

Chapter 332

(House Bill 266)

AN ACT concerning

Public Senior Higher Education Institutions – Financial Aid – Reduction Restrictions

FOR the purpose of ~~regulating how public senior higher education institutions may adjust funds awarded by the institution when the total amount of financial aid awarded to a student exceeds the student’s demonstrated financial need;~~ authorizing financial aid awarded by a public senior higher education institution to be reduced only under certain circumstances; ~~and up to a certain amount; prohibiting financial aid awarded by a public senior higher education institution from being reduced under certain circumstances; requiring certain financial aid to be reduced in a specific order;~~ authorizing financial aid awarded by a public senior higher education institution to be reduced up to a certain amount under certain circumstances; defining certain terms; providing for the construction of this Act; making the provisions of this Act severable; and generally relating to financial aid at public senior higher education institutions.

BY adding to
Article – Education
Section 15–121
Annotated Code of Maryland
(2014 Replacement Volume and 2016 Supplement)

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

Article – Education

15–121.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “COST OF ATTENDANCE” HAS THE MEANING STATED IN 20 U.S.C.A. § 1087LL.

~~(3) “DEMONSTRATED FINANCIAL NEED” MEANS COST OF ATTENDANCE MINUS EXPECTED FAMILY CONTRIBUTION.~~

(4) (3) “EXPECTED FAMILY CONTRIBUTION” MEANS THE AMOUNT DETERMINED IN ACCORDANCE WITH 20 U.S.C.A. § 1087NN.

~~(5) "FINANCIAL AID" INCLUDES:~~

~~(I) INSTITUTIONAL-BASED FINANCIAL AID;~~

~~(II) SCHOLARSHIPS, GRANTS, WORK STUDY, AND LOANS OFFERED BY ANY INSTRUMENTALITY OF THE FEDERAL OR STATE GOVERNMENT; AND~~

~~(III) PRIVATE SCHOLARSHIPS.~~

~~(6) (I) "INSTITUTIONAL-BASED FINANCIAL AID" MEANS SCHOLARSHIPS, GRANTS, WORK STUDY, AND LOANS OFFERED BY A PUBLIC SENIOR HIGHER EDUCATION INSTITUTION.~~

~~(II) "INSTITUTIONAL-BASED FINANCIAL AID" DOES NOT INCLUDE FINANCIAL AID OFFERED BY ANY INSTRUMENTALITY OF THE FEDERAL OR STATE GOVERNMENT.~~

(4) "FINANCIAL NEED" MEANS COST OF ATTENDANCE MINUS EXPECTED FAMILY CONTRIBUTION.

(5) "GIFT AID" MEANS ALL FINANCIAL AID THAT IS NOT A LOAN OR WORK-STUDY PROGRAM, INCLUDING GRANTS, SCHOLARSHIPS, TUITION WAIVERS, AND THIRD PARTY PAYMENTS.

(6) "INSTITUTIONAL GIFT AID" MEANS GIFT AID THAT IS FUNDED BY A PUBLIC SENIOR HIGHER EDUCATION INSTITUTION.

(7) (I) "PRIVATE SCHOLARSHIPS" MEANS SCHOLARSHIPS AWARDED BY COMPANIES, PRIVATE FOUNDATIONS, NONPROFIT ORGANIZATIONS, AND SERVICE GROUPS.

~~(8) "UNMET FINANCIAL NEED" MEANS THE STUDENT'S DEMONSTRATED FINANCIAL NEED IS GREATER THAN THE STUDENT'S:~~

~~(I) INSTITUTIONAL-BASED FINANCIAL AID; AND~~

~~(II) SCHOLARSHIPS, GRANTS, WORK STUDY, AND LOANS OFFERED BY ANY INSTRUMENTALITY OF THE FEDERAL OR STATE GOVERNMENT.~~

(II) "PRIVATE SCHOLARSHIPS" DOES NOT INCLUDE AWARDS FUNDED BY A PRIVATE ORGANIZATION THAT:

1. IS AFFILIATED WITH A HIGHER EDUCATION INSTITUTION; AND

2. REQUESTS THE HIGHER EDUCATION INSTITUTION'S ASSISTANCE IN SELECTING RECIPIENTS.

~~(B) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION AND SUBJECT TO SUBSECTION (D) OF THIS SECTION, IF THE TOTAL AMOUNT OF FINANCIAL AID AWARDED TO A STUDENT EXCEEDS THE STUDENT'S DEMONSTRATED FINANCIAL NEED, A PUBLIC SENIOR HIGHER EDUCATION INSTITUTION MAY REDUCE THE STUDENT'S INSTITUTIONAL-BASED FINANCIAL AID AWARD UP TO THE AMOUNT THAT EXCEEDS THE STUDENT'S DEMONSTRATED FINANCIAL NEED.~~

