

APPENDIX C
Application For Funds From The
Aid To Independent Institutions Program

I, _____, President of _____
_____ (College)/(University), hereby request an amount of \$ _____ for
the (fall)/(spring) semester _____ - _____ for the Aid to Independent Institutions Program under
the provisions of Act 12 of the 1991 Regular Session of the Louisiana Legislature; Louisiana
Revised Statute 17:2053, et seq.; and Board of Regents' Regulations relative to this program.

The requested amount is based on the accompanying list of students **who have completed the reported semester hours of instruction and** who are Louisiana residents as defined by Policy Memorandum 31, (excluding sections entitled Miscellaneous, Classification Procedures, Appeals Procedure, and Incorrect Classification) dated ~~September—17, 1997,~~**January 17, 2007** distributed from the Office of the President of the Louisiana State University System. I have **also** excluded from this request those students who are contained in other programs for reimbursement purposes and those students who are majoring in Theology or Divinity.

This institution maintains and will make available for your inspection student records which are the basis for this request.

President's Signature

Date

~~College/University~~
(President's Name)

Notary Public

State Of Louisiana - Board Of Regents
Regulations And Procedures For Payment To ~~Regionally And/Or~~
~~Nationally Accredited~~ Independent Institutions Of Higher Education
For Educating Louisiana Residents In Accordance With
Louisiana Revised Statutes 17:2053, Et Seq.
(Revised: ~~September 23, 1993~~ **March 2007**)

In promulgating these regulations and procedures, the Board of Regents makes the following findings: that both federal and Louisiana constitutions prohibit the enactment of any law respecting the establishment of religion or prohibiting the free exercise of same; that LSA-R.S. 17:2053, et seq. was enacted within the framework of such constitutional proscriptions by the Louisiana Legislature and it has a secular purpose in that the public has an interest in independent institutions of higher education receiving public monies; that the law specifically prohibits reimbursement to any institution which discriminates on the basis of race or religion in its admission policies and prohibits reimbursement for educating any student majoring in theology or divinity or for the support of intercollegiate athletics; that, by reason of the federal and state constitutional prohibitions, the law also prohibits aid being utilized by a recipient institution for any sectarian or religious purpose or for the support of intercollegiate athletics; and that the Board has the power and authority to promulgate these regulations in order to ensure that the administration of the law conforms with applicable federal and state constitutional prohibitions and provides for the orderly administration and enforcement of the law within the framework of all constitutional provisions.

In accordance with L.S.U. Policy Memorandum 31 dated ~~September 17, 1997~~, **January 17, 2007** (<http://www.lsusystem.lsu.edu/pdf/PM/PM-31.pdf>) (~~Appendix I~~) and pursuant to the provisions of LSA-R.S. 17:2053, et seq. (~~Appendix II~~), the following regulations and procedures are adopted by the Board of Regents:

I. APPLICABILITY; EFFECTIVE DATE

These regulations and procedures shall apply to the program of reimbursement to ~~regionally and/or nationally accredited independent~~ institutions of higher education provided for by LSA-R.S. 17:2053, et seq. These regulations and procedures shall be effective beginning with the expenditure, reporting, and verification of reimbursement awarded for the fiscal year 1993, and shall apply **as amended** in all respects for subsequent years.

II. DEFINITIONS

In these regulations, terms are defined as follow:

- A. "LSA-R.S. 17:2053, et seq." is the result of Act 562 of the 1975 Regular Session of the Louisiana Legislature, as amended by Act 491 of the 1976 Regular Session, Act 522 of the 1976 Regular Session, **Act 274 of the 1979 Regular Session**, Act 17 of the First Extraordinary Session of 1983, Act 887 of the 1984 Regular Session, Act 410 of the 1985 Regular Session, **Act 159 of the 1995 Regular**

Session, Act 13 of the 2000 Second Extraordinary Session, and any future amendments to this law.

- B. "Board" means the Board of Regents and/or its staff.
- C. "Eligible institution" means an institution designated in LSA-R.S. 17:2053 (D) ~~except St. Mary's Dominican College which has ceased operations~~, provided such institution admits students without regard to race, religion, national origin, and admits and matriculates students without regard to employment status.
- D. "Louisiana resident" means resident as defined in the Policy Memorandum **31** distributed by the Office of the President of the Louisiana State University System after adoption by the L.S.U. Board of Supervisors. ~~and is attached as Appendix I to these regulations~~. Sections of this document entitled MISCELLANEOUS, CLASSIFICATION PROCEDURES, APPEALS PROCEDURES, and INCORRECT CLASSIFICATION do not apply to these regulations.
- E. "Program" or "academic program" means any series of courses arranged in a scope and sequence leading to a degree or certificate, or which constitutes a major. A student's declared major shall be reported as that major recorded in the student's files as of the date of the eligible institution's request for payment.
- F. "Religious, seminarian, theology, or divinity academic programs", or "majoring in divinity or theology" means matriculation in any series of courses arranged in a scope and sequence either leading to a degree or certificate from the eligible institution which indicates specialization in the study of religion or in religious, seminarian, theology, or divinity studies, or which constitutes a major in any other such subject matters under the rules and regulations of the eligible institution.
- G. "Student" means a student enrolled in an eligible institution who is a Louisiana resident, and who is not majoring in theology or divinity.
- H. "Full-time student" is any student who, as an undergraduate, has completed not less than twelve (12) semester **credit** hours of ~~recognized credit courses of study instruction~~ during a single semester; or, who, as a graduate or professional student, has completed not less than nine (9) semester **credit** hours of ~~credit courses of study instruction~~ during a single semester.
- I. "Part-time student" is any student who, as an undergraduate, has completed less than twelve (12) semester **credit** hours ~~of recognized credit courses of instruction study~~ during a single semester; or, who, as a graduate or professional student, has completed less than nine (9) semester **credit** hours of ~~credit courses of instruction study~~ during a single semester.
- J. "Professional student" is any student who is enrolled in a professional school, such as law, veterinary medicine, dentistry, medicine, etc.
- K. "Graduate student" is a student who has earned at least a bachelor's degree, and who has been formally accepted for graduate study in pursuit of the master's degree, the specialist degree, or the doctorate degree.
- L. "Undergraduate student" is a student who has been formally enrolled by the University for undergraduate studies.
- M. "State funds" are funds paid to an eligible institution pursuant to LSA-R.S. 17:2053, et seq.

