

HOUSE BILL 318

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By: **Delegate Sydnor**

Introduced and read first time: January 28, 2019

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Public Institutions of Higher Education – Residency Requirement –**
3 **Determination of In-State Tuition Status**

4 FOR the purpose of requiring a public institution of higher education to determine that a
5 certain student meets a certain residency requirement if the student provides certain
6 evidence to the institution; repealing certain lengths of time as they relate to
7 determining certain residency requirements; defining a certain term; and generally
8 relating to the residency requirement for determining in-State tuition status at
9 public institutions of higher education.

10 BY repealing and reenacting, with amendments,
11 Article – Education
12 Section 15–106.2 and 15–106.9
13 Annotated Code of Maryland
14 (2018 Replacement Volume and 2018 Supplement)

15 BY repealing and reenacting, without amendments,
16 Article – Education
17 Section 15–106.8
18 Annotated Code of Maryland
19 (2018 Replacement Volume and 2018 Supplement)

20 BY adding to
21 Article – Education
22 Section 15–106.10
23 Annotated Code of Maryland
24 (2018 Replacement Volume and 2018 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1

Article – Education

2 15–106.2.

3 (a) In this section, “residency requirement” means the requirement of a public
4 senior higher education institution that a student [has resided] **RESIDE** in the State [for 1
5 year] to be considered a resident and receive in–State tuition status.

6 (b) For tuition purposes, a public senior higher education institution shall waive
7 the in–State residency requirement for a public school teacher employed by a county board
8 if:

9 (1) (i) The course or program is required by the State or the county
10 board to maintain the teacher’s present position with the county board; or

11 (ii) The course or program maintains or improves skills required by
12 the county board in the teacher’s current position;

13 (2) The teacher resides in this State and is employed as a full–time public
14 school teacher; and

15 (3) The teacher has been employed as a public school teacher in the State
16 for less than a year.

17 (c) A public school teacher is responsible for the difference between in–State and
18 out–of–state tuition if:

19 (1) The teacher resigns or is terminated from employment with the county
20 board; and

21 (2) The teacher remains enrolled in the course or program at an institution
22 of higher education during the teacher’s first year as a Maryland resident.

23 15–106.8.

24 (a) In this section, “individual”:

25 (1) Includes an undocumented immigrant individual; and

26 (2) Does not include a nonimmigrant alien within the meaning of 8 U.S.C.
27 § 1101(a)(15).

28 (b) Notwithstanding any other provision of this article, an individual shall be
29 exempt from paying the out–of–state tuition rate at a community college in the State, if the
30 individual:

31 (1) Beginning with the 2005–2006 school year, attended a public or

1 nonpublic secondary school in the State for at least 3 years;

2 (2) Beginning with the 2007–2008 school year, graduated from a public or
3 nonpublic secondary school in the State or received the equivalent of a high school diploma
4 in the State;

5 (3) Registers as an entering student in a community college in the State
6 not earlier than the 2011 fall semester;

7 (4) Provides to the community college documentation that the individual
8 or the individual’s parent or legal guardian has filed a Maryland income tax return:

9 (i) Annually for the 3 years while the individual attended a public
10 or nonpublic secondary school in the State in accordance with item (1) of this subsection;

11 (ii) Annually during the period, if any, between graduation from a
12 public or nonpublic secondary school in the State and registration at a community college
13 in the State; and

14 (iii) Annually during the period of attendance at the community
15 college;

16 (5) In the case of an individual who is not a permanent resident, provides
17 to the community college an affidavit stating that the individual will file an application to
18 become a permanent resident within 30 days after the individual becomes eligible to do so;

19 (6) In the case of an individual who is required to register with the
20 Selective Service System, provides to the community college documentation that the
21 individual has complied with the registration requirement; and

22 (7) Registers in a community college in the State not later than 4 years
23 after graduating from a public or nonpublic secondary school in the State or receiving the
24 equivalent of a high school diploma in the State.

25 (c) Notwithstanding any other provision of this article and subject to subsection
26 (h) of this section, an individual shall be eligible to pay a rate that is equivalent to the
27 resident tuition rate at a public senior higher education institution, if the individual:

28 (1) Attended a community college not earlier than the 2010 fall semester
29 and met the requirements of subsection (b) of this section, except for the requirement set
30 forth in subsection (b)(3) of this section;

31 (2) Was awarded an associate’s degree by or achieved 60 credits at a
32 community college in the State;

33 (3) Provides the public senior higher education institution a copy of the
34 affidavit submitted under subsection (b)(5) of this section;

1 (4) Provides to the public senior higher education institution
2 documentation that the individual or the individual's parent or legal guardian has filed a
3 Maryland income tax return:

4 (i) Annually while the individual attended a community college in
5 the State;

6 (ii) Annually during the period, if any, between graduation from or
7 achieving 60 credits at a community college in the State and registration at a public senior
8 higher education institution in the State; and

9 (iii) Annually during the period of attendance at the public senior
10 higher education institution; and

11 (5) Registers at a public senior higher education institution in the State
12 not later than 4 years after graduating from or achieving 60 credits at a community college
13 in the State.

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

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

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

19 (i) The secondary school from which the individual graduated is
20 located; or

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

24 (e) Information collected under this section as part of a student's registration
25 shall remain confidential.

26 (f) (1) A community college or public senior higher education institution that
27 admits an individual who qualifies for the tuition rate under this section shall:

28 (i) Keep a record of the number of individuals who pay the tuition
29 rate in accordance with the requirements under subsection (b), (c), or (d) of this section; and

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

32 (2) The Commission shall submit to the General Assembly, in accordance

1 with § 2–1246 of the State Government Article, an annual report consisting of a compilation
2 of the reports submitted to the Commission under paragraph (1) of this subsection.

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

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

8 15–106.9.

9 (a) In this section, “residency requirement” means the requirement of a public
10 senior higher education institution that a student [has resided] **RESIDE** in the State [for
11 12 consecutive months] to be considered a resident and receive in–State tuition status.

12 (b) For in–State tuition purposes, a public senior higher education institution
13 shall waive the in–State residency requirement for an individual who has completed all
14 service hours for an AmeriCorps Program in the State.

15 (c) A student is responsible for the difference between in–State and out–of–state
16 tuition if the student does not retain residence in the State for the remainder of the school
17 year for which in–State tuition was received.

18 **15–106.10.**

19 **(A) IN THIS SUBTITLE, “RESIDENCY REQUIREMENT” MEANS THE**
20 **REQUIREMENT OF A PUBLIC INSTITUTION OF HIGHER EDUCATION THAT A STUDENT**
21 **RESIDE IN THE STATE TO BE CONSIDERED A RESIDENT AND RECEIVE IN–STATE**
22 **TUITION STATUS.**

23 **(B) EXCEPT AS PROVIDED IN § 15–106.8 OF THIS SUBTITLE, A PUBLIC**
24 **INSTITUTION OF HIGHER EDUCATION SHALL DETERMINE THAT A STUDENT MEETS**
25 **THE RESIDENCY REQUIREMENT IF THE STUDENT PROVIDES THE INSTITUTION WITH**
26 **EVIDENCE THAT THE STUDENT:**

27 **(1) (I) GRADUATED FROM A PUBLIC OR NONPUBLIC SECONDARY**
28 **SCHOOL IN THE STATE; OR**

29 **(II) RECEIVED THE EQUIVALENT OF A HIGH SCHOOL DIPLOMA**
30 **IN THE STATE;**

31 **(2) RESIDES AT AN ADDRESS IN THE STATE; AND**

32 **(3) POSSESSES A SOCIAL SECURITY NUMBER.**

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
2 1, 2019.