



March 26, 2021

## **LANDMARK BIPARTISAN HBCU FUNDING LEGISLATION SIGNED**

Gov. Hogan on Wednesday joined Senate President Bill Ferguson and House Speaker Adrienne Jones to sign HB1/SB1, the bipartisan Historically Black Colleges and Universities (HBCU) funding legislation. They were joined by Lt. Gov. Rutherford and the presidents of the USM's three HBCUs—Bowie State University President Aminta Breaux, Coppin State University President Anthony Jenkins, University of Maryland Eastern Shore President Heidi Anderson—and Morgan State University President David Wilson.

USM Chancellor Jay A. Perman's statement regarding the legislation can be found [here](#).

## **CROSSOVER SIGNALS A MORE URGENT AND FOCUSED LEGISLATIVE AGENDA**

Monday marked the last day when bills from one house must pass to the other with a guarantee of a hearing, without going through the Rules Committee. The date brings an added urgency to the legislative process. Below is an update on the status of selected items the USM State Relations Council has been working during the past months:

House Bill 73 (Senate Bill 710)

### **State and Local Government and Public Institutions of Higher Education-Teleworking**

USM Position: Favorable with Amendment

Status: HB in Senate Finance; SB still in committee

House Bill 73 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 University System of Maryland (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 is supportive of 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.

House Bill 156 (Senate Bill 283)

**Student and Military Voter Empowerment Act**

USM Position: Information

Status: HB on vote list in Senate EHEA 3/26; SB hearing in W&M 3/23

The bill establishes various requirements relating primarily to voter registration and voting by military and overseas voters and students at institutions of higher education in the state, including (1) a process for a military or overseas voter to submit a federal post card application electronically; (2) designation of a student voting coordinator and development and implementation of a student voting plan at each public institution of higher education; (3) expansion of the placement of links to the State Board of Elections' (SBE) online voter registration system on online portals used by higher education students to register for course work; and (4) a specified SBE web page relating to registration and voting by students enrolled in institutions of higher education. The bill also requires that local boards of elections obtain input from large residential institutional communities when establishing precinct boundaries and designating polling places.

House Bill 320

**Longitudinal Data System – Transfer of Student Data – Modifications**

USM Position: Favorable

Status: Hearing in Senate EHEA 3/24

This bill, in general, transfers the responsibility for providing specified professional and occupational license and industry and vocational certificate data to the Maryland Longitudinal Data System (MLDS) Center from the Maryland Higher Education Commission (MHEC) as an intermediary directly to the specified State licensing authorities and specified third-party industry certifiers.

House Bill 460 (Senate Bill 886)

**Transfer with Success Act**

USM Position: Favorable with Amendment

Status: HB and SB in opposite chamber

The bill requires 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 reasons for the denials. 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.

House Bill 466 (Senate Bill 405)

**Higher Education-Student Identification Cards-Required Information**

USM Position: Favorable with Amendment

Status: HB and SB in opposite chambers

The bill requires each institution of higher education to provide the telephone number of Maryland's Helpline on student identification cards. The USM asked that the bill be amended to give USM presidents the discretion to decide which crisis number appears on student identification cards.

House Bill 587 (Senate Bill 917)

**Department of Information Technology – Status of Information Technology and Cybersecurity in State Agencies – Reports**

USM Position: Favorable with Amendment

Status: HB and SB in original committee

House Bill 587 expands the responsibilities of the Secretary of Information Technology to include requiring each unit of state government to submit a certain report related to information technology and cybersecurity to the Department of Information Technology on or before a certain date each year. House Bill 587 would require that USM institutions develop new reports of arguable value for DoIT's goal in this report. Based on the mismatched oversight and compliance procedures between the Executive Branch and USM for some of the requirements of the bill, we are asking to be explicitly omitted. The USM requested an amendment to be excluded from the requirements called for under House Bill 587.

