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AGENDA
LEGISLATIVE COMMITTEE
March 26, 2014
1:55 p.m.
Claiborne Building
Louisiana Purchase Room 1-100
1201 North Third Street
Baton Rouge, Louisiana

- I. Call to Order
- II. Roll Call
- III. 2014 Legislative Session Updates
 - 1. Update on Board of Regents' Bills
 - 2. Update on Bills Impacting Board of Regents
 - 3. Update on Bills Impacting Higher Education
 - 4. Bills Being Monitored
- IV. Other Business
- V. Adjournment

Committee Members: Robert Levy, Chair; Joe Wiley, Vice Chair; Joel Dupré; Chris Gorman; Richard Lipsey; Edward Markle; Roy Martin III; Louisiana Community and Technical College System Representative; Louisiana State University System Representative; Southern University System Representative; University of Louisiana System Representative

2014 BILLS BY TOPIC

Note: The summaries provided below are meant as a quick reference only. Where necessary, please refer to the bill for complete details.

A. BoR Bills

1. HB 433 (Carter) State Authorization Reciprocity Agreement
 - a. Allows BoR to enter into SARA
 - b. Allows BoR to charge institutions seeking to participate a fee
 - c. Allows BoR exempt institutions approved by other SARA states
2. SB 149 (Appel) repeal LaSIP provisions to dissolve LaSIP Council
 - a. Grants, contracts and activities related to professional development of teachers will continue within BoR in their current form
3. SB 321 (Riser) Capital outlay
 - a. Raises the small project cap from \$500K to \$1M
 - b. Allows short-term loans payable from self-generated revenues

B. Bills with Direct Impact on BoR

1. HB 588 (Carter) Constitutional Amendment: board member qualifications
 - a. Amends the constitution to allow the legislature to establish qualification criteria to be appointed to higher education boards
2. HB 696 (Carter) Companion bill on board member qualifications
 - a. Lists various very specific qualifications for appointment to higher education boards, such as specific educational levels, experience as corporate executive, economic development, etc.
3. SB 108 (Appel) Commissioner of Higher Education: legislative approval
 - a. Removes senate confirmation requirement for the commissioner
 - b. Removes JLCB salary approval

C. Tuition

1. HB 222 (Leger) Constitutional Amendment
 - a. Prohibits tuition increases (increase in self-generated revenues) from being used to displace, replace or supplant state funding for higher education

- b. If passed by the necessary 2/3 vote of each chamber, issue will be presented to the electorate at the Nov. 4, 2014 election
2. HB 943 (Richard) Tuition charges per-hour basis
 - a. Subject to the provisions of Art. VII, Sec. 2.1, bill allows system boards to charge per-credit tuition above 12 credits
 - b. TOPS does not cover the additional tuition amounts above 12 credits
 - c. System boards must establish criteria for waivers of per-credit tuition in cases of financial hardship.
 3. SB 124 (Nevers) Constitutional Amendment (tuition and fees)
 - a. Amends the constitution to grant tuition-setting authority to management boards
 - b. If passed by the necessary 2/3 vote of each chamber, issue will be presented to the electorate at the Nov. 4, 2014 election
 4. SB 343 (Donahue) Constitutional Amendment (tuition and fees)
 - a. Amends the constitution to grant tuition-setting authority to management boards
 - b. If passed by the necessary 2/3 vote of each chamber, issue will be presented to the electorate at the Nov. 4, 2014 election

D. TOPS

1. HB 260 (Kenny Cox) TOPS-Tech requirements
 - a. Lowers minimum ACT score for initial TOPS-Tech from 17 to 16
 - b. Appears to apply retroactively (returning veterans, for example)
2. HB 385 (Harrison) TOPS eligibility requirements
 - a. Increases minimum score for TOPS Opportunity Award from 20 to 22 for 2018 grads
 - b. Repayment obligations for first-time awardees in 2015-16 if student fails to meet the requirements of steady academic progress or full-time status
 - c. Caps TOPS at the lesser of tuition cost at public institution or \$1600
3. HB 510 (Greene)
 - a. Increases minimum score for TOPS Opportunity Award from 20 to 21 and GPA from 2.50 to 2.75 starting with 2017 grads
4. HB 710 (Greene)
 - a. Extends TOPS to students who first graduate from an out-of-state college and pursue a graduate degree in a Star 4 or Star 5 job

