

# NOTICE OF MEETINGS

Meeting will be held via Video Conference

Meeting can be viewed at:  
<https://regents.la.gov/live/>

Public comments can be made at:  
<https://regents.la.gov/publiccomments>



\*The meeting may begin later contingent upon adjournment of previous meeting. Meetings may also convene up to 30 minutes prior to posted schedule to facilitate business

## BOARD OF REGENTS

P. O. Box 3677, Baton Rouge, Louisiana 70821-3677  
Phone: (225) 342-4253 and FAX: (225) 342-9318

### Board of Regents Wednesday, March 24, 2021

Event	Time	Location
Board Development Review of the Board of Regents Uniform Policy on Sexual Misconduct	9:00 a.m.	Meeting will be held via Video Conference  Meeting can be viewed at: <a href="https://regents.la.gov/live/">https://regents.la.gov/live/</a>
(Meeting as a Committee of the Whole) <i>Board of Regents</i> <ul style="list-style-type: none"><li>➤ Master Plan Highlight</li><li>➤ Finance</li><li>➤ Legislative</li><li>➤ Academic and Student Affairs</li><li>➤ Research and Sponsored Initiatives</li><li>➤ Planning, Research &amp; Performance</li></ul>	10:00 a.m.	Meeting will be held via Video Conference  Meeting can be viewed at: <a href="https://regents.la.gov/live/">https://regents.la.gov/live/</a>

If you plan to attend any meeting listed on this notice and need assistance at that time because you are disabled, please notify this office seven (7) days in advance and arrangements will be made to accommodate you.

INDIVIDUAL COMMITTEE AGENDAS MAY BE FOUND ON THE INTERNET AT – <https://regents.la.gov>

**Blake R. David**  
*Chair*

**T. Jay Seale III**  
*Vice Chair*

**Sonia A. Pérez**  
*Secretary*

**Kim Hunter Reed, Ph.D.**  
*Commissioner of  
Higher Education*



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**Marty J. Chabert**  
**Randy L. Ewing**  
**Stephanie A. Finley**  
**Robert W. Levy**  
**Phillip R. May, Jr.**  
**Charles R. McDonald**  
**Darren G. Mire**  
**Wilbert D. Pryor**  
**Gary N. Solomon, Jr.**  
**Collis B. Temple III**  
**Felix R. Weill**  
**Judy A. Williams-Brown**  
**Chandler C. Vidrine, Student**

AGENDA  
BOARD OF REGENTS\*  
*Meeting as a Committee of the Whole*  
Wednesday, March 24, 2021  
10:00 a.m.

Meeting will be held via Video Conference  
Meeting can be viewed at: <https://regents.la.gov/live/>

- I. Call to Order
- II. Roll Call
- III. Certification for Virtual Meeting
- IV. Public Comments
- V. Approval of Minutes from February 24, 2021
- VI. Chair's Comments
- VII. Master Plan – Labor Market Analytics
- VIII. Reports and Recommendations
  - A. Finance
    - 1. Executive Budget Overview
    - 2. Review and Approval of the FY 2021-22 Preliminary Funding Recommendation
    - 3. Federal Support for Higher Education Update
  - B. Legislative
    - 1. Update on Legislative Study Reports
    - 2. 2021 Legislative Priorities
  - C. Academic and Student Affairs
    - 1. Consent Agenda
      - a. Revision to A.A. Policy 2.18 – Addition of Directed Self Placement
      - b. Routine Staff Approvals
    - 2. HCR 81 of the 2020 Regular Legislative Session

3. Academic Programs

- a. Letter of Intent
  - i. BS Hospitality & Food Industry Leadership
- b. Program Proposals
  - i. AAS Technical Studies – Louisiana Delta CC
  - ii. UC Selling & Sales Management – UL Monroe
  - iii. BA African & African American Studies – LSU A&M
  - iv. PBC Advanced Supervision – Grambling
  - v. PBC Modern Topics in Petroleum Engineering – LSU A&M
- c. Reconfiguration of PhD Pharmacy – UL Monroe

D. Research and Sponsored Initiatives

- 1. Changes to Research and Sponsored Initiatives Unit Policies

E. Planning, Research and Performance

1. Consent Agenda

- a. R.S. 17:1808 (Licensure)
  - i. Initial Applications
    - (a) World Quant University (WQU)
- b. Proprietary Schools Advisory Commission
  - i. Renewal Applications
    - (a) Baton Rouge School of Court Reporting (1/26/06)
    - (b) Becker Professional Education Online (1/09/17)
    - (c) Beso Beauty, LLC (1/09/17)
    - (d) Blue Cliff College – Lafayette (1/27/00)
    - (e) Burks Medical Training, LLC (1/14/19)
    - (f) Carter’s Career Center, LLC (2/22/18)
    - (g) Coastal College – Hammond (2/23/89)
    - (h) Griffs Marine Training, Inc. (1/27/10)
    - (i) Hospitality Opportunity & Service Training (HOST) Program (2/19/20)
    - (j) ITI Technical College (1/27/00)
    - (k) LifeShare Phlebotomy School (2/19/20)
    - (l) Louisiana Dental Assistant School, LLC (1/27/05)
    - (m) Louisiana Dental Institute, LLC (2/21/18)
    - (n) Moore Career College, Inc. (1/14/19)
    - (o) Remington College – Knoxville (2/19/20)
    - (p) SNAP Medical Assistant Academy (1/9/17)
    - (q) Tulsa Welding School – Jacksonville Campus (1/27/10)

2. Petition of Amendments to Louisiana Administrative Code Title 28 Part III and Title 28 Part IX

F. Personnel

- 1. Approval for Chair to Negotiate and Execute Contract with Commissioner to Continue Employment

IX. Reports and Recommendations by the Commissioner of Higher Education

X. Other Business

XI. Adjournment

\*Note: The Board of Regents reserves the right to enter into Executive Session, if needed, in accordance with R.S. 42:11 *et seq.*

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Vice Chair

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*Chandler C. Vidrine, Student*

**LA-R.S. 42.17.1 CERTIFICATION**

I certify that the March 24, 2021 Louisiana Board of Regents (BoR) meeting will be held via videoconference in accordance with La. R.S. 42.17.1.

The State of Louisiana continues to operate under a state of public health emergency declared by the governor, as most recently renewed in Proclamations 29 and 30 JBE 2021 (March 2, 2021). As a result, a traditional public meeting would be detrimental to the health, safety and welfare of the public. The BoR meeting concerns, and is limited to, matters that are directly related to its response to the public health emergency and are critical to the health, safety, and welfare of the public.

Pursuant to La. R.S. 42.17.1, BoR will provide for attendance by the public at the meeting of March 24, 2021 via video or teleconference, in a manner that allows for observation and input by members of the public, including a mechanism to receive electronic comment both prior to and during the meeting, as set forth in this notice, posted on March 17, 2021.

Members of the public can view the meeting and make public comment as follows:

The meeting can be viewed at: <https://regents.la.gov/live/>.

Public comments can be made prior to the meeting (until 5:00 pm on Tuesday, March 23, 2021) via email to: [bor.publicaffairs@laregents.edu](mailto:bor.publicaffairs@laregents.edu) or online at: <https://regents.la.gov/publiccomments>.

Public comments can be made during the meetings via open conference call at: [888-204-5984](tel:888-204-5984); access code 1755460#.

Blake R. David, Chair  
Louisiana Board of Regents

DRAFT  
MINUTES  
BOARD OF REGENTS

February 24, 2021

The Board of Regents met as a Committee of the Whole at 9:01 a.m., Wednesday, February 24, 2021, via video conference. Chair Blake David called the meeting to order.

ROLL CALL

Board Secretary Christine Norton called the roll, and a quorum was established.

Present for the meeting were:

Blake David, Chair  
T. Jay Seale III, Vice Chair  
Sonia Pérez, Secretary  
Marty Chabert  
Randy Ewing  
Stephanie Finley  
Robert Levy  
Charles McDonald  
Darren Mire  
Wilbert Pryor  
Gary Solomon, Jr.  
Collis Temple III  
Chandler Vidrine, Student  
Felix Weill  
Judy Williams-Brown

Mgt. Board Representatives present:

Willie Mount, LCTC System  
Randy Morris, LSU System  
Leon Tarver, SU System  
Mark Romero, UL System

Absent from the meeting was:

Phillip May, Jr.

CERTIFICATION FOR VIRTUAL MEETING

Chair David referenced the Board of Regents' certification of inability to operate due to the lack of an in-person quorum. The certification is available on the Board of Regents website and was included with the meeting materials.

PUBLIC COMMENTS

Chair David asked if there were any public comments. There were none.

## APPROVAL OF THE MINUTES OF JANUARY 6, 2021

**On motion of Regent Pérez, seconded by Regent Ewing, the Board, acting as a Committee of the Whole, voted unanimously to approve the minutes of January 6, 2021.**

## CHAIRMAN'S COMMENTS

Chair David made the following comments:

- He recognized Antonio Milton of Carencro as the first black student to serve as editor-in-chief of the *Tulane Law Review* and discussed meeting with this bright student.
- He acknowledged and thanked Regents May and Pérez for their work in restoring utilities across the state following Winter Storm Uri.
- He noted that Regent Pérez has officially been sworn in as Secretary of the Board. Regent Pérez said it was her pleasure to serve as an officer of the Board.
- He recognized the staff and Board for raising over \$4,000 in donations for McNeese, SOWELA, and the Hunter Head Start Center during the Season of Giving. He thanked everyone for their generosity.
- He noted that on Friday the Executive Budget would be presented from the Governor's Office and encouraged Board members to watch. He noted that this is a time of great financial need and encouraged members to advocate strongly for increased investment in education and to reach out to their legislators as the Session begins.
- He wished a happy birthday to Terrence Ginn, Deputy Commissioner for Finance and Administration.
- He acknowledged student member Chandler Vidrine and asked him to share his report. Regent Vidrine provided updates on some of the SGA activities around the state including:
  - The students are thankful to return to the "COVID normal" following the winter storm, which led to loss of power and water around the state. He noted that some campuses have begun collecting items to donate to Texas campuses, which were hit harder than our campuses.
  - The students had a COVID conversation with Commissioner Reed earlier in the week. Some of the topics included life on campus, commencement, the possibility of returning to in-person classes in Fall 2021, and moving forward post-COVID. He noted that the students greatly appreciated Dr. Reed taking the time to hear their thoughts and ideas.
  - The Council of Student Body Presidents (COSBP) will meet on April 10, 2021 at the Southern University Law Center.

## UPDATES TO BYLAWS

**On motion of Regent Weill, seconded by Regent Mire, the Board, acting as a Committee of the Whole, voted unanimously to approve the updates to the Board of Regents Bylaws.**

## MASTER PLAN – LOUISIANA PROSPERITY INDEX

Dr. Kim Hunter Reed, Commissioner of Higher Education, reminded the Board that the Master Plan, adopted in 2019, established the goal of doubling the number of annual credentials conferred, in order to achieve 60% attainment among the working-age population in Louisiana by 2030. She said that this is not only necessary to address the state’s growing economic and workforce demands, but is also critical to achieving meaningful prosperity and improving the quality of life for Louisianans. The Master Plan also challenged us to capture data that collectively measure Louisiana’s prosperity through the creation of the Louisiana Prosperity Index, designed to “report broader, society-wide measures such as income, poverty, and employment.” To complete this index, Regents partnered with the Institute for Educational Leadership (IEL) and, in six months, created a pilot Prosperity Index that will launch publicly today.

Dr. Reed introduced Dr. Helen Malone, Vice President for Research & Innovation, and Dr. Emily Cheng, Data Analyst, both from the IEL, who led the design of the Louisiana Prosperity Index. Dr. Malone thanked Dr. Reed and the Board for the partnership. She said she was excited to see that the Prosperity Index was now available on the Regents website. She noted that the Louisiana Board of Regents developed the Louisiana Prosperity Index to measure prosperity and its determinants throughout the state. The purpose of the Louisiana Prosperity Index is to establish a prosperity framework including indicators of opportunity that predict prosperity and one or more prosperity measures that allow for the assessment of the impact of various policies, including Board of Regents postsecondary education policies. She said that this tool will allow us to track and demonstrate the extent to which talent growth is driving improvements in the state’s overall well-being. She explained that the Index offers a high-level view of prosperity across the state and at the Regional Labor Market Area (RLMA) level. She said the Index, developed through a collaborative effort, is in the pilot stage, and its development could be further informed by new data opportunities and early adopter/user stories. It is an asset-based longitudinal tool and should not be used for accountability purposes or short-term fiscal or policy decision-making. The Index can be used as a learning tool to compare RLMAs among one another and within an indicator.

Dr. Malone highlighted the steps taken to create the Index including: five dimensions and prosperity definition were determined from the results of the literature review, interviews and focus groups; interview and focus group participants addressed individual-, institution-, system-, and sector-level factors, as well as cross-sector factors, which largely overlapped with factors found in the literature review; participants raised factors that most commonly fell in Education and Economy dimensions; and nearly every participant expressed the need for disaggregation across demographics, particularly disaggregation by race and ethnicity, emphasizing the importance of tying increases in prosperity to narrowing equity gaps. She explained data availability, focusing on the following: how data can be retrieved from publicly available data sources that do not require data-sharing agreements or additional costs associated with data preparation and how data are available at the local geographical level to understand the progress towards prosperity in different parishes. The data can be used to understand disparities among different population groups and publicly available datasets provide detailed data documentation, including data dictionaries, and are updated on a bi-annual or an annual basis, allowing the ability to track prosperity over time. She noted that since the majority of the data used in the Louisiana Prosperity Index are from 2015 to 2018, the Index does not reflect the impact of COVID-19 or other factors (e.g., hurricanes) in 2020. Dr. Malone then introduced Dr. Cheng, who highlighted the key aspects of the Prosperity Index, including scoring and comparisons tools. Dr. Malone thanked colleagues at IEL and BoR staff. Dr. Reed thanked Dr. Malone and Dr. Cheng and said it had been a pleasure working with their team on this innovative tool.

Dr. Reed reminded the Board that this is just one tool in our Master Plan Data Toolkit. She said it complements the Master Plan Data Dashboard, and we envision adding to this toolkit as we create new applications to visualize data and inform our work. She said that through continued partnerships with the agencies involved in the Education Workforce Subcabinet and beyond, the work surrounding this new tool remains as we seek to answer these basic questions - how can we best measure prosperity in our state and what additional data can be collected to focus our attention and policy-making on the most meaningful measures. Regent Seale asked to be directed to the Prosperity Index on the Regents website.



He also asked if other state agencies such as Louisiana Economic Development (LED) and the Louisiana Workforce Commission (LWC) are aware of the Index. Dr. Reed said that we are having robust conversations and engagement with other state agencies about this. Regent Ewing said he appreciated the thoroughness of the presentation and that Index data reaffirm the problems facing the state. He hopes that the Index encourages those who could use it to continue to work on the problems. He asked Dr. Malone if she has a general comment about what effect COVID-19 and weather events have had on the data since 2019. She said that she would not speculate on any percentages, though there could be significant changes. He also asked if she had any idea of the effects on the data related to K-12 education from 2018 to the present. She said that the data would depend on how enrollment and employment were affected by COVID-19, but noted that it is hard to predict what the effects will be. Regent Ewing asked if, once the challenge areas are identified, if Dr. Malone would present solutions to address the problems. Dr. Malone said that the Index is a tool to provide information. Dr. Reed said that we will use the Index to elevate the greatest challenges and solutions. She said that this will include work with the Department of Education, LED and other state agency partners.

## REPORTS AND RECOMMENDATIONS

### **AUDIT**

Regent Seale reminded the Board that the audit function is managed and supervised by the Audit Committee, which operates under the Audit Charter. He said the audit function is managed on two levels by Ms. Elizabeth Bourgeois, Assistant Commissioner for Audit and Compliance, and Postlethwaite and Netterville (P&N). He said that he believes that the audit function of the BoR is competent and well-run due to the combined work of Regents staff and the P&N team. He then turned over the presentation to Ms. Bourgeois. She said that Regents has found P&N to be cooperative, professional and responsive. She said that P&N has worked with Regents staff to enter into a new contract for \$270,000. Chair David said that the Board is fortunate to have Regent Seale, who has a wealth of expertise in auditing, as the chair of the Audit Committee. Regent Seale introduced Laura Soileau from P&N. Ms. Soileau provided a recap of Contract Year Three and some upcoming items for the new contract. Regent Seale asked Ms.

Soileau to briefly discuss the process for reviewing risk assessment for the upcoming audit years. Ms. Soileau said that facilitated interview sessions may be used to collect feedback from people with key responsibilities to drive the understanding of the risks and ultimately recommend a risk-based audit plan. Regent Seale said that the Committee of the Whole will review the risk assessment audit plan once it is available and will approve and adopt it.

#### INTERNAL AUDIT CONTRACT DISCUSSION

**On motion of Regent Seale, seconded by Regent Temple, the Board, acting as a Committee of the Whole, voted unanimously to approve the new P&N contract for FY21 to FY23 for the internal audit function as required by Act 314 of 2015 Regular Session.**

#### INTERNAL AUDIT REPORTS PRESENTATION

**On motion of Regent Seale, seconded by Regent McDonald, the Board, acting as a Committee of the Whole, voted unanimously to receive the reports as presented by P&N.**

### **FACILITIES AND PROPERTY**

Mr. Chris Herring, Assistant Commissioner for Facilities and Planning, presented the agenda item. In addition, Mr. Herring gave an update regarding damage incurred by campuses due to Winter Storm Uri. He said that many campuses had frozen pipes, water damage from burst pipes, and low or no water pressure, but that most issues have been rectified. He said that the Office of Risk Management is reaching out to campuses and hopefully insurance will cover the cost to repair any damages. He said he will keep the Board updated.

#### ACT 959 PROJECT: LSU A&M FRED C. FREY COMPUTING SERVICES CENTER BUILDING UNINTERRUPTED POWER SUPPLY SYSTEM #1 REPLACEMENT AND UPGRADES

**On motion of Regent Pérez, seconded by Regent Vidrine, the Board, acting as a Committee of the Whole, voted unanimously to approve the Act 959 project submitted by the Louisiana State University Board of Supervisors, on behalf of Louisiana State University and A&M College, to replace the Frey Center's uninterrupted power supply system # 1 and perform associated upgrades.**

## ACADEMIC AND STUDENT AFFAIRS

Dr. Susannah Craig, Deputy Commissioner for Academic Affairs and Innovation, presented the Consent Agenda items, Academic Program Proposals, and Revisions to Center and Institute Approval Process.

### CONSENT AGENDA

- a. **Addition to ALEKS to A.A. Policy 2.18**
- b. **Addition of Duolingo to the Minimum Admissions Standards Policy**
- c. **Routine Staff Approvals**

**On motion of Regent Pérez, seconded by Regent McDonald, the Board, acting as a Committee of the Whole, voted unanimously to approve the items on the Consent Agenda.**

### RESPONSE TO SENATE RESOLUTION 190 OF THE 2019 REGULAR SESSION WITH ADDENDUM FROM LSU

Ms. Mellynn Baker, Assistant Commissioner for Institutional Research, presented a summary of the Response to Senate Resolution 190. Ms. Baker introduced Mr. Tom Galligan, Interim President at LSU, and Dr. Robert Laughlin, Dean of LSUHSC-New Orleans' School of Dentistry. President Galligan explained that this is a five-year phased approach to resolving dental services issues in underserved parts of the state. He noted a debt of thanks owed to Dr. Henry Gremillion, former Dean of the LSU School of Dentistry, who passed away unexpectedly while working on this, as well as Dr. Larry Hollier, Chancellor of LSUHSC-New Orleans, and Dr. G. E. Ghali, Chancellor at LSUHSC-Shreveport, noting that this was truly a collaborative effort which brought out the best in everyone. Mr. Galligan then turned over the presentation to Dr. Laughlin. Dr. Laughlin said that Louisiana falls below the national average of dentists per capita. He explained that LSU is creating partnerships across the state and will establish a general practice residency program, which will enable its residents to practice all aspects of general dentistry while working in a hospital setting. He further explained that the clinics will be hospital-owned, with hospitals providing funding for faculty and resident salaries. He said that, in exchange for these services, the clinics will provide on-call dental services 24/7 and dental services for all cancer and cardiac patients in need of clearance prior to radiation and/or surgery, as well as inpatient consultations. This will allow

members of the community of all ages to have access to care through the LSU Dental Clinic Annexes. He said that the LSU Dental Clinics will generate revenue through dental procedures and consultations, with hospitals collecting technical fees and LSU collecting professional fees. The clinics will accept Medicare/Medicaid as well as dental insurance. In addition, he said that every effort will be made to ensure appropriate reimbursement for dental providers who participate in the program. He then broke down the five-year phase-in by region. He stated that through this collaborative partnership, LSU Health will add general practice residents, dental hygienists, and faculty across the state to directly address the oral health service needs for the residents of Louisiana. Chair David thanked President Galligan and Dr. Laughlin for their presentation. Regent Pryor said that he is pleased to see this come to such a great end. He thanked Mr. Galligan, Dr. Ghali, and Mr. Wayne Brown of the LSU Board of Supervisors for being receptive and coming together to create a solution. Regent Pryor said that some students do not accept rural-track scholarships because the scholarships only pay for half of the student costs. Regent Ewing echoed Regent Pryor's sentiments of appreciation and said this would be a great service to the state. He asked if there is a fiscal note attached to the proposal. President Galligan responded that the program pays for itself. Dr. Reed said that since these are partnerships with hospitals, there is no fiscal note; however, in the future, LSU may seek funding for additional rural scholarships for the program. Mr. Randy Morris, LSU Board of Supervisors, said that he is Board Chairman for the Rural Hospital Coalition and they were recently able to get funding for scholarships for physicians and dentists who will practice in rural areas and will pay up to \$250,000 as a total loan repayment over a five-year period. He said that he thinks this will help tremendously in getting physicians and dentists to practice in rural areas of the state.

**On motion of Regent Pryor, seconded by Regent Seale, the Board, acting as a Committee of the Whole, voted unanimously to receive the response to Senate Resolution 190 of the 2019 Regular Session and authorize staff to forward the response and addendum from the LSU System on behalf of the Board to the House and Senate Committees on Education.**

#### RESPONSE TO HOUSE RESOLUTION 52 OF THE 2020 REGULAR SESSION

Ms. Baker presented an overview of House Resolution (HR) 52. She introduced LCTCS President Monty Sullivan and Chief Education and Training Officer Dr. René Cintrón to present the final

report. President Sullivan thanked the Board, Dr. Reed, and the staff for the great relationship with LCTCS in working through the details of HR 52. President Sullivan said that expanding opportunities for students in rural communities was a priority, and that the Prosperity Index and HR 52 complement each other in that they both change the definition of success – we must be sure that all people of Louisiana have access to the education skills they need and the ability to work successfully in their communities. He acknowledged Dr. Cintrón for his great work on this report. Dr. Cintrón said that access and opportunity are key to making Louisiana prosper. He then provided status updates to the NCHEMS report recommendations. President Sullivan recognized Ms. Willie Mount and thanked her for her support to this effort and in helping to make the community colleges stronger. He said that future funding is troublesome, and we must use this opportunity to rethink how we do business.

**On motion of Regent Temple, seconded by Regent McDonald, the Board, acting as a Committee of the Whole, voted unanimously to receive the report.**

#### RESPONSE TO HOUSE CONCURRENT RESOLUTION 45 OF THE 2020 REGULAR SESSION

Ms. Janet Newhall, Assistant Commissioner for Academic Affairs, presented the response to House Concurrent Resolution (HCR) 45. She said that Regents was charged with compiling data relative to faculty at public postsecondary institutions, including faculty salaries, hiring policies and recruitment practices. Regent Levy said that he was concerned about this resolution and the suggestion that there is vetting of ideological tendencies of our faculty. He said that we need to be extremely careful that the Board of Regents does not engage in interpreting our response as policing of ideas or discrimination based on national origins. He said that we must increase faculty salaries, or we will never rise in status. Chair David agreed with Regent Levy. Regent Ewing asked if there was any way to identify funds for faculty salary increases only. Dr. Reed said that our budget request, submitted in November, requested funds to boost faculty pay to the SREB average over the next two years. Regent Solomon said that the staff did an excellent job in presenting the facts and data reported in this response.

**On motion of Regent Levy, seconded by Regent Mire, the Board, acting as a Committee of the Whole, voted unanimously to receive the report.**

#### ACADEMIC PROGRAM PROPOSALS

- a. **AAS Engineering Technology – SUSLA**
- b. **UC Remote Systems Science & Technology – NSU**
- c. **BFA Film & TV – LSU A&M**
- d. **BS Professional Pilot – UNO**
- e. **GC Healthcare Analytics – LSU A&M**
- f. **GC Healthcare Systems Engineering – LSU A&M**
- g. **MS Nutritional Sciences – McNeese**

**On motion of Regent Chabert, seconded by Regent Seale, the Board, acting as a Committee of the Whole, voted unanimously to approve the Academic Program Proposals.**

#### REVISIONS TO CENTER AND INSTITUTE APPROVAL PROCESS

**On motion of Regent Solomon, seconded by Regent Temple, the Board, acting as a Committee of the Whole, voted unanimously to grant Regents Academic Affairs staff the authority to approve reauthorizations of existing centers and institutes following rigorous review, with a report on these actions to be presented to the Board once per year.**

#### **STATEWIDE PROGRAMS**

Dr. Sujuan Boutté, Executive Director of the Louisiana Office of Student Financial Assistance (LOSFA), presented the agenda items.

#### CONSENT AGENDA

- a. **Approval of Rulemaking to Implement COVID-19 as an Objective Circumstance for which Students May Request an Exception to the Continuous Enrollment, Full Time, and Earned Annual Hours Requirements for TOPS**
- b. **Approval of TOPS Exceptions**

**On motion of Regent McDonald, seconded by Regent Weill, the Board, acting as a Committee of the Whole, voted unanimously to approve the items on the Consent Agenda.**

#### RESPONSE TO SENATE CONCURRENT RESOLUTION 3 OF THE 2020 SECOND EXTRAORDINARY SESSION OF THE LEGISLATURE

Dr. Boutté provided the response to Senate Concurrent Resolution 3 of the 2020 Second Extraordinary Session, which tasked the Board of Regents with studying the feasibility of making TOPS Tech and GO Grant awards available to low-income students for use during the summer immediately

following high school graduation. She explained that in studying the feasibility, LOSFA analyzed GO Grant and TOPS Tech legislation, as well as funding and logistical implications.

Dr. Boutté said that TOPS Tech funding levels for summer are contingent upon appropriation, and since we do not know if TOPS funding will be available for summer sessions until May and the legislature does not finalize the budget until June, usage of TOPS Tech immediately following high school graduation would require a dedicated appropriation. She explained that if demand becomes greater than the dedicated appropriation, summer payments would be issued on pro-rata basis. She further explained that most packaging policies use summer as trailer, as opposed to header, therefore, permitting students to use TOPS Tech immediately following high school graduation would require institutions using summer as trailer to reconsider their packaging policies. She said that student transcripts are received beginning in June following the high school academic year, therefore, a student's eligibility for TOPS Tech cannot be made until transcripts are received. As a result, making a determination as to a student's eligibility for TOPS Tech in time for students to enroll in a summer session presents a significant challenge, since schools cannot bill for a student's TOPS Tech award until eligibility is determined. She also said that a statutory amendment would be needed for TOPS Tech to limit the availability of summer awards immediately following high school graduation to low-income students.

Dr. Boutté said that funding award amounts for GO Grants are based on the institution's allocation of GO Grant funding and their packaging policy, varying by each academic year and by student, even if the student remains enrolled at the same school for the entirety of his period of eligibility. She said that GO Grant has historically been underfunded, resulting in students who are eligible for the award do not necessarily receive it, with less than half of GO Grant eligible students actually receiving the award. She said that allowing GO Grant to be paid to students in the summer immediately following high school graduation would require a dedicated funding source. If dedicated funding is not provided, institutions would have to: reduce the award amounts provided during the traditional academic year, reduce the number of students who receive GO Grant funding during the academic year, or reduce both. She explained that GO Grant is a need-based aid program, therefore funds are already awarded to low-

income students, however, GO Grant legislation does not prevent students from utilizing GO Grant funding beginning the summer immediately following high school graduation, insufficient funding is the factor that currently prohibits the use of GO Grant during summer school.

