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## EDUCATION Definitions for the Parameters of Georgia's Hope Scholarship: Amend Certain Definitions Relating to HOPE Scholarships and Grants; Limit the Number of Quarter or Semester Hours for Which HOPE Scholarships May Be Received at Public and Private Postsecondary Institutions; Provide for Students in Professional Level Programs; Provide for Related Matters; Repeal Conflicting Laws; and for Other Purposes

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## EDUCATION

***Definitions for the Parameters of Georgia's Hope Scholarship: Amend Certain Definitions Relating to HOPE Scholarships and Grants; Limit the Number of Quarter or Semester Hours for Which HOPE Scholarships May Be Received at Public and Private Postsecondary Institutions; Provide for Students in Professional Level Programs; Provide for Related Matters; Repeal Conflicting Laws; and for Other Purposes***

**BILL NUMBER:**

**HB 299**

**SUMMARY:**

The bill would have changed definitions associated with implementation of Georgia's HOPE scholarship program. Specifically, it would have limited to 127 the number of semester hours for which a student in Georgia's postsecondary institutions may receive HOPE scholarship funding. If enacted, the bill would have applied to all postsecondary educational programs at private and public schools that grant baccalaureate degrees. The bill would also have eliminated differentiation among program titles such as "associate" and "baccalaureate" when considering eligibility for HOPE scholarship funding. The bill's provisions would not have taken effect until the 2005 fall semester. Prior statutory definitions would have continued to govern eligibility for HOPE scholarship funding.

## History

Since 1993, Georgia has provided financial assistance to college students with money acquired through the Georgia Lottery.<sup>1</sup> The original legislation allowed students to receive scholarship funds for up to 150 semester hours beginning in their freshman year.<sup>2</sup> The General Assembly created a special committee in 2003 to study the program due to a fear of funding shortfalls.<sup>3</sup> Issues concerning HOPE scholarship finances garnered public concern and debate in Georgia newspapers and among Georgia legislators.<sup>4</sup>

In 2003, concerned parties introduced possible methods of preserving scholarship funds by cutting the amount of money HOPE paid out to students.<sup>5</sup> A state commission co-chaired by Senate Higher Education Chairman Bill Hamrick (R-Douglasville) recommended the scholarship program stop paying for books and student fees starting in the fall term of 2004.<sup>6</sup> Governor Sonny Perdue proposed setting a minimum SAT score to qualify for HOPE funding.<sup>7</sup> The Governor's initial proposal did not come to fruition, but on May 17, 2004, Governor Perdue signed into law House Bill 1325, which cut HOPE funding for student books and fees.<sup>8</sup> The history of legislation surrounding the HOPE scholarship reveals that efforts to tinker with the funding, and opposition to such efforts, have become important stances for Georgia legislators to take.<sup>9</sup> Satisfied

1. See James Salzer, *Democrats Warn of Raid on HOPE*, ATLANTA J. CONST., Feb. 15, 2005, at B4, available at <http://www.ajc.com/metro/content/metro/legis05/0205/15leghope.html>; see also GACollege411—Georgia's HOPE Scholarship Program, [http://www.gacollege411.org/FinAid/ScholarshipsAndGrants/hope\\_scholarship.asp](http://www.gacollege411.org/FinAid/ScholarshipsAndGrants/hope_scholarship.asp) (last visited Aug. 19, 2005) (providing current information on the HOPE scholarship).

2. See James Salzer, *HOPE Scholarship Tuition Limits to Cut Classes*, ATLANTA J. CONST., Feb. 23, 2005, at A1, available at <http://www.ajc.com/metro/content/metro/legis05/0205/23leghope.html>.

3. See Brandon Larrabee, *Bill Would Cut Eligible Hours*, AUGUSTA CHRON., Mar. 5, 2005, at B5, available at [http://www.augustachronicle.com/stories/030605/pol\\_bill.shtml](http://www.augustachronicle.com/stories/030605/pol_bill.shtml); see also *Review of Selected 2004 Georgia Legislation*, 21 GA. ST. U. L. REV. 107 (2004) [hereinafter *2004 Review*] (providing a detailed description of the committee's formation and conclusions).

