



February 5, 2021

## USM AND HIGHER EDUCATION OVERIEWS ON-LINE

On Thursday, the [University System of Maryland Overview](#) was conducted before a joint meeting of the House Appropriations Committee; Subcommittee on Education and Economic Development and the Senate Budget and Taxation Committee's; Subcommittee on Education, Business and Administration Subcommittee. On Friday, the Higher Education Overview was conducted in these same joint hearing panels.

## STATE DEPARTMENT OF INFORMATION TECHNOLOGY SEEKS TO EXPAND OVERSIGHT

On January 21<sup>st</sup>, the House Health and Government Operations Committee **House Bill 38** which expands the responsibilities of the Secretary of Information Technology to include (1) advising and consulting with the Legislative and Judicial branches of State government regarding a cybersecurity strategy and (2) in consultation with the Attorney General, advising and overseeing a consistent cybersecurity strategy for units of State government, including institutions under the control of the governing boards of the public institutions of higher education, counties, municipal corporations, school districts, and all other political subdivisions of the State. It's companion bill (Senate Bill 49) was heard on Tuesday.

**The USM requested an amendment to be excluded from the requirements called for under House Bill 38.** The System has developed cybersecurity policies and procedures appropriate for higher education institutions that may differ considerably from the state agency environment. Although these protocols maintain a functional compatibility with state cybersecurity policies and procedures, the research-intensive environment of our institutions demand protocols that may be unfamiliar to state information technology managers.

Systemwide policies are vetted through the Board of Regents (BOR) approved Cybersecurity Standards under the advisement of the Office of Legislative Audits – the same standards against which the USM is audited. USM utilizes the same National Institute of Standards and Technology (NIST) framework that the state has used. Additionally, USM technology managers are rewriting version 5 of our standards to adopt more advanced NIST and federal practices.

## **TASK FORCES ON CHRONIC AND MENTAL HEALTH CONSIDERED**

On January 20, the House Appropriations received information regarding two bills. The first, **House Bill 59**, establishes the Task Force on Higher Education Students with Chronic Health Conditions to explore the ways in which to improve services to students. Generally, the USM 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 campus offices of disability services, students self-identify in order 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.

The second bill, **House Bill 244**, would establish the Task Force to Study Access to Mental Health Care in Higher Education. Upon the conclusion of the 2019 legislative session, the USM, Morgan State University (MSU), and St. Mary's College of Maryland (SMCM) were required to complete a JCR Report on Mental Health Services, which was submitted on October 1, 2019.

In January 2020, the USM began regularly convening the counseling center leadership from our constituent institutions. With these (at least) every-other-month meetings, counseling center and mental health professionals talk and collaborate directly with their peers on topics including, but not limited to: campus updates and sharing of best practices; outreach to students; assessment of data; effects of budget constraints; supporting out-of-state students; serving the needs of students as they pertain to changes and adjustments that can be attributed to COVID-19 and civil unrest; unique ways to provide services and address student needs while establishing and maintaining COVID-19 safety protocols; and the disproportionate impact of the pandemic and racial injustice on underrepresented communities.

## **REVISED TELEWORK GUIDELINES DISCUSSED**

On January 27<sup>th</sup>, the USM provided information regarding **House Bill 73**. The bill requires a governing body's designee, to establish telework programs and adopt a certain telework policy and telework guidelines; requiring the State Court Administrator and the President of the Senate and the Speaker of the House to establish a telework program, policy and guidelines. Last March, the USM issued temporary guidance on telework to promote employee, student, and community health and safety by encouraging social distancing, including self-isolation, during the presence of COVID-19.

**The USM agrees with the fundamental purpose of House Bill 73. However, as written, there would be significant fiscal implications related to necessary information system changes to align the USM's telework program with the Department of Budget and Management (DBM).** The USM has a cybersecurity standard that is functionally compatible with the State's standard as required by statute. USM standards account for many nuances of cybersecurity in public higher education and compliance/adherence to another standard would be costly and introduce unnecessary risk to our IT Security program. Due to the uncertainty of the cost to conform the USM's human resources IT system to DBM the USM respectfully requests an amendment.

