

May 31, 2000
OPINION No. 00-199

**22- B – EDUCATION – COLLEGE & OTHER
INSTITUTIONS OF HIGHER LEARNING**

LSA-R.S. 17:3048.1 et seq.

Honorable Francis C. Thompson
State Representative District 19
Louisiana House of Representatives
Post Office Box 68
Delhi, Louisiana 71232

Should the New Orleans Baptist Theological Seminary become a member of the Louisiana Association of Independent Colleges and Universities (LAICU), Louisiana high school graduates who are eligible for TOPS would be permitted to receive their TOPS award if they enrolled as an undergraduate at the Seminary.

Dear Representative Thompson:

I am in receipt of your request for an Attorney General's opinion concerning New Orleans Baptist Theological Seminary's students receiving TOPS awards. Specifically, you questioned:

Should the New Orleans Baptist Theological Seminary become a member of the Louisiana Association of Independent Colleges and Universities (LAICU), would Louisiana high school graduates eligible for TOPS be permitted to receive their TOPS award if they enroll as undergraduates in the Seminary?

Attorney General Opinion Number 99-129 addressed this issue concerning another private college, St. Joseph Seminary College. That opinion concluded that in the event St. Joseph Seminary College would apply for membership in LAICU and is accepted, qualified students would be able to receive the TOPS award.

The statute governing the Louisiana Tuition Opportunity Program for Student (TOPS) is found at LSA-R.S. 17:3048.1 et seq. As stated in section A(1) of the statute:

...the state shall financially assist any student who enrolls on a full-time basis in a state college or university or a regionally accredited independent college or university in the state that is a member of the Louisiana Association of Independent College or Universities, hereafter in this Chapter referred to collectively as "eligible colleges and universities", to pursue an academic undergraduate degree, and who meets the qualifications of Subparagraph (b), (c), or (d) of this Paragraph...

Assuming a privately owned school, such as New Orleans Baptist Theological Seminary, maintains accreditation by the Commission on Colleges of the Southern Association of Colleges and Schools (SACS) and is accepted as a member in LAICU, there are no general prohibitions in the above cited statute which would prevent qualified students from being able to receive TOPS awards. All students are required to meet the eligibility requirements as set forth in LSA-R.S. 17:3048.1 et seq., as well as the rules and regulations set forth by the Office of Student Financial Aid (OSFA) for the implementation of the TOPS scholarship. See LSA-R.S. 17:3048.1(C)(1).

In conclusion, should the New Orleans Baptist Theological Seminary become a member of the Louisiana Association of Independent Colleges and Universities (LAICU), Louisiana high school graduates who are eligible for TOPS would be permitted to receive their TOPS award if they enrolled as an undergraduate at the Seminary.

Very truly yours,

RICHARD P. IEYOUNG
ATTORNEY GENERAL

By: _____
VERONICA L. HOWARD
Assistant Attorney General

RPI:VLH:lrs

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DATE REQUESTED:

DATE RELEASED: 05/31/00

**VERONICA L. HOWARD
ASSISTANT ATTORNEY GENERAL**