N. "Completed Courses" are those in which the following grades have been issued to the student:

- 1) A, B, C, D, or F;
- 2) Numerical grades;
- 3) Pass/Fail grades; and,
- 4) Satisfactory/Unsatisfactory grades.

Only those Incomplete grades (I's) which have been formally changed no later than five (5) working days after the institution's date on which final grade reports are due in the registrar's office into any of the grades listed in N(1) through (4) above may be counted toward satisfying the requirement for completion of a course. In no instance will Withdrawals of any type (W-A's, W-B's, etc.) be construed as a sufficient grade for completion of the course. The statute governing the program clearly states that payment will only be calculated for "completed semester credit hours." Also, "No Grades" or "Audits" will not be considered sufficient grades to indicate completion of a course.

III. COMPUTATION OF AMOUNT OF SEMIANNUAL AWARD

A. The amount of the semiannual reimbursement available to each institution shall be determined in accordance with the provisions of LSA-R.S. 17:2053 (B) and (C), and in accordance with the following rules:

- 1) In the computation of the amount of any semiannual award to an eligible institution, the Board shall consider both full-time and part-time students in the calculations for reimbursement in accordance with LSA-R.S. 17:2053 (B) and (C).
- 2) In the classification of a student for purposes of computation of reimbursement, any student majoring in theology or divinity shall be excluded. If a student is enrolled at one or more eligible institutions, the reimbursement for that student, in aggregate, cannot be in excess of the reimbursement limit for any one student.
- 3) An eligible institution cannot claim for reimbursement a student who is currently enrolled in a public institution of higher learning.

B. The required **application** and information **requesting payment for eligible students** ~~which verifies a student's eligibility~~ shall be fully completed and filed with the Board and shall reflect the pertinent final semester data for the preceding semester (fall or spring) in which the reimbursement is to be made. Eligible institutions must collect and have available complete supporting documentation which thoroughly supplies the sufficient information of all eligible undergraduate and graduate students by which the Board is to be able to determine residency

and eligibility Data ~~which~~ must also be readily available for auditing purposes. ~~are, at a minimum, those fields outlined on the "Student Information Sheet" (Appendix III).~~ Non-availability of ~~these minimum~~ required data **verifying a student's eligibility and residency** will result in a reduction of the institution's payment calculation **or return of funds**. Information requirements and reporting format will be furnished to all eligible institutions prior to the fall semester of each year. All final data reported are to reflect the eligible student's academic status as of the institution's official last class day for the semester in question. A period of five (5) working days from this official last class day will be allowed in regard to grade changes. Any grade changes after this period are not to be reflected in the database submission.

- C. For the purposes of Section III, A-2, of these regulations, a student shall be deemed to be majoring in theology or divinity if, on or before the date of the filing for reimbursement for any given period, the student has become a declared major in religion or in religious, seminarian, theological, or divinity studies, or has otherwise advised or indicated to the institution that he/she is seeking a degree or certificate indicating the type of specialization which characterizes a religious, seminarian, theological, or divinity academic program. In determining reimbursement under the law, all credit hours of all such students majoring in theology or divinity shall be deducted, even if some credit hours are in non-religious subjects not related directly to such a program.
- D. In computation of total payments due any eligible institution with respect to the fifteen (15) percent limitation imposed under LSA-R.S. 17:2053 (F), the term "total educational and general expenditures" shall mean those expenditures that are generally accepted, defined, and established by the National Association of College and University Business Officers (NACUBO). ~~Administrative Service Manual. In order to determine this 15% limitation amount, it will be necessary for eligible institutions to furnish copies of their operating budgets to the Board. This will be required since annual financial statements will not be prepared until after disbursements are claimed and dispensed.—~~ **In order to determine this 15% limitation, the Board of Regents will use the actual expenditures reported by functional and natural classification for each eligible institution for the latest year published using the National Center for Education Statistics' Integrated Postsecondary Education System's (IPEDS) Finance Survey for Private not for profit institutions or public institutions using FASB. The latest published data that is used in the Fall calculation, will also be used for the Spring Calculation.**
- E. **After allocation of funds to the Tulane Medical School Capitation Program and a yearly 1% administrative fee,** reimbursement will be at 100% of the amount generated by these calculations if sufficient appropriated funds are available, and on a pro-rata basis if funds are insufficient for 100% implementation. The fall semester reimbursement will be based on final student data for that semester submitted by January 31, **and will distribute 60% of the funds appropriated for the fiscal year** and the spring semester reimbursement will be based on final student data for that semester submitted by June 15 **and**

will distribute the remaining 40% of the funds appropriated for the fiscal year.

- F. In computing the amount of the semiannual reimbursement to an eligible institution, those students for which the institution is receiving funds under any other program authorized by the Louisiana Legislature, including the Tulane University Medical School Capitation Program, shall be excluded.

