

HOUSE BILL 216

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(PRE-FILED)

11r1336
CF SB 155

By: **Delegate Valentino-Smith**

Requested: October 30, 2020

Introduced and read first time: January 13, 2021

Assigned to: Appropriations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 1, 2021

CHAPTER _____

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 repealing a certain provision of law requiring a financial aid
5 administrator to verify certain information under certain circumstances; altering the
6 method by which a certain financial administrator is required to verify that a certain
7 youth is a homeless youth; providing that a foster care recipient or a homeless youth
8 who receives a certain tuition waiver is entitled to priority consideration for
9 on-campus housing under certain circumstances; requiring a public institution of
10 higher education to notify a certain public institution of higher education of a certain
11 student designation under certain circumstances; requiring a public institution of
12 higher education to make a certain student designation under certain circumstances;
13 requiring a public institution of higher education to designate a certain homeless
14 and foster student liaison, ensure the liaison has certain expertise, include certain
15 activities as part of the liaison's duties, and inform certain students of the liaison
16 and the services the liaison provides; requiring a public institution of higher
17 education to make the application for a certain tuition waiver available to certain
18 students and provide notice of the availability of the application; requiring a public
19 institution of higher education to establish a certain appeal process; altering certain
20 reports a public institution of higher education and the Maryland Higher Education
21 Commission are required to complete; requiring a public institution of higher
22 education to submit certain documents to the Commission on or before a certain date
23 each year; requiring the Commission to publish a certain compilation of documents
24 to a certain website within a certain period of time; altering certain definitions; and

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 generally relating to tuition exemptions for foster care recipients and homeless
2 youth.

3 BY repealing and reenacting, with amendments,
4 Article – Education
5 Section 15–106.1
6 Annotated Code of Maryland
7 (2018 Replacement Volume and 2020 Supplement)

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

10 **Article – Education**

11 15–106.1.

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

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

14 1. Was placed in an out-of-home placement by the
15 Department of Human Services; and

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

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

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

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

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

31 **(II) ~~IS A HOMELESS CHILD OR YOUTH, AS DEFINED BY THE~~**
32 **~~MCKINNEY-VENTO HOMELESS ASSISTANCE ACT HAS BEEN VERIFIED AS A~~**
33 **HOMELESS CHILD OR YOUTH, AS DEFINED BY THE FEDERAL MCKINNEY-VENTO**

1 HOMELESS ASSISTANCE ACT, AT ANY TIME DURING THE 24 MONTHS IMMEDIATELY
2 PRECEDING THE STUDENT'S ENROLLMENT IN A PUBLIC INSTITUTION OF HIGHER
3 EDUCATION OR WHILE THE STUDENT IS ENROLLED IN A PUBLIC INSTITUTION OF
4 HIGHER EDUCATION BY:

5 1. THE DIRECTOR OR DESIGNEE OF A GOVERNMENTAL
6 OR NONPROFIT ENTITY THAT RECEIVES PUBLIC OR PRIVATE FUNDING TO PROVIDE
7 SERVICES TO PERSONS EXPERIENCING HOMELESSNESS;

8 2. A LOCAL EDUCATIONAL AGENCY LIAISON FOR
9 CHILDREN AND YOUTH EXPERIENCING HOMELESSNESS DESIGNATED IN
10 ACCORDANCE WITH THE FEDERAL MCKINNEY-VENTO HOMELESS ASSISTANCE
11 ACT;

12 3. A SCHOOL COUNSELOR;

13 4. A SCHOOL SOCIAL WORKER;

14 5. THE DIRECTOR OR A DESIGNEE OF A FEDERAL OR
15 STATE OUTREACH AND STUDENT SERVICES PROGRAM DESIGNED TO IDENTIFY AND
16 PROVIDE SERVICES TO ECONOMICALLY DISADVANTAGED INDIVIDUALS;

17 6. THE DIRECTOR OR A DESIGNEE OF A FEDERAL OR
18 STATE PROGRAM FOR PROVIDING EARLY AWARENESS AND READINESS FOR
19 UNDERGRADUATE PROGRAMS; OR

20 7. THE DIRECTOR OR A DESIGNEE OF THE DIRECTOR OF
21 A FINANCIAL AID DEPARTMENT AT THE PUBLIC INSTITUTION OF HIGHER
22 EDUCATION IN WHICH THE YOUTH IS ENROLLED OR SEEKS TO ENROLL.

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

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

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

31 [(5) "Unaccompanied homeless youth" means a child or youth who:

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

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

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

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

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

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

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

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

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

20 ~~(b) (1) When determining whether a youth is [an unaccompanied] A homeless~~
21 ~~youth, a financial aid administrator shall verify [annually] that the youth [qualifies as an~~
22 ~~independent student under the federal College Cost Reduction and Access Act, 20 U.S.C. §~~
23 ~~1087vv(d)(1)(H)] WAS DETERMINED TO BE A HOMELESS YOUTH DURING THE YEAR~~
24 ~~PRIOR TO APPLYING FOR THE TUITION EXEMPTION ESTABLISHED UNDER THIS~~
25 ~~SECTION BY:~~

26 ~~(I) A LOCAL SCHOOL SYSTEM HOMELESS LIAISON, AS DEFINED~~
27 ~~BY THE MCKINNEY–VENTO HOMELESS ASSISTANCE ACT;~~

28 ~~(II) A DIRECTOR OR DESIGNEE OF THE DIRECTOR OF A~~
29 ~~PROGRAM FUNDED UNDER THE RUNAWAY AND HOMELESS YOUTH ACT;~~

30 ~~(III) A DIRECTOR OR DESIGNEE OF THE DIRECTOR OF A~~
31 ~~PROGRAM FUNDED UNDER TITLE IV, SUBTITLE B OF THE MCKINNEY–VENTO~~
32 ~~HOMELESS ASSISTANCE ACT;~~

~~(iv) A DIRECTOR OR A DESIGNEE OF THE DIRECTOR OF A PROGRAM FUNDED UNDER THE HOMELESS SOLUTIONS PROGRAM ADMINISTERED BY THE MARYLAND DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT; OR~~

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

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

~~(B)~~ (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.