5. HB 760 (Ortego)
 - a. Lowers minimum ACT score for TOPS-Tech award from 17 to 16
6. HB 977 (K. Jackson)
 - a. Increases minimum GPA for TOPS Opportunity Award GPA from 2.50 to 3.0 for 2018, 19 and 20 grads and to 3.00 thereafter
 - b. Sets minimum cumulative GPA for TOPS Performance Award GPA at 3.50 and ACT score at the average composite score during the prior year at the attending institution
 - c. Increases minimum GPA for TOPS Honors Award GPA from 3.50 to 3.70 and the ACT score at the average composite score during the prior year at the attending institution
7. HB 997 (Hunter)
 - a. Extends TOPS to students who graduated from high school in 2010-11 and first graduate from an out-of-state college.
 - b. Such a student must first reside in La. for one year for each year of TOPS award or repay the award
 - c. Provides that if such a student does not graduate, the student must repay the award
8. HB 1009 (Greene)
 - a. Maintains current levels of TOPS awards (except Honors, which is omitted)
 - b. But the full amount is not paid until the semester is completed
 - c. Student is required to pay a % of the tuition up front (% depends on the award level) and is then reimbursed if he/she successfully completes the semester
9. HB 1023 (Kleckley)
 - a. Increases minimum ACT score for TOPS Opportunity from 20 to 22 for 2018, 19 and 20 grads and to 24 thereafter
 - b. Increases GPA for TOPS Opportunity from 2.50 to 2.75 for 2018, 19 and 20 grads, and to 3.00 thereafter
 - c. Deletes current TOPS Opportunity award amount provisions
 - d. Adds new provision that requires first-time recipients qualifying on or after July 1, 2017 to pay a % of the tuition, according to a payment schedule
10. SB 98 (Nevers)
 - a. Allows certain honors courses used to complete TOPS core curriculum to be converted to a five-point scale for calculating GPA

11. SB 126 (Nevers)

- a. Allows TOPS-Tech Early Start award to be used for certifications approved by WIC
- b. Eliminates graduate exit exam requirements

12. SB 190 (Morrish)

- a. Caps TOPS Opportunity award amount at 2013-2014 levels, plus 10% of 2013-14 award amount
- b. Allows for CPI adjustments starting with 2015-16
- c. Allows such Opportunity award amounts in addition to Performance and Honors awards to qualifying students

13. SB 340 (Donahue)

- a. Beginning in 2015-2016, caps TOPS Opportunity award amount at 2014-2015 levels
- b. Beginning in 2016-2017, allows for CPI adjustments
- c. Allows such Opportunity award amounts in addition to Performance and Honors awards to qualifying students
- d. These changes will not go into effect until the Constitution is amended to grant tuition-setting authority to management boards

14. SB 367 (Crowe)

- a. Creates the “TOPS-Tech Plus” award to allow TOPS-Tech students who successfully use their TOPS-Tech award to complete an associate’s degree with at least a 2.50 to receive 2 years of TOPS academic award at the TOPS Opportunity level

15. SB 520 (Donahue)

- a. Increases minimum GPA for TOPS Opportunity from 2.50 to 3.00 beginning with 2018 grads and the minimum ACT from 20 to 24
- b. Increases minimum GPA for TOPS Performance from 3.00 to 3.25 beginning with 2018 grads and the minimum ACT from 23 to 27
- c. Increases minimum GPA for TOPS Honors from 3.00 to 3.50 beginning with 2018 grads and the minimum ACT from 27 to 29
- d. Dedicates savings realized from the increased TOPS requirements to the GO Grant Program