IV. ADMINISTRATION OF THE PROGRAM

- A. The Board shall have the authority to verify the information submitted pursuant to Section III. by examining the registration or other pertinent data upon which submissions are based and, should there be any discrepancies, to reconcile those differences and make the appropriate revisions to the reimbursement amount. The institutions shall be given notice of any revisions and have opportunity to discuss those changes with the Board prior to revision of the reimbursed amount.
- B. Reporting dates for the fall semester will be January 31, and for the spring semester, June 15. In regard to law school enrollment, the same regulations and guidelines followed for "regular" semester enrollment should be applied to the submission of these data. If final law school data are available at the time of the regular database submission, these data may be included as part of the application for reimbursement.

The semester data required by the Regents for which reimbursement is sought shall include a Pre-Expenditure Affidavit, ~~an Operating Budget Summary for the appropriate semester~~, an application for a semiannual award, and the eligible student enrollment database. The Affidavit shall contain statements that the institution's use of these state funds shall be solely for academic purposes and not for the support of intercollegiate athletics or for sectarian or religious purposes. Information constituting an application shall be timely distributed to the institutions, together with a copy of these regulations.

The Pre-Expenditure Affidavit shall be in a form prescribed by the Board to be executed by the chief executive officer of the institution and shall contain his/her certification that: a) state funds shall be used solely for academic purposes; b) that no funds have been or will be received from the state for educating students majoring in theology or divinity; c) that no such funds have been or will be used for sectarian or religious purposes; d) that no such funds have been or will be used to support a religious seminarian, theological or divinity program, or to support intercollegiate athletics; e) that the institution admits students without regard to race, religion, color or national origin and without regard to employment status; and, f) that the institution has adopted and will maintain and adhere to the accounting procedures described in Section IV.E. of these regulations until all state funds applied for have been expended and accounted for by the Board.

- C. Following receipt of applications, and based upon the Board's determination under Section III. of these regulations, semiannual reimbursements will be paid to the eligible institutions after receipt and verification of **all a risk based sample of**

data from all institutions and approval of payment is made by the Commissioner of Higher Education **or his designee**. Verification of the data submission part of the application ~~will be in the form of~~ **may include** field audits which will occur ~~within two weeks of the~~ **after application's** receipt **of the application** by the Board.

- D. No reimbursement shall be paid to any eligible institution failing to submit an adequate Utilization of Funds Report for any **pre**ceding semester in compliance with these regulations. (Refer to Section IV.F. of these regulations.)
- E. All eligible institutions shall adhere to the following procedures in connection with their receipt, expenditure, and accounting of state funds pursuant to these regulations:
 - 1) Each institution will prepare its annual financial statements in accordance with generally accepted accounting principles outlined in the National Association of College and University Business Officers' administrative service manual, "College and University Business Administration".
 - 2) The budget of each institution must identify the specific areas of activity for which the state funds will be expended.
 - 3) Separate revenue and expenditure accounts must be established by each institution for the tracking of all state funds received under this program. Each budgeted segment of the institution must have an expenditure account number, where appropriate, for recording the expenditure of state funds.
- F. Prior to the end of each semester, the Board will send to all eligible institutions a Utilization of Funds Report and Post-Expenditure Affidavit. The Utilization of Funds Report shall be certified to by the chief executive officer of the institution and shall require the institution to describe and itemize the purpose for which state reimbursement funds have been expended during the preceding semester. The Post-Expenditure Affidavit shall be executed by the chief executive officer of the institution and shall certify to the same stipulations required in the Pre-Expenditure Affidavit. The Reports and Affidavits must be completed and filed in accordance with the requirements of these regulations before any application for reimbursement for a subsequent semester will be acted upon.
- G. Each eligible institution receiving reimbursement under LSA-R.S. 17:2053 et seq. shall maintain complete and sufficient records of the resident status **and eligibility** of all students who have been included by the institution in the computation for reimbursement and shall retain all such records for a period of not less than two years from the date for which reimbursement has been requested with respect to said students. This information is to be collected by the institution pursuant to Section III.B. of these regulations.
- H. In addition to certifying the Pre-Expenditure and the Post-Expenditure Affidavits that it admits students pursuant to Section IV.B.(e) of these regulations, each eligible institution shall submit to the Board, when it first makes application for reimbursement under LSA-R.S. 17:2053, et seq. following issuance of these regulations, copies of all written policies governing the admission of students.

V. PROHIBITED USE OF STATE FUNDS

- A. All eligible institutions receiving funds under this program must comply with the requirement that these funds be expended solely for academic purposes. All funds received under the program are to be used solely within the Educational and General Expenditures function as defined by ~~the~~ NACUBO *Administrative Service Manual*. This requirement prohibits the use of state funds for the auxiliary enterprises of the institution, such as dormitories and cafeterias, and for independent operations primarily funded by foundation or government grants or other funds not derived through the normal revenue sources of the institution. If an institution is in doubt as to whether possible uses of state funds might be for something other than an academic purpose, it should consult with and seek the advice of the Board in advance of making any commitment.
- B. Prior to adoption of the 1976 amendments which are now LSA-R.S. 17:2053 (H) and (I), the Attorney General of Louisiana rendered the Board a formal opinion stating that the law must be administered to exclude use of state funds for religious or sectarian purposes (~~Appendix IV~~). Consistent with that opinion and with the United States Supreme Court, the religious use prohibition contained in the law will be administered to prohibit the use of any funds awarded to support religious instruction, religious worship, or other activities of religious nature.

Listed below are several potential uses of state funds which would be considered violations of the religious use prohibition. This list is not intended to be all-inclusive, and, if recipient institution is in doubt that the use of funds might violate the religious use prohibition, it should consult with and seek the advice of the Board in advance of making any such expenditure.

