

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 1363 Postsecondary Student Fees
SPONSOR(S): State Universities & Private Colleges Policy Committee and Glorioso
TIED BILLS: **IDEN./SIM. BILLS:** SB 1148

	REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1)	State Universities & Private Colleges Policy Committee	12 Y, 0 N, As CS	Thomas	Tilton
2)	State Universities & Private Colleges Appropriations Committee	(ref. removed)		
3)	Education Policy Council	16 Y, 0 N	White	Lowell
4)				
5)				

SUMMARY ANALYSIS

The Committee Substitute for House Bill 1363 (CS/HB 1363) addresses conflicting interpretations of current statute by clarifying time limitations for public postsecondary fee exemptions available to specified students who are or have been in the custody of the Department of Children and Family Services (DCFS). Specifically, the bill provides that the following students are eligible for postsecondary fee exemptions until the students reach 28 years of age: (a) a student who is or was, at the time he or she reached 18 years of age, in the custody of the DCFS; (b) a student who was placed in a guardianship by the court after spending specified time in DCFS custody; (c) a student who is or was, at the time he or she reached 18 years of age, in the custody of a relative under the Relative Caregiver Program; and (d) a student who was adopted from the DCFS after May 5, 1997.

The fiscal impact of the bill is indeterminate. (See FISCAL COMMENTS section of this analysis.)

The effective date provided is July 1, 2010.

HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

Current law provides an exemption from the payment of tuition and certain fees at a school district that provides postsecondary career programs, a community college, or a state university for a student:

- Who is or was, at the time he or she reached 18 years of age, in the custody of the DCFS;
- Who is or was, at the time he or she reached 18 years of age, in the custody of a relative under s. 39.5085, F.S. (the Relative Caregiver Program);
- Who was adopted from the DCFS after May 5, 1997; or
- Who, after spending at least six months in the custody of the DCFS after reaching 16 years of age, was placed in a guardianship by the court.¹

The Department of Education (DOE) reported that 1,283 students took advantage of the fee exemption at a community college during the 2008-2009 academic year, taking a total of 16,320 credit hours at a cost of \$1.9 million dollars.² According to the Board of Governors, 189 students took advantage of the fee exemption at a state university during the 2008-2009 academic year, at a cost of \$633,088 dollars.³ No information was provided on the number of students, if any, using the fee exemption in a school district postsecondary career program.

The DCFS reported that in the 2008-2009 Fiscal Year: 1,266 children were 18 years of age and in the custody of the DCFS; 603 children were placed in the custody of a relative under the Relative Caregiver Program; 3,777 children were adopted; and 218 children were placed in a guardianship by the court after spending at least six months in custody. Information on the number of students who are currently eligible for the fee exemption was not available.

Use of the exemption is not limited to any specific type or level of educational program. It appears that the exemption may be used, to the extent the specified time limit permits, for any workforce education program, any associate degree program, any baccalaureate degree program, any graduate degree program, or any professional degree program.

The fee exemption includes fees associated with enrollment in career-preparatory instruction and completion of the college-level communication and computation skills testing program (CLAST).⁴ The CLAST was repealed by Section 21 of Ch. 2009-50, L.O.F. However, an associate in arts or

¹ Section 1009.25(2)(c), F.S.

² E-mail correspondence with Department of Education staff on March 16, 2010.

³ E-mail correspondence with Board of Governors staff on March 24, 2010.

⁴ Section 1009.25(2)(c), F.S.

baccalaureate degree may not be conferred upon any student who fails to successfully complete one of the following requirements:

- Achieve a score that meets or exceed a minimum score on a nationally standardized examination, as established by the State Board of Education in conjunction with the Board of Governors;⁵ or
- Demonstrate successful remediation of any academic deficiencies and achieve a cumulative GPA of 2.5 or above on a 4.0 scale in postsecondary-level coursework identified by the State Board of Education in conjunction with the Board of Governors.

The provisions of s. 1009.25(2)(c), F.S., establish a time limitation for use of the exemption and state that, “. . . the exemption remains valid for no more than four years after the date of graduation from high school.”⁶ There has been some confusion regarding which of the four categories of students are covered by the four-year time limitation. Representatives of the DCFS indicate that the four-year time limitation applies only to students in the custody of a relative under the Relative Caregiver Program or adopted from the DCFS. The DCFS states that the four-year time limitation does not apply to the two categories of students that were added to the exemption in 2006, i.e., students in the custody of the DCFS at the age of 18 and students placed in guardianship by the court.⁷

The DOE reported that many postsecondary institutions have expressed confusion regarding the time limitation on the eligibility of students who qualified for this exemption. Consequently, some institutions may have improperly imposed a time limitation on some students.⁸

The Board of Governors (BOG) interprets the time limitation on the exemption for all four classifications as extending until the time the student reaches the age of 23.⁹ The BOG’s interpretation is also consistent with the state¹⁰ and federal Foster Care Independent Living Program¹¹ which allows young adults to remain eligible for postsecondary benefits until they reach the age of 23.¹²

Effect of Proposed Changes

CS/HB 1363 amends s. 1009.25(2)(c) and (d), F.S., to provide that the following students are eligible for postsecondary fee exemptions until the students reach 28 years of age: (a) a student who is or was, at the time he or she reached 18 years of age, in the custody of the DCFS; (b) a student who was placed in a guardianship by the court after spending six months in the custody of the DCFS after reaching 16 years of age; (c) a student who is or was, at the time he or she reached 18 years of age, in the custody of a relative under the Relative Caregiver Program; and (d) a student who was adopted from the DCFS after May 5, 1997.

The bill also deletes obsolete law referencing the CLAST, which was repealed during the 2009 Legislative session.

B. SECTION DIRECTORY:

Section 1. Amends s.1009.25, F.S., revising fee exemptions.

Section 2. Provides an effective date of July 1, 2010.

⁵ The State Board of Education (Rule 6A-10.0311, F.A.C.) and Board of Governors (Regulation 6.017) have adopted rules and regulations relating to scores and national standardized exams, i.e. the Accuplacer, SAT Reasoning Test, and ACT.

⁶ Section 1009.25(2)(c), F.S.

⁷ Department of Children and Family Services analysis of HB 1363 dated March 16, 2010.

⁸ Department of Education analysis of HB 1363 dated March 16, 2010.

⁹ Board of Governors analysis of HB 1363 dated March 22, 2010.

¹⁰ Section 409.1451(2)(b), F.S.

¹¹ <http://frwebgate6.access.gpo.gov/cgi-bin/PDFgate.cgi?WAISdocID=274728252639+0+2+0&WAIAction=retrieve> (last visited March 22, 2010).

¹² Board of Governors analysis of HB 136e dated March 22, 2010.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

See FISCAL COMMENTS.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

See FISCAL COMMENTS.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

According to the DOE, the bill does not change the existing fiscal impact of the amended fee exemptions.¹³

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not appear to require a city or county to expend funds or to take any action requiring the expenditure of funds.

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

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

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

¹³ Department of Education analysis of HB 1363 dated March 16, 2010.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES

On March 25, 2010, the State Universities & Private Colleges Policy Committee adopted one amendment to HB 1363 and reported the bill favorably as a Committee Substitute (CS). The amendment revises the time limitation for use of the fee exemption by providing that an eligible student may use the exemption until he or she reaches the age of 28. The amendment also removes obsolete language referencing the CLAST. This analysis is drafted to the CS.