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## Title 28

### EDUCATION

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# Title 28 EDUCATION

## Part VII. Tuition Trust Authority

### Chapter 1. Bylaws

#### §101. Definitions and Authority

A. Words and terms not otherwise defined in these rules shall have the meanings ascribed to such words and terms in this Section. Where the masculine is used in these rules, it includes the feminine, and vice versa; where the singular is used, it includes the plural, and vice versa.

*Assistant Executive Director* (as used in these bylaws)—those persons appointed in the unclassified service as assistants to the executive director.

*Business of the Authority* (as used in these bylaws)—activities on behalf of the authority, including attendance at authority meetings and authority committee meetings; presentations at legislative committee hearings on issues or bills which relate to the role, scope, mission or programs assigned the authority; presentations to the public and to federal and state officials related to the role, scope, mission, or programs assigned the authority; and participation in projects, meetings or conferences related to the role, scope, mission or programs assigned the agency; all or any of the foregoing as directed by the authority, authorized by the chairman or a committee chairman, or requested by the executive director.

*Chairman of the Authority*—the executive secretary to the governor or his/her designee to the Louisiana Student Financial Assistance Commission (LASFAC), who shall also serve as ex officio chairman of the authority.

*Deputy Executive Director* (as used in these bylaws)—the principal assistant to the executive director.

*Director*—that person appointed in the classified service as the administrative head of a division of the Office of Student Financial Assistance.

*Division*—a subordinate organizational element of the Office of Student Financial Assistance.

*Executive Director*—that person duly appointed by the Louisiana Student Financial Assistance Commission pursuant to R.S. 17:3022(B) to serve in the unclassified service as executive director of the Office of Student Financial Assistance, who shall be its chief executive officer and the appointing authority for all classified employees of the office.

*Fiscal Officer*—that employee of the office assigned responsibility for preparation and monitoring of the approved budget of the authority, who may jointly serve as a director.

*Louisiana Tuition Trust Authority* or *Authority*—the statutory body created by R.S. 17:3093 et seq., and composed of the members who are duly appointed and qualified as provided by law. The authority shall administer the Louisiana Student Tuition Assistance and Revenue Trust Program, commonly referred to as the "START Saving Program," through the Office of Student Financial Assistance.

*Office of Student Financial Assistance, Louisiana Department of Education* or *Office*—the organization created by R.S. 36:650 to perform the functions of the state relating to the programs of financial assistance and certain scholarship programs for higher education in accordance with the directives of its governing bodies and applicable law.

*Services* (as used in these bylaws)—conducting the business of the authority.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3093 et seq.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 23:1653 (December 1997), amended LR 26:2269 (October 2000), LR 33:444 (March 2007), LR 33:2618 (December 2007).

#### §103. Meetings

##### A. Regular Meetings

1. The authority shall hold at least one but not more than 12 meetings per calendar year.

2. All regular meetings shall be held at meeting places designated by the authority.

3. Proxy voting shall be allowed at all meetings for the chairman of the State Board of Elementary and Secondary Education; Board of Supervisors, Louisiana State University; Board of Supervisors, Southern University; Board of Regents; Board of Supervisors, University of Louisiana System and Louisiana Association of Independent Colleges and Universities, or each of their designees; however, any proxy holder must also be a member of that respective board.

4. The state superintendent of education and the state treasurer may vote by proxy through members of their executive staffs.

5. The member from the Louisiana Bankers Association may vote by proxy. No other members shall have the right of proxy voting.

##### B. Special Meetings

1. Special meetings of the authority may be called by the chairman at any time, or by the secretary upon written

request therefor, signed by a majority of the members and specifying the purposes of the desired meeting.

2. Written notification shall be sent to each member at least three calendar days before the time of the meeting.

C. Compensation

1. Members of the authority shall receive per diem as compensation for their services at the rate authorized by statute or as authorized by executive order. Members shall be reimbursed for their necessary travel expenses actually incurred in the conduct of the business of the authority.