4. See Salzer, *supra* note 1, at B4.

5. See James Salzer, *Commission Recommends Changes in HOPE Scholarship*, ATLANTA J. CONST., Oct. 22, 2003, available at <http://www.ajc.com/metro/content/metro/1003/22hope.html>.

6. See *id.*

7. See *id.*

8. See *id.*; O.C.G.A. § 20-3-519.5 (2005) (showing the adjustment to funding for books and fees). The book allowance is effectively phased out in amounts of \$150 per semester when lottery revenues fall in two consecutive years. *Id.*

9. See, e.g., Salzer, *supra* note 2, at A1 (quoting Representative Terry Coleman as saying, "If you vote for [legislation that cuts HOPE funding], you are going to get kicked around at home.").

that funding was secure, legislators began to turn to equity issues in HOPE allotments, specifically considering students who received funding for classes beyond the 127 semester hours needed for a typical bachelor's program.<sup>10</sup>

### *Bill Tracking for HB 299*

#### *Consideration by the House*

Representatives Bill Hembree, Earl Ehrhart, Chuck Martin, and Bob Smith of the 67th, 36th, 47th and 113th districts, respectively, sponsored HB 299.<sup>11</sup> The House read the bill for the first time on February 3, 2005, and for a second time on February 7, 2005.<sup>12</sup> On February 8, the House Committee on Higher Education favorably reported the bill by substitute.<sup>13</sup>

#### *The Bill, as Introduced*

Current Georgia law limits student eligibility for HOPE scholarship benefits to 127 semester hours unless a student is enrolled in an undergraduate program requiring more than 127 semester hours.<sup>14</sup> In that case, a student's eligibility extends to 150 semester hours.<sup>15</sup> HB 299 would have taken away the language creating an exception for programs that require more than 127 semester hours.<sup>16</sup> The change would only have affected students enrolling after July 1, 2005, providing a grandfather effect for students who had enrolled anticipating eligibility to extend beyond 127 semester hours.<sup>17</sup> The reduction in eligible hours would also have applied to HOPE

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10. *See id.*

11. *See* HB 299, as introduced, 2005 Ga. Gen. Assem.

12. State of Georgia Final Composite Status Sheet, HB 299, Feb. 3, 2005 (May 11, 2005); State of Georgia Final Composite Status Sheet, HB 299, Feb. 7, 2005 (May 11, 2005).

13. State of Georgia Final Composite Status Sheet, HB 299, Feb. 8, 2005 (May 11, 2005).

14. 1998 Ga. Laws 626, § 2, at 634 (codified at O.C.G.A. § 20-3-519.2(g) (2005)).

15. *Id.*

16. *Compare* HB 299, as introduced, 2005 Ga. Gen. Assem., *with* 1998 Ga. Laws 626, § 2, at 634 (codified at O.C.G.A. § 20-3-519.2(g)(2)(A) (2005)).

17. *See* HB 299, as introduced, 2005 Ga. Gen. Assem.

scholarship benefits received by students at private postsecondary institutions.<sup>18</sup>

HB 299, as introduced, also included two less substantive and less controversial changes.<sup>19</sup> First, it sought to clarify which private postsecondary institutions' students would be eligible for HOPE Scholarship benefits, taking steps such as excluding graduate and divinity schools.<sup>20</sup> Second, it removed language defining a "course" as "any plan or program of instruction" because that language had been placed in the law solely in reference to a Department of Education program that had since been discontinued.<sup>21</sup>

### *Committee Substitute*

The Committee substitute did little to change the original bill.<sup>22</sup> The 127 semester hour limit remained in place.<sup>23</sup> The Committee substitute removed language that designated eligible HOPE scholarship programs as either "associate or baccalaureate."<sup>24</sup> The substitution clarified that the 127 semester hour limit applied to all postsecondary programs by including "the case of an otherwise eligible student who is classified as a professional level student rather than an undergraduate student, being accepted into the professional level program of study prior to receiving a baccalaureate degree."<sup>25</sup>

### *Floor Debate*

HB 299 was the subject of considerable floor debate; seven different representatives spoke directly on the bill and many more

18. Compare HB 299, as introduced, 2005 Ga. Gen. Assem., with 1998 Ga. Laws 626, § 2, at 638 (codified at O.C.G.A. § 20-3-519.3(f) (2005)).

