

Department of Legislative Services
 Maryland General Assembly
 2022 Session

FISCAL AND POLICY NOTE
 Third Reader - Revised

Senate Bill 949

(Senator Elfreth)

Judicial Proceedings

Rules and Executive Nominations

Scholarships and Police Officer Recruitment

This bill establishes two new scholarships for police officers that must be awarded to *all* applicants that meet the eligibility requirements. The Governor, for fiscal 2024 and annually thereafter, must provide sufficient funds in the budget to equal 100% of the value of the scholarships awarded. The bill also expands the Edward T. Conroy and Mary A. Conroy Memorial Scholarship Program and the Jean B. Cryor Memorial Scholarship Program to include postsecondary institutions outside of Maryland as eligible institutions that may award scholarships. In addition, the bill expands the duties and requirements for the Maryland Police Training and Standards Commission (MPTSC) to require law enforcement agencies to develop and implement policies for recruitment at historically black colleges and universities in the State. **The bill takes effect July 1, 2022.**

Fiscal Summary

State Effect: *Under one set of assumptions*, general fund expenditures increase by *at least* \$5.7 million annually beginning in FY 2023. Although the number of additional awards under the Conroy and Cryor scholarship programs cannot be reliably estimated, expanding the institutions at which currently eligible individuals may use an award under the programs increases expenditures by an estimated \$8,700 per award annually, as discussed below. Future years reflect annualization, inflation, ongoing costs, and the cumulative impact of scholarship awards under only the new scholarship programs. Higher education revenues are not materially affected. **This bill establishes an entitlement program beginning in FY 2023.**

(\$ in millions)	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	5.7	5.7	5.7	5.7	5.7
Net Effect	(\$5.7)	(\$5.7)	(\$5.7)	(\$5.7)	(\$5.7)

Note: () = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary:

Annual Report on Police Officer Educational Attainment

By April 1, 2023, and each year thereafter, each law enforcement agency must report to the Governor's Office of Crime Prevention, Youth, and Victim Services (GOCPYVS) on the education level of all police officers employed by the agency. GOCPYVS must compile the reported information and submit an annual summary report to the Governor and the General Assembly.

Police Officers Educational Benefit Scholarship I

The Police Officers Educational Benefit Scholarship I must be awarded to *all* current or former certified police officers who (1) have been employed as a police officer for a minimum of five years; (2) are current residents of the State; and (3) have not been reprimanded for misconduct, excluding technical infractions. A dependent child of an eligible police officer is eligible if a scholarship has not already been awarded to the police officer or another dependent child of the police officer. A police officer is no longer eligible to apply if the police officer's dependent child has applied.

A scholarship may be used for tuition at any public or private nonprofit institution of higher education in the State for up to 60 credits. The scholarship may be up to 100% of the equivalent annual tuition of a resident undergraduate at the University of Maryland, College Park Campus (UMCP).

Police Officers Educational Benefit Scholarship II

The Police Officers Educational Benefit Scholarship II must be awarded to *all* current or former certified police officers who (1) have been employed as a police officer for a minimum of 10 years; (2) are current residents of the State; and (3) have not been reprimanded for misconduct, excluding technical infractions. A dependent child of an eligible officer is eligible if a scholarship has not already been awarded to the police officer or another dependent child of the police officer. A police officer is no longer eligible to apply if the police officer's dependent child has applied.

A scholarship may be used for tuition at any public or private nonprofit institution of higher education in the State for (1) 120 credits or (2) 60 credits if the police officer or the officer's

dependent child was awarded the Police Officers Educational Benefit Scholarship I. The scholarship may be up to 100% of the equivalent annual tuition of a resident undergraduate at UMCP.

Current Law:

Maryland Police Training and Standards Commission

MPTSC, an independent commission within the Department of Public Safety and Correctional Services, operates approved police training schools and prescribes standards for and certifies schools that offer police and security training. In consultation and cooperation with various entities, it also sets minimum qualifications for instructors and certifies qualified instructors for approved training schools.

