

**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 7030

INTRODUCER: Higher Education Committee

SUBJECT: Postsecondary Education for Students With Disabilities

DATE: March 17, 2015

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
	<u>Graf</u>	<u>Klebacha</u>		<b>HE Submitted as Committee Bill</b>
1.	<u>Sikes</u>	<u>Elwell</u>	<u>AED</u>	<b>Favorable</b>
2.	<u>Sikes</u>	<u>Kynoch</u>	<u>AP</u>	<b>Pre-meeting</b>

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**I. Summary:**

SB 7030 establishes mechanisms for the approval of unique postsecondary education programs tailored to the needs of students with intellectual disabilities and statewide coordination of information. Specifically, the bill includes two key components:

- A process through which postsecondary institutions in Florida can voluntarily seek approval to offer a Florida Postsecondary Comprehensive Transition Program (FPCTP) for students with intellectual disabilities; and
- A Florida Center for Students with Unique Abilities (statewide coordinating center) for statewide coordination of information regarding programs and services for students with disabilities and their parents.

While the FPCTPs are designed to serve as a postsecondary education program option for students with intellectual disabilities, the statewide coordinating center is designed to serve a broader group of students with disabilities and their parents. To assist with the implementation of FPCTPs and statewide coordination of information, the bill establishes requirements for students to enroll in an FPCTP and receive state financial assistance in the form of an FPCTP Scholarship, requirements for institutions to offer FPCTPs, and duties and responsibilities for the statewide coordinating center to implement the bill's provisions.

The bill creates the Florida Center for Students with Unique Abilities and assigns the center with specific responsibilities. The bill also creates the FPCTP Scholarship with a maximum allowable award which will be as specified annually in the General Appropriations Act. The specific appropriation for these programs will be determined by the Legislature in the General Appropriations Act.

The bill takes effect upon becoming a law.

## II. Present Situation:

Both federal and state laws address postsecondary options for students with disabilities.

### Federal Law

#### *The Higher Education Opportunity Act of 2008*

The Higher Education Opportunity Act of 2008 amended and extended the Higher Education Act of 1965 by adding new provisions including, but not limited to, supporting programs that provide students with disabilities with a quality higher education.<sup>1</sup> The new provisions established:

- Comprehensive transition and postsecondary (CTP) programs for students with intellectual disabilities;
- Transition programs for students with intellectual disabilities (TPSID) grants to fund programs that promote the successful transition of students with intellectual disabilities into higher education; and
- National coordination of CTP programs for students with intellectual disabilities.<sup>2</sup>

A student with an intellectual disability means a student:

- “With a cognitive impairment, characterized by significant limitations in:
  - Intellectual and cognitive functioning; and
  - Adaptive behavior as expressed in conceptual, social, and practical adaptive skills; and
- Who is currently, or was formerly, eligible for a free appropriate public education under the Individuals with Disabilities Education Act.”<sup>3</sup>

#### *Comprehensive Transition and Postsecondary (CTP) Program*

CTP program means a degree, certificate, or nondegree program that meets each of the following:<sup>4</sup>

- Is offered by an institution of higher education (IHE);
- Is delivered to students physically attending the IHE;<sup>5</sup>
- Is designed to support students with intellectual disabilities who are seeking to continue academic, career and technical, and independent living instruction at an IHE in order to prepare for gainful employment;
- Includes an advising and curriculum structure;
- Requires students with intellectual disabilities to be socially and academically integrated with nondisabled students to the maximum extent possible; and
- Requires students with intellectual disabilities to participate on not less than a half-time basis, as determined by the institution, with such participation focusing on academic components, and occurring through one or more of the following activities with nondisabled peers:
  - Regular enrollment in credit-bearing courses offered by the institution.

<sup>1</sup> 20 U.S.C. s. 1140 et. seq.; Pub. L. No. 110-315, 122 Stat. 3361 (Aug. 14, 2008).

<sup>2</sup> *Id.*

<sup>3</sup> 20 U.S.C. s. 1140(2).

<sup>4</sup> 20 U.S.C. s. 1140(1); 34 C.F.R. s. 231(a).

<sup>5</sup> 34 C.F.R. s. 668.231(a)(2).

- Auditing or participating in courses offered by the institution for which the student does not receive regular academic credit.
- Enrollment in noncredit-bearing, nondegree courses.
- Participation in internships or work-based training.