19. See HB 299, as introduced, 2005 Ga. Gen. Assem.

20. *Id.*

21. Compare HB 299, as introduced, 2005 Ga. Gen. Assem., with 1992 Ga. Laws 462, § 2, at 464 (codified at O.C.G.A. 20-2-161.1(a)(1) (2005)), and Audio Recording of House Proceedings, Feb. 22, 2005 (remarks by Rep. Bill Hembree), [http://www.georgia.gov/00/article/0,2086,4802\\_6107103\\_33078458,00.html](http://www.georgia.gov/00/article/0,2086,4802_6107103_33078458,00.html) [hereinafter House Audio] (explaining that the language of that paragraph was removed because it referred to a discontinued Georgia Department of Education program).

22. Compare HB 299, as introduced, 2005 Ga. Gen. Assem., with HB 299 (HCS), 2005 Ga. Gen. Assem.

23. See HB 299 (HCS), 2005 Ga. Gen. Assem.

24. See *id.*

25. See *id.*

asked questions.<sup>26</sup> Representative Bill Hembree of the 67th district introduced the bill and explained that its primary purpose was to end the application of HOPE scholarship funds to students who were receiving them as part of master's and doctoral programs linked to their undergraduate degrees.<sup>27</sup> He bolstered support for the bill with copies of letters that he distributed among House members.<sup>28</sup> The letters indicated support from Thomas Meredith, Chancellor of the Georgia Board of Regents, and Michael Adams, Carl Patton, Wayne Clough, and Bruce Grube, presidents of the University of Georgia, Georgia State University, the Georgia Institute of Technology, and Georgia Southern University, respectively.<sup>29</sup> The letters also indicated support from Georgia's private postsecondary institutions.<sup>30</sup>

Representative Hembree went on to explain the bill's proposed definitional changes, noting, "[w]e removed the associate and baccalaureate designation because we're [going to] pay up to 127 semester hours for all students, regardless of their program, to keep the program equal for everyone."<sup>31</sup> He further explained that programs designated as "professional" would also be subject to the same 127 semester hour limit.<sup>32</sup> Concluding, he asked for the bill's passage as a matter of "fairness" and "equity," emphasizing the need to avoid any amendments because of the "careful consideration" already given in drafting the bill.<sup>33</sup>

Representative Hembree then faced a series of questions from other legislators.<sup>34</sup> Representative Earnest Williams of the 89th district expressed concern that students whose courses "got out of sequence" would run out of funding.<sup>35</sup> In response, Representative Hembree noted that most bachelor's degrees require 120 semester hours, and that the legislation provided leeway by allowing for an extra seven.<sup>36</sup> He also noted that as a matter of policy, students who reach as high as 126 semester hours and have only one semester

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26. See House Audio, *supra* note 21.

27. See *id.* (remarks by Rep. Bill Hembree).

28. See *id.*

29. See *id.*

30. See *id.*

31. See *id.*

32. See House Audio, *supra* note 21 (remarks by Rep. Bill Hembree).

33. See *id.*

34. See *id.*

35. See *id.* (remarks by Rep. Earnest Williams).

36. See *id.* (remarks by Rep. Bill Hembree).

remaining would have the entirety of that semester paid for by HOPE funds, regardless of how far they exceed the 127 limit.<sup>37</sup> He explained that this would allow for any student who got off track to complete his or her education with HOPE funding.<sup>38</sup>

Representative David E. Lucas, Sr. of the 139th district expressed concern that the 127 semester hour limit would fall short of paying for nursing and engineering programs.<sup>39</sup> Representative Hembree noted that a bachelor's degree in nursing only required 120 semester hours, but he acknowledged that some engineering programs at Georgia Tech required more than 127 semester hours.<sup>40</sup> Noting Georgia Tech's support for the bill, he stated that the extra semester allowance, as explained to Representative Williams, would cover tuition for most of the programs in question.<sup>41</sup>

