



**SB864 - Higher Education – Tuition Exemption for Foster Care Recipients – Eligibility
March 31, 2026
Position: FAVORABLE**

Maryland Legal Aid submits written and oral testimony on SB0864 at the request of its sponsor, Senator Alonzo Washington.

Maryland Legal Aid asks that the Committee report **favorably** on SB0864, which alters the definition of a "foster care recipient" to mean an individual who resided in an out-of-home placement on or after the individual's 8th birthday rather than 13th birthday for purposes of determining eligibility for the foster youth tuition exemption. Maryland Legal Aid serves residents in each of Maryland's 24 jurisdictions, providing free legal services to the State's low-income and vulnerable residents in a range of civil legal matters. Maryland Legal Aid is Maryland's largest civil non-profit law firm, representing vulnerable young people in Child in Need of Assistance (CINA) matters across the State. This proposed legislation is an important measure to provide financial support for former foster children pursuing higher education.

Maryland Legal Aid's staff represent thousands of children in CINA and Guardianship ("TPR") proceedings throughout the state. Our attorneys represent children from infancy to young adulthood. As a result of its extensive work in the field, Maryland Legal Aid has expertise in matters concerning child welfare, children in foster care, and particularly, youth who are aging out of foster care.

Under current law and eligibility practice, the tuition waiver reaches (among others) youth who remained in out-of-home placement through key milestones or who spent at least one year in care on or after age 13 and subsequently achieved permanency through reunification, guardianship, or adoption.¹ SB 864 recognizes that the academic harm from early childhood instability does not begin at age 13. By shifting the qualifying age threshold from 13 to 8, the bills align the waiver with educational research and lived experience: early disruptions to schooling and development often produce long-term effects visible in middle and high school achievement, readiness, and graduation trajectories. The earlier age threshold will therefore reach youth whose educational gaps began in elementary school, enabling them to pursue postsecondary opportunities they might otherwise forgo due to cost.

Moreover, by improving the predictability that tuition costs will be covered, SB 864 also supports permanency decisions. Caregivers considering custody or guardianship may hesitate due to

¹ See Md. Code Ann., Educ. § 15 106.1 (defining eligibility, including the "on or after age 13" pathway); Maryland Longitudinal Data System Center (MLDSC), Foster Care and Higher Education Participation (2023), https://mldscenter.maryland.gov/egov/publications/CenterReports/OutofHomePlacementandHigherEducationParticipation/FosterCare_Report%202023_suppressed_final.pdf. Center, Foster Care and Higher Education Participation (2023) (describing waiver criteria and history).

uncertainty about meeting a youth’s future educational needs. Strengthening and clarifying waiver eligibility reduces that uncertainty and can encourage permanency options that serve a child’s best interests.

We do not believe that SB864 will adversely affect the finances of Maryland’s Higher Education institutions. We should not assume that these former foster youth are going to college, and that the tuition waiver simply takes those tuition funds away from the college. The MLDS’s findings show that foster youth are less likely to enroll and less likely to complete college without targeted financial supports; the waiver, in many cases, enables enrollment that would not occur at all absent the aid. In other words, the counterfactual is not “full pay” tuition; it is non-enrollment. Further, given that the majority of foster youth who do enroll attend community colleges and rely on federal and state aid mixtures, the waiver functions as a catalyst within an aid package rather than a standalone subsidy displacing otherwise available institutional revenue.

Maryland is well-positioned to monitor the impacts of SB 864 / HB 982 through the MLDS, which is statutorily required to produce annual dashboards on foster youth participation in higher education, including enrollment, aid, and graduation outcomes.² The 2023 MLDS report provides the baseline metrics cited above and can continue to inform the General Assembly’s oversight as eligibility expands.

Maryland Legal Aid urges the Committee to issue a FAVORABLE report on Senate Bill 864 and urge its ultimate passage. If you have any questions, please contact: Erica I. LeMon, Advocacy Director for Children’s Rights at elemon@mdl.org (410) 951-7648 or (410) 935-0937.

² See Md. Code Ann., Educ. § 24 703.1(c) (dashboard requirements).