

SENATE BILL 739

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SB 111/13 – EHE

4lr1498

By: **Senator Kittleman**

Introduced and read first time: January 31, 2014

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

AN ACT concerning

Education – General Assembly Scholarships – Modification of Programs

FOR the purpose of altering the Senatorial and Delegate Scholarship Programs to require that the money appropriated under the programs be awarded by the Office of Student Financial Assistance in the Maryland Higher Education Commission; requiring the Office to ensure that the awards are distributed in a certain manner and that certain student populations are served; requiring the Office to adopt certain guidelines; requiring that certain awards be apportioned among certain legislative districts; repealing certain provisions of law relating to administering a certain examination for Senatorial Scholarships and awarding Delegate Scholarships for part-time students; making certain stylistic changes; making a technical correction; permitting certain recipients to continue to receive awards under certain circumstances; requiring that certain appropriations and unexpended appropriations in certain fiscal years for Senatorial and Delegate Scholarships be transferred and distributed to the Office; and generally relating to modifying the Senatorial and Delegate Scholarship Programs.

BY repealing

Article – Education

Section 18–502 and 18–504

Annotated Code of Maryland

(2008 Replacement Volume and 2013 Supplement)

BY renumbering

Article – Education

Section 18–505, 18–506, and 18–507, respectively
to be Section 18–504, 18–505, and 18–506, respectively

Annotated Code of Maryland

(2008 Replacement Volume and 2013 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



BY adding to

Article – Education
 Section 18–114 and 18–502
 Annotated Code of Maryland
 (2008 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,

Article – Education
 Section 18–401 through 18–408, 18–501, and 18–503
 Annotated Code of Maryland
 (2008 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,

Article – Education
 Section 18–504, 18–505, and 18–506
 Annotated Code of Maryland
 (2008 Replacement Volume and 2013 Supplement)
 (As enacted by Section 2 of this Act)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 18–502 and 18–504 of Article – Education of the Annotated Code of Maryland be repealed.

SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 18–505, 18–506, and 18–507, respectively, of Article – Education of the Annotated Code of Maryland be renumbered to be Section(s) 18–504, 18–505, and 18–506, respectively.

SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Education

18–114.

(A) IN MAKING AWARDS UNDER THE SENATORIAL AND DELEGATE SCHOLARSHIP PROGRAMS UNDER SUBTITLES 4 AND 5 OF THIS TITLE, THE OFFICE SHALL ENSURE THAT THE AWARDS ARE DISTRIBUTED AMONG:

- (1) FULL–TIME STUDENTS;**
- (2) PART–TIME STUDENTS;**
- (3) COMMUNITY COLLEGE AND PROPRIETARY SCHOOL STUDENTS;**
- (4) 4–YEAR COLLEGE UNDERGRADUATE STUDENTS; AND**

(5) GRADUATE AND PROFESSIONAL SCHOOL STUDENTS.

(B) IN ADDITION TO THE ELIGIBILITY CRITERIA ESTABLISHED UNDER SUBTITLES 4 AND 5 OF THIS TITLE AND THE REQUIREMENTS OF SUBSECTION (A) OF THIS SECTION, THE OFFICE SHALL ADOPT GUIDELINES TO IDENTIFY AND ASSIST STUDENTS WHO MAY NOT SATISFY THE SPECIFIC CRITERIA FOR AN AWARD UNDER THE SENATORIAL AND DELEGATE SCHOLARSHIP PROGRAMS BUT, BECAUSE OF SPECIAL, UNFORESEEN, OR CHANGING INDIVIDUAL OR FAMILY CIRCUMSTANCES, MERIT CONSIDERATION FOR AN AWARD.

18-401.

(A) There is a program of senatorial scholarships in this State that are awarded **BY THE OFFICE** under this subtitle.

(B) THE OFFICE SHALL MAKE AWARDS IN ACCORDANCE WITH THE PROVISIONS OF THIS SUBTITLE AND THE CRITERIA SPECIFIED UNDER § 18-114 OF THIS TITLE.

18-402.

(a) [(1) Except as provided in paragraph (2) of this subsection, each] EACH applicant for a senatorial scholarship shall[**:**

(i) Take a competitive examination administered by the Office;
and

(ii) **Be] HAVE BEEN** accepted for admission in the regular undergraduate, graduate, or professional program at an eligible institution; or be enrolled in a 2-year terminal certificate program in which the course work is acceptable for transfer credit for an accredited baccalaureate program in an eligible institution.