Other representatives also expressed concern about particular programs that might be affected.<sup>42</sup> Representative Karla Lea Drenner of the 86th district asked which bachelor's level programs at the University of Georgia exceeded the 127 semester hour.<sup>43</sup> Representative Hembree explained that there were two: Landscape Architecture and Pharmacy.<sup>44</sup>

The bill's cosponsor, Representative Chuck Martin, and others spoke in support of the bill, citing the unlimited amount of time in which a student might earn his or her 127 semester hours.<sup>45</sup> He noted further that most of the savings HB 299 generates would come from the prevention of students "abusing" the HOPE program by receiving money for dual-degree or joint graduate-undergraduate degree programs.<sup>46</sup>

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37. *See id.*

38. *See House Audio, supra* note 21 (remarks by Rep. Bill Hembree).

39. *See id.* (remarks by Rep. David E. Lucas).

40. *See id.* (remarks by Rep. Bill Hembree).

41. *See id.* (remarks by Rep. Bill Hembree).

42. *See generally id.*

43. *See id.* (remarks by Rep. Karla Lea Drenner).

44. *See House Audio, supra* note 21 (remarks by Rep. Bill Hembree). *See UGA Bulletin, <http://bulletin.uga.edu/bulletin/ind/degrees.html>* (last visited June 12, 2005), for an example of a bachelor's level program that would exceed the 127 semester hour limit.

45. *See House Audio, supra* note 21 (remarks by Rep. Chuck Martin).

46. *Id.*

*Passage by the House and Failure to Amend or Reconsider*

Despite the spirited debate and considerable posturing, the House accepted the Committee substitute without amendment, passing it by a vote of 93 to 76.<sup>47</sup> Upon announcement of the bill's passage, Representative Tom Bordeaux of the 162nd district immediately moved for a reconsideration, sparking another period of debate.<sup>48</sup> The motion failed by a vote of 91 to 61, and the bill passed on to the Senate.<sup>49</sup>

*Consideration by the Senate*

The Senate first read the bill on February 23, 2005.<sup>50</sup> The bill failed to make a second reader.<sup>51</sup> Representative Martin, one of the bill's sponsors, suggested that the Senate was also stuck on the issue of "degrees not covered," referring to the handful of degrees such as Landscape Architecture that require more than 127 semester hours and more than the extra term allotment referred to by Representative Hembree in the bill's introduction.<sup>52</sup>

*Analysis*

During the House floor debate on HB 299, Representative Ron Borders of the 175th district made an apt assessment of the proceedings by asking, "Is it true that many of our new colleagues may not know that, in Georgia, the HOPE scholarship is the third rail of politics?"<sup>53</sup> The debate on the House floor revealed that any tinkering with the HOPE scholarship touches legislators' concerns with fairness and equity in benefits given to the state's student population.<sup>54</sup> It also demonstrated that any action that can be

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47. Georgia House of Representatives Voting Record, HB 299 (Feb. 22, 2005).

48. See House Audio, *supra* note 21 (remarks by Rep. Tom Bordeaux).

49. See *id.*

50. See State of Georgia Final Composite Status Sheet, HB 299, Feb. 23, 2005 (May 11, 2005).

51. See *id.*

52. See Electronic Mail Interview with Rep. Chuck Martin, House District No. 47 (April 11, 2005) [hereinafter Martin Interview].

53. See Audio Recording of House Proceedings, Feb. 23, 2005 (remarks by Rep. Ron Borders), [http://www.georgia.gov/00/article/0,2086,4802\\_6107103\\_33078458,00.html](http://www.georgia.gov/00/article/0,2086,4802_6107103_33078458,00.html).

