

Oppose**House Appropriations Committee*****HB 713 – Higher Education – Transfer Student Education Records – Requirements*****Tina M. Bjarekull, MICUA President****February 13, 2018**

On behalf of Maryland's independent colleges and universities and the 64,000 students they serve, thank you for the opportunity to provide testimony in opposition to ***HB 713 – Higher Education – Transfer Student Education Records – Requirements***. This bill would require Maryland colleges and universities to obtain the education records regarding disciplinary actions taken against transfer applicants from all prior institutions attended, before the institution decides whether to accept and enroll the student. Further, it requires that institutions impose conditions on the admission and enrollment of a student if the student's record indicates that he or she was disciplined for violation of an institution's sexual assault policy. These conditions may include counseling, sexual assault awareness training, prohibitions on alcohol abuse, and other individualized conditions deemed appropriate by the institution.

MICUA believes HB 713 is not necessary because colleges and universities have processes in place to collect information about a transfer student's judicial and disciplinary history at other institutions. Any disciplinary information is considered by the Admissions Office, in consultation with Title IX, Student Affairs, and other officials, as appropriate, to determine the impact of this prior history on the decision to admit the applicant and any conditions or accommodations to be placed on admission. While processes vary among institutions, many colleges and universities include questions on their applications for transfer admission about prior disciplinary action, academic dismissals and suspensions, and/or other declarations of ineligibility to re-enroll at a prior institution. When a student discloses his or her status, the receiving institution may request and obtain educational records from any prior institution(s) attended. Lying on the admission application about one's disciplinary status could result in the student being inadmissible or subject to expulsion (if discovered post-admission).

MICUA opposes HB 713 because the legislation is administratively burdensome and would be costly to implement. Further, the requirements of HB 713 would significantly slow down the admissions and enrollment process for transfer students. Approximately 16% of all incoming undergraduate students at MICUA member institutions are transfer students from other higher

education institutions, both in-state and out-of-state. HB 713 would require Maryland institutions to request, obtain, and review potentially thousands of disciplinary records for each transfer admission cycle, when only a very small number of transfer students have any disciplinary history. Enforcing the timely release of disciplinary records among out-of-state institutions would also pose significant challenges. There are no standard approaches to recording and maintaining these records across institutions, and other states may have conflicting laws regarding disciplinary disclosures. Maryland institutions would likely see fewer and fewer students completing the transfer application process due to these requirements.

MICUA is concerned that additional requirements, such as mandatory counseling and prohibitions on alcohol abuse for transfer students found in violation of certain policies at prior institutions, are unrealistic and unenforceable. For example, the case law is unclear as to whether college and university counseling centers can require counseling for student conduct or disciplinary violations. Decisions about the length and scope of treatment should be under the purview of mental health professionals, and mandated counseling as a condition of the college admissions process could be in violation of disability law.

Finally, Maryland institutions have already “banned the box” in college admissions and are prohibited from asking a student about his or her criminal history prior to accepting the student. HB 713 seems to contradict current law by requiring that Maryland institutions seek disciplinary information from other institutions, which may contain or allude to information about criminal history, prior to accepting the student.

For all of these reasons, we urge an unfavorable Committee report for HB 713.