### **Application for Federal Approval**

To have a CTP program that is eligible to participate in the federal student aid programs, an institution must submit an updated *Electronic Application for Approval to Participate in the Title IV Federal Student Aid Programs* (E-App) to the United States Department of Education (USDOE).<sup>6</sup> After submitting the electronic application, the institution must mail the signed signature page to the USDOE and submit, via email, a detailed description of the program along with supporting documents.<sup>7</sup> The institution also must submit to the USDOE, a copy of the letter or notice sent to the institution's accrediting agency informing the agency of the institution's CTP program.<sup>8</sup> The estimated timeframe for federal approval ranges between 3 and 6 months, depending on the quality of the application.<sup>9</sup>

Thirty-three institutions in 14 states offer CTP programs that are approved to participate in federal student aid programs.<sup>10</sup> Southeastern University located in Lakeland, Florida, previously offered a CTP program that received approval for participation in federal student aid programs,<sup>11</sup> but does not currently offer the CTP program.<sup>12</sup> As a result, currently, there is no public or private institution of higher education in Florida that offers a CTP program that is federally approved for participation in federal student aid programs.<sup>13</sup> However, Florida Panhandle Technical College located in Chipley, Florida, has submitted its application to the USDOE for federal student aid approval for the college's Project Independence program and the University of North Florida is working on its application for federal approval.<sup>14</sup>

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<sup>6</sup> Email, Office of Program Policy Analysis and Government Accountability (Oct. 10, 2014), on file with the Committee on Higher Education staff; 34 C.F.R. s. 668.232.

<sup>7</sup> *Id.*

<sup>8</sup> 34 C.F.R. s. 668.232(e). Think College, as the National Coordinating Center, is working with the United States Congress regarding a specialized accreditation for programs for students with disabilities. Office of Program Policy Analysis and Government Accountability, Presentation to the Florida Senate Committee on Higher Education (Jan. 5, 2015), available at [http://www.flsenate.gov/PublishedContent/Committees/2014-2016/HE/MeetingRecords/MeetingPacket\\_2743\\_2.pdf](http://www.flsenate.gov/PublishedContent/Committees/2014-2016/HE/MeetingRecords/MeetingPacket_2743_2.pdf), at 7 of 29.

<sup>9</sup> Office of Program Policy Analysis and Government Accountability, Presentation to the Florida Senate Committee on Higher Education (Jan. 20, 2015), available at [http://www.flsenate.gov/PublishedContent/Committees/2014-2016/HE/MeetingRecords/MeetingPacket\\_2775.pdf](http://www.flsenate.gov/PublishedContent/Committees/2014-2016/HE/MeetingRecords/MeetingPacket_2775.pdf), at 18 of 85.

<sup>10</sup> Federal Student Aid, U.S. Department of Education, *Students with Intellectual Disabilities May Be Able to Get Certain Types of Federal Student Aid*, <https://studentaid.ed.gov/eligibility/intellectual-disabilities> (last visited Feb. 10, 2015).

<sup>11</sup> *Id.* "To be an eligible CTP Program, an institution must participate in the Federal student aid programs and offer an approved CTP program, as provided in 34 CFR 668.231 and 34 CFR 668.232 of the Student Assistance General Provisions regulations." U.S. Department of Education, *Title IV Eligibility for an Institution's Comprehensive Transition and Postsecondary Program for Students with Intellectual Disabilities* (June 6, 2011), <http://www.ifap.ed.gov/eannouncements/060611TitleIVEligInstComprehensiveTransition.html> (last visited Feb. 10, 2015).

<sup>12</sup> Telephone interview with Office of Program Policy Analysis and Government Accountability staff (Feb. 5, 2015).

<sup>13</sup> *Id.*

<sup>14</sup> Email, Office of Program Policy Analysis and Government Accountability (Feb. 5, 2015), on file with the Committee on Higher Education staff.

### **Federal Student Aid for Students in Federally-Approved CTP Programs**

A student with an intellectual disability is authorized to receive federal financial aid from Federal Pell Grant, Federal Supplemental Educational Opportunity Grant and Federal Work-Study programs if the student:<sup>15</sup>

- Is enrolled or accepted for enrollment in a CTP program for students with intellectual disabilities at an IHE that participates in the federal student aid programs;
- Maintains satisfactory academic progress, as determined by the institution;<sup>16</sup> and
- Meets the basic federal student aid eligibility requirements, except that the student is not required to have a high school diploma or General Educational Development (GED) and is not required to pursue a degree or certificate.

The student must provide documentation establishing that the student has an intellectual disability.<sup>17</sup>

### ***Transition Programs for Students with Intellectual Disabilities (TPSID) Grant***

The USDOE provides TPSID grants to institutions of higher education or consortia of institutions of higher education to enable the institutions to create or expand high quality, inclusive model CTP programs for students with intellectual disabilities.<sup>18</sup> The duration of TPSID grant funding for CTP programs is 5 years.<sup>19</sup> TPSID grants were first awarded during fiscal year 2010.<sup>20</sup> Over \$10.5 million was awarded under TPSID grants to 27 two- and four-year institutions of higher education or consortia of institutions, located in 23 states.<sup>21</sup> The 27 institutions included University of South Florida St. Petersburg, which received a TPSID grant in the amount of \$421,269 for the 2010 fiscal year.<sup>22</sup> No new awards were made during fiscal year

<sup>15</sup> Federal Student Aid, U.S. Department of Education, *Students with Intellectual Disabilities May Be Able to Get Certain Types of Federal Student Aid*, <https://studentaid.ed.gov/eligibility/intellectual-disabilities> (last visited Feb. 10, 2015); see also 34 C.F.R. ss. 668.233 and 668.32.

<sup>16</sup> An institution is responsible for publishing the institution's standards for students enrolled in its comprehensive transition and postsecondary (CTP) program. 34 C.F.R. s. 668.233(a)(3).