54. See *id.*



characterized as “cutting HOPE” becomes a political hot potato, resulting in the burial of ideas in rhetoric.<sup>55</sup>

The General Assembly’s failure to pass HB 299 can be attributed somewhat to the inflammation of those HOPE passions.<sup>56</sup> Representatives quickly conflated issues, moving the debate concerning the bill from one of equity to one of funding.<sup>57</sup> When discussing the issues, representatives were unclear on how the bill would affect particular programs, thereby allowing rhetoric to envelop discussion.<sup>58</sup> Further, the debate persistently strayed to issues of funding, despite the avowal of HB 299’s sponsor that the bill’s purpose was not to save money.<sup>59</sup> This confusion over the bill’s purpose seems to have played a large role in preventing its passage.<sup>60</sup>

For now, the passage of HB 1325 in 2004 seems to have solved HOPE’s funding issues.<sup>61</sup> The safety valves put in place to reduce payments for fees and books were effective in securing HOPE funds for the immediate future.<sup>62</sup>

The proposal and subsequent debate of HB 299 revealed that unresolved issues concerning equity and the use of HOPE funds still exist.<sup>63</sup> When students switch majors or accumulate more than 127 semester hours, should they receive full HOPE funding?<sup>64</sup> When a student earns a double major, is his or her receipt of HOPE funds double-dipping?<sup>65</sup> When a student works on a program with coursework that will go towards a bachelor’s and master’s level degree, to what extent should he or she earn HOPE funding?<sup>66</sup> These issues remain unresolved because of the General Assembly’s failure to pass HB 299.<sup>67</sup>

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55. *See id.*

56. *See id.*

57. *See id.*

58. *See id.*

59. *See* Audio Recording of House Proceedings, Feb. 23, 2005, [http://www.georgia.gov/00/article/0,2086,4802\\_6107103\\_33078458,00.html](http://www.georgia.gov/00/article/0,2086,4802_6107103_33078458,00.html).

60. *See id.*

61. *See 2004 Review, supra* note 3; 2004 Ga. Laws 922, § 7, at 933 (codified at O.C.G.A. § 20-3-519.5(a) (2005)).

62. *See 2004 Review, supra* note 3; 2004 Ga. Laws 922, § 7, at 933 (codified at O.C.G.A. § 20-3-519.5(a) (2005)).

63. *See* House Audio, *supra* note 21.

64. *See id.*

65. *See id.*

66. *See id.*

67. *See* State of Georgia Final Composite Status Sheet, HB 299, Feb. 23, 2005 (May 11, 2005).

When Georgia first instituted the HOPE program it became a model for states seeking to aid their student populations.<sup>68</sup> In the years following HOPE's adoption, similar programs were proposed in Alabama, Alaska, Michigan and Nevada.<sup>69</sup> Given the program's practical benefits and the sense of pride it lends to the state, it seems likely that legislators will bolster it for personal benefits as well as for the good of their constituents and the state.<sup>70</sup> The General Assembly has already formed a study committee to address some issues that arose during the debate on HB 299.<sup>71</sup>

The executive branch is also involved.<sup>72</sup> Lieutenant Governor Mark Taylor has advocated a three-part-plan that would eliminate the need for cuts in funding for books and fees and prevent implementation of Governor Perdue's proposal of a minimum SAT score.<sup>73</sup> His plan includes steps such as re-evaluating HOPE scholars every 24 semester hours and freezing tuition and fees for the next three years.<sup>74</sup>

The demise of HB 299 is not likely an end to proposals and debate regarding revision of the HOPE program.<sup>75</sup> The scholarship fund seems destined to continue as a "third rail" that is too powerful, too important, and too alluring to remain free from the hands of legislators and executives.<sup>76</sup>

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68. See Tiffany Danitz, *States a Source of Cash for College Students with High Marks*, Aug. 4, 1999, <http://archive.stateline.org/> (follow "Stories from 1999" hyperlink; then find hyperlink for "08/04/1999"). Funded by the Pew Research Center, Stateline.org is an online news organization that tracks state-level policy issues. *Id.*

69. *See id.*

70. Cf. House Audio, *supra* note 21 (providing audio recording of the House debate over HB 299).

71. *See* Martin Interview, *supra* note 52.

72. *See Lt. Governor Mark Taylor Listens to Students' Views on HOPE, Cutting Books and Fees*, Jan. 28, 2004, [http://ltgov.georgia.gov/00/article/0,2145,2199618\\_0\\_17060277,00.html](http://ltgov.georgia.gov/00/article/0,2145,2199618_0_17060277,00.html).

73. *See id.*

74. *See id.*

75. *See infra* notes 53-74 and accompanying text.

76. *See id.*