

By: **Delegate Heller**
Introduced and read first time: February 1, 2001
Assigned to: Ways and Means
Reassigned: Appropriations, February 8, 2001

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 21, 2001

CHAPTER _____

1 AN ACT concerning

2 **Education - In-State Residency Requirement - Waiver**

3 FOR the purpose of waiving the residency requirement for tuition purposes for ~~State,~~
4 ~~county, and municipal employees~~ public school teachers under certain
5 circumstances at public senior higher education institutions and community
6 colleges; defining a certain term; establishing certain circumstances when a
7 ~~student~~ public school teacher is responsible for in-State tuition; and generally
8 relating to waiving the residency requirement for tuition purposes for ~~State,~~
9 ~~county, and municipal employees~~ public school teachers.

10 BY adding to
11 Article - Education
12 Section 15-106.2
13 Annotated Code of Maryland
14 (1999 Replacement Volume and 2000 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article - Education
17 Section ~~16-310~~ 16-310(a)
18 Annotated Code of Maryland
19 (1999 Replacement Volume and 2000 Supplement)

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

1

Article - Education

2 15-106.2.

3 (A) IN THIS SECTION, "RESIDENCY REQUIREMENT" MEANS THE
 4 REQUIREMENT OF A PUBLIC SENIOR HIGHER EDUCATION INSTITUTION THAT A
 5 STUDENT ~~RESIDE~~ HAS RESIDED IN THE STATE FOR 1 YEAR TO BE CONSIDERED A
 6 RESIDENT AND RECEIVE IN-STATE TUITION STATUS.

7 (B) FOR TUITION PURPOSES, A PUBLIC SENIOR HIGHER EDUCATION
 8 INSTITUTION SHALL WAIVE THE IN-STATE RESIDENCY REQUIREMENT FOR A ~~STATE,~~
 9 ~~COUNTY, OR MUNICIPAL EMPLOYEE~~ PUBLIC SCHOOL TEACHER EMPLOYED BY A
 10 COUNTY BOARD IF:

11 (1) (I) THE COURSE OR PROGRAM IS REQUIRED BY THE ~~EMPLOYER OR~~
 12 ~~BY STATE LAW OR THE COUNTY BOARD~~ TO MAINTAIN THE TEACHER'S PRESENT
 13 ~~SALARY, STATUS, OR POSITION WITH THE STATE, COUNTY, OR MUNICIPAL EMPLOYER~~
 14 COUNTY BOARD; OR

15 (II) THE COURSE OR PROGRAM MAINTAINS OR IMPROVES SKILLS
 16 REQUIRED BY THE COUNTY BOARD IN THE ~~EMPLOYEE'S~~ TEACHER'S CURRENT
 17 POSITION; ~~AND~~

18 (2) THE ~~EMPLOYEE TEACHER~~ WORKS AT LEAST 20 HOURS PER WEEK
 19 ~~FOR THE STATE, COUNTY, OR MUNICIPAL CORPORATION.~~ RESIDES IN THIS STATE
 20 AND IS EMPLOYED AS A FULL-TIME PUBLIC SCHOOL TEACHER; AND

21 (3) THE TEACHER HAS BEEN EMPLOYED AS A PUBLIC SCHOOL TEACHER
 22 IN THE STATE FOR LESS THAN A YEAR.

23 (C) ~~AN EMPLOYEE~~ A PUBLIC SCHOOL TEACHER IS RESPONSIBLE FOR THE
 24 DIFFERENCE BETWEEN IN-STATE AND OUT-OF-STATE TUITION IF:

25 (1) THE ~~EMPLOYEE TEACHER~~ RESIGNS OR IS TERMINATED FROM
 26 EMPLOYMENT WITH THE ~~STATE, COUNTY, OR MUNICIPAL CORPORATION~~ COUNTY
 27 BOARD; AND

28 (2) THE ~~EMPLOYEE TEACHER~~ REMAINS ENROLLED IN THE COURSE OR
 29 PROGRAM AT AN INSTITUTION OF HIGHER EDUCATION DURING THE TEACHER'S
 30 FIRST YEAR AS A MARYLAND RESIDENT.

31 16-310.

32 (a) (1) Subject to paragraphs (2), (3), [and] (4), AND (5) of this subsection
 33 and subsection (f) of this section, any student who attends a community college in this
 34 State and is not a resident of this State shall pay, in addition to the student tuition
 35 and fees payable by a county resident, an out-of-state fee, at least equal to:

36 (i) 60% of the county share per full-time equivalent student as
 37 determined under § 16-305 of this subtitle; and

1 (ii) The marginal cost component of the State share per full-time
2 equivalent student as determined under § 16-305(c)(5) of this subtitle.

