

# 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 Committee

BILL: SB 504

INTRODUCER: Senator Wise

SUBJECT: Financial Assistance/Students

DATE: January 9, 2005      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>EA</u>	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

**Please see last section for Summary of Amendments**

- Technical amendments were recommended
- Amendments were recommended
- Significant amendments were recommended

**I. Summary:**

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

- 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 bill 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)<sup>1</sup>; or section 504 of the Rehabilitation Act of 1973<sup>2</sup>, if they provide 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)<sup>3</sup> must provide new documentation of their disability when they request accommodations in postsecondary institutions. According to the FLDOE the cost to each student for such testing ranges from \$500 to \$1,000. If the tests were administered by the institutions, the cost per test would range from \$300 to \$1,600, according to an FLDOE survey.

Section 1009.40, F.S., establishes the requirements for student eligibility for state financial aid, including acceptance at the institution; state residency, and documentation required to establish eligibility. This section also establishes requirements a student must meet in order to continue to receive financial aid.

Pell Grants are federal grants that primarily are awarded 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.<sup>4</sup>

Psycho-educational testing is a term that refers to various tests of cognitive ability and functioning. The term used in this bill "psycho-academic testing" is not commonly used; however, as it is used in the bill the term appears to mean psycho-educational testing.

### III. Effect of Proposed Changes:

The bill creates the Florida Reimbursement Grant Program to Provide Postsecondary Psycho-Academic 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 bill provides legislative intent that the program must provide to eligible students with disabilities reimbursement for postsecondary psycho-academic testing conducted by 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 bill restricts a grant made under this program to an eligible student with disabilities who:

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

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<sup>1</sup> 42 U.S.C.A. s. 12101 et seq.

<sup>2</sup> 29 U.S.C.A. s. 701 et seq.

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

<sup>4</sup> U.S. Department of Education. *The Student Guide*. Readable at:

[http://studentaid.ed.gov/students/publications/student\\_guide/2004\\_2005/english/types.htm](http://studentaid.ed.gov/students/publications/student_guide/2004_2005/english/types.htm)

- Meets the general requirements for student eligibility under s. 1009.40, except as otherwise provided in the bill; 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-academic 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-Academic 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 bill specifies that the program will be implemented only to the extent specifically funded and authorized by law.

The bill 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-academic testing necessary to document their disability.

C. Government Sector Impact:

The bill establishes the grants as a state-funded program. Thus, if 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 \$500 to \$1,000. If the tests were administered by the institutions, the cost per test would range from \$300 to \$1,600, according to a DOE survey.

The bill limits the cost of placement testing to \$1,000 per student, which is less than the maximum cost per psycho-academic test that was estimated by the DOE. If the term “placement testing” refers to the psycho-academic testing that would be covered by the grant program, participating institutions could incur a cost if the test cost more than \$1,000 per student.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

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## VIII. Summary of Amendments:

### **Barcode 692222 by Education:**

Permits the psycho-academic testing to be done by a private provider under contract with a postsecondary institution and changes the term “placement testing” to psycho-academic testing.

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

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