

# FLORIDA DEPARTMENT OF EDUCATION



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## MEMORANDUM

**TO:** Exceptional Student Education Directors

**FROM:** Monica Verra-Tirado, Ed.D. 

**DATE:** November 7, 2012

**SUBJECT:** Changes to Legislation Impacting Federal Ability to Benefit (ATB) and State of Florida Financial Aid Eligibility

On December 23, 2011, the Consolidated Appropriations Act of 2012, which made changes to Title IV student financial aid programs, was signed into law. Public Law 112-74 amended section 484(d) of the Higher Education Act of 2008 to eliminate the Ability to Benefit (ATB) federal student aid eligibility provisions. Previously, students who did not have a high school diploma or its equivalent (e.g., General Education Development [GED]) had the potential to be eligible for assistance under Title IV if they demonstrated the *ability to benefit* from the educational opportunity.

Beginning on or after July 1, 2012, students who enroll in a career and technical certificate or degree program without a high school diploma or its equivalent, will be ineligible for Title IV funds. Applicants for need-based state aid may be impacted on a limited basis by the elimination of the ATB provision. There may be some impact for applicants for need-based state aid by the elimination of the ATB provision. (See attached memoranda from Levis Hughes, Chief of Student Financial Assistance and Randy Hanna, Chancellor of the Florida College System)

Please note that based on documentation from the Federal Student Aid office publication, *Changes Made to the Title IV Student Aid Programs the Recently Enacted Consolidated Appropriations Act, 2012* (<http://ifap.ed.gov/dpclatters/GEN1201.html>), this change does not affect students with intellectual disabilities who are enrolled in approved Comprehensive Transition and Postsecondary Programs (TPSID). Students who enroll in such programs remain eligible for Title IV assistance from the Federal Pell Grant, Federal Supplemental Educational Opportunity Grant, and Federal Work Study programs even if they do not have a high school diploma or its recognized equivalent.

MONICA VERRA-TIRADO, Ed.D., CHIEF  
Bureau of Exceptional Education and Student Services

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Should you have any questions regarding the changes to legislation please contact Jennifer Jenkins, Program Director, at (850) 245-0476 or via email at [jennifer.jenkins@fldoe.org](mailto:jennifer.jenkins@fldoe.org).

MVT/jjm

Attachments

cc: District Transition Contacts  
FDLRS Managers  
Jordan Knab  
Jennifer Jenkins