3 (2) (i) A resident of the state of West Virginia who attends Garrett
4 Community College under a negotiated reciprocity agreement between the states of
5 Maryland and West Virginia is an in-county resident for tuition purposes.

6 (ii) For each full-time equivalent student participating in the
7 reciprocity agreement, the State shall pay to Garrett Community College an amount
8 equal to the net State support per full-time equivalent student as provided in §
9 16-305 of this subtitle. For any fiscal year, if State appropriations for reimbursement
10 of any reciprocity agreements under this paragraph do not provide sufficient funds to
11 fully reimburse the college, the Governor shall include in the budget bill for the next
12 fiscal year a deficiency appropriation to provide the additional funds to fully
13 reimburse the college.

14 (iii) The Commission may make payments to effectuate the
15 provisions of this paragraph from funds specifically appropriated for this purpose as
16 provided in the State budget or any supplemental budget request.

17 (iv) The payments authorized by this paragraph are in addition to
18 the State operating fund to community colleges authorized in § 16-305(c) of this
19 subtitle.

20 (3) (i) Any student attending a community college in this State who is
21 not a resident of this State and is enrolled in an education program leading to
22 licensure in nursing shall be included as an in-county resident for tuition purposes
23 and shall be included as an in-State resident for computation of the State aid to
24 community colleges in accordance with § 16-305 of this subtitle.

25 (ii) The student shall furnish a surety bond or guaranteed
26 promissory note to the State with security satisfactory to the Maryland Higher
27 Education Commission, that on completion of the Nursing Education Program, the
28 student will work for at least 2 years in a hospital or related institution as defined in
29 § 19-301 of the Health - General Article in this State.

30 (iii) The Secretary of Health and Mental Hygiene may determine if
31 there is a shortage of nurses.

32 (iv) Subject to subparagraphs (v) and (vi) of this paragraph, if the
33 Secretary determines that there is no shortage of nurses, the Nonresident Student
34 Tuition Reduction and State Aid Program established under this paragraph may not
35 be applied to any courses required for the nursing program.

36 (v) Subparagraph (iv) of this paragraph applies only to students
37 who enroll in a Nursing Education Program subsequent to the determination made
38 under subparagraph (iv) of this paragraph.

1 (vi) Subparagraph (v) of this paragraph may not affect any student
 2 who is participating in the Nonresident Tuition Reduction and State Aid Program
 3 prior to the determination under subparagraph (iii) of this paragraph.

4 (4) (i) Each board of community college trustees may waive the
 5 out-of-state fee as determined in paragraph (1) of this subsection for a student who is
 6 employed by a business located in the county that supports the community college.

7 (ii) Any student attending a community college in this State who
 8 receives a tuition waiver as provided by this paragraph shall not be included as an
 9 in-State resident for computation of State aid to community colleges in accordance
 10 with § 16-305 of this subtitle.

11 (5) (I) EACH BOARD OF COMMUNITY COLLEGE TRUSTEES SHALL
 12 WAIVE THE OUT-OF-STATE FEE AS DETERMINED IN PARAGRAPH (1) OF THIS
 13 SUBSECTION FOR A STUDENT WHO RESIDES IN THIS STATE BUT DOES NOT MEET
 14 THE IN-STATE RESIDENCY REQUIREMENT FOR TUITION PURPOSES AND IS
 15 ~~EMPLOYED BY THE STATE OR A COUNTY OR MUNICIPAL CORPORATION A PUBLIC~~
 16 SCHOOL TEACHER EMPLOYED BY A COUNTY BOARD IF:

17 1. A. THE COURSE OR PROGRAM IS REQUIRED BY THE
 18 ~~STUDENT'S EMPLOYER COUNTY BOARD OR BY THE STATE LAW OR THE COUNTY~~
 19 BOARD TO MAINTAIN THE TEACHER'S PRESENT SALARY, STATUS, OR POSITION WITH
 20 THE STATE, COUNTY, OR MUNICIPAL CORPORATION COUNTY BOARD; OR

21 B. THE COURSE OR PROGRAM MAINTAINS OR IMPROVES
 22 SKILLS REQUIRED BY THE COUNTY BOARD IN THE STUDENT'S TEACHER'S CURRENT
 23 POSITION; AND

24 2. ~~THE STUDENT WORKS AT LEAST 20 HOURS PER WEEK FOR~~
 25 THE STATE, COUNTY, OR MUNICIPAL CORPORATION TEACHER RESIDES IN THIS
 26 STATE AND IS EMPLOYED AS A FULL-TIME PUBLIC SCHOOL TEACHER; AND

27 3. THE TEACHER HAS BEEN EMPLOYED AS A PUBLIC
 28 SCHOOL TEACHER IN THE STATE FOR LESS THAN A YEAR.