- 1) Student Aid: State funds may not be used for student aid if the institution imposes religious restrictions or qualifications on eligibility for student aid; nor may state funds be paid to students enrolled in a religious, seminarian, or theological academic program; and, nor may the funds be paid to any student who is not considered a Louisiana resident as stipulated under this program.
- 2) Salaries: State funds may not be used to pay in whole or in part the salary of any person who is engaged in the teaching of religion or theology, who serves as chaplain or director of the campus ministry, or who administers or supervises any program of religious activities. State funds may not be used in whole or in part for the salary of any person who is engaged, either full-time or part-time, in coaching, recruiting, or in any other phase of intercollegiate athletics, or to support intercollegiate athletics in any manner. If an institution is in doubt that possible use of state funds might

- violate the intercollegiate athletic use prohibition, it should consult with and seek the advice of the Board in advance of the commitment.
- 3) Maintenance and Repair: State funds may not be used to pay any portion of the cost of maintenance or repair of any building or facility used for the teaching of religion or theology, or for religious worship, or for any religious activity.
 - 4) Utilities: If any institution has any building or facility that is used in whole or in part for the teaching of religion or theology, or for religious worship, or for any religious activity, state funds may not be used to pay utility bills unless those buildings or facilities are separately metered. If buildings or facilities used for any religious purpose described in the preceding sentence are separately metered, the cost of providing the heat, electricity, and water to those buildings or facilities cannot be paid with state funds.
- D. If any institution uses state funds for other than academic purposes or violates the prohibition against a religious use of state funds or uses state funds to support intercollegiate athletics, it shall be ineligible to receive further state reimbursement until repayment is made to the State of Louisiana of the funds expended in violation of such prohibitions. If the Board determines that a violation occurred and that the responsible officers knew or should have known that they were doing so, the Board may declare the institution ineligible to receive further state funds under the law, either for a specified number of years or permanently, and so notify the institution. The appropriate representatives of the institution shall be given notice and an opportunity to appear before the Board and present pertinent information prior to any temporary or permanent declaration of ineligibility.
- E. An institution's right to have a decision of the Board reviewed shall be provided by regulation and the law.

**Application For Funds From The
Tulane Medical School Capitation Program**

I, _____, President of Tulane University, hereby request an amount of \$_____ for the (fall)/(spring) semester _____ - _____ for the Tulane Medical School Capitation Program under the provisions of Act 12 of the 1991 Regular Session of the Louisiana Legislature; Louisiana Revised Statute 17:2053, et seq.; and Board of Regents' Regulations relative to this program.

The requested amount is based on the accompanying list of students **who are enrolled full-time pursuing the M.D. degree and** who are Louisiana residents as defined by Policy Memorandum 31, (excluding sections entitled Miscellaneous, Classification Procedures, Appeals Procedure, and Incorrect Classification) ~~September 17, 1997,~~ **January 17, 2007**, distributed from the Office of the President of the Louisiana State University System. I have **also** excluded from this request those students who are contained in other programs for reimbursement purposes. ~~and those students who are majoring in Theology or Divinity.~~

This institution maintains and will make available for your inspection student records which are the basis for this request.

President's **Signature** ~~Tulane University~~

Date

President's Name

Notary Public

**State Of Louisiana
Board Of Regents
Regulations And Procedures For Payments To
Tulane University ~~Medical Center~~ Health Science Center For
The ~~Medical~~ Education Of Louisiana Residents Pursuing the Medical Degree Under
The Tulane University Medical School Capitation Program**

In promulgating these regulations and procedures, the Board of Regents recognizes that Act 12 of the 1991 Regular Legislative Session (the Appropriations Bill) mandates the reinstatement of the “Tulane Medical School Capitation Program” through the following language included in this law under schedule 19-8671, Board of Regents for Higher Education:

Payable out of State General Fund for the Aid to Independent Institutions program and the Tulane Medical School Capitation \$3,700,000
Provided, however, that Tulane Medical school shall receive not more than \$5,000 per Louisiana resident student, and the total number of students for which this payment may be made shall not exceed one hundred twenty-five (125).

Pursuant to this authorization, the following regulations and procedures are adopted by the Board of Regents.

I. APPLICABILITY; EFFECTIVE DATE

These regulations and procedures shall apply to the program known as the Tulane University Medical School Capitation Program and shall be effective beginning with the data reporting and verification and the distribution of capitation funds awarded for the 1992 fiscal year. These regulations and procedures shall apply **as amended** in all respects for subsequent years unless modified by the Board of Regents or by law.

II. DEFINITIONS

In these regulations, terms are defined as follows:

- A. “Board” means the Board of Regents and/or its staff.
- B. “Louisiana resident” means resident as defined in Policy Memorandum 31, dated ~~January 2, 1992~~, **January 17, 2007** which was distributed from the Office of the President of the Louisiana State University System after adoption by the L.S.U. Board of Supervisors. ~~and is attached as Appendix I to these regulations~~. Sections entitled MISCELLANEOUS, CLASSIFICATION PROCEDURES, APPEALS PROCEDURE, and INCORRECT CLASSIFICATION of this document do not apply to these regulations.
- C. “Medical Student” is a student who is enrolled full-time in the Tulane University ~~Medical School~~ **Health Science Center** pursuing the M.D. Degree.

- D. “State funds” are funds paid to the Tulane University ~~Medical School~~ **Health Science Center** pursuant to the General Appropriations Act of the 1991 Regular Legislative Session.

