

# HOUSE BILL 895

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By: **Delegates James, Ali, Barkley, DeBoy, George, Griffith, Guzzone, Hubbard, Kaiser, Manno, McDonough, Morhaim, Robinson, Tarrant, and F. Turner**

Introduced and read first time: February 9, 2007

Assigned to: Ways and Means

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## A BILL ENTITLED

1 AN ACT concerning

2 **Higher Education – Scholarship Program for Youth at Risk of Joining**  
3 **a Criminal Gang**

4 FOR the purpose of establishing the Scholarship Program for Youth at Risk of Joining  
5 a Criminal Gang; requiring the Governor to include a certain amount of funds  
6 in the budget for the scholarship program; requiring the Office of Student  
7 Financial Assistance within the Maryland Higher Education Commission to  
8 publicize the availability of the scholarships and to make scholarship awards,  
9 not to exceed a certain amount per recipient, which may be used for certain  
10 expenses at certain public institutions of higher education; requiring a  
11 scholarship recipient to meet certain eligibility criteria to obtain and retain an  
12 award; requiring the Commission to adopt certain regulations; authorizing the  
13 Office to enter into certain reciprocal scholarship agreements; requiring funds to  
14 be retained by the Commission under certain circumstances; establishing a  
15 certain scholarship fund to receive money and other property; defining certain  
16 terms; requiring the Office to report scholarship recipients' names to certain  
17 legislative members on or before a certain date; requiring the Commission to  
18 report to the General Assembly on or before a certain date; and generally  
19 relating to the establishment of the Scholarship Program for Youth at Risk of  
20 Joining a Criminal Gang.

21 BY repealing and reenacting, with amendments,  
22 Article – Education  
23 Section 18–107

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland  
2 (2006 Replacement Volume)

3 BY adding to  
4 Article – Education  
5 Section 18–2801 through 18–2812, inclusive, to be under the new subtitle  
6 “Subtitle 28. Scholarship Program for Youth at Risk of Joining a Criminal  
7 Gang”  
8 Annotated Code of Maryland  
9 (2006 Replacement Volume)

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

12 **Article – Education**

13 18–107.

14 (a) (1) Each year, money for each award program under this title shall be  
15 included in the State budget.

16 (2) Each year, the Governor shall include in the State budget at least  
17 80 percent of the funds appropriated in the prior fiscal year for need–based programs  
18 as provided in §§ 18–301, 18–706(f), 18–1401, 18–1501, [and] 18–2601, **AND 18–2802**  
19 of this title and § 13–613(d)(1) of the Transportation Article.

20 (b) (1) Except as otherwise provided in this title, money appropriated  
21 under this title that is not used by the end of the fiscal year may not revert to the  
22 State Treasury.

23 (2) All money retained under paragraph (1) of this subsection shall be  
24 used to make awards to students during subsequent fiscal years as provided in §§  
25 18–301, 18–706(f), 18–1401, [and] 18–1501, **18–2802** of this title and § 13–613(d)(1) of  
26 the Transportation Article and may not be used for administrative expenses.

27 **SUBTITLE 28. SCHOLARSHIP PROGRAM FOR YOUTH AT RISK OF JOINING A**  
28 **CRIMINAL GANG.**

29 **18–2801.**

30 (A) **IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS**  
31 **INDICATED.**

1           **(B) “CRIMINAL GANG” HAS THE MEANING STATED IN § 9-801 OF THE**  
2 **CRIMINAL LAW ARTICLE.**

3           **(C) “SCHOLARSHIP FOR AT-RISK YOUTH” MEANS THE SCHOLARSHIP**  
4 **PROGRAM FOR YOUTH AT RISK OF JOINING A CRIMINAL GANG.**

5 **18-2802.**

6           **THERE IS A SCHOLARSHIP PROGRAM FOR YOUTH AT RISK OF JOINING A**  
7 **CRIMINAL GANG THAT IS AWARDED UNDER THIS SUBTITLE.**

8 **18-2803.**

9           **THE OFFICE OF STUDENT FINANCIAL ASSISTANCE SHALL PUBLICIZE THE**  
10 **AVAILABILITY OF SCHOLARSHIPS FOR AT-RISK YOUTH.**

