
By: Senator Colburn

Introduced and read first time: February 1, 1996

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Higher Education - Modification of Scholarship Programs**

3 FOR the purpose of abolishing the Senatorial Scholarship Program and replacing it with
4 the Free State Community Scholarship Program as of a certain date; requiring each
5 Senator either to meet certain requirements for the establishment of a Selection
6 Committee in the Senator's district for the award of scholarships under the Program
7 or request the State Scholarship Administration to make the awards in accordance
8 with certain requirements; establishing that if a Senator fails to meet certain
9 requirements, certain funds shall revert to the Educational Excellence Award
10 Program for distribution by the State Scholarship Administration; establishing a
11 Free State Community Scholarship Selection Committee in each legislative district
12 which is responsible for the recruitment, evaluation, and selection of recipients of
13 Free State Community scholarships in that district; providing for the appointment
14 and terms of the members of the Committee; requiring each selection committee to
15 be appointed by a certain date each year; establishing the criteria and procedure for
16 the selection of recipients of Free State Community scholarships; authorizing a
17 Committee to allot not more than a certain amount of money to be awarded to
18 residents of the district by certain high schools and institutions of higher education;
19 altering the minimum amount of Free State Community scholarship awards;
20 requiring the State Scholarship Administration to continue certain administrative
21 assistance; permitting certain recipients to continue to receive awards under certain
22 circumstances; providing for the effective date of this Act; and generally relating to
23 the modification of scholarship programs in the State.

24 BY repealing and reenacting, with amendments,

25 Article - Education
26 Section 18-401 through 18-407 to be under the amended subtitle "Subtitle 4. Free
27 State Community Scholarships"
28 Annotated Code of Maryland
29 (1992 Replacement Volume and 1995 Supplement)

30 BY adding to

31 Article - Education
32 Section 18-401.1
33 Annotated Code of Maryland

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1 (1992 Replacement Volume and 1995 Supplement)

2 Preamble

3 WHEREAS, As of July 1, 1995, the new Educational Excellence Award program
4 became effective, which will make awards of student financial assistance based on need
5 only; and

6 WHEREAS, The Educational Excellence Award program replaced the General
7 State Scholarship Program, which had recognized need and merit and distributed at least
8 half of all scholarship moneys allocated to the Program equally among all legislative
9 districts; and

10 WHEREAS, The current Senatorial Scholarship Program serves a population of
11 students that will not otherwise be served by the State's scholarship programs; and

12 WHEREAS, It is imperative that there continue to be a scholarship program that
13 distributes the State's resources equally throughout the State so as to ensure that all of
14 our students have equal access to scholarships; and

15 WHEREAS, It is important for the State to continue to have a scholarship program
16 that has the flexibility to recognize and meet the often changing needs of students and
17 their families and to reward extraordinary scholastic and community achievement; now,
18 therefore,

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

21 **Article - Education**

22 Subtitle 4. [Senatorial] FREE STATE COMMUNITY Scholarships.

23 18-401.

24 (A) There is a program of [senatorial] FREE STATE COMMUNITY scholarships in
25 this State that are awarded under this subtitle.

26 (B) (1) UNDER THE FREE STATE COMMUNITY SCHOLARSHIP PROGRAM, A
27 SENATOR SHALL:

28 (I) BY APRIL 1 OF EACH YEAR, MEET THE REQUIREMENTS SET
29 FORTH IN § 18-401.1 OF THIS SUBTITLE FOR THE APPOINTMENT OF A SELECTION
30 COMMITTEE THAT IS RESPONSIBLE FOR THE AWARD OF FREE STATE COMMUNITY
31 SCHOLARSHIPS IN THE SENATOR'S LEGISLATIVE DISTRICT; OR

32 (II) BY APRIL 1 OF EACH YEAR, NOTIFY THE STATE SCHOLARSHIP
33 ADMINISTRATION BY LETTER THAT THE SENATOR REQUESTS THE
34 ADMINISTRATION TO AWARD SCHOLARSHIPS IN THE SENATOR'S LEGISLATIVE
35 DISTRICT IN ACCORDANCE WITH THE PROVISIONS OF § 18-407 (B) AND (C) OF THIS
36 SUBTITLE.

