

**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 Committee on Appropriations

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BILL: SB 1272

INTRODUCER: Senator Simon and others

SUBJECT: Educational Grants

DATE: April 26, 2023

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Jahkne</u>	<u>Bouck</u>	<u>HE</u>	<u>Favorable</u>
2.	<u>Gray</u>	<u>Elwell</u>	<u>AED</u>	<u>Favorable</u>
3.	<u>Gray</u>	<u>Sadberry</u>	<u>AP</u>	<u>Fav/CS</u>

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 1272 creates a postsecondary educational grant under the William L. Boyd, IV, Effective Access to Student Education (EASE) Grant Program. Specifically, the bill requires the Florida Department of Education (DOE) to issue a grant to any full-time degree-seeking undergraduate student registered at an independent nonprofit university who was formerly eligible for the Access to Better Learning and Education (ABLE) Grant Program, is accredited by the Higher Learning Commission, has been located in Florida for more than 20 years, and offers specified nursing programs at its Florida campus.

The bill requires the DOE to issue a grant to any full-time degree-seeking undergraduate student registered at an independent for-profit college or university located in and chartered by Florida, is accredited by an accrediting agency or association recognized by the database created and maintained by the United States Department of Education, was licensed by the DOE, and has Level 6 accreditation from the Commission on Colleges of the Southern Association of Colleges and Schools.

The bill requires institutions wanting to participate to provide a one-time notice to the DOE and prescribes criteria for participating institutions.

Additionally, the bill provides that an institution participating in the grant program is not subject to the jurisdiction or purview of the Commission on Independent Education.

The bill has could have a significant negative fiscal impact. See Section V – Fiscal Impact Statement.

The bill takes effect upon becoming law.

## II. 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) program<sup>1</sup> provides tuition assistance to Florida undergraduate students attending an eligible private, non-profit Florida college or university. The program is not related to a student's financial need or other criteria upon which financial aid programs are based. The program is administered by the Department of Education (DOE) with the following parameters:

- Student initial eligibility requirements:
  - 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.<sup>2</sup>
  - 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:
  - Must be an independent nonprofit college or university.
  - Must be located in and chartered by the state of Florida.
  - Must be accredited by the Southern Association of Colleges and Schools Commission on Colleges (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).<sup>3</sup> In fiscal year (FY) 2022-2023, the Legislature appropriated \$75,410,000 for the EASE program to support 37,705 eligible students with a maximum award amount per student of \$2,000 in tuition assistance.<sup>4</sup>

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<sup>1</sup> Ch. 2002-387, s. 471, Laws of Fla. The EASE program was formerly known as the Florida Resident Access Grant (FRAG).

<sup>2</sup> The student may not have previously received a baccalaureate degree. Florida Department of Education, Office of Student Financial Assistance, *EASE 2022-23 End of Year Fact Sheet*, at 1, available at <https://www.floridastudentfinancialaidsg.org/PDF/factsheets/EASE.pdf>.

<sup>3</sup> Section 1009.89, F.S. See also Rule 6A-20.007, F.A.C.

<sup>4</sup> Specific Appropriation 58, ch. 2022-156, s. 2, Laws of Fla.

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. 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.
- Postgraduate employment or continuing education rate.<sup>5</sup>

The DOE is required to provide recommendations regarding minimum performance standards an institution must meet to remain eligible to receive EASE funding.<sup>6</sup> 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.<sup>7</sup>

### **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 (ABLE or grant program) within the DOE.<sup>8</sup> The grant program provided tuition assistance to Florida undergraduate students at eligible institutions until its repeal by the Legislature in 2021.<sup>9</sup> Previously under ABLE, eligible 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. The program was not related to a student's financial need or other criteria upon which financial aid programs are based. The grant program was administered by the DOE with the following institutional eligibility requirements:

- 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 the 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.<sup>10</sup>

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<sup>5</sup> Ch. 2021-46, s. 4, Laws of Fla., *codified at* s. 1009.89(5)(c), F.S.

<sup>6</sup> Section 1009.89(5)(c), F.S. (flush left provision at the end of the subparagraph)

<sup>7</sup> Section 1009.89(5)(d), F.S.

<sup>8</sup> Ch. 2003-65, s. 1, Laws of Fla., *codified at* s. 1009.891, F.S.

<sup>9</sup> Ch. 2021-46, s. 5, Laws of Fla.

<sup>10</sup> Section 1009.891(3), F.S. (2020) repealed ch. 2021-46, s. 5, Laws of Fla.

In the FY 2020-2021 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.<sup>11</sup>

### **Southern Association of Colleges and Schools Commission on Colleges (SACSCOC)**

The Southern Association of Colleges and Schools Commission on Colleges (SACSCOC) is the regional body for the accreditation of degree-granting higher education institutions in the Southern states. The mission of the SACSCOC is the enhancement of education quality throughout the region and the improvement of the effectiveness of institutions by ensuring that they meet standards established by the higher education community that address the needs of society and students.<sup>12</sup>

Accreditation by the SACSCOC signifies that the institution has a mission appropriate to higher education, has resources, programs, and services sufficient to accomplish and sustain that mission, and maintains clearly specified educational objectives that are consistent with its mission and appropriate to the degrees its offers, and that indicate whether it is successful in achieving its stated objectives.

