

Oppose**Senate Education, Health, and Environmental Affairs Committee*****SB 1027 – Higher Education – Transfer Student Education Records – Requirements*****Tina M. Bjarekull, MICUA President****March 7, 2018**

On behalf of Maryland's independent colleges and universities and the 64,000 students they serve, thank you for the opportunity to provide testimony in opposition to ***SB 1027 – Higher Education – Transfer Student Education Records – Requirements***. This bill would require Maryland colleges and universities to obtain the education records regarding disciplinary actions taken against transfer students from all prior institutions attended, within 30 days of accepting the student. Further, it requires that institutions impose conditions on the admission and enrollment of a student if the student's record indicates that he or she was disciplined for violating an institution's sexual assault policy. These conditions may include counseling, sexual assault awareness training, prohibitions on alcohol abuse, and other individualized conditions deemed appropriate by the institution.

Colleges and universities have processes in place to collect information about a transfer student's judicial and disciplinary history. Any disciplinary information is considered by the Admissions Office, in consultation with Title IX, Student Affairs, and other campus officials, as appropriate, to determine the impact of this prior history on the decision to admit the applicant and any conditions or accommodations to be placed on enrollment. While processes vary among institutions, many colleges and universities include questions on their applications for transfer admission about prior disciplinary action, academic dismissals and suspensions, and/or other declarations of ineligibility to re-enroll at a prior institution. When a student discloses his or her status, the receiving institution may request educational records from any prior institution(s) attended. Lying on the admission application about one's disciplinary status could result in the student being inadmissible or subject to expulsion if discovered post-admission.

MICUA opposes SB 1027 because the legislation is administratively burdensome and would be costly to implement. Approximately 16% of all incoming undergraduate students at MICUA member institutions are transfer students from other higher education institutions, both in-state and out-of-state. SB 1027 would require Maryland institutions to request, obtain, and review potentially thousands of disciplinary records for each transfer admission cycle, when only a very small number of transfer students have any disciplinary history. Enforcing the timely release of disciplinary records within the required 30-day timeframe would pose significant challenges.

There are no standard approaches to recording and maintaining these records across institutions, and other states may have conflicting laws and regulations regarding disciplinary disclosures to external entities. Maryland institutions would likely see fewer and fewer students completing the transfer admission process due to these requirements.

Finally, mandatory counseling, required training, and prohibitions on alcohol abuse for transfer students found in violation of certain policies at prior institutions are unrealistic and unenforceable. For example, the case law is unclear as to whether college and university counseling centers can require counseling for student conduct or disciplinary violations. Mandatory counseling as a condition of the college admission process could be in violation of disability law. Decisions about the length and scope of mental health related treatment for any college student should be under the direct purview of mental health professionals.

For all of these reasons, we urge an unfavorable Committee report for SB 1027.