



**SB0864 - Higher Education – Tuition Exemption for Foster Care Recipients – Eligibility  
March 11, 2026  
Position: FAVORABLE**

*Maryland Legal Aid submits written and oral testimony on SB0864 at the request of its sponsor, Senator \_\_\_\_\_.*

Maryland Legal Aid asks that the Committee report **favorably** on SB0864, which allows more children who were in foster care to qualify for the foster youth tuition exemption by lowering the age of eligibility. Maryland Legal Aid serves residents in each of Maryland’s 24 jurisdictions, providing free legal services to the State’s low-income and vulnerable residents in a range of civil legal matters. Maryland Legal Aid is Maryland’s largest civil non-profit law firm, representing vulnerable young people in Child in Need of Assistance (CINA) matters across the State. This proposed legislation is an important measure to provide financial support for former foster children pursuing higher education.

Maryland Legal Aid’s staff represent thousands of children in CINA and Guardianship (“TPR”) proceedings throughout the state. Our attorneys represent children from infancy to young adulthood. As a result of our extensive work in the field, Maryland Legal Aid has expertise in matters concerning child welfare, children in foster care, and particularly, youth who are aging out of foster care.

Youth in foster care can qualify for a tuition exemption that they can apply towards their postsecondary education. Under current law, the tuition waiver reaches (among others) youth who remained in out-of-home placement through key milestones or who spent at least one year in foster care on or after age thirteen and subsequently achieved permanency through reunification, guardianship, or adoption.<sup>1</sup> SB864 recognizes that the academic harm from early childhood instability does not begin at age thirteen.

Findings from the Maryland Longitudinal Data System Center show that foster youth face steep barriers to college access and completion, and that enrollment, when it occurs, overwhelmingly depends on layered financial aid. In Maryland, 58% of foster youth with a high school diploma never enroll in college, and just 12% complete a degree by age 25, underscoring the need for

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<sup>1</sup> See Md. Code Ann., Educ. § 15 106.1 (defining eligibility, including the “on or after age 13” pathway); Maryland Longitudinal Data System Center (MLDSC), Foster Care and Higher Education Participation (2023), (describing waiver criteria and history).

[https://mldscenter.maryland.gov/egov/publications/CenterReports/OutOfHomePlacementandHigherEducationParticipation/FosterCare\\_Report%202023\\_suppressed\\_final.pdf](https://mldscenter.maryland.gov/egov/publications/CenterReports/OutOfHomePlacementandHigherEducationParticipation/FosterCare_Report%202023_suppressed_final.pdf).

targeted supports.<sup>2</sup> Critically, among those who do enroll 86% receive some form of aid, including 81% federal aid and 51% state aid, with 35% utilizing the foster care tuition waiver; MLDS further notes patterns consistent with youth delaying initial enrollment until the waiver became available, indicating that the waiver is often the decisive factor enabling attendance.<sup>3</sup> In short, because over 85% of enrolled foster youth attend Maryland community colleges, institutions where students typically stack federal and state aid, the waiver functions as a catalyst within a broader aid package, not a standalone subsidy displacing institutional revenue. The earlier age threshold will therefore reach youth whose educational gaps began in elementary school, enabling them to pursue postsecondary opportunities they might otherwise forgo due to cost.

Moreover, by improving the predictability that tuition costs will be covered, SB0864 also supports permanency decisions. Caregivers considering custody or guardianship may hesitate due to uncertainty about meeting a youth's future educational needs. Strengthening and clarifying waiver eligibility reduces that uncertainty and can encourage permanency options that serve a child's best interests.

Maryland is well-positioned to monitor the impacts of SB 864 through the MLDS, which is statutorily required to produce annual dashboards on foster youth participation in higher education, including enrollment, aid, and graduation outcomes.<sup>4</sup> The 2023 MLDS report provides the baseline metrics cited above and can continue to inform the General Assembly's oversight as eligibility expands.

Maryland Legal Aid urges the Committee to issue a FAVORABLE report on Senate Bill 864 and urge its ultimate passage. If you have any questions, please contact: Erica I. LeMon, Advocacy Director for Children's Rights at [elemon@mdlabor.org](mailto:elemon@mdlabor.org) (410) 951-7648 or (410) 935-0937.

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<sup>2</sup> Foster Care and Higher Education Participation (FCHEP) (2023), (Enrollment rate (58%) & college-type distribution (≥85% community college): at 3–4 (Tables 1–2).

[https://mldscenter.maryland.gov/egov/publications/CenterReports/OutOfHomePlacementandHigherEducationParticipation/FosterCare\\_Report%202023\\_suppressed\\_final.pdf](https://mldscenter.maryland.gov/egov/publications/CenterReports/OutOfHomePlacementandHigherEducationParticipation/FosterCare_Report%202023_suppressed_final.pdf).

(FCHEP 2023) Degree completion by age 25 (12%): at 6–7 (Table 5).

<sup>3</sup> (FCHEP 2023) Aid reliance (86% any aid; 81% federal; 51% state; 35% waiver) & note on delayed enrollment until waiver availability: at 5–6 (Table 4 and accompanying text).

<sup>4</sup> See Md. Code Ann., Educ. § 24 703.1(c) (dashboard requirements).