



LEGISLATIVE NEWSLETTER

March 9, 2018

BUSIEST PART OF SESSION AHEAD AS CROSSOVER DATE APPROACHES

A "crossover" deadline is the last day for a bill to pass out of the chamber in which it was introduced and move forward for consideration in the opposite chamber. Knowing the crossover deadline for each chamber gives you an early indication of the bill's viability, as a bill that does not cross over before deadline commonly faces high procedural hurdles to be considered in the opposite chamber. The crossover date for the General Assembly of Maryland is March 19.

As a result, we've seen action on several legislative fronts including encore performances on cross-filed bills for which the University System of Maryland (USM) had previously provided testimony. A cross-filed bill is an identical bill that is introduced in both chambers. Those bills include, but are not limited to: a bill to establish the right to an attorney and other legal mandates during student disciplinary proceedings (SB 1033); legislation that would have the USM transfer up to \$50,000,000 for non-state supported fund balance to a quasi-endowment fund for scholarships (SB 1049); and a bill that makes it an unfair labor practice for an institution to fail to meet and established negotiation deadline in union negotiations (SB 655). While some preliminary budget action has occurred in the Senate, it's still too early to share much detail given that discussions are still underway.

Also, the USM Office of Government Relations was pleased to welcome members of the USM Foundation Board of Directors. After a morning briefing with Chancellor Caret and Patrick Hogan, USM's Vice Chancellor for Government Relations, they attended a series of meetings with key legislators as part of their Advocacy Day. In addition to spending time advocating on behalf of the USM, the Foundation generously underwrote last month's Joint Councils Advocacy Day with CUSS, CUSF and the USM-Student Council.

SOUTHERN MARYLAND PARTNERSHIP ACT HEARD IN HOUSE & SENATE

On Wednesday in the Senate, and again yesterday in the House, a panel of supporters testified on House Bill 1143/SB 903 – the Southern Maryland–University System of Maryland Partnership Act of 2018.

The legislation seeks to leverage the Southern Maryland Higher Education Center's (SMHEC) historic role as an important source of educational programming in Southern Maryland with the USM's growing regional presence in areas that go well beyond its instructional mission to include basic and advanced research, testing, and, increasingly, technology transfer and commercialization. It formalizes the working partnership that SMHEC and USM have developed since 2013, enabling both the Center and the USM to undertake in a more cohesive and strategic way the expansion of current programs, the addition of new programs, and the creation of services to support students both inside and outside the classroom.

The USM and SMHEC are excited by the proposed partnership as outlined in HB 1143. In combination with the new 83,000 gross square foot academic instruction, engineering, and research building that is about to be constructed on the SMHEC campus by USM, we believe the partnership will create an unprecedented opportunity to support new educational opportunities for students and the workforce throughout Southern Maryland, further drive STEM-related research and development, particularly in the growing field of unmanned autonomous systems, and promote greater economic innovation and diversification across the region.

COMMUNITY COLLEGE BACCALUARATE – PROHIBITION

On Wednesday in the Senate, USM joined with the independent college sector to testify in support of Senate Bill 1021. The bill prohibits a community college from offering a baccalaureate degree. The USM argued that the structured higher education system in Maryland has been working to meet the needs of the students and the communities across the state. Changing the balance by permitting mission creep by allowing community colleges to grant bachelor's degrees would not be in the best interest of the state. The USM has worked with the community colleges to develop mechanisms for transfer and articulated programs that provide students with accessible and affordable pathways to the degrees of their choice. We remain most willing to work with our colleagues to develop new and innovative programs to meet any additional workforce needs in the state.

The USM has long supported the Articulation System (ARTSYS) which provides the platform for students who wish to transfer any courses from one institution to another, including any community college courses to our 4-year institutions. While always a challenge to remain current, ARTSYS fills an individual student's needs.

Over 600 program-based articulation agreements with community colleges are in place, creating 2+2 pathways for students. In addition, there are two statewide articulation agreements, one in education (the AAT degree) and engineering (the ASE degree).

