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Florida Bright Futures Program: Felony Disenfranchisement in The Sunshine State

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FLORIDA BRIGHT FUTURES PROGRAM: FELONY DISENFRANCHISEMENT IN THE SUNSHINE STATE

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Policy Brief No. 5

Background: This brief is one in a series aimed at providing higher education policymakers and advocates with an evidence base to address how to best serve students in light of the challenges facing higher education. This brief was authored by a University of Massachusetts Amherst graduate student in the dual M.Ed/MPPA program as a course assignment for EDUC 674B: Higher Education Policy and was reviewed for accuracy by Professor Sade Bonilla.

CENTRAL TOPIC

Students convicted of a felony in Florida face financial aid restrictions that limit their ability to attend college. These restrictions, in turn, increase the probability of re-incarceration. Despite this, Florida’s largest state-funded scholarship, the Florida Bright Futures Program, maintains a statutory conviction ban. This perpetuates preexisting inequities in college access and discriminates against those most vulnerable to the criminal justice system—minoritized, low-income populations.

KEY INSIGHTS

Breaking Down the Issue

- Unlike any other state-funded aid program in Florida, the FBF Program will not award scholarships to convicted felons.
- This restriction disproportionately affects minoritized, low-income populations who are already more likely to be incarcerated and less likely to apply to and enroll in postsecondary education in the first place.
- In permanently barring convicted felons from eligibility, the scholarships become yet another punitive measure, preemptive in theory, but ultimately discriminatory in practice (much like the long-contested felony voting ban in the state).

Recommendations

- The FBF Program should capitalize on its potential to improve college access by eliminating eligibility restrictions that only further dissuade those least likely to enroll and persist in college from pursuing a postsecondary education.
- A conviction should not be the sole determinant by which eligibility is decided. The particular nature of the offense should be taken into consideration, as well as the status of sentence completion.
- The traditional measures by which the scholarships gauge academic achievement should be reconsidered to account for non-traditional models and modes of learning.

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ISSUE

Students convicted of a felony in Florida face financial aid restrictions that limit their ability to attend college and increase the probability of re-incarceration. Florida is one of six states that deem those convicted of a felony permanently ineligible for at least one state financial aid program.¹ With the third largest state prison system in the nation—and some of the harshest sentencing policies²—such restrictions reflect partisan legislature that falls into a long line of felony disenfranchisement practices in the state.³ Research shows that, without intervention, two-thirds of those incarcerated will return to prison within three years of their release, but that rates of recidivism decrease with an increase in education.⁴ This is most salient when considering the cyclical impact of carcerality on families, and the effect of childhood poverty on future levels of criminality, not to mention general wellbeing.⁵ In 2018, roughly 312,000 Floridian children had at least one incarcerated parent.⁶ Despite this, however, financial aid policy in Florida remains restrictive, perpetuating preexisting inequities in college access and discriminating against those most vulnerable to the criminal justice system—minoritized, low-income populations.

Florida

CASE STUDIES

Massachusetts

Florida’s Bright Futures Program is one of the largest merit-based scholarship programs in the country. When it comes to justice-system impacted populations, it is also one of the most restrictive. Funded by the state lottery, the program’s merit-based scholarships reward academic achievement with funding for postsecondary education.⁷ General eligibility requirements include state residency, a Florida high school diploma or its equivalent, and acceptance by and enrollment in a degree or certificate program at an eligible Florida postsecondary institution. Each of the program’s four separate scholarship requires a specified number of credits from a list of approved college preparatory courses, a minimum GPA score, and a minimum test score on either the SAT or ACT.⁸ GED recipients may, in theory, qualify for scholarship aid, though none of the above criteria is waived for non-traditional students.

Unlike any other financial aid program in the state, the FBF Program restricts its eligibility criteria even further by maintaining a statutory conviction ban. This means that any student with a prior felony conviction is automatically disqualified from scholarship eligibility, implying that even if they meet all other criteria, their conviction renders them undeserving. About 1.4 million Floridians have been convicted of a felony.⁹ Unless granted clemency by the state governor—an arduous process, contingent on the full payment of all fines, fees, and restitution in relation to the felony offense—these men and women are permanently barred from receiving college funding through the FBF Program.¹

The two largest state aid programs in Massachusetts are the MASSGrant and the MASSGrant Plus programs. Although both programs enact barriers for those impacted by the justice system, these restrictions are less stringent than the FBF Program requirements. To be eligible for either grant, students must be MA residents enrolled in full-time undergraduate coursework at an eligible institution. They must maintain “satisfactory academic progress,” and must not have defaulted on any prior loan.¹⁰ Finally, they must qualify for Title IV eligibility, which automatically disqualifies incarcerated students from receiving either grant (notably, however, this restriction is lifted upon release for all convicted felons except those subject to sexual offenses).¹¹