E. Finance

1. SB 526 (Alario) WISE

- a. Establishes the WISE Fund and requires a deposit of \$40M by the Treasurer each year into the fund
- b. Monies in the fund to be appropriated to BoR to be distributed to the institutions in accordance with a statewide workforce demand and gap analysis
- c. 20% private match, as certified by BoR, required for any distribution from the fund; private match can be cash, in-kind donation of technology, construction materials, facility modification or construction, internships, etc.
- d. Policy for allocation and distribution to be developed by the WISE Council, consisting of the commissioner of higher education, the four system heads, the Secretary of Workforce Commission and the Secretary of Economic Development
- e. Policy should be in alignment with the statewide workforce demand and gap analysis
- f. The method of distribution should be based on degree or certificate production in Star 4 or 5 jobs and federally funded research expenditures as defined by NSF

2. HB 437 (Fannin) JLCB approval of certain contracts

- a. Requires JLCB approval of professional, personal, consulting, or social services contract with a total maximum compensation of \$100M or more

3. HB 986 (Hunter) Private investment in public postsecondary institutions

- a. If a program that allows for state matching funds to private investment is enacted, this bill prohibits private investors from exercising influence over the management and governance of public institutions

4. HB 142 (Jerome Richard) H.E. Financing Fund

- a. Establishes a special fund called "Higher Education Financing Fund"
- b. Allows for deposit of cash balances identified as unexpected and unencumbered from state appropriations for contracts into this fund
- c. Allows for unexpended and unencumbered monies in the fund to remain in the fund at the end of the fiscal year
- d. Restricts use of monies in the fund to public higher ed institutions

5. HB 832 (Broadwater) LEQTF

- a. Allows investment of revenues deposited into LEQTF in mutual funds, exchange traded funds, and certain other funds

6. SB 315 (Donahue) Group purchasing and cooperative purchasing

- a. Allows public postsecondary education institutions to seek and obtain approval from BoR to utilize its own group purchasing and cooperative purchasing procurement provisions
- b. Requires such an institution that has obtained BoR approval to adopt its own procurement rules and regulations in accordance with APA

7. SB 463 (Adley) Better Highway and Better Education Fund

- a. Dedicates revenues from sales tax proceeds collected under federal laws on internet and mail order sales by out-of-state vendors to the Better Highways and the Higher Education Fund
- b. 50% of monies in the fund are to be appropriated to higher education institutions in the same proportion as the institutions' average federally-financed research and development expenditures for the latest 3 years as reported by NSF
- c. Unexpended, unencumbered monies in the fund shall remain in the fund

F. Funding Formula

1. SB 177 (Appel) Expenditure and Allocation of funds

- a. Requires management boards to expend monies appropriated to them in accordance with BoR's funding formula
- b. Limited authority and flexibility given to management boards to reallocated up to 5% of the amount allocated to institutions

2. SB 337 (Appel) Outcomes-based funding formula

- a. Requires the commissioner of higher education and system presidents to "jointly and collaboratively" develop a comprehensive "outcomes-based funding formula" to ensure "equitable allocation of state funds" to postsecondary institutions
- b. Requires the commissioner and system presidents to "jointly and collaboratively" make "recommendations for any changes to the Master Plan" and to GRAD Act
- c. Specifies the components and factors to be used by the commissioner and system presidents in developing this outcomes-based funding formula
- d. Some of these factors appear duplicative of the WISE Plan legislation

3. SB 358 (Donahue) LA Granting Resources and Autonomy for Diplomas Act

- a. Allows the procurement code developed by an institution that qualifies for the highest degree of autonomy under the GRAD Act to provide that any institution under the control of the same management board may use the procurement code
- b. Requires JLCB and DOA approval of the procurement code

G. Academic Affairs, PRP

1. HB 774 (Shadoin) Course Choice Program
 - a. Significantly amends Course Choice provisions

2. HB 561 (Jefferson) Tuition waivers for nonresident students
 - a. Requires management boards to establish waiver policies for nonresident tuition in cases of financial need and to make such policies available to students in a timely manner