<sup>17</sup> 34 C.F.R. s. 668.233(c).

<sup>18</sup> U.S. Department of Education, *Transition and Postsecondary Programs for Students with Intellectual Disabilities*, <http://www2.ed.gov/programs/tpsid/index.html> (last visited Feb. 10, 2015).

<sup>19</sup> 20 U.S.C. s. 1140g(a)(3). The Transition Programs for Students with Intellectual Disabilities (TPSID) grant expires on September 30, 2015. Office of Program Policy Analysis and Government Accountability, Presentation to the Florida Senate Committee on Higher Education (Jan. 5, 2015), available at [http://www.flsenate.gov/PublishedContent/Committees/2014-2016/HE/MeetingRecords/MeetingPacket\\_2743\\_2.pdf](http://www.flsenate.gov/PublishedContent/Committees/2014-2016/HE/MeetingRecords/MeetingPacket_2743_2.pdf), at 6 of 29.

<sup>20</sup> U.S. Department of Education, *Transition and Postsecondary Programs for Students with Intellectual Disabilities*, <http://www2.ed.gov/programs/tpsid/awards.html> (last visited Feb. 10, 2015).

<sup>21</sup> U.S. Department of Education, *U.S. Secretary of Education Duncan announces \$10.9 Million in Awards Under New Programs That Help Students With Intellectual Disabilities Transition to Postsecondary Education* (Oct. 5, 2010), <http://www.ed.gov/news/press-releases/us-secretary-education-duncan-announces-109-million-awards-under-new-programs-he> (last visited Feb. 10, 2015).

<sup>22</sup> *Id.* The University of South Florida St. Petersburg, partnered with the University of North Florida and Lynn University to form the Consortium on Postsecondary Education and Intellectual Disabilities and applied for the TPSID grant. Florida Consortium on Postsecondary Education and Intellectual Disabilities, *About the Consortium*, available at <http://fltpsid.info/About.php> (last visited Feb. 10, 2015).

2011 through fiscal year 2014.<sup>23</sup> Since initially awarding the TPSID grants in fiscal year 2010, funds have been awarded only for non-competing continuation grants.<sup>24</sup>

Currently, the 27 programs funded by TPSID grants are offered on 44 college or university campuses.<sup>25</sup> Some of the programs operate on only one campus while other programs operate as a consortium of institutions of higher education.<sup>26</sup>

An institution or consortium that receives a TPSID grant must use the TPSID grant funds to establish a model CTP program for students with intellectual disabilities that:<sup>27</sup>

- Serves students with intellectual disabilities;
- Provides supports and services for academic and social inclusion of students with intellectual disabilities in academic courses, extracurricular activities, and other aspects of the IHE's regular postsecondary program;
- Focuses on academic enrichment, socialization, independent living skills, including self-advocacy skills, and integrated work experiences and career skills that lead to gainful employment;
- Integrates person-centered planning in the development of the course of study for each student with an intellectual disability participating in the model program;
- Participates with the coordinating center in the evaluation of the model program;
- Partners with one or more local educational agencies (LEAs) to support students with intellectual disabilities participating in the model program who are still eligible for special education and related services under the Individuals with Disabilities Education Act (IDEA);
- Plans for the sustainability of the model program after the end of the grant period; and
- Creates and offers a meaningful credential<sup>28</sup> for students with intellectual disabilities upon completion of the model program.

### ***National Coordination***

The Higher Education Opportunity Act of 2008 established a National Center for Information and Technical Support for Postsecondary Students with Disabilities (National Center).<sup>29</sup> The National Center is responsible for:<sup>30</sup>

- Providing assistance to students and families and institutions of higher education.
- Building, maintaining, and updating a database of disability support services information.

<sup>23</sup> U.S. Department of Education, *Transition and Postsecondary Programs for Students with Intellectual Disabilities*, <http://www2.ed.gov/programs/tpsid/awards.html> (last visited Feb. 10, 2015).

<sup>24</sup> *Id.*

<sup>25</sup> Think College! *National Coordinating Center*, <http://www.thinkcollege.net/about-us/think-college-grant-projects/national-coordinating-center> (last visited Feb. 10, 2015).

<sup>26</sup> *Id.*

<sup>27</sup> 20 U.S.C. s. 1140g(d).

<sup>28</sup> An institution of higher education that receives TPSID grant funds is responsible for developing a meaningful credential for students with intellectual disabilities who complete a model CTP program. Think College! *Fast Facts: Current Status of Meaningful Credentials for Students with Intellectual Disabilities Attending TPSID Model Demonstration Programs* (2014), available at [http://www.thinkcollege.net/images/stories/CredentialFF5\\_F.pdf](http://www.thinkcollege.net/images/stories/CredentialFF5_F.pdf), at 1 of 2.

<sup>29</sup> 20 U.S.C. s. 1140q(a).

<sup>30</sup> 20 U.S.C. s. 1140q(a)(4).

