside Louisiana but who claims Louisiana as the state of legal residence and who has filed a Louisiana state income tax return for the most recent two years;

e. the spouse or dependent child of a nonresident of Louisiana on active duty with the United States Armed Forces who is stationed in Louisiana under permanent change of station orders and who, not later than one hundred eighty days after reporting, changes his military personnel records to establish Louisiana as the official state of legal residence and complies with Louisiana income tax laws and regulations for the time period while stationed in Louisiana;

f. if the dependent or independent student does not report Louisiana as his true, fixed, and permanent home of residence as Louisiana on the FAFSA, the board may require an independent student applicant or the parent of a dependent student applicant to show proof of residency. Residency may be established by completion of a standard affidavit developed by the board. Such affidavits must be completed in their entirety by the independent student applicant or by at least one parent of the dependent student applicant and be sworn to and notarized by a licensed notary public. Further, the affiant shall be required to submit records in support of the affidavit to include the following records and such other records as may be required by the board:

i. if registered to vote, a Louisiana voter registration card; and

ii. if licensed to drive a motor vehicle, a Louisiana driver's license; and

iii. if owning a motor vehicle located in Louisiana, a Louisiana registration for that vehicle; and

iv. if earning a reportable income, Louisiana tax returns for the most recent two years.

Qualified Program of Study—one of five industry sectors that are predominated by high-demand, high-wage jobs that are aligned to the state's workforce priorities as determined by the Advisory Council.

Steady Academic Progress—for students enrolled full time, make sufficient progress toward completion of the program of study in which the student is enrolled such that he is expected to graduate before or within 100% of the time allotted for completion of such program. For a student enrolled less than full time, before or within the maximum time period for which he may receive an M.J. Foster Promise Program award.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3047 et seq.

HISTORICAL NOTE: Promulgated by the by the Board of Regents, Office of Student Financial Assistance, LR 44:

§2205. Initial Eligibility

A. To be eligible for an M.J. Foster Promise Award, a student must:

1. Be 21 years of age as of the date the school bills LOSFA for your award;

2. Have earned a high school diploma or equivalent or co-enroll in a qualified program of study and in a program to earn a high school credential that is recognized by the state of Louisiana;

3. Be a U.S. Citizen;

4. Be a Louisiana Resident as defined in §2203;

5. Have not previously earned an undergraduate degree at the associate level or above;

6. Complete the Free Application for Federal Student Aid (FAFSA);

7. If served in the U.S. Armed Forces and been separated from service, have received an honorable discharge or a general discharge under honorable conditions;

8. Meet the admission requirements of the institution he plans to attend; and

9. Enroll and remain enrolled in an eligible program of study through the 14th class day at semester schools, or, for any qualifying summer sessions, students attending proprietary schools, and students enrolled in a program that is not provided on a traditional semester/term basis, through the end of the last day to drop and receive a full refund for the course of study in which enrolled.

10. Agree to reside and work full time in Louisiana for a minimum of one year after the completion of the last program of study for which funding is received.

11. Agree to perform each year funding is received at least 20 hours of community service or participate in at least 20 hours in an internship, apprenticeship, or mentorship that is related to the qualified program of study.

B. In addition to the above, the applicant must certify that:

1. He is not currently imprisoned; and

2. He has not been convicted of a violent crime as defined in LSA R.S. 14:2(B); and

3.a. He has a family income that does not exceed three hundred percent of the federal poverty guidelines published by the United States Department of Health and Human Services; or

b. certify that he is currently unemployed or has been underemployed for a period of at least six months prior to the date he would receive a grant.

C. All applicants will be required to agree that the Board of Regents and the Office of Student Financial may verify the applicant's criminal history, employment records, and income information. Submission of an application for a grant under this Chapter constitutes express permission for the Louisiana Department of Corrections and Public Safety, the Louisiana State Police, the Louisiana Department of Revenue, and the Louisiana Workforce Commission to release personally identifiable information to LOSFA for the purposes of verification and program reporting. An individual's personally identifiable information will be maintained in a secure environment and will not be released except as necessary to administer this program and for audit purposes.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3047 et seq.