**On motion of Regent Pérez, seconded by Regent Finley, the Board, acting as a Committee of the Whole, voted unanimously to receive the response to Senate Concurrent Resolution 3 of the 2020 Second Extraordinary Session of the Legislature and authorize the submission of the report to the Senate and House Committees on Education on its behalf.**

### **PLANNING, RESEARCH AND PERFORMANCE**

Dr. Craig and Dr. Randall Brumfield, Deputy Commissioner for Strategic Planning and Student Success, presented the Consent Agenda items.

#### **CONSENT AGENDA**

- a. R.S. 17:1808 (Licensure)**
  - i. Initial Applications**
    - (a) Miami International University of Art & Design**
    - (b) Western University of Health Sciences**
  - ii. Renewal Application**
    - (a) Northcentral University (NU)**
  - iii. Extension Request**
    - (a) World Quant University (WQU)**
- b. State Authorization Reciprocity Agreement (SARA)**
  - i. Initial Application**
    - (a) Infinity College**
  - ii. Renewal Applications**
    - (a) Louisiana State University A&M**
    - (b) Louisiana State University Health Sciences Center – Shreveport**
    - (c) McNeese State University**
    - (d) Northwestern State University**
    - (e) River Parishes Community College**
    - (f) University of Holy Cross**
- c. Proprietary Schools Advisory Commission**
  - i. Initial Licenses**
    - (a) United Dental Institutes, LLC – Baton Rouge**
    - (b) United Dental Institutes, LLC – Lafayette**
    - (c) United Dental Institutes, LLC – New Orleans**
    - (d) Next Level Educational Services, LLC**
  - ii. Renewal Applications**
    - (a) Academy of Acadiana (12/02/10)**
    - (b) Accelerated Dental Assisting Academy – Hammond (12/10/15)**
    - (c) Accelerated Dental Assisting Academy – Lake Charles (12/11/19)**
    - (d) Advanced Welding School, LLC (12/11/17)**



- (e) Alexandria Dental Assistant School (12/08/11)
- (f) Infinity College, Inc. (12/02/10)
- (g) Kingdom Technical College (12/11/2019)
- (h) Learning Bridge Career Institute (12/02/10)
- (i) Melba Beauty (12/11/19)
- (j) NASCAR Technical Institute (12/05/02)
- (k) National Driving Academy, Inc. (12/05/96)
- (l) New Orleans Culinary and Hospitality Institute, Inc. (12/10/15)
- (m) Southeastern Louisiana Technical College (12/11/19)
- (n) Southern Security School, Inc. (12/07/16)
- (o) Tulsa Welding School (12/07/06)
- (p) Unitech Training Academy – Alexandria (12/04/08)
- (q) Unitech Training Academy – New Orleans (12/07/11)

**On motion of Regent Pérez, seconded by Regent Weill, the Board, acting as a Committee of the Whole, voted unanimously to approve the items on the Consent Agenda.**

#### NOTICE OF PROPRIETARY SCHOOLS ADMINISTRATION RULEMAKING

Dr. Brumfield presented this item for informational purposes only.

#### NORTHWEST LOUISIANA TECHNICAL COMMUNITY COLLEGE MISSION STATEMENT

**On motion of Regent Pérez, seconded by Regent Mire, the Board, acting as a Committee of the Whole, voted unanimously to approve updating the Master Plan to reflect the new institution name (Northwest Louisiana Technical Community College) and its updated mission: “Northwest Louisiana Technical Community College is committed to providing quality workforce training and transfer opportunities to students seeking a competitive edge in today’s global economy. As a community college, NLTCC uses a traditional open admission process.”**

#### REPORTS AND RECOMMENDATIONS BY THE COMMISSIONER OF HIGHER EDUCATION

Commissioner of Higher Education Kim Hunter Reed presented several items to the Board:

- She said that, as Regent Vidrine mentioned, she is doing a series of COVID conversations, recently holding one with student leaders. These conversations are with key stakeholders to discuss the learning around COVID since we started this battle in March 2020.
- She said that she held a Zoom with the Deans of Nursing and Allied Health. She said that many students, faculty and staff were not interested in receiving the COVID-19 vaccine, citing various reasons. We used this opportunity to discuss this topic with the Deans in order to answer questions to address vaccine hesitancy, noting the importance of receiving information from a trusted source.
- She said that she is looking forward to addressing the Louisiana School Boards Association on March 8<sup>th</sup> about our Year One Master Plan Accomplishments, as well as initiatives such as Dual Enrollment and Fast Forward.
- She also shared that she will be participating in interviews with the National Association of System Heads (NASH) on a project that they are calling the Big ReThink, which focuses on re-

envisioning the role of public university systems and the vital part they are playing in leading the nation through this unprecedented crisis and into a post-pandemic world filled with new opportunities for a strong, sustainable and prosperous America.

- She acknowledged Dr. Nikki Godfrey, Assistant Commissioner for Public Affairs, and Ms. Tonnisha Ellis, Program Coordinator for Communications, who are moving on to new job opportunities.
- She welcomed new staff member Dr. Chris Yandle, who will serve as Assistant Commissioner for Public Affairs beginning in early March.

#### OTHER BUSINESS

Regent Chabert thanked Dr. Godfrey and Ms. Ellis for their hard work at Regents.

#### ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned at 12:07 p.m.

**AGENDA ITEM VII.**  
**Master Plan: Labor Market Analytics**

**Executive Summary**

The Board of Regents Master Plan adopted in 2019, has established a goal to achieve postsecondary attainment among 60% of the working-age population in Louisiana by 2030. This is necessary to not only address the state's growing economic and workforce demands, but it is critical toward achieving meaningful prosperity and improving the quality of life for Louisianans.

The Master Plan calls for Louisiana to more than double the number of credentials of value in the state. To that end, it is necessary to ensure that students and postsecondary institutions understand the landscape of economic and industry needs across the state. Doing so can help inform institutional academic planning and ensure students make informed decisions regarding their academic and career choices. Access to information concerning the current and future labor needs in the state, especially given the economic shifts as a result of the pandemic, is critical.

As a component of the Strada Incubator Grant received by the Board of Regents in 2020 to expand postsecondary opportunities in an effort to accelerate recovery from the COVID-19 pandemic, Regents has partnered with Emsi, a labor market analytics firm, to provide labor market data to public and private institutions and regional economic developers in the state. The grant funds access and training to education, economic and workforce development, social services, and nonprofit entities.

Labor market data will enable postsecondary institutions and systems to monitor industry needs in the state. This will provide institutions with data-informed guidance needed to plan, develop, and modify programs within the state or their region. Such information includes a breadth of insight regarding industries, occupations, demographics, businesses, and skills. With this insight programs can be more effectively aligned with labor market demand, offering students the education they need to become valuable contributors in a competitive job market.

The resource provides value for all economic development offices in the state. Not only does the labor market analytics data provide an overview of statewide trends for occupational and skill needs, it provides such information at the regional level. As a result, the service can be leveraged by economic development organizations to strengthen collaboration between local businesses and education providers to develop the talent needed to support the industry and employment needs of the region.

Given the economic disruptions and uncertainty driven by the pandemic, providing access to uniform statewide and region-specific labor market information can assist in strengthening the relevance of the education to employment pipeline and the Higher Education to Hire Education nexus in Louisiana. Further, when the full battery of stakeholders utilizes the same data, tools, and analytics, a uniform message emerges as partners collectively inform their boards, the Legislature, business and industry, etc. Then, combining this tool with the Prosperity Index and the Master Plan Data Dashboard, positions the Board to effectively support a diverse range of stakeholders across the state toward meeting the state's attainment goals to ensure that we continuously drive the talent imperative so that Louisiana Prospers.



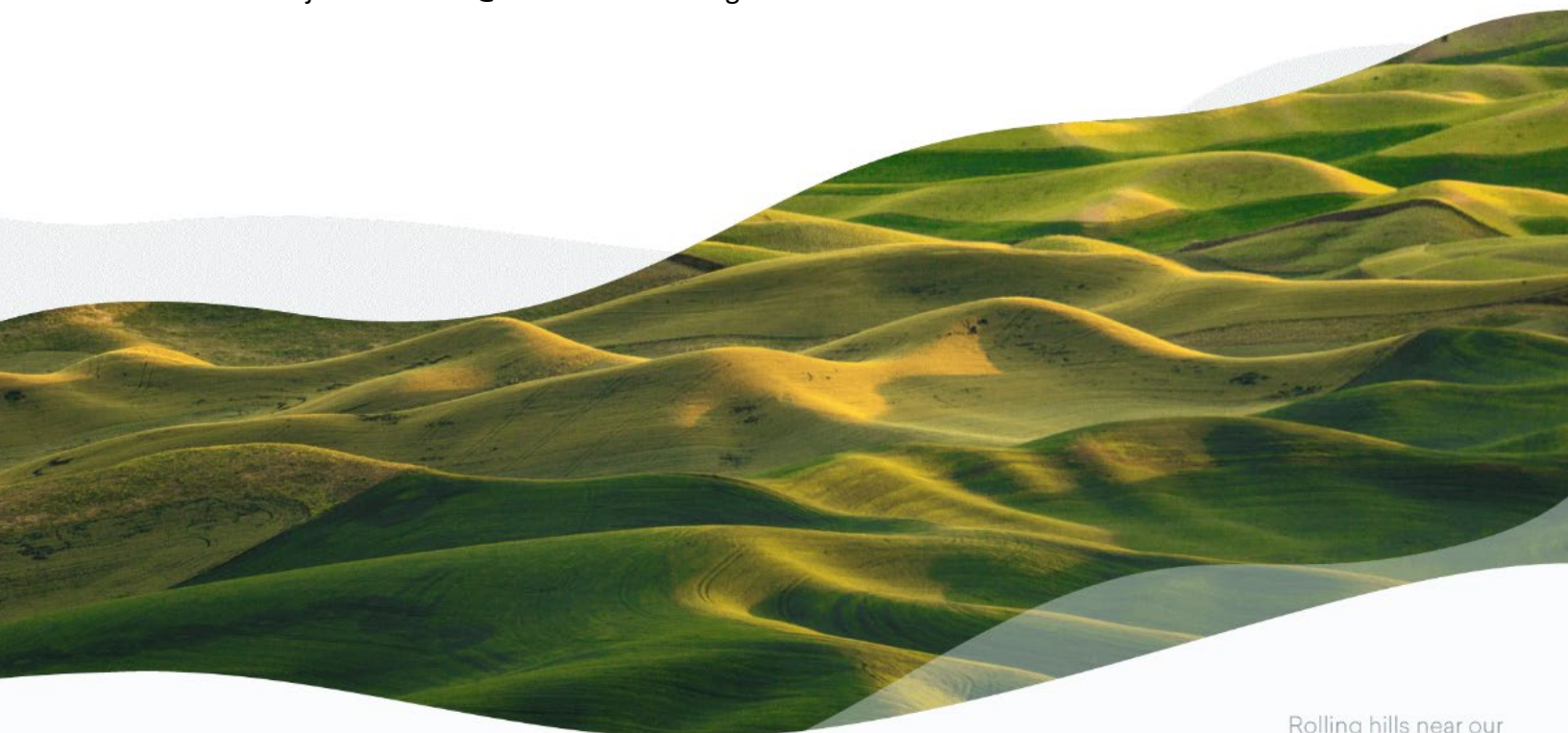
Emsi is a labor market analytics firm with a 20-year track record of providing labor market data and analysis to colleges and universities to align academic programs with labor market demand, help students identify career paths, and measure economic impact and student outcomes. Emsi currently partners with more than 200 universities and 600 community colleges along with state-wide organizations such as the Louisiana Board of Regents, the Texas Higher Education Coordinating Board, and the Kansas Board of Regents.

Our 250+ person firm provides data, software, and professional services from a one-of-a-kind collection of data sets that bring job posting analytics, alumni outcomes profile data, and localized traditional labor market data together.

Our mission is to use data to drive economic prosperity. To do this, we seek to inform and connect three critical audiences: people, educators, and employers. Since this vital connection takes place in the context of regional economies, we also work with workforce and economic development organizations laboring to improve economic ecosystems.

Emsi is based in Moscow, Idaho, surrounded by the Palouse Hills of northern Idaho and eastern Washington, also home to the University of Idaho and nearby Washington State University. Emsi serves customers in the US, Canada, the United Kingdom, and Australia through offices in Dallas, Texas and in Basingstoke, England, near London. Emsi is owned by the Strada Education Network.

For more information about Emsi's products and services, visit [www.economicmodeling.com](http://www.economicmodeling.com) or contact Joshua Franck at [joshua.franck@economicmodeling.com](mailto:joshua.franck@economicmodeling.com).



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## BIOGRAPHIES



**Rob Sentz** is the chief innovation officer at Emsi, where he leads in furthering Emsi's vision and research around labor market data and analytics for higher education, economic development, workforce development, and talent acquisition. Rob also heads up Emsi's content creation to create meaning out of labor market data and to help a broad array of audiences improve the way they connect people, economies, and work. For the past 15 years Rob has created newsletters, videos, articles, white papers, and led courses on a wide range of economic and labor market topics. Under his leadership, Emsi data became regularly featured by national news outlets. Rob is a Forbes contributor and has also taught as an adjunct faculty member at the NYU School of Professional Studies.

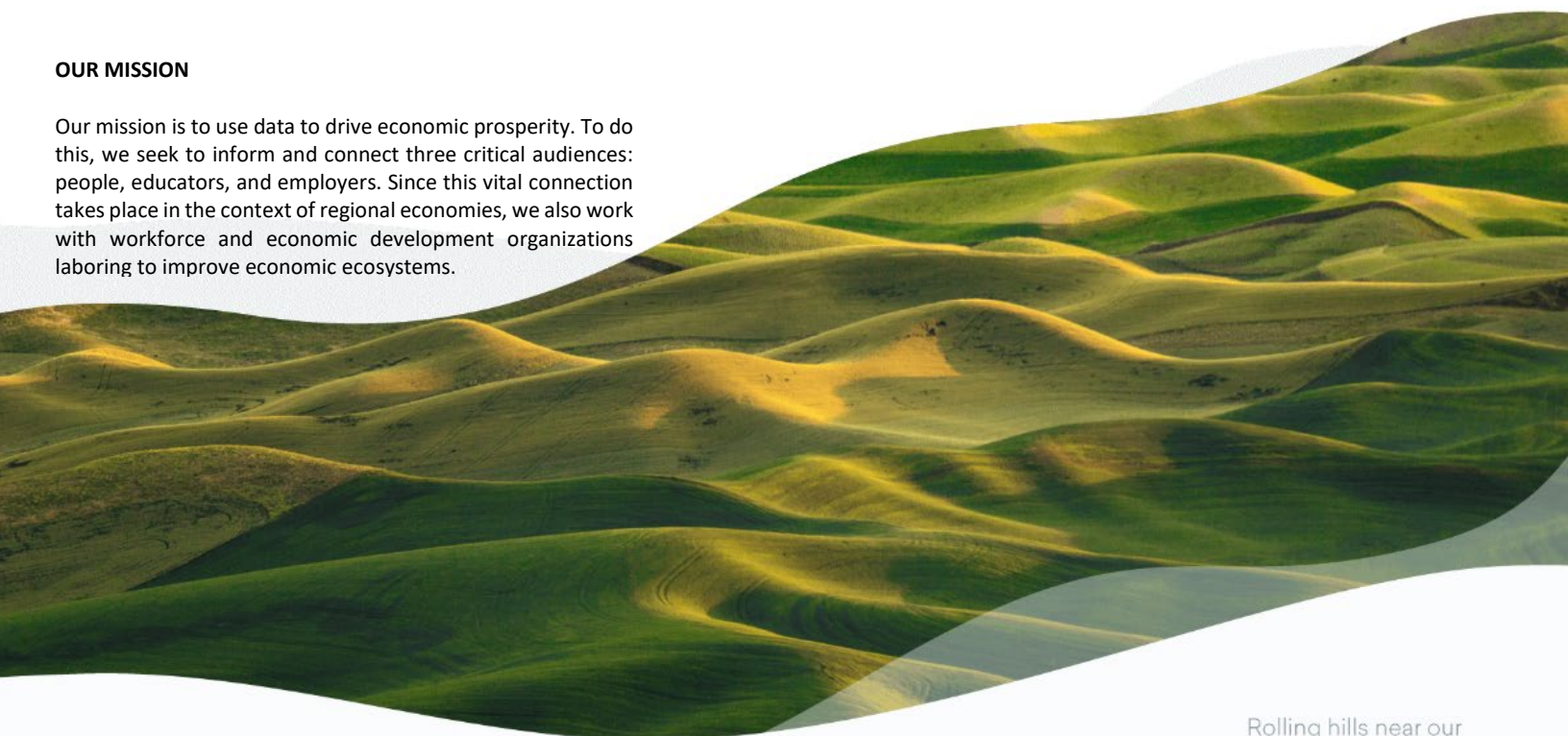
**Joshua Franck** serves as a Senior Account Executive at Emsi, where he collaborates with Higher Education leaders: building data-driven strategies and helping students achieve their education and career goals. He also works with State partners like the Louisiana Board of Regents and the Texas Higher Education Coordinating Board to better advance statewide goals and better connect people, education, and work. He and his wife, Whitney, who also works at Emsi, live in Moscow, Idaho.



For more information about Emsi's products and services, visit [www.economicmodeling.com](http://www.economicmodeling.com) or contact Joshua Franck at [joshua.franck@economicmodeling.com](mailto:joshua.franck@economicmodeling.com)

## OUR MISSION

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*Board of Regents Meeting as a Committee of the Whole*

**REPORTS AND RECOMMENDATIONS**

**FINANCE**

**March 24, 2021**

Meeting will be held via Video Conference

Meeting can be viewed at: <https://regents.la.gov/live/>

**VIII. Reports and Recommendations**

**A. Finance**

1. Executive Budget Overview
2. Review and Approval of the FY 2021-22 Preliminary Funding Recommendation
3. Federal Support for Higher Education Update

**Finance Committee  
Executive Summary  
March 24, 2021**

**VIII.A.1. Executive Budget Overview**

The FY22 Executive Budget was presented to the Joint Legislative Committee on the Budget in February. The Executive Budget includes a State General Fund (SGF) increase of \$142M to colleges, universities, specialized institutions and boards and \$23.2M for the Louisiana Office of Student Financial Assistance (LOSFA) programs. The \$142M increase includes the following:

- \$100M – Restoration of funds that were swapped for CARES Act funds
- \$19.8M – Faculty pay increase
- \$15.6M – Mandated costs increases
- \$14.3M – Increased funds for formula institutions
- \$5.5M – Specialized Institutions
  - \$2M for Pennington
  - \$1.1M for LSU Agriculture Center
  - \$1.1M for LSU Health Sciences Center-New Orleans
  - \$0.8M for LSU Health Sciences Center-Shreveport
  - \$225,000 for SU Agricultural Center
  - \$175,000 for SU Law Center

The \$23.2M for LOSFA programs include the following:

- \$12.2M – TOPS scholarship
- \$11M – GO Grants for need-based aid

**VIII.A.2. Review and Approval of the FY 2021-2022 Preliminary Funding Recommendation**

Annually, the Board of Regents is required to submit to the Senate Committee on Education, the Senate Committee on Finance, the House Committee on Education, and the House Committee on Appropriations, not later than March thirty-first of each year, any formula created and adopted by the Board for funding institutions of postsecondary education in the ensuing year. The formula submission is based on funds recommended for higher education in the Governor’s Executive Budget.

This preliminary submission is based on distributing increased funds as noted above to the respective agency/institution and allocating funding for 2-year and 4-year institutions through the Outcomes-Based Funding Formula. The formula allocation methodology is 58% base, 17% cost, and 25% outcomes. This methodology increases outcomes and decreases the reliance on base funding.

NOTE: This formula recommendation is preliminary, as it does not include updated information from SREB and Workforce data. Once the remaining data is received, the Outcomes-Based Funding Formula model will be updated for the 2-year and 4-year institutions.

The final formula distribution will be submitted to the legislature for allocation in the appropriations bill once all data is received and the final appropriation level has been determined.

**STAFF RECOMMENDATION**

**Senior Staff recommends approval of the distribution which allocates available funding in accordance with the methodology listed above and that the Executive Committee approve the final outcomes-based funding formula allocation when all data is available.**

**Finance Committee  
Executive Summary  
March 24, 2021**

**VIII.A.3. Federal Support for Higher Education Update**

Since the pandemic began a year ago, Congress passed, and the President signed two stimulus bills in April and December of 2020 that allocated funds directly to higher education. Through the CARES Act and the Coronavirus Response and Relief Supplemental Appropriations Act (CRRSA), public postsecondary institutions in Louisiana have received or will be receiving a total of \$526M with a requirement that \$147M be awarded to students through emergency grants.

On March 10, Congress passed the American Rescue Plan Act of 2021 and the President signed the bill on March 11. Therefore, the bill includes \$39.6B for higher education to be deposited into the Higher Education Emergency Relief Fund (HEERF). The preliminary projections have Louisiana public postsecondary institutions receiving \$485.6M. Of that amount, students would receive at least half (\$242.8M) of the direct payments to institutions. There would also additional payments of \$109.3M to minority serving institutions in Louisiana.

In addition to stimulus funds for higher education entities, the current bill includes \$350B for state and local governments. Louisiana is projected to receive \$5.2B of which, \$3.2B will be allocated to state government and \$2B will be allocated to local governments. It should be noted that the amounts listed above are projections only. The actual allocations by institution will be known through rules and guidelines issued the U.S Department of Education.



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**REPORTS AND RECOMMENDATIONS**  
**LEGISLATIVE**  
**March 24, 2021**

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**VIII. Reports and Recommendations**

**B. Legislative**

1. Update on Legislative Study Reports
2. 2021 Legislative Priorities

## LEGISLATIVE COMMITTEE

# Annual Reports Submitted

Department/Agency Mandated to Produce the Report	Report Title	Statute or Mandate Requiring Production of the Report	Required Reporting Frequency	Description	Recipient of the Report	Recipient Received Report
Board of Regents	LaSTEM Advisory Council Status Report	SB225 of 2017 Regular	Annually, Due Jan. 30	Report of LaSTEM Council actions, metrics and recommendations	Senate Education Committee and House Education Committee	1/1/2020 and 1/29/2021
Health Works Commission via Board of Regents	2019 Nursing Supply and Demand Council Annual Report	LA Rev Stat § 17:2048.5	Annually, due Feb. 1	Council's activities over the past year; findings from the review of the previously mentioned reports; and recommendations identified to address major issues related to nursing education capacity, nurse supply and nurse demand in Louisiana	Senate Health and Welfare Committee and House Health and Welfare Committee	7/6/2020
Board of Regents	Louisiana Prospers: Driving Our Talent Imperative Master Plan for Higher Education	SB46 of 2018	Annually, due initially Sept. 1, 2019 and Jan. 31 each year thereafter	Revised and/or Updated Master Plan for Higher Education	Legislature and Governor	1/30/2020 and 1/29/2021
Board of Regents	Plan and Budget for the Expenditure of Revenues Available from the Board of Regents Support Fund	Constitution, Article VII, Section 10.1.(C)	Annually, due 60 days prior to Regular Session	Board of Regents Support Fund Annual Plan and Budget for Ensuing Fiscal Year	Legislature and Governor	12/16/2019 and 1/7/2021
Board of Regents	Statewide Articulation and Transfer Report	R.S. 17:3168	Annually, due Sept. 30	Report on statewide articulation and transfer of credits	Senate Education Committee and House Education Committee	10/23/2020
State Treasurer	Kevin P. Reilly, Sr. Louisiana Education Quality Trust Fund Report	<a href="#">La. R.S. 17:3803(C)</a>	Annually, due on or before Nov. 1	Report on the performance of the fund.	Board of Regents; House and Senate Committees on Education; Joint Legislative Committee on the Budget; State Board of Elementary and Secondary Education	11/1/2020
Board of Regents	Governor's Military and Veteran Friendly Campus Program Status Report	Act 232 of 2015 Regular	Annually, Fall Semester	Report on Governor's Military and Veteran Friendly Campus designations	Governor	10/23/2020
Board of Regents and LOS	TOPS Scholarship Program Report	Act 1202 of 2001 Regular, Act 587 of 2014 Regular and Act 227 of 2015 Regular	Annually, no specific date	Report on TOPS program data analysis	Legislature, Governor, Appropriate Executive Branch Agencies and the Public	10/23/2020
Board of Regents	Louisiana Cybersecurity Talent Initiative Fund	SB79 of 2020 Regular	Annually, no specific date	Cybersecurity Talent Initiative Fund report	Senate Education Committee, Senate Committee on Finance, House Committee on Education and House Committee on Appropriations	1/29/2021

LEGISLATIVE COMMITTEE

# Reports Submitted 2020

Board of Regents	Study of How the State Can meet the Oral Health Needs of Citizens in northern LA	SR190 of 2019 Regular	Due Jan. 31, 2020 - Author extension granted	Study feasibility of establishing dental school in North LA	Senate Education Committee and House Education Committee	1/10/2020
Board of Regents and BES	Study of advisability of allowing Anatomy and Physiology to count in addition to, rather than as a substitute for Biology II	HCR9 of 2019 Regular	Due Jan. 9, 2020	Study relative to allowing Anatomy and Physiology to count in addition to rather than as a substitute for Biology II for TOPS award qualification and high school graduation	Senate Education Committee and House Education Committee	1/9/2020
Board of Regents, LCTCS and LOSFA	Report on further development and expansion a scholarship program for certain programs by working-age citizens	SR206 of 2019 Regular	Due Jan. 9, 2020	Report on further development and expansion a scholarship program for certain programs by working-age citizens	Senate Education Committee	1/21/2020
Board of Regents	Report on Establishment of Higher Education Maritime Campus Consortium Task Force	SCR92 of 2019 Regular	Due Feb. 1, 2020	Study the needs and opportunities relative to creation of maritime campus and center and to make recommendations regarding establishment, operations and cross-system collaboration	Governor, Senate President, Speaker of the House, Senate Education Committee Chairman and House Education Committee Chairman	1/29/2020
Board of Regents	Findings from study of the possibility of establishing a law school in the Shreveport area	SCR75 of 2019 Regular	Due Feb. 1, 2020 - Author extension granted	Study the possibility of establishing a law school in the Shreveport area	Senate Education Committee and House Education Committee	7/2/2020
Board of Regents	Findings from study of establishment of Southern University Law Center campus in Shreveport	HCR24 of 2019 Regular	Due Feb. 1, 2020 - Author extension granted	Study establishment of Southern University Law Center campus in Shreveport	Senate Education Committee and House Education Committee	7/2/2020
Board of Regents	Dual Enrollment Task Force Findings and Recommendations	SB243 of 2019 Regular	Due Oct. 1, 2020	Dual Enrollment Framework Task Force report	Senate Education Committee and House Education Committee	Interim Report sent 3/6/20; COVID-19 Addendum sent 10/01/20
LA Healthworks Commission via Board of Regents, Nursing Supply and Demand Council and DCFS	Potential Policy Changes for Creating Safer Workplace Environments for Physicians, Nurses and Social Service Workers	HCR60 of 2019 Regular	Due Feb. 1, 2020	LA Healthworks Commission to report of policy changes to create creating safer workplace environments for physicians, nurses, and social service workers	Legislative Committees on Health and Welfare and Labor and Industrial Relations	12/20/2019
LA Workforce Investment Council and LOSFA	Resources Available and Innovative Ways to Address Unemployment due to COVID-19	HCR12 of 2020 1st Spec	Due Sept. 20, 2021	Study and report relative to the funding and programs for workforce development	Louisiana Legislature	9/29/2020
Board of Regents	Report on Postsecondary Education Agriculture Technology Study Commission Findings and Recommendations	SCR81 of 2019 Regular	Due March 1 - Author extension granted	Postsecondary Education Agriculture Technology Study Commission report	Senate Agriculture, Forestry, Aquaculture and Rural Development, Senate Committee on Education, House Agriculture, Forestry, Aquaculture and Rural Development and the House Committee on Education	5/13/2020
Board of Regents and LOSFA	TOPS Scholarship Recipients' Employment Outcomes and other Data Points	SR10 of 2019 Regular	No set date because no official report was due. Bill called for "study" and data collection.	Study the feasibility of updating TOPS reporting requirements	Legislature, Governor, Appropriate Executive Branch Agencies and the Public	Information led to HCR 33 of 2020

