

Department of Legislative Services
Maryland General Assembly
2025 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

Senate Bill 276

(Senator Simonaire, *et al.*)

Education, Energy, and the Environment

Ways and Means and Appropriations

Educational Equality for Service Members Act

This bill generally establishes uniform definitions related to the military in the Education, General Provisions, and State Government Articles of the Maryland Code, primarily by reference to definitions in the U.S. Code. While numerous alterations within the bill represent only stylistic or technical changes, there are substantive changes. These changes *generally* make certain provisions more broadly applicable to additional service members, including those related to eligibility for certain benefits or privileges (*e.g.*, exceptions to enrollment requirements, expedited teacher credentialing, tuition exemptions, scholarship eligibility, etc.). **The bill takes effect July 1, 2025.**

Fiscal Summary

State Effect: Although the number of additional awards made under the bill cannot be reliably estimated, expanding eligibility may increase general fund expenditures and Edward T. Conroy and Jean B. Cryor Scholarship Fund special fund revenues and expenditures by an estimated \$9,200 per award annually, as discussed below. Otherwise, State finances are not materially affected. **This bill may increase the cost of an entitlement program beginning in FY 2026.**

Local Effect: Since it is assumed that the bill applies in a limited number of cases, local finances are not materially affected.

Small Business Effect: None.

Analysis

Bill Summary/Current Law: The bill adds the definition of several military terms to the State Government Article (§ 9-901). This includes the definition of “military family” as well as all terms found in **Exhibit 1** below. “Military family” includes the spouse and dependent children of a service member or veteran related by blood, marriage, or adoption.

Exhibit 1
Repeated Military Definitions Added to State Government § 9-901

<u>Term</u>	<u>U.S. Code Reference</u>	<u>Definition</u>
Active duty	37 U.S.C. § 101	Full-time duty in the active service of a uniformed service, including full-time training duty, annual training duty, full-time National Guard duty, and attendance, while in the active service, at a school designated as a service school by law or the relevant Secretary
Active service member	n/a	An individual who is (1) an active-duty member of the uniformed services or (2) serving in a reserve component of the uniformed services on active-duty orders
Armed forces	10 U.S.C. § 101	Army, Navy, Air Force, Marine Corps, Space Force, and Coast Guard
Reserve component	37 U.S.C. § 101	The Army National Guard of the United States, the Army Reserve, the Navy Reserve, the Marine Corps Reserve, the Air National Guard of the United States, the Air Force Reserve, the Coast Guard Reserve, or the Reserve Corps of the Public Health Service
Service member	n/a	An individual who is a member of (1) the uniformed services or (2) a reserve component of the uniformed services
Uniformed services	37 U.S.C. § 101	Army, Navy, Air Force, Marine Corps, Space Force, Coast Guard, National Oceanic and Atmospheric Administration, and Public Health Service
Veteran	38 U.S.C. § 101	A person who served in the active military, naval, air, or space service, and who was discharged or released under nondishonorable conditions

n/a: not applicable

Source: Department of Legislative Services

Expanded Eligibility for Privileges and Benefits

In General: Numerous provisions within the Education Article explicitly extend certain benefits or privileges to *members of the armed forces or the military*. Other provisions extend benefits or privileges to *service members*; however, the applicable definitions for “service members” may refer only to active-duty members of *the armed forces*, a reserve component of the *armed forces*, or the National Guard of any state. The bill expands certain provisions to apply more broadly, some of which are described below.

Enrollment in Public Schools: Generally, a student must attend the school designated to serve the student’s attendance area. However, local boards of education have various policies allowing for the enrollment (or the transfer) of a student outside of his or her attendance area, under certain circumstances. For example, a local school superintendent must allow a student whose parent or guardian resides in another school district to attend the local school system if the student is living with a relative within the school district due to a serious family hardship and the student’s relative is providing informal kinship care to the student. Under current law, “serious family hardship” includes assignment of a parent or legal guardian to active *military* duty. The bill expands this definition to include assignment to active *uniformed services* duty, thereby explicitly extending eligibility to a parent or guardian on assignment to active duty with the Public Health Service (PHS) or the National Oceanic and Atmospheric Administration (NOAA).