- Working with organizations and individuals with proven expertise to evaluate, improve, and disseminate information related to the delivery of high quality disability support services at institutions of higher education.
- Reporting to the United States Secretary of Education an analysis of the condition of postsecondary success for students with disabilities.

The Higher Education Opportunity Act of 2008 also established a national coordinating center for institutions of higher education that offer inclusive CTP programs for students with intellectual disabilities, including institutions participating in TPSID grants.<sup>31</sup>

In October 2010, Think College was selected as the National Coordinating Center by the USDOE to provide support, coordination, training, and evaluation services to 27 TPSID grantees and other programs for students with intellectual disabilities around the nation.<sup>32</sup> Think College is a project of the Institute for Community Inclusion at the University of Massachusetts, Boston.<sup>33</sup>

## State Law

### *Access to Traditional Postsecondary Education Programs for Students with Disabilities*

A student with a disability is “eligible for reasonable substitution for any requirement for admission into a public postsecondary educational institution” if the student can provide documentation that the student’s failure to meet the admission requirement is related to a disability.<sup>34</sup> Florida law also allows for “reasonable substitutions for any requirement for graduation, for admission into a program of study, or for entry into the upper division,” so long as such substitutions do not constitute a fundamental alteration in the nature of the program.<sup>35</sup>

To be eligible for state financial aid awards, students must meet specified eligibility criteria<sup>36</sup> including, but not limited to, minimum number of credit hours per term or the equivalent. For instance, state student assistance grants through the Florida Public Student Assistance Grant Program requires students to enroll in a degree program and take a minimum of 6 semester hours or the equivalent per term.<sup>37</sup>

Such program and state financial aid requirements, while preserving program integrity, may present limited opportunities to certain students with disabilities, such as students with intellectual disabilities, to fully experience campus life and earn a meaningful credential that may help the students secure gainful employment.

<sup>31</sup> 20 U.S.C. s. 1140q(b) and i(b).

<sup>32</sup> Think College! *National Coordinating Center*, <http://www.thinkcollege.net/about-us/think-college-grant-projects/national-coordinating-center> (last visited Feb. 10, 2015).

<sup>33</sup> Think College! *College Options for People with Intellectual Disabilities*, <http://www.thinkcollege.net/> (last visited Feb. 10, 2015).

<sup>34</sup> Section 1007.264, F.S.; Rule 6A-10.041, F.A.C. and Board of Governors Regulation 6.018.

<sup>35</sup> Section 1007.265, F.S.; Rule 6A-10.041, F.A.C. and Board of Governors Regulation 6.018.

<sup>36</sup> Sections 1009.40, F.S.

<sup>37</sup> The eligibility status of each student to receive the Florida Public Student Assistance Grant Program award is determined by each institution. Section 1009.50(2) and (4)(c), F.S.

### *Other Postsecondary Options for Students with Disabilities*

As an alternative to pursuing a traditional postsecondary education program, a student with a disability in Florida may choose to enroll in a non-traditional postsecondary program for students with disabilities. Currently, 17 such non-traditional postsecondary programs are available to students with developmental disabilities<sup>38</sup> in Florida.<sup>39</sup> To enroll in such programs, students with developmental disabilities are not required to meet the institutions' admission criteria with the exception of Nova Southeastern University that requires students to be admitted into the university.<sup>40</sup> Program components include auditing postsecondary courses, enrolling in vocational courses, and participating in campus life and job training programs.<sup>41</sup> Of the 17 programs:

- Nine programs are available to students with developmental disabilities who are no longer enrolled in school district exceptional student education (ESE) programs. These programs are offered by 2 state universities (University of South Florida and University of North Florida); 1 private not-for-profit private university (Nova Southeastern University); 3 state or community colleges (Florida State College at Jacksonville, Santa Fe College, and Tallahassee Community College); and 2 technical centers (Brewster Technical College and Florida Panhandle Technical College). In Fall 2014, 201 students were enrolled in these programs. Program costs<sup>42</sup> to students range from \$0 to \$10,000 per year. "While not eligible for federal [student financial] aid, students [enrolled in these programs] can receive some assistance to offset the costs of these programs."<sup>43</sup> The sources of funding include funds from Florida's vocational rehabilitation program, institutional funding, local grant programs, and other social service agencies.<sup>44</sup> During the 2013-2014 academic year, 125 students graduated from 6 of the 9 programs. 33 percent of the students who graduated were employed and 6 percent of the graduates received industry certifications and were pursuing other

<sup>38</sup> Developmental disability means "a disorder or syndrome that is attributable to intellectual disability, cerebral palsy, autism, spina bifida, or Prader-Willi syndrome; that manifests before the age of 18; and that constitutes a substantial handicap that can reasonably be expected to continue indefinitely." Section 393.063(9), F.S.