11 **18-2804.**

12           **(A) EACH RECIPIENT OF A SCHOLARSHIP FOR AT-RISK YOUTH SHALL:**

13                   **(1) BE A RESIDENT OF THIS STATE;**

14                   **(2) DEMONSTRATE TO THE OFFICE A DEFINITE FINANCIAL NEED;**

15                   **(3) HAVE ATTAINED A GRADE POINT AVERAGE OF AT LEAST 2.5**  
16 **ON A 4.0 SCALE OR ITS EQUIVALENT AT THE END OF THE FIRST SEMESTER OF**  
17 **THE SENIOR YEAR IN HIGH SCHOOL AND HAVE COMPLETED HIGH SCHOOL OR,**  
18 **FAILING TO DO SO, ON THE RECOMMENDATION OF THE RECIPIENT’S HIGH**  
19 **SCHOOL PRINCIPAL, PROVIDE EVIDENCE SATISFACTORY TO THE OFFICE OF**  
20 **EXTENUATING CIRCUMSTANCES;**

21                   **(4) HAVE SUCCESSFULLY COMPLETED A COLLEGE PREPARATORY**  
22 **PROGRAM IN HIGH SCHOOL;**

23                   **(5) BE ACCEPTED FOR ADMISSION IN THE REGULAR**  
24 **UNDERGRADUATE PROGRAM AT A PUBLIC INSTITUTION OF HIGHER EDUCATION**  
25 **IN THIS STATE;**

1           **(6) ENROLL IN COLLEGE AS A FULL-TIME STUDENT;**

2           **(7) BEGIN COLLEGE WITHIN 1 YEAR OF COMPLETING HIGH**  
3 **SCHOOL OR, FAILING TO DO SO, PROVIDE EVIDENCE SATISFACTORY TO THE**  
4 **OFFICE OF EXTENUATING CIRCUMSTANCES;**

5           **(8) BE UNDER THE AGE OF 22 YEARS AT THE TIME OF RECEIVING**  
6 **THE FIRST AWARD;**

7           **(9) ACCEPT ANY OTHER CONDITIONS ATTACHED TO THE**  
8 **SCHOLARSHIP; AND**

9           **(10) SATISFY ANY ADDITIONAL CRITERIA THE COMMISSION MAY**  
10 **ESTABLISH.**

11           **(B) A STUDENT IN GRADES 9 THROUGH 12 WHO APPLIES AND**  
12 **QUALIFIES FOR A SCHOLARSHIP FOR AT-RISK YOUTH ON THE BASIS OF**  
13 **FINANCIAL NEED AS ESTABLISHED BY THE COMMISSION SHALL PREQUALIFY**  
14 **FOR A SCHOLARSHIP FOR AT-RISK YOUTH TO BE USED AT THE TIME OF**  
15 **ENROLLMENT IN A PUBLIC INSTITUTION OF HIGHER EDUCATION IN THIS STATE**  
16 **BY AGREEING IN WRITING, AS A SECONDARY AND UNDERGRADUATE STUDENT,**  
17 **TO:**

18           **(1) SATISFY THE ATTENDANCE POLICY OF THE APPLICABLE**  
19 **SCHOOL;**

20           **(2) SATISFY THE BEHAVIOR POLICY OF THE APPLICABLE**  
21 **SCHOOL;**

22           **(3) REFRAIN FROM SUBSTANCE ABUSE;**

23           **(4) REFRAIN FROM BECOMING A MEMBER OF A CRIMINAL GANG**  
24 **OR PARTICIPATING IN THE ACTIVITIES OF A CRIMINAL GANG;**

25           **(5) PROVIDE INFORMATION REQUIRED BY THE COMMISSION OR**  
26 **THE STATE BOARD OF EDUCATION;**

1           **(6) COMPLETE AND FILE ON A TIMELY BASIS APPLICATIONS FOR**  
2 **FEDERAL STUDENT AID FOR EACH YEAR THAT THE STUDENT PLANS TO ENROLL**  
3 **IN POSTSECONDARY EDUCATION; AND**

4           **(7) SATISFY ANY OTHER PROGRAM REQUIREMENTS SET BY THE**  
5 **OFFICE, THE COMMISSION, THE STATE BOARD OF EDUCATION, OR THE STATE**  
6 **DEPARTMENT OF EDUCATION.**

