

**STORAGE NAME:** h0463s1.llc.doc  
**DATE:** January 22, 2002

**HOUSE OF REPRESENTATIVES**  
**COUNCIL FOR LIFELONG LEARNING**  
**ANALYSIS**

**BILL #:** CS/HB 463  
**RELATING TO:** Student Courses/Withdrawal/Military  
**SPONSOR(S):** Committee on Education Appropriations and Representative(s) Garcia & Others  
**TIED BILL(S):** None

**ORIGINATING COMMITTEE(S)/COUNCIL(S)/COMMITTEE(S) OF REFERENCE:**

- (1) COLLEGES & UNIVERSITIES YEAS 11 NAYS 0
  - (2) EDUCATION APPROPRIATIONS YEAS 13 NAYS 0
  - (3) COUNCIL FOR LIFELONG LEARNING
  - (4)
  - (5)
- 

I. SUMMARY:

CS/HB 463 requires that each district school board, community college district board of trustees, and university board of trustees establish, by rule and pursuant to guidelines of the Florida Board of Education, policies regarding currently enrolled students who are members of the National Guard, active or reserve forces, who are called to or enlist in active military service. CS/HB 463 requires that the policies provide that no student enrolled in a postsecondary course or courses at an area technical center, a public community college, a public college, or a state university, suffer academic or financial penalties because he or she is performing military service.

Currently, state universities and community college district boards of trustees must adopt rules regarding refunds. However, there is no standard refund policy in the K-20 system relating to the treatment of students who are called to, or enlist in, active military service.

CS/HB 463 provides rule-making authority for district school boards, community college district boards of trustees, and university boards of trustees.

CS/HB 463 requires that each institution provide students who are called to, or enlist in, active military service a full refund or allow the student to complete the course or courses at a later date without penalty. The exact number of students who may withdraw and subsequently require a refund is not known. It is anticipated that the number of students requiring a refund under this provision will be small. The fiscal impact is expected to be minimal.

The effective date of CS/HB 463 is upon becoming law.

SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- |                                   |   |                             |   |
|-----------------------------------|---|-----------------------------|---|
| 1. <u>Less Government</u>         | Yes <input type="checkbox"/>            | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. <u>Lower Taxes</u>             | Yes <input type="checkbox"/>            | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u>      | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/>            |
| 4. <u>Personal Responsibility</u> | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/>            |
| 5. <u>Family Empowerment</u>      | Yes <input type="checkbox"/>            | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a “no” above, please explain:

B. PRESENT SITUATION:

Currently, community college district boards of trustees and state universities must adopt rules regarding refunds. However, there is currently no standard refund policy in the K-20 system relating to the treatment of students who are called to, or enlist in, active military service.

Rule 6C-7.002(9), F.A.C., directs each university to establish, by rule, procedures for the refund or release of liability of tuition assessed and paid pursuant to the rule. The rule also prescribes specific conditions under which such refund must be made. A 100 percent refund of the tuition assessed, adjusted for waivers, is to be provided for if a student withdraws or drops one or more credit courses due to circumstances determined by the university to be exceptional and beyond the control of the student, including but not limited to the following:

- Illness of a student of such severity or duration, as confirmed in writing by a physician, to preclude completion of the course(s);
- Death of the student or death in the immediate family (parent, step-parents, spouse, child, sibling, or grandparents);
- **Involuntary call to active military duty;** or
- A situation in which the university is in error.

Rule 6A-14.0541, F.A.C., directs each community college board of trustees to establish a rule for the refunding of tuition, matriculation, and fees. The rule must include the criteria for refunds when a student drops a course due to circumstances determined by the college to be exceptional and beyond the control of the student. Such circumstances may include involuntary call to active duty or other emergency circumstances or extraordinary situations identified by college rule.

C. EFFECT OF PROPOSED CHANGES:

CS/HB 463 appears to codify rules already in existence in the Community College System and the State University System and requires that those rules protect from financial harm currently enrolled students who are members of the National Guard, active or reserve forces who are not only withdrawing due to “involuntary” call to active military service but also those who voluntarily opt to enlist in active military service. Additionally, CS/HB 463 provides for consistent policies by public postsecondary institutions with regard to the treatment of such students.

CS/HB 463 requires that each district school board, community college district board of trustees, and university board of trustees establish, by rule and pursuant to guidelines of the Florida Board of

Education, policies regarding currently enrolled students who are members of the National Guard, active or reserve forces, who are called to or enlist in active military service.

CS/HB 463 requires that the policies provide that no student, enrolled in a postsecondary course or courses at an area technical center, a public community college, a public college, or a state university, suffer academic or financial penalties because the student is performing military service.

CS/HB 463 requires that the policies provide that a student who is called to, or enlists in, active military service be allowed at least the following two options:

- complete the course or courses at a later date without penalty; or
- withdraw from the course or courses with a full refund of any fees that have been paid. If the student chooses the latter option, the student's record must reflect that the withdrawal is due to the student's active military service.

D. SECTION-BY-SECTION ANALYSIS:

See above sections.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

See fiscal comments.

2. Expenditures:

See fiscal comments.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

See fiscal comments.

2. Expenditures:

See fiscal comments.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Students will not be penalized financially for withdrawing from courses at a public postsecondary institution due to being called to, or enlisting in, active military service.

D. FISCAL COMMENTS:

Each institution will be required to provide a full refund or allow a student to complete the course or courses at a later date without penalty, if that student withdrew or was unable to complete a course or courses due to being called to, or enlisting in, active military service. The exact number of students who may withdraw and subsequently require a refund is not known. It is anticipated that the number of students requiring a refund under this provision will be small. The fiscal impact is expected to be minimal.

III. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties or municipalities to take action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority that counties or municipalities have to raise revenues in the aggregate.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the percentage of a state tax shared with counties or municipalities.

IV. COMMENTS:

A. CONSTITUTIONAL ISSUES:

CS/HB 463 does not appear to violate any constitutional provisions.

B. RULE-MAKING AUTHORITY:

CS/HB 463 requires each district school board, community college district board of trustees, and university board of trustees to establish policies, *by rule*, regarding currently enrolled students who are members of the National Guard, active or reserve forces, who are called to, or enlist in, active military service.

C. OTHER COMMENTS:

CS/HB 463 appears to omit students who are *not* currently members of the National Guard, active or reserve forces who voluntarily opt to enlist in active military service. Representative Arza intends to offer an amendment before the Council for Lifelong Learning to clarify that any student who voluntarily enlists in active military service will be covered by the policies mandated by CS/HB 463.

V. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

On January 11, the Committee on Education Appropriations adopted a strike-everything amendment and passed the bill as CS/HB 463. CS/HB 463 retains the provisions of HB 463 but provides technical, clarifying changes requested by the Department of Military Affairs. CS/HB 463 clarifies that the National Guard is included in the provisions of the bill and that service on behalf of the state results in the same protections for students who must withdraw, as does national service.

VI. SIGNATURES:

COMMITTEE ON COLLEGES & UNIVERSITIES:

Prepared by:

Maria L. Eckard

Staff Director:

Betty H. Tilton, Ph.D.

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AS REVISED BY THE COMMITTEE ON EDUCATION APPROPRIATIONS:

Prepared by:

Staff Director:

Robert Cox

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John Newman

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AS FURTHER REVISED BY THE COUNCIL FOR LIFELONG LEARNING:

Prepared by:

Staff Director:

Maria L. Eckard

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Patricia Levesque

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