<sup>39</sup> Some of the 17 postsecondary programs (i.e., Project Student Access and Inclusion Together at Santa Fe College, Transitioning Owls at Florida Atlantic University, Project Panther LIFE at Florida International University, Project STING RAY at the University of South Florida, and Project ACCESS at the Florida Keys Community College) receive TPSID grant funds. Email, Office of Program Policy Analysis and Government Accountability (Feb. 5, 2015), on file with the Committee on Higher Education staff; Office of Program Policy Analysis and Government Accountability, Presentation to the Florida Senate Committee on Higher Education (Jan. 20, 2015), *available at* [http://www.flsenate.gov/PublishedContent/Committees/2014-2016/HE/MeetingRecords/MeetingPacket\\_2775.pdf](http://www.flsenate.gov/PublishedContent/Committees/2014-2016/HE/MeetingRecords/MeetingPacket_2775.pdf).

<sup>40</sup> Telephone interview with Office of Program Policy Analysis and Government Accountability staff (Feb. 5, 2015).

<sup>41</sup> Office of Program Policy Analysis and Government Accountability, Presentation to the Florida Senate Committee on Higher Education (Jan. 5, 2015), *available at* [http://www.flsenate.gov/PublishedContent/Committees/2014-2016/HE/MeetingRecords/MeetingPacket\\_2743\\_2.pdf](http://www.flsenate.gov/PublishedContent/Committees/2014-2016/HE/MeetingRecords/MeetingPacket_2743_2.pdf), at 15 of 29.

<sup>42</sup> Program costs include base tuition only and do not include the cost of the residential option for the program which ranges from \$11,000-\$14,000 per year in addition to tuition. Office of Program Policy Analysis and Government Accountability, Presentation to the Florida Senate Committee on Higher Education (Jan. 20, 2015), *available at* [http://www.flsenate.gov/PublishedContent/Committees/2014-2016/HE/MeetingRecords/MeetingPacket\\_2775.pdf](http://www.flsenate.gov/PublishedContent/Committees/2014-2016/HE/MeetingRecords/MeetingPacket_2775.pdf), at 17 of 85.

<sup>43</sup> Email, Office of Program Policy Analysis and Government Accountability (Feb. 5, 2015), on file with the Committee on Higher Education staff.

<sup>44</sup> *Id.*

postsecondary options or pursuing a GED. No outcome data is available for the remaining 59 percent of the students.<sup>45</sup>

- Eight programs are available to students with developmental disabilities, through age 21,<sup>46</sup> who are still enrolled in school district ESE programs and receiving ESE services.<sup>47</sup> These programs are offered by 3 state universities (Florida Atlantic University, University of South Florida, and Florida International University), 1 not-for-profit private university (Warner University), and 4 state of community colleges (Florida Keys Community College, Indian River State College, Miami Dade College, and Polk State College). In Fall 2014, 71 students were enrolled in these programs. Students enrolled in such programs are not responsible for paying program costs because the students receive school district ESE services.<sup>48</sup> During the 2013-2014 academic year, 14 students graduated from 3 of the 8 programs. 67 percent of the students who graduated were employed including 1 graduate who was employed and enrolled in a postsecondary program. 13 percent of the graduates were as enrolled in a postsecondary education program and no outcome is available for the remaining 20 percent of the students.<sup>49</sup>

None of the 17 programs award college credit or a college degree.<sup>50</sup> In some instances, students with developmental disabilities complete courses that may be applied toward a workforce credential.<sup>51</sup>

Additionally, according to research conducted by Florida's Office of Program Policy Analysis and Government Accountability, parents of students with developmental disabilities expressed concerns regarding a lack of information regarding postsecondary options for students with developmental disabilities.<sup>52</sup> Parents also emphasized the need for statewide coordination of

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<sup>45</sup> Office of Program Policy Analysis and Government Accountability, Presentation to the Florida Senate Committee on Higher Education (Jan. 20, 2015), available at [http://www.flsenate.gov/PublishedContent/Committees/2014-2016/HE/MeetingRecords/MeetingPacket\\_2775.pdf](http://www.flsenate.gov/PublishedContent/Committees/2014-2016/HE/MeetingRecords/MeetingPacket_2775.pdf), at 20 of 85.

<sup>46</sup> Office of Program Policy Analysis and Government Accountability, Presentation to the Florida Senate Committee on Higher Education (Jan. 5, 2015), available at [http://www.flsenate.gov/PublishedContent/Committees/2014-2016/HE/MeetingRecords/MeetingPacket\\_2743\\_2.pdf](http://www.flsenate.gov/PublishedContent/Committees/2014-2016/HE/MeetingRecords/MeetingPacket_2743_2.pdf), at 14 of 29.

<sup>47</sup> Office of Program Policy Analysis and Government Accountability, Presentation to the Florida Senate Committee on Higher Education (Jan. 20, 2015), available at [http://www.flsenate.gov/PublishedContent/Committees/2014-2016/HE/MeetingRecords/MeetingPacket\\_2775.pdf](http://www.flsenate.gov/PublishedContent/Committees/2014-2016/HE/MeetingRecords/MeetingPacket_2775.pdf), at 22 of 85.

<sup>48</sup> Florida International University requires students enrolled in the Project Panther LIFE program to be Vocational Rehabilitation clients to receive Vocational Rehabilitation funds toward Project Panther LIFE program costs. Similarly, University of South Florida St. Petersburg, requires students enrolled in Project STING RAY to be Vocational Rehabilitation clients to offset Project STING RAY program costs. Telephone interview with Office of Program Policy Analysis and Government Accountability staff (Feb. 5, 2015).