Similarly, a local superintendent is required to allow a dependent child of a service member who is relocating to the State on military orders to apply for enrollment in a public school in the same manner and at the same time as individuals who reside in the county. The applicable definition of “service member” means an active-duty member of the United States *armed forces*, including a member of the National Guard on active-duty orders. The bill expands applicability by repealing the existing definition of “service member” and incorporating the definition of “active serve member” (as defined above); other conforming changes are also made.

Teacher Credentialing: Under current law, the State Superintendent of Schools must expedite educator certification for a service member, veteran, or military spouse provided they meet certain specified qualifications. However, the applicable definitions include references to the *armed forces*, thereby limiting applicability. The bill expands the individuals eligible for expedited certification to include all “active service members,” as defined above, thereby applying the benefit more broadly. The bill also makes technical changes to conform statute to terminology used by the Maryland State Department of Education, which, as of April 1, 2024, has introduced new licenses and licensing requirements for educators, replacing the old certification system.

Emergency Medical Services: With specified exceptions, an individual may not provide emergency medical services (EMS) in the State unless issued a license or certificate by the EMS Board. Under current law, the EMS Board must give credit to an individual for all relevant experience as a “service member” (defined as an active-duty member of the *armed forces* of the United States, a reserve component of the *armed forces*, or the National Guard of any state). The EMS Board must also credit training and education provided by the military completed by a service member toward the service member’s licensure or certification under certain circumstances. The bill replaces the definition of “service member” with “active service member” (as defined above) and likewise specifies that training provided by the uniformed services must be eligible to be credited toward the licensure or certification under certain circumstances. The bill thereby expands credit for EMS experience to include experience gained by a current or former member of PHS or NOAA.

Nonresident Tuition Exemption for Military Personnel: Broadly, public institutions of higher education in Maryland charge in-state tuition rates to the following four categories of military individuals, subject to additional requirements: (1) active-duty members of the United States *armed forces*; (2) the spouses and dependent children of active-duty members of the *armed forces*; (3) honorably discharged veterans of the *armed forces*; and (4) members of the National Guard. The bill updates these categories to apply more broadly and makes conforming changes so that groups eligible for in-state tuition include, as further defined in the bill, (1) active service members; (2) the spouses and dependent children of active service members; (3) honorably discharged veterans; and (4) members of the National Guard.

Edward T. and Mary A. Conroy Memorial Scholarships Program: The Edward T. and Mary A. Conroy Memorial Scholarship Program makes awards to specified public safety personnel and their eligible dependents to attend an eligible postsecondary institution in the State for five years of full-time study or eight years of part-time study. Under current law, eligible scholarship applicants include, as further specified, residents of Maryland who are the children, stepchildren, or surviving spouses of members of the *armed forces* who (1) died as a result of military service after December 7, 1941; (2) suffered a service-connected 100% permanent disability after December 7, 1941; or (3) were declared to be prisoners of war or missing in action as a result of the Vietnam conflict. The bill expands eligibility by specifying that children and surviving spouses of *uniformed services members* are eligible for the scholarship.

Other Changes: The bill alters several other provisions that extend applicability to individuals meeting certain requirements, generally related to military service. Alterations similar to those described above – as well as other changes that are clarifying or technical in nature (and do not otherwise expand applicability) – are among those made within various other sections of statute, including provisions related to:

- reemployment of public school employees;
- reciprocity agreements with other states regarding the transfer of student dependents of military personnel;
- the Purple Star Schools Program;
- priority course registration within public institutions of higher education;
- deferment from the service obligation component of student financial assistance provided under Title 18 of the Education Article, including Workforce Shortage Student Assistance grants;
- Senatorial and Delegate scholarships;
- the Douglas J.J. Peters Veterans of the Afghanistan and Iraq Conflicts Scholarship;
- refunds made under the Maryland Senator Edward J. Kasemeyer Prepaid College Trust;
- the Maryland Technology Internship Program; and
- the Maryland Disability Employment Tax Credit.