2. The authority is limited to 12 meetings per year for which per diem may be drawn by authority members.

D. Quorum. A simple majority of the authority shall constitute a quorum for the transaction of any business, and a simple majority of the quorum present at any meeting voting in favor or against a particular item shall be the act of the authority.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3093 et seq.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 23:1653 (December 1997), amended LR 26:2269 (October 2000), LR 33:444 (March 2007).

**§105. Officers of the Authority and Executive Staff**

A. Chairman and Vice-Chairman

1. The chairman of the Louisiana Student Financial Assistance Commission shall serve as chairman of the authority.

2. The authority shall select a vice-chairman annually.

3. The authority may elect such other officers as it deems necessary.

4. The chairman of the authority shall preside over all meetings of the authority; serve as ex officio member of all committees; name the appointive members of all standing and special committees of the authority; and fill all vacancies in the membership of such committees, in accordance with the provisions of these bylaws.

5. The vice-chairman of the authority shall perform the duties of the chairman in the absence of the chairman.

6. In the event both the chairman and the vice-chairman are absent from a meeting of the authority, the authority shall elect a temporary chairman from those present.

B. Secretary. The authority shall select a secretary annually, who may certify the minutes, papers and documents of the authority or of its committees to be true and correct copies.

C. Executive Staff

1. The executive staff of the authority shall include the incumbent of those positions within the Office of Student Financial Assistance so designated by the executive director and will normally be composed of the executive director, the

deputy executive director, the assistant executive directors, the general counsel, the directors of the designated divisions within the office, and such other personnel as may be required for the efficient performance of the functions of the authority.

2. The executive staff shall be tasked, directed and supervised by the executive director.

D. Authentication. Copies of all minutes, papers and documents of the commission, or its committees, may be certified to be true and correct copies by either the chairman, secretary or executive director.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3093 et seq.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 23:1654 (December 1997), amended LR 33:2618 (December 2007).

**§107. Order of Business**

A. Rules of Order. When not in conflict with any of the provisions of this article, *Roberts Rules of Order* (latest revision) shall constitute the rules of parliamentary procedure applicable to all meetings of the authority or its committees.

B. Order of Business. The order of business of regular meetings of the authority shall be as follows, unless the rules are suspended by a simple majority of the quorum present:

1. call to order;
2. roll call;
3. introductions and announcements;
4. corrections and approval of minutes of preceding regular meetings and of all special meetings held subsequently thereto;
5. public comment;
6. program updates and special reports;
7. old business, including reports and recommendations of standing and special committees;
8. new business; and
9. adjournment.

C. Reference to Committees

1. In cases where the authority determines it is feasible and desirable, it may refer any subject or measure to the executive committee or to a special committee.

2. The committee to which a matter is referred should submit to the authority its recommendations in writing, together with any resolutions necessary to facilitate such recommendations.

D. Meetings

1. Meetings shall be conducted in accordance with state law governing public bodies.

2. It is the policy of the authority for all meetings to be open to all who wish to attend and that the public shall be granted an opportunity to comment.

3. The authority may enter into an executive session only upon two-thirds majority vote of the quorum present and only for one of the exceptions specified in the Louisiana Open Meetings Law.

4. Prior to each regular meeting of the authority, the executive director, with approval of the chairman, shall prepare and forward to each member of the authority a tentative agenda for the meeting at least five working days prior to such regular meeting.

5. Upon request of three members of the authority made prior to the fifth day before the authority's next meeting that a particular item be included, the chairman shall place the subject or subjects upon the agenda.

6. The authority may add any item to its agenda upon a simple majority vote of the quorum present.

7. Each proposal and/or resolution shall be reduced to writing and presented to the authority before it is acted upon.

8. All official actions of the authority shall require a simple majority vote of the quorum present at the meeting.

**E. Minutes**

1. The minutes of the authority shall record official action taken upon motions or resolutions which are voted upon by the authority, and may contain a summary of reports and pertinent discussion.

