



**Testimony for the House Ways and Means Committee
March 12, 2013**

HB 739 – Public Institutions of Higher Education – Legal Presence and Tuition Rates – Reporting

OPPOSE

AMERICAN CIVIL
LIBERTIES UNION
OF MARYLAND

MAIN OFFICE
& MAILING ADDRESS
3600 CLIPPER MILL ROAD
SUITE 350
BALTIMORE, MD 21211
T/410-889-8555
or 240-274-5295
F/410-366-7838

FIELD OFFICE
6930 CARROLL AVENUE
SUITE 610
TAKOMA PARK, MD 20912
T/240-274-5295

WWW.ACLU-MD.ORG

OFFICERS AND
DIRECTORS
ALLI HARPER
PRESIDENT

SUSAN GOERING
EXECUTIVE DIRECTOR

C. CHRISTOPHER BROWN
GENERAL COUNSEL

The American Civil Liberties Union of Maryland opposes HB 739 because it serves no discernible public policy purpose, requires the collection of unnecessarily detailed and invasive personal information, imposes onerous data collection and reporting requirements on Maryland's institutions of higher education, and may have the effect of deterring intended beneficiaries of the Maryland DREAM Act from availing themselves of benefits to which they are entitled.

In 2011, the General Assembly passed the DREAM Act, which provided in-state tuition benefits to certain qualifying honorably discharged veterans and to certain immigrants. The Act was petitioned to referendum, and Marylanders voted in favor of upholding it. The DREAM Act includes a provision that requires Maryland institutions of higher learning to collect data and to report on the number of individuals who receive in-state tuition under the Act.¹ That provision provides a sufficient method of tracking the fiscal impact of the bill without requiring, as HB 739 would, the invasive collection of additional private information that serves no discernible public policy purpose. In order to satisfy the requirements of HB 739, institutions of higher learning would need to collect such detailed information not only from individuals eligible for in-state tuition benefits under the DREAM Act, but also from every other student in attendance at the institution.

It should be noted that the DREAM Act explicitly protects the confidentiality of information collected from individuals for purposes of establishing their eligibility for in-state tuition benefits under the Act.² Thus, any disclosure of identifying information would violate the DREAM Act. While it is not clear that HB 739 would require revealing identifying information, we take this opportunity to emphasize that any attempt to do so would be unlawful under the Act and would additionally raise serious privacy concerns.

Finally, we are concerned that requiring the collection and reporting of needless information may have the effect of deterring eligible individuals from accessing a benefit to which they are entitled, for example if they are uncomfortable with having irrelevant information about their country of origin or the details of their immigration status collected and reported.

For the foregoing reasons, we oppose HB 739 and urge an unfavorable report.

¹ Maryland Code § 15-106.8(F).

² Maryland Code § 15-106.8(E).