

# Chapter 191

(Senate Bill 167)

AN ACT concerning

~~Higher Education – Tuition Charges – Maryland High School Students~~  
Public Institutions of Higher Education – Tuition Rates – Exemptions

FOR the purpose of extending the time period within which an honorably discharged veteran must present certain evidence in order to qualify for a certain tuition rate; establishing that certain individuals, ~~other than certain nonresident individuals,~~ shall be exempt from paying ~~the nonresident tuition rate~~ certain tuition rates and shall be eligible to pay certain tuition rates at certain public institutions of higher education under certain circumstances; requiring certain individuals to provide certain documentation regarding certain Maryland income tax ~~withholding or~~ filing at certain times; requiring certain individuals, as a condition of being exempt from paying the out-of-state tuition rate, to provide to a community college certain documentation of registration with the Selective Service System; requiring certain information collected as part of certain students' registration to remain confidential; requiring community colleges and public senior higher education institutions that admit certain students to keep a record of the number of individuals paying ~~resident tuition charges~~ tuition rates in accordance with this Act and to report certain information to the Maryland Higher Education Commission; requiring the Commission to submit a certain report to the General Assembly each year; requiring the governing board of each public institution of higher education to adopt certain policies; providing that certain students may not be counted as in-State students for certain purposes; defining a certain term; and generally relating to tuition ~~charges~~ rates for certain individuals attending public institutions of higher education in the State.

BY repealing and reenacting, with amendments,

Article – Education

Section 15–106.4(b)

Annotated Code of Maryland

(2008 Replacement Volume and 2010 Supplement)

BY adding to

Article – Education

Section 15–106.8

Annotated Code of Maryland

(2008 Replacement Volume and 2010 Supplement)

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

**Article – Education**

15–106.4.

(b) Notwithstanding any other provision of this article, an individual described in subsection (a) of this section who attends a public institution of higher education in the State is exempt from paying nonresident tuition at a public institution of higher education in this State if:

(1) The active duty member referred to in subsection (a) of this section:

(i) Is stationed in this State;

(ii) Resides in this State; or

(iii) Is domiciled in this State;

(2) The honorably discharged veteran presents the following documentation within [1 year] 4 YEARS after the veteran’s discharge:

(i) Evidence that the veteran attended a public or private secondary school in this State for at least 3 years; and

(ii) Documentation that the veteran graduated from a public or private secondary school in this State or received the equivalent of a high school diploma in this State; or

(3) The National Guard member described in subsection (a)(5) of this section is a member of the Maryland National Guard and joined or subsequently serves in the Maryland National Guard to:

(i) Provide a Critical Military Occupational Skill; or

(ii) Be a member of the Air Force Critical Specialty Code as determined by the National Guard.

**15–106.8.**

**(A) IN THIS SECTION, “INDIVIDUAL”:**

**(1) INCLUDES AN UNDOCUMENTED IMMIGRANT INDIVIDUAL; AND**

(2) DOES NOT INCLUDE A NONIMMIGRANT ALIEN WITHIN THE MEANING OF 8 U.S.C. § 1101(A)(15).

~~(A)~~ (B) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, AN INDIVIDUAL, OTHER THAN A STUDENT WITHIN THE MEANING OF 8 U.S.C. § 1101(A)(15), SHALL BE EXEMPT FROM PAYING THE NONRESIDENT OUT-OF-STATE TUITION RATE AT A PUBLIC INSTITUTION OF HIGHER EDUCATION REGARDLESS OF RESIDENCY COMMUNITY COLLEGE IN THE STATE, IF THE INDIVIDUAL:

(1) ~~ATTENDED~~ BEGINNING WITH THE 2005-2006 SCHOOL YEAR, ATTENDED A PUBLIC OR NONPUBLIC SECONDARY SCHOOL IN ~~THIS~~ THE STATE FOR AT LEAST ~~2~~ 3 YEARS;

(2) ~~GRADUATED~~ BEGINNING WITH THE 2007-2008 SCHOOL YEAR, GRADUATED FROM A PUBLIC OR NONPUBLIC SECONDARY SCHOOL IN ~~THIS~~ THE STATE OR RECEIVED THE EQUIVALENT OF A HIGH SCHOOL DIPLOMA IN ~~THIS~~ THE STATE;