MPTSC certifies persons as police officers who have met commission standards, including submission to (1) a criminal history records check; (2) a specified mental health screening; and (3) a specified physical agility assessment. An individual who is not satisfactorily trained in the 12-month probationary period may not be employed as a police officer, and a police officer may not serve after certification has been revoked, suspended, or allowed to lapse. The certification of a police officer automatically lapses three years after the date of the previous certification.

MPTSC requirements include, among other things, that the curriculum and minimum courses of study include special training, attention to, and study of the application of:

- the criminal laws concerning rape and sexual offenses, including the sexual abuse and exploitation of children and related evidentiary procedures;
- the criminal laws concerning human trafficking, including services and support available to victims and the rights and appropriate treatment of victims;
- the criminal law concerning hate crimes;
- the contact with and treatment of victims of crimes and delinquent acts;
- the notices, services, support, and rights available to victims and victims' representatives under State law; and
- the notification of victims of identity fraud and related crimes of their rights under federal law.

These requirements apply to in-service level police training every three years and entrance-level training conducted by the State and each county and municipal police training school.

The Edward T. and Mary A. Conroy Memorial Scholarship Program and the Jean B. Cryor Memorial Scholarship Program

In general, scholarship, grant, loan, or other student financial assistance awarded by the Office of Student Financial Assistance (OSFA) may be used only at a public or private nonprofit institution of higher education in Maryland that possesses a certificate of approval from the Maryland Higher Education Commission (MHEC). There are specified expectations for the Delegate Howard P. Rawlings Educational Excellence Awards Program, Senatorial Scholarships, and Delegate Scholarships.

The Edward T. and Mary A. Conroy Memorial Scholarship Program makes awards to specified public safety personnel and their eligible dependents to attend an eligible postsecondary institution in the State for five years of full-time study or eight years of part-time study. The Jean B. Cryor Memorial Scholarship Program makes the same type of financial assistance available to the child or surviving spouse of a public or nonpublic school employee who, as a result of an act of violence, died in the line of duty or is 100% disabled due to an injury sustained in the line of duty. There is an Edward T. Conroy and Jean B. Cryor Scholarship Fund.

Scholarships may be used at private or public four-year institutions or community colleges, and they may be used for undergraduate or graduate study. To apply for a Conroy or a Cryor scholarship, the following individuals are required to be a resident of Maryland at the time of application or the disabling or fatal event:

- the child of a member of the U.S. Armed Forces who, after December 7, 1941, died or suffered a service-connected 100% permanent disability;
- the surviving spouse of a member of the U.S. Armed Forces who suffered a service-connected 100% permanent disability;
- the child of a member of the U.S. Armed Forces who was declared to be a prisoner of war or missing in action as a result of the Vietnam conflict;
- an individual who was a prisoner of war as a result of the Vietnam conflict;
- a veteran who suffers a service-related disability of 25% or greater and has exhausted all federal veterans' educational benefits;
- the child or surviving spouse of a victim of the September 11, 2001 terrorist attacks; and
- the child or surviving spouse of a school employee who, as a result of violence, died in the line of duty or suffered a 100% permanent disability in the line of duty.

Chapter 267 of 2020 removed residency requirements for (1) the child or surviving spouse of a State or local public safety employee who was killed in the line of duty or who suffered

an injury in the line of duty resulting in 100% disability and (2) a disabled public safety employee.

To be eligible, an applicant also must be accepted for admission or enrolled in the regular undergraduate, graduate, or professional program at an eligible institution or be enrolled in a two-year terminal certificate program in which the course work is acceptable for transfer credit for an accredited baccalaureate program.

Postsecondary institutions include public, private nonprofit, and for-profit institutions of higher education, as well as private career schools. Private career schools have not necessarily been considered eligible institutions due to other parameters of the scholarship programs. Postsecondary institutions verify eligibility and award the scholarships to eligible students. In October and February of each year, each postsecondary institution reports to MHEC the number of students eligible for a Conroy or a Cryor scholarship. After verifying the number of eligible students for both programs, MHEC allocates the funds for awards to the postsecondary institutions. If funds cannot be allocated in the fiscal year in which awards are made, priority must be given to allocating funds for those awards in the following fiscal year.

