



March 8, 2013

NUMEROUS COMPANION BILLS HEARD IN SENATE COMMITTEE

On Wednesday, the companion measures (a.k.a *crossfile*) of several House bills were presented before the Senate Education, Health, and Environmental Affairs Committee chaired by Senator Joan Carter Conway. All bills were reported in last week's newsletter and the USM reprised its role testifying in opposition to **Senate Bill 724 (Employee to Supervisor - Span of Control)** and **Senate Bill 677 (SLRB & HELRB - Enforcement Authority)**. **Senate Bill 705 (Exemption from Paying Non-Resident Graduate Tuition - Servicemembers)** was scheduled but subsequently withdrawn by the sponsor.

ELECTRONIC PRIVACY BILLS TOPIC OF HOUSE AND SENATE HEARINGS

On Wednesday in the Senate Education, Health, and Environmental Affairs Committee and on Tuesday in House Appropriations, two slightly different electronic privacy bills received attention from legislators. Senate Bill 838 would prohibit an educational institution from requiring, requesting, suggesting, access to a student's personal electronic account as a condition of acceptance or participation in curricular or extracurricular activities. In addition, an educational institution is prohibited from compelling a student to: (1) add anyone including specified individuals to the list of contacts associated with a personal electronic account or (2) change the privacy settings associated with a personal electronic account. The bill also prohibits an educational institution from disciplining or otherwise penalizing a student or applicant because of their refusal to comply with any of those actions. An educational institution is also prohibited from refusing to admit an applicant as a result of their refusal to comply with any of those actions. A violator is guilty of a misdemeanor and on conviction is subject to a fine of up to \$1,000 and, in a civil action, up to \$1,000 in damages plus attorney's fees

and court costs. House Bill 1332 does much the same as Senate Bill 838 with one key difference – HB 1332 contains no civil or criminal penalties.

The University of Maryland, Baltimore made legislators on both committees aware of a concern regarding an institution's ability to investigate allegations of student misconduct violating university policies, many of which respond to federal and State laws and regulations applicable to the university. Many of these issues are not within police jurisdiction, but are legitimate academic and regulatory concerns. Policies on sexual harassment and non-criminal sexual assault, academic integrity, use or misuse of University property, bullying, protection of patient and client privacy, protection of rights of human research subjects, use of regulated drugs in research, and plagiarism all fall under that category.

The university students also are subject to the Health Insurance Portability and Accountability Act of 1996 (HIPAA), and other privacy regulations because they often work with patients, around medications, and in research labs. Furthermore, as public-private partnerships continue to develop, students will be working more and more with confidential and proprietary information. The "health and safety" exception provided for within the proposed bills may not cover the issues described above.

UMB requested, and the USM supports, an amendment that states:

(C) THIS SECTION SHALL NOT APPLY TO:

(3) AN INVESTIGATION INTO ALLEGATIONS OF A STUDENT'S VIOLATION OF POLICIES, LAWS OR REGULATIONS APPLICABLE TO THE STUDENT.

In addition, the Maryland Independent Colleges and Universities Association (MICUA) is seeking a similar amendment plus a clarification around instances when students voluntarily "friend" a college or university via social networks. As a result, some of the student's information becomes viewable or accessible to the college or university automatically and without any activity or request by the institution. Technically, a social network site is not a "public domain," and thus it is not explicitly exempt by either bill as drafted. A proposed MICUA amendment would clarify that information voluntarily shared by a student through a social network is not prohibited or restricted.

FOSTER CARE WAIVER EXPANSION SOUGHT IN SENATE BILL

Current law says that foster care recipients are eligible for tuition and mandatory fee exemptions to attend a public institution of higher education in Maryland if they resided in an out-of-home placement when they graduated from high school or successfully completed a general equivalency development (GED) examination. The USM helped lay the pathway for foster care kids to enter USM institutions by supporting the establishment of the tuition waiver program for children in foster care homes; extending the program to foster care children who were adopted from an out-of-home placement;

and, most recently, expanding the eligibility time period so that a foster care recipient can enroll at a USM institution before the age of 25, rather than 21, to receive a waiver.