III. COMPUTATION OF AMOUNT OF SEMIANNUAL CAPITATION AWARD

- A. The amount of the semiannual capitation award available to the Tulane University ~~Medical School~~ **Health Science Center** shall be determined in accordance with the provisions of Act 12 of the 1991 Regular Legislative Session and the following rules.
1. In the computation of the amount of any semiannual capitation award to the Tulane University ~~Medical School~~ **Health Science Center**, the Board shall consider only “full-time Louisiana resident students” pursuing the M.D. Degree in the calculations for determining the capitation award in accordance with Act 12 of the 1991 Regular Legislative Session.
 2. No more than \$2,500 per full-time Louisiana resident student, for no more than one hundred twenty-five (125) students, may be distributed in any semiannual capitation award not to exceed \$250,000 annually.
 3. Semiannual capitation awards will be at 100 percent of the amount generated by these calculations **up to \$250,000 annually. if sufficient appropriated funds are available, and on a pro-rata basis if funds are insufficient for 100 percent implementation. The annual amount of \$250,000 for the Tulane University Medical School Capitation Award will be subtracted from the funds appropriated for Aid to Independent Institutions each year as well as a 1% administrative fee to compute the amount remaining for the other eligible institutions.**
- B. The required information concerning each student shall be fully completed and filed with the Board. The fall semester capitation award will be based on final student data for that semester submitted by January 31 **and will distribute 60% of the funds appropriated for this program for the fiscal year**, and the spring semester award will be based on final student data for that semester submitted by June 15 **and will distribute the remaining 40% of the funds appropriated for this program for the fiscal year** less any adjustments necessary due to any audits of ~~both sets of~~ data. Under the assumption that this capitation program is a continuing one, any adjustments in awards due to the audits of **previous paid semesters final-spring semester student data** will be made in the award for the subsequent ~~fall~~ semester.
- C. The information and format required may be revised from time to time by the Board in a manner consistent with these regulations. Information requirements and format will be furnished to the Tulane University ~~Health Science Center Medical School~~ **Health Science Center** prior to January 1 of each year. However, this does not preclude the possibility of changes occurring at other times either by law or by necessity.
- D. In computing the amount of the semiannual capitation award to the Tulane University ~~Health Science Center Medical school~~ **Health Science Center**, those students for which the institution is receiving funds under any other program authorized by the Louisiana Legislature, including the Aid to Independent Institutions Program, shall be excluded.

IV. ADMINISTRATION OF PROGRAM

- A. The Board shall have the authority to verify the student information submitted pursuant to Section III. by examining the registration or other pertinent data upon which submissions are based and, should be any discrepancies, to reconcile those differences and make the appropriate revisions to the capitation amount. The Tulane University ~~Medical School~~ **Health Science Center** shall be given notice of any revisions and an opportunity to discuss those changes with the Board prior to revision of the capitation amount.
- B. The fall semester student data required by the Regents must be completed and submitted no later than January 31, and spring semester data no later than June 15 of each fiscal year for which a capitation award is sought, and each must be accompanied by an application for a semiannual capitation award. Information constituting an application for a semiannual capitation award will be distributed timely to the Tulane University **Health Science Center** ~~Medical School~~, together with a copy of these regulations.

The application shall be in a form prescribed by the Board to be executed by the chief executive officer of ~~the~~ Tulane University ~~Medical School~~ and shall contain his/her certification that the institution admits students without regard to race, religion, color or national origin and without regard to employment status.

- C. Following receipt of the application, and based upon the Board's determination under Section III. of these Regulations, semiannual capitation awards will be paid to the Tulane University **Health Science Center** ~~Medical School~~ after receipt and verification of **all a risk based sample of data** and approval of payment is made by the Commissioner of Higher Education **or his designee**. Verification of the data submission part of the application ~~will be in the form of~~ **may include** field audits which will occur ~~within two weeks of the~~ **after** ~~application's~~ receipt of the **application** by the Board.

**The Louisiana Board Of Regents
Pre-Expenditure Affidavit**

Pursuant to Louisiana Revised Statutes 17:2053, et seq. (the Act, as Amended), I,

President of _____
(College)/(University) hereinafter referred to as the (College)/(University) hereby certify that the
(College)/(University) will adhere to the following stipulations:

1. ~~That the amount applied for does not exceed 15 percent of the total Educational and General (E & G) expenditures for the (fall)/(spring) semester of _____.~~
~~Expenditures will be confined to the generally accepted E & G categories as defined by the National Association of College and University Business Officers;~~
- 1.2. That the (College)/(University) has adopted and will adhere to the accounting procedures described in paragraph E. of Section IV. of the regulations promulgated by the Louisiana Board of Regents pursuant to the Act, as amended;
- 2.3. That the (College)/(University) will use the applied for funds solely for academic purposes;
- 3.4. That the (College)/(University) will use the applied for funds solely for nonsectarian and non-religious purposes and that none of the funds will be used to support a religious, seminarian, theological or divinity program in any manner, nor will any of the funds be used to educate any students majoring in theology or divinity;
- 4.5. That the (College)/(University) will not use any of the funds for the support of intercollegiate athletics in any manner; and
- 5.6. That the (College)/(University) admits students without regard to race, religion, color, or national origin and without regard to employment status.

President's Signature

~~(College)/(University)~~
President's Name

Date

Notary Seal

Date

**The Louisiana Board Of Regents
Operating Budget Summary
For**

(College)/(University)

For
(Fall)/(Spring) Semester, _____

To Be Filed With Pre-Expenditure Affidavit

TOTAL CURRENT EDUCATIONAL AND GENERAL BUDGETED EXPENDITURES FOR FISCAL YEAR _____		
LINE #	FUNCTION	AMOUNTS IN WHOLE DOLLARS
1	Instruction	\$
2	Research	
3	Public Service	
4	Academic Support	
5	Student Services	
6	Institutional Support	
7	Plant Operation and Maintenance	
8	Scholarships and Fellowships	
9	Total	\$

**The Louisiana Board Of Regents
Post-Expenditure Affidavit**

Pursuant to Louisiana Revised Statutes 17:2053, et seq. (the Act, as Amended), I, _____ President of _____ (College)/(University) hereinafter referred to as the (College)/(University) hereby certify that I have received \$ _____ for the (fall)/(spring) semester of _____ - _____.

