

## 2006 LEGISLATIVE ISSUE FORM

### BOG/SUS ISSUE: Residency for Graduate Assistants and Fellows



***PROPOSED STATUTORY LANGUAGE:*** Attached

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#### **1. Change Needed:** Section 1009.21, Florida Statutes

At its June 9, 2005 meeting, the Board of Governors approved a motion to propose a statutory change to classify graduate assistants as Florida residents for tuition purposes in section 1009.21(10), Florida Statutes. At the August 23, 2005 joint meeting with the Council of Administrative and Financial Affairs, the Council of Academic Vice Presidents, university governmental relations representatives, and Board of Governors staff, a proposal was approved to add to the exemption a graduate student holding a full fellowship if the graduate student had previously been classified as a Florida resident for tuition purposes. The language previously approved by the Board of Governors would need to be amended per the attached.

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#### **2. Current Condition:**

Proviso language included in the annual General Appropriations Act authorizes the university boards of trustees to adopt policies related to the waiver of tuition and out-of-state fees for purposes which support and enhance the mission of the university. Each university is required to report annually the purpose, number and value of all fee waivers granted under this authority. In order that the State's universities may be competitive with comparable institutions, out-of-state fees are being waived for graduate students that have an appointment of .25 or greater. Graduate assistants are employees of the universities and, therefore, provide a service for the State. Section 1009.21(10)(d), Florida Statutes provides Florida residency status for full-time employees of public schools, community colleges, and institutions of higher education, their spouses and dependent children. Upon occasion, a graduate assistant may be awarded a full fellowship for a semester or a year before returning to graduate assistant status again. Some universities have adopted policies to provide waivers of out-of-state fees to graduate students holding full fellowships who previously held Florida residency for tuition purposes status, thereby permitting graduate students to hold fellowships temporarily without incurring dramatic fee increases.

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#### **3. Rationale for Change:**

Proviso language authorizes university boards of trustees to establish fee waiver policies. Because proviso language is operative for only one year, this results in instability in the planning process for universities. Section 1009.21(10) (d), Florida Statutes, provides Florida resident status for full-time public school, community college and university employees. The proposed change would provide the same status for graduate assistants that have a .25 assignment for teaching and/or research and for graduate fellows who

have previously held assistantships. It is common for graduate assistants to hold a full fellowship for a semester or two before returning to their assistantship. In order to effectively recruit and retain the best graduate students, universities need to continue their Florida resident status for tuition purposes during the period they hold the fellowship.

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#### **4. Fiscal Impact:**

There is no fiscal impact for the appropriate new graduate students entering the universities after the passage of the proposed language as their classification would be consistent with statutory requirements.

Tuition and fees for graduate assistants with at least a 0.25 full-time equivalent employment status, and certain fellows, is currently paid with waivers (which could be from state funds or other university funds) from the university, contracts and grants funds, funds from other university sources, or is absorbed by the university. Additionally, under the new funding formula, the state provides dollars for in-state and out-of-state students at the same rate and the new formula includes funding for graduate waivers. For students currently enrolled, there could be a fiscal impact if there is a request for current unfunded fee waivers to be funded. However, if a graduate student meets the proposed residency language, then the amount of waiver that the university would need to provide would be less than if they were still classified as a non-resident student. This would allow the university to use the waiver funds for additional students.

The fiscal impact is indeterminate at this time.

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#### **5. Justification for BOARD OF GOVERNOR'S Priority (if applicable):**

The BOG is on record (June 2005) in support of statutory language that would classify graduate teaching and research assistants (employees of the universities) as residents for tuition purposes. The proposed change adds to the list fellows who were previously classified as Florida residents for tuition purposes.

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#### **6. Link to BOG Strategic Plan:**

This change addresses Goal C, world-class academic programs and research capacity. Universities must offer competitive incentive packages to attract and retain the best and brightest graduate students. Incentives include tuition and fee waivers and graduate student health insurance.

### **Determination of resident status for tuition purposes.**

- (10) The following persons shall be classified as residents for tuition purposes:
- (a) Active duty members of the Armed Services of the United States residing or stationed in this state, their spouses, and dependent children, and active members of the Florida National Guard who qualify under s. 250.10(7) and (8) for the tuition assistance program.
  - (b) Active duty members of the Armed Services of the United States and their spouses and dependents attending a public community college or state university within 50 miles of the military establishment where they are stationed, if such military establishment is within a county contiguous to Florida.
  - (c) United States citizens living on the Isthmus of Panama, who have completed 12 consecutive months of college work at the Florida State University Panama Canal Branch, and their spouses and dependent children.
  - (d) Full-time instructional and administrative personnel employed by state public schools, community colleges, and institutions of higher education, as defined in s. 1000.04, and their spouses and dependent children.
  - (e) Graduate assistants employed by state universities who have at least 0.25 full-time equivalent assignments and graduate students receiving a full fellowship who have been classified in a previous semester as holding resident status for tuition purposes.
  - (f) Students from Latin America and the Caribbean who receive scholarships from the federal or state government. Any student classified pursuant to this paragraph shall attend, on a full-time basis, a Florida institution of higher education.
  - (g) Southern Regional Education Board's Academic Common Market graduate students attending Florida's state universities.
  - (h) Full-time employees of state agencies or political subdivisions of the state when the student fees are paid by the state agency or political subdivision for the purpose of job-related law enforcement or corrections training.
  - (i) McKnight Doctoral Fellows and Finalists who are United States citizens.
  - (j) United States citizens living outside the United States who are teaching at a Department of Defense Dependent School or in an American International School and who enroll in a graduate level education program which leads to a Florida teaching certificate.
  - (k) Active duty members of the Canadian military residing or stationed in this state under the North American Air Defense (NORAD) agreement, and their spouses and

dependent children, attending a community college or state university within 50 miles of the military establishment where they are stationed.

- (1) Active duty members of a foreign nation's military who are serving as liaison officers and are residing or stationed in this state, and their spouses and dependent children, attending a community college or state university within 50 miles of the military establishment where the foreign liaison officer is stationed.