Senate Bill 543, cross-filed with House Bill 1013, would expand the tuition waiver for foster care recipients to include other charges estimated by the public institution of higher education for enrollment and attendance including, but not limited to: room and board, books, transportation, healthcare, and other day-to-day living expenses. These expenses are generally covered under Title IV federal financial aid and additional gifts and grants.

On Wednesday, PJ Hogan, Vice Chancellor of Government Relations, explained to the Senate Education, Health, and Environmental Affairs that SB 543 would have a significant fiscal impact, as the average room and board charges are \$8,890 at USM institutions. The ability to leverage other sources of grant and scholarship to create a balanced financial aid package has been key to the success of the current foster care waiver. SB 543 does not make a student ineligible for additional grants and scholarships. It simply shifts the full cost of attendance to the institution regardless of the attendee's access and acceptance of other forms of financial aid.

BILL TO RESTRICT OUT-OF-STATE STUDENT ENROLLMENT HEARD IN SENATE

Senate Bill 808, heard Wednesday in the Education, Health, and Environmental Affairs Committee, would require each USM institution to maintain a student body comprised of **no more than** 20% out-of-state undergraduates and 30% out-of-state graduate students. Additionally, out-of-state graduate students in each academic school or discipline could not exceed 30% of the academic school or discipline's total graduate student enrollment.

Patrick O'Shea (Vice President and Chief Research Officer at College Park) joined USM Vice Chancellors PJ Hogan and Joann Boughman to testify in opposition to the bill. The Board of Regents has spoken to the issue of out of state undergraduate students stating:

“The University of Maryland System acknowledges responsibility for providing access, consistent with each UMS institution's mission, for its share of Maryland's citizens, as it fulfills its legislative mandate to enhance quality. The inclusion within the student body of students from other states and countries contributes to cultural and political diversity and increases awareness of national and global perspectives for all members of the campus community. However, consistent with the responsibility of the UMS as a public system of higher education to serve primarily the citizens of Maryland, and as stipulated in Section IV of the Board of Regents Policy on Admissions (III-4.00), the proportion of out-of-state undergraduate students in any institution, excluding University College, shall not exceed 30 percent of its total undergraduate student body.”

Senate Bill 808, in addition to posing a direct threat to the autonomy of the USM Board of Regents in setting admission policy, would spark a host of unintended consequences

that would hamper severely educational affordability and quality. In addition to enriching the educational experience of Maryland students, non-residents represent a crucial revenue stream for our institutions. The loss of the funding generated by non-resident students would mean a reduction of funds available for support provided to in-state students and increased pressure to raise both in-state and out-of-state tuition.

UPCOMING HEARINGS

HB 935; Public Institutions of Higher Education - In-State Tuition for Military Veterans

Appropriations

March 12

1pm

HB 739; Public Institutions of Higher Education – Legal Presence and Tuition Rates -- Reporting

Appropriations

March 12

1pm

HB 734; University System of Maryland – Institution Management – Admissions Requirements

Appropriations

March 12

1pm

HB 862; Higher Education – In-State Tuition – Reduction for Educators

Appropriations

March 12

1pm

HB 1272; Maryland College Sports Fans and Athletes Bill of Rights

Appropriations

March 12

1pm

HB 871; Dually Enrolled Students - In State & In-County

Ways & Means

March 13

1pm

HB 1288; Accountability in Education Act

Ways & Means

March 13

1pm

HB 1319; Procurement – Competitive Sealed Proposals – Construction Contracts – Economic Inclusion Plans

Health and Government Operations

March 13

1pm

SB 704

Tax-Free Periods - University and College Textbooks

Budget & Taxation

March 13

1pm

SB 714

Income Tax - Subtraction Modification - Student Loan Debt

Budget & Taxation

March 13

1pm

SB 812

Tuition Cap and College Opportunity Act of 2013

Budget & Taxation

March 13

1pm

HB 1412; Public Senior Higher Education – Mandatory Fees – Limit on Increases

Appropriations

March 14

1pm

SB 932

Criminal Law - Deadly Weapons on the Property of an Institution of Higher

Education

Judicial Proceedings

March 20

1pm