



LEGISLATIVE NEWSLETTER

February 15, 2019

RESIDENCY REQUIREMENT CONSIDERED IN HOUSE COMMITTEE

On Tuesday in the House Appropriations Committee, the USM provided testimony on House Bill 318. House Bill 318 would repeal the one-year residency requirement for public four-year institutions to grant a student in-state tuition. The bill requires all public institutions of higher education to determine that a student meets the residency requirement for in-state tuition if the student provides evidence that the student (1) graduated from a public or nonpublic high school in Maryland or received the equivalent of a high school diploma; (2) resides at an address in Maryland; and (3) possesses a Social Security number.

As written, House Bill 318 eliminates the 1-year requirement to reside in Maryland to be considered a resident to gain in-state tuition status. This would have significant negative fiscal impact not only for the general fund budget, but also the university system. House Bill 318 eliminates the 1-year residency requirement and changes drastically the balance between in-state vs. out-state tuition revenue.

This will be most felt by the USM institutions closest to the border of other states i.e. UMCP, Bowie, UMES, Salisbury, Frostburg, and Towson. A specified time requirement must be included for residency to ensure that correct determinations are made about students who are out-of-state. While other qualifying factors, mainly the filing of a Maryland income tax return, should be used in the determination process, but residency decisions should not be solely based on showing a student resides at a Maryland address.

USM bylaw ***VIII-2.70 POLICY ON STUDENT CLASSIFICATION FOR ADMISSION AND TUITION PURPOSES*** makes clear that the burden of proof lies with the person seeking in-state status with *“clear and convincing evidence that he or she satisfies the requirements and standards set forth in this policy.”*

To qualify for in-state tuition, a student must demonstrate that, for at least twelve (12) consecutive months immediately prior to and including the last date available to register for courses in the semester/term for which the student seeks in-state tuition status, the student had the continuous intent to:

1. Make Maryland his or her permanent home; and
2. Abandon his or her former home state; and
3. Reside in Maryland indefinitely; and
4. Reside in Maryland primarily for a purpose other than that of attending an educational institution in Maryland.

Before a request for classification to in-state status will be considered, a student must comply with all the following requirements for a period of at least twelve (12) consecutive months immediately prior to and including the last date available to register for courses in the semester/term for which the student seeks in-state tuition status. The student must demonstrate he or she:

- Owns or possesses, and has continuously occupied, including during weekends, breaks and vacations, living quarters in Maryland. The student must provide evidence of a genuine deed or lease and documentation of rent payments made.
- Has substantially all of his or her personal property, such as household effects, furniture and pets in Maryland.
- Has paid Maryland income tax on all taxable income including all taxable income earned outside the State and has filed a Maryland tax return.
- Has registered all owned or leased motor vehicles in Maryland.
- Possesses a valid Maryland driver's license, if licensed.
- Is registered to vote in Maryland, if registered to vote.
- Receives no public assistance from a state other than the State of Maryland or from a city, county or municipal agency other than one in Maryland.
- Has a legal ability under Federal and Maryland law to live permanently without interruption in Maryland.
- Has rebutted the presumption that he or she is in Maryland primarily to attend an educational institution, if the student's circumstances have raised the presumption.

HOUSE COMMITTEE CONSIDERS STUDENT AID REDUCTION NOTIFICATIONS

The USM provided testimony on House Bill 328 which requires public senior and private nonprofit higher education institutions (within 30 days of a student's acceptance and before reducing a student's institutional gift aid) to provide notice of whether additional gift aid may result in a reduction of institutional gift aid and how much additional gift aid the student may accept before the institutional gift aid will be reduced.

By law, institutions are already required to notify students when financial aid awards are adjusted. House Bill 328 could adversely impact students receiving aid. Implementation of the 30-day notification rule restricts an institution's ability to provide counseling to students should other resources be needed. Students often seek such help while pursuing other resources to pay for college; however, House Bill 328 hinders a student's ability to receive other types of aid if/when time expires on receipt of late aid disbursements because of the 30-day notification rule. When aid is adjusted, loans and work-study are the first to be changed. Given the federal and state award systems at USM institutions, House Bill 328 will create an additional administrative burden and unintended consequences.

The continued addition of student communications (at times redundant to federal rules) is particularly burdensome given that the financial aid departments at some USM institutions do not have a centralized, communication system. These institutions will be limited in their ability to track communications, determine open rates, record communications in student files, track actions taken in the email, etc.

At Salisbury University, for example, one staff member coordinates communications to not only improve compliance but the student experience & data analytics as well. Lastly, the calculations about maximum aid are very complicated because the maximum amounts change based on changes to student's Cost of Attendance based on changes in housing status, enrollment level, and tuition residency.