29 (II) A ~~STUDENT PUBLIC SCHOOL TEACHER~~ IS RESPONSIBLE FOR
 30 THE DIFFERENCE BETWEEN IN-STATE AND OUT-OF-STATE TUITION IF:

31 1. THE ~~STUDENT TEACHER~~ RESIGNS OR IS TERMINATED
 32 FROM EMPLOYMENT WITH THE STATE, COUNTY, OR MUNICIPAL CORPORATION
 33 COUNTY BOARD; AND

34 2. THE ~~STUDENT TEACHER~~ REMAINS ENROLLED IN THE
 35 COURSE OR PROGRAM AT A COMMUNITY COLLEGE DURING THE TEACHER'S FIRST
 36 YEAR AS A MARYLAND RESIDENT.

37 (III) ANY ~~STUDENT PUBLIC SCHOOL TEACHER~~ ATTENDING A
 38 COMMUNITY COLLEGE IN THIS STATE WHO ~~RESIDES IN THIS STATE BUT DOES NOT~~
 39 ~~MEET THE RESIDENCY REQUIREMENT FOR TUITION PURPOSES AND IS EMPLOYED BY~~

~~1 THE STATE OR A COUNTY OR MUNICIPAL CORPORATION SATISFIES THE
2 REQUIREMENTS ESTABLISHED IN THIS PARAGRAPH SHALL BE INCLUDED AS AN
3 IN-STATE RESIDENT FOR COMPUTATION OF THE STATE AID TO COMMUNITY
4 COLLEGES IN ACCORDANCE WITH § 16-305 OF THIS SUBTITLE.~~

~~5 (b) (1) Subject to the provisions of paragraphs (2) and (3) of this subsection,
6 any student who attends a community college not supported by the county in which
7 the student resides shall pay, in addition to the student tuition and fees payable by a
8 resident of a county that supports the community college, an out of county or
9 out of region fee at least equal to 60% of the county share per full-time equivalent
10 student as determined under § 16-305 of this subtitle.~~

~~11 (2) (i) Any student who resides in an incorporated municipality whose
12 corporate limits extend into 2 counties in the State is considered an in-county
13 resident for tuition purposes at a community college campus located within that
14 municipality that is supported by either county.~~

~~15 (ii) If a student is considered an in-county resident under this
16 paragraph and the student does not reside in the county that supports the community
17 college, the county in which the student resides shall pay the difference between the
18 out of county tuition and the in-county tuition.~~

~~19 (3) Each board of community college trustees may waive the
20 out of county or out of region fee, as determined in paragraph (1) of this subsection,
21 for a student who is employed by a business located in the county that supports the
22 community college.~~

~~23 (c) Any county may appropriate money to pay the out of county or
24 out of region fees for county residents who attend a community college in this State
25 that is not supported by that county.~~

~~26 (d) (1) Notwithstanding subsection (b) of this section, if any student is a
27 resident of this State and enrolls in an instructional program that the Commission
28 designates as a health manpower shortage program or a statewide or regional
29 program, the student shall pay only the student tuition and fees payable by a resident
30 of a county that supports the community college and the Commission shall pay any
31 applicable out of county fee. For any fiscal year, if State appropriations to the
32 Commission for payment of any applicable out of county fee under this paragraph do
33 not provide sufficient funds to fully reimburse applicable out of county fees, the
34 Governor shall include in the budget bill for the next fiscal year a deficiency
35 appropriation to provide the additional funds to fully reimburse the out of county
36 fees.~~

~~37 (2) The Commission may make payments to effectuate the provisions of
38 this section from funds specifically appropriated for this purpose as provided in the
39 State budget or any supplemental budget request.~~

~~40 (e) (1) Notwithstanding subsection (b) of this section, if any student resides
41 in a county where the per capita wealth is below the State average and the county
42 does not support a community college or a branch campus of a community college,~~

1 except for Baltimore City, the student may enroll at a community college or a branch
2 campus in the State, either of which is located in a county adjacent to the one in
3 which the student resides, and pay only the tuition and fees applicable to a county
4 resident that supports the community college.

5 (2) For any student determined to be eligible under paragraph (1) of this
6 subsection, the Commission shall pay:

7 (i) In fiscal year 1992, 75% of any applicable out of county fee
8 provided that the county in which the student resides pays 25 percent of that fee; and

9 (ii) In fiscal year 1993, and each fiscal year thereafter, 50% of any
10 applicable out of county fee provided that the county in which the student resides
11 pays 50 percent of that fee.

12 (3) The Commission may make payments to effectuate the provisions of
13 this section from funds specifically appropriated for this purpose in the State budget
14 or any supplemental budget request.

15 (f) The provisions of this section shall be subject to any reciprocal interstate
16 agreement entered into by the Maryland Higher Education Commission under §
17 11-105(m)(2) of this article.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 ~~June~~ July 1, 2001.