

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 6067 William L. Boyd, IV, Effective Access to Student Education Grant Program

SPONSOR(S): Fine

TIED BILLS: None **IDEN./SIM. BILLS:** SB 1034

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Post-Secondary Education & Lifelong Learning Subcommittee	15 Y, 0 N	Sleap	Kiner
2) Higher Education Appropriations Subcommittee			
3) Education & Employment Committee			

SUMMARY ANALYSIS

The William L. Boyd, IV, Effective Access to Student Education (EASE) tuition assistance grant program provides tuition assistance to Florida undergraduate students attending an eligible private, non-profit Florida college or university. Currently, 34 institutions participate in the grant program.

In fiscal year 2021-22, the Legislature appropriated \$114,861,630 million to EASE to support 40,430 eligible students with an average award amount per student of \$2,841.

A Florida undergraduate student attending an eligible private, for-profit Florida college or university was previously eligible for tuition assistance under the Access to Better Learning and Education (ABLE) Tuition Assistance Grant Program until its repeal by the Legislature in 2021.

The bill revises the institutional eligibility requirements to participate in EASE by repealing the requirement that an institution be a nonprofit in order to participate in the grant program.

The fiscal impact of the bill is indeterminate. See fiscal comments, *infra*.

The bill takes effect on July 1, 2022.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Florida Tuition Assistance Grant Programs

Present Situation

William L. Boyd, IV, Effective Access to Student Education (EASE) Tuition Assistance Grant Program

The William L. Boyd, IV, Effective Access to Student Education (EASE) program¹ provides tuition assistance to Florida undergraduate students attending an eligible private, non-profit Florida college or university.² The program is not related to a student's financial need or other criteria upon which financial aid programs are based.³ The program is administered by the Department of Education (DOE)⁴ with the following parameters:

- Student initial eligibility requirements:⁵
 - Must be a resident of Florida and meet the eligibility requirements for receipt of state aid.⁶
 - Must be enrolled as a full-time undergraduate student at an eligible college or university in a program of study leading to a baccalaureate degree.⁷
 - Must not be enrolled in a program of study leading to a degree in theology or divinity.
 - Must be making satisfactory academic progress as defined by the State Board of Education.
 - Must not have completed more than 110 percent of the degree program in which the student is enrolled.
- Institutional eligibility requirements:⁸
 - Must be an independent nonprofit college or university.
 - Must be located in and chartered by the state of Florida.
 - Must be accredited by the Commission on Colleges of the Southern Association of Colleges and Schools (SACSCOC).
 - Must grant baccalaureate degrees.
 - Must not be a state university or Florida College System (FCS) institution.
 - Must have a secular purpose, so long as the receipt of state aid by students at the institution would not have the primary effect of advancing or impeding religion or result in an excessive entanglement between the state and any religious group.

Funding for the EASE program is provided for in the General Appropriations Act (GAA).⁹ In fiscal year (FY) 2021-22, the Legislature appropriated \$114,861,630 million for EASE to support 40,430 eligible students with an average award amount per student of \$2,841 in tuition assistance.¹⁰ Currently, 34 institutions participate in EASE.¹¹

¹ Section 471, ch. 2002-387, L.O.F.; The EASE program was formerly known as the Florida Resident Access Grant, or FRAG.

² Section 1009.89(3)-(4), F.S.

³ Section 1009.89(1), F.S.

⁴ Section 1009.89(2), F.S.; *See also* Rule 6A-20.007, F.A.C.

⁵ Section 1009.89(4)(a)-(b), F.S.

⁶ Section 1009.89(4)(a), F.S. *See also* s. 1009.40, F.S.

⁷ The student may not have previously received a baccalaureate degree. Florida Department of Education, Office of Student Financial Assistance, *EASE 2021-22 End of Year Fact Sheet*, at 1, *available at* <https://www.floridastudentfinancialaids.org/PDF/factsheets/EASE.pdf>

⁸ Section 1009.89(3), F.S.

⁹ Section 1009.89(5)(a), F.S.

¹⁰ Specific Appropriation 64, s. 2, ch. 2021-36, L.O.F.

¹¹ Florida Department of Education, Presentation to the Higher Education Appropriations Subcommittee (Oct. 21, 2021), at 18, *available at*

<https://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=3089&Session=2022&DocumentType=Meeting+Packets&FileName=hea+10-21-21.pdf>.

During the 2021 Regular Session, the Legislature required an institution which receives EASE funding to submit an accountability report to the DOE by September 1 of each year.¹² The report must, at a minimum, report the following performance metrics:

- Access rate based upon percentage of Pell-eligible students;
- Affordability rate based upon average student load debt; federal, state, and institutional financial assistance; and average tuition and fees;
- Graduation rate;
- Retention rate; and
- Postgraduate employment or continuing education rate.

