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By: **Delegates Anderson, Franchot, Hennessy, Marriott, and Zirkin**  
 Introduced and read first time: January 21, 2005  
 Assigned to: Appropriations

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A BILL ENTITLED

1 AN ACT concerning

2 **Department of Juvenile Services - Higher Education Assistance Contracts**

3 FOR the purpose of authorizing the Department of Juvenile Services to enter into  
 4 higher education assistance contracts with certain students to attend certain  
 5 institutions of higher education; requiring a higher education assistance  
 6 contract to contain certain employment requirements; establishing  
 7 requirements for a student or prospective student to be eligible to receive higher  
 8 education assistance under the program; specifying the number of contracts and  
 9 amount of higher education assistance that may be awarded; requiring the  
 10 Office of Student Financial Assistance in the Maryland Higher Education  
 11 Commission to carry out certain functions; requiring recipients to repay the  
 12 State for certain higher education assistance under certain circumstances;  
 13 providing for the funding of higher education assistance contracts; defining  
 14 certain terms; and generally relating to higher education assistance contracts  
 15 entered into by the Department of Juvenile Services.

16 BY adding to  
 17 Article - Education  
 18 Section 18-708  
 19 Annotated Code of Maryland  
 20 (2004 Replacement Volume and 2004 Supplement)

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

23 **Article - Education**

24 18-708.

25 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
 26 INDICATED.

27 (2) "COMMUNITY COLLEGE" MEANS A COMMUNITY COLLEGE IN THE  
 28 STATE.

1 (3) "DEPARTMENT" MEANS THE DEPARTMENT OF JUVENILE SERVICES.

2 (4) "HIGHER EDUCATION ASSISTANCE" MEANS FINANCIAL ASSISTANCE  
3 PROVIDED BY THE STATE TO A STUDENT OF A COMMUNITY COLLEGE TO PAY THE  
4 COST OF TUITION AND MANDATORY FEES.

5 (5) "HIGHER EDUCATION ASSISTANCE CONTRACT" MEANS A CONTRACT  
6 ENTERED INTO BY THE DEPARTMENT OF JUVENILE SERVICES AND A STUDENT OR  
7 PROSPECTIVE STUDENT IN WHICH:

8 (I) THE DEPARTMENT, THROUGH THE OFFICE OF STUDENT  
9 FINANCIAL ASSISTANCE, AGREES TO GIVE A STUDENT OR PROSPECTIVE STUDENT  
10 HIGHER EDUCATION ASSISTANCE; AND

11 (II) THE STUDENT OR PROSPECTIVE STUDENT AGREES TO BE  
12 EMPLOYED BY THE DEPARTMENT WITHIN 1 YEAR AFTER GRADUATION FROM THE  
13 COMMUNITY COLLEGE FOR A PERIOD EQUAL TO 1 YEAR FOR EACH YEAR OF HIGHER  
14 EDUCATION ASSISTANCE PROVIDED.

15 (B) (1) THERE IS A PROGRAM TO ASSIST QUALITY STUDENTS WHO ARE  
16 INTERESTED IN A CAREER WITH THE DEPARTMENT OF JUVENILE SERVICES TO  
17 ATTEND A COMMUNITY COLLEGE AND EARN AN ASSOCIATE DEGREE.

18 (2) (I) BASED ON THE AVAILABILITY OF FUNDS, THE OFFICE, IN  
19 CONSULTATION WITH THE DEPARTMENT, SHALL DETERMINE THE NUMBER OF  
20 HIGHER EDUCATION ASSISTANCE CONTRACTS TO BE AWARDED IN A FISCAL YEAR.

21 (II) THE NUMBER OF HIGHER EDUCATION ASSISTANCE  
22 CONTRACTS MAY NOT EXCEED 100 IN A FISCAL YEAR.

23 (3) THE OFFICE SHALL ANNUALLY:

24 (I) SELECT STUDENTS WHO HAVE AN INTEREST IN THE PROGRAM  
25 AND POTENTIAL FOR ACADEMIC SUCCESS IN HIGHER EDUCATION; AND

26 (II) SUBMIT A LIST OF CANDIDATES TO THE DEPARTMENT.

27 (4) (I) THE DEPARTMENT SHALL SELECT STUDENTS FROM THE LIST  
28 OF CANDIDATES TO BE AWARDED HIGHER EDUCATION ASSISTANCE CONTRACTS;  
29 AND

30 (II) THE OFFICE SHALL EXECUTE THE AWARDS.

