

HOUSE BILL 400

F2

6lr2218

By: **Delegate M. Washington**

Introduced and read first time: January 28, 2016

Assigned to: Ways and Means

Committee Report: Favorable

House action: Adopted

Read second time: March 17, 2016

CHAPTER _____

1 AN ACT concerning

2 **Higher Education – Tuition Waivers for Foster Care Recipients and**
3 **Unaccompanied Homeless Youth – Modifications**

4 FOR the purpose of altering the definition of “foster care recipient” in relation to when
5 certain individuals have to reside in a certain out-of-home placement to be eligible
6 for a certain tuition waiver; altering a certain requirement that certain foster care
7 recipients and certain unaccompanied homeless youth apply for certain financial aid
8 by a certain time; requiring certain public institutions of higher education and the
9 Maryland Higher Education Commission to make certain annual reports on or before
10 certain dates; and generally relating to tuition waivers for foster care recipients and
11 unaccompanied homeless youth.

12 BY repealing and reenacting, with amendments,
13 Article – Education
14 Section 15–106.1
15 Annotated Code of Maryland
16 (2014 Replacement Volume and 2015 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
18 That the Laws of Maryland read as follows:

19 **Article – Education**

20 15–106.1.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (a) (1) In this section the following words have the meanings indicated.

2 (2) (i) “Foster care recipient” means an individual who:

3 1. Was placed in an out-of-home placement by the Maryland
4 Department of Human Resources; and

5 2. A. Resided in an out-of-home placement [in the State
6 at the time the individual graduated from high school or successfully completed a general
7 equivalency development examination (GED)] **ON THE INDIVIDUAL’S 18TH BIRTHDAY;**
8 or

9 B. Resided in an out-of-home placement [in the State] on the
10 individual’s 13th birthday and was placed into guardianship or adopted out of an
11 out-of-home placement after the individual’s 13th birthday.

12 (ii) “Foster care recipient” includes a younger sibling of an individual
13 described in subparagraph (i) of this paragraph if the younger sibling is concurrently placed
14 into guardianship or adopted out of an out-of-home placement by the same guardianship
15 or adoptive family.

16 (3) “Out-of-home placement” has the meaning stated in § 5-501 of the
17 Family Law Article.

18 (4) (i) “Tuition” means the charges imposed by a public institution of
19 higher education for enrollment at the institution.

20 (ii) “Tuition” includes charges for registration and all fees required
21 as a condition of enrollment.

22 (5) “Unaccompanied homeless youth” means a child or youth who:

23 (i) Has had a consistent presence in the State for at least 1 year
24 before enrollment in a public institution of higher education that is documented by school,
25 employment, or other records;

26 (ii) Is not in the physical custody of a parent or guardian;

27 (iii) Is a homeless child or youth, as defined by the McKinney-Vento
28 Homeless Assistance Act; and

29 (iv) Was determined to be a homeless child or youth by:

30 1. A Maryland local school system homeless liaison, as
31 defined by the McKinney-Vento Homeless Assistance Act;

1 2. A Director or a designee of the Director of a
2 Maryland–based program funded under the Runaway and Homeless Youth Act;

3 3. A Director or a designee of the Director of a
4 Maryland–based program funded under Title IV, Subtitle B of the McKinney–Vento
5 Homeless Assistance Act; or

6 4. The financial aid director at the public institution of
7 higher education in which the youth seeks to enroll.

8 (b) When determining whether a youth is an unaccompanied homeless youth, a
9 financial aid administrator shall verify annually that the youth qualifies as an independent
10 student under the federal College Cost Reduction and Access Act, 20 U.S.C. §
11 1087vv(d)(1)(H).

12 (c) (1) A foster care recipient or an unaccompanied homeless youth is exempt
13 from paying any tuition at a public institution of higher education, regardless of that foster
14 care recipient’s or unaccompanied homeless youth’s receipt of any scholarship or grant if:

15 (i) The foster care recipient or unaccompanied homeless youth is
16 enrolled at the institution on or before the date that the foster care recipient or
17 unaccompanied homeless youth reaches the age of 25 years;

18 (ii) The foster care recipient or unaccompanied homeless youth is
19 enrolled as a candidate for a vocational certificate, an associate’s degree, or a bachelor’s
20 degree; and

21 (iii) The foster care recipient or unaccompanied homeless youth has
22 filed for federal and State financial aid [by March 1 each year].

23 (2) If a foster care recipient or an unaccompanied homeless youth receives
24 a scholarship or grant for postsecondary study and is enrolled before the recipient’s 25th
25 birthday as a candidate for a vocational certificate, an associate’s degree, or bachelor’s
26 degree at a public institution of higher education, the scholarship or grant may not be
27 applied to the tuition for the foster care recipient or unaccompanied homeless youth.

28 (3) A foster care recipient or an unaccompanied homeless youth who is
29 exempt from tuition under this section continues to be exempt until the earlier of:

30 (i) 5 years after first enrolling as a candidate for an associate’s
31 degree or a bachelor’s degree at a public institution of higher education in the State; or

32 (ii) The date that the foster care recipient or unaccompanied
33 homeless youth is awarded a bachelor’s degree.

34 **(D) (1) ON OR BEFORE JUNE 1 OF EACH YEAR, EACH PUBLIC**
35 **INSTITUTION OF HIGHER EDUCATION IN THE STATE SHALL REPORT TO THE**

1 COMMISSION ON THE AGGREGATE AND DISAGGREGATE NUMBER OF FOSTER CARE
2 RECIPIENTS AND UNACCOMPANIED HOMELESS YOUTH WHO:

3 (I) RECEIVED A TUITION EXEMPTION UNDER THIS SECTION
4 DURING THE PRIOR ACADEMIC YEAR;

5 (II) RECEIVED A TUITION EXEMPTION UNDER THIS SECTION AT
6 ANY POINT DURING THEIR ENROLLMENT AT THE INSTITUTION; AND

7 (III) EARNED A BACHELOR’S DEGREE, AN ASSOCIATE’S DEGREE,
8 OR A VOCATIONAL CERTIFICATE FROM THE INSTITUTION DURING THE PRIOR
9 ACADEMIC YEAR.

10 (2) ON OR BEFORE SEPTEMBER 1 OF EACH YEAR, THE COMMISSION
11 SHALL:

12 (I) COMPILE THE REPORTS RECEIVED IN ACCORDANCE WITH
13 PARAGRAPH (1) OF THIS SUBSECTION; AND

14 (II) SUBMIT THE COMPILATION OF REPORTS TO THE GENERAL
15 ASSEMBLY IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
17 1, 2016.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.