LEGISLATIVE COMMITTEE

# Reports Due/Submitted 2021

Board of Regents, DOE, LWC and LA School Boards Association	Status of Jump Start Program Data Sharing Agreements	HR34 of 2020 Regular	Due Dec. 31, 2020 - Author extension granted	Report on status of data sharing agreements for the purpose of evaluating the Jump Start program	House Education Committee	
Board of Regents, Dept of Revenue, LWC and LOSFA	Report on development of a uniform way to track students who obtain jobs and internships after graduating from LA public postsecondary institutions	HCR33 of 2020 Regular	Due Jan. 31, 2021	Report on development of a uniform way to track students who obtain jobs and internships after graduating from LA public postsecondary institutions	Senate Education Committee and House Education Committee	1/29/2021
LCTCS in coordination with BOR and LOSFA	Pilot Program to provide Public Postsecondary Education Scholarships to Certain Adult Students Report of Findings and Implementation	SR206 of 2019 Regular	Due Jan. 9, 2020 and Feb. 11, 2021	Report on development and expansion of a scholarship program for certain programs by working-age citizens	Senate Education Committee	1/22/2020 and 02/25/2021
Board of Regents, DOE, LWC and LED	Successful Work-based Learning Program	SCR42 of 2019 Regular	Due Feb. 1, 2021	Solicit input, recommendations and guidance pertaining to Work-based Learning programs and report the findings	Legislature and Governor	2/1/2021
Board of Regents	Projected Workforce Demands in the Cannabis Industry	HCR81 of 2020 Regular	Feb. 1, 2021 - Author extension granted	Cannabis Industry Workforce Demands Task Force	Legislature	Tentative 2/25/21
Board of Regents and LCTCS Board of Supervisors	Study of Changes to LCTCS in response to COVID-19	HR52 of 2020 Regular	Initial report due June, 2020; Final report due Feb. 11, 2021	Study and report relative to changes needed for community and technical colleges in response to COVID-19	Speaker of the House and House Education Committee	06/26/20 and 2/11/2021
Board of Regents	Study of Faculty Recruitment, Home State/Country and Language Requirements	HCR45 of 2020 Regular	Due Feb. 11, 2021	Study of issues and compile data relative to faculty at public postsecondary institutions	Senate Education Committee and House Education Committee	2/11/2021
Board of Regents and LOSFA	Report on Feasibility of making TOPS-Tech and GO Grants Available to Low-Income Students the Summer Immediately Following High School Graduation	SCR3 of 2020 2nd Special	Due March 1, 2021	Study the feasibility of allowing TOPS Tech in the summer immediately following high school graduation	Senate Education Committee and House Education Committee	2/25/2021



BOARD of REGENTS  
STATE OF LOUISIANA

## 2021 REGULAR LEGISLATIVE SESSION



HB?? CHAIR GAROFALO

### *Student Data Privacy, Longitudinal Analysis*

HB?? CHAIR ZERINGUE & HB?? REP THOMPSON

### *Funds Asset Reallocation Bill Set*

HB42 REP DAVIS

### *Truth in Borrowing/Fiscal Literacy*

SB27 SEN FOIL

### *Military Friendly Campuses Updates*

HB60 REP BRASS

### *Dual Enrollment Task Force Updates*

HB119 REP HUGHES

### *HBCU Advisory Council Updates*

SB?? SEN FIELDS

### *TOPS Exceptions Edits, Adjustments*

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**REPORTS AND RECOMMENDATIONS**  
**ACADEMIC AND STUDENT AFFAIRS**  
**March 24, 2021**

Meeting will be held via Video Conference  
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**VIII. Reports and Recommendations**

**C. Academic and Student Affairs**

1. Consent Agenda
  - a. Revision to A.A. Policy 2.18 – Addition of Directed Self Placement
  - b. Routine Staff Approvals
2. HCR 81 of the 2020 Regular Legislative Session
3. Academic Programs
  - a. Letter of Intent
    - i. BS Hospitality & Food Industry Leadership
  - b. Program Proposals
    - i. AAS Technical Studies – Louisiana Delta CC
    - ii. UC Selling & Sales Management – UL Monroe
    - iii. BA African & African American Studies – LSU A&M
    - iv. PBC Advanced Supervision – Grambling
    - v. PBC Modern Topics in Petroleum Engineering – LSU A&M
  - c. Reconfiguration of PhD Pharmacy – UL Monroe

## **AGENDA ITEM VIII.C.1.a.**

### **Amendment to Academic Affairs Policy 2.18: Addition of Directed Self-Placement Assessment for Determination of College Proficiency in English**

#### **Staff Summary**

In light of the pandemic and weather-related interruptions of the college application and placement process, the Board of Regents (BoR) has responded to these issues by working with institutions statewide to ensure that Louisiana's prospective college freshmen are not negatively impacted. Currently, BoR A.A. Policy 2.18 affords institutions the flexibility to submit additional alternate assessments as needed or requested for BoR approval.

In compliance with A.A. Policy 2.18, LSU A&M has submitted an assessment for Board consideration to determine English placement. LSU A&M has proposed the addition of the Directed Self-Placement (DSP) model as an alternate means of evaluation for English placement. Instead of using one standardized test score to determine placement, the student reads two articles, writes an essay, and is then prompted through a series of self-reflective questions. The student's responses are then evaluated by an English instructor; then, the student is guided in choosing an appropriate writing class with the assistance of a faculty advisor.

This proposal was vetted by the Chief Academic Officers, Chief Enrollment Management Officers, English faculty, and Directors of Writing Programs statewide at a meeting sponsored by the Board of Regents on Friday, March 5<sup>th</sup>. Approval of the DSP assessment as an alternate measure to A.A. Policy 2.18 would expand the current menu of placement options (ACT/SAT and Accuplacer NG) available to institutions.

#### **Staff Analysis**

Board of Regents staff has reviewed DSP and presents the following findings for consideration:

- 1) DSP provides an opportunity for students to demonstrate writing abilities prior to placement in English courses. The evaluated writing prompt coupled with one-on-one advising creates a system for potential success in English placement.
- 2) After reviewing the proposal, BoR staff recommends that those students admitted without a test score on a standardized test shall be administered the DSP to determine placement.
- 3) DSP requires planning and preparedness for English faculty and students but results in an opportunity to assess the student's writing in an advisory context where single standardized placement tests do not.

#### **STAFF RECOMMENDATION**

**Senior Staff recommends approval of the addition of the Directed Self Placement (DSP) model to A.A. Policy 2.18.**

**AGENDA ITEM VIII.C.1.b.**  
**Routine Academic Requests & Staff Approvals**

<b>Institution</b>	<b>Request</b>
LSU A&M	Request to change the CIP code for the Master of Architecture from 04.0201 (Architecture) to 04.0902 (Architectural Building Sciences/Technology) to reflect the program content and emphasis more accurately. Change effective Summer 2021. <b>Approved</b>



## **AGENDA ITEM VIII.C.2.**

### **Response to House Concurrent Resolution 81 of the 2020 Regular Legislative Session**

#### **Executive Summary**

House Concurrent Resolution 81 (HCR 81) of the 2020 Regular Session of the Legislature directed the Louisiana Board of Regents and the Cannabis Workforce Task Force to “study and make recommendations relative to projected workforce demands in the cannabis industry in Louisiana and to report its findings to the Legislature of Louisiana.”

The Cannabis Workforce Task Force, comprised of higher education, workforce, and medical board representatives, held its first meeting on December 1, 2020. To ensure a timely response to the legislation, the workforce study was conducted by Impact Econ Research Inc. The report serves as a comprehensive analysis of the current and potential future workforce demands and skills necessary to supply the cannabis industry with a capable and complete workforce. The report focuses on Louisiana’s medical cannabis industry and its potential workforce growth.

Some of the key findings in this report include:

- The medical cannabis industry in Louisiana is limited to two producers/cultivators, Louisiana State University and Southern University Agricultural Centers. These two producers/cultivators currently employ 51 individuals, a total which is projected to increase by 150 jobs over ten years. Technical occupations (scientists, technicians, and operators) account for approximately two-thirds (66 percent) of these positions and administrative (management and administration) and security occupations represent 20 percent and 14 percent of the remaining workforce, respectively.
- The medical cannabis industry in the state is limited to nine distributors/pharmacies that currently employ 49 individuals; this area is projected to increase by 46 jobs over ten years. The distribution/pharmacy businesses employ 63 percent of workers in technical occupations (pharmacists, technicians, aides, and couriers) and 37 percent in security occupations.
- Currently, there are 6,392 licensed physicians in the state, 202 of whom have recommended medical cannabis at least once since 2019. In ten years, the medical cannabis industry is projected to employ the equivalent of 255 additional full-time licensed physicians.
- The total number of qualified patients is predicted to increase from approximately 9,000 patients in year 1 to 34,582 patients in ten years, reaching 0.75 percent of the state’s total population.
- In year ten of the medical cannabis industry, patients are projected to consume 31,988 pounds of medical cannabis. As a reference point, Colorado’s mature and stable medical cannabis market harvested 410,130 pounds in 2017.
- Projections assume employment growth requires lessening of restrictions related to the types of medical cannabis products produced, the modes of distribution, and the accessibility to consumers purchasing medical cannabis.

The report is a comprehensive analysis of Impact Econ Research Inc.’s findings and was approved by the Cannabis Workforce Task Force on March 9, 2021.

#### **STAFF RECOMMENDATION**

**Senior Staff recommends the Board receive the report.**

**RESPONSE TO HOUSE CONCURRENT RESOLUTION 81  
OF THE 2020 REGULAR SESSION  
OF THE LOUISIANA LEGISLATURE**

**LOUISIANA BOARD OF REGENTS**



**March 2021**

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## TABLE OF CONTENTS

Introduction .....	5
<b>Part 1:</b> Louisiana’s Cannabis Industry Workforce in Context.....	5
<b>Part 2:</b> Factors Shaping Louisiana Cannabis Industry’s Workforce Demands.....	10
<b>Part 3:</b> Projections for the Louisiana Cannabis industry Workforce .....	13
Appendix .....	17
About Impact Econ Research Inc .....	20

## Introduction

House Concurrent Resolution 81 of the 2020 Regular Legislative Session directed the Board of Regents and the Cannabis Workforce Task Force to study and make recommendations relative to the projected workforce demands of the cannabis industry in Louisiana (see Appendix A). This report will serve as a comprehensive analysis of the current and potential future workforce demands and skills necessary to supply the cannabis industry with a capable and complete workforce. The study focuses on Louisiana's Medical Marijuana Program (MMP) and the growing medical cannabis industry in the state. Special attention is given to the market structure of Louisiana's cannabis industry and its impact on potential workforce growth.

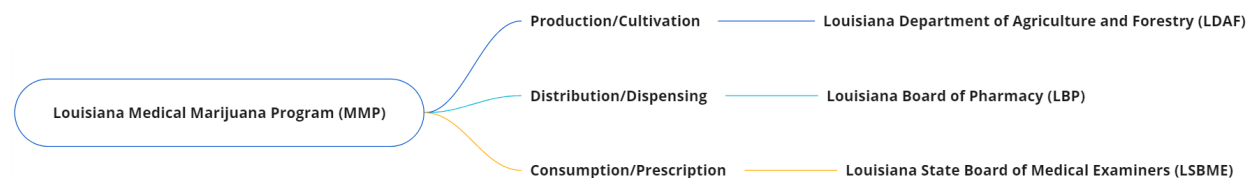
The following three sections explain 1) the cannabis industry structure and the current workforce composition; 2) the factors shaping the workforce demands of the cannabis industry; and 3) the projected growth of the cannabis industry and its workforce.

### Part 1: Louisiana's Cannabis Industry Workforce in Context

In 2015, the Louisiana State Legislature enacted Act 261, R.S.40:1046 (also known as "The Alison Neustrom Act") establishing the Medical Marijuana Program (MMP) and, in effect, the Louisiana cannabis industry. Act 261 enabled the Louisiana State University Agricultural Center and the Southern University Agricultural Center to serve as the only licensed producers of medical cannabis in the state. Additionally, Act 261 set a maximum of ten special licenses for the dispensing of medical cannabis, of which nine were issued. Lastly, Act 261 listed the specified medical conditions approved by the Louisiana state legislature for which medical cannabis may be recommended.

Oversight of the Louisiana cannabis industry was segmented into three state agencies based on the supply chain stages: production/cultivation, distribution/dispensing, and consumption/recommendation (see Figure 1). First, the Louisiana Department of Agriculture and Forestry (LDAF) was authorized to develop rules and regulations regarding the extraction, processing, and production of medical cannabis. LDAF actively inspects the state's two cannabis cultivation and production facilities and employs laboratory testing to ensure product safety.

**Figure 1: Louisiana Medical Cannabis Supply Chain and Regulator as of February 2021**



Second, the Louisiana Board of Pharmacy (LBP) was granted the responsibility to establish the rules and regulations relating to the dispensing of recommended medical cannabis. Lastly, the Louisiana State Board of Medical Examiners (LSBME) was tasked with promulgating the rules

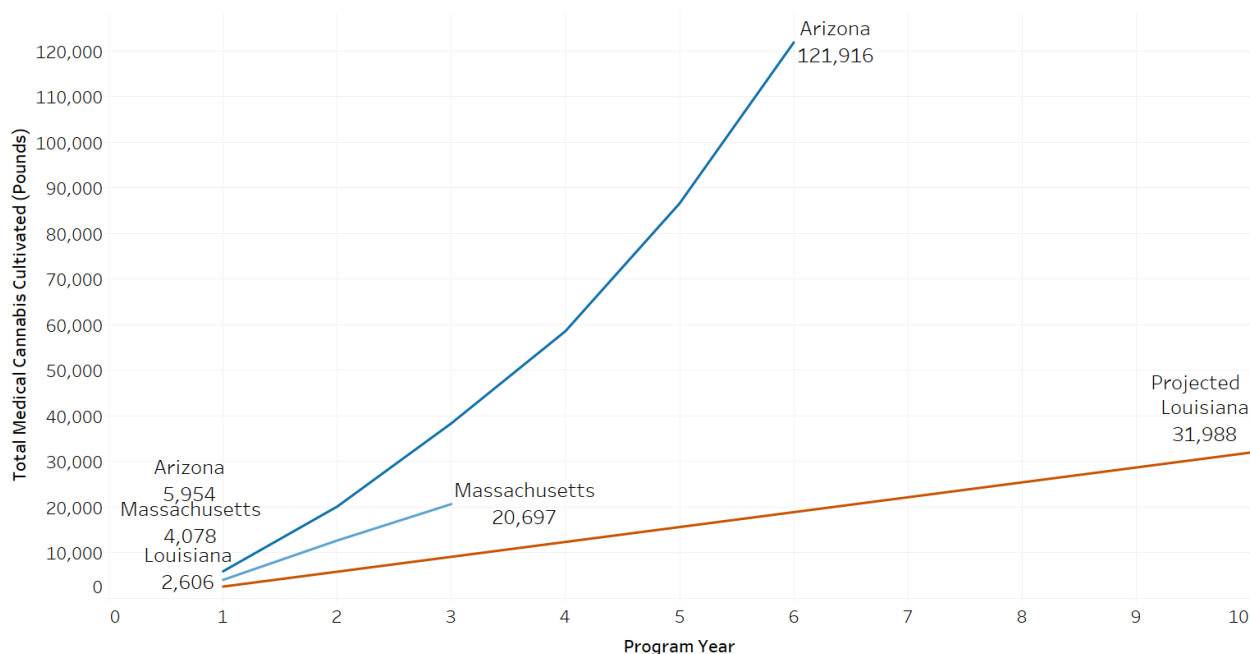
and regulations that authorize licensed physicians in the state to recommend medical cannabis to patients. Additionally, the LSBME was granted the ability to recommend additional diseases or medical conditions that should be added to the list of eligible diseases and conditions for medical cannabis prescription. However, in 2020, Act 286 stripped regulatory authority from LCBME over the LMMP. Instead, the LSBME continues to determine whether physicians are in good standing to practice medicine in Louisiana and recommend medical cannabis treatments or any other legal medical treatment.

Louisiana's State Legislature amended the statutes controlling the state's medical cannabis industry in 2016 (Act 96), 2018 (Acts 496 and 708), 2019 (Acts 207, 284 and 331), and 2020 (Act 286). Table 1 provides a detailed summary of the legislated actions relative to Louisiana's medical cannabis industry.

<b>Table 1: Louisiana Medical Cannabis Legislation as of February 2021</b>		
<b>Year</b>	<b>Act(s)</b>	<b>Description</b>
2015	Act 261	<ul style="list-style-type: none"> <li>Establishes the Louisiana Medical Marijuana Program</li> </ul>
2016	Act 96	<ul style="list-style-type: none"> <li>Adds HIV, acquired immune deficiency syndrome, cachexia, seizure disorders, epilepsy, spasticity, Crohn's disease, and muscular dystrophy to the qualifying conditions list.</li> <li>Allows physicians to "recommend" in lieu of "prescribe" cannabis.</li> <li>Places additional health and safety standards on production of cannabis derivative products</li> </ul>
2018	Act 496, Act 708	<ul style="list-style-type: none"> <li>Add certain conditions relating autism to qualifying conditions list.</li> <li>Add glaucoma, severe muscle spasms, intractable pain, post-traumatic stress disorder, and Parkinson's disease to qualifying conditions list.</li> </ul>
2019	Act 207, Act 284, Act 331	<ul style="list-style-type: none"> <li>Authorizes a data system for collection of information on health effects and outcomes associated with medical marijuana</li> <li>Authorizes medical cannabis administration in the form of a metered-dose inhaler</li> <li>Exempts sale of therapeutic cannabis from regular state and local sales and use tax, and levies a 7 percent tax on such sales.</li> </ul>
2020	Act 286	<ul style="list-style-type: none"> <li>Removes the requirement that physicians get special authorization from the Board of Medical Examiners to recommend cannabis</li> <li>Allows physicians to recommend therapeutic cannabis for any condition a physician considers debilitating to that individual patient.</li> </ul>

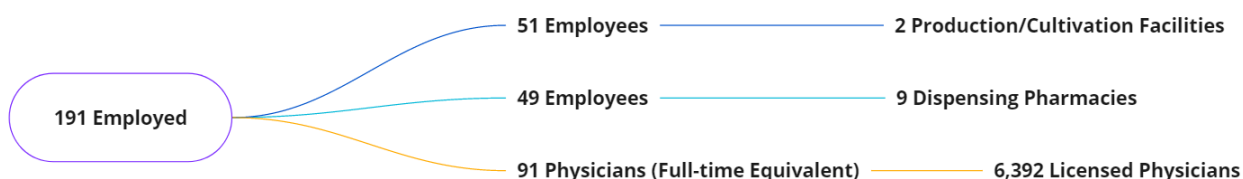
Louisiana’s medical cannabis legislation has led to a modest-sized industry, relative to other states. The relative sizes of other states’ industries are best determined by the total pounds of medical cannabis cultivated across states (see Figure 2). This is the best measure because it controls for differences in the types of medical cannabis products available for patients in each state while also being sensitive to the quantity demanded by patients.

**Figure 2: Total Annual Medical Cannabis Cultivated by State as of 2020 or Most Recent Data Available**



The total poundage of medical cannabis cultivated in Louisiana also informs us about the current and potential size and composition of the state’s medical cannabis industry. Using the levels of medical cannabis cultivated along with the existing market structure of the medical cannabis industry in the state – which is limited to two producers/cultivators, nine distributors/pharmacies, and a total of 6,392 licensed physicians – we are able to estimate the industry’s workforce at each level of the supply chain. In aggregate, the existing medical cannabis industry in Louisiana employs 302 individuals (see Figure 3).

**Figure 3: Louisiana Medical Cannabis Industry Workforce by Supply Chain Stage as of February 2021**



First, the cultivation and production stage of the medical cannabis industry currently employs about 51 individuals. On average, the annual salary for a worker in the cultivation and

production stage is \$63,260. Workers can be separated into three broad categories of occupations: technical, security, and administrative. Technical occupations account for about two-thirds, 66 percent, and administrative and security occupations represent 20 percent and 14 percent of the workforce, respectively. Table 2 lists the details of occupations present in the cultivation and production stage.

<b>Table 2: Characteristics of Occupations in the Cultivation and Production Stage as of 2020</b>					
<b>Occupation</b>	<b>Occupation Code</b>	<b>Total State Employment</b>	<b>Avg. Annual Salary</b>	<b>Education Required</b>	<b>Skills Required</b>
Soil and Plant Scientist	19-1013	90	\$75,200	Bachelor's Degree	Science – Complex Problem Solving – Critical Thinking – Data Analysis
Agricultural and Food Science Technicians	19-4010	250	\$32,890	Vocational or Associate's Degree	Complex Problem Solving – Critical Thinking – Data Analysis
Chemical Technicians	19-4031	2,540	\$65,590	Vocational or Associate's Degree	Science – Critical Thinking – Data Analysis
Agricultural Equipment Operators	45-2091	210	\$29,130	High School Diploma	Operation and Control – Equipment Maintenance
Security Guards	33-9032	18,460	\$29,750	High School Diploma	Critical Thinking – Monitoring – Coordination
General and Operations Managers	11-1021	29,260	\$117,220	Bachelor's Degree	Social Perceptiveness – Monitoring – Coordination
Administrative Services and Facilities Managers	11-3010	2,650	\$86,480	Associate's Degree	Time Management – Coordination



Second, the distribution and pharmacy stage currently employs about 49 individuals. The average annual salary is \$46,726. The distribution and pharmacy stage employs 63 percent of workers in technical occupations – and more recently as couriers delivering prescriptions during the pandemic – and 37 percent in security occupations. Table 3 lists the details of occupations present in the distribution and pharmacy stage.

<b>Table 3: Characteristics of Occupations in the Distribution and Dispensing Stage as of 2020</b>					
<b>Occupation</b>	<b>Occupation Code</b>	<b>Total State Employment</b>	<b>Avg. Annual Salary</b>	<b>Education Required</b>	<b>Skills Required</b>
Pharmacists	29-1051	5,060	\$123,140	Doctoral Degree	Critical Thinking – Monitoring – Instructing
Pharmacy Technicians	29-2052	6,150	\$34,070	Vocational or Associate's Degree	Critical Thinking – Monitoring
Pharmacy Aides	31-9095	1,160	\$24,640	Vocational or Associate's Degree	Social Perceptiveness – Service Orientation
Couriers and Messengers	43-5021	1,880	\$26,890	High School Diploma	Operating Vehicles – Time Management – Critical Thinking
Security Guards	33-9032	18,460	\$29,750	High School Diploma	Critical Thinking – Monitoring – Coordination

Lastly, the consumer-facing stage currently employs about 202 licensed physicians. This figure is based on the total number of unique licensed physicians who recommended medical cannabis to at least one patient between August 2019 and December 2020. It is important to note that these physicians represent 0.3 percent of all licensed physicians in the state and that prescribing physicians do not conduct office visits exclusively with medical cannabis patients. Based on an estimated total of 23,626 office visits related to medical cannabis patients held by the 202 prescribing licensed physicians, we estimate an average annual salary of \$93,058 for licensed physicians derived from medical cannabis. Table 4 explains the characteristics of licensed physicians in Louisiana. Additionally, we include nurse practitioners – who cannot currently

prescribe medical cannabis – in order to show the potential need to expand prescriber capacity to nurse practitioners because they are more readily available throughout the state.

<b>Table 4: Characteristics of Occupations in the Consumer Stage as of 2020</b>					
<b>Occupation</b>	<b>Occupation Code</b>	<b>Total State Employment</b>	<b>Avg. Annual Salary</b>	<b>Education Required</b>	<b>Skills Required</b>
Family Medicine Physicians	29-1215	590	\$207,000	Doctoral Degree	Medicine –Critical Thinking – Active Listening
General Internal Medicine Physicians	29-1216	140	\$188,650	Doctoral Degree	Medicine –Critical Thinking – Active Listening
Pediatricians, General	29-1221	230	\$146,300	Doctoral Degree	Medicine –Critical Thinking – Active Listening
Nurse Practitioners	29-1171	3,170	\$106,240	Doctoral Degree	Medicine –Critical Thinking – Active Listening

## **Part 2: Factors Shaping the Louisiana Cannabis Industry’s Workforce Demands**

The current and potential size and composition of the state’s medical cannabis industry workforce is a product of several factors along the supply chain. However, it should be noted that the segmented regulatory framework of Louisiana’s medical cannabis industry requires that prospective changes to the industry’s production, distribution, and consumption stages be directed by the appropriate authority. A selected sample of regulatory frameworks across the U.S. shows that seven out of 11 states concentrate regulatory authority over the state’s medical cannabis industry in just one government agency (see Table 5).

<b>Table 5: Medical Cannabis Industry Regulators by State as of February 2021</b>			
<b>State</b>	<b>Production</b>	<b>Distribution</b>	<b>Consumption</b>
Louisiana	Dept. of Agriculture	Board of Pharmacy	Board of Medical Examiners
Alaska	Dept. of Health	Dept. of Health	Dept. of Health
Arizona	Dept. of Health	Dept. of Health	Dept. of Health
Arkansas	Dept. of Finance and Administration	Alcohol and Beverage Control	Dept. of Health
Florida	Dept. of Health	Dept. of Health	Dept. of Health
Illinois	Dept. of Agriculture	Dept. of Finance and Professional Regulation	Dept. of Health
Michigan	Dept. of Licensing and Regulatory Affairs	Dept. of Licensing and Regulatory Affairs	Dept. of Licensing and Regulatory Affairs
Minnesota	Dept. of Health	Dept. of Health	Dept. of Health
Mississippi	Dept. of Health	Dept. of Health	Dept. of Health
Missouri	Dept. of Health	Dept. of Health	Dept. of Health
Oklahoma	Dept. of Health	Dept. of Health	Dept. of Health

First, the cultivation and production stage of the medical cannabis industry is directly impacted by the number of licensed producers and the types of products available to be produced. Louisiana law provides for a maximum of two licensed cultivation and processing centers. Currently, the licenses are held by the Louisiana State University and Southern University Agricultural Centers. At the current time, the two producers are able to meet market demand for medical cannabis; however, the cap on production facilities requires that these producers scale up production in order to meet the future demand growth of medical cannabis. Consideration must be given to potential challenges associated with economies of scale, as the typical medical cannabis producer cultivates 535 pounds of cannabis a year in contrast to the 1,870 pounds cultivated by the LSU AgCenter in 2020.

Additionally, restrictions on the types of products produced by medical cannabis producers also introduce challenges to the potential growth of the Louisiana cannabis industry. According to Orens et al. (2015), one ounce of flower delivers the same amount of THC as 83 units of edible products and 7.72 grams of concentrate. In 2017, the market price for medical cannabis flower was \$3.36 per gram compared to \$15 per gram for concentrates and \$10 per 100 mg edibles

package. As of 2019, the market price for medical cannabis flower had declined further, to \$1.75 per gram. Currently, Louisiana is one of only three states with medical cannabis programs that prohibit the sale of medical cannabis flower; Minnesota and Virginia also have this limit.

The data show that differences in the cost of production of each type of medical cannabis product leads to variations in product pricing. Changes in the restrictions on the types of medical cannabis products produced may also lead to productivity gains and overall market price reductions as producers are more likely to achieve efficiency gains that would otherwise be constrained. The greater availability of medical cannabis products and subsequent productivity gains should also create a downward pressure on market prices, making medical cannabis treatments more accessible.

Second, the distribution and pharmacy stage of the medical cannabis industry is constrained by limiting pharmacy licenses to 10. Currently, there is only one approved pharmacy in each of the nine Louisiana Department of Health designated regions, meaning each pharmacy serves an average of seven parishes. While this number of dispensing pharmacies may be sufficient to serve the population in terms of capacity, the geographic spread represents a misunderstanding of the needs of patients.

Users of therapeutic marijuana have debilitating medical conditions, meaning they might be unable to drive long distances to obtain medicine. For instance, the closest dispensing pharmacy to Bogalusa is nearly an hour away, in Madisonville. Difficulty accessing the dispensing pharmacy tends to push patients towards substitute treatment options available by mail delivery - usually from pharmacies owned and operated out of state.

To deal with the problem of accessibility, most other states with therapeutic cannabis programs have adopted caregiver provisions. Caregiver provisions allow for designated persons to register and/or become licensed by the regulatory agency to obtain and transport therapeutic cannabis on behalf of patients. Another way to remedy this problem is allowing delivery of products to patients where they are located. Due to COVID-19, the Board of Pharmacy is temporarily allowing pharmacies to deliver therapeutic cannabis. Lastly, Louisiana may increase the number of pharmacy licenses so that dispensing pharmacies may be located throughout the state, thereby reducing patient travel times as well as medical cannabis retail prices. Table 6 puts Louisiana's production and pharmacy limits in context with other states.