House Bill 38 (Senate Bill 49)

**State Government-Department of Information Technology-Cybersecurity**

USM Position: Favorable with Amendment

Status: HB and SB in opposite chamber (look different; USM still in both)

House Bill 38 expands the responsibilities of the Secretary of Information Technology to include 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.

Systemwide cybersecurity policies and procedures 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 of our standards to adopt more advanced NIST and federal practices.

House Bill 38 would require that USM institutions adhere to a one-size-fits-all set of policies and procedures administered by the Secretary of Information Technology. However, the USM has

deployed cybersecurity best practices tailored to meet the diverse mission of each institution. The USM asked to retain that autonomy. The USM requested an amendment to be excluded from the requirements called for under House Bill 38.

House Bill 756 (Senate Bill 922)

**Office of Legislative Audits-Acceptance and Investigation of Allegations of Fraud, Waste, and Abuse**

USM Position: Unfavorable

Status: Both bills in opposite chambers

As originally drafted, the bill expanded the authority of the Office of Legislative Audits (OLA) to compel by subpoena certain records and the coordinate investigations in relation to acts or allegations of fraud, waste, or abuse. Several amendments have been adopted and an analysis of the impact is still underway. USM institutions have gifts, grants and contracts that would be ineligible to obtain if confidentiality is not ensured. USM institutions also hold information that is protected under HIPPA and FERPA laws. The bill did not provide any guidance, ethical or otherwise, as to OLA's responsibility in requesting such information.

House Bill 803 (Senate Bill 835)

**Facilitating University Transformations by Unifying Reductions in Emissions (FUTURE) Act**

USM Position: Favorable with Amendments

Status: HB and SB in original committee

The bill requires each public four-year institution to be carbon neutral for "Scope 1 direct emissions" and "Scope 2 indirect emissions" by January 1, 2025, and for "Scope 3 induced emissions" by January 1, 2035. Carbon neutrality can be met through reduced carbon emissions or carbon offsets. Each institution is required to have specified staff to implement the bill and dedicated to sustainability. By December 1 annually, each public four-year institution must report on the progress the institution has made toward meeting the requirements of the bill.

Since 2007, the USM has completed (or are developing) nearly 80 "Green" (LEED Silver or better) facilities. More than half are funded with non-state or auxiliary resources. All USM facilities are designed and built to the standards of the state's High Performance (Green) Building Program, and all meet similar standards for "smart growth" and "coast smart" construction and are publicly reporting their progress in reducing carbon emissions as part of a national database. Collectively, USM institutions have documented a 34% reduction in CO2 emissions (a reduction of nearly 300,000 metric tons each year) since 2007. The USM remains open to working with the committees and the bill sponsors to address and amend some of the aspects of the bill to improve our ability to achieve those goals.

House Bill 836 (Senate Bill 741)

**COVID-19 Testing, Contact Tracing, and Vaccination Act of 2021**

USM Position: Information

Status: HB still in committee; SB in House HGO 3/30

The bill requires the Maryland Department of Health, in collaboration with local health departments of the State, to adopt and implement a plan to respond to the outbreak of COVID-19. It also requires institutions of higher education in the state to adopt and implement COVID-19 testing plans.

The USM provided testimony explaining that a critical part of keeping the campuses safe was the development of testing and tracing programs, with the capability of quarantine and isolation of students as required. These plans required close collaboration with the local health departments and the preparation of living spaces for isolation when necessary. We learned many lessons during the fall semester, that we will outline here along with some of the summary results. The plans, results and proposed plans for spring 2021 can be found at <https://www.usmd.edu/spring2021>

## **UPCOMING HEARINGS**

SB 127

Senator Patterson

**Institutions of Higher Education-Use of Criminal History in Admission Modifications**

Hearing in House Appropriations 4/1@1:30PM

SB 927

Senator Pinsky

**Institutions of Higher Education - Prohibition Against Incentive Payments - Foreign Student Exemption**

Hearing in Ways & Means 4/1@1:30PM