

# HOUSE BILL 713

F2

8lr2958  
CF 8lr1764

---

By: **Delegates Morales, Anderson, Angel, Atterbeary, B. Barnes, Gaines, Gibson, Gutierrez, Haynes, Hettleman, Jackson, Kelly, Korman, Krimm, Lierman, Malone, McComas, A. Miller, Moon, Queen, Reznik, Sanchez, Simonaire, Wilkins, and P. Young**

Introduced and read first time: January 31, 2018

Assigned to: Appropriations

---

## A BILL ENTITLED

1 AN ACT concerning

2 **Higher Education – Transfer Student Education Records – Requirements**

3 FOR the purpose of requiring an institution of higher education, before deciding whether  
4 to accept and enroll a student who applies to transfer to the institution, to request  
5 and obtain records of any disciplinary actions taken against the student from certain  
6 institutions of higher education; requiring the institution of higher education to  
7 impose certain individualized conditions on the admission and enrollment of a  
8 certain student who has violated a certain sexual assault policy; requiring an  
9 institution of higher education to provide notice to certain students that it provides  
10 certain records to certain other institutions of higher education under certain  
11 circumstances; requiring that a certain notice comply with certain federal laws and  
12 regulations; and generally relating to requirements for transfer student education  
13 records and institutions of higher education.

14 BY adding to  
15 Article – Education  
16 Section 11–602  
17 Annotated Code of Maryland  
18 (2014 Replacement Volume and 2017 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
20 That the Laws of Maryland read as follows:

21 **Article – Education**

22 **11–602.**

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           **(A) BEFORE DECIDING WHETHER TO ACCEPT AND ENROLL A STUDENT WHO**  
2 **APPLIES TO TRANSFER TO AN INSTITUTION OF HIGHER EDUCATION, THE**  
3 **INSTITUTION SHALL REQUEST AND OBTAIN THE EDUCATION RECORDS REGARDING**  
4 **ANY DISCIPLINARY ACTIONS TAKEN AGAINST THE STUDENT FROM ANY INSTITUTION**  
5 **OF HIGHER EDUCATION IN WHICH THE STUDENT WAS PREVIOUSLY ENROLLED.**

6           **(B) (1) IF A STUDENT'S EDUCATION RECORD INDICATES THAT THE**  
7 **STUDENT WAS DISCIPLINED BY AN INSTITUTION OF HIGHER EDUCATION FOR A**  
8 **VIOLATION OF A SEXUAL ASSAULT POLICY ADOPTED UNDER § 11-601 OF THIS**  
9 **SUBTITLE, THE INSTITUTION TO WHICH THE STUDENT APPLIED TO TRANSFER SHALL**  
10 **IMPOSE INDIVIDUALIZED CONDITIONS ON THE ADMISSION AND ENROLLMENT OF**  
11 **THE STUDENT IN ORDER TO PREVENT THE STUDENT FROM VIOLATING THE**  
12 **INSTITUTION'S SEXUAL ASSAULT POLICY.**

13           **(2) THE TYPES OF INDIVIDUALIZED CONDITIONS THAT AN**  
14 **INSTITUTION OF HIGHER EDUCATION MAY IMPOSE MAY INCLUDE:**

15                   **(I) COUNSELING;**

16                   **(II) SEXUAL ASSAULT AWARENESS TRAINING;**

17                   **(III) A PROHIBITION ON ALCOHOL ABUSE; OR**

18                   **(IV) ANY OTHER INDIVIDUALIZED CONDITION DETERMINED**  
19 **APPROPRIATE BY THE INSTITUTION.**

20           **(C) (1) AN INSTITUTION OF HIGHER EDUCATION SHALL PROVIDE NOTICE**  
21 **TO ALL STUDENTS THAT THE INSTITUTION PROVIDES EDUCATION RECORDS**  
22 **REGARDING DISCIPLINARY ACTIONS TO ANY OTHER INSTITUTION OF HIGHER**  
23 **EDUCATION:**

24                   **(I) TO WHICH THE STUDENT APPLIES OR IN WHICH THE**  
25 **STUDENT ENROLLS; AND**

26                   **(II) THAT REQUESTS THE RECORDS.**

27           **(2) THE NOTICE REQUIRED UNDER PARAGRAPH (1) OF THIS**  
28 **SUBSECTION SHALL COMPLY WITH ANY APPLICABLE FEDERAL LAW OR**  
29 **REGULATION.**

30           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
31 1, 2018.