<sup>49</sup> Office of Program Policy Analysis and Government Accountability, Presentation to the Florida Senate Committee on Higher Education (Jan. 20, 2015), available at [http://www.flsenate.gov/PublishedContent/Committees/2014-2016/HE/MeetingRecords/MeetingPacket\\_2775.pdf](http://www.flsenate.gov/PublishedContent/Committees/2014-2016/HE/MeetingRecords/MeetingPacket_2775.pdf), 22 of 85.

<sup>50</sup> Office of Program Policy Analysis and Government Accountability, Presentation to the Florida Senate Committee on Higher Education (Jan. 5, 2015), available at [http://www.flsenate.gov/PublishedContent/Committees/2014-2016/HE/MeetingRecords/MeetingPacket\\_2743\\_2.pdf](http://www.flsenate.gov/PublishedContent/Committees/2014-2016/HE/MeetingRecords/MeetingPacket_2743_2.pdf), at 13 of 29.

<sup>51</sup> *Id.*

<sup>52</sup> Office of Program Policy Analysis and Government Accountability, Presentation to the Florida Senate Committee on Higher Education (Jan. 5, 2015), available at [http://www.flsenate.gov/PublishedContent/Committees/2014-2016/HE/MeetingRecords/MeetingPacket\\_2743\\_2.pdf](http://www.flsenate.gov/PublishedContent/Committees/2014-2016/HE/MeetingRecords/MeetingPacket_2743_2.pdf), at 22 of 29.



postsecondary options and provision of student financial aid, including the ability for such students to apply Florida Prepaid College Plans, to offset program costs.<sup>53</sup>

### III. Effect of Proposed Changes:

The bill establishes mechanisms for the approval of postsecondary education programs tailored to the needs of students with intellectual disabilities and statewide coordination of information. Specifically, the bill includes two key components:

- A process through which postsecondary institutions in Florida can voluntarily seek approval to offer a Florida Postsecondary Comprehensive Transition Program (FPCTP) for students with intellectual disabilities; and
- A Florida Center for Students with Unique Abilities (statewide coordinating center) for statewide coordination of information regarding programs and services for students with disabilities and their parents.

While the FPCTPs are designed to serve as a postsecondary education program option for students with intellectual disabilities, the statewide coordinating center is designed to serve a broader group of students with disabilities and their parents. To assist with the implementation of FPCTPs and statewide coordination of information, the bill establishes requirements for students to enroll in an FPCTP and receive state financial assistance in the form of an FPCTP Scholarship, requirements for institutions to offer FPCTPs, and duties and responsibilities for the statewide coordinating center to implement bill provisions.

#### **Florida Postsecondary Comprehensive Transition Program (FPCTP)**

FPCTPs are established for students with intellectual disabilities. The bill aligns the FPCTP approval requirements to the federal requirements for comprehensive transition and postsecondary (CTP) programs. In addition to the federal requirements, to address the legislative purpose and intent, an eligible institution<sup>54</sup> must in its application for program approval:

- Identify a credential associated with the proposed program which is awarded to a student with an intellectual disability after the student completes the FPCTP.
- Incorporate in program design, at a minimum, inclusive and successful experiential education practices relating to curricular, assessment, and advising structure and internship and employment opportunities. If the FPCTP is designed to be a college credit-bearing degree program, the eligible institution must be responsible for maintaining the rigor and effectiveness of the FPCTP at the same level as another comparable degree program offered by the institution.

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<sup>53</sup> *Id.* Florida Prepaid College Board suggested clarifying in law that a qualified beneficiary may apply the benefits of an advance payment contract toward the program fees of a program designed for students with disabilities. Florida Prepaid College Board, Presentation to the Florida Senate Committee on Higher Education (Jan. 20, 2015), available at [http://www.flsenate.gov/PublishedContent/Committees/2014-2016/HE/MeetingRecords/MeetingPacket\\_2775.pdf](http://www.flsenate.gov/PublishedContent/Committees/2014-2016/HE/MeetingRecords/MeetingPacket_2775.pdf), at 12 of 85.

<sup>54</sup> SB 7030 defines eligible institution as a state university; a Florida College System (FCS) institution; a technical center; or an independent college or university that is located and chartered in Florida, is not-for-profit, is accredited by the Southern Association of Colleges and Schools (SACS), and eligible to participate in the William L. Boyd, IV, Florida Resident Access Grant Program.

- Include a plan for partnerships with businesses to promote experiential training and employment opportunities for students with intellectual disabilities.
- Include performance information, based on indicators identified by the statewide coordinating center, to measure satisfactory academic progress of students and performance of the program.
- Include any other requirement identified by the statewide coordinating center.
- Include a 5-year plan regarding enrollment and operational expectations for the proposed program.

### ***State FPCTP Approval***

To voluntarily offer an FPCTP, the president or executive director of an institution must submit an application and supporting documents to the statewide coordinating center, by a date established by the center.

