

The Florida Senate  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

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

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Prepared By: The Professional Staff of the Appropriations Subcommittee on Education

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BILL: PCS/SB 1484 (237494)

INTRODUCER: Appropriations Subcommittee on Education; and Senator Gruters

SUBJECT: Florida Private Student Assistance Grant Program

DATE: March 17, 2021

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Westmark</u>	<u>Bouck</u>	<u>ED</u>	<b>Favorable</b>
2.	<u>Underhill</u>	<u>Elwell</u>	<u>AED</u>	<b>Recommend: Fav/CS</b>
3.	_____	_____	<u>AP</u>	_____

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## I. Summary:

PCS/SB 1484 expands eligibility for which institutions may participate in the Florida postsecondary student assistance grant program. The bill specifies that students may be eligible for a state need-based financial assistance grant if they have been accepted at a competency-based nonprofit virtual postsecondary institution in order to receive a grant, provided the institution:

- Is accredited by a member of the Council of Regional Accrediting Commissions;
- Is created by the governors of several states;
- Has established and continually maintains a location of operation in this state; and
- Maintains a governing body or advisory board in this state.

The bill takes effect July 1, 2021.

## II. Present Situation:

### Florida Postsecondary Student Assistance Grant Program

The Florida Student Assistance Grant (FSAG) Program is a need-based grant program available to degree-seeking, resident, undergraduate students who demonstrate substantial financial need and are enrolled in participating colleges and universities.<sup>1</sup> The FSAG programs are administered by participating institutions in accordance with rules of the State Board of Education (SBE).<sup>2</sup>

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<sup>1</sup> Florida Department of Education (DOE), Office of Student Financial Assistance, *Florida Student Assistance Grant Program Fact Sheet* (2020-21), available at <https://www.floridastudentfinancialaidsg.org/PDF/factsheets/FSAG.pdf>, at 1.

<sup>2</sup> Section 1009.52(1), F.S.

***Institutional Eligibility***

- In order to be eligible to administer Florida Postsecondary Student Assistance Grants, an institution must administer Pell Grants,<sup>3</sup> be located in the state and be:
- A private nursing diploma school approved by the Florida Board of Nursing; or
- A college or university licensed by the Commission for Independent Education, excluding those institutions that are eligible to receive a Florida private student assistance grant pursuant to s. 1009.51, F.S.<sup>4</sup>

***Student Eligibility***

Florida Postsecondary Student Assistance Grants may only be made to full-time degree-seeking students who meet general requirements for student eligibility,<sup>5</sup> attend eligible private colleges and universities,<sup>6</sup> and are awarded for the amount of demonstrated unmet need for tuition and fees, not to exceed the maximum annual award amount specified in the General Appropriations Act (GAA).<sup>7</sup>

Eligibility for the renewal of the grant is evaluated at the end of the second semester or third quarter of each academic year. As a condition for renewal, a student must have earned:<sup>8</sup>

- A minimum cumulative grade point average of 2.0 on a 4.0 scale; and
- For undergraduate full-time study, 12 credits per term or the equivalent for the number of terms for which aid was received.

A student applying for a grant is required to apply for the Pell Grant.<sup>9</sup> If funds are available, a student who received an award in the fall or spring term may receive an award in the summer term.<sup>10</sup> A student receiving a grant is eligible to receive scholarship funding for nine semesters or fourteen quarters of full-time enrollment.<sup>11</sup>

<sup>3</sup> Administering the Pell Grant involves Title IV eligibility and requires approved accreditation.

<sup>4</sup> DOE, Office of Student Financial Assistance, *2020-21 Institutional Eligibility Program Requirements for Participation in State Scholarship & Grant Programs* (2021), available at [https://www.floridastudentfinancialaidsg.org/pdf/Institution\\_Eligibility\\_Requirements.pdf](https://www.floridastudentfinancialaidsg.org/pdf/Institution_Eligibility_Requirements.pdf).

<sup>5</sup> See s. 1009.40, F.S.

<sup>6</sup> DOE, Office of Student Financial Assistance, *Florida Student Assistance Grant Program Fact Sheet* (2020-21), available at <https://www.floridastudentfinancialaidsg.org/PDF/factsheets/FSAG.pdf>, at 1.

<sup>7</sup> Section 1009.52(2)(a), F.S. A demonstrated unmet need of less than \$200 renders the applicant ineligible for a Florida private student assistance grant. *Id.*

<sup>8</sup> Section 1009.40(1)(b)1., F.S. A student who fails to earn the minimum number of credits required for renewal shall lose his or her eligibility for renewal for a period equivalent to one academic year. However, the student may reapply during a subsequent application period and may be eligible for an award if he or she has earned a minimum cumulative grade point average of 2.0 on a 4.0 scale. Section 1009.40(1)(b)3., F.S.

