MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representative Harness

To: Universities and Colleges; Appropriations

HOUSE BILL NO. 869

AN ACT TO WAIVE THE COST OF TUITION AT ANY PUBLIC POSTSECONDARY EDUCATIONAL INSTITUTION 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 POSTSECONDARY EDUCATIONAL INSTITUTION, 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, THE BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING AND THE MISSISSIPPI COMMUNITY COLLEGE BOARD 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; TO PROVIDE FOR FOSTER - YOUTH FRIENDLY HOUSING ACCOMMODATIONS AT POSTSECONDARY EDUCATIONAL INSTITUTIONS; 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 postsecondary 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 after he or she reached the age of nine (9) years.

(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, room and board and all other 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 or a university or college under the authority of the board of Trustees of State Institutions of Higher Learning.

SECTION 3. (1) Tuition, room and board and any other mandatory student fees for any associate or baccalaureate degree program at a postsecondary educational institution 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 postsecondary educational institution 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:

(a) 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;

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

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

(d) 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 public postsecondary educational institution may apply for the waiver up to the amount of tuition for a Mississippi resident.

(2) Upon request of the postsecondary educational institution 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 two (2) 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 six (6) years after first admittance to any public postsecondary educational institution if satisfactory progress is achieved or maintained; and

(c) For a maximum of one hundred twenty (120) 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 Board of Trustees of State Institutions of Higher Learning, the Mississippi Community College Board and to the Legislature.

(6) The Board of Trustees of State Institutions of Higher Learning, and the Mississippi Community College Board 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 postsecondary educational institution to waive costs or fees relating to room and board; or

(d) Restrict any public postsecondary educational institution 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 Board of Trustees of State Institutions of Higher Learning and the Mississippi Community College Board shall promulgate rules and regulations necessary for the proper administration of the tuition waiver authorized by this section.

SECTION 4. (1) In order to ensure that current and former foster youth who are students at the campuses of public postsecondary educational institutions have stable housing, public postsecondary educational institutions shall give priority for housing to current and former foster youth as defined under this act. In addition, public postsecondary educational institutions that maintain student housing facilities open for occupation during school breaks, or on a year-round basis, shall give first priority to current and former foster youth for residence in the housing facilities that are open for uninterrupted year-round occupation, and next give priority to

current and former foster youth for housing that is open for occupation during the most days in the calendar year.

(2) This section shall not apply to private postsecondary educational institutions, technical educational institutes or proprietary schools.

SECTION 5. This act shall take effect and be in force from and after July 1, 2021.

ST: Tuition waiver; provide for certain foster and adopted children and wards of the state to attend college.