The application<sup>55</sup> for approval of a comprehensive transition program proposed by the institution must be approved by the institution's governing board. Additionally, the application must address the federal CTP<sup>56</sup> and state FPCTP requirements. Notwithstanding current processes for program approval,<sup>57</sup> the center director must submit recommendations regarding program approval or disapproval to the Chancellor of the State University System of Florida (chancellor), for programs proposed by the state universities, or the Commissioner of Education (commissioner), for programs proposed by Florida College System (FCS) institutions, technical centers, or Independent Colleges and Universities of Florida (ICUF) institutions. Receipt of approval for a proposed program means that the program is approved to operate as a Florida-approved CTP program. If the chancellor or the commissioner, as applicable, does not take action on the center director's recommendation within 15 days after receipt of such recommendation, the proposed program is considered as an approved FPCTP by default. This expedited approval process likely will assist with timely implementation of FPCTPs by institutions. Additionally, students and their families will be able to plan ahead for the students' enrollment in the FPCTPs. To avoid delays in students' access to FPCTPs, an approved program must be implemented no later than the year immediately following the academic year during which the approval is granted. To renew an approved FPCTP, an institution must submit to the statewide coordinating center, an application for renewing the approved program, no later than 3 years following the year during which the approval was initially granted.

The supporting documents must include documented evidence of receipt of federal approval for a comprehensive transition program offered by the institution which is determined as an eligible program for federal student aid programs, documented evidence of submission of an application for such federal approval, or documentation demonstrating the institution's governing board's commitment to submit an application within the next academic year for federal approval. The

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<sup>55</sup> SB 7030 requires the statewide coordinating center to create an application, based on federal CTP requirements, for approval of proposed programs and renewal of approved programs.

<sup>56</sup> 20 U.S.C. s. 1140(1); 34 C.F.R. s. 668.232; and Email, Office of Program Policy Analysis and Government Accountability (Oct. 10, 2014), on file with the Committee on Higher Education staff.

<sup>57</sup> The current process for program approval is based on the criteria established by the Board of Governors of the State University System of Florida (BOG) or the State Board of Education (SBE), as applicable, for the review and approval of proposed new programs at state universities and Florida College System (FCS) institutions. Section 1004.03, F.S.; see Board of Governors Regulation 8.011.

federal approval, if received, would allow students enrolled in FPCTPs to become eligible to receive federal student financial aid.<sup>58</sup>

### ***Student Requirements***

Students who wish to enroll in an FPCTP must meet specified criteria. Additionally, a state financial assistance scholarship is established to assist such students with program costs.

### **Eligibility to Enroll in an FPCTP**

To enroll in an FPCTP, the bill establishes student eligibility criteria, requiring that a student:

- Meet the federal definition of a student with an intellectual disability.<sup>59</sup>
- Physically attend<sup>60</sup> a state university, a FCS institution, a technical center, or an ICUF institution.
- Submit to the institution documentation establishing that the student has an intellectual disability<sup>61</sup> which may include an individualized plan for employment (IPE)<sup>62</sup> or a diagnosis by a licensed physician<sup>63</sup> or a licensed psychologist.<sup>64</sup>

### **Eligibility to Receive State Financial Assistance**

The FPCTP Scholarship is not need-based and is established for students for intellectual disabilities who:

- Meet the student eligibility requirements, as specified in the bill, and
- Enroll in an FPCTP.

The scholarship will likely help students offset costs associated with their enrollment in an FPCTP which may include, but not be limited to, tuition and program fees.

To maintain eligibility to receive the scholarship, a student must continue to meet the federal definition of a student with an intellectual disability, be enrolled in an FPCTP, and demonstrate satisfactory academic progress.<sup>65</sup> Each institution is responsible for determining satisfactory academic progress of students based on indicators identified by the statewide coordinating center, in collaboration with the Board of Governors for the State University System of Florida (BOG) and the State Board of Education (SBE).

### ***Institution Requirements***

In addition to fulfilling FPCTP application and documentation requirements to offer a Florida-approved CTP program, an institution must:

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<sup>58</sup> Federal Student Aid, U.S. Department of Education, *Students with Intellectual Disabilities May Be Able to Get Certain Types of Federal Student Aid*, <https://studentaid.ed.gov/eligibility/intellectual-disabilities> (last visited Feb. 4, 2015).

<sup>59</sup> 20 U.S.C. s. 1140(2).

<sup>60</sup> 34 C.F.R. s. 668.231(a)(2).

<sup>61</sup> 34 C.F.R. s. 668.233(c).

<sup>62</sup> The Division of Vocational Rehabilitation of the Department of Education makes determinations regarding whether an individual is eligible for vocational rehabilitation services. The goals, objectives, nature, and scope of vocational rehabilitation services must be included in the individualized plan for employment. Section 413.20(3), F.S.

<sup>63</sup> Chapters 458 and 459, F.S.

<sup>64</sup> Chapter 490, F.S.

<sup>65</sup> An institution is responsible for publishing the institution's standards for students enrolled in its comprehensive transition and postsecondary (CTP) program. 34 C.F.R. s. 668.233(a)(3).

