

Chapter 691

(Senate Bill 117)

AN ACT concerning

Community Colleges – Out-of-State Fee – Waiver for Border State Residents

FOR the purpose of authorizing the boards of trustees of community colleges with service areas that border other states to set an out-of-state fee for certain students who reside in out-of-state counties that border Maryland; requiring that this fee be more than the out-of-county fee paid by certain Maryland students; allowing this fee to be less than the usual out-of-state fee paid by certain out-of-state students; prohibiting students attending community colleges by paying this fee from being counted for the purposes of certain State aid to community colleges; making a conforming change; and generally relating to a fee for out-of-state community college students residing in counties bordering their school's service area.

BY repealing and reenacting, with amendments,

Article – Education

Section 16–310(a) and 16–505(g)(4)

Annotated Code of Maryland

(2014 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, without amendments,

Article – Education

Section 16–310(b)(1)

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

16–310.

(a) (1) Subject to paragraphs (2), (3), (4), (5), [and] (6), **AND (7)** of this subsection and subsection (f) of this section, any student who attends a community college in this State and is not a resident of this State shall pay, in addition to the student tuition and fees payable by a county resident, an out-of-state fee, at least equal to:

(i) 60% of the county share per full-time equivalent student as determined under § 16–305 of this subtitle; and

(ii) The marginal cost component of the State share per full-time equivalent student as determined under § 16–305(c)(5) of this subtitle.

(2) (I) EACH BOARD OF TRUSTEES OF A COMMUNITY COLLEGE WITH A SERVICE AREA THAT BORDERS ANOTHER STATE MAY SET AN OUT-OF-STATE FEE IN ACCORDANCE WITH SUBPARAGRAPH (II) OF THIS PARAGRAPH FOR ANY STUDENT WHO RESIDES IN AN OUT-OF-STATE COUNTY THAT BORDERS THE COMMUNITY COLLEGE'S SERVICE AREA.

(II) THE FEE DESCRIBED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH:

1. SHALL BE MORE THAN THE OUT-OF-COUNTY FEE AS DETERMINED IN SUBSECTION (B)(1) OF THIS SECTION; AND

2. MAY BE LESS THAN THE OUT-OF-STATE FEE AS DETERMINED IN PARAGRAPH (1) OF THIS SUBSECTION.

(III) ANY STUDENT ATTENDING A COMMUNITY COLLEGE IN THIS STATE WHO PAYS A FEE AS PROVIDED IN THIS PARAGRAPH MAY NOT BE INCLUDED AS AN IN-STATE RESIDENT FOR COMPUTATION OF STATE AID TO COMMUNITY COLLEGES IN ACCORDANCE WITH § 16-305 OF THIS SUBTITLE.

[(2)] (3) (i) A resident of the state of West Virginia who attends Garrett College under a negotiated reciprocity agreement between the states of Maryland and West Virginia is an in-county resident for tuition purposes.

(ii) For each full-time equivalent student participating in the reciprocity agreement, the State shall pay to Garrett College an amount equal to the net State support per full-time equivalent student as provided in § 16-305 of this subtitle. For any fiscal year, if State appropriations for reimbursement of any reciprocity agreements under this paragraph do not provide sufficient funds to fully reimburse the college, the Governor shall include in the budget bill for the next fiscal year a deficiency appropriation to provide the additional funds to fully reimburse the college.

(iii) The Commission may make payments to effectuate the provisions of this paragraph from funds specifically appropriated for this purpose as provided in the State budget or any supplemental budget request.

(iv) The payments authorized by this paragraph are in addition to the State operating fund to community colleges authorized in § 16-305(c) of this subtitle.

[(3)] (4) (i) Any student attending a community college in this State who is not a resident of this State and is enrolled in an education program leading to licensure in nursing shall be included as an in-county resident for tuition purposes and

shall be included as an in-State resident for computation of the State aid to community colleges in accordance with § 16-305 of this subtitle.

(ii) The student shall furnish a surety bond or promissory note to the State with security satisfactory to the Maryland Higher Education Commission, that on completion of the nursing education program, the student will work for at least 2 years in a hospital or related institution as defined in § 19-301 of the Health – General Article in this State.

(iii) The Secretary of Health and Mental Hygiene may determine if there is a shortage of nurses.

(iv) Subject to subparagraphs (v) and (vi) of this paragraph, if the Secretary determines that there is no shortage of nurses, the Nonresident Student Tuition Reduction and State Aid Program established under this paragraph may not be applied to any courses required for the nursing program.

(v) Subparagraph (iv) of this paragraph applies only to students who enroll in a nursing education program subsequent to the determination made under subparagraph (iv) of this paragraph.

(vi) Subparagraph (v) of this paragraph may not affect any student who is participating in the Nonresident Tuition Reduction and State Aid Program prior to the determination under subparagraph (iii) of this paragraph.

[(4)] (5) (i) Each board of community college trustees may waive the out-of-state fee as determined in paragraph (1) of this subsection for a student who is employed by a business located in the county that supports the community college.

(ii) Any student attending a community college in this State who receives a tuition waiver as provided by this paragraph shall not be included as an in-State resident for computation of State aid to community colleges in accordance with § 16-305 of this subtitle.

[(5)] (6) (i) Each board of community college trustees shall waive the out-of-state fee as determined in paragraph (1) of this subsection for a student who resides in this State but does not meet the in-State residency requirement for tuition purposes and is a public school teacher employed by a county board if:

1. A. The course or program is required by the State or the county board to maintain the teacher's present position with the county board; or

B. The course or program maintains or improves skills required by the county board in the teacher's current position;

2. The teacher resides in this State and is employed as a full-time public school teacher; and

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

(ii) A public school teacher is responsible for the difference between in-State and out-of-state tuition if:

1. The teacher resigns or is terminated from employment with the county board; and

2. The teacher remains enrolled in the course or program at a community college during the teacher's first year as a Maryland resident.

(iii) Any public school teacher attending a community college in this State who satisfies the requirements established in this paragraph shall be included as an in-State resident for computation of the State aid to community colleges in accordance with § 16-305 of this subtitle.

~~[(6)] (7)~~ (i) In this paragraph, "BRAC" means the Base Realignment and Closure process as announced by the United States Department of Defense.

(ii) Each board of community college trustees may waive the out-of-state fee as determined in paragraph (1) of this subsection for a student who resides in the State but does not meet the in-State residency requirement for tuition purposes and has moved to the State as an employee or a family member of an employee as part of BRAC.

(iii) Any BRAC employee or family member of a BRAC employee attending a community college in the State who satisfies the requirements established in this paragraph shall be included as an in-State resident for computation of the State aid to community colleges in accordance with § 16-305 of this subtitle.

(b) (1) Subject to the provisions of paragraphs (2), (3), and (4) of this subsection and subsection (g) of this section, any student who attends a community college not supported by the county in which the student resides shall pay, in addition to the student tuition and fees payable by a resident of a county that supports the community college, an out-of-county or out-of-region fee at least equal to 60% of the county share per full-time equivalent student as determined under § 16-305 of this subtitle.

16-505.

(g) (4) A student who is not a resident of the State shall be considered a resident for purposes of assessing tuition and fees to the extent that such student would be eligible for in-county status under the provisions of § ~~[16-310(a)(3)]~~ **16-310(A)(4)** or (f) of this title.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2017.

Approved by the Governor, May 25, 2017.