~~(C) A PUBLIC SENIOR HIGHER EDUCATION INSTITUTION MAY NOT REDUCE A STUDENT'S INSTITUTIONAL-BASED FINANCIAL AID AWARD IF:~~

~~(1) THE STUDENT HAS UNMET FINANCIAL NEED AT THE TIME THE INSTITUTION SENDS ITS FINANCIAL AID AWARD NOTICE TO THE STUDENT;~~

~~(2) THE STUDENT RECEIVES ADDITIONAL FINANCIAL AID INTENDED TO FILL ALL OR A PORTION OF THE UNMET FINANCIAL NEED; AND~~

~~(3) THE TOTAL AMOUNT OF FINANCIAL AID AWARDED IS LESS THAN OR EQUAL TO THE STUDENT'S DEMONSTRATED FINANCIAL NEED.~~

~~(D) A REDUCTION AUTHORIZED UNDER SUBSECTION (B) OF THIS SECTION SHALL BE REDUCED IN THE FOLLOWING ORDER:~~

~~(1) LOANS;~~

~~(2) WORK STUDY; AND~~

~~(3) GRANTS AND SCHOLARSHIPS.~~

(B) A PUBLIC SENIOR HIGHER EDUCATION INSTITUTION MAY REDUCE INSTITUTIONAL GIFT AID OFFERS AS A RESULT OF PRIVATE SCHOLARSHIP AWARDS ONLY UNDER THE CIRCUMSTANCES DESCRIBED IN SUBSECTIONS (C) THROUGH (E) OF THIS SECTION.

(C) IF A STUDENT'S TOTAL GIFT AID FROM ALL SOURCES EXCEEDS THE STUDENT'S FINANCIAL NEED, A PUBLIC SENIOR HIGHER EDUCATION INSTITUTION MAY REDUCE THE STUDENT'S INSTITUTIONAL GIFT AID UNTIL THE STUDENT'S TOTAL GIFT AID NO LONGER EXCEEDS THE STUDENT'S FINANCIAL NEED; UNTIL THE STUDENT'S TOTAL GIFT AID NO LONGER EXCEEDS THE STUDENT'S FINANCIAL NEED.

~~(1) UNTIL THE STUDENT'S TOTAL GIFT AID NO LONGER EXCEEDS THE STUDENT'S FINANCIAL NEED, IF THE STUDENT COMPLETED THE FREE APPLICATION FOR FEDERAL STUDENT AID; OR~~

~~(2) UNTIL THE STUDENT'S TOTAL GIFT AID NO LONGER EXCEEDS THE STUDENT'S COST OF ATTENDANCE, IF THE STUDENT DID NOT COMPLETE A FREE APPLICATION FOR FEDERAL STUDENT AID.~~

(D) IN ADDITION TO THE REDUCTION AUTHORIZED IN SUBSECTION (C) OF THIS SECTION, A PUBLIC SENIOR HIGHER EDUCATION INSTITUTION MAY FURTHER REDUCE A STUDENT'S INSTITUTIONAL GIFT AID IF THE INSTITUTION RECEIVES APPROVAL FROM THE ORGANIZATION THAT AWARDED THE PRIVATE SCHOLARSHIP FUNDS THAT TRIGGERED THE REDUCTION AUTHORIZED IN SUBSECTION (C) OF THIS SECTION.

(E) A PUBLIC SENIOR HIGHER EDUCATION INSTITUTION MAY REDUCE A STUDENT ATHLETE'S INSTITUTIONAL GIFT AID IN ORDER TO COMPLY WITH THE NATIONAL COLLEGIATE ATHLETIC ASSOCIATION'S INDIVIDUAL OR TEAM FINANCIAL AID RESTRICTIONS.

SECTION 2. AND BE IT FURTHER ENACTED, That nothing in this Act may be construed to violate the provisions of federal law or regulations relating to the award of any need-based financial aid or any federal aid.

SECTION 3. AND BE IT FURTHER ENACTED, That, if any provision of this Act or the application thereof to any person or circumstance is held invalid for any reason in a court of competent jurisdiction, the invalidity does not affect other provisions or any other application of this Act that can be given effect without the invalid provision or application, and for this purpose the provisions of this Act are declared severable.

SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2017.

Approved by the Governor, April 18, 2017.