



LEGISLATIVE NEWSLETTER

March 8, 2019

LEGISLATIVE SESSION HITS THE BUSY SEASON

Today is day 59 of the 90-day legislative session. March 18 (the 69th day) is the Opposite Chamber Crossover Date. Each chamber must send to the other chamber those bills it intends to favorably. It's during this period that the University System of Maryland (USM) will better understand which bills will require further attention.

SYSTEM WEIGHS-IN ON OPEN EDUCATIONAL RESOURCES

The USM actively supports the need to decrease textbook costs for students. Senate Bill 588, however, requires either the adoption of open educational resources (OER) or that the institution pay for instructional materials. In a letter to the Senate Education, Health, and Environmental Affairs Committee, the USM joined sector colleagues to explain why this is problematic.

Led by the USM's Kirwan Center for Academic Innovation in partnership with MarylandOnline, the Maryland Association of Community Colleges (MACC), and the Maryland Association of Independent Colleges and Universities (MICUA), the Maryland Open Source Textbook (M.O.S.T.) initiative began 2013 to increase access, affordability, and achievement for Maryland students by supporting faculty adoption of OER. In 2017, M.O.S.T. was charged by the Textbook Cost Savings Act (SB 424) with developing a statewide infrastructure to support this work.

M.O.S.T. has been guided from the start by the idea that the selection of course materials should remain in the purview of the faculty – the subject matter experts best qualified to determine the quality of these materials and to assess whether they are, indeed, helping students to learn. While the pool of available high-quality OER is increasing there are still many large gaps that exist, particularly in highly specialized technical fields – like the ones addressed by this bill – where the content to be learned is often more proprietary in nature. It is unlikely there is enough, high-quality, OER to support these apprenticeship programs.

The bill carried an additional stipulation that, as a condition of approval, institutions choosing not to adopt OER must then pay for the costs of instructional materials may also have an unintended adverse impact on affordability. Moving from a model where students have been paying for textbooks to one where the institution is covering these costs will increase the cost of instruction.

The postsecondary community recommendation is to amend the bill to recommend (not require) the use of OER for these courses and that the participating institutions be required to work with the M.O.S.T. initiative either to locate high-quality, openly licensed materials and/or to create materials where none exist with the intent of striking the optimal balance between affordability and achievement. Funding to support this work would need to go to M.O.S.T.

USM TESTIFIES AGAINST REPEAL PROVISIONS IN POLICE BOARD

Senate Bill 843 repeals provisions of current local law relating to the Civilian Review Board of Baltimore City. This proposed legislation attempts to grant to a Baltimore City panel oversight and accountability responsibilities for state-employed police officers working in Baltimore City. This is a problematic extension of city authority to USM and state employees.

Under the proposed legislation, the Civilian Review Board reviews, processes and investigates complaints regarding law enforcement units that are under the authority of the Baltimore City Police Department Commissioner, reviews law enforcement policies and makes recommendations to the city's police commissioner.

The USM institutions' police forces are committed to providing quality service to the campus community. Institution police department personnel are expected to conduct themselves professionally and courteously. The department investigates any allegations of poor service, disrespect, brutality, or unprofessional conduct on the part of any employee of the department. This is done to resolve any incidents or perceptions of poor service as well as to comply with the high standards established by the Commission on Accreditation for Law Enforcement Agencies, which accredits institutions' police departments.

First among our concerns is that the law enforcement officers of the USM are state employees and are not under the authority of the Baltimore City Police Commissioner. There is not one police force of the USM. Coppin State University, the University of Baltimore, and the University of Maryland, Baltimore each have their own police departments that deliver quality crime control service to support their individual universities' missions within the City of Baltimore.

Second, the bill seeks to impose oversight by a board empowered by a unit of local government on a state agency. This oversight could undermine the authority of the state to oversee and regulate entities that are part of the Executive Branch of government, as well as the authority of the USM Board of Regents of USM to oversee and regulate police activities at USM institutions involving their own police personnel.

Third, each of the individual institutions' police departments has limited jurisdiction to serve its own campus community (in a very limited geographic area). It is unreasonable to group USM institutional police forces with the Baltimore City Police department and other law enforcement departments that must operate in a citywide environment.

Finally, all USM law enforcement officers are subject to USM policy. Since Senate Bill 843 applies to officers posted in the City of Baltimore only, this provision would create unjust disparity among USM law enforcement officers by subjecting USM police forces in Baltimore City to an oversight scheme for behavior and policy evaluation not applied to other USM law enforcement officers and other state police officers operating outside of Baltimore City. While unintended by the sponsors, these provisions could create a due process issue for Baltimore City assigned officers.

USM AT THE TABLE AGAIN ON A TRIO OF BILLS

Yesterday, the System revisited three bills heard last week in House Appropriations urging the committee for an Unfavorable Report. The House versions were reported in last week's newsletter. **Senate 696** requires the Chancellor of the USM to act on behalf of USM and its constituent institutions, rather than the institutions' presidents under current law, for the purposes of collective bargaining. The bill would also revoke the authority of the twelve USM institution presidents to designate a representative to negotiate on behalf of their institution. We also testified. Also, in the Senate Finance Committee, the USM testified on **Senate Bill 711**. Senate Bill 711 requires an institution to remove, suspend, or demote a regular full-time or part-time employee who is not on probation only (1) for cause, (2) on written charges, and (3) in accordance with the subtitle. For an employee who is represented by an exclusive representative for collective bargaining purposes, what constitutes cause must be collectively bargained. For an employee who is not represented by an exclusive representative, USM may only remove, suspend, or demote the employee in accordance with the provisions of Title 11 of the State Personnel and Pensions Article that apply to State employees in the skilled and professional services. **Senate Bill 491** would authorize graduate assistants at USM institutions to collectively bargain.

Upcoming Bill Hearings

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