The USM testimony expressed support for updating telework policy and guidance overall and would like House Bill 73 to reflect the USM's discretion to designate and approve positions for telework based on operational necessity. The university environment is unique in its mission to provide academic instruction, research and public service. That mission reflects the work-need diversity of faculty and staff and the application of telework standards that need nuanced attention and oversight.

## **NEW HIGH SCHOOL GRADUATION REQUIREMENTS – FAFSA**

On January 20<sup>th</sup> in House Ways and Means Committee the USM provided testimony on **House Bill 96**. The bill requires public high school students, beginning in the 2022-2023 school year, as a requirement for graduation, to submit the Free Application for Federal Student Aid (FAFSA) to the U.S. Department of Education or the Maryland State Financial Aid Application (MSFAA) to the Maryland Higher Education Commission. The USM supports the objectives outlined in House Bill 96 and looks forward to working with our secondary education partners to advance these goals.

Knowledge of financial aid—or lack thereof—is one of many hurdles high school students face in successfully pursuing postsecondary education. Perhaps the most important gateway for students to access financial aid is the FAFSA, the federal form required to receive Pell grants and student loans. In addition to federal aid, most states require the FAFSA to determine eligibility for state financial-aid programs, and many institutions ask students to file to receive institutional grants and scholarships.

College affordability is a top concern among lawmakers and university leaders alike. Following decades of rising college costs, a growing share of those costs being borne by students and their families, and with weak wage growth for much of the workforce, higher education has become more economically challenging than ever. Student financial aid can offset some of the costs families face, and the majority of all student financial aid is now delivered by the federal government.

## **DIGITAL INCLUSION OFFICE PROPOSED**

On January 26<sup>th</sup> in the House Economic Matters Committee the USM offered testimony in support of **House Bill 97** establishing an Office of Digital Inclusion within the Maryland Department of Housing and Community Development. When public schools were forced to shift classes and assignments online due to the spread of the coronavirus, we confronted the reality that many students in Maryland do not have reliable access to internet at home – particularly those who live in rural areas and/or those from low-income households. According to a Pew Research Report written before the pandemic, the pivot to remote instruction greatly exacerbated the “homework gap” – which refers to school-age children lacking the connectivity they need to complete schoolwork at home.

After ten months of pandemic isolation, all children are suffering learning gaps because of the disruption to their education, but students in rural settings, Black, Hispanic and low-income families are particularly disadvantaged without reliable internet connections (not to mention digital devices).

These children are at the greatest risk for the greatest learning gaps and the greatest risk for long term consequences of those learning gaps.

House Bill 97 speaks directly to the need for expanding access to internet across the state where it is most needed.

## **BILL SEEKS NEW RULES FOR EMPLOYEES, WORRIES EMPLOYERS**

On Friday, the USM expressed concerns regarding **House Bill 581**. The bill contains a sweeping set of new rules applicable to an incredibly broad group of employees, including contractors and subcontractors, working in a multitude of public and private industries and sectors, including the USM institutions. It appears intended to address some of the concerns of those employees who reported to worksites during the pandemic. Unfortunately, it is not sufficiently targeted to reasonably address those concerns requiring a nexus between the emergency condition and the work being performed by an employee.

House Bill 581 would have a significant impact on the USM institutions. The bill conflicts with the existing statutorily prescribed collective bargaining process, which authorizes an exclusive bargaining representative to negotiate with the institution over wages, hours, and other terms and conditions of employment, including health and safety measures. It requires “hazard” pay of \$3 per hour for all employees working at the worksite, retroactive to the beginning of the emergency. This Bill imposes costly and unnecessary terms that the parties might not otherwise have reached on their own. For example, under the Bill, the universities would have to provide workers three days of “bereavement leave” and 14 days of “health leave,” when the same amount of bereavement leave and a greater amount of sick leave is already provided to these employees through policy and/or the collectively bargained MOUs. Additionally, by providing an “essential worker” with the right to refuse to fulfill work responsibilities under subjective circumstances (when the worker “fears” for their life or health), the bill promotes the potential for large-scale work stoppage in violation of the State collective bargaining laws). The allocation of significant leave amounts coupled with refusals to work could create significant hardship in staffing and in maintaining the effective and efficient operations of the USM institutions.