HISTORICAL NOTE: Promulgated by the by the Board of Regents, Office of Student Financial Assistance, LR 44:

§2207. Continuing Eligibility

A. To maintain eligibility to receive an M.J. Foster Promise Award, a recipient must:

1. Annually complete the Free Application for Federal Student Aid;

2. Annually complete the on-line application for an M.J. Foster Promise Program award;

3. Make steady academic progress as defined in §2203;

4. Remain in good academic standing at the college in which enrolled;

5. Maintain continuous enrollment, unless granted an exception for cause in accordance with §2103 of these rules;

6. Maintain a cumulative grade point average of at least 2.00 calculated on a 4.00 scale in a qualified program for which letter grades are issued;

7. Maintain steady academic progress in a qualified program for which letter grades are not issued;

8. Not be incarcerated and not have a conviction for any crime of violence as defined in R.S. 14:2(B);

9. If served in the U.S. Armed Forces and been separated from service, have received an honorable discharge or a general discharge under honorable conditions;

10. Have received the award for not more than three consecutive academic years unless an exception for cause is granted in accordance with §2103 of these rules;

11. Have not used the award to earn more than sixty (60) hours of college credit; and

12. Certify the completion of at least twenty (20) hours of community service or twenty (20) hours of participation in an apprenticeship, internship, or mentorship for the prior calendar year.

B. A recipient may continue to receive an award under this section after he has completed one or more qualified programs of study other than an associate's degree if:

1. He continues to meet all of the continuing eligibility requirements set forth in §2207.A.; and

2. He has not exhausted the maximum award eligibility of six thousand four hundred dollars ($6,400); and

3. He has not received the award for three years.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3047 et seq.

HISTORICAL NOTE: Promulgated by the by the Board of Regents, Office of Student Financial Assistance, LR 44:

§2209. Responsibilities of Eligible Colleges

A. Initial Eligibility. Eligible colleges must determine:

1. That an applicant meets the enrollment requirements at the college;

2. That an applicant is enrolled in an eligible program of study;

3. That an applicant has attained a high school diploma or is co-enrolled in a program to attain a high school equivalency diploma; and

4. The appropriate award amount for the student as determined in accordance with §2201.G. and its M.J. Foster Promise Program packaging policy.

B. Continuing Eligibility. Eligible Louisiana institutions must determine whether a recipient is in good academic standing.

C. Packaging Policy

1. Eligible colleges must establish and use a policy on M.J. Foster Promise Program packaging that provides:

a. procedures for compliance with these rules and the guidance established by the board and published by LOSFA for determining the award amount;

b. record retention to comply with Subsection I of this Section;

c. the basis used to establish award amounts;

d. awards amounts for less than full-time students;

e. procedures for identification of transfer students and ensuring transfer students receive awards on the same basis as home students;

f. procedures that identify students who meet the criteria provided in §2211.F. when sufficient funding is not available to fund all eligible students; and

g. method for determining that a student has made steady academic progress.

2. Eligible colleges must revise the institution's M.J. Foster Promise Program packaging policy as necessary to reflect changes to the applicable legislation and administrative rules promulgated by the board to implement this program.

D. Award Amount. Eligible Louisiana institutions must establish the award amounts for each individual student based on the institution's financial aid packaging policy. The amount awarded must comply with the requirements and limitations established in these rules and the guidance published by LOSFA.

E. Submission of Payment Requests. Each semester, quarter or term, eligible Louisiana institutions shall submit a payment request to LOSFA for students enrolled at the institution who have been determined eligible for an M.J. Foster Promise Program as follows:

1. for each student eligible for an award who is enrolled at the end of the fourteenth class day for semester schools (the ninth class day for quarter and term schools), or for any qualifying summer sessions, students attending proprietary schools, or students enrolled in a program that is not provided on a traditional semester/term basis, at the end of the last day to drop and receive a full refund for the course of study in which enrolled;

2. the payment request shall include the:

a. Social Security number;

b. college code;

c. term;

d. date;

e. program type

i. associate's degree;

ii. certificate program (one year);

iii. certificate program (two year);

iv. CareerTech (1 – 8 credits);

v. CareerTech (9 or more credits);

vi. diploma program;

vii. credential of value;

viii. on ramp credential.

ix. concurrent enrollment in a program that results in a high school equivalency diploma;

f. CIP code for the course of study in which enrolled;

g. Degree level code for the course of study in which enrolled;

h. Increment key for the course of study in which enrolled;

i. amount requested for each student;

j. anticipated time to complete program of study

i. less than one year;

ii. more than one year.

