

Department of Legislative Services
Maryland General Assembly
2024 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

Senate Bill 543

(Senator Brooks)

Education, Energy, and the Environment

Rules and Executive Nominations

Institutions of Higher Education - Admissions Standards - Prohibition on
Consideration of Legacy Preference or Donor Preference

This bill prohibits an institution of higher education that receives State funds from considering a “legacy preference” or a “donor preference” as an eligible criterion for admission standards at the institution. Such preferences are given to an applicant due to having a familial relationship to either an alum of the institution (legacy) or a person who provides financial support to the institution (donor). However, an institution may ask applicants to provide information about familial relationships to alums of the institution for the purpose of collecting data. **The bill takes effect July 1, 2024.**

Fiscal Summary

State Effect: Public four-year institutions of higher education can prohibit use of legacy status or a familial relationship to a donor as a criterion for admission with no material fiscal impact. Baltimore City Community College (BCCC) does not consider legacy status or give a donor preference for admission.

Local Effect: None. Local community colleges do not consider legacy status or give a donor preference for admission.

Small Business Effect: None.

Analysis

Current Law: “Institution of higher education” is defined as an institution of postsecondary education that generally limits enrollment to graduates of secondary schools

and awards degrees at either the associate, baccalaureate, or graduate level. It includes public, private nonprofit, and for-profit institutions.

There are no laws in Maryland directly related to what an institution may consider for admission standards. However, according to the Maryland Fair Access to Education Act of 2017 (Chapter 2 of 2018) an institution of higher education that receives State funds is generally prohibited from using an undergraduate admissions application that contains questions about the criminal history of the applicant.

According to the University System of Maryland (USM) [Policy III-4.00 – Policy on Undergraduate Admissions](#), admission to the constituent institutions of USM must be determined without unlawful discrimination based on race, color, religion, national origin, gender identity and expression, age, sex, sexual orientation, disability, marital status, genetic information, veteran’s status, or other legally protected characteristic. The undergraduate student population of USM institutions should draw from all areas of the State and reflect the diversity of the State’s population. The policy sets forth the minimum criteria for admission to a USM institution. Each institution must publish its own decision criteria, which may be more rigorous than the minimum criteria and must be consistent with State and federal laws.

State/Local Fiscal Effect: Public four-year institutions of higher education can prohibit use of legacy status or a familial relationship to a donor as a criterion for admission with no material fiscal impact. Any institutions that currently do so can make changes to the admissions process using existing resources. Both USM and Morgan State University advise that prohibiting the use of legacy status as an admissions criterion has no fiscal impact. St. Mary’s College of Maryland states that it does not heavily rely on legacy status. However, public four-year institutions did not provide specific information on donor preference in relationship to admissions. As open-access institutions, community colleges, including BCCC, do not consider legacy status or give a donor preference for their admissions.

Additional Comments: Private nonprofit institutions that receive State funding are also subject to the requirements of the bill. In August 2022, the Maryland Independent College and University Association (MICUA) advised that four member institutions – Loyola University Maryland, St. John’s College, Stevenson University, and Washington College – incorporate legacy admissions as part of a holistic admissions process. MICUA further advised that, in the majority of cases, alumni relations have no impact on those institutions’ decisions about whether to admit a particular student.

In response to the bill, MICUA advises that some member institutions use legacy admissions as an incentive, offering additional money to students with legacy ties to the institution, and that the removal of this incentive could impact tuition revenue at those

institutions. However, as no further information on the impact was provided, the Department of Legislative Services (DLS) cannot reliably estimate any impact on tuition and fees or alumni giving. Nevertheless, it is assumed that any overall impact is minimal. Further, as no information on donor preference admissions was provided, DLS cannot reliably estimate any impact on other donations.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: HB 4 (Delegate J. Lewis) - Appropriations.

Information Source(s): Baltimore City Community College; University System of Maryland; Morgan State University; St. Mary's College of Maryland; Maryland Independent College and University Association; Department of Legislative Services

Fiscal Note History: First Reader - February 5, 2024
js/ljm Third Reader - April 6, 2024
Revised - Amendment(s) - April 6, 2024

Analysis by: Caroline L. Boice

Direct Inquiries to:
(410) 946-5510
(301) 970-5510