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MEMORANDUM

DFC Memo: 17-04

Contact: [email to:](mailto:Christopher.Mullin@fldoe.org)

Christopher.Mullin@fldoe.org

Madeline.Pumariega@fldoe.org

TO: Florida College System Institution Presidents

FROM: Madeline Pumariega

DATE: October 6, 2017

SUBJECT: Removing Obstacles for Enrolling Students Displaced by Hurricane Maria

On October 6, 2017, Commissioner of Education Pam Stewart issued an Emergency Order related to Hurricane Maria. The purpose of this Emergency Order is to remove obstacles for Florida College System Institutions enrolling students displaced by Hurricane Maria. The Emergency Order provides authorization for Florida College System Institutions “to waive existing statutory and rule requirements relating to student enrollment and placement, including, without limitation, residency and student record requirements, to the extent necessary to allow these students displaced by Hurricane Maria to enroll expeditiously. I am also authorizing state colleges to waive the one percent cap on the ability of the state colleges to waive all fees provided in section 1009.25(2), Florida Statutes.”

It is the interpretation of the Department of Education General Counsel that, according to the Emergency Order, Florida College System Institutions are authorized to waive statutory and rule requirements related to enrollment, specifically those related to residency for tuition purposes as well as the limitation of a one percent cap on Florida College System institutions’ ability to waive fees for students displaced by Hurricane Maria. Institutions can make admission decisions on a case-by-case basis. However, all students who are admitted to a Florida College System institution under this Emergency Order should have the residency requirements waived for the 2017-18 academic year to be consistent across all institutions.

The Emergency Order is intended to provide institutional authority and discretion in using the statute and rule waivers. However, in anticipation of certain issues and questions, please see the guidance below.

What kind of documentation, if any, is required for enrollment of these students? The Emergency Order allows institutions the flexibility to waive enrollment and placement requirements outlined in statute and rule. Many of these students will not be able to provide high school and/or college transcripts in the immediate future. Students may be asked to provide minimal documentation of their enrollment in an affected postsecondary institution or residency in an affected area (e.g., student identification card, grade report, driver’s license). However, a signed honesty statement or affidavit promising to provide transcripts or other records at a later time may be used if such documentation is not immediately available.

How should these students be classified upon admission to a Florida College System institution?

These students may be admitted as degree-seeking or non-degree-seeking, resident students. However, non-degree-seeking students generally are not eligible for state or federal financial aid. Please refer to the National Association of Student Financial Aid Administrators (NASFAA) website for guidance on the federal financial aid implications of these classifications:

[https://www.nasfaa.org/news-item/13289/FSEOG and FWS Statutes Modified for Hurricane Disaster Relief](https://www.nasfaa.org/news-item/13289/FSEOG%20and%20FWS%20Statutes%20Modified%20for%20Hurricane%20Disaster%20Relief)

Are these students eligible for state financial aid? These students are not eligible for state financial aid programs by sole virtue of this Emergency Order; however, some of these students may be eligible for state financial aid if they are enrolled as degree-seeking and Florida is their home state. The Department of Education's Office of Student Financial Assistance will work to coordinate reinstatement for eligible students in order to make funding available. You may contact the office at:

Brian Underhill
Director, State Scholarship & Grant Programs
Office of Student Financial Assistance
Florida Department of Education
325 W. Gaines St., #1314
Tallahassee, FL 32399-0400
(850) 410-5185 or Brian.Underhill@fldoe.org

Who is eligible to have the residency requirements waived? The Emergency Order specifically includes individuals who were enrolled in or planning to be enrolled in a postsecondary institution in affected areas and are seeking enrollment in a Florida postsecondary institution while the Emergency Order is in effect. However, it does not discriminate against individuals from affected areas who were not enrolled in a postsecondary institution but now are seeking education or re-training opportunities. Students enrolling under this Emergency Order are considered to be in-state residents for tuition purposes for the 2017-18 academic year, in accordance with established institutional policies which may include a provision of continuous enrollment.

How long are these students considered as "resident for tuition purposes?" The Emergency Order allows for long-term evacuees to be treated as "resident for tuition purposes" if they enroll while the Emergency Order is in effect. These students would maintain their status as "resident for tuition purposes" during this 2017-18 academic year. Depending upon individual circumstances and extension of the Emergency Order, these students may or may not be classified as "resident for tuition purposes" during the following academic year.

How long will this Emergency Order be in effect? The Emergency Order is in effect until the earlier of the expiration of Executive Order 17-259 or November 1, 2017, subject to 30 day extensions. I will keep you posted on the status of this issue.

What fee exemption options are available to Florida College System institutions to provide on a case-by-case basis?

In addition to waiving residency requirements, the Emergency Order authorizes Florida College System institutions to waive the one percent cap to provide fee exemptions for certain categories of students.

For those students who are homeless, you may use the following statutes to assist them:

S. 1009.25 Fee exemptions.—

(1) The following students are exempt from the payment of tuition and fees, including lab fees, at a school district that provides workforce education programs, Florida College System institution, or state university:

(f) A student who lacks a fixed, regular, and adequate nighttime residence or whose primary nighttime residence is a public or private shelter designed to provide temporary residence, a public or private transitional living program, or a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings. This includes a student who would otherwise meet the requirements of this paragraph, as determined by a college or university, but for his or her residence in college or university dormitory housing.

What kind of tracking and reporting is required by our Florida College System institutions with regard to this Emergency Order? Colleges are asked to keep track of all displaced students enrolled under the provisions of the Emergency Order. Juan Mestre, Bureau Chief for Community College and Technical Center Management Information Systems (CCTCMIS), will be coordinating with your data staff later this month to determine tracking requirements.

Where may I find the Governor's Executive Order regarding this issue? You may find Governor Scott's Executive Orders at the following website: <http://www.flgov.com/all-executive-orders/>

Who should I contact if I have any questions? If you have any questions regarding the implementation of this Emergency Order, you may contact the following staff in my Division:

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