[(2) An applicant is exempt from the examination if the applicant:

(i) Is attending an eligible institution and has completed at least 1 year in good academic standing at the institution;

(ii) Graduated from high school at least 5 years before application for a senatorial scholarship;

(iii) Is accepted for admission to a private career institution, if the institution's curriculum is approved by the Commission, and the institution is

accredited by a national accrediting association approved by the United States Department of Education; or

(iv) Is planning to attend or is attending a Maryland community college.]

(b) Each applicant shall:

(1) Be a resident of this State; and

(2) At the time of the applicant's initial application, be a resident of the legislative district from which [the applicant seeks an award] **A SENATORIAL AWARD IS SOUGHT.**

(c) [(1)] Each applicant shall demonstrate to the Office a definite financial need[, and each Senator shall consider the financial need of each applicant.

(2) Each Senator is the final judge of the financial need of each applicant to whom he awards a scholarship, and the Office may not negate this judgment or impose requirements of time or procedure].

(d) Each applicant shall accept any other conditions attached to the award **THAT DO NOT CONFLICT WITH THE PROVISIONS OF THIS SUBTITLE OR § 18-114 OF THIS TITLE.**

18-403.

If a [Senator serves from a] legislative district IS composed of more than one county, **THE OFFICE SHALL:**

(1) CONSIDER APPLICANTS FROM EACH COUNTY IN THE LEGISLATIVE DISTRICT; AND

(2) AWARD the number of scholarship units [shall be divided as equally as possible among] **TO WHICH THAT DISTRICT IS ENTITLED TO** qualified applicants from each county in the legislative district.

18-404.

(a) [Each Senator may] **FOR EACH GENERAL ASSEMBLY LEGISLATIVE DISTRICT IN THE STATE, THE OFFICE SHALL** award \$34,500 of senatorial scholarships each year.

(b) (1) The annual allocation under subsection (a) of this section applies to initial-year awards. After 4 years of operation, the annual allocation [to each Senator]

for initial-year and continuing awards **FOR THAT LEGISLATIVE DISTRICT** may not exceed four times the amount of [his] **THE** allocation under subsection (a) of this section.

(2) If a recipient moves to [the] **ANOTHER** legislative district [of another Senator], the allocation to the recipient shall continue to be drawn on the account of the [Senator who originally awarded the scholarship] **LEGISLATIVE DISTRICT FROM WHICH THE ORIGINAL AWARD WAS MADE.**

(c) (1) A senatorial scholarship may be awarded in \$100 increments.

(2) An award for a single year may not be less than \$400 or more than the equivalent annual tuition and mandatory fees of an undergraduate program at the 4-year public institution of higher education within the University System of Maryland, other than the University of Maryland University College and University of Maryland, Baltimore, with the highest annual expenses for a full-time resident undergraduate.

18-405.

(a) Except as provided in subsection (d) of this section, a senatorial scholarship may be used only at any undergraduate, graduate, or professional school in the State.

(b) A senatorial scholarship may be used:

(1) If the curriculum is approved by the Commission, at a degree granting institution of higher education, a hospital diploma school for training registered nurses, or to attend a private postsecondary proprietary institution that is accredited by a national accrediting association approved by the United States Department of Education as a full-time student; and

(2) For educational expenses as defined by the Office, including:

(i) Tuition and mandatory fees; and

(ii) Room and board.

(c) If on-campus housing is available, a senatorial scholarship may not be used to pay for off-campus housing.

(d) [Each Senator may award not] **NO** more than 10 percent of the funds available under this subtitle **MAY BE AWARDED** to applicants planning to attend accredited undergraduate, graduate, or professional institutions outside the State, provided the applicant:

(1) Will be studying in an academic area that is not available in the State; or

(2) Is a hearing impaired person who will be studying at an institution outside the State that makes special provisions for hearing impaired students, and comparable special provisions are not available to that student at an institution in the State.

18–406.

(a) Except as otherwise provided in this section, each recipient of a senatorial scholarship may hold the scholarship for 4 undergraduate academic years and 4 graduate academic years if [he] **THE RECIPIENT**:

(1) Is a full–time student;

(2) Continues to be a resident of this State; and

(3) Continues to be a student at the institution and takes at least 12 semester hours of courses as an undergraduate or 9 semester hours of courses as a graduate student each semester leading to a degree.

(b) A recipient of an undergraduate or graduate senatorial scholarship may hold the scholarship, appropriately prorated, for 8 academic years if [he] **THE RECIPIENT**:

(1) Is a part–time student;

(2) Continues to be a resident of this State; and

(3) Continues to be a student at the institution and takes at least 6 semester hours of courses each semester leading to a degree.