7 **18-2805.**

8           **(A) THE COMMISSION SHALL ADOPT REGULATIONS TO IDENTIFY YOUTH**  
9 **WHO ARE AT RISK OF JOINING A CRIMINAL GANG.**

10          **(B) THE REGULATIONS MAY INCLUDE INPUT FROM:**

11           **(1) LOCAL LAW ENFORCEMENT AGENCIES;**

12           **(2) PRINCIPALS, TEACHERS, AND OTHER SCHOOL PERSONNEL;**  
13 **AND**

14           **(3) LOCAL BOARDS OF EDUCATION.**

15 **18-2806.**

16           **(A) (1) THE OFFICE SHALL DETERMINE THE AMOUNT OF EACH**  
17 **SCHOLARSHIP FOR AT-RISK YOUTH BASED ON THE FINANCIAL NEED OF THE**  
18 **APPLICANT.**

19           **(2) IN DETERMINING THE AMOUNT OF FINANCIAL NEED, THE**  
20 **OFFICE SHALL CONSIDER REGIONAL COST-OF-LIVING DIFFERENCES.**

21           **(B) A SCHOLARSHIP FOR AT-RISK YOUTH MAY BE AWARDED IN \$100**  
22 **INCREMENTS AND THE AWARD FOR A SINGLE YEAR MAY NOT BE LESS THAN \$400**  
23 **OR MORE THAN \$3,000.**

24 **18-2807.**

25           **A SCHOLARSHIP FOR AT-RISK YOUTH MAY BE USED:**

1           **(1) AT A DEGREE-GRANTING PUBLIC INSTITUTION OF HIGHER**  
2 **EDUCATION IN THIS STATE; AND**

3           **(2) FOR EDUCATIONAL EXPENSES AS DEFINED BY THE**  
4 **COMMISSION, INCLUDING:**

5                   **(I) TUITION AND FEES; AND**

6                   **(II) ROOM AND BOARD.**

7 **18-2808.**

8           **(A) EACH RECIPIENT OF A SCHOLARSHIP FOR AT-RISK YOUTH WHO IS**  
9 **ENROLLED IN A BACCALAUREATE PROGRAM AT A PUBLIC INSTITUTION OF**  
10 **HIGHER EDUCATION MAY HOLD THE AWARD FOR 5 YEARS IF THE RECIPIENT:**

11                   **(1) CONTINUES TO BE A RESIDENT OF THIS STATE;**

12                   **(2) CONTINUES TO BE A FULL-TIME STUDENT AT AN ELIGIBLE**  
13 **INSTITUTION AND TAKES AT LEAST 12 SEMESTER HOURS OF COURSES EACH**  
14 **SEMESTER, OR ITS EQUIVALENT AS DETERMINED BY THE OFFICE;**

15                   **(3) IN THE JUDGMENT OF THE INSTITUTION, IS MAKING**  
16 **SATISFACTORY PROGRESS TOWARD A DEGREE; AND**

17                   **(4) MAINTAINS THE STANDARDS OF THE INSTITUTION.**

18           **(B) EACH RECIPIENT OF A SCHOLARSHIP FOR AT-RISK YOUTH WHO IS**  
19 **ENROLLED IN AN ASSOCIATE DEGREE PROGRAM AT A PUBLIC INSTITUTION OF**  
20 **HIGHER EDUCATION MAY HOLD THE AWARD FOR 3 YEARS IF THE SAME**  
21 **CONDITIONS OF SUBSECTION (A) OF THIS SECTION ARE MET.**

22 **18-2809.**

23           **(A) THE OFFICE SHALL COMPILE AND CERTIFY LISTS FOR THE ENTIRE**  
24 **STATE THAT RANK APPLICANTS BY FINANCIAL NEED.**

25           **(B) ALL FUNDS FOR ANNUAL INITIAL GRANTS SHALL BE AWARDED**  
26 **FROM THE STATEWIDE LIST ON THE BASIS OF GREATEST FINANCIAL NEED.**

1           (C) ON OR BEFORE MAY 1 OF EACH YEAR, THE OFFICE SHALL SEND  
2 EACH SENATOR AND EACH DELEGATE A LIST OF INDIVIDUALS IN EACH  
3 LEGISLATIVE DISTRICT TO WHOM A SCHOLARSHIP FOR AT-RISK YOUTH IS  
4 AWARDED.