F. At the end of every semester or term, or upon completion of a program of study, the following shall be reported:

1. hours attempted, if enrolled in an associate's degree program;

2. hours earned, if enrolled in an associate's degree program; and

3. whether the student completed his program of study.

G. Over Payments

1. No institution shall submit a payment request for M.J. Foster Promise Program funds which would result in a student receiving an annual total of more than is authorized in §2201.G.

2. Eligible Louisiana institutions certify by submitting a payment request for an M.J. Foster Promise Program grant that the institution will:

a. reimburse LOSFA for the total amount of any award that is disbursed to ineligible students; and

b. for any amount of an award that is in excess of the maximum lifetime award ($6,400).

H. Excess Award. In the event an excess award occurs during the fall semester or quarter or the winter quarter due to receipt of additional gift aid, the school shall reduce the award amount for the spring accordingly. In the event an excess award occurs during the spring semester or quarter due to receipt of additional gift aid, the school shall document the reason for the excess award.

I. Over Award. In the event the student's total aid exceeds his financial need for tuition and fees, any federal loan aid included in the total aid package shall be reduced, then M.J. Foster Promise Program grant, institutional and other aid in accordance with institutional practice, then the Louisiana GO Grant, shall be reduced by the amount of any remaining over award.

J. Records Retention. Records pertaining to an M.J. Foster Promise Program grant are subject to audit as required by the board and the Louisiana Legislative Auditor. Eligible Louisiana institutions shall maintain all records for a minimum of three years from creation. All such records shall be made available upon request by the board and/or the Louisiana Legislative Auditor.

K. Each eligible Louisiana institution shall provide a copy of its M.J. Foster Program packaging policy as required by §2209.C to LOSFA, when requested.

L. Audits. Eligible Louisiana institutions that participate in the M.J. Foster Promise Program grant LOSFA and the Louisiana Legislative Auditor the right to inspect records and perform on-site audits of each institution's administration of the program for the purpose of determining the institution's compliance with state law and applicable rules and regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3047 et seq.

HISTORICAL NOTE: Promulgated by the by the Board of Regents, Office of Student Financial Assistance, LR 44:

§2211. Responsibilities of the Louisiana Office of Student Financial Assistance

A. LOSFA shall provide an on-line application that must be completed by any student who wishes to apply for an M.J. Foster Promise Program award.

B. LOSFA shall determine whether an applicant meets the initial eligibility criteria set forth in §2205.A.1-7, 10-11, and B.

C. LOSFA shall provide a roster of eligible applicants to eligible colleges.

D. LOSFA shall provide an on-line application that must be completed by any student who wishes to apply for an M.J. Foster Promise Program award.

E. LOSFA shall determine whether an applicant meets the initial eligibility criteria set forth in §2205.A.1-7, 10-11, and B.

F. LOSFA shall provide a roster of eligible applicants to eligible colleges.

G. LOSFA shall pay each eligible college the amount requested by the eligible college in accordance with the provisions of §2209.E.

H. LOSFA shall maintain a database of all students who have received an M.J. Foster Promise Program award, including, but not limited to, all information reported by eligible colleges in accordance with §2209. In the event LOSFA receives a payment request in an amount that would exceed the maximum amount payable to a student, LOSFA will require the school to rebill.

I. Adequacy of Funding. In the event available funding is not sufficient to fund all eligible award applicants, awards shall be provided in the order in which complete applications are received. Priority shall be given to previous award recipients who have met all requirements for maintaining the award and who are continuing in a qualified program for which they previously received an award.