<b>Table 6: Medical Cannabis Industry Limits by State as of February 2021</b>		
<b>State</b>	<b>Maximum Producers</b>	<b>Maximum Dispensing Locations</b>
Louisiana	2	9
Minnesota	2	8
Arizona	5	32

Florida	10	250
Michigan	18	43
Illinois	22	60
Missouri	60	192
Mississippi	No Limit	No Limit
Oklahoma	No Limit	No Limit
Alaska	No Limit	No Limit

Lastly, consumption is limited by a number of factors. Due to a lack of outreach and guidance, physicians are generally uninformed about Louisiana’s medical cannabis program. In particular, greater education is needed regarding the rules for recommendations, how to become authorized to make a recommendation, or what the proper form of a recommendation is. Also, at the time of this writing, the guidance offered by the Louisiana State Board of Medical Examiners is out of date and does not reflect Act 286 of 2020, which went into effect on August 1, 2020.

Additionally, there are no protections in state law for medical cannabis patients in their roles as employees or tenants. Of the 35 other states with medical cannabis programs, 19 specifically prohibit employment discrimination based on use of medical cannabis and seven specify that a positive test result does not indicate impairment. Additionally, many states have enacted laws which similarly protect tenants from discrimination based on medical cannabis use. Patients who feel their employment or housing may be negatively impacted by using therapeutic cannabis are more likely to forgo medical cannabis and use traditional medications as substitutes.

### **Part 3: Projections for the Louisiana Cannabis industry Workforce**

The projected size and composition of the state’s medical cannabis industry workforce is largely a product of the total pounds of medical cannabis cultivated in order to meet Louisiana’s medical cannabis demand. For the purpose of this analysis, we use the existing market structure of the medical cannabis industry in the state – which is limited to two producers/cultivators and nine distributors/pharmacies – and assume that these regulatory trends continue into the future. In particular, we assume the gradual lessening of restrictions around the types of medical cannabis products produced, the modes of distribution, and its accessibility of consumers. Without these assumptions, Louisiana’s medical cannabis industry is likely limited to the current workforce of about 300 individuals.

Our analysis is based on the landmark research of Haslag and Crader (2019) – an analysis of 20 states with medical cannabis programs across the U.S. Haslag and Crader propose a forecast model to project the total number of qualified medical cannabis patients over time. Their model

assumes that 0.3 percent of a state's population qualifies for medical cannabis in the first year and this number grows at a rate of 0.05 percent each year. Furthermore, they provide a standard error of 0.047, which allows for a one standard-deviation confidence band estimating a 66 percent confidence level (probability) that qualified patients are accounted by their projected range.

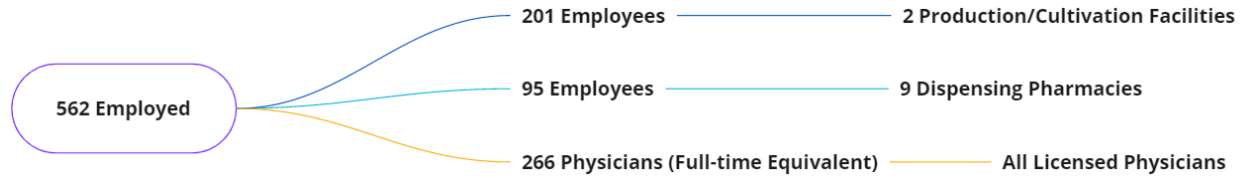
This analysis reflects the common experience of states implementing medical cannabis programs where consumption quantities start low and then ramp up as people become familiar with the established rules and regulations that structure the legal status of medical cannabis. As mentioned earlier, the growth of the medical cannabis industry is largely a product of the regulatory framework of the state's program. The latter is particularly evident in the observed range in the share of a state's population that qualify as patients for medical cannabis. For example, 0.35 percent of a state's population typically qualifies for medical cannabis but extensive regulations in Minnesota limited their industry to 0.01 percent of the population. Conversely, relatively loose regulations led to 2.1 percent of the population covered by medical cannabis in Colorado.

Furthermore, using the average medical cannabis consumption levels for qualified patients provided by Haslag and Crade we are able to model both the projected number of medical cannabis patients over time and the projected production level of medical cannabis needed to meet demand. This approach assumes the eventual legalization of medical cannabis flower, which has the notable features of being the lowest priced product with the highest level of demand and the fastest treatment time. The goal of our analysis is to employ demand for medical cannabis as the main driver of the industry's projected growth and then estimate the workforce necessary to successfully meet demand without a shortage or surplus of production at any given time.

Figure 4 shows Louisiana's total projected workforce by supply chain stage. The total number of qualified patients is predicted to increase to 34,582 patients [confidence band of 32,429 to 36,735 patients] in year ten of the program, at which point it will reach 0.75 of the state's population. Relatedly, 0.75 percent is the average share of the population qualified for medical cannabis across the 20 states analyzed by Haslag and Crader. Additionally, in year ten of the program patients are projected to consume 31,988 pounds of medical cannabis [confidence band of 29,996 to 33,980 pounds]. As a reference point, Colorado's mature and stable medical cannabis market harvested 341,775 pounds of cannabis flower and 68,355 pounds of trim in 2017.

With medical cannabis production growing by a factor of about 7 in year ten, we can then estimate the size and composition of the Louisiana medical cannabis industry workforce. We estimate a total workforce of 562 across the entire supply chain in year ten of Louisiana's cannabis industry (see Figure 4). Our projections call for an increase of 371 jobs in the Louisiana medical cannabis industry: 150 jobs in the production stage, 46 jobs in the distribution stage, and the equivalent of 175 jobs in the consumer stage.

**Figure 4: Projected Louisiana Medical Cannabis Industry Workforce in Year Ten of the Program by Supply Chain Stage as of February 2021**



Based on the existing workforce characteristics of the medical cannabis industry in Louisiana we are able to project the expected growth of occupations specific to the industry. Administrative, security, and physician occupations are excluded because they are not unique to the medical cannabis industry and therefore can transition relatively easily across industries. Table 7 shows the projected employment growth driven directly by the forecasted growth in the Louisiana medical cannabis industry. The corresponding educational and skill requirements for the growth occupations can therefore serve as the foundation to the development of programs in high school, vocational, and higher education institutions that are targeted to industry employment.

<b>Occupation</b>	<b>Occupation Code</b>	<b>Projected Employment Growth</b>	<b>Avg. Annual Salary</b>	<b>Education Required</b>	<b>Skills Required</b>
Soil and Plant Scientist	19-1013	10	\$75,200	Bachelor's Degree	Science – Complex Problem Solving – Critical Thinking – Data Analysis
Agricultural and Food Science Technicians	19-4010	50	\$32,890	Vocational or Associate's Degree	Complex Problem Solving – Critical Thinking – Data Analysis
Chemical Technicians	19-4031	30	\$65,590	Vocational or Associate's Degree	Science – Critical Thinking – Data Analysis
Agricultural Equipment Operators	45-2091	50	\$29,130	High School Diploma	Operation and Control – Equipment Maintenance

Pharmacists	29-1051	10	\$123,140	Doctoral Degree	Critical Thinking – Monitoring – Instructing
Pharmacy Technicians	29-2052	10	\$34,070	Vocational or Associate's Degree	Critical Thinking – Monitoring
Pharmacy Aides	31-9095	10	\$24,640	Vocational or Associate's Degree	Social Perceptiveness – Service Orientation
Couriers and Messengers	43-5021	10	\$26,890	High School Diploma	Operating Vehicles – Time Management – Critical Thinking



**Appendix A:**

**ENROLLED**

2020 Regular Session

HOUSE CONCURRENT RESOLUTION NO. 81

BY REPRESENTATIVE MARCELLE

**A CONCURRENT RESOLUTION**

To establish a task force to study and make recommendations relative to projected workforce demands in the cannabis industry in Louisiana and to report its findings and recommendations to the Legislature of Louisiana no later than February 1, 2021.

WHEREAS, the Legislature of Louisiana passed medical marijuana legislation in 2016 and gave authorization for two state higher educational institutions to grow, process, and provide medical cannabis; and

WHEREAS, recent studies show the therapeutic value of cannabis in treating a wide array of debilitating medical conditions, including relief of the neuropathic pain that often fails to respond to conventional treatments and reduced symptoms and even complete remission from Crohn's disease; and

WHEREAS, the Congress of the United States has passed the 2018 Farm Bill, which defines hemp as a cannabis plant that contains not more than three-tenths percent of tetrahydrocannabinol (THC) and authorizes the cultivation of hemp and commercial distribution of hemp-derived products; and

WHEREAS, the cannabis industry is thriving across the country as Louisiana and other states establish laws to authorize and regulate the industry; and

WHEREAS, since this is a growing, new industry there is a need to study the workforce demands and the skills necessary to supply the cannabis industry with a capable and compete workforce, including physicians, nurse practitioners, nurses, and other healthcare practitioners.

THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby establish a task force to study and make recommendations relative to projected workforce demands in the cannabis industry in Louisiana.

BE IT FURTHER RESOLVED that the task force shall be comprised of the following members:

(1) Two representatives of Louisiana State University appointed by the president of the university.

(2) Two representatives of Southern University appointed by the president of the university.

(3) Two representatives of Baton Rouge Community College appointed by the chancellor of the college.

(4) One representative of the Louisiana Board of Pharmacy appointed by the board.

(5) One physician appointed by the Louisiana State Board of Medical Examiners.

(6) One representative of the Louisiana Workforce Commission appointed by the secretary of the commission.

(7) One member of the Louisiana House of Representatives appointed by the speaker of the House of Representatives.

(8) One member of the Louisiana Senate appointed by the president of the Senate.

BE IT FURTHER RESOLVED that the task force shall hold its organizational meeting at the call of the commissioner of higher education, and at its organizational

meeting, the task force shall elect a chair and such other officers as it deems necessary.

BE IT FURTHER RESOLVED that the task force may conduct such meetings at such times as it may deem necessary or convenient to enable it to exercise fully and effectively its powers, perform its duties, and accomplish the objectives and purposes of this resolution.

BE IT FURTHER RESOLVED that the Board of Regents shall provide staff and administrative support for the task force.

BE IT FURTHER RESOLVED that the task force shall report its findings and recommendations, including any suggestions for proposed legislation, to the legislature no later than February 1, 2021, at which time the task force shall cease to exist.

BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the Louisiana commissioner of higher education, the presidents of Louisiana State University and Southern University, the chancellor of Baton Rouge Community College, the secretary of the Louisiana Workforce Commission, the executive directors of the Louisiana State Board of Medical Examiners and the Louisiana Board of Pharmacy, the speaker of the Louisiana House of Representatives, and the president of the Louisiana Senate.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

### **About Impact Econ Research Inc.**

Impact Econ Research provides enterprise analytics, economic modelling and policy design and evaluation to government agencies, non-profit organizations, and civic campaigns. We pride ourselves on being able to solve complex problems with a holistic approach that creates innovative and complete solutions, with a focus on people, markets, and processes.

We assist clients in understanding and leveraging their internal data collection as well as changes in economic, social, and political conditions - and in public policy - to support effective evidence-driven decision making. Our technical knowledge and big data offerings enable institutional clients to effectively evaluate their existing operations, future initiatives, and prospective opportunities.

Impact Econ Research will answer complex questions irrespective of scope and magnitude. We produce custom reports, presentations, testimony, infographics, and interactive data visualizations and maps to target communications and media to key audiences.

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## AGENDA ITEM VIII.C.3.a.

### Letter of Intent to Develop a BS Hospitality & Food Industry Leadership Southern University and A&M College

#### **Background Information**

Southern University and A&M College (SUBR) requests Board of Regents (Regents) approval of a Letter of Intent (LoI) to create a proposal for a Bachelor of Science (BS) in Hospitality & Food Industry Leadership. The LoI was approved by the Southern Board of Supervisors and forwarded to the Board of Regents for consideration. The LoI was then circulated to Chief Academic Officers (CAOs) statewide for review and comment.

#### **Staff Summary**

Hospitality and tourism have long been a major industry in and contributor to the Louisiana economy, and before the pandemic, the industry was the fourth largest employer in Louisiana. The proposed 100% online program will provide an accessible option for working professionals and other returning adults to the program.

**1. Value:** Per Regents' policy, this program meets the criteria of a Quality Credential of Value.

- a. Same or Similar In-state Programs: Several 2-year institutions offer programs that could feed into the proposed program, and UL Lafayette, Northwestern, and UNO offer hospitality management or tourism degrees. While Southern's proposed program will be similar to these programs, it will be uniquely positioned to increase diversity at the management level of the industry and will provide access to non-traditional students through its 100% online format. During the statewide CAO review, no institution indicated that this program would be unnecessary duplication.
- b. Workforce Demand and Job Opportunities: Louisiana attracted a record 51.3 million visitors in 2018, according to the Lieutenant Governor's office, up 9% from the previous year. According to the US Bureau of Labor Statistics, since 2016, Louisiana saw 6,700 new tourism-related jobs. The hospitality industry is now increasingly requiring college graduates who can go directly into management. The proposed program was designed in collaboration with industry partners to meet this need.
- c. Students: In addition to traditional students, Southern anticipates attracting students from related programs at 2-year institutions, culinary institutes, and returning adults. The program has been designed to be completed in two years in a 2+2 model providing an easy transition for students from community colleges, those with some college but no degree, and other majors at the university. Based on prospective student interest and industry demand, Southern anticipates 20 students in the first year growing to 67 total majors by year four.

**2. Resources**

The program, which will be housed in the College of Agriculture's Department of Family and Consumer Science, will require two additional full-time faculty for implementation and a full-time staff person starting in year three for a total of \$305,000. Startup funds of \$25,000 will be required to set up a virtual learning lab, and \$2,500 per year will be included in the program's ongoing budget for library resources to support the program. Southern anticipates that the program will be self-supporting within four years.

**Staff Analysis**

Southern has clearly designed the program with access, affordability, and diversity as top priorities. Although the hospitality industry has suffered due to the pandemic, it is expected to fully recover and grow. The proposed program will fit a need for students as well as industry.

**STAFF RECOMMENDATION**

**Senior Staff recommends approval of the Letter of Intent to develop a full proposal for a Bachelor of Science in Hospitality and Food Industry Leadership (CIP 52.0901) at Southern University and A&M College.**

## AGENDA ITEM VIII.C.3.b.i.

### Proposed Associate of Applied Science in Technical Studies Louisiana Delta Community College

#### **Background Information**

Louisiana Delta Community College (LDCC) has requested Board of Regents' approval to offer an Associate of Applied Science (AAS) in Technical Studies. The program proposal was approved by the LCTCS Board of Supervisors and forwarded to the Board of Regents for consideration.

#### **Staff Summary**

The proposed AAS in Technical Studies is a 60-credit hour program designed to serve the institution's already established career and technical programs that do not currently lead to an associate degree (welding, electrical, HVAC, auto technician, diesel technician, barber styling, etc.). The program will enable students to acquire both occupational skills in a specific technical area and a basic general education without the institution having to create multiple associate degree programs. The degree will improve graduates' competitiveness for available supervisory positions that require technical skills as well as evidence of analytical, communication and problem-solving skills. It will also expand educational opportunities for graduates as the general education courses will transfer to baccalaureate degree programs, should the student wish to pursue further education.

**1. Value:** Per Regents' policy, this program meets the criteria of a Quality Credential of Value.

- a. **Same or Similar In-state Programs:** While several LCTCS colleges have implemented similar AAS programs in Technical Studies, this program will specifically serve students located throughout the northeast Louisiana region. There are no similar programs offered near LDCC.
- b. **Workforce Demand and Job Opportunities:**
  - The proposed program was partially designed at the request of current LDCC instructors who seek to obtain an associate degree of this type.
  - According to recent Louisiana workforce data, there is projected to be over 250 total available positions annually from 2016-2026 in the fields of welding, electrical, HVAC, auto technician, diesel technician, and barber styling in Region 8, where LDCC is located.
- c. **Student Enrollment:** Students currently enrolled in certificate programs will provide a source of students for the proposed program. Enrollment estimates are based on advising conversations with current students at LDCC who have expressed interest in transferring to four-year institutions to seek baccalaureate degrees. LDCC anticipates enrolling 20 students in the program in the first year.

	Year 1	Year 2	Year 3	Year 4	Year 5
<b>Projected Enrollment</b>	20	20	30	30	40

2. **Resources:** LDCC estimates minimal increased costs to offer the program since existing faculty, facilities and equipment are already in place to support the program. General education courses required for technical students to complete the degree are already offered.

	Current	Needed	Additional Costs
Faculty	Program can be implemented with current general education faculty.	No additional resources projected.	\$0
Physical (Facilities, Equipment, Library, & Technology)	Existing facilities are adequate to support the program.	No additional resources projected.	\$0
Student Support	Existing resources will meet the needs of the program for the foreseeable future.	No additional resources projected.	\$0

3. **Master Plan Priorities:** The following aspects of the proposal directly address priorities or goals of the statewide attainment goal and 2030 Master Plan.

- Accessibility: LDCC will deliver the technical portion of the program mainly through hands-on, in-person delivery. The general education portion may be obtained via 100% distance education, in-person or a combination of both instructional delivery methods. This will allow more flexibility for working age adults with full-time jobs to enroll in and complete the program.
- Affordability: LDCC remains one of the OER leaders within the LCTCS. OER resources have already been established throughout the general education curriculum and more will be implemented as options become available.
- Partnerships: Once the program is approved, LDCC will pursue transfer and partnership opportunities with LA Tech University. The proposed degree program will also provide greater opportunities for students to be eligible to apply for employment with one of the college's industry partners, Eastman Chemical Company, which requires an associate degree for employment.
- Work-based learning: Internship opportunities already exist within LDCC's welding, electrical, auto tech, barber styling and diesel tech programs and are included in the program of study.

### **Staff Analysis**

LDCC's proposed AAS in Technical Studies will allow a student to receive technical training, for which there is workforce need, while also acquiring basic general education competencies that increase employment and educational opportunities.

### **STAFF RECOMMENDATION**

**Senior Staff recommends conditional approval of the proposed AAS in Technical Studies (CIP 47.9999) at Louisiana Delta Community College, with a progress report due October 1, 2022.**



## AGENDA ITEM VIII.C.3.b.ii.

### Proposed Undergraduate Certificate in Selling and Sales Management University of Louisiana at Monroe

#### **Background Information**

In February 2019, the Board of Regents approved the addition of a new upper-level Undergraduate Certificate (UC) in Academic Affairs Policy 2.15, *Definitions of Undergraduate Degrees & Undergraduate/Graduate Certificates*. Designed as a focused, incremental, stackable credential, the UC can be linked to an existing degree program major as an additional focus area (concentration or minor) or it can be a stand-alone area of specialization to augment a student's educational background and/or to meet industry demand for upper-level training. Undergraduate Certificates are comprised of at least 18 credits, of which at least half must be at the upper (junior/senior) level. The University of Louisiana at Monroe (ULM) has requested Regents approval of a UC in Selling and Sales Management that has been approved by the UL Board of Supervisors.

#### **Staff Summary**

The proposed UC in Selling and Sales Management, comprised of 18 credit hours of upper-level courses in marketing, consumer behavior, and selling and sales, was developed to help meet the demand for entry-level sales managers in the northeast region and across the state. Those who complete the proposed UC will have the qualifications necessary for sales and sales management jobs that require postsecondary education.

1. **Value:** Per Regents' policy, this program meets the criteria of a Quality Credential of Value.
  - a. **Same or Similar In-State Programs:** No other UC in this area of study is currently offered by a public university in Louisiana.
  - b. **Workforce Demand and Job Opportunities:** According to the Louisiana Workforce Commission, as of August 2020, there were 1,182 available sales and sales management positions in the northeast region of the state. Further, research conducted on behalf of the Sales Education Foundation found that companies spend approximately \$180K annually in training and developing newly hired sales management professionals. By offering a UC in Selling and Sales Management, ULM can provide tremendous value to Louisiana businesses by reducing their training and education costs for new hires while enhancing the state's workforce to meet the needs of industry.
  - c. **Student Enrollment and Completion:** Potential students will come from undergraduate students at ULM majoring in areas other than marketing. The proposed UC will also provide non-business majors the opportunity to improve their marketability and job readiness. For example, health sciences students might wish to seek careers in pharmaceutical or medical devices sales. The institution has indicated that estimated enrollment figures are justifiable given the strong demand for selling-related courses among current job seekers as well as local employers who have pledged support of the proposed UC. Finally, a recent poll of current students conducted by faculty revealed strong student interest in the certificate program.

	Year 1	Year 2	Year 3	Year 4	Year 5
<b>NEW Prog. Enrollment</b>	15	30	50	60	70
<b>Prog. Graduates</b>	-	5	15	25	40

2. **Resources:** Since courses required for the proposed UC are already offered at ULM, no additional resources are necessary to develop and deliver the program until enrollment exceeds 50 students (anticipated in Yr.3). At that time, a new faculty member would need to be hired at the associate professor level.

	Current	Needed	Additional Costs
<b>Faculty</b>	Existing Marketing faculty will teach courses in the curriculum.	Once enrollment reaches 50 students (approx. Year 3) an additional faculty member will be needed	\$115,000 per year starting in Year 3.
<b>Physical (Facilities, Equipment, Library, &amp; Technology)</b>	Existing facilities are adequate to support the program.	No additional resources projected.	\$0
<b>Student Support</b>	Existing resources are adequate to provide student advising and support.	No additional resources projected.	\$0

3. **Master Plan Priorities:** The following aspects of the proposal directly address priorities or goals of the statewide attainment goal and 2030 Master Plan.

- Accessibility: Courses will be delivered both online and face-to-face in every semester throughout the year.
- Affordability: OER will be utilized whenever possible to keep learner costs to a minimum. The program will follow existing ULM guidelines allowing students to apply transfer credits toward the credential.
- Partnerships: ULM currently partners with RNMKRS (pronounced Rainmakers) Alliance, a national sales training organization, to deliver sales training in a digital format. The RNMKRS Alliance gives ULM students access to a national group of recruiters for sales and sales management positions. ULM also partners with Pi Sigma Epsilon (PSE), a national sales and marketing organization that offers competitive contests and scholarships to sales and marketing students. PSE also provides students opportunities to network with industry professionals in sales and marketing.
- Other program attributes that contribute to closing the achievement gap with underserved populations including low income, minority, and adult learner: Certificate programs are an efficient way to reach students in underserved populations (including low-income, minority, and adult learners) and enhance career outcomes by providing them with a lower-cost opportunity to earn a higher education credential. This program will provide a way to reach underserved student populations and provide a pathway to well-paid career opportunities.

#### **Staff Analysis**

ULM has developed a certificate with a specific, market-driven focus that was developed to help meet the demand for entry-level sales managers in the northeast Louisiana region while also providing non-business students the opportunity to improve their marketability and job readiness with this stackable credential.

#### **STAFF RECOMMENDATION**

**Senior Staff recommends conditional approval of the proposed Undergraduate Certificate in Selling and Sales Management (CIP 52.1804) at the University of Louisiana at Monroe with a progress report due October 1, 2022.**

## AGENDA ITEM VIII.C.3.b.iii.

### **Proposed Bachelor of Arts in African & African American Studies Louisiana State University and A&M College**

#### **Background Information**

Louisiana State University and A&M College (LSU) has requested Board of Regents' approval to establish a Bachelor of Arts in African and African American Studies (BA AAAS). Because the proposed program is a conversion of an existing concentration and does not require any additional resources, the Letter of Intent (LoI) was waived per Regents authorization for staff waivers in August 2019. LSU also requested approval for a new Department of African and African American Studies, which was granted staff approval in February.

#### **Staff Summary**

LSU's proposed BA AAAS was developed in response to the 5-year growth of the BA Liberal Arts AAAS concentration and minor, the increasing proportion of Black and African American students at the institution, and several requests for the development of a standalone program in light of the call for social justice last summer. In June 2020, the LSU Student Senate issued a resolution calling for LSU to establish the AAAS program in its own department, and the Consortium of Chairs and Directors of Black Studies in the Southeastern Conference (SEC) issued a statement indicating the critical need for these programs. The proposed program is designed to provide undergraduate students a historical, theoretical, and methodological base using an interdisciplinary approach. Students will be introduced to knowledge that reflects the ways that African people know and experience the world through the lens of the social sciences and humanities. The program requires three core AAAS courses and nine AAAS electives.

#### **1. Value:** Per Regents' policy, this program meets the criteria of a Quality Credential of Value.

- a. Same or Similar In-State Programs: While other institutions offer similar concentrations, LSU's proposed program will be the only standalone undergraduate degree in the subject area at a public institution in the state. Tulane University currently offers the state's only similar program in African Studies.
- b. Workforce Demand and Job Opportunities: The proposed program will prepare students to be informed citizens with critical thinking and reasoning skills. Graduates may go directly into the workforce in a variety of fields, but especially in diversity and inclusion positions, an area that is growing throughout all types of organizations. Graduates will also be well prepared to go on to graduate study.
  - Glassdoor Economic Research indicated in its 2020 Job and Hiring Trends report that the job site had seen a 30% increase in diversity officer position listings in the previous year and indicated that hiring diversity officers would be one of the top five job trends for the coming year and into the foreseeable future.
  - ZoomInfo, a business-to-business data collection and analysis organization, reported in 2020 that over the previous five years, there has been a 113% increase in executives with diversity and inclusion titles, and nearly 40% of Fortune 500 companies have hired an executive focused on the issue.
- c. Student Enrollment and Completion: Since 2016, LSU has seen an increase in the number of students enrolled in the BA Liberal Arts AAAS concentration and minor. There are 20 students enrolled in the concentration, 40-45 students have declared the AAAS minor, and 12 students are enrolled in the graduate level minor. LSU anticipates approximately 10 students per year to

declare the major in their sophomore year with a total of 30 majors in the program at one time once the program is fully implemented.

	Year 1	Year 2	Year 3	Year 4	Year 5
<b>NEW Prog. Enrollment</b>	10	10	10	10	10
<b>TOTAL Prog. Enrollment</b>	10	20	30	30	30
<b>Prog. Graduates</b>	-	-	-	10	10

- 2. Resources:** The proposed program will require no additional resources including faculty, facilities, and library or technology holdings. The program is a conversion of an existing undergraduate concentration. A standalone department was established in February to house the proposed program. Most faculty teaching in the program will switch from joint appointments with other departments to 100% in AAAS, and several faculty with joint or full appointments in other departments will teach in the program.

	Current	Needed	Additional Costs
<b>Faculty</b>	The current program director as well as other faculty currently teaching courses in the existing AAAS concentration will support the proposed standalone program.	No additional resource needs projected.	\$0
<b>Physical (Facilities, Equipment, Library, &amp; Technology)</b>	Existing facilities and related resources are adequate to support the program.	No additional resource needs projected.	\$0
<b>Student Support</b>	Existing student services will adequately support the program.	No additional resource needs projected.	\$0

- 3. Master Plan Priorities:** The following aspects of the proposal directly address priorities or goals of the statewide attainment goal and 2030 Master Plan.

- Accessibility: Several of the proposed program's courses are currently offered online and the department is currently working with LSU Online to offer the program 100% online.
- Partnerships: The program currently has a strong partnership with MetroMorphosis, a community improvement organization, and is working to build additional partnerships with other organizations to support the program and provide opportunities for students.
- Affordability: The program is committed to using online educational resources (OER) for its courses whenever possible to save students on the costs of textbooks.
- Other program attributes that contribute to closing the achievement gap with underserved populations including low income, minority, and adult learners: The program's curriculum is designed to provide access and visibility to the history and experiences of African and African American cultures and people and to prepare future leaders in addressing systemic barriers and inequities.

### **Staff Analysis**

LSU has indicated to staff that the development of the proposed program and establishment of the new Department of AAAS is considered one of its top priorities this year. The program addresses a critical and relevant need in the workforce, academy, and society, and responds directly to demand from students and the greater community. The proposed curriculum is rich in rigorous, discipline specific courses and is founded on a strong undergraduate concentration. Establishing the BA AAAS will elevate the program's visibility and the future addition of a 100% online option will ensure broad access to the program.

