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Memorandum Number 06-22

August 15, 2006

MEMORANDUM

TO: Community College Presidents

FROM: J. David Armstrong, Jr.

SUBJECT: New Exemptions and Waivers Authorized by the 2006 Legislature

During the 2006 Session, the Legislature authorized several new tuition and fee exemptions or waivers that support the Florida Department of Education's goal of seamless articulation and maximum access, and that benefit students in our community colleges. Specifically, the Legislature approved and the Governor signed into law:

- Senate Bill (SB) 2034 – Tuition and fee exemption for spouses of deceased or disabled service members who meet certain eligibility requirements.
- SB 122 – Tuition and fee waiver for recipients of the Purple Heart or other superior combat decorations who meet stated qualifications.
- House Bill (HB) 7173 – Clarification of existing Road-to-Independence Scholarship to include any student who was in the custody of the Department of Children and Family Services or a relative at the time they reached 18 or was placed in guardianship by the court after spending at least six months in the custody of the department after reaching 16 years of age.
- HB 5001 – Proviso language authorizing an out-of-state fee waiver for the 2006-2007 academic year to those students who enrolled in the community college under the provisions of the Hurricane Katrina Executive Order (05-176) and who have maintained continuous enrollment since that time.

J. DAVID ARMSTRONG, JR.

Chancellor, Community Colleges and Workforce Education

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Page Two

August 15, 2006

The attached technical assistance paper is provided to answer questions that you might have pertaining to this legislation and its implementation. If you have any additional questions, you may contact one of the following individuals:

Dr. Sara Hamon
Director, Articulation and Educational Services
sara.hamon@fldoe.org or (850) 245-9523

Ms. Amy Albee
Coordinator, Outreach and Access
amy.albee@fldoe.org or (850) 245-9488

JDA/shc

Attachment

c: Council for Student Affairs Members
Community College Financial Aid Directors
Community College Registrars
Sara Hamon
Amy Albee
Judith Bilsky
Ed Cisek

**TECHNICAL ASSISTANCE PAPER ON EXEMPTIONS AND FEE WAIVERS
AUTHORIZED BY THE 2006 LEGISLATURE**

The purpose of this paper is to provide technical assistance to community colleges on the exemptions and fee waivers that were authorized by the 2006 Legislature and signed into law by the Governor.

SB 2034 – Exemption for Spouses of Deceased or Disabled Veterans

Senate Bill 2034 was signed into law on June 20, 2006, effective July 1, 2006. Sections (ss.) 295.01, 295.02, 295.03, and 295.05, Florida Statutes (F.S.), were amended to extend to spouses of eligible veterans certain state-sponsored educational benefits previously only available to the children of deceased or disabled veterans.

The Department of Education, Office of Student Financial Assistance (OSFA), is currently accepting late applications for Scholarships for Children of Deceased or Disabled Veterans in order to fund as many eligible spouses and students as 2006-2007 funding allows. The program will pay the equivalent of tuition and registration fees for degree or certificate programs for eligible applicants.

Program details for eligibility and the application process are found on the website at www.FloridaStudentFinancialAid.org by selecting “State Grants, Scholarships & Applications.” Eligibility determinations will be made by OSFA. The Department of Veterans’ Affairs coordinates with OSFA to certify veteran information.

SB 122 – Waiver for Recipients of Purple Heart or Superior Combat Decorations

Senate Bill 122 was signed into law on June 20, 2006, effective July 1, 2006. Beginning in the 2006-2007 academic year, this legislation provides a fee waiver to recipients of the Purple Heart or other combat decoration superior in precedence if the recipient is enrolling in a Florida public community college or state university, and provided he or she meets all of the following criteria:

1. Admitted as a full-time, part-time, or summer-school student in an undergraduate program of study leading to a degree or certificate;
2. Is currently, and was at the time of the military action that resulted in the awarding of the Purple Heart or other superior combat decoration, a resident of Florida; and
3. Submits to the community college or university the DD-214 form, issued at the time of separation from service, as documentation that he or she has received a Purple Heart or other combat decoration superior in precedence.

This waiver is applicable for 110 percent of the number of required credit hours of the degree or certificate program for which the student is enrolled.

Which combat decorations are included in this waiver provision?

The Florida Department of Veterans' Affairs has indicated that the combat decorations that would qualify students for the provisions of this waiver include:

- Purple Heart
- Bronze Star (must be "V" designation or device)
- Distinguished Flying Cross
- Legion of Merit (must be "V" designation or device)
- Silver Star
- Air Force Cross
- Navy Cross
- Distinguished Service Cross
- Medal of Honor

What is the "V" designation required on some combat decorations?

To be considered a "combat decoration superior in precedence to the Purple Heart," the Bronze Star and the Legion of Merit must include the "V" designation or device.

Are students enrolled in Associate in Science (AS), Associate in Applied Science (AAS), or community college certificate programs eligible for this fee waiver?

Yes, a student enrolled in any associate degree, baccalaureate degree, or career education certificate program at a community college or state university would qualify. Students enrolled in graduate or professional programs are not eligible. The waiver is applicable for 110 percent of the number of required credit hours of the degree or certificate program for which the student is enrolled.

What evidence should be required to show residency at the time of the military action that resulted in the awarding of the Purple Heart or other superior combat decoration?