37 (2) IF A SENATOR DOES NOT MEET THE REQUIREMENTS OF
38 PARAGRAPH (1) OF THIS SUBSECTION, THE FUNDS ALLOCATED TO THE SENATOR'S

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1 LEGISLATIVE DISTRICT FOR THAT YEAR UNDER THE FREE STATE COMMUNITY
2 SCHOLARSHIP PROGRAM SHALL REVERT TO THE EDUCATIONAL EXCELLENCE
3 AWARD PROGRAM FOR DISTRIBUTION BY THE STATE SCHOLARSHIP
4 ADMINISTRATION IN ACCORDANCE WITH SUBTITLE 3 OF THIS TITLE.

5 18-401.1.

6 (A) (1) THERE IS A FREE STATE COMMUNITY SCHOLARSHIP SELECTION
7 COMMITTEE IN EACH LEGISLATIVE DISTRICT IN THE STATE WHICH, EXCEPT AS
8 PROVIDED IN §§ 18-401(B)(1)(II) AND 18-403(A)(2) OF THIS SUBTITLE, IS SOLELY
9 RESPONSIBLE FOR THE RECRUITMENT, EVALUATION, AND SELECTION OF
10 RECIPIENTS OF FREE STATE COMMUNITY SCHOLARSHIPS IN THAT DISTRICT.

11 (2) EACH SELECTION COMMITTEE CONSISTS OF NOT MORE THAN NINE
12 MEMBERS AS FOLLOWS:

13 (I) THREE MEMBERS APPOINTED BY THE COUNTY BOARD OF THE
14 COUNTY IN WHICH THE LEGISLATIVE DISTRICT IS LOCATED;

15 (II) ONE MEMBER APPOINTED BY THE BOARD OF COMMUNITY
16 COLLEGE TRUSTEES FOR THE COUNTY IN WHICH THE LEGISLATIVE DISTRICT IS
17 LOCATED;

18 (III) ONE MEMBER APPOINTED BY THE MARYLAND HIGHER
19 EDUCATION COMMISSION; AND

20 (IV) NOT MORE THAN FOUR MEMBERS APPOINTED BY THE
21 SENATOR WHO SERVES THE LEGISLATIVE DISTRICT.

22 (3) EXCEPT AS PROVIDED IN SUBSECTION (B)(1)(II) OF THIS SECTION, IF
23 A LEGISLATIVE DISTRICT IS COMPRISED OF MORE THAN ONE COUNTY, MEMBERS
24 APPOINTED UNDER PARAGRAPH (2)(I) AND (II) OF THIS SUBSECTION SHALL BE
25 SELECTED JOINTLY BY THE COUNTY BOARDS OR BOARDS OF COMMUNITY COLLEGE
26 TRUSTEES OF THE COUNTIES.

27 (4) EACH MEMBER SHALL BE A RESIDENT OF THE DISTRICT.

28 (B) (1) (I) IN MAKING APPOINTMENTS TO THE SELECTION COMMITTEE,
29 THE SENATOR AND THE OTHER APPOINTING ENTITIES SHALL ENSURE THAT THE
30 MEMBERS ARE REPRESENTATIVE OF THE COMMUNITY AT LARGE.

31 (II) IF THE LEGISLATIVE DISTRICT IS COMPRISED OF MORE THAN
32 ONE COUNTY:

33 1. THE APPOINTING ENTITIES SHALL ENSURE THAT THE
34 APPOINTMENTS ARE EQUITABLY DISTRIBUTED AMONG THE COUNTIES THAT
35 COMPRISE THE DISTRICT; AND

36 2. TO ACHIEVE AN EQUITABLE DISTRIBUTION OF
37 APPOINTMENTS BY THE COUNTY BOARDS AND BOARDS OF COMMUNITY COLLEGE
38 TRUSTEES AMONG THE COUNTIES, THE SENATOR MAY NOTIFY EACH OF THESE
39 APPOINTING ENTITIES OF THE NUMBER OF APPOINTMENTS FOR WHICH THE ENTITY
40 IS RESPONSIBLE.

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1 (2) (I) THE TERM OF EACH MEMBER IS THE SAME AS THE TERM OF
2 THE SENATOR WHO SERVES THE DISTRICT.