(3) REGISTERS AS AN ENTERING STUDENT IN A ~~PUBLIC INSTITUTION OF HIGHER EDUCATION~~ COMMUNITY COLLEGE IN ~~THIS~~ THE STATE NOT EARLIER THAN THE 2011 FALL SEMESTER;

(4) PROVIDES TO THE ~~PUBLIC INSTITUTION OF HIGHER EDUCATION~~ COMMUNITY COLLEGE DOCUMENTATION THAT THE INDIVIDUAL OR THE INDIVIDUAL'S PARENT OR LEGAL GUARDIAN HAS ~~HAD MARYLAND INCOME TAX WITHHELD OR HAS FILED A MARYLAND INCOME TAX RETURN:~~

(i) ~~WHILE~~ ANNUALLY FOR THE 3 YEARS WHILE THE INDIVIDUAL ATTENDED A PUBLIC OR NONPUBLIC SECONDARY SCHOOL IN THE STATE IN ACCORDANCE WITH ITEM (1) OF THIS SUBSECTION;

(ii) ANNUALLY DURING THE PERIOD, IF ANY, BETWEEN GRADUATION FROM A PUBLIC OR NONPUBLIC SECONDARY SCHOOL IN THE STATE AND REGISTRATION AT A COMMUNITY COLLEGE IN THE STATE; AND

(iii) ~~DURING~~ ANNUALLY DURING THE PERIOD OF ATTENDANCE AT THE COMMUNITY COLLEGE ~~DURING THE YEAR PRIOR TO THE INDIVIDUAL GRADUATING FROM A PUBLIC OR NONPUBLIC SECONDARY SCHOOL IN THIS STATE;~~

(5) IN THE CASE OF AN INDIVIDUAL WHO IS NOT A PERMANENT RESIDENT, PROVIDES TO THE ~~PUBLIC INSTITUTION OF HIGHER EDUCATION~~ COMMUNITY COLLEGE AN AFFIDAVIT STATING THAT THE INDIVIDUAL WILL FILE

AN APPLICATION TO BECOME A PERMANENT RESIDENT WITHIN 30 DAYS AFTER THE INDIVIDUAL BECOMES ELIGIBLE TO DO SO; ~~AND~~

(6) IN THE CASE OF AN INDIVIDUAL WHO IS REQUIRED TO REGISTER WITH THE SELECTIVE SERVICE SYSTEM, PROVIDES TO THE COMMUNITY COLLEGE DOCUMENTATION THAT THE INDIVIDUAL HAS COMPLIED WITH THE REGISTRATION REQUIREMENT; AND

~~(6) (7) MAKES OR HAS MADE AN APPLICATION TO ATTEND A PUBLIC INSTITUTION OF HIGHER EDUCATION~~ REGISTERS IN A COMMUNITY COLLEGE IN THIS THE STATE NOT LATER THAN 3 4 YEARS AFTER GRADUATING FROM A PUBLIC OR NONPUBLIC SECONDARY SCHOOL IN THIS THE STATE OR RECEIVING THE EQUIVALENT OF A HIGH SCHOOL DIPLOMA IN THIS THE STATE.

(C) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE AND SUBJECT TO SUBSECTION (H) OF THIS SECTION, AN INDIVIDUAL SHALL BE EXEMPT FROM PAYING THE NONRESIDENT ELIGIBLE TO PAY A RATE THAT IS EQUIVALENT TO THE RESIDENT TUITION RATE AT A PUBLIC SENIOR HIGHER EDUCATION INSTITUTION, IF THE INDIVIDUAL:

(1) ATTENDED A COMMUNITY COLLEGE UNDER NOT EARLIER THAN THE 2010 FALL SEMESTER AND MET THE REQUIREMENTS OF SUBSECTION (B) OF THIS SECTION, EXCEPT FOR THE REQUIREMENT SET FORTH IN SUBSECTION (B)(3) OF THIS SECTION;

(2) WAS AWARDED AN ASSOCIATE'S DEGREE BY OR ACHIEVED 60 CREDITS AT A COMMUNITY COLLEGE IN THE STATE;

(3) PROVIDES THE PUBLIC SENIOR HIGHER EDUCATION INSTITUTION A COPY OF THE AFFIDAVIT SUBMITTED UNDER SUBSECTION (B)(5) OF THIS SECTION;

