

Chapter 217

(Senate Bill 80)

AN ACT concerning

Maryland Higher Education Commission – Office of Student Financial Assistance

FOR the purpose of revising and clarifying certain provisions relating to student financial assistance administered by the Office of Student Financial Assistance in the Maryland Higher Education Commission; repealing provisions relating to the enforcement of certain bonds given by scholarship recipients; authorizing the Office of Student Financial Assistance to adopt rules and regulations that include certain provisions; and generally relating to administration of student financial assistance by the Office of Student Financial Assistance in the Maryland Higher Education Commission.

BY repealing and reenacting, with amendments,

Article – Education

Section 18–102, 18–103, 18–106 through 18–108, 18–110(a), 18–111 through 18–113, 18–204, and 18–205

Annotated Code of Maryland

(2008 Replacement Volume and 2009 Supplement)

BY repealing

Article – Education

Section 18–109

Annotated Code of Maryland

(2008 Replacement Volume and 2009 Supplement)

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

Article – Education

18–102.

Except as otherwise provided in this title, the provisions of this subtitle apply to any scholarship, grant, [or] loan, **OR OTHER STUDENT FINANCIAL ASSISTANCE** awarded [under this title] **BY THE OFFICE**.

18–103.

A scholarship, grant, [or] loan, **OR OTHER STUDENT FINANCIAL ASSISTANCE** [issued under this title] **AWARDED BY THE OFFICE** may be used at any public or private institution of higher education in this State that possesses a certificate of approval from the [Maryland Higher Education] Commission.

18-106.

(a) If, during an academic year, a student who is receiving any **STUDENT FINANCIAL ASSISTANCE** award [under this title] withdraws from the institution at which the award is used or otherwise fails to remain eligible for the award, the institution shall make a pro rata refund to the Office or other donor on the same terms that it makes refunds to students.

(b) Any refund may be reawarded on an interim basis under this title until the end of the academic year. Any requirement of an examination is waived for the recipient of an interim award.

18-107.

(a) (1) Each year, money for each [award] **STUDENT FINANCIAL ASSISTANCE** program [under this title] **ADMINISTERED BY THE OFFICE** shall be included in the State budget.

(2) Each year, the Governor shall include in the State budget at least 80 percent of the funds appropriated in the prior fiscal year for need-based programs as provided in §§ 18-301, 18-706(f), 18-1401, 18-1501, and 18-2601 of this title.

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

(2) All money retained under paragraph (1) of this subsection shall be used to make awards to students during subsequent fiscal years as provided in §§ 18-301, 18-601, 18-604, 18-706(f), 18-1401, 18-14A-01, 18-1501, and 18-2601 of this title and may not be used for administrative expenses.

18-108.

Any college student or other individual, who is under 18 years old and is eligible for or is receiving benefits from any State scholarship, loan, tuition grant, remission of fixed charges, fellowship, [or] federal or State student loan program [under this title], **OR ANY OTHER STUDENT FINANCIAL ASSISTANCE:**

(1) May execute notes, contracts, or agreements necessary to obtain these benefits in the same manner and with the same effect as though he were 18 years old; and

(2) May not assert the disability of infancy as a defense in any action brought against him with respect to these benefits.

[18–109.

(a) The Office shall review and investigate each bond given by a recipient of a scholarship.

(b) If the Office determines that any recipient has failed or refused to comply with the conditions of the bond, the Office may refer the matter to the Attorney General, who shall do anything necessary and proper to enforce the bond.

(c) The Attorney General shall account for any money received from enforcement of a bond and the money shall revert to the State Treasury.]

18–110.

(a) Any student attending a public institution of higher education who is not a resident of this State and who is enrolled in an education course or program leading to an occupation as a licensed registered nurse or a licensed practical nurse shall pay only the tuition fees and other mandatory fees payable by a resident of this State if the student furnishes a [surety bond or] promissory note to this State, with security satisfactory to the [Maryland Higher Education] Commission, that, on completion of the education course or program, the student will work in this State for at least 4 years as a licensed registered nurse or a licensed practical nurse in a hospital or related institution, as defined in § 19–301 of the Health – General Article.

18–111.

As a condition of receiving [a scholarship or grant] **STUDENT FINANCIAL ASSISTANCE** awarded [under this title] **BY THE OFFICE**, each recipient shall sign a statement pledging to remain drug free. The Commission shall determine the contents of the drug free statement.

