

The background is a solid teal color. On the left, there is a dark teal vertical rectangle containing the title text. To the right of this rectangle, there are three overlapping squares in shades of teal. On the right side of the cover, there is a photograph of the Maryland State House building, showing its classical architecture with columns and a pediment.

THE 71 DAY REPORT

A Review of the
2020 Legislative Session

Department of Legislative Services
Maryland General Assembly

Other legislation relating to primary and secondary education was discussed in the *2020 Session Major Issues Review*.

Higher Education

Capital Funding

Capital funding for public four-year institutions totals \$297.0 million for fiscal 2021, including \$32.0 million in academic revenue bonds for University System of Maryland (USM) institutions authorized by *Senate Bill 344 (Ch. 550)* and \$77.0 million in bond premiums. Local community colleges receive \$87.3 million for the Community College Construction Grant Program and \$4.0 million for the facilities renewal grant program. In addition, Garrett Community College receives \$9.2 million for a Community Education and Performing Arts Center. Baltimore City Community College receives \$4.6 million, and independent institutions receive \$12.0 million in capital funding for fiscal 2021.

For information on the fiscal 2021 operating budget and authorized capital projects for higher education, see the *2020 Session Major Issues Review*.

Student Financial Assistance

Scholarships

Maryland Community College Promise Scholarship: Chapter 554 of 2018 created the Maryland Community College Promise Scholarship (MCCPS) program in Maryland to provide tuition assistance to students who attend a community college in the State and who meet specified eligibility criteria. MCCPS is a last-dollar award that is applied after all nonloan aid to eligible recipients has been applied. The Governor must appropriate at least \$15.0 million annually for the program. *Senate Bill 307/House Bill 415 (Chs. 200 and 201)* alter the eligibility requirements for the MCCPS program such that an applicant (1) can apply any time after graduating from high school or completing a GED rather than being limited to two years from the date of high school graduation and (2) must meet altered grade point average requirements, as specified. The Acts also repeal the service obligation for all recipients, including for individuals who are recipients at the time the Acts take effect. In addition, only State or federal student financial aid, other than a student loan, received by a recipient must be credited to the recipient's tuition before the calculation of the award amount. The Maryland Higher Education Commission (MHEC) and each community college must publicize the MCCPS program as specified.

Edward T. and Mary A. Conroy Memorial, Jean B. Cryor Memorial, and Veterans of the Afghanistan and Iraq Conflicts Scholarships: The Edward T. and Mary A. Conroy Memorial Scholarship makes awards to specified public safety personnel and their eligible dependents to attend a postsecondary institution in the State for five years of full-time study or eight years of part-time study. *House Bill 596 (Ch. 267)* expands the eligibility requirements for the Edward T. and Mary A. Conroy Memorial Scholarship Program by removing the residency requirements for

the following categories of individuals: (1) a child or surviving spouse of a State or local public safety employee who was killed in the line of duty or who suffered an injury in the line of duty resulting in 100% disability; and (2) a disabled public safety employee. Eligibility requirements for the Jean B. Cryor Memorial Scholarship for school employees who died or are 100% disabled in the line of duty are unchanged.

Veterans of the Afghanistan and Iraq Conflicts Scholarships are available to veterans and active-duty members of the U.S. Armed Forces who served in Afghanistan and Iraq, members of the reserve or Maryland National Guard who were activated as a result of the conflicts, and their children and spouses. The scholarship supplements federal education benefits for which an applicant is eligible and may be used to pay for educational expenses, including tuition, mandatory fees, and room and board. **House Bill 596** allows initial scholarships under the Veterans of the Afghanistan and Iraq Conflicts Scholarships to continue to be awarded for another 10 years, until June 30, 2030; thereafter, existing scholarships may be renewed. Funds are included in the fiscal 2021 budget to continue the scholarship program.

