MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representative Crudup

To: Universities and Colleges; Appropriations

HOUSE BILL NO. 621

AN ACT TO WAIVE THE COST OF TUITION AT ANY STATE INSTITUTION OF HIGHER LEARNING FOR CERTAIN FOSTER CHILDREN, ADOPTED CHILDREN OR WARDS OF THE STATE, SUBJECT TO CERTAIN CONDITIONS; TO REQUIRE THE DEPARTMENT OF CHILD PROTECTION SERVICES, UPON THE REQUEST OF A STATE INSTITUTION OF HIGHER LEARNING, TO CONFIRM THE ELIGIBILITY OF THOSE STUDENTS SEEKING TO PARTICIPATE IN THE WAIVER PROGRAM; TO REQUIRE STUDENTS TO COMPLETE THE FREE APPLICATION FOR FEDERAL STUDENT AID TO DETERMINE THE LEVEL OF NEED AND ELIGIBILITY FOR STATE AND FEDERAL FINANCIAL AID PROGRAMS; TO ESTABLISH THE REQUIREMENTS FOR ELIGIBILITY; TO REQUIRE THE DEPARTMENT AND THE BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING TO MAKE REPORTS TO THE LEGISLATURE ON CERTAIN COMPONENTS OF THE TUITION WAIVER PROGRAM; TO REQUIRE THE BOARD TO PROMULGATE RULES AND REGULATIONS NECESSARY FOR THE PROPER ADMINISTRATION OF THE PROGRAM; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. The Legislature of the State of Mississippi finds and declares that it is in the best interest of the state to support youth who have transitioned out of the state's child welfare system and adults who have adopted older children who were considered wards of the State of Mississippi. The Legislature recognizes that a child whose care, custody and control has been assumed by the state is a special ward of the state and faces particular challenges in pursuing post-secondary education. It is

the intent of the Legislature to support adoption, foster parenting and educational advancement, by providing postsecondary education advancement opportunities in the form of tuition exemptions for foster children, children who were adopted after the age of nine (9) years and those who are current wards of the state.

SECTION 2. As used in this act, the following words have the meanings ascribed in the section, unless the context requires otherwise:

(a) "Foster child" means a person under the age of twenty-one (21) years who has been placed in the legal custody of the Department of Child Protection Services and who resides in the home of a state certified caregiver.

(b) "Adopted child" means a person under the age of twenty-one (21) years for whom all the rights and responsibilities for parenting have been removed from the biological parents and permanently transferred to another.

(c) "Ward of the state" means a person under the age of twenty-one (21) years who has been placed in the legal custody of the Department of Child Protection Services for any purposes specified in Sections 43-15-15 and 43-27-101, or who is placed in residential child care.

(d) "Tuition" means the charges imposed by a state institution of higher learning for enrollment at the institution,

which includes charges for registration and all fees required as a condition of enrollment.

(e) "Department" means the Department of Child Protection Services.

(f) "Postsecondary educational institution" means a public community or junior college under the authority of the Mississippi Community College Board and local governance of respective community college district boards of trustees, and of a state institution of higher learning under the authority of the Board of Trustees of State Institutions of Higher Learning.

SECTION 3. (1) (a) Tuition and mandatory student fees for any associate degree program at a community or junior college or up to the amount of tuition equivalent to the cost of an associate degree program undertaken at any state institution of higher learning shall be waived for a Mississippi foster child, adopted child or ward of the state who is a full-time or part-time student at a public community or junior college or state institution of higher learning if the student meets all entrance requirements and maintains academic eligibility with a 2.25 cumulative grade point average on a 4.0 scale while enrolled, and if:

(i) The student is currently in the custody of the Department of Child Protection Services and has been placed in foster care or residential child care;

(ii) The department was the student's legal custodian;

(iii) The student is a former ward of the state of Mississippi and was adopted after the age of nine (9) years; or

(iv) The student is a former ward of the State of Mississippi, adopted after the age of nine (9) years, and meets the eligibility criteria of this paragraph and lives outside of Mississippi at the time of application to a state institution of higher learning may apply for the waiver up to the amount of tuition for a Mississippi resident.

(b) If an eligible student enrolls and attends a state institution of higher learning, the amount of tuition for the cost of attendance that is equivalent to the cost of tuition at a community or junior college for an associate degree program shall be allocated to the student in equal disbursements over the course of four (4) semesters at the state institution of higher learning.

(2) Upon request of the community or junior college or state institution of higher learning of attendance, the department shall confirm the eligibility status of students seeking to participate in the waiver program under subsection (1) of this section. Release of this information shall not constitute a breach of confidentiality required by Sections 43-21-57 and 43-47-7.

(3) The student shall complete the Free Application for Federal Student Aid (FAFSA) to determine the level of need and eligibility for state and federal financial aid programs. If the sum of the tuition waiver plus other student financial assistance from all sources, except loans and the work study program under 42

USCS Sections 2751 through 2756b, exceed the student's total cost of attendance, as defined in 20 USCS Section 1087ll, the tuition waiver shall be reduced by the amount exceeding the total cost of attendance.

(4) The student shall be eligible for the tuition waiver:

(a) For entrance to the postsecondary educational institution for a period of no more than four (4) years after the date of graduation from high school or receipt of a General Education Diploma (GED) or high school equivalency diploma;

(b) For a period of three (3) years after first admittance to any public community or junior college or state institution of higher learning if satisfactory progress is achieved or maintained; and

(c) For a maximum of sixty (60) collegiate semester credit hours.

(5) The department shall report the number of students participating in the tuition waiver program on January 1 of each year to the Mississippi Community College Board, the Board of Trustees of State Institutions of Higher Learning and to the Legislature.

(6) The Mississippi Community College Board and the Board of Trustees of State Institutions of Higher Learning shall report nonidentifying data on graduation rates of students participating in the tuition waiver program by January 1 of each year to the Legislature.

(7) Nothing in this section shall be construed to:

(a) Guarantee acceptance of or entrance into any postsecondary educational institution for a foster child, adopted child or ward of the state;

(b) Limit the participation of a student who is a foster child, adopted child or ward of the state in any other program of financial assistance for postsecondary education;

(c) Require any public community or junior college or state institution of higher learning to waive costs or fees relating to room and board; or

(d) Restrict any public community or junior college or state institution of higher learning or the Department of Child Protection Services from accessing other sources of financial assistance, except loans, that may be available to a student who is a foster child, adopted child or ward of the state.

(8) The Mississippi Community College Board and the Board of Trustees of State Institutions of Higher Learning shall jointly promulgate rules and regulations necessary for the proper administration of the tuition waiver authorized by this section.

SECTION 4. This act shall take effect and be in force from and after July 1, 2021.