3 (II) A MEMBER APPOINTED TO FILL A VACANCY IN AN UNEXPIRED
4 TERM SERVES ONLY FOR THE REMAINDER OF THE TERM AND UNTIL A SUCCESSOR
5 IS APPOINTED AND QUALIFIES.

6 (III) A MEMBER MAY BE REMOVED BY THE ENTITY THAT
7 APPOINTED THE MEMBER FOR CAUSE.

8 (3) (I) BY MARCH 1, EACH OF THE ENTITIES RESPONSIBLE FOR
9 MAKING APPOINTMENTS UNDER SUBSECTION (A) (2) OF THIS SECTION, OTHER THAN
10 THE SENATOR, SHALL:

11 1. MAKE ITS APPOINTMENTS; AND

12 2. NOTIFY THE STATE SCHOLARSHIP ADMINISTRATION AND
13 THE SENATOR OF THE NAMES AND ADDRESSES OF EACH APPOINTED MEMBER.

14 (II) IN ANY YEAR IN WHICH ANY OF THE APPOINTING ENTITIES,
15 OTHER THAN THE SENATOR, DO NOT MAKE THE NECESSARY APPOINTMENTS BY
16 MARCH 1, THE SENATOR SHALL MAKE THE REMAINING APPOINTMENTS.

17 (4) BY APRIL 1, A SENATOR SHALL:

18 (I) ENSURE THAT A SCHOLARSHIP SELECTION COMMITTEE FOR
19 THE SENATOR'S LEGISLATIVE DISTRICT IS APPOINTED;

20 (II) NOTIFY THE STATE SCHOLARSHIP ADMINISTRATION THAT A
21 SELECTION COMMITTEE HAS BEEN APPOINTED AND INCLUDE THE NAMES AND
22 ADDRESSES OF EACH MEMBER; AND

23 (III) PROVIDE STAFF TO THE SELECTION COMMITTEE.

24 18-402.

25 (a) (1) Except as provided in paragraph (2) of this subsection, each applicant
26 for a [senatorial] FREE STATE COMMUNITY scholarship shall:

27 (i) Take a competitive examination administered by the
28 Administration; and

29 (ii) Be accepted for admission in the regular undergraduate, graduate,
30 or professional program at an eligible institution; or be enrolled in a 2-year terminal
31 certificate program in which the course work is acceptable for transfer credit for an
32 accredited baccalaureate program in an eligible institution.

33 (2) An applicant is exempt from the examination if the applicant:

34 (i) Is attending an eligible institution and has completed at least 1
35 year in good academic standing at the institution;

36 (ii) Graduated from high school at least 5 years before application for
37 a senatorial scholarship;

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1 (iii) Is accepted for admission to a private career institution, if the
2 institution's curriculum is approved by the Commission, and the institution is accredited
3 by a national accrediting association approved by the United States Department of
4 Education; or

5 (iv) Is planning to attend or is attending a Maryland community
6 college.

7 (b) Each applicant shall:

8 (1) Be a resident of this State; and

9 (2) At the time of his initial application, be a resident of the legislative
10 district from which he seeks an appointment.

11 (c) (1) Each applicant shall demonstrate to the Administration a definite
12 financial need, and each [Senator] SELECTION COMMITTEE shall consider the financial
13 need of each applicant.

14 (2) Each [Senator] SELECTION COMMITTEE is the final judge of the
15 financial need of each applicant to whom [he] THE COMMITTEE awards a scholarship,
16 and the Administration may not negate this judgment or impose requirements of time or
17 procedure.

18 (D) IN ADDITION TO THE DEMONSTRATION OF FINANCIAL NEED REQUIRED
19 UNDER SUBSECTION (C) OF THIS SECTION, IN EVALUATING AND SELECTING EACH
20 RECIPIENT OF A FREE STATE COMMUNITY SCHOLARSHIP, THE SELECTION
21 COMMITTEE MAY CONSIDER:

22 (1) ACADEMIC ACHIEVEMENT;

23 (2) EXTRACURRICULAR ACHIEVEMENT;

24 (3) EVIDENCE OF LEADERSHIP SKILLS;

25 (4) INVOLVEMENT IN COMMUNITY SERVICE; AND

26 (5) ANY SPECIAL, UNFORESEEN, OR CHANGING INDIVIDUAL OR FAMILY
27 CIRCUMSTANCES, INCLUDING THE CONSIDERATION OF ILLNESS, CHANGES IN
28 EMPLOYMENT, DEATH OF A FAMILY MEMBER, AND EFFECTS OF A DISABILITY.

