

SENATE BILL 973

F2

9lr3066
CF 9lr3297

By: **Senator Munson**

Introduced and read first time: February 23, 2009

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Student Financial Assistance – Eligible Institutions of Higher Education**

3 FOR the purpose of authorizing certain scholarships, grants, or loans to be used at
4 certain institutions of higher education in the State; defining certain terms; and
5 generally relating to authorized uses of student financial assistance at
6 institutions of higher education in the State.

7 BY repealing and reenacting, with amendments,
8 Article – Education
9 Section 10–101 and 18–103
10 Annotated Code of Maryland
11 (2008 Replacement Volume)

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

14 **Article – Education**

15 10–101.

16 (a) In this division the following words have the meanings indicated.

17 (b) “Charter” means the Maryland Charter for Higher Education.

18 (c) “Commission” means the Maryland Higher Education Commission.

19 (d) “Governing board” means:

20 (1) The Board of Regents of the University System of Maryland;

21 (2) The Board of Regents of Morgan State University;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (3) The Board of Trustees of St. Mary's College of Maryland; and

2 (4) The Board of Trustees of Baltimore City Community College.

3 (e) "Governing body" means:

4 (1) A governing board;

5 (2) A board of trustees of a community college;

6 (3) The governing entity of nonpublic institutions of higher education;

7 or

8 (4) The governing entity of a regional higher education center.

9 (F) **"IN-STATE INSTITUTION" MEANS A DEGREE-GRANTING**
10 **INSTITUTION THAT ON JULY 1, 2009:**

11 (1) **HAS A CAMPUS IN THE STATE, INCLUDING BRANCHES AND**
12 **ADDITIONAL LOCATIONS, REGARDLESS OF THE LENGTH OF TIME THE CAMPUS**
13 **HAS BEEN IN EXISTENCE;**

14 (2) **HAS DEGREE-GRANTING AUTHORIZATION FROM THE STATE;**
15 **AND**

16 (3) **FOR AT LEAST 25 CONSECUTIVE YEARS:**

17 (I) **HAS BEEN OPERATING IN THE STATE; AND**

18 (II) **HAS POSSESSED A CERTIFICATE OF APPROVAL FROM**
19 **THE MARYLAND HIGHER EDUCATION COMMISSION.**

20 [(f)] (G) "Institution of higher education" means an **IN-STATE OR**
21 **OUT-OF-STATE** institution of postsecondary education that generally limits
22 enrollment to graduates of secondary schools, and awards degrees at either the
23 associate, baccalaureate, or graduate level.

24 [(g)] (H) (1) "Institution of postsecondary education" means a school or
25 other institution that offers an educational program in the State for individuals who
26 are at least 16 years old and who have graduated from or left elementary or secondary
27 school.

28 (2) "Institution of postsecondary education" does not include:

1 (i) Any adult education, evening high school, or high school
2 equivalence program conducted by a public school system of the State; or

3 (ii) Any apprenticeship or on-the-job training program subject
4 to approval by the Apprenticeship and Training Council.

5 (I) (1) **“OUT-OF-STATE INSTITUTION” MEANS A DEGREE-GRANTING**
6 **INSTITUTION WHOSE PRIMARY CAMPUS EXISTS OUTSIDE THE STATE AND THE**
7 **AUTHORITY TO GRANT A DEGREE IS CONFERRED BY ANOTHER STATE.**

8 (2) **“OUT-OF-STATE INSTITUTION” DOES NOT INCLUDE A**
9 **DEGREE-GRANTING INSTITUTION HAVING AN IN-STATE CAMPUS, INCLUDING**
10 **BRANCHES AND ADDITIONAL LOCATIONS REGARDLESS OF THE LENGTH OF TIME**
11 **THE CAMPUS HAS BEEN IN EXISTENCE, THAT ON JULY 1, 2009:**

12 (I) **HAS DEGREE-GRANTING AUTHORIZATION FROM THE**
13 **STATE; AND**

14 (II) **FOR AT LEAST 25 CONSECUTIVE YEARS:**

15 1. **HAS BEEN OPERATING IN THE STATE; AND**

16 2. **HAS POSSESSED A CERTIFICATE OF APPROVAL**
17 **FROM THE MARYLAND HIGHER EDUCATION COMMISSION.**

18 [(h)] (J) “Private career school” means a privately owned and privately
19 operated institution of postsecondary education other than an institution of higher
20 education that furnishes or offers to furnish programs, whether or not requiring a
21 payment of tuition or fee, for the purpose of training, retraining, or upgrading
22 individuals for gainful employment as skilled or semiskilled workers or technicians in
23 recognized occupations or in new and emerging occupations.

24 [(i)] (K) “Program” or “educational program” means an organized course of
25 study that leads to the award of a certificate, diploma, or degree.

26 [(j)] (L) “Public senior higher education institution” means:

27 (1) The constituent institutions of the University System of Maryland;

28 (2) Morgan State University; and

29 (3) St. Mary’s College of Maryland.

30 [(k)] (M) “Regional higher education center” means a higher education
31 facility in the State that:

1 (1) Is operated by a public institution of higher education in the State
2 or a nonpublic institution of higher education operating under a charter granted by
3 the General Assembly and includes participation by two or more institutions of higher
4 education in the State;

5 (2) Consists of an array of program offerings from institutions of
6 higher education approved to operate in the State by the Commission or by an act of
7 the General Assembly that specifically satisfies the criteria set forth in § 10–212(b) of
8 this title;

9 (3) Offers multiple degree levels; and

10 (4) Is either approved by the Commission to operate in the State or is
11 established by statute.

12 [(1)] (N) “Secretary” means the Secretary of Higher Education.

13 [(m)] (O) “State Plan for Higher Education” means the plan for
14 postsecondary education and research required to be developed by the Maryland
15 Higher Education Commission under § 11–105(b) of this article.

16 18–103.

17 A scholarship, grant, or loan issued under this title may be used at any public or
18 private ~~IN-STATE~~ institution of higher education [in this State], **AS DEFINED IN §**
19 **10–101 OF THIS ARTICLE**, that possesses a certificate of approval from the Maryland
20 Higher Education Commission.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 June 1, 2009.