

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: SB 1182

SPONSOR: Senator Bennett

SUBJECT: Determination of Residency Status for Tuition/Migrant Farmworkers

DATE: March 6, 2004

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Matthews</u>	<u>O'Farrell</u>	<u>ED</u>	<u>Favorable</u>
2.	_____	_____	<u>CM</u>	_____
3.	_____	_____	<u>AED</u>	_____
4.	_____	_____	<u>AP</u>	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

This bill revises the standards for determining residency for tuition purposes to provide an exemption from payment of nonresident tuition and out-of-state fees for certain children of migrant farmworkers if the student:

- Has attended a Florida high school for at least three months per school year for 2 school years;
- Is the dependent child of a migrant farmworker, as defined in s. 381.008(4), F.S.; and
- Has a migrant farmworker parent who has legal status and is currently employed as a farmworker in the state.

This bill has an effective date of July 1, 2004.

This bill substantially amends section 1009.21, of the Florida Statutes.

II. Present Situation:

According to the Department of Education's Office of Title I/Migrant Programs, migrant students have various risk factors in common with other disadvantaged students such as poverty, poor health, and learning disabilities.¹ However, migrant students also face additional challenges exclusive to their situations such as disruption of education, poor recordkeeping between schools, cultural and language difficulties, and social isolation.²

¹ The Department of Education website, <http://www.firn.edu/doe/title1/>.

² Id.

Section 381.008(4), F.S., defines the term “migrant farmworker” to mean a person who is or has been employed in hand labor operations in planting, cultivating, or harvesting agricultural crops within the last 12 months and who has changed residence for purposes of employment in agriculture within the last 12 months.

According to the Department of Education, there are 5,315 migrant students with qualifying arrival dates of August 31, 2000, and dates of birth ranging from September 1, 1982 to August 31, 2000, enrolled in grades 9 through 12.

Each summer the Office of Title I/Migrant Programs and Multicultural Student Language Education conducts summer institutes:

- The Academic Migrant Summer Institutes, held at the University of Miami and the University of South Florida, which provide comprehensive instructional programs for eligible migrant students in grades 11 and 12, as well as 13th year students. This program served 470 students.
- The Graduation Plus-Migrant Summer Institutes, held at Florida Gulf Coast University and the University of West Florida, which provide intensive instruction to eligible migrant students to assist the students in passing the college entrance exams, prepare them for post-secondary education, and to participate in dual-enrollment courses. This program served 178 students.

The Florida Department of Education Migrant Program Office estimates that there are 1,739 12th grade migrant students.

Several states have enacted legislation to classify dependents of migrant workers as residents for tuition purposes. In particular, Wisconsin provides that:

- An adult student who has been employed as a migrant worker for at least two months each year for three of the five years preceding the beginning of any semester for which the student registers, or for at least three months each year for two of the five years preceding the beginning of any semester for which the student registers, qualifies for an exemption from the payment of nonresident tuition; or
- The dependent minor or adult student whose parent or legal guardian was employed as a migrant worker for the above timeframes are exempt from nonresident tuition.³

III. Effect of Proposed Changes:

This bill revises the standards for determining residency for tuition purposes to provide an exemption from payment of nonresident tuition and out-of-state fees for certain children of migrant farmworkers if the student:

- Has attended a Florida high school for at least three months per school year for 2 school years;
- Is the dependent child⁴ of a migrant farmworker, as defined in s. 381.008(4), F.S.; and

³ W.S.A. 36.27.

- Has a migrant farmworker parent who has legal status and is currently employed as a farmworker in the state.

Since a dependent child is not required to live with his or her parent to qualify as a dependent child under s. 1009.21(1)(a), F.S., for purposes of qualifying for the exemption from paying for nonresident tuition, the bill may capture dependent out-of-state children of migrant farmworkers that are not experiencing an interruption in education.

The bill does not limit the timeframe for which dependent children would qualify for the exemption from paying nonresident tuition as long as they remain dependents and their parent remains employed in the state as a migrant farmworker.

The bill does not define the term “legal status.” If this provision were construed to refer to the immigration status of the migrant farmworker, an undocumented alien or an individual on a nonresident visa who overstays would not be eligible.

This bill has an effective date of July 1, 2004.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

By limiting the amount of tuition that dependent children of migrant farmworkers pay, more migrants may attend a state university or community if otherwise qualified. The bill would save money on behalf of those qualified by shifting a majority of the costs of a postsecondary education to the state.

⁴ Section 1009.21(1)(a), F.S., defines the term, “dependent child” as any person whether or not living with his or her parent as a dependent under the federal income tax code.

C. Government Sector Impact:

State residents paid \$63.41 per credit hour as a university undergraduate for the fall and spring 2003-2004 semesters, while nonresidents pay \$392.15 per credit hour. Assuming an average of 12 credit hour per semester, the state would be additionally absorbing in costs approximately \$7,889.76 per student per year for undergraduate work. This figure does not include fees. Unfortunately, there is no reliable data available indicating the number of dependent children of migrant farmworkers that would qualify for resident tuition under this bill. However, using the Migrant Program's Office calculations of 1,739 12th grade migrant students, the cost to the state for the initial year of the bill's implementation would be over \$13.7 million.⁵ This would represent a shift in funding from the responsibility of the individual to the state.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.

⁵ This figure determined using an average load of 12 credit hours per semester, assuming that all 12th grade dependent children of migrant farmworkers matriculate into a state university, and assuming that none of the students would otherwise qualify as a resident for tuition purposes.