3. SB 56 (Nevers) articulation and transfer council
 - a. BoR, BESE and the management boards are required to establish a process by which their respective representatives shall meet at least once monthly upon the call of the commissioner
 - b. This group of representatives shall make recommendations to the Articulation and Transfer Council and BoR on matters such as current status of articulation and transfer efforts
 - c. Commissioner to include a summary of these meetings in BoR's annual report on the status of articulation and transfer activities

4. SB 62 (Appel) Common application
 - a. Requires BoR, in collaboration with the systems, to provide for the development and implementation of a common application for all public higher education institutions in the state
 - b. Each such institution is required to accept such application, but may impose its own application fees
 - c. If a student chooses to use THE "Common Application", institutions may accept it in lieu of the common application developed under this law
 - d. The common application developed under this bill is to be implemented and made available to students for the 2015-16 academic year

5. SB 150 (Appel) Regional distribution of institutions
 - a. Requires BoR, in providing for the use of existing resources in a region before recommending the creation of a new institution, to consider whether mergers of two or more existing institutions within a region would enhance efficiency and effectiveness

6. SB 179 (Morrish) Course Choice Program
 - a. Significantly amends the Course Choice Program provisions

7. SB 191 (Morrish) International Baccalaureate, AP, dual enrollment
 - a. Requires equal status and treatment of IB, AP and dual enrollment courses in assessing school performance scores and letter grades
8. SB 431 (Buffington) Postsecondary management boards
 - a. Shell bill – content and impact of bill not clear at this time
9. SB 438 (Gallot) Waiver of nonresident tuition
 - a. Requires management boards to establish waiver policies for nonresident tuition in cases of financial need and to make such policies available to students in a timely manner

H. Teacher Evaluation, Common Core

1. HB 163 (H. Burns) LEAP
2. HB 375 (Geymann) Teacher evaluation
3. HB 414 (Hoffman) Teacher evaluation
4. HB 481 (Shadoin)
5. HB 556 (Henry)
6. HB 557 (Henry)
7. HB 558 (Henry) LEAP
8. HB 533 (Seabaugh) Teacher evaluation
9. HB 558 (Henry) LEAP
10. HB 890 (Johnson) Teacher evaluation
11. HB 945 (Havard) Teacher evaluation
12. HB 987 (J. Thompson) Teacher tenure
13. HB 995 (A. Williams) Teacher evaluation
14. SB 364 (Nevers) Evaluation of teachers and administrators
15. SB 365 (Appel) Tenure and removal of teachers

I. Student Record Privacy

1. SB 449 (Appel) Privacy and protection of student data
 - a. Is intended to maintain current authority to share personally identifiable information on students among agencies
 - b. But has many new provisions and repeats current state and federal laws
2. SB 455, HB 384, 555, 560 Collection and sharing of student information
3. HB 946 (Schroder) privacy of personally identifiable information
 - a. Prohibits sharing of personally identifiable information on students by school boards, BESE and DOE
 - b. Prohibition would affect higher education entities' access to data needed for implementing TOPS, financial aid, processing college applications, etc.

J. Retirement Issues

1. HB 6 (Pearson)
 - a. Increases employer contribution to ORP employees to 6.2%
2. HB 26 (Sam Jones) Constitutional Amendment
3. HB 28 (Brossett)
4. SB 5 (Guillory) ORP
 - a. Allows ORP employees to migrate to defined benefit plan based on an actuarial calculation
5. SB 13 (Peacock)
6. SB 23 (Guillory) ORP

K. Tulane Scholarships

1. HB 74 (Dee Richard)
2. HB 107 (Ritchie)
3. HB 299 (Greene)
4. HB 307 (Ritchie)

5. HB 991 (Hunter)
6. SB 420 (Claitor)
7. SB 1 (Claitor) Legislative Scholarship

L. Miscellaneous

1. HB 244 (Broadwater)
 - a. Allows for lease of higher education facilities to nonprofit corporations for use during fundraisers including auctioning and sale of firearms
2. HB 259 (Champagne)
 - a. Arrest records and criminal history records of prospective employees of higher education institutions
3. HB 334 (Richard)
 - a. Prohibits system board members from awarding scholarships