<sup>9</sup> Section 1009.52(2)(b), F.S. Priority in the distribution of grant moneys may be given to students who are within one semester of completing a degree or certificate program. An institution may not make a grant from this program to a student whose expected family contribution exceeds one and one-half times the maximum Pell Grant-eligible family contribution. An institution may not impose additional criteria to determine a student's eligibility to receive a grant award. Section 1009.52(2)(c), F.S.

<sup>10</sup> Priority in the distribution of summer awards must be given to students who are within one semester of completing a degree or certificate program, and no student may receive an award for more than the equivalent of 9 semesters or 14 quarters of full-time enrollment, except as otherwise provided in s. 1009.40(3), F.S. Section 1009.52(2)(a), F.S.

<sup>11</sup> DOE, Office of Student Financial Assistance, *Florida Student Assistance Grant Program Fact Sheet* (2020-21), available at <https://www.floridastudentfinancialaidsg.org/PDF/factsheets/FSAG.pdf>, at 4.

### ***Reporting and Distribution Requirements***

Each participating institution determines applicant eligibility and award amount,<sup>12</sup> and is required to report to the Department of Education (DOE) the students eligible for the grant program for each academic term, including necessary demographic and eligibility data for such students.<sup>13</sup> Only eligible institutions can disburse state aid through the grant program.<sup>14</sup>

The funds appropriated for the grant program must be distributed to eligible institutions in accordance with a formula approved by the SBE.<sup>15</sup> Institutions must comply with disbursement and remittance requirements specified in law.<sup>16</sup>

Each institution that receives moneys through the grant program must prepare a biennial report submitted to DOE by March 1 every other year that includes a financial audit, conducted by an independent certified public accountant, of the institution's administration of the grant program and a complete accounting of moneys allocated to the institution for the grant program. DOE may conduct its own annual or biennial audit of an institution's administration of the grant program and its allocated funds in lieu of the required biennial report and financial audit report.<sup>17</sup>

In 2019-2020, 5,594 students were disbursed approximately \$6.1 million, an average of \$1,097 per student, at 67 eligible private colleges and universities.<sup>18</sup>

### **Council of Regional Accrediting Commissions**

The Council of Regional Accrediting Commissions (C-RAC) represents the seven organizations responsible for the accreditation<sup>19</sup> of approximately 3,000 of the nation's colleges and universities:

- Accrediting Commission for Community and Junior Colleges;
- Higher Learning Commission;

<sup>12</sup> *Id.*

<sup>13</sup> Section 1009.52(2)(d), F.S. The eligibility status of each student to receive a disbursement must be determined by each institution as of the end of its regular registration period, inclusive of a drop-add period. Section 1009.51(4)(c), F.S.

<sup>14</sup> Office of Student Financial Assistance, *Florida Student Scholarship & Grant Programs*, <https://www.floridastudentfinancialaidsg.org/SAPHome/SAPHome?url=home> (last visited Mar. 4, 2021).

<sup>15</sup> Section 1009.52(4)(a), F.S.

<sup>16</sup> Section 1009.52(4)(d), F.S.

<sup>17</sup> Section 1009.52(4)(e), F.S.

<sup>18</sup> Office of Student Financial Assistance, *End-of-Year Report 2019-20* (Sept. 1, 2020), available at [https://www.floridastudentfinancialaidsg.org/PDF/PSI/FSAGPO\\_2019\\_2020.pdf](https://www.floridastudentfinancialaidsg.org/PDF/PSI/FSAGPO_2019_2020.pdf), at 6.

<sup>19</sup> Defined as "a process of external review used by the higher education community to assure quality and spur ongoing improvement." Council of Regional Accrediting Commissions, *Accreditation 101*, <https://www.c-rac.org/accreditation-101> (last visited Mar. 3, 2021). Accrediting commissions are private, nonprofit organizations comprised of college and university members, with commissions and visiting teams made up of volunteers. *Id.* The U.S. Department of Education lists four primary functions of accreditation:

1. Assess the quality of academic programs at institutions of higher education.
2. Create a culture of continuous improvement of academic quality at colleges and universities and stimulate a general raising of standards among educational institutions.
3. Involve faculty and staff comprehensively in institutional evaluation and planning.
4. Establish criteria for professional certification and licensure and for upgrading courses offering such preparation.

U.S. Department of Education, *Accreditation in the United States* (Feb. 4, 2021), available at [https://www2.ed.gov/admins/finaid/accred/accreditation\\_pg2.html#U.S.](https://www2.ed.gov/admins/finaid/accred/accreditation_pg2.html#U.S.)