Classified according to the highest degree offered, SACSCOC member institutions are placed into one of the following six categories:

- Level I – Associate
- Level II – Baccalaureate
- Level III – Master
- Level IV – Educational Specialist
- Level V – Doctorate (3 or fewer programs)
- Level VI – Doctorate (4 or more programs)<sup>13</sup>

### **Higher Learning Commission (HLC)**

The Higher Learning Commission (HLC) is an independent corporation that was founded in 1895 as one of six regional institutional accreditors in the United States. The HLC accredits degree-granting postsecondary educational institutions in 19 member states.<sup>14</sup> The mission of the HLC is to Advance the common good through quality assurance of higher education as the leader in equitable, transformative, and trusted accreditation in the service of students and member institutions.<sup>15</sup>

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<sup>11</sup> Specific Appropriation 64, ch. 2020-111, s. 2, Laws of Fla.

<sup>12</sup> SACSCOC, *About SACSCOC*, <https://sacscoc.org/> (last visited March 29, 2023).

<sup>13</sup> SACSCOC, *The Principles of Accreditation: Foundations for Quality Enhancement* (December 2017), available at <https://sacscoc.org/app/uploads/2019/08/2018-POA-Resource-Manual.pdf>.

<sup>14</sup> Board of Governors, *Draft of Accreditation Overview, Presentation to the Board of Governors Strategic Planning Committee* (June 29, 2022), available at [https://www.flbog.edu/wp-content/uploads/2022/06/SPC\\_03\\_Accrediting\\_Overview\\_CE.pdf](https://www.flbog.edu/wp-content/uploads/2022/06/SPC_03_Accrediting_Overview_CE.pdf). The HLC lists members in the following 19 states: Arizona, Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, South Dakota, West Virginia, Wisconsin, and Wyoming.

<sup>15</sup> HLC, *About the Higher Learning Commission*, <https://www.hlcommission.org/About-HLC/about-hlc.html> (last visited March 10, 2023).

Accreditation by the HLC signifies that the institution has a mission that is publicly articulated and operationalized throughout the institution, demonstrates a commitment to the public good, and provides opportunities for civic engagement in a diverse, multicultural society and globally connected world.<sup>16</sup>

### III. Effect of Proposed Changes:

The bill creates s. 1009.521, F.S., to establish a postsecondary education grant pursuant to the William L. Boyd, IV, Effective Access to Student Education (EASE) Grant Program.

The bill requires the Florida Department of Education (DOE) to issue a grant to any full-time degree-seeking undergraduate student registered at an independent nonprofit university who, as of January 1, 2021, was eligible for the former Access to Better Learning and Education (ABLE) Grant Program, is accredited by the Higher Learning Commission, has been located in Florida for more than 20 years, and offers nursing programs at its Florida campus which include:

- Licensed practical nurse (LPN).
- Registered Nurse (RN), including an associate of science in nursing (ASN) and Bachelor of Science in nursing (BSN).
- Accelerated BSN.
- Practical nurse bridge to ASN.
- Practical nurse bridge to BSN.

The bill requires the DOE to issue a grant to any full-time degree-seeking undergraduate student who is a Florida resident in a baccalaureate program and registered at an independent for-profit college or university located in and chartered by Florida, is accredited by an accrediting agency or association recognized by the database created and maintained by the United States Department of Education, was licensed by the DOE on or before October 1, 2021, and has Level 6 accreditation from the Commission on Colleges of the Southern Association of Colleges and Schools (SACSCOC).

Herzing University and Columbia College are independent nonprofit universities that are accredited by HLC, have been located in Florida for over 20 years, and offer the required nursing programs at a campus in Florida. South College is an independent for-profit college located in and chartered by Florida, licensed by the DOE, and has a Level 6 SACSCOC accreditation.

The bill specifies that the institution must have a secular purpose and that the receipt of state aid by a student at the institution should not have the primary effect of promoting or inhibiting any religion, nor should it lead to an excessive involvement or entanglement between the state and any religious organization.

The bill requires institutions wanting to qualify for funding for the grant program to provide a one-time option written notice to participate to the DOE on or before September 1, 2023. Participating institutions are required to comply with the statutory funding requirements for the EASE grant program.

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<sup>16</sup> HLC, Policy Title: Criteria for Accreditation, <https://www.hlcommission.org/Policies/criteria-and-core-components.html> (last visited March 10, 2023).

The bill takes effect upon becoming law.

**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.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill may provide cost savings to eligible students by way of tuition assistance for those students who are enrolled in an eligible postsecondary institution which be eligible to participate in this postsecondary educational grant pursuant to the Effective Access to Student Education (EASE) grant program.

C. Government Sector Impact:

The bill could have a significant negative fiscal impact on state revenue and expenditures. The bill expands the eligibility for the Effective Access to Student Education (EASE) grant program. The effects of this bill allow for an additional estimated 800 eligible students, which would be an additional cost of approximately \$2.8 million from the general revenue fund. The funds for this program are appropriated in the General Appropriations Act; if the addition is left unfunded, award amounts would be prorated.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill creates section 1009.521 of the Florida Statutes.

The bill amends section 1009.40 of the Florida Statutes.

**IX. Additional Information:**

- A. **Committee Substitute – Statement of Substantial Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Appropriations on April 25, 2023:**

The committee substitute:

- Clarifies that eligible students must be Florida residents in a baccalaureate program.
- Removes from the bill the provision that participating institutions are not subject to licensure or jurisdiction by the Commission for Independent Education.
- Adds conforming cross reference relating to residency requirements.

- B. **Amendments:**

None.