

QUESTION 4: REFERENDUM BY PETITION

Statutory Enactment Petitioned to Statewide Referendum – Public Institutions of Higher Education – Tuition Rates – Exemptions

Chapter 191 of 2011 (Senate Bill 167)

Summary

This Act allows certain individuals who attended and graduated from Maryland high schools to pay in-state tuition and, in certain instances, in-county tuition at community colleges. An individual who graduates from or earns a certain number of credits from a community college in the State is then eligible under the Act to pay the resident tuition rate at a public four-year higher education institution in Maryland under specified circumstances. Because of their inability to establish permanent residency, these individuals, including many immigrants, both documented and undocumented, are considered nonresidents for tuition purposes regardless of how long they have lived in Maryland. The Act also extends the time in which honorably discharged military veterans may qualify for in-state tuition rates.

Under the Act, an individual, including an undocumented individual, is authorized, regardless of residency status, to pay in-state tuition at a community college in Maryland if the individual:

- attended a Maryland high school for at least three years and either graduated from a Maryland high school or received the equivalent of a high school diploma in Maryland;
- provides the community college with documentation that the individual or the individual's parent or legal guardian has filed a Maryland income tax return annually (1) for the three years during which the individual attended high school in the State; (2) during any period between graduation from high school in the State and registration at a community college; and (3) during the period of attendance at the community college;
- provides 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, if the individual is not a permanent resident;
- provides documentation that the individual has registered with the Selective Service System, if the individual is required to do so; and
- registers at the community college within four years after graduating from high school or within four years after receiving the equivalent of a high school diploma in Maryland.

An individual who meets the above requirements is eligible to pay the in-county tuition rate at a community college in Maryland if:

- the individual attends a community college supported by the county in which the high school from which the individual graduated is located; or
- in the case of an individual who received the equivalent of a high school diploma, the individual attends a community college supported by the county in which the high school most recently attended by the individual is located.

An individual who meets the above requirements and is awarded an associate's degree by, or earned 60 credits at, a community college in the State is eligible for the resident tuition rate at a public four-year higher education institution in Maryland if the individual:

- provides the institution a copy of the affidavit regarding application to become a permanent resident;
- provides the institution documentation regarding the annual filing of Maryland income tax returns by the individual or by the individual's parent or legal guardian up to and including the period of attendance at the institution; and
- registers at the institution within four years after graduating from, or achieving 60 credits at, a community college in the State.

For honorably discharged veterans of the U.S. Armed Forces, the Act extends the time period from one year after discharge to four years after discharge during which these veterans may present documentation to qualify for in-state tuition at public institutions of higher education in the State. The required documentation includes evidence that the veteran attended a Maryland high school for at least three years and documentation that the veteran graduated from a high school in the State or received the equivalent of a high school diploma in the State.

Currently, tuition policies at community colleges are set by State regulations and the boards of trustees for the colleges. There are three levels of tuition at community colleges: in-county, out-of-county, and out-of-state. In general, there is a three-month residency requirement for community colleges.

Tuition policies for public four-year higher education institutions require individuals to have the legal ability under federal and State law to live permanently in Maryland in order to qualify for in-state tuition rates. In general, these individuals qualify for in-state tuition when they can document that they have lived continuously in Maryland for at least 12 consecutive months.