(4) PROVIDES TO THE PUBLIC SENIOR HIGHER EDUCATION INSTITUTION DOCUMENTATION THAT THE INDIVIDUAL OR THE INDIVIDUAL'S PARENT OR LEGAL GUARDIAN HAS HAD MARYLAND INCOME TAX WITHHELD OR HAS FILED A MARYLAND INCOME TAX RETURN:

(I) WHILE ANNUALLY WHILE THE INDIVIDUAL ATTENDED A COMMUNITY COLLEGE IN THE STATE;

(II) ANNUALLY DURING THE PERIOD, IF ANY, BETWEEN GRADUATION FROM OR ACHIEVING 60 CREDITS AT A COMMUNITY COLLEGE IN

THE STATE AND REGISTRATION AT A PUBLIC SENIOR HIGHER EDUCATION INSTITUTION IN THE STATE; AND

(III) ~~DURING~~ ANNUALLY DURING THE PERIOD OF ATTENDANCE AT THE PUBLIC SENIOR HIGHER EDUCATION INSTITUTION; AND

(5) REGISTERS AT A PUBLIC SENIOR HIGHER EDUCATION INSTITUTION IN THE STATE NOT LATER THAN 4 YEARS AFTER GRADUATING FROM *OR ACHIEVING 60 CREDITS AT* A COMMUNITY COLLEGE IN THE STATE.

(D) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, AN INDIVIDUAL SHALL BE ~~EXEMPT FROM PAYING THE OUT-OF-COUNTY~~ ELIGIBLE TO PAY A RATE THAT IS EQUIVALENT TO THE IN-COUNTY TUITION RATE AT A COMMUNITY COLLEGE IN THE STATE IF THE INDIVIDUAL:

(1) MEETS THE REQUIREMENTS OF SUBSECTION (B) OF THIS SECTION; AND

(2) ATTENDS A COMMUNITY COLLEGE SUPPORTED BY THE COUNTY IN WHICH:

(I) THE SECONDARY SCHOOL FROM WHICH THE INDIVIDUAL GRADUATED IS LOCATED; OR

(II) IN THE CASE OF AN INDIVIDUAL WHO RECEIVED THE EQUIVALENT OF A HIGH SCHOOL DIPLOMA IN THE STATE, THE SECONDARY SCHOOL MOST RECENTLY ATTENDED BY THE INDIVIDUAL IS LOCATED.

(E) INFORMATION COLLECTED UNDER THIS SECTION AS PART OF A STUDENT'S REGISTRATION SHALL REMAIN CONFIDENTIAL.

~~(B)~~ (F) (1) A COMMUNITY COLLEGE OR PUBLIC SENIOR HIGHER EDUCATION INSTITUTION THAT ADMITS AN INDIVIDUAL WHO QUALIFIES FOR ~~RESIDENT TUITION CHARGES~~ THE TUITION RATE UNDER THIS SECTION SHALL:

(I) KEEP A RECORD OF THE NUMBER OF INDIVIDUALS WHO ~~PAY RESIDENT TUITION CHARGES~~ THE TUITION RATE IN ACCORDANCE WITH THE REQUIREMENTS UNDER SUBSECTION (B) ~~OR (C)~~, (C), OR (D) OF THIS SECTION; AND

(II) REPORT THE INFORMATION REQUIRED IN ITEM (I) OF THIS PARAGRAPH TO THE COMMISSION EACH YEAR.

**(2) THE COMMISSION SHALL SUBMIT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, AN ANNUAL REPORT CONSISTING OF A COMPILATION OF THE REPORTS SUBMITTED TO THE COMMISSION UNDER PARAGRAPH (1) OF THIS SUBSECTION.**

**(G) THE GOVERNING BOARD OF EACH PUBLIC INSTITUTION OF HIGHER EDUCATION SHALL ADOPT APPROPRIATE POLICIES TO IMPLEMENT THE PROVISIONS OF THIS SECTION.**

**(H) THE STUDENTS THAT ARE RECEIVING THE TUITION RATE IN SUBSECTION (C) OF THIS SECTION MAY NOT BE COUNTED AS IN-STATE STUDENTS FOR THE PURPOSES OF DETERMINING THE NUMBER OF MARYLAND UNDERGRADUATE STUDENTS ENROLLED AT A PUBLIC SENIOR HIGHER EDUCATION INSTITUTION.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2011.

**Approved by the Governor, May 10, 2011.**