

Session Highlights

- **Significant Legislation Impacting MICUA Members**

Maryland E-Nnovation Initiative: MICUA worked with the Department of Commerce on legislation to allow nonprofit institutions of higher education to use certain institutional funds in lieu of qualified donations to satisfy the matching fund requirements of the E-Nnovation Program. To date, three MICUA member institutions have received matching E-Nnovation grants for the purpose of establishing endowments to further basic and applied research in scientific and technical fields of study. The bill passed this legislative session will make it easier for institutions to meet the matching fund requirement and may allow more institutions to compete for the E-Nnovation grants.

Ban the Box: As introduced, the Ban the Box legislation prohibited institutions of higher education from inquiring about an applicant's criminal history at any time during the admissions process, prohibited institutions from rescinding an offer of admission based on past criminal history, and required institutions to develop individualized plans to serve students who have past criminal histories. As originally drafted, Maryland's colleges and universities could not use third-party applications (such as the Common App) that inquire about an applicant's past criminal history. MICUA worked closely with the advocates and the bill sponsor, Delegate Maggie McIntosh, to significantly amend the legislation. As passed, the bill allows institutions to continue to use third party applications that contain questions about the criminal history of the applicant as long as the institution posts a notice on its website stating that a criminal history does not disqualify an applicant from admission. Institutions are not allowed to inquire about criminal history on college controlled admissions applications; however, institutions are not prohibited from inquiring about past criminal history during the admissions process. In addition, each institution must develop a broad plan about its policies to serve students who have criminal histories and are NOT required to develop an individual plan for each student impacted.

Student Loan Notification: As introduced, this legislation required each institution of higher education to provide detailed student loan information, including payoff information, to each undergraduate and graduate student on an annual basis in any manner selected by the student. MICUA worked closely with the bill sponsor as well as the MICUA financial aid officers to significantly amend the bill to make the requirements less onerous to administer. The final legislation requires institutions to provide student loan information to undergraduate students only. The loan information to be provided to undergraduate students must be taken from the federal Student Aid Report and may be distributed in any manner selected by the institution.

Teacher Preparation Program Accreditation and Approval: Prior to the Legislative Session, MICUA worked with the higher education community and the Maryland State Department of Education (MSDE) to draft legislation granting greater flexibility for teacher preparation programs. Under current law, all teacher preparation programs in Maryland must obtain accreditation from a nationally recognized accreditor and must obtain approval to operate by MSDE. At the current time, the U.S. Department of Education does not recognize any national

accreditors of teacher preparation. Therefore, it is impossible for Maryland's colleges and universities to meet this statutory requirement. Additionally, the MICUA member institutions are concerned about the costs of national accreditation and the alignment of national accreditation with Maryland's standards. The Hogan Administration introduced a bill during the legislative session to allow MSDE and MHEC to recognize an accrediting agency and allow colleges and universities to select national accreditation or approval from MSDE. The legislation passed and applies prospectively. Therefore, an institution that was in compliance as of July 1, 2016 is deemed to have remained in compliance until the institution receives notice from MSDE, in consultation with MHEC.

Apprenticeship Requirement on Capital Construction Projects: The General Assembly passed legislation requiring each contractor or subcontractor awarded a contract of at least \$500,000 for a construction project that receives at least \$1 million through a State capital grant to: 1) be affiliated with a registered apprenticeship program and use apprentices in each covered craft; 2) make payments to the State Apprenticeship Training Fund; or 3) make specified payments directly to a registered apprenticeship program. MICUA submitted written testimony opposing the legislation, but did not actively lobby against the legislation, because not all MICUA members opposed the bill. Under current law, State and local capital construction projects must meet these requirements. Therefore, most large contractors are familiar with the process. The legislation is effective June 1, 2017 and will apply to all contracts executed after that date. MICUA will work with the Capital Projects Committee and the institutions with capital grants on the implementation of the Act.

Paid Sick Leave: As expected, mandatory sick and safe leave was a significant issue from the start of the legislative session to the end. MICUA successfully secured an amendment to the legislation to recognize the unique working conditions of faculty and researchers at institutions of higher education. As a result of the amendment, MICUA members are not required to alter leave policies or track work hours and accrued leave for any employee who does not lose compensation for an absence due to sick or safe leave. MICUA's proposed amendment was one of a limited number of amendments accepted by the General Assembly exempting workers from the Act. The Act may apply to other employees who earn leave or lose compensation for safe and sick leave taken. Additional details will be shared when the legislation is enacted into law.