- Notify students and their parents about the eligibility requirements for enrolling in an FPCTP and receiving the FPCTP Scholarship.
- Make student eligibility determinations regarding program enrollment and scholarship receipt based on specified criteria.<sup>66</sup>
- Certify to the statewide coordinating center the amount of funds disbursed to each student, and must remit to the coordinating center any undisbursed advances by June 1 of each year to reconcile FPCTP Scholarship funds before the end of each fiscal year on June 30.
- Submit an annual report, by August 1 of each year, to the statewide coordinating center which, at a minimum, for the prior academic year, addresses information regarding recruitment, enrollment, and retention of students; completion rate of students enrolled in FPCTPs and courses, as applicable; transition success of students as measured by employment rates and salary levels at 1 year and 5 years after completion; and any other performance indicator identified by the statewide coordinating center.

### **Statewide Coordination**

To address the concerns of students with developmental disabilities and their parents regarding a lack of statewide coordination of postsecondary options for such students, a statewide coordinating center is established within the University of Central Florida. The center is named the Florida Center for Students with Unique Abilities (statewide coordinating center or center). The center is designed to serve as a one-stop shop for reliable and accurate information on programs and services for students with disabilities including, but not limited to, students with intellectual disabilities. This will likely reduce stress that parents express related to searching for quality postsecondary options for their child and help parents plan ahead for a pathway to postsecondary education and employment opportunities for their child. Specifically, the center must:

- Disseminate information to students with disabilities and their parents regarding available education programs, services, resources, and employment opportunities for such students.
- Coordinate and facilitate the statewide implementation of FPCTP provisions including, but not limited to, recommending approval or disapproval of programs; creating an application for program approval and renewal; disbursing FPCTP Scholarship funds to institutions for awards to eligible students; collaborating with the National Coordinating Center (i.e., Think College) to develop guidelines for statewide implementation of comprehensive transition programs; and consulting with the Higher Education Coordinating Council to identify meaningful credentials for FPCTPs and engage businesses and stakeholders to promote experiential training and employment opportunities for students with intellectual disabilities.
- Provide technical assistance regarding programs and services for students with intellectual disabilities to administrators, instructors, staff, and others, as applicable, at institutions by:
  - Holding meetings to share successful practices and address issues or concerns.
  - Facilitating collaboration between institutions and school districts, private schools, and parents of students enrolled in home education programs.
  - Assisting institutions with state and federal applications for approval of comprehensive transition programs.

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<sup>66</sup> Similar to some state financial aid awards and tuition assistance grants, the bill requires institutions to determine eligibility of students to receive the FPCTP Scholarship based on specified criteria. Sections 1009.50(4)(c), 1009.505(4)(c), 1009.51(4)(c), and 1009.52(4)(c), F.S.

- Assisting institutions with the identification of funding sources for FPCTPs and financial assistance for students enrolled in FPCTPs.
- Monitoring federal and state law regarding comprehensive transition programs and notifying the Legislature, the Governor, the BOG, the SBE of any change in relevant law.
- Provide, by October 1 of each year, to the Governor, the President of the Senate, the Speaker of the House of Representatives, the chancellor, and the commissioner, a summary of:
  - The status of statewide implementation of FPCTPs including, but not limited to, information related to the approval and disapproval of applications and reasons for disapproval and no action, and FPCTP Scholarships awarded and undisbursed advances remitted to the statewide coordinating center.
  - The student and program performance indicators identified by the statewide coordinating center and performance information submitted by the institutions to the center.
  - The projected number of students with intellectual disabilities who may enroll in FPCTPs within the next academic year.
  - The education programs and services for students with intellectual disabilities which are available at the institutions.

### ***Rulemaking***

The bill requires the BOG and the SBE to consult with the statewide coordinating center to expeditiously adopt regulations and rules, as applicable, to allow the center to perform its responsibilities beginning in the 2015-2016 fiscal year.

The bill takes effect upon becoming a law.

## **IV. Constitutional Issues:**

### **A. Municipality/County Mandates Restrictions:**

None.

### **B. Public Records/Open Meetings Issues:**

None.

### **C. Trust Funds Restrictions:**

None.

## **V. Fiscal Impact Statement:**

### **A. Tax/Fee Issues:**

None.

### **B. Private Sector Impact:**

SB 7030 authorizes Florida Postsecondary Comprehensive Transition Program (FPCTP) Scholarship awards for students with intellectual disabilities who meet the eligibility

requirements to receive the scholarship to offset costs associated with enrollment in an FPCTP which may include, but not be limited to, tuition and program fees.

**C. Government Sector Impact:**

The bill creates the Florida Center for Students with Unique Abilities and assigns the center with specific responsibilities. The estimated annual cost for the center to perform the responsibilities outlined in the bill is approximately \$1 million. The bill also creates the FPCTP Scholarship with a maximum allowable award which will be as specified annually in the General Appropriations Act. Scholarship awards, as authorized, must be prorated if funds are not adequate to provide the maximum allowable award to each eligible student.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill creates section 1004.6501 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.)

None.

**B. Amendments:**

None.