18–112.

(a) Except as otherwise provided in this title, repayment obligations incurred by recipients of student financial assistance[, scholarships, grants, or loans] administered by the [Commission under this title] **OFFICE** shall be calculated at an interest rate equal to and matching the interest rate established by the United States Department of Education for the Federal Stafford Loan on the first day of July of each

year, with interest not accruing prior to notification to the Commission of a recipient's graduation or termination from an institution of higher education.

(b) A recipient shall commence repayment obligations [incurred under this title] upon graduation or termination from an institution of higher education.

18-113.

(a) A student may [hold a scholarship and grant issued under this title along with any other scholarship and grant issued under this title] **RECEIVE ONE OR MORE AWARDS OF STUDENT FINANCIAL ASSISTANCE ADMINISTERED BY THE OFFICE** if:

(1) Eligibility requirements are met for each [scholarship and grant] **TYPE OF STUDENT FINANCIAL ASSISTANCE** received; and

(2) The total of all [scholarships and grants] **STUDENT FINANCIAL ASSISTANCE** received does not exceed:

(i) The student's total cost of education as certified by the institution the student is attending; and

(ii) The equivalent annual expenses of a full-time resident undergraduate at the 4-year public institution of higher education within the University System of Maryland, other than the University of Maryland University College and University of Maryland, Baltimore, with the highest annual expenses for a full-time resident undergraduate.

(b) A student who [holds] **RECEIVES** multiple [scholarships and grants issued under this title] **AWARDS OF STUDENT FINANCIAL ASSISTANCE** that have a service obligation requirement:

(1) Must fulfill the terms of each service obligation; and

(2) May not fulfill the service obligations concurrently.

18-204.

(a) In addition to any other powers granted and duties imposed by this title, the Office has the powers and duties set forth in this section.

(b) Except as otherwise provided in this title, the Office shall:

(1) Administer [the scholarship and tuition assistance programs under this title] **STUDENT FINANCIAL ASSISTANCE PROGRAMS**;

(2) Issue and disseminate public information about [these scholarships] **STUDENT FINANCIAL ASSISTANCE**;

(3) Regulate the form and submission of applications for [scholarships and tuition] **STUDENT FINANCIAL** assistance under this title; and

(4) Conduct conferences and interviews with applicants to evaluate their eligibility.

(c) **(1)** The Office may adopt any rule or regulation necessary to carry out its powers and duties.

(2) THE RULES AND REGULATIONS ADOPTED BY THE OFFICE UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY INCLUDE PROVISIONS FOR:

(I) THE PERFORMANCE OF A SERVICE OBLIGATION FOR A PROGRAM THAT AS A CONDITION OF AWARD REQUIRES A RECIPIENT OF STUDENT FINANCIAL ASSISTANCE TO PERFORM A SERVICE OBLIGATION;

(II) THE REPAYMENT OF STUDENT FINANCIAL ASSISTANCE FUNDS RECEIVED SHOULD A RECIPIENT FAIL TO PERFORM A SERVICE OBLIGATION; AND

(III) WAIVER AND DEFERMENT OF A SERVICE OBLIGATION OR REPAYMENT IN CIRCUMSTANCES DETERMINED BY THE COMMISSION.

(d) The Office:

(1) Shall administer any federal program of scholarships or grants to students or institutions except for the Christa McAuliffe Fellowship which shall be administered by the Maryland State Department of Education; and

(2) May do anything necessary to comply with any federal law relating to these scholarships or grants.

(e) The Office shall:

(1) Arrange for the competitive examination required of applicants for certain scholarships; and

(2) Send the results of the examination to the appropriate institutions and to the person who awards the scholarship.

(f) The Office shall:

(1) Analyze under uniform standards the financial need of each applicant for a scholarship for which financial need is a consideration; and

(2) Send its analysis to the appropriate institution and the person who awards the scholarship.

18–205.

[The] SUBJECT TO RULES AND REGULATIONS ADOPTED BY THE COMMISSION, THE Office shall grant a deferment from the service obligation component of **[a scholarship] STUDENT FINANCIAL ASSISTANCE** awarded under this title to:

(1) An individual who has been assigned military duty outside of the State; or

(2) The spouse of an individual who has been assigned military duty outside of the State.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2010.

Approved by the Governor, May 4, 2010.