Pursuant to the Act, as amended, I certify to the following stipulations:

1. ~~That the above received amount does not exceed 15 percent of the total Educational and General (E & G) expenditures for the (fall)/(spring) semester of _____; and has been expended in the generally accepted E & G categories as defined by the National Association of College and University Business Officers;~~
- 1.2. That the (College)/(University) has adopted and will adhere to the accounting procedures described in paragraph E. of Section IV. of the regulations promulgated by the Louisiana Board of Regents pursuant to the Act, as amended;
- 2.3. That the (College)/(University) has used the above received funds solely for academic purposes;
- 3.4. That the (College)/(University) has used the received funds solely for nonsectarian and non-religious purposes and that none of the funds have been used to support a religious, seminarian, theological or divinity program in any manner, nor have any of the funds been used to educate any students majoring in theology or divinity;
- 4.5. That the (College)/(University) has not use any of the funds for the support of intercollegiate athletics in any manner; and
- 5.6. That the (College)/(University) admits students without regard to race, religion, color, or national origin and without regard to employment status.

President's **Signature**

~~(College)/(University)~~
President's **Name**

Date

Notary Seal

Date

**The Louisiana Board Of Regents
Utilization Of Funds Report For**

(College)/(University)
For
(Fall)/(Spring) Semester, _____ - _____

Functions of E&G Expenditures	<u>Object Classes of Expenditures Per NACUBO</u>			Total Expenditures
	Personal Compensation	Supplies and Expenses	Capital Expenditures	
Instruction	\$	\$	\$	\$
Research				
Public Service				
Academic Support				
Student Services				
Institutional Support				
Plant Operation and Maintenance				
Scholarships and Fellowships				
Total E&G Expenditures	\$	\$	\$	\$

I, _____, President of _____
(College)/(University) hereby certify that the State Funds awarded pursuant to the Aid to Private Institutions Program to _____ (College)/(University) for the (Fall)/ (Spring) Semester of _____ - _____ have been spent in the above indicated categories for the above indicated functions in the amounts listed above and in compliance with applicable state laws and Board of Regents' Regulations.

President's ~~Signature~~

~~(College)/(University)~~
President's Name

Notary Public

Date

Appendices

Appendix I

Residence Regulations of the LSU System

(PM-31 dated September 17, 1997) *Reproduced in Pertinent Part*

~~This memorandum becomes effective on November 1, 1997, and supersedes PM 31 dated February 4, 1997.~~

DEFINITION OF A RESIDENT STUDENT

~~A resident student for tuition purposes is defined as one who has abandoned all prior domiciles and has been domiciled in the State of Louisiana continuously for at least one full year (365 days) immediately preceding the first day of classes of the term for which resident classification is sought. A nonresident student for tuition purposes is a student not eligible for classification as a resident student under these regulations.~~

~~The individual's physical presence within this state for one year must be associated with substantial evidence that such presence was with the intent to maintain a Louisiana domicile. Physical presence within the state solely for education purposes without substantial evidence of the intent to remain in Louisiana will not be sufficient for resident classification regardless of the length of time within the state.~~

ESTABLISHING THE REQUISITE INTENT TO BECOME A LOUISIANA DOMICILIARY

~~The following facts and circumstances, although not necessarily conclusive, may support one's claim for resident classification for tuition purposes: financial independence from parents residing in another state or country; reliance on Louisiana resources for financial support; possession of a valid Louisiana voter registration card for at least one year and voting in Louisiana; designating Louisiana as his or her permanent address on all school and employment records, including military records if one is in the military service; possession of a valid Louisiana driver's license (if applicable) for at least one year; possession of a valid Louisiana vehicle registration (if applicable) for at least one year; continuous presence in Louisiana during periods when not enrolled as a student; commitments indicating an intent to stay in Louisiana permanently; paying Louisiana income taxes as a resident during the past tax year, including income earned outside Louisiana from the date Louisiana domicile was claimed; establishing an abode where one's permanent belongings are kept within Louisiana; licensing for professional practice (if applicable) in Louisiana; and the absence of these indicia in other states during any period for which domicile in Louisiana is asserted.~~

~~In order to establish financial independence, a student seeking reclassification should meet the following criteria for the current and immediately preceding calendar year: 1) That the student has not been claimed as an exemption for state or federal income tax purposes by his/her nonresident parents; 2) That the student has not lived in the home of his/her nonresident parents for more than six weeks after the time at which a Louisiana domicile is claimed; and 3) That the student's primary source of financial support not be derived from Federal programs and/or campus employment (such as graduate assistant scholarships and scholarships that provide full waiver of fees).~~

~~Documentary evidence shall be required; all relevant indicia will be considered in the classification determination. The facts suggested above are neither conclusive nor exclusive; each claim shall be determined on its own merits. Relevant indicia should be collected and reviewed with each admission regardless of prior classification of the applicant.~~

~~NON-U.S. CITIZENS~~

~~A student who is a Non-U.S. citizen is entitled to Resident Classification if the student has been lawfully admitted to the United States for permanent residence (refugees, Alyssa, persons who are married to a U.S. citizen, "Temporary" or Amnesty Aliens, etc.) in accordance with all applicable laws of the United States and relative requirements of these regulations (PM 31).~~