(c) Any recipient of a senatorial scholarship may use up to one–half of the yearly award for summer school.

(d) A recipient of a senatorial scholarship who is enrolled in a terminal certificate program as provided in § 18–402(a) of this subtitle may hold the scholarship for 2 years if [he] **THE RECIPIENT** is a full–time student and otherwise meets the conditions of subsection (a) of this section, or may hold the scholarship for 4 years if [he] **THE RECIPIENT** is a part–time student and otherwise meets the conditions of subsection (b) of this section.

(e) Each recipient of a senatorial scholarship who is enrolled in a private postsecondary proprietary institution that is accredited by a national accrediting association approved by the United States Department of Education:

(1) May hold the scholarship for the completion of 1 program if the student otherwise meets the conditions of [paragraphs (1) and (2) of subsection (a)] **SUBSECTION (A)(1) AND (2)** of this section; and

(2) Shall complete the program within the length of time prescribed by the institution for the completion of the program.

18–407.

(a) [Each Senator] **THE OFFICE** shall award all [of his] senatorial scholarships on or before September 1 of each year.

(b) If [any Senator], **BECAUSE AN INSUFFICIENT NUMBER OF APPLICATIONS ARE RECEIVED FROM INDIVIDUALS WHO MEET THE ELIGIBILITY REQUIREMENTS FOR AN AWARD, THE OFFICE** fails to award all of [his scholarships on or before September 1 of each year, the Commission] **THE SENATORIAL SCHOLARSHIPS FOR A LEGISLATIVE DISTRICT, THE OFFICE** shall make the remaining awards to applicants from [the Senator's] **THAT** legislative district who[:

(1) Scored highest on the competitive examination; or

(2) Are] **ARE** attending an eligible institution and have completed at least 1 year in good academic standing.

(c) The Office shall[:

(1) Notify each Senator of the applicants to whom it awards the Senator's scholarships; and

(2) Announce] **ANNOUNCE** publicly the names of all recipients.

(d) To the extent a scholarship awarded under § 18–404 of this subtitle is not used by a student, moneys appropriated to the Commission for that award not used by the end of the fiscal year shall be retained by the Commission for use [by the awarding Senator] **IN THAT LEGISLATIVE DISTRICT** in the Senatorial Scholarship Program during subsequent fiscal years.

18–408.

(a) If there is no qualified applicant in a legislative district, **THE OFFICE MAY SELECT** a qualified applicant who resides in another legislative district [may be appointed] to receive the senatorial scholarship.

(b) A senatorial scholarship awarded under this section is for 1 year. However, a student who receives an appointment under this section is eligible to receive a subsequent appointment for not longer than 3 years.

18-501.

(a) There is a program of Delegate Scholarships in this State that are awarded **BY THE OFFICE** under this subtitle.

(b) A scholarship awarded under this subtitle may be used at:

(1) An eligible institution for a program of undergraduate, graduate, or professional studies;

(2) An accredited undergraduate, graduate, or professional institution outside the State, if:

(i) The applicant will be studying in an academic area that is not available in this State; or

(ii) 1. The applicant is disabled;

2. The applicant will be studying at an institution outside the State that makes special provisions for disabled students; and

3. Comparable special provisions are not available to that student at an institution in the State; and

(3) A private career school within the State that is approved by the Maryland Higher Education Commission under § 11-202 of this article and that is accredited by a national accrediting association that is approved by the United States Department of Education.

(c) Moneys appropriated to the Commission for scholarships awarded under this section that are not used by the end of the fiscal year shall be retained by the Commission for use by the [awarding Delegate] **OFFICE** in the Delegate Scholarship Program during subsequent fiscal years.

18-502.

THE OFFICE SHALL MAKE AWARDS IN ACCORDANCE WITH THE PROVISIONS OF THIS SUBTITLE AND THE CRITERIA SPECIFIED UNDER § 18-114 OF THIS TITLE.

18-503.

[(a) During each term in office, each Delegate may award the equivalent of four 4-year full-time scholarships, which may be awarded for either 1-, 2-, 3-, or 4-year periods.]

(A) (1) FOR EACH GENERAL ASSEMBLY LEGISLATIVE DISTRICT IN THE STATE DURING EACH TERM OF THE GENERAL ASSEMBLY, THE OFFICE SHALL AWARD, FOR EACH DELEGATE IN THAT DISTRICT, SCHOLARSHIPS IN A TOTAL AMOUNT EQUAL TO 4 TIMES THE TUITION AND MANDATORY FEES FOR A FULL-TIME UNDERGRADUATE STUDENT ENROLLED AT THE UNIVERSITY OF MARYLAND, COLLEGE PARK FOR EACH ACADEMIC YEAR OF THE LEGISLATIVE TERM.