The DOE is required to provide recommendations regarding minimum performance standards an institution must meet to remain eligible to receive EASE funding.¹³ By October 1 of each year, the DOE must submit a report to the chair of the House Appropriations Committee, the chair of the Senate Appropriations Committee, and the Governor's Office of Policy and Budget on the performance of eligible institutions and the institutions which have not met the minimum performance standards recommended by the DOE.¹⁴

Based on the first collection of accountability data from participating EASE institutions in 2021,¹⁵ the DOE recommended the following benchmarks for 2022-2023 continued eligibility in the EASE program:¹⁶

Ease Eligibility Metric	Benchmark
Access Rate	53%
Affordability Rate	\$6,343
Graduation Rate	53%
Retention Rate	68%
Postgraduate Employment/Continuing Education Rate	49%

In 2021, the Legislature established additional requirements for postsecondary educational institutions that receive state funds for state financial aid and tuition assistance programs.¹⁷ The new requirements include, but are not limited to, the following:¹⁸

- Maintenance of complete, accurate, and auditable records documenting the institution's administration of state financial aid and tuition assistance funds.
- Verification of student eligibility with the DOE each academic term.
- Timely completion of reporting requirements implemented by the DOE and the Legislature.
- Retention of records for the later of 5 years or until the completion of an audit (including the resolution of any audit exceptions).

The DOE is required to adopt rules implementing this section and are permitted to adopt higher standards than those in statute.¹⁹ Institutions that fail to comply with statute must be placed on

¹² Section. 4, ch. 2021-46, L.O.F., *codified at* s. 1009.89(5)(c), F.S.

¹³ Section 1009.89(5)(c), F.S. (flush left provision at the end of the subparagraph)

¹⁴ Section 1009.89(5)(d), F.S.

¹⁵ Florida Department of Education, Presentation to the Higher Education Appropriations Subcommittee (Oct. 21, 2021), at 17, 19, & 20, *available at*

<https://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=3089&Session=2022&DocumentType=Meeting+Packets&FileName=hea+10-21-21.pdf>.

¹⁶ *Id.* at 21. The DOE calculated the benchmarks by removing the three highest reported institution numbers and three lowest reported institution numbers from the calculation and averaged the remaining data to established the metrics.

¹⁷ Chapter 2021-232, L.O.F.

¹⁸ Section 1009.46(1), F.S.

¹⁹ Section 1009.46(2), F.S.

probationary status and may be suspended or revoked if they fail to provide required audits, fail to resolve audit findings, or fail to timely provide required reports.²⁰

The Access to Better Learning and Education (ABLE) Tuition Assistance Grant Program

In 2003, the Legislature established the Access to Better Learning and Education (ABLE) Tuition Assistance Grant Program.²¹ The grant program provided tuition assistance to Florida undergraduate students at eligible institutions until its repeal by the Legislature in 2021.²²

Previously under ABLE, Florida undergraduate students attending an eligible private, for-profit Florida college or university or an eligible non-profit college or university were eligible for tuition assistance.²³ The program was not related to a student's financial need or other criteria upon which financial aid programs are based.²⁴ The grant program was administered by the DOE with the following parameters:

- Student eligibility requirements:²⁵
 - Must be a resident of Florida and meet the eligibility requirements for receipt of state aid.
 - Must be enrolled as a full-time undergraduate student at an eligible college or university in a program of study leading to a baccalaureate degree.
 - Must not be enrolled in a program of study leading to a degree in theology or divinity.
 - Must be making satisfactory academic progress as defined by the college or university in which they are enrolled
- Institutional eligibility requirements:²⁶
 - For-profit college or university
 - Must be located in and chartered by the state of Florida.
 - Must be accredited by the SACSCOC .
 - Nonprofit college or university
 - Must be chartered out of the state.
 - Must have been located in the state for 10 years or more.
 - Must be accredited by one of the following:
 - SACSCOC;
 - Middle States Association of Colleges and Schools;
 - North Central Association of Colleges and Schools; or
 - New England Association of Colleges and Schools.
 - Must grant baccalaureate degrees.
 - Must not be a state university or FCS institution.
 - Must have a secular purpose, so long as the receipt of state aid by students at the institution would not have the primary effect of advancing or impeding religion or result in an excessive entanglement between the state and any religious group.

In the FY 2020-21 GAA, the Legislature appropriated \$5,025,729 for ABLE to support 1,769 eligible students with an average award amount per student of \$2,841 in tuition assistance.²⁷

Effect of the Bill

The bill repeals the requirement for an institution to be a nonprofit in order to be eligible to participate in the William L. Boyd, IV, Effective Access to Student Education (EASE) grant program.

²⁰ Section 1009.46(3), F.S.

²¹ Section 1, ch. 2003-65, L.O.F., *codified at* s. 1009.891

²² Section 5, ch. 2021-46, L.O.F.

²³ Section 1009.891(3), F.S. (2020) repealed s. 5, ch. 2021-46, L.O.F.

²⁴ *Id.* at (1)

²⁵ *Id.* at (4)(a)-(b)

²⁶ *Id.* at (3)

²⁷ Specific Appropriation 64, s. 2, ch. 2020-111, L.O.F.

B. SECTION DIRECTORY:

- Section 1.** Amends s. 1009.89, F.S.; revising the institutions a student must attend to receive a William L. Boyd, IV, Effective Access to Student Education grant to include certain for-profit independent colleges and universities
- Section 2.** Provides an effective date of July 1, 2022.

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:
None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill may provide a cost savings to eligible students by way of tuition assistance for those students who are enrolled in a postsecondary institution which may now be eligible to participate in the EASE grant program.

D. FISCAL COMMENTS:

The fiscal impact of the bill is indeterminate. By removing the nonprofit requirement for institutions to participate in the EASE program, the number of institutions and students that may be eligible to receive EASE grants would increase.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:
None.
2. Other:
None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

None.