Awards are subject to both a ceiling and a floor. They may not exceed the equivalent annual tuition and mandatory fees of a full-time undergraduate Maryland resident at a four-year institution within the University System of Maryland (USM) – other than the University of Maryland, Baltimore Campus (UMB) and the University of Maryland Global Campus (UMGC) – with the highest annual expenses for a full-time resident undergraduate. They may not be less than either \$3,000 or the equivalent annual tuition and mandatory fees of a resident of the institution attended by the recipient of the scholarship, whichever is the least.

According to regulations, an interested individual may apply for a Conroy/Cryor scholarship by submitting an application to their institution of interest containing:

- a completed Conroy/Cryor scholarship application form;
- if the applicant is a son or daughter, a birth certificate showing the names of both parents;
- if the applicant is a stepson or stepdaughter, a birth certificate showing the names of both parents and a marriage certificate showing the name of the applicant's parent and spouse;
- if the applicant is a spouse, a marriage certificate; and
- specified official verification that the qualifying individual meets the eligibility requirements.

Further, according to regulations, eligible institutions must make Conroy/Cryor scholarship forms available to interested individuals at their financial aid offices. Institutions must promote the Conroy/Cryer program. Institutions must accept all Conroy/Cryor applicants and determine the eligibility of all applicants. The Conroy/Cryor scholarship application deadline for new applicants is July 15. Each applicant must agree to provide any information or documentation requested by OSFA for the purpose of administering the scholarships and, if requested, must sign an authorization for the release of information to OSFA for the purpose of administering the program. The applicant's failure or refusal to provide requested information or a signed release may result in a determination of ineligibility or the revocation of an award.

Maryland Loan Assistance Repayment Program

Chapter 59 of 2021 establishes, beginning July 1, 2022, the Maryland Loan Assistance Repayment Program (LARP) for Police Officers in the State. OSFA must distribute funds from the program to assist in the repayment of a "higher education loan" owed by a police officer who (1) receives a graduate, professional, or undergraduate degree from a public college or university in the State; (2) obtains "eligible employment"; and (3) satisfies any other criteria established by the office. OSFA must (1) adopt regulations to implement the program, which must include a limit on the total amount of assistance provided by the office in repaying the loan of an eligible individual, based on the individual's total income and outstanding higher education loan balance and (2) by January 1 each year, report to the General Assembly on the implementation of the program. The Governor must include an annual appropriation of at least \$1.5 million in the State budget for the program. The fiscal 2023 budget includes \$1.5 million for the program.

"Eligible employment" means to work as a police officer in the State for at least two years. "Higher education loan" means a loan that is obtained for tuition for undergraduate study leading to a degree in criminal law, criminology, or criminal justice.

Chapter 59 expresses legislative intent that MHEC adopt similar regulations for determining award calculations as the award calculation regulations for an existing program (specifically, the Janet L. Hoffman LARP).

Maryland Police Officers Scholarship Program

Chapter 59 also establishes, beginning July 1, 2022, the Maryland Police Officers Scholarship Program to provide tuition assistance for students (1) attending a degree program that would further the student's career in law enforcement at an "eligible institution" with the intent to be a police officer after graduation or (2) who are currently police officers attending a degree program that would further the police officer's career in law enforcement at an eligible institution. OSFA must (1) publicize the availability of the

scholarship; (2) annually select eligible students and offer a scholarship to each student selected to be used at an eligible institution of the student's choice; and (3) to the extent practicable, award scholarships under the program in a manner that reflects ethnic, gender, racial, and geographic diversity.

A recipient of a scholarship must (1) be a Maryland resident or have graduated from a Maryland high school; (2) be accepted for admission or currently enrolled at an eligible institution as a full-time or part-time undergraduate or graduate student, as specified; (3) sign a letter of intent to perform the service obligation on completion of the recipient's required studies; and (4) satisfy any additional criteria MHEC may establish. A current police officer that meets the eligibility criteria is also eligible for a scholarship. A recipient of a scholarship must repay MHEC the funds received if the recipient does not (1) satisfy the degree requirements of the course of study or program or fulfill other specified requirements or (2) perform the service obligation to work as a police officer for at least five years during the eight-year period after graduation.