(2) IF A LEGISLATIVE DISTRICT ENCOMPASSES A SUBDISTRICT, THE AWARDS UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE AWARDED AMONG ANY SUBDISTRICTS THAT ARE INCLUDED IN THE LEGISLATIVE DISTRICT.

(b) (1) Each scholarship [pays] **SHALL BE USED TO PAY** the tuition and mandatory fees **AND ROOM AND BOARD** at any eligible institution.

(2) The annual amount of a scholarship at a private institution or any graduate or professional program may not exceed the equivalent annual tuition and mandatory fees of an undergraduate program at the 4-year public institution of higher education within the University System of Maryland, other than the University of Maryland University College and University of Maryland, Baltimore, with the highest annual expenses for a full-time resident undergraduate.

18-504.

(a) Each recipient of a [full-time] Delegate Scholarship may use the scholarship to attend summer school.

(b) The term of a [full-time] Delegate Scholarship shall be shortened by one-half year for each summer of use.

(c) The amount used for summer school may not exceed one-half of the value of the award for the next academic year.

18-505.

(a) [As an alternative to the scholarship awards authorized by §§ 18-503 through 18-505 of this subtitle, and subject to the provisions of subsection (b) of this section, during each year in office each Delegate may award scholarships in a total amount equal to four times the tuition and mandatory fees for a full-time undergraduate student enrolled at the University of Maryland, College Park for the academic year commencing in that year.

(b) A scholarship [award under subsection (a) of this section] **AWARDED BY THE OFFICE UNDER THIS SUBTITLE:**

(1) May not be for an amount less than \$200 or more than one-half of the total amount of scholarships authorized by [subsection (a) of] this section for that year;

(2) Shall be used at an eligible institution; **AND**

(3) May be used by:

(i) A graduate, undergraduate, or professional student; or

(ii) A student at a private career school within the State that is approved by the Maryland Higher Education Commission under § 11-202 of this article and that is accredited by a national accrediting association that is approved by the United States Department of Education[; and].

[(4) (B)] To the extent [it] **AN AWARD** is not used by the student, **THE AWARD** shall be recredited **BY THE OFFICE** to the [Delegate's scholarship] **LEGISLATIVE DISTRICT'S** account and may be awarded in the next 12 months by [that Delegate] **THE OFFICE** to another student pursuant to **THE REQUIREMENTS OF** this [section] **SUBTITLE**.

18-506.

[(a)] Beginning in fiscal year 1996, each Delegate may authorize the Office of Student Financial Assistance to award all or a portion of the funds authorized under this subtitle to eligible recipients of a Delegate Howard P. Rawlings Educational Excellence Award who reside in the Delegate's legislative district.

(b)] In the event that the total number of eligible recipients [of a Delegate Howard P. Rawlings Educational Excellence Award] who reside in the [Delegate's] legislative district is insufficient to utilize the total amount of funds available to [the Delegate] **THAT LEGISLATIVE DISTRICT** for any fiscal year, the Office [of Student Financial Assistance may, with the consent of the Delegate,] **MAY** award the unused funds to other eligible recipients throughout the State.

SECTION 4. AND BE IT FURTHER ENACTED, That, notwithstanding the provisions of this Act, each current recipient of a Senatorial Scholarship or a Delegate Scholarship on the effective date of this Act, including the recipients of new or increased awards during fiscal year 2015, shall continue to be eligible to receive the full amount of that award for the duration of the eligibility period applicable to that recipient.

SECTION 5. AND BE IT FURTHER ENACTED, That any appropriation in fiscal year 2015 and any unexpended appropriation available under the Senatorial Scholarship Program or the Delegate Scholarship Program at the conclusion of the

current term of the General Assembly on January 14, 2015, that is not needed to meet scholarship awards made to eligible recipients under Section 4 of this Act shall be transferred to and distributed by the Office of Student Financial Assistance in accordance with the provisions of Section 3 of this Act. The unexpended appropriations under this section that are transferred to the Office of Student Financial Assistance shall be allocated by legislative district so that each district receives an amount equal to the balance of scholarship funds previously available under the Senatorial and Delegate Scholarship Programs that had not been awarded by that district's Senators and Delegates during the current legislative term.

SECTION 6. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2014.