~~Students present in the United States under terms of the following VISA Classifications:~~

- ~~_____ Visa Category _____ E treaty trader or investor~~
- ~~_____ G representative of International Organization~~
- ~~_____ I foreign Information Media Representative~~
- ~~_____ K fiancée, children of U.S. Citizen~~
- ~~_____ L Intra-company transferee/foreign employer,~~

~~who demonstrate a Louisiana domicile for at least one full year (according to these regulations) prior to the first day of class of the beginning of the semester will be eligible for an exemption of the non-resident fees while holding such a visa.~~

~~Students holding the following visa classifications:~~

- ~~_____ Visa Category _____ A Government officials,~~

~~will be immediately eligible for an exemption of the non-resident fees while holding such a visa.~~

~~Students holding the following visa classifications:~~

- ~~_____ Visa Category _____ B visitor for business/pleasure~~
- ~~_____ C in transit~~
- ~~_____ D crewman~~
- ~~_____ F academic student~~
- ~~_____ H temporary worker~~
- ~~_____ J exchange visitor~~
- ~~_____ M vocational/non-academic student,~~

~~are not eligible to establish Louisiana domicile nor are they eligible for an exemption of non-resident fees, unless otherwise permitted by law or other regulations.~~

~~GENERAL RULES APPLYING TO MINORS AND DEPENDENTS~~

~~The domicile of an unmarried minor (under the age of 18) or dependent (See Internal Revenue Code of 1954, Section 152) is regarded to be that of the parent with whom such~~

~~a minor or dependent maintain his or her place of abode. The domicile of an unmarried minor or dependent who has a parent living cannot be changed by his or her own act or by the relinquishment of a parent's right of control. When the minor or dependent lives with neither parent, domicile is that of the parent with whom the student maintained the last place of abode. The minor or dependent may establish domicile when both parents are deceased and a legal guardian has not been appointed. When the residence of an minor or depended is derived from the Louisiana residence of the parent, that parent must meet requirements described elsewhere in this document.~~

~~A parent who was eligible to be classified as a resident of Louisiana under these regulations for at least two years and then moves to another state retains the right to enroll himself/herself or any minor child or dependent as a resident for a period equal to the number of years he/she was thus eligible' but the right shall expire upon the person's residing continuously for a period of at least five years in another state, or outside the State of Louisiana continuously for a period of ten years.~~

~~When there is clear and convincing documentation that the parent(s) with whom a dependent child is domiciled has abandoned out of state domiciles and moved to Louisiana to work and/or lives, the dependent student is eligible for immediate resident classification. Similarly, when an independent applicant for enrollment other than in graduate or professional study, who is more than twenty two years of age, shows convincing evidence that he/she has abandoned out of state domiciles and moved to this state to live and work the applicant may be granted immediate residency.~~

EMPLOYEES OF THE UNIVERSITY

~~The unmarried dependent or spouse of a full time University employee is eligible for a waiver of the nonresident fees.———~~

MILITARY PERSONNEL

~~An individual on active duty in the Armed Forces currently stationed in Louisiana may be classified as a "Temporary Resident" upon submission of an appropriate statement signed by the unit commander verifying his/her being on active duty and stationed in Louisiana. The classification of "Temporary Resident" is valid as long as the student remains enrolled.~~

~~A member of the Armed Forces currently stationed in Louisiana on active duty may enroll any of his/her dependents as "Temporary Residents". A member of the Armed Forces who was eligible for classification as a resident of Louisiana under these regulations immediately prior to entering the Armed Forces retains the right to enroll himself/herself and any of his/her dependents as residents as long as he/she is in the Armed Forces and for a five year period after separation from the Armed Forces.~~

~~When a member of the military who has a spouse or dependent enrolled as a "Temporary Resident" is transferred out of the state, the temporary resident may continue to attend under this classification as long as he/she remains in the state.~~

MAINTAINING A RESIDENCE DURING A TEMPORARY ABSENCE

~~A person who was eligible to be classified as a resident of Louisiana under these regulations does not lose the right to be classified as a resident during the period of employment in a foreign country. In cases of prolonged employment in a foreign country, evidence of retention of United States citizenship is required.~~

~~Appendix H~~

~~R.S. 17:2053 Payments To Nonpublic Institutions Of Higher Learning For Educating Louisiana Residents~~

- ~~A. The Board of Regents shall semiannually, in January and June of each year, upon application therefor, reimburse nonpublic institutions of higher education located within the state for educating Louisiana residents. Such payments shall be made only from funds appropriated solely for this purpose. The Board of Regents shall report to the legislature annually the eligible institutions, the number of Louisiana residents enrolled, and the total amount paid to each institution hereunder.~~
- ~~B. Payments to such eligible institutions for each semester completed by a Louisiana resident who is a full-time undergraduate or graduate or professional student shall be one-tenth of the average state formula appropriated per full-time equivalent student in Louisiana publicly supported colleges and universities during the preceding fiscal year. Reimbursement for educating Louisiana residents will be limited to eight full-time semesters at the undergraduate level and eight full-time semesters at the graduate or professional level.~~
- ~~C. Reimbursement for the education of Louisiana residents who are part-time students shall be calculated according to the following formula. At the end of each semester, the total of all semester hours of instruction completed by Louisiana residents who are part-time undergraduate students shall be divided by twelve to establish full-time equivalency, and the total of all semester hour of instruction completed by part-time graduate students and by part-time professional students shall be divided by nine to establish full-time equivalency. Payments to the eligible nonpublic institutions for educating part-time Louisiana residents shall then be the product of this aggregate full-time equivalency multiplied by one-tenth of the average state formula appropriated per full-time equivalent student in Louisiana's publicly supported colleges and universities during the preceding year. Reimbursement for educating part-time students shall be limited to the equivalent of eight full-time semesters at the undergraduate level and eight full-time semesters at the graduate or professional level provided funds are appropriated for such purpose by the Louisiana Legislature.~~
- ~~D. As used in this Section, the term "eligible institutions" shall mean Centenary College, Dillard University, Our Lady of Holy Cross College, Louisiana College, Loyola University, Our Lady of the Lake College of Nursing and Allied Health, Tulane University, and Xavier University, all in Louisiana. In order to qualify for payments made by the Board of Regents under this Section, eligible institutions shall:~~