2. The foregoing provisions relative to contents of the minutes shall, in general, also apply to minutes of committees of the authority.

3. The minutes of meetings of the authority become official only when completed and approved by the authority.

**F. Meeting Attendance**

1. Authority members are required to attend all authority meetings.

2. Failure to annually attend a minimum of one-fourth of the authority's meetings will result in a notice being sent from the authority to the absent member stating that failure to attend one more meeting will result in a request being made to the appointing authority that the absent member be replaced.

3. The absent member shall be relieved of duties on any committee to which he/she has been appointed to serve.

4. This Subsection is not applicable to meetings that are missed with just cause, as determined by the chairman.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3093 et seq.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 23:1654 (December 1997), amended LR 37:2988 (October 2011).

**§109. Committees**

A. In addition to the executive committee established in these bylaws, the authority may establish standing committees by simple vote of a majority of the membership of the authority.

**B. Appointment and Terms**

1. Members of all standing committees, one of whom shall be designated as chairman and one of whom shall be designated as vice-chairman, shall be appointed by the chairman of the authority, ordinarily soon after the chairman assumes office.

2. The state treasurer shall serve as the chairman of the investment committee.

3. The vice chairman of the authority shall be chairman of the rules committee.

4. The term of committee appointments shall be one year.

5. Vacancies occurring among the appointive members of any committees, however arising, shall be filled by the chairman of the authority for the remainder of the unexpired term.

**C. Officers of Standing Committees**

1. The chairman and the vice-chairman of the authority shall be chairman and vice-chairman, respectively, of the executive committee.

2. In the absence of the chairman, the vice-chairman shall preside.

3. In the event both the chairman and vice-chairman are absent from a meeting, the committee shall elect a temporary chairman from those present.

4. It shall be the duty of the chairman of each committee to call and preside over the necessary meetings.

5. The minutes of the meeting of the committee, showing its actions and recommendations, shall be deemed in compliance with the provisions of §107.C, concerning the written recommendations of the committee.

**D. Quorum of Committee Meetings**

1. A simple majority of the regular and/or ex officio members present at a meeting of a committee of the authority shall constitute a quorum for the transaction of business.

2. When a quorum is not present, the chairman of the authority, the chairman of the committee, or vice-chairman in the chairmen's absence, may designate a member of the authority to serve as a substitute member of the committee concerned.

E. Authority of Committees. The authority of committees of the authority shall be subject to these bylaws and to the policies and direction of the authority.

**F. Executive Committee**

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1. The executive committee shall consist of seven members.

2. The chairman and vice-chairman of the authority shall serve in those capacities on the executive committee.

3. The remaining members, for a total of seven members, shall be appointed by the chairman of the authority from the other members of the authority.

4. The executive committee shall:

a. meet for and conduct the business of the authority in all instances that the public has been given notice of a meeting of the authority and the authority does not have a quorum at that meeting. In such cases, the actions of the authority shall have the same force and effect as if a quorum of the authority had taken the action;

b. consider such matters as shall be referred to it by the authority and shall execute such orders and resolutions as shall be assigned to it at any meeting of the authority;

c. in the event that an emergency requiring immediate authority action shall arise between authority meetings, meet in emergency session to take such action as may be necessary and appropriate. The executive committee shall report the actions it takes in emergency session to the authority for ratification at the authority's next meeting.

5. All official actions of the executive committee shall require a majority vote of the quorum present at the meeting.

6. The executive committee may enter into an executive session only upon two-thirds majority vote of the quorum present and only for one of the reasons specified in the Louisiana Open Meetings Law.

### G. Special Committees

1. As the necessity therefor arises, the chairman may, with the concurrence of the authority, create special (ad hoc) committees with such functions, powers and authority as may be delegated.

