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Chair

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Secretary

**Bill Number:** House Bill 918

**Position:** Letter of Information

**Title:** Higher Education – Maryland Loan Assistance Repayment Program – Underrepresented Teachers

**Committee:** House Appropriations Committee

**Hearing Date:** March 3, 2021

### **Bill Summary:**

House Bill 918 establishes a loan repayment assistance program for underrepresented teachers. The program requires that the individual:

- Is Black, Latino, Male, or a member of another group historically underrepresented in the teaching field;
- Has obtained a graduate, professional, or undergraduate degree from a college or university in the State; or
- A resident teacher certification from the department after completing an alternative teaching preparation program approved by the State superintendent;
- Has an outstanding higher education loan for undergraduate or graduate student that is obtained for tuition, educational expenses, or living expenses from a college of university, government, or commercial source; or
- An organization, institution, association, society, or corporation that is exempt from taxation;
- Be employed and has been employed during the immediately preceding two years as a teacher in a public school in the State that is low performing, has a high concentration of student living in poverty, or has large achievement gaps between subpopulations of students; and
- Has received a positive performance evaluation rating for the most recent year available in the county in which the teacher taught;
- Participates in an extracurricular, mentoring, or tutoring program at the school in which the individual teachers or in the immediate surrounding community; and
- Meet certain income levels.

### **Information:**

In its current form, the proposed legislation defines an eligible individual as someone who is “Black, Latino, male, or a member of another group historically underrepresented in the teaching field.” MHEC has concerns about this provision in its current form because it conditions participation in a State-based loan assistance repayment program on being a member of a

specific race, ethnicity, or gender. Such race-, ethnic-, or gender-conscious programs often have been found to violate the Equal Protection Clause when the state cannot show a strong basis in evidence that the program was enacted to remediate the effects of past or present discrimination. Accordingly, if the text of the bill remains unchanged, it may be difficult for the Commission to promulgate regulations that would comport with the law.

Also, the proposed legislation requires that the applicant participates in an extracurricular, mentoring, or tutoring program at the school in which the individual teachers or in the immediate surrounding community. However, the legislation does not define “surrounding community” or indicate how the Office of Student Financial Assistance with the Commission is to verify that the applicant participated in an extracurricular, mentoring, or tutoring program. Clarifying amendments to the proposed bill is necessary to ensure the Commission promulgates regulations within the intent of the law.

For further information, contact Ms. Donna Thomas, Director of the Office of Student Financial Assistance, at [donnae.thomas@maryland.gov](mailto:donnae.thomas@maryland.gov).