29 [(d)] (E) Each applicant shall accept any other conditions attached to the award.

30 18-403.

31 [If a Senator serves from] IN a legislative district comprised of more than one
32 county, the number of scholarship units AWARDED BY THE SELECTION COMMITTEE
33 shall be divided as [equally] EQUITABLY as possible among qualified applicants from
34 each county in the legislative district.

35 18-404.

36 (a) (1) [Each Senator] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS
37 SUBSECTION, EACH SELECTION COMMITTEE may award \$34,500 of [senatorial] FREE
38 STATE COMMUNITY scholarships each year.

1 (2) A COMMITTEE MAY ALLOT NOT MORE THAN A TOTAL OF \$5,000 OF
2 EACH YEAR'S ALLOCATION TO BE AWARDED TO RESIDENTS OF THE DISTRICT BY A
3 HIGH SCHOOL IN THE DISTRICT OR AN INSTITUTION OF HIGHER EDUCATION.

4 (b) (1) The annual allocation under subsection (a) of this section applies to
5 initial-year awards. After 4 years of operation, the annual allocation to each [Senator]
6 SELECTION COMMITTEE for initial-year and continuing awards may not exceed four
7 times the amount of [his] THE COMMITTEE'S allocation under subsection (a) of this
8 section.

9 (2) If a recipient moves to the legislative district of another Senator, the
10 allocation to the recipient shall continue to be drawn on the account of the [Senator
11 who] SELECTION COMMITTEE THAT originally awarded the scholarship.

12 (c) (1) A [senatorial] FREE STATE COMMUNITY scholarship may be awarded
13 in \$100 increments. However, an award for a single year may not be less than [\$400] \$500
14 or more than \$2,000.

15 (2) A recipient may not be awarded more than \$8,000 for undergraduate,
16 graduate, or professional study.

17 18-405.

18 (a) Except as provided in subsection (d) of this section, a [senatorial] FREE
19 STATE COMMUNITY scholarship may be used only at any undergraduate, graduate, or
20 professional school in the State.

21 (b) A [senatorial] FREE STATE COMMUNITY scholarship may be used:

22 (1) If the curriculum is approved by the Commission, at a degree granting
23 institution of higher education, a hospital diploma school for training registered nurses,
24 or to attend a private postsecondary proprietary institution that is accredited by a
25 national accrediting association approved by the United States Department of Education
26 as a full-time student; and

27 (2) For educational expenses as defined by the Administration, including:

28 (i) Tuition and mandatory fees; and

29 (ii) Room and board.

30 (c) If on-campus housing is available, a [senatorial] FREE STATE COMMUNITY
31 scholarship may not be used to pay for off-campus housing.

32 (d) Each [Senator] SELECTION COMMITTEE may award not more than 10
33 percent of the funds available under this subtitle to applicants planning to attend
34 accredited undergraduate, graduate, or professional institutions outside the State,
35 provided the applicant:

36 (1) Will be studying in an academic area that is not available in the State; or

37 (2) Is a hearing impaired person who will be studying at an institution
38 outside the State that makes special provisions for hearing impaired students, and

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1 comparable special provisions are not available to that student at an institution in the
2 State.

3 18-406.

4 (a) Except as otherwise provided in this section, each recipient of a [senatorial]
5 FREE STATE COMMUNITY scholarship may hold the scholarship for 4 undergraduate
6 academic years and 4 graduate academic years if he:

7 (1) Is a full-time student;

8 (2) Continues to be a resident of this State; and

9 (3) Continues to be a student at the institution and takes at least 12
10 semester hours of courses as an undergraduate or 9 semester hours of courses as a
11 graduate student each semester leading to a degree.