Budget and Briefing Schedule

Thursday, February 21st

University of Maryland, Baltimore

University of Maryland, College Park

Senate Budget and Taxation Committee; Subcommittee on Education, Business and Administration Subcommittee

1 p.m.

Miller Senate Office Building

Monday, February 24th

University of Maryland, Baltimore

University of Maryland, College Park

House Appropriations Committee; Education and Economic Development Subcommittee

1 p.m.

Room 120 Lowe House Office Building

Upcoming Bill Hearings

HB 548

Collective Bargaining - Student Athletes

Delegate Lierman

Hearing 3/01 at 1:00 p.m.

Appropriations

HB 633

(SB 396)

Higher Education - Legal Representation Fund for Title IX Proceedings – Established

Delegate Lierman

Hearing 2/21 at 1:00 p.m.

Appropriations

HB 658

(SB 755)

Interagency Agreements - Historically Black Colleges and Universities – Goals

Delegate Valentino-Smith

Hearing 3/01 at 1:00 p.m.

Appropriations

HB 704

Maryland Longitudinal Data System - Student Data and Governing Board

Delegate Washington

Hearing 2/21 at 1:00 p.m.

Ways and Means

HB 1047

Task Force to Study Admission Practices at Public Senior Higher Education Institutions

Delegate Bhandari

Hearing 2/21 at 1:00 p.m.

Appropriations

HB 1143

Higher Education - Collective Bargaining - Tenured Faculty, Adjunct Faculty, and

Graduate Student Employees

Delegate Acevero

Hearing 3/01 at 1:00 p.m.

Appropriations

HB 1244

(SB 330)

Public Buildings and Places of Public Accommodation - Diaper-Changing Facilities

Delegate Acevero

Hearing 3/05 at 1:00 p.m.

Health and Government Operations

HB 1271

Maryland Wine and Grape Promotion Fund - Grants to Public Institutions of Higher Education - Authorization Delegate Lisanti

Hearing 3/07 at 1:00 p.m.

Economic Matters

HB 1273

(SB0599)

Immigration Enforcement - County Boards of Education, Public Institutions of Higher Education, and Hospitals – Policies

Delegate Wilkins

Hearing 3/05 at 1:00 p.m.

Judiciary

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Higher Education - Publishers of Academic Publications - cOAlition S and Plan S

Delegate Hornberger

Hearing 2/25 at 2:00 p.m.

Rules and Executive Nominations

SB 396

(HB 633)

Higher Education - Legal Representation Fund for Title IX Proceedings – Established

Senator Elfreth Hearing 2/20 at 1:00 p.m.

Education, Health, and Environmental Affairs

SB 400

(HB 461)

Maryland Higher Education Commission - Private Nonprofit Institutions of Higher Education - Regulation (Private Nonprofit Institution of Higher Education Protection Act of 2019)

Senator Pinsky

Hearing 2/20 at 1:00 p.m.

Education, Health, and Environmental Affairs

SB 599

(HB 1273)

Immigration Enforcement - County Boards of Education, Public Institutions of Higher Education, and Hospitals – Policies

Senator Nathan-Pulliam

Hearing 2/27 at 12:00 p.m.

Judicial Proceedings

SB 696

(HB 767)

Collective Bargaining - Chancellor of the University System of Maryland – Negotiations

Senator Kramer

Hearing 3/07 at 1:00 p.m.

Finance

SB 711

(HB 822)

University System of Maryland - Regular Employees - Grievance Procedures and Disciplinary Actions

Senator Beidle

Hearing 3/07 at 1:00 p.m.

Finance

SB 714

Institutions of Higher Education - Student Drug Use - Parent Notification Senator Carozza

Hearing 2/20 at 1:00 p.m.

Education, Health, and Environmental Affairs

SB 717

Independent Institutions of Higher Education – Police Force

Senator Washington

Hearing 2/22 at 12:00 p.m.

Judicial Proceedings

SB 719

(HB 533)

University System of Maryland - Board of Regents - Transparency and Oversight

Senator Elfleth

Hearing 2/20 at 1:00 p.m.

Education, Health, and Environmental Affairs

SB 755

(HB 658)

Interagency Agreements - Historically Black Colleges and Universities - Goals

Senator Peters

Hearing 3/05 at 1:00 p.m.

Education, Health, and Environmental Affairs

SB 795

(HB 1163)

Income and Property Taxes - Qualified Maryland Opportunity Zone Investments

Senator Hayes

Hearing 3/08 at 1:00 p.m.

Budget and Taxation

SB 798

(HB 876)

Higher Education - Policy on Student Concerns About Athletic Programs and Activities

Senator Hayes

Hearing 2/20 at 1:00 p.m.

Education, Health, and Environmental Affairs

SB 839

(HB 994)

Labor and Employment - Criminal Record Screening Practices (Ban the Box)

Senator Carter

Hearing 3/15 at 1:00 p.m.

Finance