(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) 10 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.

1 (4) IF A PUBLIC INSTITUTION OF HIGHER EDUCATION PROVIDES
2 ON-CAMPUS HOUSING, A FOSTER CARE RECIPIENT OR HOMELESS YOUTH WHO IS
3 EXEMPT FROM TUITION UNDER THIS SECTION SHALL RECEIVE PRIORITY
4 CONSIDERATION FOR ON-CAMPUS HOUSING AT THE INSTITUTION AT WHICH THE
5 STUDENT IS ENROLLED.

6 (c) (1) IF A PUBLIC INSTITUTION OF HIGHER EDUCATION DETERMINES
7 THAT A STUDENT IS A HOMELESS YOUTH, ON REQUEST OF THE STUDENT, A PUBLIC
8 INSTITUTION OF HIGHER EDUCATION SHALL NOTIFY ANY PUBLIC INSTITUTION OF
9 HIGHER EDUCATION IN WHICH THE STUDENT SUBSEQUENTLY ENROLLS OF THE
10 STUDENT'S DESIGNATION AS A HOMELESS YOUTH.

11 (2) IF A PUBLIC INSTITUTION OF HIGHER EDUCATION RECEIVES
12 NOTICE OF A STUDENT'S DESIGNATION AS A HOMELESS YOUTH UNDER PARAGRAPH
13 (1) OF THIS SUBSECTION, THE PUBLIC INSTITUTION OF HIGHER EDUCATION SHALL
14 DESIGNATE THE STUDENT AS A HOMELESS YOUTH.

15 (d) EACH PUBLIC INSTITUTION OF HIGHER EDUCATION SHALL:

16 (1) (i) DESIGNATE A HOMELESS AND FOSTER STUDENT LIAISON
17 WITHIN ITS FINANCIAL AID OFFICE OR ANOTHER APPROPRIATE OFFICE WITHIN THE
18 INSTITUTION;

19 (ii) ENSURE THAT THE HOMELESS AND FOSTER STUDENT
20 LIAISON HAS EXPERTISE IN THE FINANCIAL AID ELIGIBILITY OF HOMELESS AND
21 FOSTER STUDENTS; AND

22 (iii) INCLUDE AS PART OF THE HOMELESS AND FOSTER
23 STUDENT LIAISON'S DUTIES PROVIDING ASSISTANCE TO HOMELESS AND FOSTER
24 STUDENTS IN APPLYING FOR FEDERAL AND STATE FINANCIAL AID OR OTHER
25 ASSISTANCE FOR WHICH THEY MAY BE ELIGIBLE;

26 (2) INFORM CURRENT AND PROSPECTIVE STUDENTS ABOUT THE
27 HOMELESS AND FOSTER STUDENT LIAISON AND THE SERVICES THE LIAISON
28 PROVIDES; AND

29 ~~(1)~~ (3) (i) MAKE THE APPLICATION FOR THE TUITION
30 EXEMPTION ESTABLISHED UNDER THIS SECTION AVAILABLE TO PROSPECTIVE AND
31 CURRENT STUDENTS; AND

32 ~~(2)~~ (ii) NOTIFY STUDENTS OF THE AVAILABILITY OF THE
33 APPLICATION.

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

4 (2) THE APPEAL PROCESS SHALL INCLUDE:

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

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

9 (III) A WRITTEN DECISION INDICATING THE OUTCOME OF THE
 10 APPEAL AND THE REASON FOR THE OUTCOME WITHIN 30 DAYS OF SUBMISSION OF
 11 THE APPEAL.

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

14 ~~(I) AGGREGATE~~ and disaggregate number of foster care recipients
 15 and [unaccompanied] homeless youth, INCLUDING DATA DISAGGREGATED BY AGE,
 16 RACE, ETHNICITY, SEXUAL ORIENTATION, AND GENDER IDENTITY, who:

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

19 ~~2.~~ (II) APPLIED FOR BUT DID NOT RECEIVE A TUITION
 20 EXEMPTION UNDER THIS SECTION DURING THE PRIOR ACADEMIC YEAR AND THE
 21 REASON FOR THE DENIAL;

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

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

28 ~~(H) NUMBER AND OUTCOME OF APPEALS RECEIVED~~

29 (V) FILED AN APPEAL IN ACCORDANCE WITH SUBSECTION (E)
 30 OF THIS SECTION, INCLUDING THE OUTCOME OF EACH APPEAL AND THE REASON
 31 FOR EACH APPEAL DENIAL.

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

5 **[(2)] (3)** On or before September 1 of each year, the Commission shall:

6 (i) Compile the reports **AND DOCUMENTS** received in accordance
 7 with ~~[paragraph (1)]~~ **PARAGRAPHS (1) AND (2)** of this subsection; ~~and~~

8 (ii) Submit the compilation of reports **AND DOCUMENTS** to the
 9 General Assembly in accordance with § 2-1257 of the State Government Article; **AND**

10 **(III) PUBLISH THE COMPILATION OF REPORTS AND DOCUMENTS**
 11 **TO THE COMMISSION'S WEBSITE WITHIN 30 DAYS AFTER THE DATE ON WHICH THE**
 12 **COMPILATION IS SUBMITTED TO THE GENERAL ASSEMBLY.**

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
 14 1, 2021.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.