

HOUSE BILL 216

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(PRE-FILED)

1lr1336
CF SB 155

By: **Delegate Valentino-Smith**

Requested: October 30, 2020

Introduced and read first time: January 13, 2021

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Higher Education – Tuition Exemption for Foster Care Recipients and**
3 **Homeless Youth – Alterations and Reports**

4 FOR the purpose of altering the method by which a certain financial administrator is
5 required to verify that a certain youth is a homeless youth; providing that a foster
6 care recipient or a homeless youth who receives a certain tuition waiver is entitled
7 to priority consideration for on-campus housing under certain circumstances;
8 requiring a public institution of higher education to make the application for a
9 certain tuition waiver available to certain students and provide notice of the
10 availability of the application; requiring a public institution of higher education to
11 establish a certain appeal process; altering certain reports a public institution of
12 higher education and the Maryland Higher Education Commission are required to
13 complete; requiring a public institution of higher education to submit certain
14 documents to the Commission on or before a certain date each year; altering certain
15 definitions; and generally relating to tuition exemptions for foster care recipients
16 and homeless youth.

17 BY repealing and reenacting, with amendments,
18 Article – Education
19 Section 15–106.1
20 Annotated Code of Maryland
21 (2018 Replacement Volume and 2020 Supplement)

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

24 **Article – Education**

25 15–106.1.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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
4 Department of Human Services; and

5 2. A. Resided in an out-of-home placement on the
6 individual’s 18th birthday or at the time the individual graduated from high school or
7 successfully completed a GED; or

8 B. Resided in an out-of-home placement on or after the
9 individual’s 13th birthday for at least 1 year and was placed into guardianship, adopted, or
10 reunited with at least one of the individual’s parents.

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

15 (3) **“HOMELESS YOUTH” MEANS A CHILD OR YOUTH WHO:**

16 (I) **HAS HAD A CONSISTENT PRESENCE IN THE STATE FOR AT**
17 **LEAST 1 YEAR BEFORE ENROLLMENT IN A PUBLIC INSTITUTION OF HIGHER**
18 **EDUCATION THAT IS DOCUMENTED BY SCHOOL, EMPLOYMENT, OR OTHER RECORDS;**
19 **AND**

20 (II) **IS A HOMELESS CHILD OR YOUTH, AS DEFINED BY THE**
21 **MCKINNEY-VENTO HOMELESS ASSISTANCE ACT.**

22 [(3)] (4) “Out-of-home placement” has the meaning stated in § 5-501 of
23 the Family Law Article.

24 [(4)] (5) (i) “Tuition” means the charges imposed by a public
25 institution of higher education for enrollment at the institution.

26 (ii) “Tuition” includes charges for registration and all fees [for]
27 **REQUIRED AS A CONDITION OF ENROLLMENT IN** credit-bearing and noncredit courses
28 **[required as a condition of enrollment] OFFERED DURING THE FALL, WINTER, SPRING,**
29 **OR SUMMER TERM.**

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

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

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

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

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

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

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

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

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

14 (6) “Vocational certificate” means a certificate or license awarded by a
15 public institution of higher education on completion of a course of study that prepares an
16 individual to work in a career field by taking credit–bearing courses or noncredit courses.

17 (b) (1) When determining whether a youth is [an unaccompanied] A homeless
18 youth, a financial aid administrator shall verify [annually] that the youth [qualifies as an
19 independent student under the federal College Cost Reduction and Access Act, 20 U.S.C. §
20 1087vv(d)(1)(H)] **WAS DETERMINED TO BE A HOMELESS YOUTH DURING THE YEAR
21 PRIOR TO APPLYING FOR THE TUITION EXEMPTION ESTABLISHED UNDER THIS
22 SECTION BY:**

23 (I) **A LOCAL SCHOOL SYSTEM HOMELESS LIAISON, AS DEFINED
24 BY THE MCKINNEY–VENTO HOMELESS ASSISTANCE ACT;**

25 (II) **A DIRECTOR OR DESIGNEE OF THE DIRECTOR OF A
26 PROGRAM FUNDED UNDER THE RUNAWAY AND HOMELESS YOUTH ACT;**

27 (III) **A DIRECTOR OR DESIGNEE OF THE DIRECTOR OF A
28 PROGRAM FUNDED UNDER TITLE IV, SUBTITLE B OF THE MCKINNEY–VENTO
29 HOMELESS ASSISTANCE ACT;**

30 (IV) **A DIRECTOR OR A DESIGNEE OF THE DIRECTOR OF A
31 PROGRAM FUNDED UNDER THE HOMELESS SOLUTIONS PROGRAM ADMINISTERED
32 BY THE MARYLAND DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT;**

1 **OR**

2 **(v) THE DIRECTOR OR A DESIGNEE OF THE DIRECTOR OF A**
3 **FINANCIAL AID DEPARTMENT AT THE PUBLIC INSTITUTION OF HIGHER EDUCATION**
4 **IN WHICH THE YOUTH IS ENROLLED OR SEEKS TO ENROLL.**

5 **(2) IF A PUBLIC INSTITUTION OF HIGHER EDUCATION DETERMINES**
6 **THAT A STUDENT IS A HOMELESS YOUTH UNDER PARAGRAPH (1) OF THIS**
7 **SUBSECTION, THE DESIGNATION SHALL BE RETAINED IF THE STUDENT ENROLLS IN**
8 **ANOTHER PUBLIC INSTITUTION OF HIGHER EDUCATION.**

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

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

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

18 (iii) The foster care recipient or [unaccompanied] homeless youth has
19 filed for federal and State financial aid.

