

# SENATE BILL 85

F2, O1, O4

EMERGENCY BILL  
(PRE-FILED)

8lr0033

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By: **Chair, Education, Health, and Environmental Affairs Committee (By Request  
– Departmental – Human Services)**

Requested: September 27, 2017

Introduced and read first time: January 10, 2018

Assigned to: Education, Health, and Environmental Affairs

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: January 19, 2018

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

### 2 **Tuition Waivers – Foster Care Recipients – Eligibility**

3 FOR the purpose of altering the eligibility requirements for tuition waivers for certain  
4 individuals in foster care; altering the length of time during which certain  
5 individuals continue to be exempt from certain tuition; making this Act an  
6 emergency measure; and generally relating to tuition waivers for foster care  
7 recipients.

8 BY repealing and reenacting, with amendments,  
9 Article – Education  
10 Section 15–106.1  
11 Annotated Code of Maryland  
12 (2014 Replacement Volume and 2017 Supplement)

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

### 15 **Article – Education**

16 15–106.1.

17 (a) (1) In this section the following words have the meanings indicated.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (2) (i) “Foster care recipient” means an individual who:

2 1. Was placed in an out-of-home placement by the  
3 Department of Human Services; and

4 2. A. Resided in an out-of-home placement on the  
5 individual’s 18th birthday or at the time the individual graduated from high school or  
6 successfully completed a GED; **OR**

7 B. Resided in an out-of-home placement on **OR AFTER** the  
8 individual’s 13th birthday **FOR AT LEAST 1 YEAR** and was placed into guardianship [or],  
9 adopted [out of an out-of-home placement after the individual’s 13th birthday; or

10 C. Resided in an out-of-home placement in the State for at  
11 least 1 year on or after the individual’s 13th birthday and returned to live with the  
12 individual’s parents after the out-of-home placement ended], **OR REUNITED WITH AT**  
13 **LEAST ONE OF THE INDIVIDUAL’S PARENTS.**

14 (ii) “Foster care recipient” includes a younger sibling of an individual  
15 described in subparagraph (i) of this paragraph if the younger sibling is concurrently placed  
16 into guardianship or adopted out of an out-of-home placement by the same guardianship  
17 or adoptive family.

18 (3) “Out-of-home placement” has the meaning stated in § 5-501 of the  
19 Family Law Article.

20 (4) (i) “Tuition” means the charges imposed by a public institution of  
21 higher education for enrollment at the institution.

22 (ii) “Tuition” includes charges for registration and all fees for  
23 credit-bearing and noncredit courses required as a condition of enrollment.

24 (5) “Unaccompanied homeless youth” means a child or youth who:

25 (i) Has had a consistent presence in the State for at least 1 year  
26 before enrollment in a public institution of higher education that is documented by school,  
27 employment, or other records;

28 (ii) Is not in the physical custody of a parent or guardian;

29 (iii) Is a homeless child or youth, as defined by the McKinney-Vento  
30 Homeless Assistance Act; and

31 (iv) Was determined to be a homeless child or youth by:

1                   1.     A Maryland local school system homeless liaison, as  
2 defined by the McKinney–Vento Homeless Assistance Act;

3                   2.     A Director or a designee of the Director of a  
4 Maryland–based program funded under the Runaway and Homeless Youth Act;

5                   3.     A Director or a designee of the Director of a  
6 Maryland–based program funded under Title IV, Subtitle B of the McKinney–Vento  
7 Homeless Assistance Act; or

8                   4.     The financial aid director at the public institution of  
9 higher education in which the youth seeks to enroll.

10                 (6)     “Vocational certificate” means a certificate or license awarded by a  
11 public institution of higher education on completion of a course of study that prepares an  
12 individual to work in a career field by taking credit–bearing courses or noncredit courses.

13                 (b)     When determining whether a youth is an unaccompanied homeless youth, a  
14 financial aid administrator shall verify annually that the youth qualifies as an independent  
15 student under the federal College Cost Reduction and Access Act, 20 U.S.C. §  
16 1087vv(d)(1)(H).

17                 (c)     (1)     A foster care recipient or an unaccompanied homeless youth is exempt  
18 from paying any tuition at a public institution of higher education, regardless of that foster  
19 care recipient’s or unaccompanied homeless youth’s receipt of any scholarship or grant if:

20                         (i)     The foster care recipient or unaccompanied homeless youth is  
21 enrolled at the institution on or before the date that the foster care recipient or  
22 unaccompanied homeless youth reaches the age of 25 years;

23                         (ii)    The foster care recipient or unaccompanied homeless youth is  
24 enrolled as a candidate for a vocational certificate, an associate’s degree, or a bachelor’s  
25 degree; and

26                         (iii)   The foster care recipient or unaccompanied homeless youth has  
27 filed for federal and State financial aid.

28                 (2)     If a foster care recipient or an unaccompanied homeless youth receives  
29 a scholarship or grant for postsecondary study and is enrolled before the recipient’s 25th  
30 birthday as a candidate for a vocational certificate, an associate’s degree, or bachelor’s  
31 degree at a public institution of higher education, the scholarship or grant may not be  
32 applied to the tuition for the foster care recipient or unaccompanied homeless youth.

33                 (3)     A foster care recipient or an unaccompanied homeless youth who is  
34 exempt from tuition under this section continues to be exempt until the earlier of:

1 (i) ~~§~~ **10** years after first enrolling as a candidate for an associate's  
2 degree or a bachelor's degree at a public institution of higher education in the State; or

3 (ii) The date that the foster care recipient or unaccompanied  
4 homeless youth is awarded a bachelor's degree.

5 (d) (1) On or before June 1 of each year, each public institution of higher  
6 education in the State shall report to the Commission on the aggregate and disaggregate  
7 number of foster care recipients and unaccompanied homeless youth who:

8 (i) Received a tuition exemption under this section during the prior  
9 academic year;

10 (ii) Received a tuition exemption under this section at any point  
11 during their enrollment at the institution; and

12 (iii) Earned a bachelor's degree, an associate's degree, or a vocational  
13 certificate from the institution during the prior academic year.

14 (2) On or before September 1 of each year, the Commission shall:

15 (i) Compile the reports received in accordance with paragraph (1) of  
16 this subsection; and

17 (ii) Submit the compilation of reports to the General Assembly in  
18 accordance with § 2-1246 of the State Government Article.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency  
20 measure, is necessary for the immediate preservation of the public health or safety, has  
21 been passed by a yea and nay vote supported by three-fifths of all the members elected to  
22 each of the two Houses of the General Assembly, and shall take effect from the date it is  
23 enacted.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.