The annual scholarship award must be 50% of the equivalent annual tuition and mandatory fees of a resident undergraduate student at the eligible institution. The Governor must annually include in the budget bill an appropriation of at least \$8.5 million to MHEC to award scholarships, and MHEC must use (1) \$6.0 million for scholarships to students intending to become police officers after graduation and (2) \$2.5 million for scholarships to existing police officers to attend an eligible institution and remain a police officer after graduation. The fiscal 2023 budget includes \$8.5 million for the program.

"Eligible institution" means a public senior (four-year) higher education institution in the State.

State Expenditures: *Under one set of assumptions, general fund expenditures increase by at least \$5.6 million annually beginning in fiscal 2023 for awards under the new Police Officers Educational Benefit Scholarship programs to eligible individuals; however, costs for awards could be significantly greater. Additional costs are incurred for staffing within MHEC, thereby increasing quantifiable fiscal 2023 expenditures to at least \$5.7 million. In addition, expanding the institutions at which currently eligible individuals may use an award under the Conroy and Cryor scholarship programs increases expenditures by an estimated \$8,700 per award annually; however, the number of additional awards cannot be reliably estimated, as discussed below.*

Police Officers Educational Benefit Scholarship Programs

The estimate for scholarship awards under the Police Officers Educational Benefit Scholarship Programs is based on the following information and assumptions.

- There are approximately 16,000 police officers employed in the State. It is assumed that approximately 1,600 new police officers are hired each year and that, given the bill's incentive to have an associate's or bachelor's degree paid for, most of these new officers do not already have such a degree and will ultimately phase into eligibility for a scholarship. This estimate assumes a 10% annual attrition rate for new police officers over the first six years of their employment.
- Otherwise, this analysis assumes that approximately 400 full-time equivalent students (FTES) receive a Police Officers Educational Benefit Scholarship I and 200 FTES receive a Police Officers Educational Benefit Scholarship II each year from among the police officers with sufficient longevity to qualify for each such scholarship (or their dependents).
- Resident undergraduate tuition (without fees) at UMCP is anticipated to be \$9,180 for the 2022-2023 academic year. The estimate reflects a 2% annual tuition increase. Police Officers Educational Benefit Scholarship I and II recipients are responsible for any required fees (fees are approximately \$2,000 per year).
- This estimate does not reflect eligible individuals moving to Maryland from out of state, who would otherwise be subject to paying higher tuition.

To the extent more eligible individuals apply, particularly as the scholarships may benefit not only current but also former police officers or a dependent, total scholarship awards are greater. For example, annual awards would total \$15.0 million annually beginning in fiscal 2023 under another set of assumptions that assumes no police officer turnover in the programs and a 20-year career, thus, an annual hiring of 800 (who eventually phase into eligibility) rather than approximately 1,600 police officers each year.

Under that set of assumptions, (1) 800 FTES receive the Police Officer Educational Benefit Scholarship I each year and (2) 800 FTES receive the Police Officer Educational Benefit Scholarship II each year. This estimate reflects UMCP tuition and a 2% annual increase. To the extent that fewer eligible individuals apply, or individuals have actual costs less than the tuition at UMCP, scholarship awards are less.

Overall, the total scholarship award amount primarily depends on the number of eligible individuals, which in part is dependent on overall turnover of police officers, primarily in the first 10 years of employment, and their current postsecondary educational attainment. This information is not readily available to the Department of Legislative Services. These estimates do not *directly* account for former police officers and their dependents who may be eligible, especially any that may have moved from out of state.

This estimate assumes that the first scholarship awards are made in fiscal 2023; although if funding is not provided in the budget or the system is not ready to accept applicants, the initial round of awards may be delayed until fiscal 2024. It is assumed that an individual may receive a scholarship as long as the individual remains eligible for the award.