### **STAFF RECOMMENDATION**

**Senior Staff recommends conditional approval of the proposed Bachelor of Arts in African & African American Studies (CIP 05.0201) at Louisiana State University and A&M College with a progress report due July 1, 2023.**

## AGENDA ITEM VIII.C.3.b.iv.

### Proposed Post-Baccalaureate Certificate in Advanced Supervision Grambling State University

#### **Background Information**

Grambling State University (GSU) requests Regents approval to offer a Post-Baccalaureate Certificate (PBC) in Advanced Supervision. The request was approved by the ULS Board of Supervisors and forwarded to the Board of Regents for consideration.

#### **Staff Summary**

The proposed PBC in Advanced Supervision, composed of 18 credit hours, is designed to support the Louisiana Department of Children and Family Services (DCFS) with workforce retention. In July 2020, the GSU School of Social Work received funding for three years from the Louisiana Child Welfare Training Academy for its Title IV-E Welfare Program. Title IV-E of the Social Security Act (the Act) of 1935 is the largest federal funding stream for child welfare activities. Included in the grant is funding for the offering of a PBC in Advanced Supervision focused on providing supervision in a child welfare setting. The implementation of this program will enhance the skills of supervisors and other learners who work in the child welfare field, as well as other human services careers. The proposed PBC was created out of partnership with Grambling's School of Social Work and DCFS whereby students will be prepared for employment with DCFS upon graduation. The certificate program will expand the University's work with DCFS. The proposed PBC will be offered both 100% online and in a hybrid format.

**1. Value:** Per Regents' policy, this program meets the criteria of a Quality Credential of Value.

- a. **Same or Similar In-state Programs:** The proposed PBC in Advanced Supervision at GSU would be the first of its kind in Louisiana.
- b. **Workforce Demand and Job Opportunities:** A recent annual federal assessment of Louisiana DCFS programs revealed the need for improvement in several key areas including supervision. Workforce turnover in the child welfare field is common (almost 8%) and turnover affects not only the agency, primarily through higher costs, but also the children and families the agency serves. Employees who remain in child welfare careers are more likely to report that their supervisor played a role in their retention when the supervisor was considered competent, supportive, and provided strong leadership. Through the Title IV-E Child Welfare University Alliance, DCFS has committed to support the advanced supervision certificate.
- c. **Student Enrollment and Completion:** The target population for the proposed certificate will be DCFS employees, but the certificate will be available to any student with a baccalaureate degree in social work or other related degrees in the child and family services area.

	Year 1	Year 2	Year 3	Year 4	Year 5
<b>TOTAL Program Enrollment</b>	25	40	40	40	50
<b>Program Graduates</b>	10	30	30	30	40

2. **Resources:** All costs associated with implementation of the proposed program will be fully supported by grant funding received from the Louisiana Child Welfare Training Academy. Total grant funding received was \$1,005,624 with a yearly budget of \$335,208. Included in this is budget is \$109,000 per year for the offering of a PBC in Advanced Supervision.

	Current	Needed	Additional Costs
<b>Faculty</b>	N/A	2 adjunct professors will be hired (up to \$35,000 each per year) to teach the six courses in the program.	\$0 (all costs covered by grant)
<b>Physical (Facilities, Equipment, Library, &amp; Technology)</b>	N/A	New computers, printers, furniture, office supplies and adjunct travel expenses will be needed for operation of the program. (\$9,000 per year)	\$0 (all costs covered by grant)
<b>Student Support</b>	N/A	1 administrative support person will be hired to assist with the program. (\$30,000 per year)	\$0 (all costs covered by grant)

3. **Master Plan Priorities:** The following aspects of the proposal directly address priorities or goals of the statewide attainment goal and 2030 Master Plan.

- Accessibility: Program will be offered both 100% online and in hybrid format.
- Affordability: Available Open Educational Resources will be utilized as well as presentations, videos, and scholarly journal articles that can be accessed through the University's Digital Library.
- Partnerships: The proposed program will be offered through a partnership with DCFS and is supported by the Title IV-E University Alliance which is composed of seven public universities offering social work degrees: ULM, LSU, SUNO, SUBR, SLU, NSU, and GSU. To strengthen and support the workforce of the DCFS, this initiative is being funded by the Title IV-E Child Welfare Grant.
- Other program attributes that contribute to closing the achievement gap with underserved populations including low income, minority, and adult learners: The program is expected to serve a diverse population that mirrors the student body demographics of GSU. This proposed certificate will contribute to closing the achievement gap with adult learners, minorities, and other underserved populations.

### **Staff Analysis**

GSU is proposing a certificate program that will specifically aid supervisors in applying knowledge and skills to further develop and support frontline child welfare workers as they fulfill their duties. The proposed PBC will help prepare competent and dedicated child welfare professionals who will have a positive impact on DCFS which, in turn, will help the most vulnerable children and families in Louisiana.

### **STAFF RECOMMENDATION**

**Senior Staff recommends conditional approval of the proposed Post-Baccalaureate Certificate in Advanced Supervision (CIP 44.0799) at Grambling State University, with a progress report due October 1, 2022.**

## AGENDA ITEM VIII.C.3.b.v.

### Proposed Post-Baccalaureate Certificate in Modern Topics in Petroleum Engineering Louisiana State University and A&M College

#### **Background Information**

Louisiana State University A&M (LSU) requests Board of Regents' approval to offer a Post-Baccalaureate Certificate (PBC) in Modern Topics in Petroleum Engineering. The request was approved by the LSU Board of Supervisors in October 2020 and forwarded to the Board of Regents for consideration.

#### **Staff Summary**

The proposed PBC in Modern Topics of Petroleum Engineering, composed of 12 credit hours, is designed to prepare students to adapt to several new technologies related to horizontal drilling, multi-stage hydraulic fracturing, and the application of data analytic tools to produce and develop hydrocarbon resources that are impacting the oil and gas industry more efficiently. In recent years, the Petroleum Engineering program has adjusted the curriculum to include topics related to these new technologies. The Industry Advisory Committee (IAC) partnered with LSU to develop the new course content. The primary focus of this PBC is to provide understanding of the new technologies to students who graduated prior to the curriculum adjustments and to others who have not gained these skills on the job.

1. **Value:** Per Regents' policy, this program meets the criteria of a Quality Credential of Value.
  - a. **Same or Similar In-State Programs:** The proposed certificate does not duplicate any existing certificates or degree programs offered by public postsecondary institutions in Louisiana.
  - b. **Workforce Demand and Job Opportunities:** Oil and gas production has experienced growth in Louisiana through the development of gas resources in the Haynesville Shale area around Shreveport, oil and gas resources in offshore Gulf of Mexico, and potential for increased needs in central Louisiana with the development of the Tuscaloosa Marine Shale formation. According to the LSU Center for Energy Studies annual report, nearly 2,900 jobs in oil and gas production, oil refining and chemical manufacturing are expected to be added in Louisiana by the end of 2021. Graduates of this proposed program will be well poised to fulfill industry needs.
  - c. **Student Enrollment and Completion:** The proposed PBC will complement recent undergraduate curriculum updates related to new technologies in petroleum engineering which will attract students who graduated prior to this change. The main interest in this PBC is expected to be from practicing engineers who seek to increase their knowledge in these areas due to current job duties or to improve their knowledge base for marketability and career mobility in the changing industry. A market analysis from LSU Online and input from IAC indicates that demand and interest in the proposed program is high. The courses included in the certificate will count toward a master's degree in petroleum engineering and are expected to be part of the attraction for prospective students.

	Year 1	Year 2	Year 3	Year 4	Year 5
<b>NEW Prog. Enrollment</b>	10	10	10	10	10
<b>TOTAL Prog. Enrollment</b>	10	20	20	20	20
<b>Prog. Graduates</b>	-	10	10	10	10



2. **Resources:** The proposed program will require no additional resources including faculty, facilities, and library or technology holdings. Required courses are already being offered as special topics courses and will shift to title specific course listings upon approval of the PBC. Existing full-time faculty will teach the courses in the certificate program.

	Current	Needed	Additional Costs
Faculty	Program can be implemented with current faculty.	No additional resource needs projected.	\$0
Physical (Facilities, Equipment, Library, & Technology)	Existing facilities and related resources are adequate to support the program.	No additional resource needs projected.	\$0
Student Support	Existing student services will adequately support the program.	No additional resource needs projected.	\$0

3. **Master Plan Priorities:** The following aspects of the proposal directly address priorities or goals of the statewide attainment goal and 2030 Master Plan.

- Accessibility: Academic classes in the program will be offered both face-to-face and online.
- Affordability: Available Open Educational Resources will be utilized along with technical support and initial funds to design and deploy online courses through LSU's Digital and Continuing Education Department.
- Partnerships: LSU has worked in partnership with the Industry Advisory Council to develop the content for the curriculum and estimate that there will be significant interest from early career engineers.

### **Staff Analysis**

The proposed PBC in Modern Topics in Petroleum Engineering will prepare students to adapt to new technologies impacting the oil and gas industry in Louisiana by providing a rigorous program of courses to meet industry needs. The program may also lead prospective students into the MS in Petroleum Engineering. The proposed certificate program can be offered at minimal to no cost to the institution and is anticipated to generate additional revenue for long-term sustainability.

### **STAFF RECOMMENDATION**

Senior Staff recommends conditional approval of the proposed PBC in Modern Topics in Petroleum Engineering (CIP 14.2501) at Louisiana State University and A&M College with a progress report due July 1, 2022.

## **AGENDA ITEM VIII.C.3.c.**

### **Proposed Academic Program Reconfiguration Convert the PhD Pharmacy into the PhD in Pharmacy and PhD in Pharmacology University of Louisiana at Monroe**

#### **Background Information**

The University of Louisiana at Monroe (ULM) has requested Board of Regents' approval to reconfigure the existing PhD Pharmacy into the PhD in Pharmacy (CIP 51.2003) and PhD in Pharmacology (CIP 26.1001). Regents staff met with campus representatives in August to discuss the request and determined that because the program is a successful concentration and requires no additional resources, the Letter of Intent (LoI) was waived per Regents authorization for staff waivers in August 2019. The UL Board of Supervisors approved ULM's proposal to split the PhD in Pharmacy into the PhD in Pharmacy and the PhD in Pharmacology and submitted it to Regents for consideration. Upon review of the proposal, staff determined that the Pharmacology program is already operating effectively as a standalone program in a separate discipline from Pharmacy. Implementing the reconfiguration requires no programmatic changes or resources.

#### **Staff Summary**

The study of pharmacy primarily focuses on drug development such as the discovery and optimization of bioactive molecules, physical chemistry, and the creation of novel drug formulations for optimized drug delivery. In contrast, pharmacology is focused on the biological effects of drugs, identification of the intracellular mechanisms of drug action, drug toxicity, and therapeutic drug use. ULM's pharmacology program is currently under the PhD in Pharmacy. By reconfiguring the program to separate the two fields, prospective doctoral students will be able to recognize ULM's pharmacology program more easily and the degree title for graduates will more accurately identify the area of expertise. The proposed reconfiguration of the program will require no additional courses, faculty, facilities, or other resources. The pharmacology component of the PhD in Pharmacy produced about half of the program's graduates in the past seven years, averaging nearly four graduates per year. Both programs will continue to be operated within the School of Basic Pharmaceutical and Toxicological Sciences within the ULM College of Pharmacy and will require no change in administrative structure or staffing.

#### **Staff Analysis**

The proposed separation of the two distinct programs is necessary to accurately reflect the difference between the related fields and to provide a more accurate degree title for recruitment and for graduates in the job market. The reconfiguration requires no change in curriculum, faculty, administration, or accreditation. Pharmacy and Pharmacology are distinct fields and each program at ULM currently has enough graduates to thrive separately.

#### **STAFF RECOMMENDATION**

**Senior Staff recommends approval of the proposed reconfiguration of the PhD in Pharmacy into the PhD in Pharmacy (CIP 51.2003) and the PhD in Pharmacology (CIP 26.1001) at the University of Louisiana at Monroe with a progress report on implementation of the split due October 1, 2022.**

*Blake R. David*  
*Chair*

*T. Jay Seale III*  
*Vice Chair*

*Sonia A. Pérez*  
*Secretary*

*Kim Hunter Reed, Ph.D.*  
*Commissioner of*  
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*Board of Regents Meeting as a Committee of the Whole*

**REPORTS AND RECOMMENDATIONS**  
**RESEARCH AND SPONSORED INITIATIVES**  
**March 24, 2021**

Meeting will be held via Video Conference  
Meeting can be viewed at: <https://regents.la.gov/live/>

VIII. Reports and Recommendations

D. Research and Sponsored Initiatives

1. Changes to Research and Sponsored Initiatives Unit Policies

## **AGENDA ITEM VIII.D.1.**

### **Changes to Research and Sponsored Initiatives Unit Policies**

#### **Background Information**

The Research and Sponsored Initiatives unit's internal policies govern the operating processes of both the Board of Regents Support Fund (BoRSF) and Louisiana Established Program to Stimulate Competitive Research (EPSCoR), as well as unit work related to statewide research policies. In addition to setting forth guidance related to unit structure, funding cycle and contract management, and evaluation of campus-submitted projects, policies establish multiple advisory committees to assist the Board in administration of BoRSF, Louisiana EPSCoR, and statewide research activities.

#### **Staff Summary**

Adopted in 2012 and last revised in 2016, unit policies are in need of several technical changes. Revisions include the following:

- Changes to the unit name, approved by the Board in February 2020, throughout the document;
- Additions to the Louisiana EPSCoR section to codify longstanding practices related to payment processing and documentation, as requested by external auditors conducting a review of processes related to federal awards held by the Board;
- Removal of the LUMCON section, added during a previous legislative study and no longer applicable after LUMCON became part of the Board; and
- Updates to the research advisory committee to reflect a change in its name and its alignment with BoR Master Plan innovation priorities.

Unit policies as revised are provided in Attachment A.

#### **STAFF RECOMMENDATION**

**Senior Staff recommends approval of the Research and Sponsored Initiatives unit policies as revised. Policy changes shall be effective immediately upon approval.**

# **Board of Regents Research and Sponsored Initiatives Policies**

## **Introduction**

Research and Sponsored Initiatives policies span major initiatives within the division: Board of Regents Support Fund (BoRSF), Master Plan Research, Experimental Program to Stimulate Competitive Research, and work on research and development policies and collaborative efforts.

## **Board of Regents Support Fund**

### **Preamble**

Article VII, Section 10.1 of the Louisiana Constitution addresses the establishment of the Louisiana Education Quality Trust Fund (LEQTF) and annual allocation of monies generated therefrom through the Louisiana Education Quality Support Fund (LEQSF).

On an annual basis, Support Fund money is divided equally between the Board of Elementary and Secondary Education (BESE) and the Board of Regents for higher education. The portion of LEQSF intended for higher education and appropriated to the BoR shall be referred to as the Board of Regents Support Fund (BoRSF)

### **I. Constitutional, Statutory and Regulatory Parameters**

#### **A. Statutory Definition of Support Fund Mission and Purposes**

Article VII, Section 10.1 of the Constitution provides that the funds available for higher education from the Support Fund are to be utilized “...as that money is appropriated by the Legislature and allocated by the BoR for any or all of the following higher educational purposes to enhance economic development:

- i. the carefully defined research efforts at public and private universities in Louisiana;
- ii. the endowment of chairs for eminent scholars;
- iii. the enhancement of the quality of academic, research, or agricultural departments or units within a university; and
- iv. the recruitment of superior graduate students.”

#### **B. Annual Plan and Budget Submittal**

According to Article VII, Section 10.1 of the Louisiana Constitution, at least sixty days prior to each regular session of the Legislature the BoR must submit to the Governor and the Legislature a proposed plan and budget for the expenditure, during the coming fiscal year, of money available to higher education from the BoRSF.

#### **C. Expenditure Parameters**

Article VII, Section 10.1 specifies that “the legislature shall appropriate the total amount intended for higher educational purposes to the Board of Regents and the total amount intended for elementary, secondary, and vocational-technical educational purposes to the Board of Elementary and Secondary

Education.” Entities eligible to receive LEQSF monies through BESE, including elementary and secondary schools and vocational-technical colleges, shall not be eligible to receive funds from the BoRSF.

Under Article VII, Section 10.1 of the Constitution, “monies appropriated by the Legislature and disbursed from the Support Fund shall not... displace, replace, or supplant other appropriated funding for higher education.”

#### **D. Calculation of Maximum Administrative Expenses**

Act 703 of the 2006 Regular Legislative Session indicates that the BoRSF administrative budget shall not exceed “three percent of the average annual amount of actual expenditures...for the most recent three previous fiscal years for which actual expenditures are available.”

#### **E. Approval Authority from the Office of Contractual Review (OCR)**

The State Office of Contractual Review (OCR) has issued a waiver for BoRSF programs that exempts all BoRSF contracts with public higher education institutions and most contracts with the Louisiana Association of Independent Colleges and Universities (LAICU) higher education institutions, as well as all Graduate Fellows contracts, from the OCR approval process. Only Enhancement and Research & Development contracts with LAICU institutions for amounts over \$50,000 and in which the majority of proposed expenditures are outside the equipment category are subject to OCR approval.

### **II. BoR Policies Governing the BoRSF**

#### **A. Annual Plan and Budget Process**

The Plan and Budget shall be prepared by the Commissioner of Higher Education, in collaboration with the BoRSF Planning and Advisory Committees, and presented by Research and Sponsored Initiatives staff to the BoR for approval prior to submission to the Governor and Legislature.

All BoRSF funds recommended to match Federal Experimental Program to Stimulate Competitive Research (EPSCoR) awards overseen by the BoR and the annual amount(s) required shall be delineated in the Plan and Budget and provided in the event that Federal funding is awarded.

#### **B. Plan and Budget Scope**

The Support Fund shall provide funding opportunities across all four “higher educational purposes” enumerated in Article VII, Section 10.1 of the Louisiana Constitution.

## **C. Administration**

### **1. BoR Research and Sponsored Initiatives Committee**

The BoR Research and Sponsored Initiatives Committee shall consider recommendations of the BoR Senior Staff relative to the Support Fund and forward its recommendations to the full BoR for action.

### **2. Advisory Committees**

Two standing committees shall provide advice and guidance to the BoR relative to the BoRSF: the BoRSF Planning Committee and the BoRSF Advisory Committee.

#### **a. Advisory Relationship to the BoR**

The BoRSF Planning Committee and the BoRSF Advisory Committee may make recommendations to the BoR relative to the annual Support Fund Plan and Budget, participate in development of any Support Fund strategic plans, and serve in an advisory capacity to the BoR on other matters relative to the Support Fund. These committees shall serve the BoR in an advisory capacity only.

#### **b. Membership**

The BoRSF Planning Committee shall be comprised of the following members: two representatives from each of the public systems of higher education, two representatives from the Louisiana Association of Independent Colleges and Universities, the Deputy Commissioner for Sponsored Programs, the Associate Commissioner for Research, the Associate Commissioner for Sponsored Programs Administration, and one representative each from the Louisiana Universities Marine Consortium; the Louisiana Endowment for the Humanities; the Department of Culture, Recreation and Tourism; the Department of Natural Resources; the Department of Agriculture; the Department of Economic Development; the Louisiana Workforce Commission; and the informal statewide organization of higher education foundations. The Committee chair and vice chair shall be elected by the membership.

The BoRSF Advisory Committee shall be comprised of the following members: one representative from each of the public systems of higher education, one representative from the Louisiana Association of Independent Colleges and Universities, one representative from the Governor's Office, the President of the Senate, the Speaker of the House of Representatives, and the Deputy Commissioner for Sponsored Programs for the BoR. The Committee shall be chaired by the Commissioner of Higher Education.

### **3. Annual Budget Estimating and Contingency Plans**

The Commissioner of Higher Education shall recommend an annual budget estimate for the BoRSF, to be used in the development of the Plan and Budget. This estimate shall be based upon guidance from the Louisiana State Treasurer and the State Revenue Estimating Conference, but shall also reflect current economic trends and recent performance of the Fund. After review, the BoR shall approve a budget estimate as part of its consideration of the annual Plan and Budget. The BoR shall also approve

contingency plans in the event that revenue estimates during the year of expenditure and/or actual revenues are either lower or higher than projections used to formulate the Plan and Budget.

#### **4. Maintenance and Uses of BoRSF Reserve Funds**

A minimum of \$2 million shall be retained in the BoRSF reserve account at all times. Should the amount in the reserve fund exceed this minimum, the BoR may consider strategic expenditures it deems to be consistent with the constitutional mission and purposes of the BoRSF which advance postsecondary education and the State's economic development. All expenditures from the BoRSF reserve fund shall be approved by the BoR prior to allocation.

#### **5. Research and Sponsored Initiatives Staff Responsibilities**

Research and Sponsored Initiatives staff shall have primary responsibility for daily management of the BoRSF and the programs and subprograms which it includes. Staff actions related to management of BoRSF programs and awards shall be subject to Board of Regents review and approval of the Commissioner of Higher Education as defined in agency policy, program guidelines, and executed contracts.

##### **a. Program Administration**

Under leadership of the Commissioner of Higher Education, Research and Sponsored Initiatives initiatives shall be administered by the Deputy Commissioner for Sponsored Programs, the Associate Commissioner for Research, and the Associate Commissioner for Sponsored Programs Administration.

##### **b. Approvals/signature authorities/document processing**

The Deputy Commissioner for Sponsored Programs or his/her representative, as appointed in writing, shall approve all contracts and payments processed relative to the BoRSF. Contracts and payments shall be processed in accordance with agency policies and rules.

##### **c. Invoice Processing and Payment: Louisiana Office of Student Financial Assistance (LOSFA)**

LOSFA provides invoice processing and payment services for BoRSF contracts. Research and Sponsored Initiatives staff shall furnish all required documents, including contract copies, invoices, payment pages and Form 125s. Research and Sponsored Initiatives staff shall prepare, receive, and review all contracts, and campuses shall prepare and submit invoices for payment in accordance with contract terms.

##### **d. Approval Authority: Office of Contractual Review**

Research and Sponsored Initiatives staff shall adhere to all OCR requirements for contract review and approval for those contracts not exempted through the OCR waiver.

#### **D. Programs**



## **1. Establishment of four umbrella programs per constitutional categories**

The BoRSF shall be comprised of four programs consistent with the four purposes outlined in Article VII, Section 10.1 of the Constitution: Endowed Chairs for Eminent Scholars, Research and Development, Enhancement, and Recruitment of Superior Graduate Students. Subprograms shall be established, as approved by the BoR, to address specific needs within these broad categories.

## **2. Campus eligibility for BoRSF programs**

All public higher education institutions in Louisiana and all accredited private higher education institutions that are members of LAICU shall be eligible to apply to and receive funds from all components of the BoRSF. The BoR may, at its discretion and with justification, limit participation in certain subprograms to subsets of this group of eligible institutions and the amount of program/subprogram monies that may be awarded to systems and/or campuses within a funding cycle.

## **3. Competitive model and exceptions**

With exceptions as specified by the BoR, BoRSF programs shall operate on a competitive basis, through publicly issued requests for proposals that utilize an out-of-state peer review process.

### **a. Competitive Programs – General Guidelines**

The following policies shall govern competitive programs operated through the BoRSF. Specific requirements of each program and/or subprogram shall be set forth in requests for proposals released for each cycle of funding. These documents shall be available on the Research and Sponsored Initiatives website.

#### **i. Request for Proposals (RFP) Process**

On an annual basis Research and Sponsored Initiatives staff shall prepare and release requests for proposals for all programs and subprograms for which funds have been allocated in the annual Plan and Budget, as approved by the Governor and the Legislature. These RFPs shall provide all necessary information for campuses to prepare proposals for competitive review, and shall specify deadlines and formats for submission, budgetary requirements, and other program requirements.

#### **ii. Research and Sponsored Initiatives Staff Clarifications of RFP Requirements**

The Research and Sponsored Initiatives staff shall respond in a timely manner to all questions relative to requests for proposals and the proposal submission process. RFPs shall specify a deadline by which interested parties may ask questions, and the staff shall post a compendium of questions and answers on the Research and Sponsored Initiatives website as soon as possible after this date, to ensure all parties receive the same information. Upon request, staff may hold workshops and question-and-answer sessions with potential applicants.

#### **iii. Proposal Submission Policies**

Campuses shall be required to submit proposals in accordance with requirements detailed in each program's/subprogram's annual request for proposals.

#### **iv. Competition Timelines**

Competitions in Support Fund programs will take place within the fiscal year in which funds are allocated through the Plan and Budget process, with all funding recommendations approved and contracts executed before the close of the fiscal year.

#### **v. Competitive Review**

For all competitive programs and subprograms, Research and Sponsored Initiatives staff shall engage out-of-state consultants with appropriate expertise to review proposals and funding recommendations within the assigned grouping of proposals. Each review panel shall produce a written report that ranks proposals by funding priority and recommends funding levels and stipulations for all highly ranked projects. The specific structure of reviews for each program and subprogram shall be outlined in the annual request for proposals.

#### **vi. BoR Approval of Funding Recommendations and Consultant Stipulations**

Research and Sponsored Initiatives staff shall provide the BoR with funding recommendations as submitted by the final panels for each program and subprogram. These funding recommendations shall be consistent with the level of funds outlined in the annual Plan and Budget. Program funding levels may be revised by staff, in accordance with the BoR's approved contingency plans, to reflect changes in income estimates since adoption of the Plan and Budget. The BoR shall consider and approve all funding through the BoRSF. For all projects approved by the BoR, funding stipulations included in review panels' final reports shall be incorporated into the BoRSF contract for each individual project.

#### **vii. Contracting**

Immediately following BoR approval of funding recommendation and in consultation with BoR Finance and Administration staff, Research and Sponsored Initiatives staff shall develop contracts reflecting funding as approved by the BoR and consistent with Constitutional requirements for BoRSF expenditure of funds. These contracts shall be negotiated with recipient campuses and signed by the campus and system designees, the Deputy Commissioner for Sponsored Programs, and Commissioner of Higher Education, or his/her designee, on behalf of the BoR.

#### **viii. Contract Amendments and Extensions**

No-cost extensions may be requested to complete BoRSF project activities per La. R.S. 39:1615. This statute specifies that "contracts or amendments to existing contracts issued to institutions of higher education under the authority of the BoR to award grants for educational purposes with funds available from the Louisiana Education Quality Support Fund, the Louisiana Fund, and the Health Excellence Fund may be entered into for periods of not more than six years. However, such contracts may be extended beyond the six year limit up to an additional two year period provided no additional costs are incurred."

**a) Requests for Amendment or Extension**

Requests for contract amendment and extension shall be submitted to the Deputy Commissioner for Sponsored Programs in writing, and requests shall include the approval of the submitting institution's authorized representative. When budget adjustments are requested, the submitting institution shall submit appropriate detail and justification related to the rationale for the request and the consequences for the approved budget.

**b) Changes to Principal Investigator/Co-Principal Investigator**

Requests to change principal investigator shall be submitted to the BoR in writing and with the approval of the submitting institution's authorized representative. This written request must indicate the qualifications of the proposed new principal investigator(s) and its applicability to the BoRSF award. Requests shall be considered on a case-by-case basis. Except under unusual circumstances as determined by Research and Sponsored Initiatives staff, the BoR shall not consider changes in principal investigator to single-investigator projects in Research and Development subprograms.

**ix. Reporting**

All BoRSF competitive programs shall require, at a minimum, annual project and expenditures reports during the life of the grant and final project and expenditures reports at contract termination. The content and due dates for these reports shall be developed by Research and Sponsored Initiatives staff and outlined in each grant contract.

**b. Non-Competitive Programs – General Guidelines**

On a limited basis, the BoR may establish non-competitive programs within the BoRSF, provided such programs are consistent with the Fund's constitutional mission and purposes. The BoR shall issue policies to administer such non-competitive programs that delineate the requirements of participation, the conditions of funding and reporting, and the mechanism by which awards will be made when submissions exceed funds available.

**c. Operation of Endowment Programs**

The BoRSF shall include opportunities for donors to contribute non-State monies for State match on a 60% non-State to 40% State ratio. Program policies for these programs are included in Appendix A (Endowed Chairs for Eminent Scholars), Appendix B (Endowed Professorships), Appendix C (First-Generation Endowed Undergraduate Scholarships). The BoR Finance and Administration section shall maintain an investment policy with guidelines and restrictions on investment of endowed funds, expenditure of income, and financial reporting. This policy is included in Appendix D.

**d. Periodic Program Reviews of BoRSF Programs**

To ensure that BoRSF funds are expended wisely and producing desired outcomes on a statewide basis, the BoR shall periodically authorize and conduct comprehensive reviews of programs and subprograms.