The burden of proof is on the student to provide one of the following documents evidencing residency in Florida at the time of the military action that resulted in the awarding of the combat decoration:

- DD-214 form, military separation document
- DD-2058 form, military state of legal residence certificate
- Leave and Earning Statement (LES) or the Defense Finance and Accounting Service (DFAS) Form 702, which specifies place of residence
- Letter or affidavit from the military administrative office verifying residence at the time of combat
- One or more state or federal documents evidencing legal ties to Florida (e.g., homestead exemption, driver's license, vehicle registration)

What evidence should be required to show residency at the current time?

The student must meet the requirements of residency for tuition purposes specified in section (s.) 1009.21, F.S., and Rule 6A-10.044, Florida Administrative Code.

Is continuous residence in Florida from the time of the military action to the time of enrollment in a postsecondary institution required?

No.

What evidence is acceptable to show receipt of the Purple Heart or other combat decoration superior in precedence?

A Department of Defense Form 214 (DD-214) documenting the appropriate combat decoration should be the standard eligibility verification document as required by statute.

In situations where admissions or financial aid application deadlines preclude providing a DD-214 in time to meet such a deadline, the official (service specific) transmitting correspondence that would normally accompany such an award to a previously discharged service member would suffice until an updated DD-214 could be obtained and presented to the postsecondary institution. However, the updated DD-214 must be submitted to the postsecondary institution by the start of the student's next term of enrollment for continued eligibility for the waiver.

In situations where a service member is on active duty and has not been issued a DD-214, the official (service specific) transmitting correspondence that would normally accompany such an award or a certification of the appropriate combat award by the service specific administrative record holder [e.g., Adjutant, G-1 (general staff officer - personnel), or JAG (Judge Advocate General)] would meet the documentation requirement.

Are active duty military personnel eligible for this waiver?

Yes, certain active duty military personnel may be eligible for this waiver. Since these individuals have not been discharged, they will not have the DD-214 form. However, they may submit other evidence as clarified above.

Does this waiver include tuition and fees?

Yes.

Does this waiver constitute "countable aid"?

Yes, this waiver is considered "countable aid" for student financial aid purposes. Therefore, if this waiver is administered by an office other than the college financial aid office, college officials must notify the Director of Financial Aid that a student has qualified for the waiver.

HB 7173 – Exemption for Those in Custody of Department of Children and Families

House Bill 7173 was signed into law on June 12, 2006, effective July 1, 2006. It amends s. 1009.25, F.S., to require that certain educational tuition and fee exemptions be granted to those individuals who, after spending at least six months in the custody of the Florida Department of Children and Families (DCF) after reaching age 16, were placed in a guardianship by the court. Although reference to the Road-to-Independence Scholarship was deleted, this exemption will likely be administered in the same way as in previous years. Specifically, DCF is responsible for certifying that students exiting the foster care system qualify for the educational fee exemption. Eligible students are given an official fee exemption form on DCF letterhead. Students are instructed to submit the form to an appropriate college official as proof of eligibility for the

exemption. The college official should verify these students' ages and the high school graduation dates (as documented on the high school transcripts or other student records) and work closely with DCF staff to include these students among those awarded fee exemptions. A fee exemption may be used as a resource to determine a student's financial need. While the exemption impacts the need of the student, it will not impact the amount of Pell grant monies for which the student is eligible. College officials are responsible for making individual student decisions in keeping with the Florida Statutes and all State Board of Education rules.

What if the student submits an eligibility form that is not on DCF letterhead?

As in the past, this exemption may not be granted to a student unless it is on the appropriate DCF letterhead. If you receive some other kind of eligibility form, please contact Dr. Sara Hamon at the Division of Community Colleges and Workforce Education so that she may contact the appropriate person at DCF to discuss the issue. Dr. Hamon can be reached at (850) 245-9523 or sara.hamon@fldoe.org.

HB 5001 – Waiver for students enrolled under Hurricane Katrina Executive Order

Within the Appropriations Bill, the Legislature approved an “out-of-state fee waiver” for the 2006-2007 academic year for those students who entered under the provisions of the Katrina Executive Order and who have maintained continuous enrollment since that time. This waiver is only for the 2006-2007 academic year (Fall term 2006 through Summer term 2007).

For clarification, this provision does not allow any new students applying to our colleges to benefit from this out-of-state waiver – only those who entered under the original Executive Order and have maintained continuous enrollment since that time.

What is the definition of “continuous enrollment”?

Students who were admitted under the provisions of the Executive Order and were enrolled in major terms according to any of the following patterns:

Fall 2005, Spring 2006, Summer 2006, Fall 2006
Fall 2005, Summer 2006, Fall 2006
Spring 2006, Summer 2006, Fall 2006
Spring 2006, Fall 2006
Summer 2006, Fall 2006
Summer 2006, Spring 2007

For the purposes of this waiver, any student who is not enrolled for two consecutive major terms would break continuous enrollment.

Will this waiver be extended to these same students in the future?

Future extension of this waiver would require further legislative action. Colleges may choose to use institutional resources or other exemptions currently authorized in statute (e.g., 40 full-time equivalent students per college as authorized in s. 1009.25(3), F.S.).

Will these students be eligible to establish residency for tuition purposes in the future?

These students are not precluded from establishing residency for tuition purposes in the future. They each will have to go through the initial residency classification process for Fall 2007. Depending on unique circumstances, students may or may not qualify as residents for tuition purposes.

Additional Questions

If you have any additional questions about the information included in this Technical Assistance Paper, you may contact one of the following individuals:

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