- ~~(1) Simultaneously with their applications for reimbursement, submit semiannually to the Board of Regents such reports as are required by the board pertaining to this Section.~~
 - ~~(2) Maintain and make available for inspection, such records as are necessary for the administration of this Section.~~
 - ~~(3) Admit students without regard to race, religion, color, or national origin.~~
 - ~~(4) Admit and matriculate students without regard to employment status.~~
- ~~E. In computing the amount due eligible institutions under this Section, there shall be excluded completed semester hours of instruction that have been included for purposes of reimbursement pursuant to any other program authorized by the legislature. Students majoring in theology or divinity shall be excluded from the computation of reimbursement due to any eligible institution.~~
- ~~F. Notwithstanding any other provisions of this Section, the total payments to any eligible institution in any year shall not exceed fifteen per cent of its total educational and general expenditures.~~
- ~~G. In determining who is a Louisiana resident for purposes of this Section, the Board of Regents shall apply the same criteria as it applies in determining who qualifies for resident tuition fees at Louisiana State University and Agricultural and Mechanical College. Each nonpublic institution receiving state funds authorized by this Section shall determine the resident status of its students under the criteria promulgated by the Board of Regents and shall maintain residence records of those students who are Louisiana residents. Such records shall be made available to the Board of Regents according to the provisions of Subsections D above.~~
- ~~H. No institution receiving funds under the provisions of this Section shall use any of those funds for religious or intercollegiate athletic purposes. The Board of Regents shall adopt and implement appropriate regulations to assure that no funds granted to an eligible institution under the provisions of this Section are used for religious or intercollegiate athletic purposes.~~
- ~~I. The Board of Regents shall adopt, implement, and enforce regulations to insure that all funds herein provided are used solely for academic purposes.~~
- ~~J. Nothing in this Section shall prohibit an eligible institution from accepting funds for the benefit of students who are Louisiana residents and using such funds as student aid.~~

~~Added by Acts 1975, No. 562, Section 1. Amended by Acts 1976, No. 522 Sections 1,2; Acts 1976, No 491, Sections 1,2; Acts 1979, No. 274, Section 1; Acts 1983, 1st Ex. Sess., No. 17, Section 1; Acts 1984, No 887, Section 1; Acts 1985, No. 410, Sections 1; Acts 1995, No.159, Section 1.~~

Appendix III

Board Of Regents Aid To Independent Institutions Program Student Information Sheet

Student Name: _____ SSN: _____

Address At Time Of Application: _____

Length Of Time At Above Address: _____ Years _____ Months

Address Of Parents: _____

Length Of Time At Above Address: _____ Years _____ Months

Name And Address Of High School

From Which Student Graduated: _____

Appendix IV

Department Of Justice – Attorney General’s Opinion Opinion: ~~75-1731~~ *Reproduced in Pertinent Part*

Two general observations are in order:

~~First, the Board of Regents, in administering the aid program, must assume that the Legislature acted consistently with governing constitutional requirements, and any regulations adopted by the Board of Regents must conform with the provisions of the Act (Act 562 of 1975) itself and the state and federal constitutions.~~

~~Second, Act 562 of 1975 provides the Board of Regents with the general guidelines that must be used in the adoption and promulgation of regulations. It is essential that your regulations be as clear as possible with respect to the eligibility of the institutions, the administration of the program with proper controls, the computations of awards to the institutions and the prohibitions, both statutory and constitutional, that are imposed on those awards.~~

~~We now address specifically the question raised in your letter. Because funds under Act 562 of 1975 will be awarded to nonpublic institutions of higher education which have religious affiliations or relationships, the regulations governing the award of those funds must be adopted with the provisions of Article 1, Section 8 of the Louisiana Constitution and the First Amendment of the United States Constitution in mind. Article 1, Section 8 of our state constitution provides that “no law shall be enacted respecting an establishment of religion or prohibiting the free exercise thereof.” The First Amendment to the United States Constitution, which is made applicable to the states through the due process clause of the Fourteenth Amendment, proscribes any “law respecting and establishment of religion or prohibiting free exercise thereof.”~~

~~Because the language of those two constitutional provisions is virtually identical, and in light of the debates over the adoption of Article 1, Section 8 of our constitution, it is the opinion of this office that those two constitutional provisions should be interpreted in a like manner. Therefore decisions of the United States Supreme Court construing the establishment clause of the First Amendment are applicable to determining the limitations imposed on the legislative actions by Article 1, Section 8 of our constitution.~~

~~[. . .] The Board of Regents must adopt regulations which contain sufficient safeguards to prohibit institutions receiving funds under the Act from using those funds for religious purposes. The regulations must also be structured in a manner to avoid involving the Board of Regents in excessive entanglement with the religious activities that may exist at the several institutions which will be the recipients of funds under Act 562 of 1975.~~

~~On its face, Act 562 of 1975 discloses a legislative intent to avoid the use of any funds appropriated under that Act for religious purposes. [. . .]~~