Tuition Assistance

Nonresident Tuition Exemption for Military Personnel, Spouses, and Dependents: Public institutions of higher education in Maryland charge in-state tuition rates to three categories of military individuals: (1) active-duty members of the U.S. Armed Forces who are stationed, reside, or are domiciled in Maryland; (2) the spouses and dependent children of active-duty members of the U.S. Armed Forces; and (3) honorably discharged veterans of the U.S. Armed Forces. **Senate Bill 458/House Bill 506 (Chs. 227 and 228)** expand the conditions under which a spouse or financially dependent child of an active-duty service member of the U.S. Armed Forces is eligible for resident tuition to include a spouse or dependent who was *accepted* to attend a public institution of higher education when the member was stationed, residing, or domiciled in the State. A spouse or dependent must remain continuously enrolled and domiciled in the State to continue receiving the benefit. Thus, the Acts affect the dependents of active-duty members who are reassigned to another state after the dependent has been accepted but before enrolling in a public institution of higher education.

Maryland National Guard Tuition Assistance Program: Senate Bill 282/House Bill 362 (Chs. 180 and 181) increase the percentage of in-state tuition that the Military Department may reimburse from 50% to 100% for an eligible active member of the Maryland National Guard. The Acts also expand eligibility to include any member who holds a commission in the Maryland National Guard. The fiscal 2021 budget includes funds to cover the estimated cost of reimbursing 100% of in-state tuition.

Tuition Waiver for Student Members of the USM Board of Regents: The Board of Regents of USM is composed of 21 members, including two student members. **Senate Bill 1022 (Ch. 593)** authorizes the Board of Regents of USM to grant a tuition waiver to student members. The tuition waiver may not exceed the amount of the tuition incurred by the student member during the second year of a two-year term. Additionally, the tuition waiver may not (1) be considered a gift or compensation under the Maryland Public Ethics Law; (2) be considered compensation under

the Maryland Tort Claims Act; or (3) cause the student member to be classified as an employee of USM.

Other Assistance Programs

Maryland Loan Assistance Repayment Program for Physicians and Physician Assistants: The Maryland Loan Assistance Repayment Program (MLARP) for Physicians and Physician Assistants provides student loan repayment assistance in exchange for certain service commitments to help ensure underserved areas of the State have sufficient numbers of primary care physicians and physician assistants. ***Senate Bill 501/House Bill 998 (Chs. 402 and 403)*** transfer oversight of MLARP for Physicians and Physician Assistants from the Office of Student Financial Assistance within MHEC to the Maryland Department of Health (MDH), among other things. For a further discussion of ***Senate Bill 501/House Bill 998***, see the subpart “Health Occupations” within Part J – Health and Human Services of this *71 Day Report*.

Maryland Corps Program Fund: The Maryland Corps Program and the Maryland Corps Program Fund were established to provide at least 100 young people with meaningful service opportunities, equip corps participants with skills that will enable them to successfully transition from high school to an institution of higher education, and provide scholarships to corps participants who have completed the program. ***Senate Bill 845 (passed)*** expands the purpose and authorized uses of the Maryland Corps Program Fund and mandates annual funding for the program beginning in fiscal 2022. Due to concerns regarding the economic challenges resulting from the COVID-19 pandemic, the Governor vetoed the bill on May 7, 2020.

Maryland E-Innovation Initiative Program: Chapters 532 and 533 of 2014 created the Maryland E-Innovation Initiative (MEI) Program authorizing nonprofit institutions of higher education in the State that meet specified eligibility requirements to create research endowments and, upon securing matching private donations and approval, receive Maryland E-Innovation Initiative Funds that may be distributed to the endowments. ***Senate Bill 465 (passed)*** requires the Governor to continue funding the MEI Program through 2026; however, the Governor vetoed the bill on May 7, 2020, due to concerns regarding the economic challenges resulting from the COVID-19 pandemic. For a more detailed discussion of ***Senate Bill 465***, see the subpart “Miscellaneous Tax” within Part B – Taxes of this *71 Day Report*.