5 **18-2810.**

6           (A) SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE OFFICE MAY  
7 ENTER INTO RECIPROCAL SCHOLARSHIP AGREEMENTS WITH OTHER STATES.

8           (B) THE OFFICE SHALL GIVE PRIORITY TO ENTERING INTO  
9 RECIPROCAL AGREEMENTS WITH CONTIGUOUS AND NEARBY STATES.

10          (C) IF SCHOLARSHIPS ARE AWARDED TO STUDENTS FOR USE IN PUBLIC  
11 INSTITUTIONS OF HIGHER EDUCATION IN OTHER STATES, THE TOTAL VALUE OF  
12 ALL OF THESE AWARDS MAY NOT BE MORE THAN 10% OF THE TOTAL FUNDS  
13 BUDGETED FOR THE SCHOLARSHIP FOR AT-RISK YOUTH PROGRAM.

14 **18-2811.**

15          (A) FOR ANY FISCAL YEAR, IF THE FUNDS APPROPRIATED FOR THE  
16 SCHOLARSHIP FOR AT-RISK YOUTH PROGRAM ARE INSUFFICIENT TO SATISFY  
17 FULLY ALL AWARDS AS CALCULATED UNDER § 18-2806 OF THIS SUBTITLE, THE  
18 AMOUNT PAID TO EACH RECIPIENT OF A SCHOLARSHIP FOR AT-RISK YOUTH  
19 SHALL BE A PERCENTAGE OF THAT AWARD, AS DETERMINED IN ACCORDANCE  
20 WITH REGULATIONS ADOPTED BY THE COMMISSION THAT ESTABLISH A  
21 SCHEDULE OF REDUCTIONS FOR THIS PURPOSE.

22          (B) (1) SCHOLARSHIP FOR AT-RISK YOUTH PROGRAM GRANTS  
23 CALCULATED UNDER § 18-2806 OF THIS SUBTITLE THAT ARE NOT USED BY THE  
24 RECIPIENTS SHALL BE RETAINED BY THE COMMISSION FOR USE IN THE  
25 SCHOLARSHIP FOR AT-RISK YOUTH PROGRAM FOR THE NEXT FISCAL YEAR.

26          (2) ALL FUNDS RETAINED IN THE SCHOLARSHIP FOR AT-RISK  
27 YOUTH PROGRAM AS PROVIDED IN PARAGRAPH (1) OF THIS SUBSECTION SHALL  
28 BE USED TO AWARD SCHOLARSHIPS TO STUDENTS DURING SUBSEQUENT FISCAL  
29 YEARS AS PROVIDED BY THIS TITLE AND MAY NOT BE USED FOR  
30 ADMINISTRATIVE EXPENSES.

1 **18-2812.**

2 (A) FUNDS FOR THE SCHOLARSHIP FOR AT-RISK YOUTH PROGRAM  
3 SHALL BE AS PROVIDED IN THE ANNUAL BUDGET OF THE COMMISSION BY THE  
4 GOVERNOR.

5 (B) (1) THERE IS A SCHOLARSHIP FOR AT-RISK YOUTH FUND IN THE  
6 COMMISSION.

7 (2) THE COMMISSION:

8 (I) MAY ACCEPT ANY GIFT OR GRANT FROM ANY PERSON  
9 FOR THE FUND; AND

10 (II) SHALL DEPOSIT ANY GIFT OR GRANT THAT IT RECEIVES  
11 FOR THE FUND WITH THE STATE TREASURER IN A NONBUDGETED ACCOUNT  
12 FOR USE ONLY IN THE SCHOLARSHIP FOR AT-RISK YOUTH PROGRAM.

13 (3) ON OR BEFORE DECEMBER 31 OF EACH YEAR, THE  
14 COMMISSION, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT  
15 ARTICLE, SHALL PROVIDE AN ANNUAL REPORT TO THE GENERAL ASSEMBLY ON  
16 THE FUND THAT INCLUDES AN ACCOUNTING OF ALL FINANCIAL RECEIPTS AND  
17 EXPENDITURES TO AND FROM THE FUND.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
19 October 1, 2007.