

Chapter 799

(House Bill 1530)

AN ACT concerning

Higher Education – Undocumented Students – Out-of-State Tuition Exemption Eligibility

FOR the purpose of ~~repealing the requirement that~~ decreasing the number of years an individual or the individual's parent or guardian must file taxes before the academic year for eligibility to receive an out-of-state tuition exemption at a public institution of higher education; and generally relating to out-of-state tuition exemptions at public institutions of higher education for undocumented students.

BY repealing and reenacting, with amendments,

Article – Education

Section ~~15-106.8~~ 15-106.8(b)(4)

Annotated Code of Maryland

(2022 Replacement Volume and 2025 Supplement)

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

Article – Education

15-106.8.

~~(a) In this section, “individual”:~~~~(1) Includes an undocumented immigrant individual; and~~~~(2) Does not include a nonimmigrant alien within the meaning of 8 U.S.C. § 1101(a)(15).~~

(b) Notwithstanding any other provision of this article, an individual shall be exempt from paying the out-of-state tuition rate at a public institution of higher education in the State, and shall be eligible for the tuition rates described under subsections (c) and (d) of this section, if the individual:

~~(1) Attended a public or nonpublic secondary school in the State;~~~~(2) Graduated from a public or nonpublic secondary school in the State or received the equivalent of a high school diploma in the State;~~~~(3) Registers as an entering student in a public institution of higher education in the State not later than 6 years after graduating from a public or nonpublic~~

~~secondary school in the State or receiving the equivalent of a high school diploma in the State;~~

(4) ~~¶~~ Provides to the public institution of higher education documentation that the individual or the individual's parent or legal guardian has filed a Maryland income tax return annually for the ~~3-year~~ **2-YEAR** period before the academic year in which the tuition rate exemption would apply;

~~(5) ¶~~ In the case of an individual who is not a permanent resident, provides to the public institution of higher education an affidavit stating that the individual will file an application to become a permanent resident within 30 days after the individual becomes eligible to do so; and

~~[(6)] (5)~~ In the case of an individual who is required to register with the Selective Service System, provides to the public institution of higher education documentation that the individual has complied with the registration requirement.

~~(e)~~ Notwithstanding any other provision of this article and subject to subsection ~~(i)~~ of this section, an individual shall be eligible to pay a rate that is equivalent to the resident tuition rate at a public senior higher education institution, if the individual meets the requirements of subsection ~~(b)~~ of this section.

~~(d)~~ Notwithstanding any other provision of this article, an individual shall be eligible to pay a rate that is equivalent to the in-county tuition rate at a community college in the State if the individual:

~~(1)~~ Meets the requirements of subsection ~~(b)~~ of this section; and

~~(2)~~ Attends a community college supported by the county in which:

~~(i)~~ An address in the county is used on the Maryland income tax return of the individual or the individual's parent or legal guardian of the calendar year prior to the academic year in which the rate would apply;

~~(ii)~~ The secondary school from which the individual graduated is located; or

~~(iii)~~ In the case of an individual who received the equivalent of a high school diploma in the State, the secondary school most recently attended by the individual is located.

~~(e)~~ ~~(1)~~ Notwithstanding any other provision of this article, an individual shall retain the individual's tuition status at a public institution of higher education in the State if the individual:

~~(i)~~ Meets the requirements of paragraph ~~(2)~~ of this subsection; and

~~(ii) On or after June 15, 2012, was exempt from paying the out of state or out of county tuition rate at a public institution of higher education.~~

~~(2) [To] UNTIL THE INDIVIDUAL IS AWARDED A DEGREE FROM THE PUBLIC INSTITUTION OF HIGHER EDUCATION, TO retain tuition status under this subsection, an individual shall [use] ANNUALLY PROVIDE PROOF OF RESIDENCY BY:~~

~~(I) USING an address in the State on the Maryland income tax return of the individual or the individual's parent or legal guardian [annually until the individual is awarded a degree from the public institution of higher education]; OR~~

~~(II) PROVIDING OTHER OFFICIAL DOCUMENTATION AS DETERMINED BY THE PUBLIC INSTITUTION OF HIGHER EDUCATION.~~

~~(f) Information collected under this section as part of a student's registration shall remain confidential.~~

~~(g) (1) A public institution of higher education that admits an individual who qualifies for the tuition rate under this section shall:~~

~~(i) Keep a record of the number of individuals who pay the tuition rate in accordance with the requirements under subsections (c) and (d) of this section; and~~

~~(ii) Report the information required in item (i) of this paragraph to the Commission each year.~~

~~(2) The Commission shall submit to the General Assembly, in accordance with § 2-1257 of the State Government Article, an annual report consisting of a compilation of the reports submitted to the Commission under paragraph (1) of this subsection.~~

~~(h) The governing board of each public institution of higher education shall adopt appropriate policies to implement the provisions of this section.~~

~~(i) The students that are receiving the tuition rate described in subsection (c) of this section may not be counted as in State students for the purposes of determining the number of Maryland undergraduate students enrolled at a public senior higher education institution.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2026.

Approved by the Governor, May 26, 2026.