20 (2) If a foster care recipient or [unaccompanied] homeless youth
21 receives a scholarship or grant for postsecondary study and is enrolled before the recipient's
22 25th birthday as a candidate for a vocational certificate, an associate's degree, or bachelor's
23 degree at a public institution of higher education, the scholarship or grant may not be
24 applied to the tuition for the foster care recipient or [unaccompanied] homeless youth.

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

27 (i) 10 years after first enrolling as a candidate for an associate's
28 degree or a bachelor's degree at a public institution of higher education in the State; or

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

31 **(4) IF A PUBLIC INSTITUTION OF HIGHER EDUCATION PROVIDES**
32 **ON-CAMPUS HOUSING, A FOSTER CARE RECIPIENT OR HOMELESS YOUTH WHO IS**
33 **EXEMPT FROM TUITION UNDER THIS SECTION SHALL RECEIVE PRIORITY**
34 **CONSIDERATION FOR ON-CAMPUS HOUSING AT THE INSTITUTION AT WHICH THE**

1 STUDENT IS ENROLLED.

2 (D) EACH PUBLIC INSTITUTION OF HIGHER EDUCATION SHALL:

3 (1) MAKE THE APPLICATION FOR THE TUITION EXEMPTION
4 ESTABLISHED UNDER THIS SECTION AVAILABLE TO PROSPECTIVE AND CURRENT
5 STUDENTS; AND

6 (2) NOTIFY STUDENTS OF THE AVAILABILITY OF THE APPLICATION.

7 (E) (1) EACH PUBLIC INSTITUTION OF HIGHER EDUCATION SHALL
8 ESTABLISH A PROCESS FOR A FOSTER CARE RECIPIENT OR HOMELESS YOUTH TO
9 APPEAL A DENIAL OF A TUITION EXEMPTION APPLICATION.

10 (2) THE APPEAL PROCESS SHALL INCLUDE:

11 (I) WRITTEN NOTIFICATION TO THE FOSTER CARE RECIPIENT
12 OR HOMELESS YOUTH OF THE RIGHT TO APPEAL;

13 (II) A TIMELY OPPORTUNITY FOR THE FOSTER CARE RECIPIENT
14 OR HOMELESS YOUTH TO BE HEARD; AND

15 (III) A WRITTEN DECISION INDICATING THE OUTCOME OF THE
16 APPEAL AND THE REASON FOR THE OUTCOME WITHIN 30 DAYS OF SUBMISSION OF
17 THE APPEAL.

18 [(d)] (F) (1) On or before June 1 of each year, each public institution of higher
19 education in the State shall report to the Commission on the [aggregate]:

20 (I) AGGREGATE and disaggregate number of foster care recipients
21 and [unaccompanied] homeless youth who:

22 [(i)] 1. Received a tuition exemption under this section during the
23 prior academic year;

24 2. APPLIED FOR BUT DID NOT RECEIVE A TUITION
25 EXEMPTION UNDER THIS SECTION DURING THE PRIOR ACADEMIC YEAR AND THE
26 REASON FOR THE DENIAL;

27 [(ii)] 3. [Received] PREVIOUSLY RECEIVED a tuition exemption
28 under this section at any point during their enrollment at the institution BUT DID NOT
29 RECEIVE THE TUITION EXEMPTION DURING THE PRIOR ACADEMIC YEAR AND THE
30 REASON FOR NOT CONTINUING TO RECEIVE THE EXEMPTION; and

1 [(iii)] 4. Earned a bachelor's degree, an associate's degree, or a
2 vocational certificate from the institution during the prior academic year; AND

3 (II) NUMBER AND OUTCOME OF APPEALS RECEIVED IN
4 ACCORDANCE WITH SUBSECTION (E) OF THIS SECTION, INCLUDING THE REASON
5 FOR EACH APPEAL DENIAL.

6 (2) ON OR BEFORE JUNE 1 EACH YEAR, EACH PUBLIC INSTITUTION
7 OF HIGHER EDUCATION SHALL SUBMIT TO THE COMMISSION A BRIEF DESCRIPTION
8 OF ANY FORMS USED IN CONJUNCTION WITH THE TUITION EXEMPTION
9 ESTABLISHED UNDER THIS SECTION.

10 [(2)] (3) On or before September 1 of each year, the Commission shall:

11 (i) Compile the reports AND DOCUMENTS received in accordance
12 with [paragraph (1)] PARAGRAPHS (1) AND (2) of this subsection; and

13 (ii) Submit the compilation of reports AND DOCUMENTS to the
14 General Assembly in accordance with § 2-1257 of the State Government Article.

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
16 1, 2021.