Another concern is that the legislation shifts to the institutions responsibility to provide significant “financial assistance” to employees who get sick or injured as a result of an emergency, regardless of whether the employee was exposed or injured at work or not. As with the current pandemic, it may be impossible to establish the linkage between a worksite and an exposure or injury. These costs, should they be imposed, include paying or reimbursing employees for co-pays, insurance premiums, out-of-pocket medical expenses, and out-of-pocket transportation costs, in addition to assisting essential workers who do not have health insurance obtain and pay for coverage. These costs are abundant and unsustainable, especially when considering the health leave benefits already offered to employees by the universities.

## **TUITION WAIVER BILL PRESENTS CHALLENGE**

On Wednesday in House Appropriations Committee **House Bill 216**. The bill expands the definition of “homeless youth” who are eligible to receive a tuition waiver at a public institution of higher

education by removing the requirements that the youth (1) be “unaccompanied” and (2) qualify as an independent student under federal law. The bill also alters the method by which a financial aid administrator determines that an individual is a homeless youth for the purpose of a tuition waiver. In addition, a foster care recipient or homeless youth who receives a tuition waiver must receive priority consideration for on-campus housing.

USM Institutions are keenly aware of the barriers that face homeless students in attending an institution of higher education and successfully completing a degree program. The USM shares the values, intentions, and motivations behind House Bill 216 and would like to support homeless students in the best ways possible. As written, USM institutions foresee challenges in the verification and appeals process and the unknown cost.

If the state is going to establish a new definition of what qualifies students as homeless for purposes of tuition, it is our belief that the verification of that homelessness status should be affirmed by the state agency authorized to make such a determination. A student would be able to be verified once and go to any school or seamlessly transfer from one school to another, without having to go through the process multiple times. Under the current bill, each USM institution would have to set up its own verification and appeals process and dedicate staff to that process, which would be costly.

House Bill 216 uses the McKinney-Vento Homeless Assistance Act definition of homelessness, a definition that was created for students under the age of 21 in the K-12 public education system. Currently USM institutions do not collect data on how many students are homeless under the McKinney-Vento definition and without this data it is impossible to estimate the cost to institutions. USM institutions currently provide a tuition waiver to any student who qualifies as an unaccompanied homeless youth as defined on the Free Application for Federal Student Aid (FAFSA), but the McKinney-Vento definition is much broader and would qualify an unknown number of students for tuition waivers. This definition was meant to keep K-12 students in school when they may be experiencing turbulent and rapidly changing living situations and was not intended for higher education purposes.

## **TRANSFER CREDIT POLICY CHANGES PROPOSED**

On Wednesday in the House Appropriations Committee the USM provided testimony on **House Bill 460**. The bill requires the Maryland Higher Education Commission (MHEC) to establish notification procedures regarding the denial of transfer credits; report the denial to the institution from which the transfer student originates; and submit to MHEC an annual report listing the denials and the reasons for the denials.

House Bill 460, as written, is challenging to a process that is dynamic and often changing. Of the 2019 cohort of comparable baccalaureate degree recipients, the 9,214 that began as first-time freshmen averaged 132.1 credit hours. Of the 7,671 transfers from Maryland Community Colleges, the average number of credits was 127.8. While there are several reasons for each of these cohorts to have more than the basic requirement of 120 credits required for most bachelor’s degrees, these average numbers do not tell the stories of individual students that have met challenges.

The reporting requirements in House Bill 460 require extensive communication between the sending and receiving institution. Our institutions work diligently to create articulated pathways for students so that the transfer may be as seamless as possible. If students follow these recommended transfer pathways, they should not “lose” any credits in the transfer process.