Opioid and Heroin Education: Numerous proposals to help combat the growing opioid epidemic in Maryland were introduced. The proposal that has the most direct impact on MICUA members is known as the "Start Talking Maryland Act". Under this new law, each institution of higher education in Maryland that receives State funding must establish a policy that addresses heroin and opioid addiction and prevention. Colleges and universities must provide awareness training for incoming students; obtain and store naloxone; and train campus police or other designated personnel regarding symptom recognition, medication administration procedures, and follow-up emergency procedures. Additionally, each institution of higher education that awards a degree that meets the educational requirements for State licensure as a physician, advanced practice nurse, dentist, physician assistant, or podiatrist must offer instruction in substance use disorders, effective treatment, and pain management. Lastly, the bill requires each institution of higher education to submit a report to the Maryland Higher Education Commission on October 1, 2018, 2019, and 2020 on each incident that required the use of naloxone or another overdose-reversing medication

to the Maryland Higher Education Commission (MHEC). MHEC must submit this information to the General Assembly by December 1st of each reporting year.

- **Other Successful Legislation Related to Higher Education**

Financial Aid Reduction Restrictions: Legislation was introduced that prohibits a public four-year institution of education from reducing institutional gift aid offers as a result of private scholarship awards. The General Assembly did not debate the inclusion of private institutions in the bill.

Maryland Longitudinal Data System (MLDS): This law increases the length of time during which student and workforce data used by MLDS may be linked from 5 years from the date of last attendance in any educational instruction in the State to 20 years. It also prohibits the MLDS Center from selling any information that may not be disclosed under the federal Family Educational Rights and Privacy Act (FERPA) and other relevant privacy policies and also prohibits the Center from charging user fees.

Alcohol and Drug Addiction: Legislation passed that requires the University System of Maryland (USM) to develop and implement a collegiate recovery program to provide support and services for enrolled students who are recovering from alcohol or drug addiction.

Adult High-School Pilot Program: This law establishes an adult high school pilot program to provide an alternative method for adults who did not graduate from high school to earn a high school diploma and potentially earn postsecondary education credits and industry recognized certification in an environment that meets the needs of an adult learner. The program will be jointly administered by the Maryland State Department of Education and the Maryland Department of Labor, Licensing, and Regulation. Up to six pilot sites may be approved, with each site enrolling up to 350 students. The pilot sites must provide “wraparound services” including child care, transportation, substance abuse prevention or treatment, and other related social services. Site selection must give priority to pilots located in counties or geographic areas where the high school attainment rate is below the State average. For every two pilot sites selected in an urban area, one must be selected in a rural area.

Student Loan Refinancing Authority: The Prince George’s County Delegation introduced a local bill requiring the County to review and study a Higher Educational Loan Authority. The County must perform a feasibility and demand study for a student loan refinancing program, assess the potential benefit to recruitment and retention of County employees from such a program, hold public hearings about the establishment of such a program, and determine the potential operating costs to administer a loan authority.

Baltimore City Community College (BCCC) Realignment: Emergency legislation passed that alters the Board of Trustees of BCCC and requires the board to review, revise, and update the strategic plan for BCCC. The law establishes minimum requirements for the President of BCCC and states that a new president may not be appointed until the new members of the board have been appointed.

Governor's P-20 Leadership Council: This clarifying legislation requires the Governor's P-20 Leadership Council of Maryland to include information in its biennial college and career readiness and college completion report regarding transfer of students and near completer initiatives. The information is already included as a matter of practice, but the law clarifies what was viewed as a drafting error in the original law.

Community Colleges Out-of-State Fee Waiver: This law authorizes the boards of trustees of community colleges located in jurisdictions that border another state to set an out-of-state fee that must be more than the out-of-county fee and may be less than the out-of-state fee required by current statute. Such students must be excluded from the calculation of the Cade formula.

Maryland Education Development Collaborative (EDCO): Legislation passed to establish EDCO as an instrumentality of the State. EDCO is managed by a governing board and must employ an executive director. EDCO has a broad mission and numerous charges including collaborating with local school systems, State and local governments, employers, community organizations, parents, institutions of higher education, and other stakeholders in the State to provide a research and development approach to twenty-first century learning opportunities in the State's public schools. EDCO is also charged with creating partnerships among wide ranging stakeholders and making recommendations to the State Board of Education, the General Assembly, and local school systems regarding statutory and regulatory policies. EDCO's charges are numerous and expansive. The collaborative will expire on September 30, 2021.