

STORAGE NAME: h0043B.cu.doc
DATE: October 23, 2001

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
COLLEGES AND UNIVERSITIES
ANALYSIS**

BILL #: HB 43B
RELATING TO: Student Withdrawal from courses due to military service
SPONSOR(S): Representative(s) Arza
TIED BILL(S):

ORIGINATING COMMITTEE(S)/COUNCIL(S)/COMMITTEE(S) OF REFERENCE:

- (1) COLLEGES AND UNIVERSITIES
 - (2)
 - (3)
 - (4)
 - (5)
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I. SUMMARY:

HB 43B requires that the boards of public education institutions adopt rules regarding the withdrawal from courses and refund of any fees paid by students who withdraw or drop one or more courses because they are called to or enlist in active military service.

Currently there is no standard policy in the K-20 system relating to the treatment of students who are called to or enlist in military service. Subparts of the K-20 system have established some rules relating to the treatment of such students.

The bill requires that the newly established rules provide that no student enrolled in a postsecondary course or courses at an area technical center, public community college, public college, or state university will suffer academic or financial penalties because he or she is performing military service on behalf of our country.

As the bill will only cover a small number of students, it appears that the fiscal impact will be minimal.

SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|---|-----------------------------|---|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

B. PRESENT SITUATION:

Currently there is no standard policy in the K-20 system relating to the treatment of students who are called to or enlist in military service. Subparts of the K-20 system have established some rules relating to the treatment of such students.

Rule 6C-7.002(9) of the Florida Administrative Code directs each university to establish, by rule, procedures for the refund or release of liability of tuition assessed and paid pursuant to the rule. The rule also prescribes specific conditions under which such refund must be made. Paragraph (c) of that section requires a 100% refund of the tuition assessed, adjusted for waivers, if a student withdraws or drops one or more credit courses due to circumstances determined by the university to be exceptional and beyond the control of the student. Paragraph (c) specifically includes "involuntary call to active military duty" among the situations where a 100% refund is required.

Rule 6A-14.0541 of the Florida Administrative Code directs each community college board of trustees to establish a rule for the refunding of matriculation and fees. The rule must include the criteria for refunds when a student drops a course due to circumstances determined by the college to be exceptional and beyond the control of the student. Such circumstances may include involuntary call to active duty or other emergency circumstances or extraordinary situations identified by college rule.

C. EFFECT OF PROPOSED CHANGES:

The bill requires that each district school board, community college district board of trustees, and university board of trustees establish, by rule and pursuant to guidelines of the Florida Board of Education, policies regarding the refunding of all matriculation fees and any other fees paid by a student who withdraws from a public education institution or drops one or more courses because he or she is called to or enlists in active military service.

The bill requires that the newly established rules provide that no student enrolled in a postsecondary course or courses at an area technical center, public community college, public college, or state university will suffer academic or financial penalties because he or she is performing military service on behalf of our country.

The bill requires that a student be allowed to either: (1) complete the course or courses he or she has withdrawn from at a later date without penalty or, (2) withdraw from the course or courses with a full refund of any fees that have been paid. If the student chooses the latter option, the student's record must reflect that the withdrawal is due to the student's active military service.

This bill appears to codify rules already in existence at the university and community college level. The bill also appears to require certain standard policies at all public postsecondary institutions relating to the treatment of students who are called to or enlist in military service.

D. SECTION-BY-SECTION ANALYSIS:

See Section C above.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

This bill does not appear to have a fiscal impact on state revenues.

2. Expenditures:

The state will be required to refund all fees paid by students who withdraw from courses at public education institutions because they have been called to or have enlisted in active military service. Due to the short amount of time allotted to the drafting of this analysis, an exact measure of the fiscal impact cannot be determined. However, because this bill will only cover a small number of students, it appears that the fiscal impact will be minimal.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

This bill does not appear to have a fiscal impact on local revenues.

2. Expenditures:

This bill does not appear to have a fiscal impact on local expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

All fees paid by students who withdraw from courses at public education institutions because they have been called to or have enlisted in active military service will be refunded.

D. FISCAL COMMENTS:

None.

III. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties or municipalities to take action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority that counties or municipalities have to raise revenues in the aggregate.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the percentage of a state tax shared with counties or municipalities.

IV. COMMENTS:

A. CONSTITUTIONAL ISSUES:

This bill does not appear to violate any constitutional provisions.

B. RULE-MAKING AUTHORITY:

The bill requires each district school board, community college district board of trustees, and university board of trustees to establish rules relating to the withdrawal from courses and refunding of any matriculation fees and any other fees paid by a student who withdraws from a public education institution or drops one or more courses because he or she has been called to or enlists in active military service.

C. OTHER COMMENTS:

None.

V. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

None.

VI. SIGNATURES:

COMMITTEE ON COLLEGES AND UNIVERSITIES:

Prepared by:

Staff Director:

Anitere Flores

Betty Tilton