The language in the bill, including “denial of transfer credit” should refer to courses wholly ineligible for transfer. However, this will not reflect the most common of the issues for the student. It is not that the credit is “denied.” The most common situation is that the courses taken do not apply to the major as selected at the receiving institution, and therefore the student must take additional prerequisite courses to complete the major and earn the degree. In other words, the courses are transferrable for credit, but not applicable to the degree. No transfer platform will amend this issue.

ARTSYS is a computerized information system created to facilitate the transfer of students from Maryland community colleges to the USM institutions and other participating institutions. We are now seeking mechanisms to support the upgrading of the ARTSYS system of transfer for the state of Maryland but understand that there are many challenges remaining. House Bill 460 does not fix these problems outright. However, it is important to recognize that the recording and transcription of transfer credits differs from institution to institution and is decentralized at some campuses. The USM believes if the bill is amended institutions could be more responsive to the mandates in the proposed House Bill 460.

#### **UPCOMING BILL HEARINGS**

Looking for more information about a bill? The official website of the Maryland General Assembly is here: <http://mgaleg.maryland.gov/> and all bill hearings can be viewed live at <https://mgaleg.maryland.gov/mgawebsite/Information/YouTubeChannelInfo>

HB0670

#### **Police Reform and Accountability Act of 2021**

Speaker

In the House - Hearing 2/09 at 1:30 p.m.

Judiciary

HB0046 (SB0584)

#### **Education - Student Horizon Database and Scorecard (Students Right to Know Act of 2021)**

Delegate Griffith

In the House - Hearing 2/10 at 1:30 p.m.

Appropriations

HB0184

#### **University System of Maryland, Morgan State University, and St. Mary's College of Maryland - Board Membership – Alterations**

Delegate Ivey

In the House - Hearing 2/10 at 1:30 p.m.

Appropriations

HB0183 (SB0449)

**Public Information Act – Revisions (Equitable Access to Records Act)**

**Delegate Lierman**

In the House - Hearing 2/11 at 1:30 p.m.

Health and Government Operations

SB0364

**Baltimore City – Civil Claims Against Law Enforcement Officers of an Institution of Higher Education – Prohibition Against Nondisclosure Provision in Settlement Agreement**

Senator McCray

In the Senate - Hearing 2/09 at 1:00 p.m.

Judicial Proceedings

HB0246 (SB0554)

**Higher Education - Returned Peace Corps Volunteers - In-State Tuition**

Delegate Hill

In the House - Hearing 2/10 at 1:30 p.m.

Appropriations

HB0858

**Higher Education - Active Duty Law Enforcement Officers - Tuition Exemption**

Delegate Hornberger

In the House - Hearing 2/10 at 1:30 p.m.

Appropriations

SB0486 (HB0581)

**Labor and Employment - Employment Standards During an Emergency**

Senator Augustine

In the Senate - Hearing 2/11 at 1:00 p.m.

Finance

SB0357

**Joint Committee on Workforce Development**

Senator Rosapepe

In the Senate - Hearing 2/11 at 1:00 p.m. (Finance)

Finance

Education, Health, and Environmental Affairs

HB0272

**Public Information Act - Required Denials - Sociological Information and Distribution Lists**

Delegate Carr

In the House - Hearing 2/11 at 1:30 p.m.

Health and Government Operations

HB0344 (SB0072)

**Open Meetings Act – Requirements for State Agencies and Local Boards of Elections**

Delegate Korman

In the House - Hearing 2/11 at 1:30 p.m.

Health and Government Operations

SB0364

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**Police Reform and Accountability Act of 2021**

Speaker

In the House - Hearing 2/09 at 1:30 p.m.

Judiciary

HB0336

**Private Institutions of Higher Education - Police Departments - Repeal and Prohibition**

Delegate Ivey

In the House - Hearing 2/12 at 1:30 p.m.

Judiciary