

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.)

Prepared By: Education Appropriations Committee

BILL: CS/SB 504

INTRODUCER: Education Appropriations Committee and Senator Wise

SUBJECT: Financial Assistance/Students

DATE: April 24, 2006

REVISED: 01/10/06 _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Harkey</u>	<u>Matthews</u>	<u>ED</u>	<u>Fav/1 amendment</u>
2.	<u>Riti</u>	<u>Newman</u>	<u>EA</u>	<u>Fav/CS</u>
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

This committee substitute creates the Florida Reimbursement Grant Program to Provide Postsecondary Psycho-Educational Testing to Students with Disabilities, which is to be administered by the Florida Department of Education (DOE). The committee substitute requires the State Board of Education to adopt rules for administering the program. The committee substitute:

- Provides eligibility requirements;
- Prescribes a limit on testing costs;
- Provides that the cost of testing is part of the student's attendance cost;
- Requires a student who applies for such a grant to apply for a federal Pell Grant;
- Requires participating institutions to return undisbursed grant moneys to the department; and
- Provides that the act be implemented only to the extent that it is funded and authorized by law.

This committee substitute creates section 1009.892, Florida Statutes.

II. Present Situation:

Students who have learning disabilities or other cognitive disabilities who attend postsecondary institutions—including community colleges, universities, and private postsecondary institutions—may be eligible for accommodations under s. 1007.264, F.S., the Americans with Disabilities Act (ADA)¹, or section 504 of the Rehabilitation Act of 1973², if they provide

¹ 42 U.S.C.A. s. 12101 et seq.

² 29 U.S.C.A. s. 701 et seq.

documentation of their disability. The documentation is usually provided through psycho-educational testing. Students with disabilities who received accommodations in grades K-12 under the Individuals with Disabilities Education Act (IDEA)³ must provide new documentation of their disability when they request accommodations in postsecondary institutions. According to the DOE the cost to each student for such testing ranges from \$300 to \$1,600.

Section 1009.40, F.S., establishes the requirements for student eligibility for state financial aid, which consists of:

- Achievement of the academic requirements of and acceptance at a state university or community college;
- Residency in the state for no less than 1 year preceding the award of aid; and
- Submission of certification attesting to the accuracy, completeness, and correctness of information provided to demonstrate a student's eligibility to receive state financial aid awards.

This section also establishes requirements a student must meet in order to continue to receive financial aid.

Pell Grants are federal grants that are awarded primarily to undergraduate students. Pell Grants are usually a foundation of federal student aid to which aid from other federal and nonfederal sources might be added. The maximum Pell Grant for the 2004-2005 award year (July 1, 2004 to June 30, 2005) was \$4,050. The amount awarded depends on the student's need, the cost of attendance, whether the student is a full-time or part-time student, and whether the student attends school for a full academic year or less.⁴ Psycho-educational testing is a term that refers to various tests of cognitive ability and functioning.

III. Effect of Proposed Changes:

The committee substitute creates the Florida Reimbursement Grant Program to Provide Postsecondary Psycho-Educational Testing to Students with Disabilities in s. 1009.892, F.S. The State Board of Education must adopt rules for administering the program, and the Florida Department of Education (FLDOE) must administer it. The committee substitute provides legislative intent that the program must provide to eligible students with disabilities reimbursement for postsecondary psycho-educational testing conducted by postsecondary institutions, or private providers under contract with postsecondary institutions. Such testing will assist the institutions in providing the appropriate accommodations and services for students who have specified learning and cognitive disabilities.

The committee substitute restricts a grant made under this program to an eligible student with disabilities who:

- Is enrolled in a degree, certificate, or diploma program;

³ PL 108-446, "The Individuals with Disabilities Education Improvement Act of 2004".

⁴ U.S. Department of Education. *The Student Guide*. Readable at: http://studentaid.ed.gov/students/publications/student_guide/2004_2005/english/types.htm

- Is enrolled in at least 6 semester hours per term, or the equivalent thereof, at a state university, community college, or private postsecondary institution in Florida which requires documentation for accommodations for disabilities;
- Meets the general requirements for student eligibility under s. 1009.40, except as otherwise provided in the committee substitute; and
- Has a disability or disabilities as documented under the ADA.

The grants will be awarded annually for the cost of placement testing required by participating institutions, and the postsecondary institution must determine the cost in an amount not to exceed \$1,000. Any required psycho-educational testing for students with disabilities must be considered a part of the student's cost of attendance. An eligible student with a disability who applies for a Florida Reimbursement Grant to Provide Postsecondary Psycho-Educational Testing for Students with Disabilities must also apply for the Pell Grant. A student's entitlement to a Pell Grant must be considered in determining need when conducting an assessment of the financial resources available to the student. The participating institution must defer the cost of required placement testing for eligible students.

Each participating institution must report to the department, by a date stipulated by the department, the number of eligible students to whom grant moneys are disbursed each academic term and the necessary demographic and eligibility data concerning such students. The amount that may be awarded for each grant under this program must be specified in the General Appropriations Act. The funds appropriated for such grants must be transmitted to the president of an eligible institution, or to his or her designated representative, in advance of the registration period.

A student's eligibility to receive a disbursement under this program must be determined by each institution as of the end of its regular registration period, inclusive of a drop-add period. The institution need not reevaluate a student's eligibility status after that date for purposes of changing eligibility determinations previously made. The institution in which an eligible student is enrolled must notify the student of the amount of his or her award. Each participating institution must certify to the department the amount of funds disbursed to each eligible student and must remit to the department any undisbursed advances or refunds within 60 days after the end of regular registration.

The committee substitute specifies that the program will be implemented only to the extent specifically funded and authorized by law.

The committee substitute takes effect on July 1, 2006.

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:

To the extent that the program is funded by the Legislature, students with learning disabilities or other cognitive disabilities who qualified for Pell Grants and who wanted to request accommodations could receive reimbursement grants to defray the cost of the psycho-educational testing necessary to document their disability.

C. Government Sector Impact:

The committee substitute establishes the Florida Reimbursement Grant to Provide Postsecondary Psycho-Educational Testing for Students with Disabilities as a state-funded program. In the event that the Legislature chose to fund the program, state funds would be required. According to the DOE, the cost to each student for such testing ranges from \$300 to \$1,600.

The committee substitute limits the cost of psycho-educational testing to \$1,000 per student, which is less than the maximum cost per psycho-educational test that was estimated by the DOE. Participating institutions could incur a cost if the test cost more than \$1,000 per student.

DOE is unable to estimate the number of students with disabilities who might request a state grant for psycho-educational testing. The number of students who would apply for the grant is affected by the availability of financial aid which would cover the cost of testing in some cases. In these situations the students would not need the state grant. By way of comparison, there are approximately 6,438 FTE students with disabilities reported by the community college system. Although the university system does not track totals of disabled students, if we use the same percentage FTE as the community college system there are approximately 3,242 FTE students with disabilities in the state university system.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

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

VIII. Summary of Amendments:

None.

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