31 (C) HIGHER EDUCATION ASSISTANCE AWARDED UNDER THIS SECTION MAY  
32 BE USED AT A COMMUNITY COLLEGE OF THE STUDENT'S CHOICE IF THE RECIPIENT:

33 (1) HAS GRADUATED FROM A SECONDARY SCHOOL;

34 (2) INTENDS TO ENROLL OR IS ENROLLED AS A FULL-TIME STUDENT AT  
35 A COMMUNITY COLLEGE IN AN ELIGIBLE ACADEMIC PROGRAM AS DETERMINED  
36 JOINTLY BY THE OFFICE AND THE DEPARTMENT;

1 (3) IS ACCEPTED FOR ADMISSION IN A REGULAR UNDERGRADUATE  
2 PROGRAM AT A COMMUNITY COLLEGE;

3 (4) BEGINS ATTENDING A COMMUNITY COLLEGE WITHIN 5 YEARS OF  
4 COMPLETING SECONDARY SCHOOL OR, FAILING TO DO SO, PROVIDES EVIDENCE  
5 SATISFACTORY TO THE OFFICE OF EXTENUATING CIRCUMSTANCES;

6 (5) AGREES TO THE CONDITIONS PROVIDED IN THE HIGHER EDUCATION  
7 ASSISTANCE CONTRACT; AND

8 (6) ACCEPTS ANY OTHER CONDITIONS ATTACHED TO THE AWARD OF  
9 ASSISTANCE AND SATISFIES ANY ADDITIONAL CRITERIA THE OFFICE MAY  
10 ESTABLISH.

11 (D) (1) HIGHER EDUCATION ASSISTANCE AWARDED UNDER THIS SECTION  
12 MAY NOT BE GREATER THAN THE COST OF TUITION AND MANDATORY FEES AT THE  
13 COMMUNITY COLLEGE ATTENDED BY THE STUDENT.

14 (2) EACH HIGHER EDUCATION ASSISTANCE CONTRACT MAY BE  
15 RENEWED ON AN ANNUAL BASIS FOR A MAXIMUM OF 2 YEARS FOR STUDENTS  
16 ENROLLED IN AN ELIGIBLE ASSOCIATE DEGREE PROGRAM, IF THE STUDENT:

17 (I) CONTINUES TO BE ENROLLED AT A COMMUNITY COLLEGE AS A  
18 FULL-TIME UNDERGRADUATE STUDENT;

19 (II) MAINTAINS A 2.5 GRADE POINT AVERAGE ON AN ACADEMIC  
20 YEAR BASIS OR, FAILING TO DO SO, PROVIDES EVIDENCE SATISFACTORY TO THE  
21 OFFICE OF EXTENUATING CIRCUMSTANCES;

22 (III) IS MAKING SATISFACTORY PROGRESS TOWARD A DEGREE AS  
23 DETERMINED BY THE COMMUNITY COLLEGE; AND

24 (IV) MAINTAINS THE STANDARDS OF THE COMMUNITY COLLEGE.

25 (E) (1) IF THE DEPARTMENT DOES NOT OFFER EMPLOYMENT TO THE  
26 RECIPIENT OF A HIGHER EDUCATION ASSISTANCE CONTRACT WITHIN 1 YEAR AFTER  
27 THE RECIPIENT COMPLETES AN ELIGIBLE ASSOCIATE DEGREE PROGRAM AND  
28 SATISFIES ALL OTHER REQUIREMENTS OF THIS SECTION, THE RECIPIENT IS NOT  
29 REQUIRED TO FULFILL THE SERVICE OBLIGATION IN THE CONTRACT.

30 (2) THE DEPARTMENT AND THE OFFICE MAY DELAY A RECIPIENT'S  
31 SERVICE OBLIGATION UNDER THE CONTRACT IF THE RECIPIENT:

32 (I) IS ENROLLED AT A 4-YEAR INSTITUTION OF HIGHER  
33 EDUCATION; OR

34 (II) DEMONSTRATES EXTREMELY EXTENUATING CIRCUMSTANCES.

1 (F) THE RECIPIENT OF A HIGHER EDUCATION ASSISTANCE CONTRACT SHALL  
2 AGREE TO REPAY THE STATE THE AMOUNTS AWARDED UNDER THIS SECTION AS SET  
3 FORTH IN § 18-112 OF THIS TITLE IF THE RECIPIENT DOES NOT:

4 (1) SATISFY THE DEGREE REQUIREMENTS OF THE ELIGIBLE ACADEMIC  
5 PROGRAM OR FULFILL OTHER REQUIREMENTS AS PROVIDED IN THIS SECTION; OR

6 (2) PERFORM THE SERVICE OBLIGATION FOR 1 YEAR FOR EACH YEAR  
7 THAT THE RECIPIENT HAS RECEIVED HIGHER EDUCATION ASSISTANCE.

8 (G) MONEYS NECESSARY TO FUND THE HIGHER EDUCATION ASSISTANCE  
9 PROVIDED UNDER THIS SECTION FOR A FISCAL YEAR MAY BE:

10 (1) INCLUDED IN THE BUDGET OF THE COMMISSION, SUBJECT TO  
11 APPROPRIATION BY THE GENERAL ASSEMBLY; OR

12 (2) TRANSFERRED FROM THE DEPARTMENT TO THE COMMISSION BY  
13 BUDGET AMENDMENT.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
15 July 1, 2005.