

# SENATE BILL 1027

F2

8lr1764  
CF HB 713

---

By: **Senators Madaleno, Conway, and Pinsky**

Introduced and read first time: February 5, 2018

Assigned to: Education, Health, and Environmental Affairs

---

## 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, within a certain period of  
4 time after accepting a student to transfer to the institution, to request and obtain  
5 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 attendance 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.**

23 **(A) WITHIN 30 DAYS AFTER ACCEPTING A STUDENT TO TRANSFER TO AN**  
24 **INSTITUTION OF HIGHER EDUCATION, THE INSTITUTION SHALL REQUEST AND**  
25 **OBTAIN THE EDUCATION RECORDS REGARDING ANY DISCIPLINARY ACTIONS TAKEN**

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 AGAINST THE STUDENT FROM ANY INSTITUTION OF HIGHER EDUCATION IN WHICH  
2 THE STUDENT WAS PREVIOUSLY ENROLLED.

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

10 (2) THE TYPES OF INDIVIDUALIZED CONDITIONS THAT AN  
11 INSTITUTION OF HIGHER EDUCATION MAY IMPOSE MAY INCLUDE:

12 (I) COUNSELING;

13 (II) SEXUAL ASSAULT AWARENESS TRAINING;

14 (III) A PROHIBITION ON ALCOHOL ABUSE; OR

15 (IV) ANY OTHER INDIVIDUALIZED CONDITION DETERMINED  
16 APPROPRIATE BY THE INSTITUTION.

17 (C) (1) AN INSTITUTION OF HIGHER EDUCATION SHALL PROVIDE NOTICE  
18 TO ALL STUDENTS THAT THE INSTITUTION PROVIDES EDUCATION RECORDS  
19 REGARDING DISCIPLINARY ACTIONS TO ANY OTHER INSTITUTION OF HIGHER  
20 EDUCATION:

21 (I) TO WHICH THE STUDENT APPLIES OR IN WHICH THE  
22 STUDENT ENROLLS; AND

23 (II) THAT REQUESTS THE RECORDS.

24 (2) THE NOTICE REQUIRED UNDER PARAGRAPH (1) OF THIS  
25 SUBSECTION SHALL COMPLY WITH ANY APPLICABLE FEDERAL LAW OR  
26 REGULATION.

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
28 1, 2018.