Massachusetts is one of 14 states in which disenfranchisement ends after one’s prison sentence has been served. Florida, by comparison, is one of 12 states that continues to penalize felons (no matter the offense) even after prison, parole, and/or probation sentencing is complete.¹²

POLICY LOGIC

Unlike purely need-based financial aid, merit-based funding is meant to address financial inequity while simultaneously placing an emphasis on the importance of academic performance and college preparation. The FBF Program, implemented at a time when Florida had one of the highest remedial coursework rates in the nation, is built to do just that.

The scholarships awarded through FBF work together toward achieving a tripartite goal. First, through defining eligibility according to rigorous academic criteria, the scholarships act as an incentive for high academic performance (and, through this, motivate higher rates of retention). Second, inspired by Georgia’s HOPE scholarship (implemented in 1993), they allocate lottery dollars toward the betterment of Floridians in a publicly visible way. Finally, their implementation and regulation are

meant to improve equitable access to higher education. The program has achieved success in improving student performance, college preparation, enrollment, and retention rates, but its impact on improving equitable access to higher education among low-income, minoritized students has been called into question.¹³

With eligibility requirements that focus on high academic achievement through traditional (and historically inequitable) modes of learning, not to mention the statutory conviction ban, FBF is just as much a barrier for some as it is an incentivizing access point for others. In permanently barring convicted felons from eligibility, the scholarships become yet another punitive measure, preemptive in theory, but ultimately discriminatory in practice (much like the long-contested felony voting ban in the state).

EVIDENCE

While studies have shown that the FBF Program does indeed have a positive effect upon academic achievement in terms of preparation, enrollment, retention, and overall performance, the scholarships do not provide equitable access to quality postsecondary education. Since the inception of the FBF scholarships in 1997, the percentage of high school graduates who met the program’s requirements has steadily increased, as has the rate at which high school graduates attend college.¹⁴ Though low-income and minoritized students show the largest improvements in these areas, these same students remain significantly underrepresented among those most prepared for college, as well as those most likely to attend.¹⁴

Given the steady growth of participation in FBF, it is crucial to acknowledge that, despite positive correlations between the program’s implementation and student achievement and persistence (even among low-income, minoritized groups), such lottery-funded, merit-based scholarships, if not properly regulated, continue to perpetuate inequity through flawed and inefficient distribution methods. Because households with lower socioeconomic status have a higher probability of paying more in lottery taxes but a lower probability of receiving

lottery-funded scholarships, aid programs like FBF tend to redistribute income from lower income, non-White, and less educated households to higher income, White, well-educated households.¹⁵

Demonstrated gaps between the race, gender, and socioeconomic status of FBF scholarship recipients are well documented, especially as they pertain to Black males compared against their White peers from all tax brackets.¹⁴ This is due, in part, to the incapacitating effect of differential enforcement of drug laws and incarceration on the rates at which Black people, and Black men especially, apply to and enroll in college.¹⁶ In a state where nearly 50% of the incarcerated population is Black (even though Black people comprise only 16% of the entire state population), and where the prison incarceration rate of Black people has risen by nearly 50% since the advent of Reagan’s war on drugs, the fact that the low-income, minoritized communities most likely to experience incarceration are also those least likely to be awarded an FBF scholarship is suspect, at best.¹⁷ The FBF Program is essentially designed not just to perpetuate, but to heighten preexisting inequities in educational opportunities for those most disproportionately affected by the criminal justice system.

RECOMMENDATIONS

The Florida Legislature should consider the ways in which FBF can remove barriers rather than create them. Florida, through various practices of felony disenfranchisement, has become thought of as an “epicenter of state violence against the Black community.”³ The scholarships awarded through FBF present a valuable opportunity to rectify this past. The FBF Program should capitalize on its potential to improve college access by eliminating eligibility restrictions that only further dissuade those least likely to enroll and persist in college from pursuing a postsecondary education. The statutory conviction ban should be lifted—a conviction should not be the sole determinant by which eligibility is decided. Rather, whether one qualifies should be determined according to

the particular nature of the offense, as well as the status of sentence completion. Further, eligibility should not be contingent on full payment of all fines, fees, and restitution as long as payments are indeed being made. Finally, the traditional measures by which the scholarships gauge academic achievement should be reconsidered to account for non-traditional models and modes of learning (e.g., GED recipients who maintain satisfactory academic progress through their postsecondary program should not be automatically disqualified for failure to meet certain requirements in high school). Without such amendments, the Florida Bright Futures Program is but another means by which the state continues enacting discriminatory practices of felony disenfranchisement.

