

Chapter 256

(House Bill 216)

AN ACT concerning

Higher Education – Tuition Exemption for Foster Care Recipients and Homeless Youth – Alterations and Reports

FOR the purpose of repealing a certain provision of law requiring a financial aid administrator to verify certain information under certain circumstances; altering the method by which a certain financial administrator is required to verify that a certain youth is a homeless youth; providing that a foster care recipient or a homeless youth who receives a certain tuition waiver is entitled to priority consideration for on-campus housing under certain circumstances; requiring a public institution of higher education to notify a certain public institution of higher education of a certain student designation under certain circumstances; requiring a public institution of higher education to make a certain student designation under certain circumstances; requiring a public institution of higher education to designate a certain homeless and foster student liaison, ensure the liaison has certain expertise, include certain activities as part of the liaison's duties, and inform certain students of the liaison and the services the liaison provides; requiring a public institution of higher education to make the application for a certain tuition waiver available to certain students and provide notice of the availability of the application; requiring a public institution of higher education to establish a certain appeal process; altering certain reports a public institution of higher education and the Maryland Higher Education Commission are required to complete; requiring a public institution of higher education to submit certain documents to the Commission on or before a certain date each year; requiring the Commission to publish a certain compilation of documents to a certain website within a certain period of time; altering certain definitions; and generally relating to tuition exemptions for foster care recipients and homeless youth.

BY repealing and reenacting, with amendments,
 Article – Education
 Section 15–106.1
 Annotated Code of Maryland
 (2018 Replacement Volume and 2020 Supplement)

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

Article – Education

15–106.1.

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

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

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

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

B. Resided in an out-of-home placement on or after the individual’s 13th birthday for at least 1 year and was placed into guardianship, adopted, or reunited with at least one of the individual’s parents.

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

(3) “HOMELESS YOUTH” MEANS A CHILD OR YOUTH WHO:

(I) HAS HAD A CONSISTENT PRESENCE IN THE STATE FOR AT LEAST 1 YEAR BEFORE ENROLLMENT IN A PUBLIC INSTITUTION OF HIGHER EDUCATION THAT IS DOCUMENTED BY SCHOOL, EMPLOYMENT, OR OTHER RECORDS; AND

(II) ~~IS A HOMELESS CHILD OR YOUTH, AS DEFINED BY THE MCKINNEY-VENTO HOMELESS ASSISTANCE ACT~~ HAS BEEN VERIFIED AS A HOMELESS CHILD OR YOUTH, AS DEFINED BY THE FEDERAL MCKINNEY-VENTO HOMELESS ASSISTANCE ACT, AT ANY TIME DURING THE 24 MONTHS IMMEDIATELY PRECEDING THE STUDENT’S ENROLLMENT IN A PUBLIC INSTITUTION OF HIGHER EDUCATION OR WHILE THE STUDENT IS ENROLLED IN A PUBLIC INSTITUTION OF HIGHER EDUCATION BY:

1. THE DIRECTOR OR DESIGNEE OF A GOVERNMENTAL OR NONPROFIT ENTITY THAT RECEIVES PUBLIC OR PRIVATE FUNDING TO PROVIDE SERVICES TO PERSONS EXPERIENCING HOMELESSNESS;

2. A LOCAL EDUCATIONAL AGENCY LIAISON FOR CHILDREN AND YOUTH EXPERIENCING HOMELESSNESS DESIGNATED IN ACCORDANCE WITH THE FEDERAL MCKINNEY-VENTO HOMELESS ASSISTANCE ACT;

3. A SCHOOL COUNSELOR;

4. A SCHOOL SOCIAL WORKER;

5. THE DIRECTOR OR A DESIGNEE OF A FEDERAL OR STATE OUTREACH AND STUDENT SERVICES PROGRAM DESIGNED TO IDENTIFY AND PROVIDE SERVICES TO ECONOMICALLY DISADVANTAGED INDIVIDUALS;

6. THE DIRECTOR OR A DESIGNEE OF A FEDERAL OR STATE PROGRAM FOR PROVIDING EARLY AWARENESS AND READINESS FOR UNDERGRADUATE PROGRAMS; OR

7. THE DIRECTOR OR A DESIGNEE OF THE DIRECTOR OF A FINANCIAL AID DEPARTMENT AT THE PUBLIC INSTITUTION OF HIGHER EDUCATION IN WHICH THE YOUTH IS ENROLLED OR SEEKS TO ENROLL.