Consumer Protection

Veterans’ Education Protection Act: A federal rule known as 90/10 caps the share of revenue for-profit institutions of higher education and private career schools can take in from federal aid at 90%; however, the cap exempts federal tuition benefits for veterans, active members of the U.S. military, and their spouses and financially dependent children because the law only applies to federal Title IV education funds. ***Senate Bill 294 (Ch. 546)*** prohibits, beginning in fiscal 2023, specified for-profit institutions of higher education and private career schools from enrolling new Maryland residents in a program if the institution or school fails to have at least 10% of its annual revenue, as specified, from a source other than federal funds, including civilian and

military education aid. The 10% threshold applies to either (1) two out of three of the immediately preceding fiscal years or (2) two consecutive years.

Disorderly School Closures at Institutions of Postsecondary Education: Senate Bill 446 (Ch. 554) requires institutions of postsecondary education and private career schools to meet specified requirements regarding school and program closures, including having specified close-out agreements and meeting certain requirements for teach-out agreements. To that end, schools and school leadership must meet specified financial and record transferring obligations. The Act establishes additional protections for any student who attends a program, school, or institution that closes related to tuition and fee reimbursement, student debt collection, transcripts, close-out agreements, and teach-out agreements. Violation of specified provisions of the Act is an unfair, abusive, or deceptive trade practice under the Maryland Consumer Protection Act, subject to the Maryland Consumer Protection Act’s civil and criminal penalty provisions.

Institutions of Higher Education

Public Institutions of Higher Education

Outbreak Response Plan: In fall 2018, more than 40 students at the University of Maryland, College Park Campus (UMCP) were sickened with adenovirus, with 15 students receiving treatment at hospitals. One student passed away, with adenovirus listed as one of the causes of death. ***Senate Bill 329/House Bill 187 (Chs. 98 and 99)*** require each public institution of higher education without residential housing or a health center to submit an outbreak response plan to MDH by August 1 each year, beginning in 2021. The outbreak response plan must be customized to the public institution of higher education and include (1) a process for expediently notifying students, families of students, faculty, and staff about the outbreak and providing them with related information; (2) processes for implementing evidence-based outbreak response measures; (3) the provision of staff to successfully implement the outbreak response plan; (4) a process for reporting an outbreak to specified entities; and (5) any other measure required by MDH. If there is an outbreak of a contagious disease at a public institution of higher education, the institution must implement the outbreak response plan.

Personally Identifiable Information: Chapter 304 of 2013 requires a unit of State or local government (except for the Legislative and Judicial branches of State government) that collects an individual’s personal information to implement and maintain reasonable security procedures and practices appropriate to the nature of the information collected and the nature of the unit and its operations. ***House Bill 1122 (Ch. 429)*** excludes public institutions of higher education from these requirements and instead establishes security protocols that govern the collection, processing, sharing, and disposal of personally identifiable information by public institutions of higher education in the State. For a more detailed discussion of ***House Bill 1122***, see the subpart “State Agencies, Offices, and Officials/Regulations” within Part C – State Government of this *71 Day Report*.

University System of Maryland

Textbook Transparency Act of 2020: *Senate Bill 667/House Bill 318 (Chs. 165 and 166)* require each USM constituent institution to develop a method to clearly and conspicuously show in the online scheduling application which courses (1) provide student access to all required course materials in the form of free or low-cost digital materials and (2) may provide students access to course materials with a low-cost print option as an alternative to free or low-cost digital materials. The free or low-cost digital materials must, to the extent practicable, include openly licensed educational resources and must be equally accessible to and independently usable by individuals with disabilities. The Acts have a delayed effective date of July 1, 2021.

