

Chapter 263

(House Bill 400)

AN ACT concerning

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

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

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

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

Article – Education

15–106.1.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(D) (1) ON OR BEFORE JUNE 1 OF EACH YEAR, EACH PUBLIC INSTITUTION OF HIGHER EDUCATION IN THE STATE SHALL REPORT TO THE COMMISSION ON THE AGGREGATE AND DISAGGREGATE NUMBER OF FOSTER CARE RECIPIENTS AND UNACCOMPANIED HOMELESS YOUTH WHO:

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

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

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

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

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

(ii) SUBMIT THE COMPILATION OF REPORTS TO THE GENERAL ASSEMBLY IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE.

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

Approved by the Governor, April 26, 2016.