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

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

(ii) “Tuition” includes charges for registration and all fees **[for] REQUIRED AS A CONDITION OF ENROLLMENT IN** credit-bearing and noncredit courses **[required as a condition of enrollment] OFFERED DURING THE FALL, WINTER, SPRING, OR SUMMER TERM.**

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

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

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

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

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

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

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

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

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

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

~~(b) (1) When determining whether a youth is [an unaccompanied] A homeless youth, a financial aid administrator shall verify [annually] that the youth [qualifies as an independent student under the federal College Cost Reduction and Access Act, 20 U.S.C. § 1087vv(d)(1)(H)] WAS DETERMINED TO BE A HOMELESS YOUTH DURING THE YEAR PRIOR TO APPLYING FOR THE TUITION EXEMPTION ESTABLISHED UNDER THIS SECTION BY:~~

~~(i) A LOCAL SCHOOL SYSTEM HOMELESS LIAISON, AS DEFINED BY THE MCKINNEY-VENTO HOMELESS ASSISTANCE ACT;~~

~~(ii) A DIRECTOR OR DESIGNEE OF THE DIRECTOR OF A PROGRAM FUNDED UNDER THE RUNAWAY AND HOMELESS YOUTH ACT;~~

~~(iii) A DIRECTOR OR DESIGNEE OF THE DIRECTOR OF A PROGRAM FUNDED UNDER TITLE IV, SUBTITLE B OF THE MCKINNEY-VENTO HOMELESS ASSISTANCE ACT;~~

~~(iv) A DIRECTOR OR A DESIGNEE OF THE DIRECTOR OF A PROGRAM FUNDED UNDER THE HOMELESS SOLUTIONS PROGRAM ADMINISTERED BY THE MARYLAND DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT; OR~~

~~(v) THE DIRECTOR OR A DESIGNEE OF THE DIRECTOR OF A FINANCIAL AID DEPARTMENT AT THE PUBLIC INSTITUTION OF HIGHER EDUCATION IN WHICH THE YOUTH IS ENROLLED OR SEEKS TO ENROLL.~~

~~(2) IF A PUBLIC INSTITUTION OF HIGHER EDUCATION DETERMINES THAT A STUDENT IS A HOMELESS YOUTH UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE DESIGNATION SHALL BE RETAINED IF THE STUDENT ENROLLS IN ANOTHER PUBLIC INSTITUTION OF HIGHER EDUCATION.~~

~~(b)~~ (B) (1) A foster care recipient or [an unaccompanied] homeless youth is exempt from paying any tuition at a public institution of higher education, regardless of

that foster care recipient's or [unaccompanied] homeless youth's receipt of any scholarship or grant if:

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

(ii) The foster care recipient or [unaccompanied] homeless youth is enrolled as a candidate for a vocational certificate, an associate's degree, or a bachelor's degree; and

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

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

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

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

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

(4) IF A PUBLIC INSTITUTION OF HIGHER EDUCATION PROVIDES ON-CAMPUS HOUSING, A FOSTER CARE RECIPIENT OR HOMELESS YOUTH WHO IS EXEMPT FROM TUITION UNDER THIS SECTION SHALL RECEIVE PRIORITY CONSIDERATION FOR ON-CAMPUS HOUSING AT THE INSTITUTION AT WHICH THE STUDENT IS ENROLLED.

(C) (1) IF A PUBLIC INSTITUTION OF HIGHER EDUCATION DETERMINES THAT A STUDENT IS A HOMELESS YOUTH, ON REQUEST OF THE STUDENT, A PUBLIC INSTITUTION OF HIGHER EDUCATION SHALL NOTIFY ANY PUBLIC INSTITUTION OF HIGHER EDUCATION IN WHICH THE STUDENT SUBSEQUENTLY ENROLLS OF THE STUDENT'S DESIGNATION AS A HOMELESS YOUTH.

(2) IF A PUBLIC INSTITUTION OF HIGHER EDUCATION RECEIVES NOTICE OF A STUDENT'S DESIGNATION AS A HOMELESS YOUTH UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE PUBLIC INSTITUTION OF HIGHER EDUCATION SHALL DESIGNATE THE STUDENT AS A HOMELESS YOUTH.