KIRWAN COMMISSION RECOMMENDATIONS TAKE LEGISLATIVE FORM

On Wednesday in Senate Education, Health and Environmental Affairs Committee, legislators heard testimony from the Commission on Innovation and Excellence in Education chaired by former USM Chancellor Dr. William E. Kirwan. The USM, in written testimony, endorsed the key recommendations of the Commission as outlined in Senate Bill 1092.

The Commission calls for the establishment of an “outreach program” to actively encourage the top 25% of high school graduates from each local school system to consider becoming a teacher. During the Commission hearings, the National Center for Education and the Economy offered strong evidence to support the recommendation that the multiple recruitment strategies outlined in this bill would increase the number of talented students interested in becoming teachers. Senate Bill 1092 also recommends broadening the incentives available to individuals to pursue teaching credentials, including, but not limited to the Teaching Fellows for Maryland Scholarships.

The USM is especially interested in recruiting individuals from racial and other demographic groups that are under-represented in the teaching professions in Maryland and into teacher shortage fields, such as Science, Technology, Engineering and Mathematics, and other shortage areas identified by the Maryland State Department of Education. Senate Bill 1092 is a significant step forward in addressing the larger issue of elevating the public perception of the teaching profession. At the same time, we are committed to revising and reforming teacher preparation programs, in collaboration with public school partners, to meet international standards of subject matter as well as mastery of the craft of teaching.

PUSH FOR 24-7 EMERGENCY CONTRACEPTION ON CAMPUSES

On Wednesday in a Senate Committee, USM was joined by colleagues from the independent and community college sectors to share concerns regarding Senate Bill 969. Senate Bill 969 would require public institutions of higher education with student health centers to provide emergency contraception “at all times” or to make emergency contraceptives available by other means including vending machine.

The USM testified that reasonable options exist currently to obtain emergency contraception and getting contraception care in general. In fact, some USM institutions provide health services in a brick-and-mortar setting (during regular business hours) including emergency contraception; contraceptive counseling; and referrals for contraceptive counseling if the type of contraception is not offered by health service. Also, emergency contraception can be purchased in advance of unprotected sex and stored safely in an individual’s possession. Senate Bill 969 would be a challenge for institutional health service providers whose office and clinics aren’t staffed 24-hours day. And while the idea of using a vending machine to deliver emergency contraception has been mentioned in conversation, we fear it is a less-than-private option for those seeking this medication.

LEGISLATION TO CATALOG ALL STUDENTS WITH CHRONIC DISEASE

Yesterday, in House Appropriations, members heard testimony on House Bill 1457. The bill would require institutions of higher education to submit an annual report to the Maryland Higher Education Commission (MHEC) on undergraduate and graduate students with chronic health conditions.

USM argued that institutions do not have the right or capability to ask every student about their medical status (beyond vaccination history or other information that would directly create potential public health risks) or otherwise compel students to submit a health history. USM institutions would only be privy to knowledge of a "chronic health condition" when a student visits a health center and **chooses** to disclose that information. In our offices of disability services, students self-identify to request specific academic accommodations and services and are deemed eligible for such services upon submission of appropriate documentation of a disabling and functionally limiting condition. However, reporting that information to outside agencies could compromise the privacy of the student.

House Bill 1457 also requests periodic information that links chronic health conditions with the completion of class assignments, incompletes, withdrawals, graduation rates, grades, financial aid, and various services received. Compilation of those data would require involvement of multiple student information systems, again requiring sharing of personally identifiable health and academic information. Although the bill calls for institutions to use the de-identifier protocol required by the Health Insurance Portability and Accountability Act (HIPAA), USM institutions do not believe they can protect an individual student's identity given the sheer number of identifiers called for in the bill. Moreover, the bill gives no guidance on the collection, storage and security maintenance of health records. If this information is coming from across multiple offices across campus, and has to be both Federal Education Rights and Privacy Act- and HIPAA-protected, the chain of custody for data maintenance/security becomes weaker.