CITATIONS

¹ Hobby, L., Walsh, B., & Delaney, R. (2019). A Piece of the Puzzle: State Financial Aid for Incarcerated Students Technical Appendix. Vera Institute of Justice. <<https://www.vera.org/downloads/publications/a-piece-of-the-puzzle-appendix.pdf>>.

² Malec, C. (2019). The Effects of Educational Programs in Prison Towards Overall Rehabilitation: The Observations and Perspective of a Prisoner. *Reflections*, 19(1), Spring/Summer 2019. <<https://reflectionsjournal.net/wp-content/uploads/2019/08/Reflections-19.1-Malec.pdf>>.

³ Philips, A., Deckard, N. (2015). Felon Disenfranchisement Laws and the Feedback Loop of Political Exclusion: The Case of Florida. *Journal of African American Studies*, 2016, Springer.

⁴ Alper, M., Durose, M. R., & Markman, J. (2018). 2018 Update on Prisoner Recidivism: A 9-year Follow-Up Period (2005-2014). Washington, DC: Bureau of Justice Statistics. <<https://bjs.ojp.gov/content/pub/pdf/18supr9yfup0514.pdf>>.

⁵ Sariaslan, A., Larsson, H., D'Onofrio, B., Långström, N., & Lichtenstein, P. (2014). Childhood family income, adolescent violent criminality and substance misuse: Quasi-experimental total population study. *British Journal of Psychiatry*, 205(4), 286-290.

⁶ Ogles, J. (2018). Over 300,000 Florida children have parent behind bars, study finds. *Florida Politics*. <<https://floridapolitics.com/archives/282707-parents-behind-bars-study/>>.

⁷ The 2021 Florida Statutes, Online Sunshine. <http://www.leg.state.fl.us/Statutes/index.cfm?Appmode=Display_Statute&URL=1000-1099/1009/Sections/1009.53.html>.

⁸ Bright Futures Student Handbook, 2021-2022. <<https://www.floridastudentfinancialaidsg.org/>>.

⁹ Fineout, G. (2020). Final tally: Group says 67,000 felons registered in Florida after Amendment 4. *Politico*.

<<https://www.politico.com/states/florida/story/2020/10/19/final-tally-group-says-67-000-felons-registered-in-florida-after-amendment-4-1327176>>.

¹⁰ Mass.gov. <<https://www.mass.gov/info-details/massgrant-award-terms-conditions>>.

¹¹ Federal Student Aid: An Office of the U.S. Department of Education. Students with criminal convictions have limited eligibility for federal student aid. <<https://studentaid.gov/understand-aid/eligibility/requirements/criminal-convictions>>.

¹² Uggen C., Larson, R., Shannon, S. (2016). 6 Million Lost Voters: State-Level Estimates of Felony Disenfranchisement, 2016. The Sentencing Project. <<https://www.sentencingproject.org/publications/6-million-lost-voters->

¹³ McClinton, M. (2005). How the merit scholars program of Florida's bright futures funding has affected student success among African American students. Florida State University, *ProQuest*.

¹⁴ Harkreader, S., Hughes, J., Tozzi, M. H., & Vanlandingham, G. (2008). The Impact of Florida's Bright Futures Scholarship Program on High School Performance and College Enrollment. *Journal of Student Financial Aid*: 38(1), <<https://ir.library.louisville.edu/jsfa/vol38/iss1/1/>>.

¹⁵ Stranahan, H. A., & Borg, M. O. (2004). Some Futures are Brighter than Others: The Net Benefits Received by Florida Bright Futures Scholarship Recipients. *Public Finance Review*, 32(1), 105-126.

¹⁶ Tolani Britton (2019). Does Locked Up Mean Locked Out? The Effects of the Anti-Drug Act of 1986 on Black Male Students' College Enrollment. IRLE Working Paper No. 101-19.

¹⁷ Norris, C. A. (2021). An Exploratory Study of the Preschool-to-Prison Pipeline and Leadership Styles for a Successful Teaching and Learning Environment to Break This Phenomenon in Jacksonville, Florida. Saint Leo University, *ProQuest*.

The findings and conclusions contained within are those of the author and do not necessarily reflect the position or policies of the Center for Student Success Research, College of Education or University of Massachusetts Amherst.