Edward T. Conroy and Mary A. Conroy Memorial Scholarship Program and the Jean B. Cryor Memorial Scholarship Program

Unlike most State scholarships, students apply directly to a Maryland institution for a Conroy or Cryor scholarship. Under the bill, currently eligible individuals may use a Conroy/Cryor scholarship to attend an out-of-state institution. It is unclear how out-of-state institutions will know to ask eligible students to apply for the scholarship or know that an application form must be provided. MHEC advises that if an applicant does not apply by July 15 for an initial award, then the applicant is ineligible for the award (according to regulations). OSFA does not know if an individual is attending an out-of-state institution until the applicant or institution contacts OSFA. Thus, to implement the bill, MHEC must develop a process to notify and potentially train staff from out-of-state institutions about the Conroy/Cryor scholarships. Any such costs cannot be reliably estimated, but these activities can likely be accomplished using existing staff and resources. MHEC must also update existing regulations to reflect the bill's changes but can likely do so with existing resources. Further, MHEC advises that it does not regulate out-of-state institutions.

Expansion of the two scholarship programs to include out-of-state institutions likely increases the number of annual award recipients, although the number of additional applicants cannot be reliably estimated. Expanding the institutions at which a currently eligible individual may use an award increases expenditures by an estimated \$8,700 per award annually, based on current scholarships. However, each scholarship award may be up to the tuition and mandatory fees of a full-time undergraduate Maryland resident at the four-year public institution with the highest annual expenses for a full-time resident undergraduate within USM, other than UMGC and UMB. The scholarship does not have a set amount of funding; funding is allocated based on the number of eligible individuals.

In fiscal 2021, the annual appropriation to the program was \$2.4 million. Due to the demand of eligible recipients in the program, the annual appropriation was not sufficient to cover all eligible recipients, and approximately \$1.1 million was transferred from the Need-Based Student Financial Assistance Fund to cover all eligible recipients. In fiscal 2021, MHEC awarded 408 scholarships with an average award amount of approximately \$8,700. The fiscal 2023 budget includes \$3.0 million for the scholarships. Expanding the program further in future years likely similarly necessitates additional funding beyond the current level of appropriation.

Maryland Higher Education Commission

MHEC advises that existing resources are not sufficient to launch a new set of scholarship programs given the large pool of potential applicants. Therefore, general fund expenditures increase by \$125,065 in fiscal 2023 for administrative and contractual costs, which accounts for a 90-day start-up delay from the bill’s July 1, 2022 effective date. This estimate reflects the cost of hiring one administrative specialist to implement and oversee the new scholarship programs. It includes a salary, fringe benefits, one-time start-up costs, and ongoing operating expenses. This estimate also includes one-time contractual costs associated with enhancements to MHEC’s scholarship system, known as the Maryland College Aid Processing System, necessitated by the bill. The system must be upgraded to add the new scholarship programs to it.

Position	1.0
Salary and Fringe Benefits	\$49,034
Contractual Costs	68,685
Estimate for Scholarship Awards	5,618,160
One-time Start-up Costs	6,548
Operating Expenses	<u>795</u>
Total FY 2023 Minimum MHEC Expenditures	\$5,743,222

Future year expenditures reflect elimination of one-time costs, a full salary with annual increases and employee turnover, the cumulative impact of ongoing awards of scholarships with a 2% annual tuition and fees increase, as well as annual increases in ongoing operating expenses.

Maryland Police Training and Standards Commission

MPTSC can handle the bill’s requirements with existing budgeted resources.

State Agencies with Law Enforcement Officers

This analysis assumes that law enforcement agencies can complete the reporting requirement under the bill with existing budgeted resources.

Governor’s Office of Crime Prevention, Youth, and Victim Services

GOCPYVS can receive and compile the required information regarding the education level of all police officers employed by law enforcement agencies and submit the required annual summary report to the Governor and the General Assembly with existing budgeted resources.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Caroline and Prince George’s counties; Maryland Municipal League; Comptroller’s Office; Governor’s Office of Crime Prevention, Youth, and Victim Services; Maryland Higher Education Commission; University System of Maryland; Morgan State University; Department of Budget and Management; Department of General Services; Maryland Department of Health; Department of Natural Resources; Department of Public Safety and Correctional Services; Department of State Police; Maryland Department of Transportation; Department of Legislative Services

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