

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1363

Postsecondary Student Fees

SPONSOR(S): Glorioso

TIED BILLS:

IDEN./SIM. BILLS: SB 1148

	REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1)	State Universities & Private Colleges Policy Committee		Thomas	Tilton
2)	State Universities & Private Colleges Appropriations Committee			
3)	Education Policy Council			
4)				
5)				

SUMMARY ANALYSIS

HB 1363 revises the time limitations for the postsecondary fee exemption for certain students who have been in the custody of the Department of Children and Family Services (DCFS), in the custody of a relative under the Relative Caregiver Program, adopted from DCFS after May 5, 1997, or placed in a guardianship by the court.

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

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 Department of Children and Family Services (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.(Relative Caregiver Program);
- Who was adopted from the DCFS after May 5, 1997; or
- Who, after spending at least 6 months in the custody of 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 2008-09 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, 152 students took advantage of the fee exemption at a state university during the 2008 fall semester, at a cost of \$273,645 dollars.³ No information was provided on the number of students, if any, using the fee exemption in a school district postsecondary career program.

DCFS reported that in 2008-2009: 1,266 children were 18 years of age and in the custody of DCF; 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 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 could 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.⁴ The college-

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 19, 2010.

⁴ Section 1009.25(2)(c), F.S.

level communication and computation skills testing program was repealed by Section 21 of Ch. 2009-50, L.O.F. However, an associate in arts or 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 Board of Governors has identified some suitable substitute tests that are administered by non-state entities and it is unclear whether these entities would be subject to a fee exemption that has previously only applied to fees charged by the Department of Education for the administration of the college-level communication and computation skills test.⁶

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 4 years after the date of graduation from high school.”⁷ There has been some confusion regarding which of the four categories of students are covered by the 4-year time limitation. Representatives of DCFS indicate that the 4-year time limitation applies only to students in the custody of a relative under the Relative Caregiver Program or adopted from DCFS. DCFS states that the 4-year time limitation does not apply to the two categories of students that were added to the exemption in 2006 – students in the custody of DCFS at the age of 18 and students placed in guardianship by the court.⁸

The Department of Education (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.⁹

The Board of Governors (BOG) interprets the time limitation on the exemption for all four classifications to extend up until the time the student reaches the age of 23.¹⁰ The BOG’s interpretation is also consistent with the state¹¹ and federal Foster Care Independent Living Program¹² which allows young adults to remain eligible for postsecondary benefits until they reach the age of 23.¹³

Effect of Proposed Changes

HB 1363 revises the time limitations on the use of the fee exemption provided for students who were in the custody of the Department of Children and Family Services (DCFS), in the custody of a relative under the Relative Caregiver Program, adopted from DCFS after May 5, 1997, or placed in a guardianship by the court.

The bill removes the time limitation of 4 years after high school graduation for the use of the fee exemption for all four categories of students who are currently eligible for the exemption.

The bill moves the provisions of the exemption related to students in the custody of a relative or adopted from DCFS to a newly created paragraph and increases the time limitation for use of the fee exemption from four years to eight years after the date of high school graduation. According to DCFS, these students have a more stable home environment and the eight year time limitation allows sufficient

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

⁶ Board of Governors analysis of HB 1636 dated March 22, 2010.

⁷ Section 1009.25(2)(c), F.S.

⁸ Department of Children and Family Services of analysis HB 1363 dated March 16, 2010.

⁹ Department of Education analysis of HB 1363 dated March 16, 2010.

¹⁰ Board of Governors analysis of HB 1363 dated March

¹¹ Section 409.1451(2)(b), F.S.

¹² <http://frwebgate6.access.gpo.gov/cgi-bin/PDFgate.cgi?WAISdocID=274728252639+0+2+0&WAIAction=retrieve> (last visited March 22, 2010).

¹³ Board of Governors analysis of HB 1636 dated March 22, 2010.

time for these students to complete degree requirements. The new language includes provisions referencing the college-level communication and computation skills testing program (CLAST), which was repealed during the 2009 Legislative session.¹⁴

HB 1363 provides both an unlimited and eight year time limit on use of the fee exemption for students in the Relative Caregiver Program and students who are adopted from DCFS after May 5, 1997. This requires an amendment to correct.

B. SECTION DIRECTORY:

Section 1. Amends s.1009.25, F.S., revising an exemption from fee requirements provided for 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 or who was adopted from the Department of Children and Family Services after a specified date; providing that such exemption includes fees associated with enrollment in career-preparatory instruction and the completion of the college-level communication and computation skills testing program; providing that the exemption remains valid for 8 years after the date of graduation from high school for certain recipients.

Section 2. Provides an effective date of July 1, 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 Department of Education the bill does not change the existing fiscal impact of the indicated fee exemption.¹⁵

According to the Board of Governors, by providing no termination date for fee exemption eligibility for the two classifications of students who were formerly in the state foster care system, universities may have to absorb additional students who would not have otherwise qualified. For example, a student who was in the custody of DCFS at the age of 18 in 1997 would be 30 years old in March 2010. State universities do not currently recognize a thirty year old as being eligible for the exemption.¹⁶

¹⁴ Telephone conversation with Department of Children and Families staff on March 11, 2010.

¹⁵ Department of Education analysis of HB 1363 dated March 16, 2010.

¹⁶ Board of Governors analysis of HB 1363 dated March 22, 2010.

Also, DCFS will need to maintain records indefinitely on the two classifications of students who are subject to the unrestricted exemption, *i.e.*, those who are or were at the time they reached 18 years of age in the custody of DCFS and those who, after spending at least 6 months in the custody of DCFS after reaching 16 years of age, were placed in a guardianship by the courts, so that state universities will be able to verify the student's eligibility for the exemption.¹⁷

The examinations currently used to meet the requirements of s. 1007.25(12), F.S. include the Accuplacer, SAT Reasoning Test, and ACT. If this fee exemption is maintained, it will appear to include the fees associated with the administration of Accuplacer, SAT Reasoning Test, and ACT, some of which are administered by non-state entities.¹⁸

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.

C. DRAFTING ISSUES OR OTHER COMMENTS:

HB 1363 creates a new paragraph 1009.25(2)(d), F.S., which increases the time period for the fee exemption for two categories of students -- a student who was either in the custody of a relative under the Relative Caregiver Program or who was adopted from DCFS after May 5, 1997 -- from four years to eight years after the date of high school graduation. However, these two categories of students are also included in paragraph (c), which removes any time limitation on the use of the fee exemption. The provisions of the bill need to be amended to clearly indicate whether or not any time limit applies to the use of the fee exemption for these two categories of students.

Current law does not specify the level of education for which this fee exemption may be used. Clarification may be needed unless the fee exemption is intended to be applicable to every level of postsecondary education from postsecondary certificate or diploma through professional degrees.

During the 2009 Legislative Session, s. 1008.29, F.S., relating to the college-level communication and mathematics skills examination, was repealed. The reference to the college-level communication and computation skills testing program in the bill should be deleted and replaced by language reflecting the new graduation requirements.

IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES

¹⁷ Board of Governors analysis of HB 1363 dated March 22, 2010.

¹⁸ Board of Governors analysis of HB 1363 dated March 22, 2010.