State/Local Fiscal Effect: Although the changes in the bill expand access to various State benefits and privileges, primarily to certain members (or former members) of PHS and NOAA (including reserve components, as applicable), these changes represent a small number of people. In some cases, the bill extends benefits or privileges only to disabled members of these services, which is an even smaller population.

In January 2020, the latest date for which information is readily available, there were an estimated 2,200 PHS officers living in Maryland, with about 1,500 on active duty and 700 retired. As of September 2024, there are 53 NOAA officers in the State. Compared to the 321,000 veterans living in Maryland who are already covered by these programs, this change is very small.

Elementary and Secondary School Enrollment

This analysis assumes that, although the bill may alter the process for enrollment of the children of military dependent children, it nevertheless has minimal impact on the overall number of such children living in the State and enrolling in public schools or the number of children in one county relative to another. Accordingly, there is no material impact anticipated on State aid to education.

Scholarships

In fiscal 2024, 736 scholarships were awarded under the Edward T. and Mary A. Conroy Memorial Scholarship, representing more than \$6.8 million in funding. Therefore, expanding eligibility may increase expenditures by an estimated \$9,200 per award annually, based on current scholarship awards. However, each scholarship award may be

up to the tuition and mandatory fees of a full-time undergraduate Maryland resident at the four-year public institution with the highest annual expenses for a full-time resident undergraduate within the University System of Maryland (USM), other than the University of Maryland, Baltimore Campus and the University of Maryland Global Campus.

Chapter 23 of 2022 mandates at least \$4.0 million for the Edward T. Conroy and Jean B. Cryor Scholarship Fund beginning in fiscal 2024; even so, funding still must be allocated based on the number of eligible individuals and can exceed the mandated \$4.0 million. The fiscal 2026 budget as introduced includes \$7.0 million for the Edward T. Conroy and Jean B. Cryor Scholarship Fund. Expanding eligibility to include additional members of the uniformed services is expected to increase the number of annual award recipients beginning in fiscal 2026. These additional awards likely cannot be absorbed by existing appropriations to the program as the Maryland Higher Education Commission advises the program is already on track to exceed the currently appropriated \$7.0 million in funds for fiscal 2025.

The bill's changes to other scholarship programs are not anticipated to have a material impact.

Nonresident Tuition Exemption

Tuition revenues at public institutions of higher education are likely not materially affected. Public four-year institutions have considerable autonomy over admissions and generally maintain fairly stable proportions of in-state and out-of-state students. The bill does not affect that autonomy. Therefore, despite the differences in tuition levels for in-state and out-of-state students, tuition revenues at most institutions are not materially affected. As long as there are no major adjustments to the proportion of students who qualify for in-state tuition, institutions can adjust admissions to avoid any significant loss of tuition revenue. Nevertheless, the fiscal impact of this bill includes a potential minimal loss of tuition and fee revenues equal to the difference between in-state and out-of-state tuition and fees for each eligible student who enrolls at a USM institution, Morgan State University, or St. Mary's College of Maryland.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: HB 600 (Delegate Patterson, *et al.*) - Ways and Means and Appropriations.

Information Source(s): Governor’s Office of Small, Minority, and Women Business Affairs; Department of Commerce; Maryland Institute for Emergency Medical Services Systems; Maryland Association of Counties; Maryland Municipal League; Maryland State Department of Education; Maryland Higher Education Commission; University System of Maryland; Morgan State University; St. Mary’s College of Maryland; Department of Budget and Management; Maryland Department of Labor; Department of Natural Resources; Maryland Department of Transportation; Department of Veterans and Military Families; Maryland Insurance Administration; State Retirement Agency; Baltimore City Public Schools; Anne Arundel County Public Schools; Baltimore County Public Schools; Montgomery County Public Schools; Department of Legislative Services

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