(D) EACH PUBLIC INSTITUTION OF HIGHER EDUCATION SHALL:

(1) (I) DESIGNATE A HOMELESS AND FOSTER STUDENT LIAISON WITHIN ITS FINANCIAL AID OFFICE OR ANOTHER APPROPRIATE OFFICE WITHIN THE INSTITUTION;

(II) ENSURE THAT THE HOMELESS AND FOSTER STUDENT LIAISON HAS EXPERTISE IN THE FINANCIAL AID ELIGIBILITY OF HOMELESS AND FOSTER STUDENTS; AND

(III) INCLUDE AS PART OF THE HOMELESS AND FOSTER STUDENT LIAISON'S DUTIES PROVIDING ASSISTANCE TO HOMELESS AND FOSTER STUDENTS IN APPLYING FOR FEDERAL AND STATE FINANCIAL AID OR OTHER ASSISTANCE FOR WHICH THEY MAY BE ELIGIBLE;

(2) INFORM CURRENT AND PROSPECTIVE STUDENTS ABOUT THE HOMELESS AND FOSTER STUDENT LIAISON AND THE SERVICES THE LIAISON PROVIDES; AND

~~(1)~~ (3) (I) MAKE THE APPLICATION FOR THE TUITION EXEMPTION ESTABLISHED UNDER THIS SECTION AVAILABLE TO PROSPECTIVE AND CURRENT STUDENTS; AND

~~(2)~~ (II) NOTIFY STUDENTS OF THE AVAILABILITY OF THE APPLICATION.

(E) (1) EACH PUBLIC INSTITUTION OF HIGHER EDUCATION SHALL ESTABLISH A PROCESS FOR A FOSTER CARE RECIPIENT OR HOMELESS YOUTH TO APPEAL A DENIAL OF A TUITION EXEMPTION APPLICATION.

(2) THE APPEAL PROCESS SHALL INCLUDE:

(I) WRITTEN NOTIFICATION TO THE FOSTER CARE RECIPIENT OR HOMELESS YOUTH OF THE RIGHT TO APPEAL;

(II) A TIMELY OPPORTUNITY FOR THE FOSTER CARE RECIPIENT OR HOMELESS YOUTH TO BE HEARD; AND

(III) A WRITTEN DECISION INDICATING THE OUTCOME OF THE APPEAL AND THE REASON FOR THE OUTCOME WITHIN 30 DAYS OF SUBMISSION OF THE APPEAL.

[(d)] (F) (1) On or before June 1 of each year, each public institution of higher education in the State shall report to the Commission on the ~~aggregate~~

~~(I) AGGREGATE~~ and disaggregate number of foster care recipients and [unaccompanied] homeless youth, INCLUDING DATA DISAGGREGATED BY AGE, RACE, ETHNICITY, SEXUAL ORIENTATION, AND GENDER IDENTITY, who:

~~[(i)] 1~~ Received a tuition exemption under this section during the prior academic year;

~~2. (II)~~ APPLIED FOR BUT DID NOT RECEIVE A TUITION EXEMPTION UNDER THIS SECTION DURING THE PRIOR ACADEMIC YEAR AND THE REASON FOR THE DENIAL;

~~[(ii)] 3. (III)~~ [Received] PREVIOUSLY RECEIVED a tuition exemption under this section at any point during their enrollment at the institution BUT DID NOT RECEIVE THE TUITION EXEMPTION DURING THE PRIOR ACADEMIC YEAR AND THE REASON FOR NOT CONTINUING TO RECEIVE THE EXEMPTION; ~~and~~

~~[(iii)] 4. (IV)~~ Earned a bachelor’s degree, an associate’s degree, or a vocational certificate from the institution during the prior academic year; AND

~~(H) NUMBER AND OUTCOME OF APPEALS RECEIVED~~

(V) FILED AN APPEAL IN ACCORDANCE WITH SUBSECTION (E) OF THIS SECTION, INCLUDING THE OUTCOME OF EACH APPEAL AND THE REASON FOR EACH APPEAL DENIAL.

(2) ON OR BEFORE JUNE 1 EACH YEAR, EACH PUBLIC INSTITUTION OF HIGHER EDUCATION SHALL SUBMIT TO THE COMMISSION A BRIEF DESCRIPTION OF ANY FORMS USED IN CONJUNCTION WITH THE TUITION EXEMPTION ESTABLISHED UNDER THIS SECTION.

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

(i) Compile the reports AND DOCUMENTS received in accordance with [paragraph (1)] PARAGRAPHS (1) AND (2) of this subsection; ~~and~~

(ii) Submit the compilation of reports AND DOCUMENTS to the General Assembly in accordance with § 2–1257 of the State Government Article; AND

(III) PUBLISH THE COMPILATION OF REPORTS AND DOCUMENTS TO THE COMMISSION’S WEBSITE WITHIN 30 DAYS AFTER THE DATE ON WHICH THE COMPILATION IS SUBMITTED TO THE GENERAL ASSEMBLY.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2021.

Approved by the Governor, May 18, 2021.