2. The chairman may appoint special committees for special assignments for limited periods of existence not to exceed the completion of the assigned task.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 17:3091et seq.

**HISTORICAL NOTE:** Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 23:1655 (December 1997), amended LR 27:190 (February 2001), LR 27:1221 (August 2001), LR 30:785 (April 2004), LR 32:392 (March 2006), LR 37:2989 (October 2011).

### §111. Communications to the Authority

A. All communications to the authority, or to any committee thereof, from persons having official relations with the authority shall be filed in writing with the executive director and duly transmitted by him to the authority.

B. "Official relations" with the authority shall include those with other agencies of government, contractors, and employees.

C. The executive director shall have the authority to read and comment upon all communications from employees of the office but shall not delay or withhold such communications, except as hereinafter provided.

1. Such communications shall be filed with the executive director at least five days before the meeting of the authority or committee and with the chairman at least three days before such meeting.

2. Otherwise, the executive director may either submit such communication at that time or withhold such communication until the next meeting.

3. In the event the executive director elects to withhold any such communication until the next meeting, such communication shall be promptly forwarded to the chairman with the notation of the executive director concerning such withholding.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 17:3093 et seq.

**HISTORICAL NOTE:** Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 23:1656 (December 1997).

### §113. Rights, Duties and Responsibilities of Executive Staff of the Authority

#### A. Executive Staff of the Authority

1. The executive staff shall be tasked, directed and supervised by the executive director.

2. Unless otherwise directed by the executive director, the executive staff shall attend the meetings of the authority and its various committees.

#### B. Executive Director

1. The executive director shall:

a. be the executive head and chief administrative officer of the Office of Student Financial Assistance;

b. be responsible to the authority for the conduct of the Office of Student Financial Assistance in all affairs; and

c. execute and enforce all of the decisions, orders, rules and regulations of the authority with respect to the conduct of the Office of Student Financial Assistance.

2. The executive director's discretionary authority shall be broad enough to enable him/her to meet his/her responsibilities, in the day to day operations of the Office of Student Financial Assistance.

3. The executive director shall be the "appointing authority" for the purposes defined by State Civil Service law, rules and regulations and shall exercise the authority granted to an "appointing authority" thereunder.

4. Subject to these bylaws and the regulations and directions of the authority, the executive director shall:

a. establish administrative policies and procedures for the operation of the Office of Student Financial Assistance, as they may relate to the authority's program;

b. plan, organize, supervise, direct, administer, and execute the functions and activities of the Office of Student Financial Assistance, as they may relate to the authority's program;

c. prepare and present a business plan and consolidated budget for the Office of Student Financial Assistance and the authority;

d. serve as governmental liaison and spokesperson for the authority; and

e. promote the development of the authority's program.

5. The executive director shall task, direct, and supervise the executive staff.

6. The executive director shall be responsible for ensuring compliance with the legislatively enacted budgets as approved by the authority.

C. Deputy Executive Director. The deputy executive director shall be the assistant executive director nominated by the executive director and confirmed by the authority to serve as the principal assistant to the executive director. He/She shall be responsible to the executive director for the effective performance of all duties assigned by the executive director, in accordance with the policies, rules, regulations, directives and memoranda issued by the executive director and the authority.

D. Assistant Executive Directors. The assistant executive directors shall be nominated by the executive director and confirmed by the authority. The assistant executive directors shall serve as the principal assistants to the executive director. He/She shall be responsible to the executive director, and the deputy executive director in the absence of the executive director, for the effective performance of all duties assigned by the executive director, in accordance with the policies, rules, regulations, directives and memoranda issued by the executive director and the authority.

E. Delegation of Authority

1. In the absence of the executive director, the deputy executive director, as delegated by the executive director during his/her absences, will assume the duties of the executive director.

2. In the event both the executive director and the deputy executive director are absent, the executive director will appoint an incumbent of the assistant executive director positions to assume the duties of the executive director.