- Middle States Commission on Higher Education;
- New England Commission of Higher Education;
- Northwest Commission on Colleges and Universities;
- SACS; and
- WASC Senior College and University Commission.<sup>20</sup>

As of 2017, C-RAC members help assure quality at 2,866 Title IV institutions in 3,524 locations across the United States.<sup>21</sup>

### *Florida Members*

SACS accredits 74 Florida public and private colleges and universities, including 12 universities that make up the State University System of Florida, 28 institutions in the Florida College System, and 34 private colleges and universities.<sup>22</sup>

### **III. Effect of Proposed Changes:**

The bill expands eligibility for which institutions may participate in the Florida postsecondary student assistance grant (grant) program. The bill specifies that students may be eligible for a state need-based financial assistance grant if they have been accepted at a competency-based nonprofit virtual postsecondary institution in order to receive a grant, provided the institution:

- Is accredited by a member of the Council of Regional Accrediting Commissions;
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An institution offering competency-based programs would need to report the student course outcomes in a manner to meet student eligibility requirements for a renewal award under the Florida Postsecondary Student Assistance Grant Program, including a minimum 2.0 cumulative grade point average (GPA) and completion of 12 credits per term.<sup>23</sup>

### **Western Governors University**

Western Governors University (WGU) is an institution that appears to meet several of the qualifications for participation in the grant program. WGU is a competency-based, private online university offering a bachelor's or master's degree. Created in 1995 by 19 United States governors, WGU is accredited by the Northwest Commission on Colleges and Universities, a regional accreditation body represented under the Council of Regional Accrediting Commissions. Students enrolled at WGU earn degrees through demonstration of competencies in

<sup>20</sup> Council of Regional Accrediting Commissions, *Who We Are*, <https://www.c-rac.org/copy-of-about-us> (last visited Mar. 3, 2021).

<sup>21</sup> Council of Regional Accrediting Commissions, *Quick Facts*, <https://www.c-rac.org/quick-facts> (last visited Mar. 3, 2021).

<sup>22</sup> Southern Association of Colleges and Schools Commission on Colleges, *SACSCOC Accredited and Candidate List* (January 2021), available at <https://sacscoc.org/app/uploads/2019/11/Institutionswebmemlist.pdf>.

<sup>23</sup> See s. 1009.40(1)(b), F.S.

required areas through assessments. As such, the degree programs allow students to move at their desired pace as well as accelerate their programs through prior experience.<sup>24</sup>

WGU serves students in all 50 states as an online university, but maintains an on-the-ground presence at its eight state affiliates: WGU Washington, WGU Nevada, WGU Texas, WGU Missouri, WGU Indiana, WGU Ohio, WGU Tennessee, and WGU North Carolina.<sup>25</sup>

WGU students do not receive letter-grades or a GPA as part of their degree program.<sup>26</sup> Students progress through courses as they demonstrate mastery of the material, rather than advancing only at the end of the semester or term.<sup>27</sup>

In 2019, 6,242 Florida students from Florida were enrolled in programs at WGU, with 1,574 graduating.<sup>28</sup>

The bill takes effect July 1, 2021.

#### **IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

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<sup>24</sup> Education Commission of the States, *Policy Snapshot: Competency-Based Education* (June 2017), available at <http://www.ecs.org/wp-content/uploads/PS-Competency-Based-Education.pdf>, at 4.

<sup>25</sup> Western Governors University, *Higher Education Veteran Tapped by WGU to Lead Regional Operations* (Dec. 10, 2020), available at <https://www.wgu.edu/newsroom/press-release/2020/12/higher-education-veteran-tapped-lead-regional-operations.html>. WGU does not have a physical base in Florida. Phone conversation, Western Governors University personnel (Mar. 8, 2021).

<sup>26</sup> Western Governors University, *Commonly asked questions about WGU* (Nov. 17, 2020), available at <https://www.wgu.edu/blog/commonly-asked-questions-wgu2011.html>.

<sup>27</sup> Western Governors University, *Competency-based education*, <https://www.wgu.edu/about/competency-based-education.html> (last visited Mar. 8, 2021).

<sup>28</sup> Western Governors University, *Available online degrees in Florida*, available at <https://www.wgu.edu/online-degree-florida.html> (last visited Mar. 10, 2021).

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

Expanding eligibility for the Florida Postsecondary Student Assistance Grant may affect how funds are allocated across the Florida student assistance grant programs,<sup>29</sup> including decreased availability of funds for institutions already eligible for grants.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 1009.52 of the Florida Statutes.

**IX. Additional Information:****A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**Recommended CS/CS by Appropriations Subcommittee on Education on March 17, 2021:**

The committee substitute moves the expansion of eligible postsecondary institutions for the Florida Student Assistance Grant program from the Private sector (s. 1009.51, F.S.) to the Postsecondary sector (s. 1009.52, F.S.), which includes private postsecondary institutions that are not accredited by the Commission on Colleges of the Southern Association of Colleges and Schools.

**B. Amendments:**

None.

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

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<sup>29</sup> See s. 1009.52(4)(a), F.S.