

By: Representatives Espy, Brown, Buck,
Straughter

To: Universities and
Colleges; Appropriations

HOUSE BILL NO. 1288

1 AN ACT TO PROVIDE FOR THE WAIVER OF TUITION AND REQUIRED FEES
2 AT THE STATE INSTITUTIONS OF HIGHER LEARNING AND COMMUNITY AND
3 JUNIOR COLLEGES FOR ORPHANS IN MISSISSIPPI; TO REQUIRE ELIGIBLE
4 PERSONS TO SUBMIT DOCUMENTATION FROM THE DEPARTMENT OF HUMAN
5 SERVICES VERIFYING THE PERSON'S STATUS AS AN ORPHAN; TO PROVIDE
6 THAT TUITION AND FEES MAY BE WAIVED FOR BOTH FULL-TIME AND
7 PART-TIME STUDENTS; TO REQUIRE EACH PERSON FOR WHOM TUITION AND
8 FEES ARE WAIVED TO RENDER SERVICE AS AN EMPLOYEE OF THE STATE OF
9 MISSISSIPPI OR A POLITICAL SUBDIVISION OF THE STATE IN EXCHANGE
10 FOR THE WAIVER OF TUITION AND FEES; TO REQUIRE THE BOARD OF
11 TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING, ACTING JOINTLY
12 WITH THE STATE BOARD FOR COMMUNITY AND JUNIOR COLLEGES, TO
13 PROMULGATE RULES AND REGULATIONS TO BE FOLLOWED BY THE COLLEGES
14 AND STATE INSTITUTIONS IN CARRYING OUT THE PURPOSES OF THIS ACT;
15 AND FOR RELATED PURPOSES.

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

17 **SECTION 1.** (1) Beginning with the 2007-2008 academic year,
18 any child who is an orphan in the State of Mississippi who is
19 eligible for admission and enrollment at any public community or
20 junior college or state institution of higher learning within this
21 state must be admitted to the college or state institution without
22 the payment of any tuition or mandatory fees, including room and
23 meals, books, necessary school supplies and materials, in exchange
24 for two (2) years' public service in the employ of the State of
25 Mississippi or any political subdivision of the state. For the
26 purposes of this section, the term "orphan" means a child who does
27 not have a parent, guardian or custodian, including a foster
28 parent; however, custody by the Department of Human Services does
29 not render a child ineligible for a scholarship under this
30 section.

31 (2) Any person considered to be an orphan under the age of
32 twenty-one (21) years who is enrolled in or accepted for
33 enrollment at a state institution of higher learning or a public

34 community or junior college in Mississippi is eligible for a
35 waiver of tuition and fees under this section as long as the
36 person meets the academic standards and complies with the rules
37 and regulations of the college or state institution relating to
38 enrollment and continued attendance as a student. An orphan must
39 submit to the applicable college or state institution written
40 documentation from the Department of Human Services verifying the
41 child's status as an orphan and any other information that may be
42 required under rules or regulations established under subsection
43 (6) of this section.

44 (3) Any public community or junior college or state
45 institution of higher learning that has an orphan applying for
46 admission who meets the enrollment requirements of the college or
47 state institution must waive the total cost of tuition, room and
48 meals, books, school supplies, materials and mandatory fees on
49 behalf of the orphan at the applicable college or institution.
50 Both full-time and part-time students are eligible to have their
51 tuition and fees waived under this section. The tuition and fees
52 of students enrolling on a full-time basis may be waived a maximum
53 of four (4) years or, in those instances when a degree program
54 requires five (5) years for completion, five (5) years. For a
55 student attending school on a part-time basis, the tuition and
56 fees may not be waived for any length of time exceeding that
57 required to complete the associate or baccalaureate degree or
58 certificate program toward which the student is working. The
59 tuition and fees of any person who has a baccalaureate degree may
60 not be waived, and any person who has an associate degree is
61 eligible for a waiver of tuition and fees only in furtherance of a
62 baccalaureate degree.

63 (4) (a) For the purpose of aiding the community and junior
64 colleges and state institutions of higher learning in implementing
65 this section, the Board of Trustees of State Institutions of
66 Higher Learning, acting jointly with the State Board for Community

67 and Junior Colleges, shall define with specificity the term
68 "orphan," which definition must be consistent with the general
69 definition of the term ascribed in subsection (1) of this section.
70 The definition must be included in the rules and regulations
71 established under subsection (6) of this section.

72 (b) The Department of Human Services shall establish
73 objective criteria to be considered by the community and junior
74 colleges and state institutions of higher learning when
75 determining whether a child may be deemed an orphan for purposes
76 of this section.

77 (5) As a condition for the continued waiver of tuition and
78 fees for an orphan under this section, a student must make steady
79 academic progress toward a certificate or associate or
80 baccalaureate degree, as certified by the institution's registrar,
81 and must maintain a cumulative grade point average of at least
82 2.00 calculated on a 4.00 scale at the end of each term.

83 (6) The Board of Trustees of State Institutions of Higher
84 Learning and the State Board for Community and Junior Colleges
85 jointly shall promulgate rules and regulations to be followed by
86 the community and junior colleges and state institutions of higher
87 learning in carrying out the purposes and intent of this section.

88 (7) Except in those cases where employment positions may not
89 be available, within six (6) months of earning a certificate or
90 associate or baccalaureate degree, a recipient of a waiver or
91 waivers of tuition and fees under this section shall begin to
92 render service as an employee of the State of Mississippi or any
93 political subdivision of the state. The person shall render no
94 less than two (2) years' service as an employee of the state or
95 local governmental entity.

96 (8) Any person failing to complete his public service
97 obligation, as required under subsection (7) of this section, is
98 liable to the community or junior college or state institution of
99 higher learning from which the person was awarded a certificate or

100 degree for the sum of tuition and fees waived on behalf of that
101 person, less the corresponding amount of any amounts waived for
102 which service has been rendered, plus interest accruing at the
103 current Stafford Loan rate at the time the person discontinues his
104 service, except in the case of a deferral of debt for cause by the
105 college or state institution when there is no employment position
106 available upon the recipient's completion of the certificate
107 program or associate or baccalaureate degree. After the period of
108 any deferral, the person shall begin his or her employment in
109 public service as required under subsection (7) or shall become
110 liable to the college or state institution under this subsection.
111 If a claim for payment under this subsection is placed in the
112 hands of an attorney for collection, the obligor is liable for an
113 additional amount equal to a reasonable attorney's fee.

114 (9) It is the intent of the Legislature that the tuition and
115 fees of all orphans eligible for admission and enrollment to a
116 community or junior college or state institution of higher
117 learning in this state be waived. If funds at a particular
118 community or junior college or state institution of higher
119 learning are insufficient to provide for the waiver of tuition and
120 fees for all eligible applicants, the college or state institution
121 shall waive the tuition and fees for first-time students on a
122 first-come, first-served basis; however, priority consideration
123 must be given to persons for whom the tuition and fees have been
124 waived previously under this section if those persons are making
125 steady academic progress toward completion of a certificate
126 program or associate or baccalaureate degree.

127 **SECTION 2.** This act shall take effect and be in force from
128 and after July 1, 2007.