F. Directors of Divisions

1. There shall be a director for each division of the Office of Student Financial Assistance, appointed by the executive director in accordance with State Civil Service laws, rules and regulations.

2. Under the direction and authority of the executive director, each director shall administer the division for which he/she is appointed.

3. As the administrative head of a division, the director shall be responsible to the executive director for planning, supervising, directing, administering and executing the functions and programs assigned to the division in accordance with all applicable laws, rules, regulations, policies, directives, and budgets.

4. The directors may invite members of his/her administrative staff to aid in his/her presentations to the authority.

G. Recording Secretary. The executive director shall appoint a recording secretary whose duties shall include giving or causing to be given notice of all meetings of the authority and its committees as required by the Administrative Procedure Act or these bylaws, to record and prepare the minutes of all authority meetings and meetings of its committees and to maintain and provide for the safekeeping of all minutes and other official documents of the authority. The recording secretary shall have the authority to provide copies of the official records of the authority as required by the public records laws of the state of Louisiana or as otherwise directed by the authority or the executive director and to certify the authenticity of such records and the signatures of members of the authority, the executive directors or others acting in their official capacity on behalf of the authority.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3093 et seq.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 23:1656 (December 1997), amended LR 25:1092 (June 1999), LR 33:444 (March 2007), LR 33:2618 (December 2007).

**§115. Responsibilities of Authority Members**

A. Authority members are charged with the responsibility of ensuring that the functions and duties of the Office of Student Financial Assistance as they relate to the authority's program are performed effectively in fulfilling the purposes of R.S. 17:3091 through 3099.2.

B. Prior to assuming the responsibilities to which appointed and to avoid any potential conflict of interest, an authority member shall, to the best of his or her knowledge, disclose to the State Board of Ethics any pre-existing relationship between the authority and the member, the member's immediate family, or any entity in which the member has a substantial economic interest. This obligation to disclose is a continuing obligation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3093 et seq.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 23:1657 (December 1997).

**§117. Amendment or Repeal of Bylaws**

A. New bylaws may be adopted, and bylaws may be amended or repealed, at any meeting of the authority, but no such action shall be taken unless notice of such proposed adoption, amendment, or repeal shall have been given at a previous meeting or notice in writing of the proposed change shall have been served upon each member of the authority at

least 30 days in advance of the final vote upon such change, provided, however, when deemed necessary, that by a simple majority of the entire membership of the authority, the requirements for such notice may be waived at any time.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 23:1657 (December 1997).

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3093 et seq.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 23:1657 (December 1997).

**§119. Rules and Regulations of Louisiana Tuition Trust Authority**

A. Any action by the authority establishing policy or methods of procedure, administrative, business, or otherwise shall be known as "Rules and Regulations of the Louisiana Tuition Trust Authority."

B. "Rules and Regulations of the Louisiana Tuition Trust Authority" may be adopted by the authority, or may be amended or repealed, in whole or in part, at any meeting of the authority by a vote of simple majority.

C. All policies and procedures of the authority falling within the definition of rules and regulations, as herein defined, and in existence upon the date of the adoption of these bylaws, shall be a part of the "Rules and Regulations of the Louisiana Tuition Trust Authority."

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3093 et seq.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 23:1657 (December 1997).

**§121. Effective Dates**

A. These bylaws shall be adopted and shall become effective on the date they are published as final rules in the *Louisiana Register*.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3093 et seq.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 23:1657 (December 1997).

**§123. Repealing Clause**

A. All rules, orders, regulations, and resolutions heretofore enacted or adopted by the authority, which are in conflict with these bylaws, are hereby repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3093 et seq.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 23:1657 (December 1997).

**§125. Conforming Clause**

A. No rule, order, regulation or resolution shall be adopted by the authority which is in conflict or is inconsistent with the law, rules, guidelines, officer selection and employment policies applicable to the Louisiana Student Financial Assistance Commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3093 et seq.