**i. Process for Program Review**

The Research and Sponsored Initiatives staff shall develop, based on the goals and requirements of the program(s)/subprograms(s) to be reviewed, general approaches to program assessment for presentation to the BoR. Program assessment approaches and formats shall be approved by the BoR prior to data collection.

**ii. Data Collection Requirements**

In collaboration with affected systems and campuses, Research and Sponsored Initiatives staff shall develop formats for data collection. Participating campuses shall be required to provide data as requested by the BoR and within the approved timeframes. Failure to comply with BoRSF data requests approved by the BoR may result in limitations on participation in the BoRSF. Any such penalties shall be approved by the BoR and transmitted in writing to the affected campus(es) prior to implementation.

**iii. Out-of-State Reviewers**

External program reviews shall be conducted using the expertise of objective out-of-state reviewers with relevant expertise. Research and Sponsored Initiatives staff shall select these individuals based upon the requirements of the particular review. The specific duties of program review teams shall be established and communicated to reviewers by Research and Sponsored Initiatives staff.

**iv. Transmission of reports/recommendations to the BoR**

Research and Sponsored Initiatives staff shall forward reports of out-of-state panels conducting program evaluations to the BoR for review and approval.

## **Research Policy and Collaboration**

### **Preamble**

The BoR's Master Plan identifies innovation, including university-based research, as a key activity central to achieving both the state's attainment goal and its prosperity aims for all citizens. The Research and Sponsored Programs unit is engaged in agency-level discussions of policies related to university-based research and works with campus personnel to build Louisiana's research capacity and competitiveness.

### **Research Advisory Committee**

In accordance with the 2011 BoR Master Plan and using the format approved by BoR in February 2012, staff established the Master Plan Research Advisory Committee (MPRAC) to advise staff and the Board on matters related to university-based research in Louisiana. This group, called the Advisory Committee for the Advancement of Research in Louisiana (ACARL), is comprised of one member from each public and private four-year higher education system and each campus with two or more STEM doctoral programs, one member from each special focus research institution, the BoR's Deputy Commissioner for Sponsored Programs, and the BoR's Associate Commissioner for Research. Representatives of the systems and campuses are appointed by the appropriate president or chancellor. The Committee chair and vice chair are elected by the membership for two-year terms.

ACARL identifies statewide priorities and opportunities for university-based research and provides a venue for campuses, state agencies, and others to discuss Louisiana's research priorities and opportunities for collaboration across sectors to build the state's research profile and impact.

# **Louisiana Experimental Program to Stimulate Competitive Research (EPSCoR)**

## **Preamble**

The Experimental Program to Stimulate Competitive Research, or EPSCoR, was established by the National Science Foundation (NSF) in 1978 in response to Congressional concerns over uneven distribution of Federal science and technology research funds. EPSCoR participation is limited to states that historically have not received significant Federal research and development funding. By increasing the quality of research within these jurisdictions, EPSCoR ensures that all parts of the country participate in and benefit from the building of scientific and technological research capacity, with its attendant economic development. Seven Federal agencies now participate in EPSCoR-like programs. The BoRSF provides substantial State matching contributions to these major federal awards.

## **I. EPSCoR Committee**

The Louisiana EPSCoR Committee was established in 1985 by the BoR, working in conjunction with NSF, to help Louisiana become more competitive in securing federal research and development (R&D) funds in the science and engineering (S&E) disciplines. It is a subcommittee of the BoR's Support Fund Planning Committee. The goals of the Louisiana EPSCoR Subcommittee are to:

- Act as the State's contact point and coordinator for the variety of EPSCoR programs operated by federal agencies;
- Assist Louisiana institutions of higher education in enhancing their S&E research capability in order to compete more effectively for federal R&D funds;
- Provide leadership for effective research collaboration across different institutions in Louisiana;
- Enhance research infrastructure and decrease barriers to research competitiveness on a statewide basis;
- Seek S&E infrastructure and enhancement support from federal agencies for institutions of higher education across the state; and
- Advise the BoRSF Planning Committee on issues relating to Louisiana's scientific competitiveness and evaluation of the BoRSF programs.

A separate policy that establishes EPSCoR Committee eligibility and membership has been adopted. This policy is included in this document as Appendix A.

## **II. EPSCoR Programs**

### **1. Establishment of EPSCoR programs**

The EPSCoR Committee shall determine specific courses of action in response to Federal opportunities for establishment or continuance of EPSCoR initiatives.

### **2. Campus eligibility for EPSCoR programs**

All public higher education institutions in Louisiana and all accredited private higher education institutions that are members of the Louisiana Association of Independent Colleges and Universities (LAICU) shall be eligible to apply to and receive EPSCoR funds. The EPSCoR

Committee may, at its discretion and with appropriate justification, limit participation in certain programs to subsets of this group of eligible institutions and the amount of program/ subprogram monies that may be awarded to systems and/or campuses within a funding cycle.

### **3. Time and Effort for EPSCoR staff**

EPSCoR staff members whose time is designated solely to one prime funding award shall complete a time effort certification bi-annually. This certification shall state the percentage of the time and effort the individual spends on the award, and the period covered by the certification, and must be signed by both the individual employee and his/her supervisor.

EPSCoR staff members who charge their time to multiple federal awards must complete and submit weekly timesheets. The timesheet shall include all state and federal sources for which the EPSCoR staff member is permitted to charge hours. EPSCoR staff members are individually responsible for tracking of federal awards worked on and time allocations during each week. Timesheets are sent to the Deputy Commissioner for Sponsored Programs for approval. Once the appropriate signatures are received, timesheets are placed in a Dropbox folder for BoR Human Resources staff to access for payroll purposes.

## **III. Program Management**

EPSCoR as a whole shall be administered by the Associate Commissioner for Sponsored Programs Research and Development, who serves as the State EPSCoR Project Director, in conjunction with the Deputy Commissioner for Sponsored Programs. The Project Director shall be assisted by a Program Administrator and additional EPSCoR staff as necessary to accomplish program goals. Evaluation and assessment reviews, as required by funding agencies, are conducted by engaging internal and external (i.e., out-of-state) evaluators.

Once an award is made from the prime funding agency, it is the responsibility of EPSCoR staff to determine whether the agreements to be entered into under that prime award are that of a subrecipient or contractor. Generally, the Board of Regents serves as a pass-through entity and disburses federal funds to subrecipients, i.e. various campuses throughout the state. The mechanism the Board of Regents utilizes to obligate these subawards to the campuses is a contract.

### **1. Competitive Programs Funded under Prime Awards**

#### **a. Requests for Proposals (RFPs)**

EPSCoR staff shall prepare and release requests for proposals that provide all necessary information for campuses to prepare proposals for competitive review. RFPs shall specify deadlines and formats for submission, budgetary requirements, and other program requirements. Campuses shall be required to submit proposals in accordance with requirements detailed in each RFP.

**b. Proposal Review Process**

EPSCoR programs shall, where appropriate, operate on a competitive basis, through publicly issued RFPs, and utilize an out-of-state peer review process to guide funding decisions. Specific requirements of each program and/or subprogram shall be set forth in the RFP released for each EPSCoR funding opportunity. External program reviews shall be conducted using the expertise of objective out-of-state reviewers with relevant expertise. EPSCoR staff shall select these individuals based upon the requirements of the particular review. The specific duties of program review teams shall be established and communicated to reviewers by EPSCoR staff.

**c. Issuance of Subawards**

If a proposal has been recommended for funding, EPSCoR staff will proceed with issuing a subaward to the subrecipient organization via a contract. These contracts shall be signed by campus designees, as well as by system designees when a contract is awarded to a public campus, as well as by the Commissioner of Higher Education or his/her designee.

**d. Payment Approval Process**

Contracts require the submission of dated invoices which reflect the actual costs in appropriate budget categories. These are typically required on a quarterly basis. Payments shall be approved through the following process:

- (1) Invoice is received and processed by the Grants and Contracts Coordinator. The Grants and Contracts Coordinator is responsible for reviewing the expenditures and ensuring they are allowable, and that all deliverables necessary for payment have been met.
- (2) Payment packet proceeds to the Federal Programs Administrator for approval. The Federal Programs Administrator tracks the expenditures from a project-wide perspective to ensure the fiscal obligations are being met timely and provides a second check that all deliverables necessary for payment have been met.
- (3) Payment packet is sent to the Deputy Commissioner for Sponsored Programs for departmental approval.
- (4) Payment packet is sent to the Board of Regents Finance and Administration unit for processing in the Regents' accounting database.
- (5) Finance and Administration returns the payment packet to the Grants and Contracts Coordinator, who ensures the packet contains initials for all necessary approvals and sends original payment packet to LOSFA for processing. Copies are kept on file by both the Grants and Contracts Coordinator and Finance and Administration representative.

**e. Deliverables**

Contracts shall require, at a minimum, a final project report and final expenditures report at contract termination. If it is a multi-year contract, additional annual reports may be required.



EPSCoR staff shall develop formats for data collection and reporting. Participating campuses shall be required to provide data as requested by the BoR and within the stipulated timeframes. Failure to comply with EPSCoR data requests may result in limitations on participation in EPSCoR programs. Any such penalties shall be approved by the BoR and transmitted in writing to the affected campus(es) prior to implementation.

**f. Changes to Project**

**Contract Amendments and Extensions**

No-cost extensions to contracts may be requested to complete EPSCoR project activities as permitted under La. R.S. 39:1615. Requests for contract amendment and extension shall be submitted to the Deputy Commissioner for Sponsored Programs or designee in writing, and requests shall include the approval of the submitting institution's authorized representative.

**Changes to Principal Investigator/Co-Principal Investigator**

Requests to change principal investigator shall be submitted to the BoR in writing and with the approval of the submitting institution's authorized representative. This written request must indicate the qualifications of the proposed new principal investigator(s) and their relationship to the EPSCoR award. Requests shall be considered on a case-by-case basis.

**Budget Revisions**

When budget adjustments are requested, the submitting institution shall provide appropriate detail and justification related to the rationale for the request and the consequences for the approved budget. EPSCoR staff shall ensure that the budget revision meets the requirements of the sponsoring federal agency and, if required by the sponsor, receives appropriate prior approvals.

**g. Closeout of Subaward**

Upon receipt of the final invoice and final deliverables as required by the contract, EPSCoR staff shall proceed with the closeout of the subaward(s). Subrecipients are generally given 45 to 60 days to provide all required documentation to the Board of Regents. This allows for internal deadlines and ensures the BoR is able to satisfy federal requirements regarding the close of a prime award, which is 90 to 120 days for most federal funding agencies.

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*Board of Regents Meeting as a Committee of the Whole*

**REPORTS AND RECOMMENDATIONS**  
**PLANNING, RESEARCH and PERFORMANCE**  
**March 24, 2021**

Meeting will be held via Video Conference  
Meeting can be viewed at: <https://regents.la.gov/live/>

**VIII. Reports and Recommendations**

**E. Planning, Research and Performance**

**1. Consent Agenda**

- a. R.S. 17:1808 (Licensure)
  - i. Initial Applications
    - (a) World Quant University (WQU)
- b. Proprietary Schools Advisory Commission
  - i. Renewal Applications
    - (a) Baton Rouge School of Court Reporting (1/26/06)
    - (b) Becker Professional Education Online (1/09/17)
    - (c) Beso Beauty, LLC (1/09/17)
    - (d) Blue Cliff College – Lafayette (1/27/00)
    - (e) Burks Medical Training, LLC (1/14/19)
    - (f) Carter’s Career Center, LLC (2/22/18)
    - (g) Coastal College – Hammond (2/23/89)
    - (h) Griffs Marine Training, Inc. (1/27/10)
    - (i) Hospitality Opportunity & Service Training (HOST) Program (2/19/20)
    - (j) ITI Technical College (1/27/00)
    - (k) LifeShare Phlebotomy School (2/19/20)
    - (l) Louisiana Dental Assistant School, LLC (1/27/05)
    - (m) Louisiana Dental Institute, LLC (2/21/18)
    - (n) Moore Career College, Inc. (1/14/19)
    - (o) Remington College – Knoxville (2/19/20)
    - (p) SNAP Medical Assistant Academy (1/9/17)
    - (q) Tulsa Welding School – Jacksonville Campus (1/27/10)

**2. Petition of Amendments to Louisiana Administrative Code Title 28 Part III and Title 28 Part IX**

**Agenda Item VIII.E.1.a.i.(a).**

**World Quant University  
New Orleans, Louisiana**

**BACKGROUND**

Revised Statute 17:1808 requires the Board of Regents (BoR) to register and license academic degree-granting, postsecondary institutions in Louisiana. Regents' rules and regulations reflect the revised statutes with particular emphasis placed on the attainment of appropriate accreditation. During the initial licensure process, World Quant University (WQU) identified the Distance Education Accrediting Commission (DEAC) as its desired accreditation agency. The university offers a Master of Science in Financial Engineering, made available completely online.

**Chronology of Activities Related to Board of Regents' Consideration of the Application for Licensure for World Quant University (WQU):**

August 2015: BoR approves a three-year conditional license for WQU effective until September 1, 2018.

September 2018: WQU receives an extension of conditional license until February 2019 after change in leadership delays submission of their application to DEAC.

January 15, 2019: WQU submits its Application for Accreditation to DEAC.

February 27, 2019: BoR approves renewal of a two-year conditional license for WQU until February 2021. If DEAC accreditation has been achieved, Regents will issue a regular 2-year operating license.

January 2021: WQU appears on the agenda for the DEAC Accrediting Commission Meeting seeking initial accreditation.

February 9, 2021: BoR staff is notified by DEAC's Executive Director that actions taking place at the January 2021 Commission meeting will not be made public until the end of February and BoR will not receive official notification until March 1, 2021. Regents grants approval of a limited extension of World Quant University's current conditional license until March 24, 2021.

March 1, 2021: In an official letter dated February 26, 2021, BoR staff is informed by DEAC that at its meeting on January 29, 2021 the Commission voted to grant WQU accreditation for a period of three years through January 2024.

**STAFF RECOMMENDATION**

**Given the circumstances described above, the credentials of its faculty and the institution's accreditation, Senior Staff recommends approval of the initial *regular* 2-year operating license for World Quant University.**

## **Agenda Item VIII.E.2.**

### **Petition of Amendments to Louisiana Administrative Code Title 28 Part III and Title 28 Part IX**

#### **Executive Summary**

##### **Background**

Pursuant to the Board of Regents Master Plan adopted in 2019, the Board has established a goal to achieve postsecondary attainment among 60% of the working age population in Louisiana by 2030. This is necessary to not only address the state's growing economic and workforce demands, but it is critical toward achieving meaningful prosperity and improving the quality of life for Louisianans. To reach this goal, the Master Plan identifies key strategies and objectives essential toward doubling the number of degrees and high value credentials awarded by the next decade (85,000). Included in the effort to achieve 60% attainment are public and private institutions, as well as proprietary schools and academic degree-granting schools licensed by the Board of Regents to operate in the state.

##### **Purpose of Rules Changes for Proprietary Schools (Administrative Code Title 28 Part III)**

New and existing proprietary schools are required to provide information to the Board of Regents and the Proprietary Schools Advisory Commission as part of licensure requirements. In addition to technical updates, proposed changes in rule seek to address the administration of these requirements. This includes the streamlining of reporting processes and amending of licensure renewal requirements. Reporting processes will be updated to include items such as providing for the digital submission of materials, expediting student complaint resolutions, and clarifying the types of records to be submitted to the Board of Regents. This will assist toward providing greater clarity and efficiency for the operations of proprietary schools and agency administration.

With regards to licensure renewal processes, ongoing program-level collection will transition to one-time annual reporting of student-level data. Through verification of workforce outcomes at the student level the Board of Regents and the Proprietary Schools Advisory Commission will be able to validate the postsecondary education and training contributions made by these schools to Louisiana and the attainment goals adopted in the Master Plan.

##### **Purpose of Rules Changes for Academic Degree Granting Institutions Licensed by the Board of Regents (Administrative Code Title 28 Part IX)**

In addition to technical updates, proposed rule changes for academic degree schools licensed by the Board of Regents are limited to licensure requirements. Amendments seek to include student-level data reporting as a component to licensure processes. This change is consistent with the proposed rule for Title 28 Part III to include student level data reporting as a component of licensure requirements.

##### **Timeline**

- 1.) Petition of Amendments is introduced to the Board of Regents on March 24, 2021.
- 2.) Public comment period is 45 days.
- 3.) Proposed amendments to rules will be updated as needed during the public comment period.
- 4.) Rules amendments to be considered by the Board of Regents on June 16, 2021.

## **STAFF RECOMMENDATION**

**Senior Staff recommends approval of the proposed rules changes to be posted for public comment for forty-five (45) days, with a final draft of changes to be considered by the Board no earlier than its meeting on June 16, 2021.**

Petition of Amendments to Louisiana  
Administrative Code Title 28 Part III  
(Chapters 1-23)

Proprietary Schools

## Table of Contents

### Part III. Proprietary Schools

Chapter 1.	General Provisions .....	1
§101.	Citation and Abbreviation .....	1
§103.	Definitions.....	1
§105.	Proprietary Schools Law and the Administrative Procedure Act Incorporated .....	1
§107.	Computation of Time .....	1
Chapter 3.	Procedures.....	1
Subchapter A.	General Procedural Rules .....	1
§301.	Initiation of Proceedings .....	1
Subchapter B.	Pleadings .....	2
§303.	Petition to Adopt, Amend or Repeal a Rule.....	2
Subchapter C.	Citation and Production of Evidence for Rule-Making Procedures.....	3
§305.	Voluntary Submission of Evidence.....	3
Subchapter D.	Public Hearings .....	3
§307.	Adjudication.....	3
Subchapter E.	Declaratory Orders and Rulings.....	4
§309.	Declaratory Orders and Rulings.....	4
Chapter 5.	License Requirements.....	4
§501.	Applications .....	4
§503.	Student Protection Fund.....	5
§505.	Affidavits .....	5
§507.	Surety Bond .....	5
§509.	Other Provisions Concerning License.....	6
§511.	Denial of Recommendation of License and Commission Hearing .....	6
§513.	Revocation of License.....	6
Chapter 7.	Personnel Affidavits/Permits .....	6
§701.	Completion of Affidavits by Non-Instructional Personnel/Instructional Personnel .....	6
§703.	Solicitor Application, Bonds, Renewal, Denial, and Revocation .....	7
Chapter 9.	Proprietary Schools Applications .....	8
§901.	Initial License or Change of Ownership License Procedures .....	8
§903.	License Renewal .....	9
§905.	Associate in Occupational Studies (AOS) Degree Application .....	10
Chapter 11.	Student Protection Fund.....	11
§1101.	Policies and Procedures .....	11
Chapter 13.	Advertising Rules for Proprietary Schools .....	12
§1301.	Advertising Rules.....	12
Chapter 15.	Violations.....	12
§1501.	Authority, Investigation, and Sanctions .....	12
Chapter 17.	Student Complaint Procedure .....	15
§1701.	Policies, Conciliation, Conference, Hearing, and Review .....	15
Chapter 19.	Student Records .....	16
§1901.	General Policies .....	16
§1903.	Transfer of Student Records .....	16
§1905.	Penalties .....	17
Chapter 21.	Exceptions.....	17
§2101.	Board Authority .....	17
Chapter 23.	Forms .....	17
§2301.	Proprietary Schools Licensure Forms .....	17

## Title 28 EDUCATION

### Part III. Proprietary Schools

Editor's Note: The Statutory Authority for the rules contained in this Part were recodified in 2019 and moved from R.S. 17:3141 et seq. to R.S. 17:3140.1 et seq.

#### Chapter 1. General Provisions

##### §101. Citation and Abbreviation

A. These rules and regulations of the Board of Regents ("Board") govern the licensing and monitoring of proprietary schools operating in Louisiana upon the recommendation and advice of the ~~Proprietary Schools Advisory Commission~~Advisory Commission on Proprietary Schools ("Commission").

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3140.2(F).

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Regents, LR 33:1857 (September 2007).

##### §103. Definitions

*Branch School*—a separate facility established by a main school, under the main school's management, control and supervision. The branch may offer full student services and is under the supervision of a designated on-site employee responsible for the day-to-day operation of the branch. Each branch school shall be separately licensed and bonded.

*Commission Staff*—the staff of the board's Proprietary Schools Section, authorized to aid in the administration of the commission's functions.

*Proprietary Schools*—hereinafter referred to as "school", as defined in R.S. ~~17:3140.1~~17:3140.1~~and R.S. 17:3141.16(B)(4).~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3140.2(F).

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Regents, LR 33:1857 (September 2007), amended by the Board of Regents, Proprietary School Section, LR 44:1005 (June 2018).

##### §105. Proprietary Schools Law and the Administrative Procedure Act Incorporated

A. R.S. 17:3140.1 et seq., inclusive, known as the Proprietary Schools Law, and R.S. 49:951 et seq., known as the Administrative Procedure Act, in their currently existing form and as may be amended, are hereby incorporated herein. All remedies and procedures available to the public under these laws, as they pertain to this commission, are hereby made available herein as rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3140.1, R.S. 49:954.1(A), R.S. 17:3140.2(F).

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Regents, LR 33:1857 (September 2007).

##### §107. Computation of Time

A. In computing a period of time allowed or prescribed by these rules, by law or by order of the commission or of court, the date of the act, event, or default after which the period begins to run is not to be included. The last day of the period is to be included, unless it is a legal holiday or a day of the weekend, in which event the period runs until the end of the next day, which is not a legal holiday or a day of the weekend.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3140.2(F), La. C.C.P. art. 5059.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Regents, LR 33:1858 (September 2007).

#### Chapter 3. Procedures

##### Subchapter A. General Procedural Rules

##### §301. Initiation of Proceedings

A. Proceedings. Proceedings for the adoption, amendment, or repeal of a rule may be commenced



by the board or commission upon its own initiative or pursuant to reasonable grounds therefore. The commission however, shall initiate procedures to adopt, amend or repeal a rule whenever the attorney general requests same.

B. Process for Initiation. Any interested person may petition the commission requesting the adoption, amendment, or repeal of a rule. The petition shall be filed in the office of the commission located at the Claiborne Building, the Louisiana Board of Regents, Proprietary Schools Section, 1201 N. Third St., Suite 6-200, Baton Rouge, LA 70802 or P.O. Box 3677, Baton Rouge, LA 70821, or such other address in the event the commission relocates, at any time during normal office hours, from 8 a.m. to 4:30 pm, except for legal holidays and the weekend. Within 90 days after submission of a petition, the commission shall either deny the petition in writing stating reasons for the denial, or shall initiate rule-making proceedings in accordance with these rules. Any person whose petition is not deemed by the commission sufficient to warrant the holding of a rule-making proceeding will be promptly notified of that determination and may be given an opportunity to submit additional data.

C. Investigations and Conferences. In connection with any rule-making proceedings, the commission at any time may conduct such investigations, make such studies, and hold such conferences as it may deem necessary.

D. Notice. Prior to the adoption, amendment, or repeal of any rule, the commission shall give notice of its intended action in accordance with R.S. 49:953(A)(1). The notice shall include a statement of either the terms or substance of the intended action or a description of the subjects and issues involved, and the time when, the place where, and the manner in which interested persons may present their views thereon. The notice shall be mailed to all persons who have made a timely request of the agency for advance notice of its rule-making proceedings and shall be published at least once in the official state journal.

E. Opportunity to be Heard. Prior to the adoption, amendment, or repeal of any rule, the commission shall afford all interested persons reasonable opportunity to submit data, views, or arguments, orally or in writing, in accordance with R.S. 49:953(A)(2).

F. Emergency Rules. If the commission finds that an imminent peril to the public health, safety, or welfare requires adoption of a rule upon shorter notice than that provided above, it may proceed to adopt emergency rules in accordance with R.S. 49:953(B). The emergency rule thus adopted may be effective for a period not to exceed 60 days, but the adoption of an identical rule otherwise under these rules is not precluded.

G. Filing, Publication and Effective Date of Rule. The commission shall file with the Office of State Register a certified copy of any rule or regulation adopted upon the completion of a rule-making proceeding and publish the same in the official state journal in accordance with R.S. 49:954. Such rules or regulations shall become effective pursuant to R.S. 49:954(B).

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:953, R.S. 49:954.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Regents, LR 33:1858 (September 2007).

### **Subchapter B. Pleadings**

#### **§303. Petition to Adopt, Amend or Repeal a Rule**

##### **A. Petition to Adopt, Amend, or Repeal a Rule**

1. A petition to adopt, amend, or repeal a rule shall be typed or printed on either standard letter size bond paper or on standard legal size bond paper;

2. the petition shall be dated and shall contain the following:

- a. the title of the pleading (i.e., "petition");
- b. the names of the petitioners;
- c. the names of representatives and legal counselors of such petitioners (if applicable);
- d. all pertinent allegations of fact, data, views, arguments and reasons supporting the action sought by the petition;
- e. a statement or prayer expressing the exact action sought by the petition; and
- f. the signatures of all petitioners, if individual, natural persons, or the signatures of duly qualified representatives of petitioner, if a governmental agency or subdivision or an association of persons;

3. the petition, in setting forth all pertinent allegations of fact, data, views, arguments, and reasons supporting the action sought by the petition, shall contain separate, numbered paragraphs, one for each fact, data, view, argument, and reason set forth;

4. the petition, in expressing the exact action sought by it, shall cite and quote the rule to be adopted, amended, or repealed; and if a rule is sought to be amended, the petition shall quote the rule as it would read after amendment, if it were in fact amended; and

5. only substantial compliance is necessary to meet the requirements of form, and to that end, the provisions of this section shall be liberally construed in favor of accepting the petition.

B. Other Pleadings. Pleadings of any type may be submitted to the commission. They shall be similar in form to that of petitions, except that they may exclude those things peculiar to petitions and shall include those things to which they pertain.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:953.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Regents, LR 33:1858 (September 2007).

### **Subchapter C. Citation and Production of Evidence for Rule-Making Procedures**

#### **§305. Voluntary Submission of Evidence**

A. Any interested person may voluntarily submit evidence, testimonial or real, to the commission, such evidence being relevant and material to any issue involved in the adoption, amendment or repeal of any rule, to the corroboration of or to the unreliability or inaccuracy of any witness or other source of evidence submitted, or to the credibility or non-credibility of any witness or other source of evidence submitted, in the same form and manner as otherwise provided herein or by law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:953.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Regents, LR 33:1859 (September 2007).

### **Subchapter D. Public Hearings**

#### **§307. Adjudication**

A. Process. In any matter defined as adjudication in R.S. 49:951(1), notice shall be given, hearings held and a decision or order issued, all in accordance with the procedures provided for adjudications in R.S. 49:955-961. Upon the conclusion of the hearing and consideration of all evidence presented, the commission shall submit a recommended decision or order to the board for board approval.

#### **B. Rules of Evidence**

1. The commission may admit and give probative effect to evidence which possesses probative value and which is commonly accepted by reasonably prudent men in the conduct of their affairs. It shall give effect to the rules of privilege recognized by law. It shall exclude incompetent, irrelevant, immaterial, and unduly repetitious evidence. Objections to evidentiary offers may be made and shall be noted in the record. Subject to these requirements, when a hearing will be expedited and the interests of the parties will not be prejudiced substantially, any part of the evidence may be received in written form;

2. all evidence, including records and documents in the possession of the commission of which it desires to avail itself, shall be offered and made a part of the record, and all such documentary evidence may be received in the form of copies or excerpts, or by incorporation by reference. In case of incorporation by reference, the materials so incorporated shall be available for examination by all interested persons before being received in evidence; and

3. notice may be taken of judicially recognizable facts. In addition, notice may be taken of generally recognized technical or scientific facts within the commission's specialized knowledge. All persons who have shown an interest therein shall be notified either before or during the hearing, or by reference in preliminary reports or otherwise, of the material noticed, including any staff memoranda or data, and they shall be afforded an opportunity to contest the material so noticed. The commission's experience, technical competence, and specialized knowledge may be utilized in the evaluation of the evidence.

C. Admission of Depositions. The presiding officer or any person interested in a proceeding before the commission may take the depositions of witnesses, within or without the state, in the same manner clothed with all the formalities as provided by law for the taking of depositions. Depositions so taken shall be admissible in any proceeding affected by this Chapter. The admission of such depositions may be objected to at the time of hearing and may be received in evidence or excluded from the evidence by the presiding officer in accordance with the rules of evidence provided in this Chapter above.