UMCP: The Small Business Development Center Network Fund is administered by UMCP. The Small Business Development Center offers free business consulting services to new and existing small businesses. ***Senate Bill 493 (passed)*** increases the minimum general fund appropriation to the Small Business Development Center by \$100,000 annually beginning in fiscal 2022, but the bill was vetoed by the Governor on May 7, 2020, due to concerns regarding the economic challenges resulting from the COVID-19 pandemic. For a further discussion of ***Senate Bill 493***, see the subpart “Economic Development” within Part H – Business and Economic Issues of this *71 Day Report*.

Universities at Shady Grove: The Universities at Shady Grove (USG) was established in its current form by USM as a regional higher education center in Montgomery County, but it is not established by statute. ***Senate Bill 553/House Bill 1205 (Chs. 447 and 448)*** establish the Universities at Shady Grove Regional Higher Education Center within USM in statute and specify its purpose and funding. The Acts specify that the academic programs offered at USG must be upper division undergraduate and graduate level programs. In addition, ***Senate Bill 553*** specifies that advanced postgraduate certificates and credentials may be offered.

Community Colleges

College of Southern Maryland: The College of Southern Maryland is a public, regional community college serving Calvert, Charles, and St. Mary’s counties. ***House Bill 966 (Ch. 393)*** changes the local budgetary process for the College of Southern Maryland by establishing a unified budget. The county commissioners in each county that support the college must review and approve the College of Southern Maryland budget request made to that county, rather than just for the campus in their county, and may reduce it. The Act also repeals a number of specified elements of the operating budget.

Anne Arundel County Community College: The Board of Community College Trustees for Anne Arundel County consists of eight members, appointed by the Governor with the advice and consent of the Senate. Except for the student member, members of the board serve six-year terms from July 1 of the year the appointment is made and until a successor is appointed and qualifies. ***Senate Bill 31/House Bill 546 (Chs. 245 and 246)*** change the requirements of the seven nonstudent members of the Board of Community College Trustees for Anne Arundel County. Under the Acts, a nonstudent board member (1) must be a resident of Anne Arundel

County; (2) serves a four-year rather than a six-year term; and (3) may serve no more than three consecutive full terms. The Acts apply prospectively beginning on July 1, 2020.

Other legislation relating to higher education was discussed in the *2020 Session Major Issues Review*.

Education – Local Bills

Local Boards of Education

Allegany County

Prior to the passage of legislation during the 2020 session, the Governor was required to appoint a new member to fill any vacancy of an elected member's position on the Allegany County Board of Education. *Senate Bill 240 (Ch. 541)* requires the Allegany County Commissioners, rather than the Governor, to fill a vacancy in an elected member's position on the board. The commissioners must appoint a qualified individual who serves for a certain period of time as specified by law.

Anne Arundel County

Each county board of education is required to hold an annual meeting on or, as near as possible to, the second Tuesday in July unless otherwise specified. *Senate Bill 222 (Ch. 540)* requires the Anne Arundel County Board of Education to hold its annual meeting on or, as near as possible to, the first Wednesday in December. In addition, at the annual meeting, the board is required to elect a president and vice president from among its elected members, and each officer serves a one-year term. The Act also allows an individual who fills a vacancy of an elected member on the board to be elected to serve as president or vice president.

Baltimore County

There is one student member of the Baltimore County Board of Education. *House Bill 598 (Ch. 268)* increases, from \$1,000 to \$7,500, the amount of the higher education scholarship granted to a student member who completes a full term on the board beginning on or after July 1, 2020. Additionally, *House Bill 599 (Ch. 269)* requires the student member of the board to be elected by middle and high school students in Baltimore County in accordance with procedures established by the Baltimore County student councils.

Frederick County

Senate Bill 744/House Bill 909 (Chs. 363 and 364) increase the annual compensation amount for nonstudent voting members of the Frederick County Board of Education by \$4,000 beginning with the terms of office commencing on December 6, 2022. The president of the county board will receive \$15,000 annually, rather than \$11,000, while the other voting members will receive \$14,000 annually, rather than \$10,000.