12 (b) A recipient of an undergraduate or graduate [senatorial] FREE STATE
13 COMMUNITY scholarship may hold the scholarship, appropriately prorated, for 8
14 academic years if he:

15 (1) Is a part-time student;

16 (2) Continues to be a resident of this State; and

17 (3) Continues to be a student at the institution and takes at least 6 semester
18 hours of courses each semester leading to a degree.

19 (c) Any recipient of a [senatorial] FREE STATE COMMUNITY scholarship may
20 use up to one-half of the yearly award for summer school if the recipient is scheduled to
21 graduate immediately after the fall academic semester following summer school.

22 (d) A recipient of a [senatorial] FREE STATE COMMUNITY scholarship who is
23 enrolled in a terminal certificate program as provided in § 18-402(a) may hold the
24 scholarship for 2 years if he is a full-time student and otherwise meets the conditions of
25 subsection (a) of this section, or may hold the scholarship for 4 years if he is a part-time
26 student and otherwise meets the conditions of subsection (b) of this section.

27 (e) Each recipient of a [senatorial] FREE STATE COMMUNITY scholarship who
28 is enrolled in a private postsecondary proprietary institution that is accredited by a
29 national accrediting association approved by the United States Department of Education:

30 (1) May hold the scholarship for the completion of 1 program if the student
31 otherwise meets the conditions of paragraphs (1) and (2) of subsection (a) of this section;
32 and

33 (2) Shall complete the program within the length of time prescribed by the
34 institution for the completion of the program.

35 18-407.

36 (a) Each [Senator] SELECTION COMMITTEE shall award all of [his] ITS
37 [senatorial] FREE STATE COMMUNITY scholarships on or before September 1 of each
38 year.

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1 (b) If any [Senator] SELECTION COMMITTEE fails to award all of [his]ITS
2 scholarships on or before September 1 of each year, the Commission shall make the
3 remaining awards to applicants from the Senator's legislative district who:

4 (1) Scored highest on the competitive examination; or

5 (2) Are attending an eligible institution and have completed atleast 1 year
6 in good academic standing.

7 (c) The Administration shall:

8 (1) Notify each [Senator] SELECTION COMMITTEE of the applicantsto
9 whom it awards the [Senator's] FREE STATE COMMUNITY scholarships FOR THAT
10 DISTRICT; and

11 (2) Announce publicly the names of all recipients.

12 (d) To the extent a scholarship awarded under § 18-404 of this subtitle is not used
13 by a student, moneys appropriated to the Commission for that award not used by the end
14 of the fiscal year shall be retained by the Commission for use by the awarding [Senator]
15 SELECTION COMMITTEE in the [Senatorial] FREE STATE COMMUNITY Scholarship
16 Program during subsequent fiscal years.

17 SECTION 2. AND BE IT FURTHER ENACTED, That the State Scholarship
18 Administration of the Maryland Higher Education Commission shall continue to provide
19 the same level of administrative assistance to the Free State CommunityScholarship
20 Program as is currently provided to the Senatorial Scholarship Program.

21 SECTION 3. AND BE IT FURTHER ENACTED, That the initial members of the
22 Free State Community Scholarship Selection Committee shall be appointedby April 1,
23 1997.

24 SECTION 4. AND BE IT FURTHER ENACTED, That, notwithstanding the
25 provisions of this Act, each current recipient of a Senatorial Scholarship on the effective
26 date of this Act and each recipient of a new or increased award during Fiscal Year 1997
27 shall continue to be eligible to receive the full amount of that award for the duration of
28 the eligibility period applicable to that recipient.

29 SECTION 5. AND BE IT FURTHER ENACTED, That, notwithstanding the
30 effective date of this Act, it is the intent of the General Assembly that the award cycle for
31 Senatorial Scholarships involving the use of Fiscal Year 1996 funds shall be allowed to be
32 completed by April 1, 1997.

33 SECTION 6. AND BE IT FURTHER ENACTED, That any unexpended funds in
34 a Senatorial Scholarship account that are not needed to meet scholarship awards to
35 eligible recipients under Sections 4 and 5 of this Act shall transfer to the account of the
36 Free State Community Scholarship Program for that legislative district to be distributed
37 in accordance with the provisions of Section 1 of this Act.

38 SECTION 7. AND BE IT FURTHER ENACTED, That this Act shall take effect
39 January 1, 1997.