D. Reopening Hearing and Rehearings. The commission may reopen any hearing for good cause shown, and may grant a rehearing in accordance with R.S. 49:959.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:955, R.S. 49:956, R.S. 49:959.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Regents, LR 33:1859 (September 2007).

## **Subchapter E. Declaratory Orders and Rulings**

### **§309. Declaratory Orders and Rulings**

A. The commission shall consider petitions for a declaratory order or ruling as to the applicability of any statutory provision or of any rule or order of the board, submitted pursuant to R.S. 49:962, hold hearings if necessary, and submit a recommended declaratory order or ruling. A petition for a declaratory order or ruling shall contain:

1. the title of the pleading (e.g., "Petition for Declaratory Order");
2. the names of the petitioners;
3. the names of representatives and legal counselors of such petitioners (if applicable);
4. a concise statement of the issue posed, along with citations to the statute, rule or order at issue;
5. a clearly organized statement of all pertinent allegations of fact and data, and if the petitioner takes a specific position on the issue, the arguments and reasons supporting such position;
6. a statement or prayer expressing the exact action sought by the petition;

7. the signatures of all petitioners, if individual, natural persons, or the signatures of duly qualified representatives of petitioner, if a governmental agency or subdivision or an association of persons; and

8. only substantial compliance is necessary to meet the requirements of form, and to that end, the provisions of this section shall be liberally construed in favor of accepting the petition.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:962.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Regents, LR 33:1859 (September 2007).

## **Chapter 5. License Requirements**

### **§501. Applications**

#### **A. General**

1. All applications must comply with the provisions of R.S. 17:3141.4, as well as any applicable provisions of these regulations. All applications concerning licenses are to be submitted to the commission in the manner as directed by commission staff. ~~at the following address or such other address in the event the commission relocates:~~

~~Louisiana Board of Regents~~

~~Proprietary Schools Section~~

~~Post Office Box 3677~~

~~Baton Rouge, LA 70821-3677~~

2. All applicable fees, as provided below, must be by company, institutional, certified check, or by money order and must be made payable to the "Louisiana Board of Regents", with the exception of the Student Protection Fund which is to be made payable to the "Student Protection Fund." Except for overpayments toward the Student Protection Fund, no portion of any license fee shall be subject to refund.

B. Initial Application and License Fee. The initial license application fee shall be \$2,000. A payment of \$1,000 toward the student protection fund must be paid along with the license fee.

#### **C. Renewal Application and Fee**

1. The annual renewal application fee is based on the school's gross tuition revenues for the previous year as follows:

a. under \$50,000—\$500;

b. \$50,000 and up—greater of \$1,000 or 0.25 percent of gross tuition income.

2. If a complete license renewal application is not received at least 30 days prior to its expiration date, in addition to the renewal fee, there shall be a delinquent fee of \$500. In addition to the renewal application fee and any delinquent fee, a payment to the Student Protection Fund, if applicable, must be made in accordance with R.S. ~~17:3141.16~~17:3140.11.

D. License Fee for Solicitors. The annual license fee for each solicitor/sales representative of a school shall be \$100.

E. Reinstatement Licensure Fee. The reinstatement licensure fee for a suspended school shall be \$500.

F. Change of Ownership Application and License Fee. All changes of ownership are contingent upon approval from the board. Applications for a new license must be requested within 10 days of the change of ownership. No license shall be transferable. The application fee is \$2,000. A payment of \$1,000 toward the student protection fund must be made along with the application fee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3140.1, R.S. 17:3140.3.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Regents, LR 33:1859 (September 2007).

### **§503. Student Protection Fund**

A. First Payment. Initial (new) schools and change-of-ownership schools shall be required to submit their first payment of \$1,000 made payable to the "Student Protection Fund" with their application.

B. Annual Payment. The required annual payments, if applicable, to the Student Protection Fund shall be collected based on the schedule provided in R.S. ~~17:3141.16~~17:3140.11.

C. Collection Schedule. Annual payments shall cease when the fund accumulates to \$800,000 but shall resume when the fund drops below \$750,000.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3140.11.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Regents, LR 33:1860 (September 2007).

### **§505. Affidavits**

A. Applications and renewal applications must be accompanied by affidavits ~~(PSC-9 Form)~~ by each owner, and director, ~~instructor, and all office and clerical personnel,~~ unless previously approved, and Solicitor Permit Applications (PSC-4 Form) by each solicitor containing the information prescribed by ~~Subsection C(11) or~~ R.S. ~~17:3141.1~~17:3140.13 (for solicitor renewal, see §703). In the case of office and clerical personnel, in lieu of the affidavits of such personnel, the owner may submit an affidavit setting forth the information prescribed ~~by Subsection C(11) of~~ R.S. ~~17:3141.1~~17:3140.13 concerning such personnel. Such information shall be based on the owner's investigation and knowledge. For solicitor renewal, see §703.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3140.2(F).

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Regents, LR 33:1860 (September 2007).

### **§507. Surety Bond**

A. Each license application must be accompanied by a surety bond in the amount of \$10,000 issued by a surety authorized to do business in Louisiana. The bond must meet the requirements set forth in R.S. ~~17:3141.5~~17:3140.5 and the PSC-3 Form. Bond releases and terminations shall be as provided in R.S. 17:31401.5(D) and (E), and suspension of operating license for lack of surety bond coverage is governed by R.S.17:31401.5(F). A school may be exempted from filing a surety bond if it meets all of the following requirements:

1. does not require students to pay tuition for course of study more than one month in advance;
2. has been in continuous operation for at least five years; and
3. has met all the requirements of the commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3140.2(F).

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Regents, LR 33:1860 (September 2007).

### §509. Other Provisions Concerning License

A. A license shall be valid only for the school and shall not include other schools or branches operated by the owner. Each separate location or branch school shall be licensed and bonded. No new courses shall be offered by any school holding a license until it is approved by the commission staff in accordance with procedures to be established by the commission.

B. Each license must be displayed on the premises. No license shall be transferable. In the event of a change of ownership of the school, the license shall be revoked unless the new owner, within 10 days after the change of ownership, the new owner shall submit a copy of the bill of sale to the commission staff, and is required to submit a new application two months prior to the date of the expiration of the license. requests an application for a license to operate the school.

C. Any person who contemplates the purchase of a school may apply for a license. If the board grants such a license, it shall become a valid license only upon completion of the proposed sale.

D. All licenses shall be renewed annually, not less than 30 days prior to expiration date thereof. Updated information must contain all changes in staff, school programs, etc., including all additions and deletions.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3140.2(F).

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Regents, LR 33:1860 (September 2007).

### §511. Denial of Recommendation of License and Commission Hearing

A. If the commission or commissioner recommends the denial of a license, the commission shall hold a hearing upon the applicant's request, as provided in R.S. 17:3140.6. The applicant may appear in person or by counsel and may present evidence in support of granting the license. The decision or order resulting from a hearing before the commission is subject to rehearing, reopening, or reconsideration by the commission within 10 days from the date of its entry on the grounds set forth in R.S. 49:959 and in accordance with the procedures therein.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3140.6.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Regents, LR 33:1860 (September 2007).

### §513. Revocation of License

A. Licenses may be revoked by the board in accordance with the standards and procedures set forth in R.S. 17:3140.7 and statutory and regulatory provisions applicable thereto.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3140.7.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Regents, LR 33:1861 (September 2007).

### Chapter 7. Personnel Affidavits/Permits

#### §701. Completion of Affidavits by Non-Instructional Personnel/Instructional Personnel

A. Completion of Affidavit by Non-Instructional Personnel

1. An affidavit (PSC-9 Form) containing the following information must be submitted by the owner of each school (if a corporation, by each officer and by each director) and by each staff person, except solicitors, instructors, and office and clerical personnel:

a. full name and address of said person and the capacity in which he/she serves the school;

b. the city, parish/county, and state of said person's permanent residence and places of residence for the past five years;

c. the names and addresses of said person's employer or employers for the past five years;

d. whether or not said person has ever been convicted of a felony for a crime involving fraud or any misdemeanor other than a traffic violation; and

e. three persons who may be contacted concerning such person's good moral character.

~~2. In the case of office and clerical personnel, in lieu of affidavits by the office and clerical personnel, the owner may submit the information in the form of an affidavit by the owner, based on the owner's investigation and knowledge. (Refer to §505.)~~

~~B. Completion of Affidavit by Instructional Personnel~~



~~1. An affidavit (PSC-9 Form) containing the following information must be submitted by each person who will be serving as an instructor at the school:~~

~~a. full name and address of said person and the capacity in which he/she serves the school;~~

~~b. the names and addresses of said person's employer or employers for the past five years; and~~

~~c. three persons who may be contacted concerning such person's good moral character.~~

2. Minimum qualifications of an instructor include the following:

a. an instructor in an academically-credentialed area shall have a baccalaureate degree from a bonafide, accredited college or university, and demonstrate appropriate familiarity with the subject matter taught as evidenced by an academic transcript and/or occupational experience;

b. an instructor, in other than an academically-credentialed area, shall have a high school diploma or its equivalent; a license, diploma, certificate, ~~or~~ other degree from a recognized institution or organization in the area taught, or documented evidence of on-the-job training in the area taught; and four years of documented occupational experience in the area taught;

c. as used in this Subsection, a "recognized institution or organization" shall mean any bonafide, licensed, chartered or traditionally accredited business or association legally engaged in commerce, education, training, or advocacy. Recognized institutions or organizations shall include, but not be limited to, governmental agencies, labor unions, trade and professional corporations, and retail, financial, and commercial entities. The commission shall reserve the right to use all reasonable means in verifying the validity of credentials;

d. at the board's discretion, the minimum four years experience required for instructors may be waived for those disciplines where teaching credentials are officially certified, licensed, or otherwise approved or granted by a federal agency; and

e. employees employed prior to May 30, 1989 will be exempted from occupational experience.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3140.7.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Regents, LR 33:1861 (September 2007).

### **§703. Solicitor Application, Bonds, Renewal, Denial, and Revocation**

All forms are prepared and provided by the Commission Staff.

A. Permits and Applications. No person shall sell any course of instruction or solicit students therefore in Louisiana for any school unless he has obtained a solicitor's permit from the commission. A separate permit is required for each school the solicitor represents. A separate application (PSC-4 Form) with required fee and bond must be submitted for each permit sought (i.e., for each school to be represented).

**Louisiana Board of Regents  
Proprietary Schools Section  
Post Office Box 3677  
Baton Rouge, LA 70821-3677**

B. Bonds. Surety bonds for permits must be in the amount of \$1,000 for each permit issued. The bond must be continuous and must be issued by a solvent surety authorized to do business in Louisiana (see PSC-5 Form). The bond may be supplied as a blanket bond by a school covering each agent, \$1,000 in amount for each agent. This bond is set forth in PSC-6 Form. If a surety cancels a bond (as provided in R.S. ~~17:3141.9B~~ 17:3140.13C(3)) then a substitute bond (meeting all conditions for the original) must be furnished and the solicitor's permit shall be in a state of suspension for any period of time not covered by a proper bond.

C. Renewals. Each permit is valid for one year from date of issuance unless revoked and must be renewed not less than 30 days prior to expiration date. At the time of renewal, the owner/director must submit a PSC-4 Form, (unless the owner/director submits written notification of continued employment of solicitor); a \$100 renewal fee (made payable to the "Louisiana Board of Regents"); and proof of continuous bond coverage.

D. Denial of Permits. The commission may deny recommendations of issuance of a permit when proper grounds exist therefore. The procedures in such cases shall be in accordance with the

applicable provision of R.S. ~~17:3141.1-3141.14~~17:3140.6 and R.S. 49:951-966.

E. Revocation of Permits. A permit may be revoked for any of the causes set forth in R.S. ~~17:3141.1-17:3140.7~~. Notice of contemplated revocation must be given in writing at least 30 days prior to the effective date of revocation. At any time within 30 days prior to the revocation, upon request of the solicitor, the commission shall afford the solicitor an opportunity to be heard in person or by counsel. On or before 30 days prior to the date set for hearing, the commission shall notify the aggrieved solicitor of the date and purpose of the hearing and the grounds for the contemplated revocation of the permit. The procedure for revocation shall be in accordance with those prescribed by R.S. 49:951-966 and by R.S. ~~17:3140.7-17:3141.1-14~~ as applicable to such action.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3140.2 (F), R.S. 17:3140.7. R.S. 17:3140.7.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Regents, LR 33:1861 (September 2007).

## **Chapter 9. Proprietary Schools Applications**

### **§901. Initial License or Change of Ownership License Procedures**

A. Refer to the PSC-14 Form, Proprietary Schools License Requirements Checklist. Enclose one original application in a binder, with tabs of the applicable items as listed on the PSC-14.

B. Louisiana Minimum Cancellation and Refund Policy

1. Three-Business-Day Cancellation. All monies paid by a student shall be refunded if requested within three business days after signing an enrollment agreement and making an initial payment.

2. Cancellation after the Three-Business-Day Cancellation Period but Before Commencement of Classes by the Student. If tuition or fees are collected in advance of entrance, and if the student does not begin classes, not more than a \$150 registration fee shall be retained by the institution. Appropriate refunds shall be made within 30 days of the start of the quarter, term, or semester.

3. For programs less than 300 clock hours, the withdrawal after commencement of classes refund policy shall be:

a. after a student has completed less than 15 percent of the program, the institution shall refund at least 80 percent of the tuition, less the registration fee, thereafter;

b. after a student has completed less than one fourth of the program, the institution shall refund at least 70 percent of the tuition, less the registration fee, thereafter;

c. after a student has completed one fourth, but less than one half of the program, the institution shall refund at least 45 percent of the tuition, less the registration fee, thereafter;

d. after a student has completed one half or more of the program, the institution may retain 100 percent of the stated program price.

4. Any unused portion of the book fee will be refunded.

5. For programs 300 clock hours or longer, the withdrawal after commencement of classes refund policy shall be:

a. during the first week of the program, the institution shall refund at least 90 percent of the tuition, less the registration fee, thereafter;

b. during the next three weeks of the program, the institution shall refund at least 75 percent of the tuition, less the registration fee, thereafter;

c. during the first 25 percent of the program, the institution shall refund at least 55 percent of the tuition, less the registration fee, thereafter;

d. during the second 25 percent of the program, the institution shall refund at least 30 percent of the tuition, less the registration fee, thereafter;

e. during the third and fourth 25 percent of the program, the institution shall retain 100 percent of the stated program price. Percentages of the program completion are to be computed on the basis of clock hour. For programs longer than one year (12 calendar months) in length, 100 percent of the stated program price attributable to the period beyond the first year will be refunded when the student withdraws during the prior period.

6. Any unused portion of the book fee will be refunded.

### C. Items to be Included in School Catalog

1. A prospective student is entitled to sufficient data to make an informed decision on training opportunities and institutions. A school is therefore obligated to provide sufficiently detailed information in advance of enrollment to enable prospective students to clearly understand their opportunities, limitations, and obligations.

2. Each school shall prepare and make available a typed and bound publication which is readily identifiable as a catalog and each student shall receive a copy. This catalog shall be designed and written to convey accurate information on the school. It shall avoid false, misleading, or exaggerated statements.

3. The following items shall be listed in the catalog:

- a. the name, address, phone number, email, and fax of school;
- b. the date of publication;
- c. a statement of institutional philosophy;
- d. licensure statement;
- e. the admission requirements and procedures;
- f. the educational objectives of each program offering, including the name, nature, and level of occupations for which training is provided;
- g. a detailed program outline for each program of study that includes subject abbreviations and numbers, subject titles, the number of clock and/or credit hours of instruction in lecture, lab, and/or clinical/externship, and the length of time in weeks or months normally required for completion;
- h. the subject descriptions for each program of study;
- i. a brief description of the school's physical facilities, equipment to be used in class, and the maximum class size;
- j. the school policies relative to tardiness, absences, make-up work, conduct, termination, re-entry, and other rules and regulations of the school;
- k. the grading system, including a definition of ratings;

l. the required levels of performance for graduation;

m. a statement of certificates, diplomas, or degrees awarded upon graduation;

n. a statement of student charges related to enrollment: registration fee, tuition, book fee, lab fee, and any other charges for which a student will be responsible;

o. a statement of the cancellation and refund policy of the school;

p. a detailed and explicit description of the extent and nature of job placement assistance that is available to graduates, if any;

q. specifics describing the availability of residential housing, vocational counseling services, scholarships, and the extent of other services available to students, if any;

r. a school calendar including holidays and other dates of importance;

s. the school's student complaint procedure;

t. any other facts concerning the school and its programs of instruction.

D. Institutions seeking initial licensure shall certify in writing that they have the capabilities to annually submit to the Board of Regents student-level data for each student, in a format prescribed by the Board of Regents and the capabilities to electronically store student transcript data.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3140.3.

HISTORICAL NOTE: Promulgated by the Board of Regents, LR 33:1862 (September 2007), amended by the Board of Regents, Proprietary School Section, LR 40:1687 (September 2014).

### §903. License Renewal

A. Renewal letters are ~~mailed~~ sent to the school owners annually. A license renewal application must be received in this office 30 days prior to the license expiration. If it is not, there shall be a \$500 delinquent fee. Failure to furnish all the renewal information prior to the license expiration date will cause the license to expire. There can be no exceptions or any other extension. The following paperwork must be submitted:

- 1. a completed PSC-1 Form;



2. ~~the original~~ verification from the bonding company that the surety bonds (\$10,000 for school and \$1,000 per solicitor) are still in effect must accompany the renewal application. The premium period must coincide with the school's licensure period. ~~For example, August 26, 2006-August 26, 2007;~~

3. a completed PSC-12 form;

4. the renewal fee based upon the school's previous year's gross tuition revenues. The check is to be made payable to the "Louisiana Board of Regents." Refer to the PSC-12 form;

5. financial statements:

a. for those schools which participate in Title IV funding, an original set of financial statements that have been audited by an independent certified public accountant licensed in the state of Louisiana, including a current balance sheet and an income statement showing gross tuition receipts for the school's last fiscal year, and in the case of a corporation, signed by an officer of the corporation, sole proprietorship or partnership, signed by the owner(s) or a duly authorized agent acting on behalf of the owner(s), stating that it is true and correct; and

b. for those schools which do not participate in Title IV funding, an original set of financial statements that have been reviewed by an independent public accountant licensed in the state of Louisiana, including a current balance sheet and an income statement showing gross tuition receipts for the school's last fiscal year, and in the case of a corporation or sole proprietorship or partnership, signed by the owner(s) or a duly authorized agent acting on behalf of the owner(s) stating that it is true and correct;

6. an internal compilation reflecting the school's most recent quarter, if the audit/review submitted with the renewal materials, reflects a business year that ended more than 120 days prior to the submission of the renewal materials;

7. a completed PSC-18 Form reflecting the application date listed on the PSC-1 Form;

8. a completed PSC-4 Form for any new solicitor employed with the school. The initial and/or renewal fee is \$100 per solicitor is to be made payable to the "Louisiana Board of Regents";

9. a completed PSC-9 Form on all instructors and staff employed since the last school renewal, unless previously approved during the year;

10. a current school catalog;

11. a current copy of the enrollment agreement/enrollment contract;

12. proof of the ability to electronically store student transcript data;

13. Institutions seeking renewal licensure shall annually collect, and all institutions licensed by the Board of Regents shall annually report, student-level data from the prior year for each student, in a format prescribed by the Board of Regents. At minimum, data from the prior year must include

Withdrawal data,

program completion/ graduation data,

student demographic information (including full name, date of birth, social security number, sex, race/ethnicity),

type of credential earned.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3140.3 and R.S. 17:3140.4.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Regents, LR 33:1862 (September 2007).

### **§905. Associate in Occupational Studies (AOS) Degree Application**

A. Requirements. An eligible post-secondary school may award a non-academic degree entitled "The Associate in Occupational Studies."

1. The school must be licensed by the board, domiciled in the state of Louisiana, and accredited by a regional or national accrediting agency recognized by the United States Department of Education.

B. The board shall revoke the degree-granting status of any post-secondary school that loses or withdraws its accreditation.

C. No school shall be licensed to award the Associate of Arts or Associate of Science. All advertising, recruiting, and publications shall state clearly that such occupational degree awarded by a post-secondary school is non-academic and does not imply, promise, or guarantee transferability.

D. Each student admitted to an occupational degree program in an accredited post-secondary school shall be required to:

1. have a high school diploma or equivalent; and
2. complete a minimum of two years, four semesters, or six quarters of course work for each occupational degree program.

E. Each AOS degree program shall have a minimum of 75 percent of its course of study in a specific occupational area.

F. Each course of study shall have a minimum of 96 quarter hours if using quarter hours, a minimum of 1800 clock hours if using clock hours, and a minimum of 64 semester hours if using semester hours.

G. Application Enclosures. Enclose one original and eight copies, in binders with tabs, of the following:

1. a completed PSC-1 Form, including the title of the proposed AOS degree program;
2. the completed PSC-11 Form;
3. a blank copy of the diploma that would be awarded upon successful completion of the AOS degree program;
4. a detailed program outline including subject numbers, subject titles, clock hours, quarter hours or semester hours (whichever is used for each subject), and total clock hours, quarter hours, or semester hours (whichever is used for each program);
5. a description of each subject listed on the outline; and
6. an inventory list of equipment/supplies/furnishings available for the AOS degree program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3140.17.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Regents, LR 33:1862 (September 2007).

## Chapter 11. Student Protection Fund

### §1101. Policies and Procedures

#### A. Student Protection Fund Policy

1. The Student Protection Fund is administered by the board and the commission; shall be subjected to audit and review by the Legislative Auditor's Office.

2. Required refunds due from the Student Protection Fund will be provided on a pro rata basis, or other means as appropriate. Prior to any funds being released from the Student Protection Funds, the school's surety bond must be exhausted.

3. For students that have loans, the administrator of the Student Protection Fund will enter into an agreement with the state guaranty agency that any refunds will be allocated as follows:

a. present holder of the loan, whether lender or LOSFA, and any remaining balance to the borrower;

b. for students without loans, appropriate tuition repayment.

4. Administration of the Student Protection Fund is subject to review by the U.S. Department of Education and the state guaranty agency:

a. the commission staff shall retain all records pertaining to the determination of payment or denial of refunds for a period of not less than one year after the final determination has been made;

b. records shall be maintained in an organized manner; and

c. records shall be readily accessible to the U.S. Department of Education and guaranty agency auditors.

#### B. Student Protection Fund Procedures

1. The application for tuition recovery (PSC-15 Form), may be submitted after reasonable efforts to compensate the student from the following resources have been exhausted (see PSC-15 Form for instructions):

- a. provide teach-out;
- b. acquire refund from the school;
- c. acquire refund from any other school resources; and

d. acquire refund from U.S. Department of Education, Closed School Section;

2. lenders holding loans eligible for refunds under the Student Protection Fund may submit the claims to the commission without undertaking any additional collection activity, if the commission determines that the student has not submitted a claim. Submission of a claim by the lender will preclude the student from filing a claim at a later time;

3. refund calculations will be based upon copies of enrollment contracts, student ledger cards, and other pertinent documents submitted by the student; and

4. students and/or lenders applying for relief to the Student Protection Fund will be notified of the status of the request within 60 days of receipt of the application by the commission staff.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3140.11 and R.S. 17:3140.12.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Regents, LR 33:1863 (September 2007).

### **Chapter 13. Advertising Rules for Proprietary Schools**

#### **§1301. Advertising Rules**

A. Advertising. All advertising shall forthrightly disclose the purpose of the advertising, that education or training, not a job, is offered, and that the advertiser is a school. Advertising includes any form of public notice however disseminated or utilized. Within this definition would be all publications, communications, promotional items, and efforts which could normally be expected to be seen or encountered by significant numbers of prospective students or their sponsors. Examples include catalogs and other school publications, signs, mailing pieces, radio, television, audio-visual, newspaper, internet or any other form of public notice resulting from the school's recruiting and promotional activities.

B. Solicitation. In the solicitation of students, a school shall not directly, or by implication, misrepresent the services it renders. All advertisements and promotional literature used shall be truthful, informative and constructive; and avoid conveying any false, misleading or exaggerated impressions with respect to the school, its

personnel, its courses and services, or the occupational opportunities for its graduates. The true purpose and nature of a school's offerings shall be evident in all advertising. Every advertisement shall constitute to the reader a clear statement of a bonafide offer or announcement made in good faith. It shall be written to its anticipated readership, normally persons unsophisticated in the traditional word usage of the education industry. Therefore, all solicitation must be truthful and conducted with extreme care.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3140.8.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Regents, LR 33:1863 (September 2007).

### **Chapter 15. Violations**

#### **§1501. Authority, Investigation, and Sanctions**

A. Violations. The following is an illustrative, but not exclusive, list of actions constituting a violation:

1. failure to provide the commission with an item of information required by R.S. 17:3140.1 et seq.;
2. misrepresentation about a school's credentials or accreditation;
3. a false claim or guaranty of employment by a school or solicitor;
4. failure to disclose to a student a necessary requirement for employment;
5. false or misleading advertising;
6. unethical behavior by a solicitor;
7. failure to disclose liability for repayment of a student loan;
8. failure to respond to student complaints as provided in the student complaint rule, R.S. ~~17:3141.3(D)(2)(b)~~ 17:3140.9 and 17:3140.231.3(E);
9. employment of an instructor who is unqualified;
10. unsafe or unhealthy condition of a school;
11. unsafe, unhealthy, or inadequate instructional equipment;
12. failure to teach the number of hours claimed;

13. failure to maintain attendance records and to provide them for inspection;

14. failure to comply with a contractual relationship with a student;

15. failure to release the grades of a student;

16. failure to cooperate with an investigator from the commission;

17. attempting to obtain, obtaining, or renewing a license to operate a school by fraudulent misrepresentation or bribery;

18. placement of classified advertisement under "employment" or other similar categories related to employment rather than "education" or "instruction";

19. upon closure, failure to transfer student records to the board; and

20. failure to comply with the provision of R.S. 17:314~~01~~.1 et seq., or any written rule or regulation of the board.

B. Authority and Scope. The definition of "school" for the purpose of this rule shall include a licensed school and school owners, employees, operators, agents and solicitors. The commission shall use the following procedures prior to making a recommendation to the board under R.S. 17:~~3141.8(A)~~3140.7 that a school license should be revoked, canceled, or suspended.

1. Any school found to be in violation of any provision of R.S. 17:314~~01~~ et seq., or any other state regulation adopted by the commission pursuant to the Administrative Procedure Act governing the administration or operation of a school may be sanctioned by one or more of the following remedies:

- a. restitution and remedial measures;
- b. civil money penalties (fines); and
- c. revocation, suspension, cancellation, or other restrictions on the license.

2. The commission's assessment of a sanction shall be based on the following considerations:

- a. whether the violation or substantially similar violation has previously occurred;
- b. the duration of the violation;
- c. the severity of the violation;

d. the school's history of compliance with the regulations;

e. what sanction is most likely to bring the school into compliance in the shortest time;

f. the "good faith" exercised by the school in attempting to stay in compliance with the regulations; and

g. such other factors as the commission deems appropriate.

#### C. Investigation

1. When the commission's staff becomes aware of a violation, it may conduct an onsite investigation of a school. The inspection may or may not be announced at the discretion of the staff.

2. The agent conducting the investigation shall have the authority to:

- a. privately interview administrators, teachers, solicitors, and students;
- b. inspect school records, documents, catalogs, forms, and advertisements; and
- c. inspect the school facilities and equipment.

3. The school shall cooperate fully with the agent.

4. Within five days of the investigation the agent shall prepare a written report which shall be furnished to the commission staff and the school. The report shall contain:

- a. factual findings relevant to the initial violation;
- b. factual findings of any additional violations;
- c. recommendations of remedial measures to be taken by the school; and
- d. recommendations of any sanctions to be taken by the commission including the commission's petition for an injunction to terminate the violation;
- e. the procedure by which an administrative hearing may be requested.

5. Additional or follow-up visits may be made to the school to monitor violations or to monitor remedial measures taken to correct prior violations.

#### D. Notice of a Violation

1. When a violation of state statutes or regulations governing the administration or operation of a school has occurred, in accordance with R.S. 17:31~~40.841-8~~, the commission staff shall give notice of the violation to the school's director by certified mail, return receipt, and shall afford the school an opportunity to be heard in person or by counsel.