J. LOSFA shall audit eligible Louisiana institutions to ensure compliance with these rules.

K. LOSFA shall enter into Memoranda of Understanding with the Louisiana Department of Public Safety and Corrections, the Louisiana State Police, the Louisiana Department of Revenue, and the Louisiana Workforce Commission for the purpose of obtaining data to verify applicant statements and reporting.

L. Establishment of Working Group.

1. LOSFA shall establish a working group to identify all federal, state, and local programs that provide assistance to individuals and families to support award recipients' pursuit of higher education.

2. Such working group shall consist of representatives from all of the following:

a. The Louisiana Department of Children and Family Services;

b. The Louisiana Department of Health;

c. The Louisiana Department of Education;

d. The Louisiana Workforce Commission;

e. The Louisiana Department of Veterans Affairs;

f. The Louisiana Association of Student Financial Aid Administrators;

g. The office of student financial assistance;

h. The Louisiana Department of Public Safety and Corrections; and

i. Any other entity identified as providing financial or other support to individuals seeking to pursue a higher education.

3. LOSFA shall compile, post, and update a list of all such programs on its website.

AUTHORITY NOTE:Promulgated in accordance with R.S. 17:3047 et seq.
HISTORICAL NOTE: Promulgated by the by the Board of Regents, Office of Student Financial Assistance, LR 44:

§2213. Responsibilities of the Louisiana Board of Regents

A. Advisory Council.

1. The Board of Regents shall convene an Advisory Council to perform the following functions for the purpose of identifying qualified programs of study for the M.J. Foster Promise Program:

a. Identify not more than five industry sectors and that lead to high demand, high wage jobs that are aligned to state workforce priorities;

b. Review postsecondary education requirements of each job identified;

c. Identify programs of study at the associate level and below that lead to the identified jobs in each industry sector; and

d. At least once every three years, review the state's return on investment in awards made.

2. Identification of industry sectors, high demand high wage jobs, and required degrees and credentials of the identified jobs shall, at a minimum, be based upon the following:

a. A review of the most current statewide and regional industry and occupational forecasts approved by the Occupational Forecasting Conference and the Louisiana Workforce Investment Council;

b. A review of nationally recognized databases for industry and occupational projections; and

c. Input from the regional development organizations in each region.

3. The Advisory Council shall identify and assist in the establishment of mechanisms to support award recipients to complete a qualified program and to gain employment in the job for which training was received. Such mechanisms shall include the provision of college academic and career counseling and employer partnerships for developing mentorship programs and work-based learning experiences.

4. The Advisory Council shall consist of the following members:

a. The chancellor of Louisiana State University at Eunice.

b. The chancellor of Southern University at Shreveport.

c. The president of the Louisiana Community and Technical College System.

d. The commissioner of higher education.

e. The state superintendent of education.

f. The secretary of the Louisiana Department of Economic Development.

g. The executive director of the Louisiana Workforce Commission.

h. The chairman of the Louisiana Workforce Investment Council.

i. The secretary of the Louisiana Department of Revenue.

5. The Advisory Council shall meet by January 1, 2022, and at least once every three years thereafter to review the workforce priorities of the state and each of its workforce regions and designate qualified programs of study.

B. The Board of Regents shall enter into Memoranda of Understanding with the Louisiana Department of Public Safety and Corrections, the Louisiana State Police, the Louisiana Department of Revenue, and the Louisiana Workforce Commission for the purpose of obtaining data to verify applicant statements and reporting.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3047 et seq.
HISTORICAL NOTE: Promulgated by the by the Board of Regents, Office of Student Financial Assistance, LR 44:

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HISTORICAL NOTE: Promulgated by the by the Board of Regents, Office of Student Financial Assistance, LR 44:

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 Analysis 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.

Interested persons may submit written comments on the proposed changes (SG21200NI) until 4:30 p.m., February 10, 2022, by email to LOSFA.Comments@la.gov or to Sujuan Williams Boutté, Ed. D., Executive Director, Office of Student Financial Assistance, P. O. Box 91202, Baton Rouge, LA 70821-9202.

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