

JASON C. BUCKEL
Legislative District 1B
Allegany County

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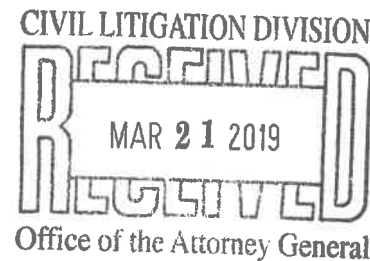
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March 20, 2019

The Honorable Brian E. Frosh
Attorney General
200 St. Paul Place
Baltimore, Maryland 21201



Dear Attorney General Frosh:

I am writing on behalf of Allegany College of Maryland to request a formal opinion regarding several practical questions and concerns that have surfaced as the institution has worked to become compliant with the Maryland Fair Access to Education Act of 2017 (HB694). This is an act concerning Higher Education – Admissions Process – Criminal History.

The College has revised its admissions application to omit any questions regarding criminal history and ensure compliance with the law. The College is unclear, however, about what ability it has to protect the College community upon learning of an individual's criminal history following admittance and enrollment. The Act outlines the process and provisions that an institution must develop for "determining whether there is a relationship between a student's criminal history and campus residency or a specific academic program" (26-505). However, as the College notes, the text of the Act does not mention whether an institution has the right to rescind or suspend admission based upon a subsequent determination or to take reasonable safety precautions resulting from the application of such a process.

Additionally, the College has concerns regarding the lack of clear distinction between adult and juvenile criminal records and how the discovery of juvenile records applies in certain situations. These concerns are outlined in the attached letter from College President Cynthia Bambara.

Now that Maryland's colleges and universities have taken steps to modify their admissions processes in order to become compliant with the Maryland Fair Access to Education Act of 2017, it is expected for them to have specific issues and concerns as they encounter specific situations. To clarify these matters going forward, I would therefore request a formal opinion so that it can be determined what rights an institution has beyond the admissions process

and to provide clarity for the institutions as they are developing the process outlined in 26-505 of the Act.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul B. Bu". The signature is written in a cursive, flowing style with a long horizontal tail.

Cc:

Kathryn M. Rowe

Deputy Counsel, Office of the Attorney General

Cynthia Bambara

President, Allegany College of Maryland



ALLEGANY COLLEGE
of MARYLAND
OFFICE OF THE PRESIDENT

October 16, 2018

Delegate Jason C. Buckel
Buckel Levasseur & Pillai LLC
206 Washington Street
Cumberland, MD 21502

Good morning Delegate Buckel,

I am writing to request assistance in obtaining the Attorney General's guidance on the interpretation of House Bill 694 of the 2017 Regular Session. This is an act concerning Higher Education--Admissions Process-Criminal History (Maryland Fair Access to Education Act of 2017).

Allegany College of Maryland is compliant with the law and revised the admissions application to omit any questions regarding criminal history. My concern is, once a student with a criminal background is admitted, and the College either knows or later discovers the student has a criminal record, what rights does the College have to take reasonable safety precautions to protect others in the College community?

For example, if after admission, it is discovered that a student has a violent criminal history, is a sex offender, or has committed some other offense that has the potential to be a threat to the college community, can the college rescind or suspend admission with a clear policy and a clearly defined due process in place? Such a provision would allow for further assessment of items listed in 26-505 of HB 694.

Another concern is that the text of the law does not distinguish between adult and juvenile criminal records, the latter of which are generally protected. What can the College do if we learn of a juvenile record that if committed by an adult and discoverable by public court records would result in a denial to on-campus housing, restricted admissions programs or dismissal from the institution?

I understand the intent of the law is to provide a second chance for individuals who make mistakes at an earlier point in time. On the other hand, we at the institution have the duty to provide a safe and secure environment for our students, our employees and members of our community who utilize our facilities.

Your assistance in obtaining an opinion on these matters is most appreciated.

Sincerely,

Cynthia Bambara
President

CYNTHIA S. BAMBARA, PRESIDENT

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