2. The written notice of the violation shall:

- a. specify the violation(s);
- b. cite the legal authority which establishes the violation(s);
- c. cite any sanctions assessed for each violation;
- d. inform the school's director that the determination of the violation and imposition of the sanction are final, and no further administrative or judicial appeals may be had if a timely appeal is not filed; and
- e. inform the school's director if the violation is regarded as a repeat or continuing violation and the manner in which the sanction will be imposed.

3. If the school requests a hearing, the commission staff shall hold a hearing and take evidence. Strict rules of evidence shall not apply. A tape recording of the hearing shall be made. The school may deny the violation, admit the violation in part and deny it in part, or admit the violation but request a reduction or modification of the sanction imposed. The school may present witnesses or documentary evidence in its defense bearing directly on the violation asserted. The school is limited to one witness to attest to its reputation or to remedial measures it has taken. The commission may consider reputation and remedial measures in mitigation of the sanction. For continued or repeat violations, reputation or remedial measures shall not be considered.

4. The commission staff shall have authority to determine for purposes of making a recommendation to the board, whether a violation is a repeat or continuing violation:

- a. a repeat violation is the recurrence of the same or a substantially similar violation within a period of 12 months;

- b. a continuing violation is one that may be reasonably expected to continue until corrective action is taken. A continuing violation may be considered as a repeat violation for each day following the day on which the initial violation is established, until such time as there is evidence establishing a date by which the violation is corrected. A continuing violation may be subject to appropriate sanctions for repeat violations up to the number of days of the violation at the discretion of the commission staff.

5. After holding a hearing, the commission shall submit its findings to the board, and may recommend any of the penalties listed in Paragraph 1501.B.1 and Subsection 1501.F, as it deems appropriate. The commission shall also forward a copy of its findings and recommendation to the school, notify the school of the date of the board meeting when the commission's recommendation will be considered, and advise the school of the opportunity to appear at the board's meeting by person or by counsel and be heard. After due consideration of the commission's recommendation and the school's arguments (if the school presents any arguments) and upon a vote of two-thirds of the authorized membership of the board, the board may revoke, cancel, suspend or restrict the school's license, or impose fines or refunds.

6. A sanction which requires monetary payments, either fines or restitution, shall be paid within a timeframe as determined by the board following its notification.

#### E. Description of Sanctions

1. Restitution and Remedial Measures. The commission may impose sanctions consisting of, but not limited to, the following measures:

- a. rebate of all or a portion of the tuition to the students;
- b. modification or termination of advertising when unwarranted, false, or misleading claims are made, or placement of corrective ads;
- c. counseling of students when they have been misinformed about a material matter;
- d. the posting of a sign in a prominent position in a school correcting a false representation made to the students;
- e. the distribution of an informational leaflet to the students informing them of their rights;



f. the inclusion or exclusion of information from the student catalog to correct a misrepresentation;

g. repairs or modification to a physical facility when health or safety is jeopardized;

h. repairs or modification to equipment when health or safety or delivery of quality instruction is jeopardized;

i. an order to terminate a gross violation of the statutes or regulations;

j. an order to cease the enrollment of new students or to limit enrollment to those students who meet more restrictive admission standards; and

k. modification of the curricula or methods of instruction.

2. Civil Money Penalties (Fines). The commission has the authority to impose a fine up to \$500 for each violation. Repeat or continuing violations may be assessed separate fines up to \$500 for each day of violation. After a fine is imposed, the commission may allow a specified period of time for the correction of the violation. If the violation is corrected, the commission may waive the payment of the fine. The school may be given the opportunity to demonstrate compliance before the fine becomes final. A violation for which a fine is waived shall still be counted for repeat and continued violations. The right to assess civil fines is not merged in other remedies, and the commission may impose other sanctions in addition to the fines.

3. Revocation of License. The commission may recommend the revocation of a school's license to the board.

F. Appeal Procedure. Any sanction may be administratively appealed as long as the appeal is timely filed in accordance with R.S. 17:~~3140.6~~:3141.8(F).

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3140.2, R.S. 17:3140.7, R.S. 3140.8, and R.S. 17:3140.9.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Regents, LR 33:1863 (September 2007).

## Chapter 17. Student Complaint Procedure

### §1701. Policies, Conciliation, Conference, Hearing, and Review

#### A. General Policies

1. The purpose of this complaint procedure is to provide an effective and efficient method by which students may resolve their complaints with the commission staff under the jurisdiction of the board;

2. the commission staff shall prepare and provide a copy of the complaint procedure to each licensed school; and

3. each school shall include in either their catalog or enrollment agreement the following:

a. complaints relative to actions of school officials may be made and must be in writing, addressed to the Louisiana Board of Regents, Proprietary Schools Section, Program Administrator, P.O. Box 3677, Baton Rouge, LA 70821-3677, 225/342-4253. Such complaints may be made only after the student has unsuccessfully attempted to resolve the matter with the school by having first filed a written and signed complaint with that school's officials. Any student who wishes to review the student complaint procedure may make a request for a copy of the procedure, in writing, ~~addressed to the Louisiana Board of Regents, Proprietary Schools Section, P.O. Box 3677, Baton Rouge, LA 70821-3677, (225)342-4253.~~

#### B. Conciliation

1. Any student who believes he/she has been aggrieved by actions of school officials shall first file a written and signed complaint with school officials. School officials must respond with a decision within 10 calendar days of the date of the complaint.

2. No later than one year from date of the last alleged grievance, the student may appeal the decision of the school officials in writing to the Any student who believes he/she has been aggrieved by actions of school officials shall complain in writing to the commission staff at Louisiana Board of Regents, Program Administrator, Proprietary Schools Section. The student shall submit a copy of the original grievance with their appeal; , Post Office Box 3677, Baton Rouge, LA 70821-3677,

~~225/342-4253, only after having first filed a written and signed complaint with the school officials;~~

~~2. if the complaint is not resolved, the student may submit a written request for assistance to resolve the matter with the school after having first filed a written and signed complaint with that school's officials;~~

3. copies of this appeal and initial notice of the complaint will be sent to the school and to the complainant. A copy must also be retained by the Board of Regents in the commission staff files;

4. Upon receipt of the notice of appeal, commission staff the notice of complaint appeal will request that the student and the school meet and discuss the complaint in a conciliation effort or and/or communicate in writing commission staff will independently evaluate the appeal within 10 days after receipt of the notice;

~~5. if after 10 days, the complaint has not been satisfactorily resolved, the student may request further assistance from the commission staff; and~~

~~6. the commission staff may, at its discretion, eliminate the conciliation procedure where a student has already contacted the school regarding the problem and may proceed directly to the mediation conference.~~

### **C. Mediation Conferences**

~~1. If the student advises the Section that no satisfactory resolution has been achieved with the school through the conciliation procedure, at that point the commission staff may forward the complaint and all associated materials to a qualified neutral third party.~~

~~2.5.~~ If no amicable resolution is achieved in the mediation process, either party may request, within seven days, a hearing before the commission Advisory Commission on Proprietary Schools. Within five working days following a request for a hearing, the commission staff shall send written notice to the parties containing the following:

- a. an explanation of the hearing procedures; and
- b. the date, time and place for the hearing.

### **D. Hearing:**

1. a public hearing shall be held before the commission. The parties shall be given 15 days notice in advance of the hearing, including the time, place and nature of the hearing and a statement of the alleged complaints to be the subject of the hearing;

2. the hearing shall be conducted in accordance with the provisions of the Administrative Procedure Act; ~~and~~

~~3. the commission shall prepare a report of its findings and recommendations and submit it to the board. The board shall render a decision accompanied by written reasons within 30 days following the conclusion of the hearing. This decision will be transmitted to all parties with a notice of the right to judicial review.~~

E. Judicial Review. Either party may appeal to the Nineteenth Judicial District in accordance with the Administrative Procedure Act.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3140.9.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Regents, LR 33:1865 (September 2007), amended by the Board of Regents, Proprietary School Section, LR 44:1005 (June 2018).

## **Chapter 19. Student Records**

### **§1901. General Policies**

A. All schools shall maintain all student records as required under R.S. 17:3140.15 ~~41.16(D)(3)~~. All student records shall include, but are not limited to student enrollment information, student enrollment agreements, attendance records, financial and academic transcripts, and exit interview.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3140.2 and R.S. 17:3140.15.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Regents, LR 33:1866 (September 2007).

### **§1903. Transfer of Student Records**

A. A school must make arrangements to transfer all ~~student records~~ student academic transcripts to the Commissioner of Higher Education at the commission's address within 10 days of closing. If any of the records have been seized or confiscated by legal authorities, the board shall request the authorities for documentation regarding seizure of

the records. However, the school remains responsible for turning over unseized student academic transcripts~~records~~. Any closed school, that maintains student files and electronic files shall make arrangements to electronically transfer such records to the board. The records shall be prepared in the following manner:

1. they shall be filed in alphabetical order;
2. each container will be clearly marked "official records" and will show the alphabetical order within the container (e.g., aa to bc); and
3. the containers shall be sealed to prevent loss or damage and marked in succession.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3140.2 and R.S. 17:3140.15.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Regents, LR 33:1866 (September 2007).

### **§1905. Penalties**

A. Failure to maintain and/or turn over student records as provided above will result in the assessment of penalties.

B. If necessary, a claim shall be made against the surety bond posted at the time of submission of the license application to satisfy any penalties for failure to maintain and/or turn over student records pursuant to R.S. 17:3141.5 (D)(1)(b)(iv).

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3140.2 and R.S. 17:3140.5.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Regents, LR 33:1866 (September 2007).

## **Chapter 21.Exceptions**

### **§2101. Board Authority**

A. The board retains the authority to waive or make exceptions to any provision of these regulations if it deems such waiver or exception to be in the public interest. This authority shall be exercised by majority vote of the Louisiana Board of Regents pursuant to request by a school, any interested party, recommendation of the commission, or upon its own motion.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3140.2.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Regents, LR 33:1866 (September 2007).

## **Chapter 23.Forms**

### **§2301. Proprietary Schools Licensure Forms**

A. The following forms have been adopted by the commission.

1. PSC-1 Proprietary School Application. ~~The applicant shall complete the following items of the PSC-1 form:~~

- ~~a. name and contact information of institution;~~
- ~~b. method of instruction;~~
- ~~c. accreditation;~~
- ~~d. classification of school;~~
- ~~e. owner name and contact information;~~
- ~~f. programmatic information; and~~
- ~~g. instructional staff.~~

2. PSC-2 Notarized Commitment Statement. ~~The applicant shall complete the following items of the PSC-2 form:~~

- ~~a. name of institution;~~
- ~~b. name of owner(s);~~
- ~~c. name and contact information of statutory agent;~~
- ~~d. signature and title of school official; and~~
- ~~e. name, signature, and seal of notary.~~

3. PSC-3 Surety Bond for Certificate of Registration. ~~The applicant shall complete the following items of the PSC-3 form:~~

- ~~a. bond number;~~
- ~~b. name and location of principal;~~
- ~~c. name of surety and state of organization;~~
- ~~d. name of principal;~~
- ~~e. signature and title of school official;~~
- ~~f. attorney in fact; and~~
- ~~g. name, address, and phone number of insurance or bonding agency.~~



4. PSC-4 Application for Solicitor Permit. ~~The applicant shall complete the following items of the PSC 4 form:~~

- ~~a. name and contact information of applicant;~~
- ~~b. employment history;~~
- ~~c. education;~~
- ~~d. required references;~~
- ~~e. attestation of applicant's criminal history;~~
- ~~f. signature of applicant;~~
- ~~g. signature and seal of notary; and~~
- ~~h. employer's certificate.~~

5. PSC-5 Surety Bond for Solicitor's Permit. ~~The applicant shall complete the following items of the PSC 5 form:~~

- ~~a. bond number;~~
- ~~b. name and location of principal;~~
- ~~c. name of surety and state of organization;~~
- ~~d. name, signature, and title of principal;~~
- ~~e. attorney in fact; and~~
- ~~f. name, address, and phone number of insurance or bonding agency.~~

6. PSC-6 Blanket Bond for Solicitor(s) Permit. ~~The applicant shall complete the following items of the PSC 6 form:~~

- ~~a. bond number;~~
- ~~b. name and location of proprietary school;~~
- ~~c. name of surety and state of organization;~~
- ~~d. bond coverage amount;~~
- ~~e. name of principal;~~
- ~~f. signature and title of school official;~~
- ~~g. attorney in fact; and~~
- ~~h. name, address, and phone number of insurance or bonding agency.~~

7. PSC-9 Personnel Affidavit. ~~The applicant shall complete the following items of the PSC 9 form:~~

- ~~a. name and contact information of applicant;~~

- ~~b. proposed date of employment;~~
- ~~c. name and address of proprietary school;~~
- ~~d. position;~~
- ~~e. subjects to be taught;~~
- ~~f. employment history;~~
- ~~g. education;~~
- ~~h. required references;~~
- ~~i. signature of applicant;~~
- ~~j. places of residence for the past five years;~~
- ~~k. attestation of applicant's criminal history;~~
- ~~and~~
- ~~l. signature and seal of notary.~~

~~m. signature, title and approval date of Board of Regents official.~~

8. PSC-10 Exemption from Surety Bond. ~~The applicant shall complete the following items of the PSC 10 form:~~

- ~~a. name and address of proprietary school;~~
- ~~b. attestation of that the school does not require students to pay tuition for a course of study more than one month in advance; the school has been in continuous operation for at least five years; and the school has met all the requirements of the Board of Regents;~~
- ~~c. signature and title of school official;~~
- ~~d. signature and seal of notary; and~~
- ~~e. signature and approval date of Board of Regents official.~~

9. PSC-11 Application for Associate in Occupational Studies Degree. ~~The applicant shall complete the following items of the PSC 11 form:~~

- ~~a. title of associate in occupational studies degree proposal;~~
- ~~b. name and location of proprietary school;~~
- ~~c. name and address of institution;~~
- ~~d. signature and title of school official; and~~
- ~~e. name, signature, and seal of notary.~~

10. PSC-12 Annual Renewal Fee Affidavit. ~~The applicant shall complete the following items of the PSC 12 form:~~

- ~~a. name and location of proprietary school;~~
- ~~b. attestation of the dates of the previous business year and the gross tuition collected;~~
- ~~c. number of students enrolled in the previous business year;~~
- ~~d. number of students graduated in the previous business year;~~
- ~~e. signature and title of school official;~~
- ~~f. name, signature, and seal of notary; and~~
- ~~g. enrollment data.~~

~~11. PSC-13 Annual Student Protection Fee. The applicant shall complete the following items of the PSC-13 form:~~

- ~~a. name and location of proprietary school;~~
- ~~b. attestation of the dates of the previous business year and the gross tuition collected;~~
- ~~c. signature and title of school official; and~~
- ~~d. name, signature, and seal of notary.~~

~~12. PSC-14 Proprietary School License Requirements Checklist. The applicant shall complete the following items of the PSC-14 form:~~

- ~~a. PSC-1 form;~~
- ~~b. PSC-2 form;~~
- ~~c. copy of documents from the Office of the Secretary of State validating legal structure and any other documentation as required;~~
- ~~d. current audited balance sheet of the school prepared by an independent CPA licensed in the state of Louisiana;~~
- ~~e. inventory list of equipment available for each course of study;~~
- ~~f. copies of all enrollment contracts or agreements with a minimum cancellation and refund policy that has been approved by the commission;~~
- ~~g. copies of all circulars, brochures, bulletins, certificates, diplomas, and advertising copy for all media;~~
- ~~h. copy of school catalog;~~
- ~~i. PSC-3 form;~~
- ~~j. copy of bill of sale (for change of ownership applications only);~~

- ~~k. PSC-6 or PSC-5 form;~~
- ~~l. license fee;~~
- ~~m. student protection fund fee;~~
- ~~n. solicitor fee;~~
- ~~o. PSC-4;~~
- ~~p. PSC-9;~~
- ~~q. copy of detailed program outline and subject descriptions for each program of study;~~
- ~~r. copy of fee schedule for each program of study;~~
- ~~s. narrative geographic description of school location;~~
- ~~t. copy of certificate of occupancy;~~
- ~~u. PSC-17 form; and~~
- ~~v. business plan.~~

~~13. PSC-15 Student Claim Form. The applicant shall complete the following items of the PSC-15 form:~~

- ~~a. name and contact information of claimant;~~
- ~~b. name and contact information of next of kin;~~
- ~~c. name and address of school claim filed against;~~
- ~~d. course of instruction;~~
- ~~e. student's enrollment status at time of closure;~~
- ~~f. dates of attendance;~~
- ~~g. graduation status;~~
- ~~h. claimant's attendance status within 90 days of school closure;~~
- ~~i. reason for leaving/withdrawing;~~
- ~~j. method of payment to school;~~
- ~~k. name and address lender if applicable;~~
- ~~l. claimant's signature and Social Security number; and~~
- ~~m. date of claim.~~

~~14. PSC-17 Initial License Tuition Refund Affidavit. The applicant shall complete the following items of the PSC-17 form:~~

- ~~a. legal structure of school;~~
- ~~b. name of proprietary school and/or name of corporation and state of incorporation;~~
- ~~c. signature of owner(s) and/or name and signature of corporate secretary; and~~
- ~~d. name, signature, and seal of notary.~~

15. PSC-18 License Renewal Tuition Refund Affidavit. ~~The applicant shall complete the following items of the PSC-18 form:~~

- ~~a. legal structure of school;~~
- ~~b. name of proprietary school and/or name of corporation and state of incorporation;~~

- ~~c. attestation of payable tuition refunds;~~
- ~~d. signature of owner(s) and/or name and signature of corporate secretary; and~~
- ~~e. name, signature, and seal of notary~~

-16. Any additional forms or information as identified by the Board of Regents.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3140.2.

HISTORICAL NOTE: Promulgated by the Board of Regents, Proprietary School Section, LR 40:1688 (September 2014), amended LR 44:1005 (June 2018).

Petition of Amendments to Louisiana  
Administrative Code Title 28 Part IX  
(Chapter 3)

Academic Degree Granting Institutions Licensed  
by the Board of Regents (Act 129)

### Chapter 3. Criteria and Requirements for Licensure

#### §305. Academic Program Standards

~~D. Institutions must indicate the means for determining satisfactory academic progress and provide data on student retention, graduation rates, job placement, and passing rates on licensure or certification exams, where appropriate.~~

#### ~~E.D.~~

Currently licensed institutions seeking to implement new academic degree programs must first advise the Board of Regents of the proposed change. New programs will be reviewed as part of the regular license renewal process.

#### §307. Student Level Data Collection and Reporting

A. —Institutions seeking initial licensure shall certify in writing that they have the capabilities to annually submit to the Board of Regents student-level data for each student, in a format prescribed by the Board of Regents.

B. Institutions seeking renewal licensure shall annually collect, and all institutions licensed by the Board of Regents shall annually report, student-level data from the prior year for each student, in a format prescribed by the Board of Regents. At minimum, data from the prior year must include

Withdrawal data,

Program completion/ graduation data,

Student demographic information (including full name, date of birth, social security number, sex, race/ethnicity),

Type of credential earned.

#### §309. Physical Plant Standards

##### A. Library

1. Depending on the delivery method of instruction, (online, hybrid, brick and mortar), the institution shall maintain and/or provide student access to an appropriate library collection with adequate support staff, services, and equipment. Any contractual agreements with libraries not directly affiliated with the institution shall be available in writing to the Board of Regents.

##### B. Facilities and Equipment

1. The institution shall maintain or provide access to appropriate administrative, classroom, and laboratory space, and appropriate equipment and instructional materials to support quality education based on the type, level, and delivery method of program being offered. Facilities must comply with all health and safety laws and ordinances.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1808.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Regents, LR 19:1552 (December 1993), amended LR 21:169 (February 1995), LR 38:1228 (May 2012), LR 45:529 (April 2019).

#### §~~309~~311. Financial Operations

A. The business and financial management of the institution shall be directed by a qualified and bonded business officer responsible to the institution's chief executive officer.

B. Institutions are required to maintain adequate insurance to protect the operation of the institution and to guard against any personal or public liability.

C. All institutions shall provide the Board of Regents with a financial review prepared in accordance with standards established by the American Institute of Certified Public Accountants. However, an institution accredited by an agency recognized by the United States Department of Education may, at its discretion, submit financial statements prepared in accordance with rules and guidelines established by the accrediting agency.

D. Institutions shall maintain and update a long-range financial development plan for the institution.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1808.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Regents, LR 19:1553 (December 1993), amended LR 45:529 (April 2019).

#### §~~311~~313. Maintenance of Records

A. Institutions are required to keep records for a minimum of three years which detail:

1. the composition and background of students, faculty, and administrative staff;

2. the institution's physical plant including land, buildings, library, and research facilities;

3. copies of brochures, catalogs, and advertising which describe student admissions, programs, and scholarships.

B. A student's records must be available for review by that student at the institution's central office.

C. Individual student records must include:

1. the name and address of the student;
2. commencement date of the program;
3. titles of courses within the student's chosen curriculum;
4. total hours (quarter, trimester, semester);
5. a payment schedule which includes the total cost to the student.

D. Student records must also include:

1. grades received;
2. all obligations incurred and all funds paid by the student to the institution;
3. counseling records;
4. a transcript;
5. financial aid records.

E. Student records shall be available and readily accessible for use and review by authorized officials of the institution and authorized representatives of the Board of Regents.

F. All licensed institutions are required to have a plan for the maintenance, safekeeping and retention of student records in the event of an institutional closure. The plan must contain the arrangements made by the institution and procedures students must follow in order to obtain their records.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1808.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Regents, LR 19:1553 (December 1993), amended LR 21:169 (February 1995), LR 45:529 (April 2019).

### **§31315. Student Services<sup>1</sup>**

A. Institutions shall provide appropriate orientation and counseling services throughout enrollment. Special services including financial aid, employment placement for graduates, and student housing, if appropriate, must be evaluated periodically by the institution to determine

effectiveness in meeting student needs and contribution to the educational purpose of the institution.

1The Board of Regents recommends that prospective students seek independent job/career counseling prior to enrollment in an academic degree-granting postsecondary institution and encourages such institutions to promote this recommendation.

AUTHORITY NOTE: Promulgated in accordance with 17:1808.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Regents, LR 19:1553 (December 1993), amended LR 45:530 (April 2019).

### **§31517. Organization and Administration**

A. An institution shall establish a governing structure which delineates responsibility for institutional operations, policy formation, and the selection of the institution's chief executive officer. If the institution is governed by a board or group of officers, the role and responsibilities of that body must be clearly defined.

B. Administrative personnel must possess qualifications which support the institution's stated purpose and effective operation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1808.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Regents, LR 19:1553 (December 1993), amended LR 21:169 (February 1995).

### **§317319. Procedures for Tuition and Fee Refunds**

A. Pricing and Refund Policy

1. The institution must fully disclose all charges and fees in writing to prospective students. The parent or guardian of prospective students under legal adult age must be notified in writing of all charges and fees prior to enrollment.

2. Prospective students shall not be required to make a nonrefundable tuition payment until it has been determined that the prospective student has been accepted for enrollment.

3. The institution's refund policy must be disclosed in any contract to be signed by the

prospective student or the student's legal adult guardian.

4. Institutions are required to follow the minimum standards for tuition refunds as set forth herein. These guidelines are:

a. students who withdraw prior to the first day of classes are entitled to a full refund of tuition and fees. Institutions may, however, require a nonrefundable application fee;

b. any administrative fees retained by the institution upon the early withdrawal of a student shall not exceed 15 percent of the total cost of tuition and fees paid by the student;

c. institutions which financially obligate students on a quarter, semester, or similar basis will be subject to the following tuition and fee refund policy:

i. students withdrawing during the first 10 days of classes shall receive a minimum refund of 75 percent of total tuition and fees paid, excluding any nonrefundable application fees, less the maximally-allowable administrative fees retained by the institution;

ii. students withdrawing from day 11 through day 24 of classes shall receive a minimum refund of 50 percent of total tuition and fees paid, excluding any nonrefundable application fees, less the maximally-allowable administrative fees retained by the institution;

iii. students withdrawing from day 25 through the end of the quarter, semester, or similar time period may be ineligible to receive a refund;

d. institutions which financially obligate students for longer periods of time, i.e., periods exceeding six months, shall be subject to the following tuition and fee refund policy:

i. students completing up to 25 percent of the course of study shall receive a minimum refund of 50 percent of total tuition and fees paid, excluding any nonrefundable application fees, less the maximally-allowable administrative fees retained by the institution;

ii. students completing more than 25 percent but less than 50 percent of the course of study shall receive a minimum refund of 25 percent of total tuition and fees paid, excluding any nonrefundable application fees, less the maximally-

allowable administrative fees retained by the institution;

iii. institutions are not allowed to keep the full amount of tuition and fee charges until at least half the program of study has been completed;

iv. refund policies for programs offering tuition/fee payments on an installment plan or programs offered through distance learning will be examined by the Board of Regents on an individual basis. Refund policies for installment programs are expected to conform generally to refund policies which appear in Subparagraphs A.4.c.i through iii and d.i through iv of this Section;

e. refunds must be paid within 45 days of the date of withdrawal of the student from the institution.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1808.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Regents, LR 19:1553 (December 1993), amended LR 21:169 (February 1995), LR 36:2840 (December 2010), LR 45:530 (April 2019).

### **§319321. Surety Bonding**

A. New Louisiana domiciled unaccredited institutions are required to post a surety bond issued by a surety authorized to do business in the state of Louisiana in the amount of \$10,000 to cover the period of the license. These bonds are intended to protect students in the event of a sudden closure of the institution. Institutions that are also licensed and bonded under provisions set forth by R.S. 17:3141 et seq., need not seek additional bonding.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1808.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Regents, LR 19:1554 (December 1993), amended LR 36:2840 (December 2010), LR 45:530 (April 2019).

### **§321323. Rules and Guidelines on Advertising<sup>1</sup>**

A. Registration with the Board of Regents shall LR 45:530 (April 2019).in no way constitute state approval or accreditation of any institution and shall not be used in any form of advertising by any institution.

B. Licensed institutions may use the state name and licensing agency as follows:



1. *(Name of Institution)* is currently licensed by the Board of Regents of the State of Louisiana. Licenses are renewed by the State Board of Regents every two years. Licensed institutions have met minimal operational standards set forth by the state, but licensure does not constitute accreditation, guarantee the transferability of credit, nor signify that programs are certifiable by any professional agency or organization.

2. Any licensed institution wishing to use the state name and licensing agency in any promotion or advertising is restricted to the language which appears above. The statement must appear in its entirety and any modifications are not permissible under these rules or the law.

3. Advertising shall not include false or misleading statements with respect to the institution, its personnel, courses, or services, or the occupational opportunities of its graduates.

4. Institutions claiming accreditation by agencies not recognized by the United States Department of Education must clearly state in all advertising and promotional literature that the institutions' accreditation is not recognized by either the United States Department of Education or the State of Louisiana.

<sup>1</sup>Neither the institution nor its agents shall engage in false advertising or other misleading practices.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1808.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Regents, LR 19:1554 (December 1993).

### **§~~323~~325. Hearings and Appeals**

A. Institutional hearings and appeals are handled in accordance with guidelines set forth in R.S. 17:1808, §1(E)(F).

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1808.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Regents, LR 19:1554 (December 1993).

### **§~~325~~327. Sale of Ownership and Transfer of License**

A. In the event that an institution sells all or a majority interest in its ownership, it is required to notify the Board of Regents of both expected and

final sale. A review of the institution's operations and objectives will be required upon final sale to determine if the institution's operating license should be transferred to the new ownership. Any and all costs associated with the Board of Regents' review will be borne by the new ownership of the institution.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1808.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Regents, LR 21:170 (February 1995).

### **§~~327~~329. Licensure Denial**

A. Any institution denied licensure by the Board of Regents that wishes to seek reconsideration by the Board is required to wait a minimum of 24 months before resubmitting its license application.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1808.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Regents, LR 21:170 (February 1995), amended LR 45:530 (April 2019).



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*Vice Chair*

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*Secretary*

*Kim Hunter Reed, Ph.D.*  
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*Board of Regents Meeting as a Committee of the Whole*

**REPORTS AND RECOMMENDATIONS**  
**PERSONNEL**  
**March 24, 2021**

Meeting will be held via Video Conference  
Meeting can be viewed at: <https://regents.la.gov/live/>

VIII. Reports and Recommendations

F. Personnel

1. Approval for Chair to Negotiate and Execute Contract with Commissioner to Continue Employment