

MARYLAND HIGHER EDUCATION COMMISSION

MEETING BOOKLET

Time: 9:00 AM – 3:30 PM
September 26, 2018

Place: Maryland Higher Education Commission
6 N. Liberty St, 7th Floor Board Room
Baltimore, MD 21201

Maryland Higher Education Commission

Anwer Hasan, Chairman

Sandra L. Jimenez, Vice-Chair

Vivian S. Boyd

John Holaday

Vera R. Jackson

Russell V. Kelley

Giavanna Tserkis, Student Commissioner

Ian MacFarlane

Donna M. Mitchell

Joel Packer

Rizwan A. Siddiqi

John W. Yaeger

James D. Fielder, Jr., Ph.D.
Secretary

Lawrence J. Hogan, Jr.
Governor

Boyd K. Rutherford
Lt. Governor



Larry Hogan
Governor

Boyd K. Rutherford
Lt. Governor

Anwer Hasan
Chairperson

James D. Fielder, Jr., Ph. D.
Secretary

Maryland Higher Education Commission Meeting Agenda

TIME: 9:00 a.m.-3:30 p.m.
Wednesday
September 26, 2018

PLACE: Maryland Higher Education Commission
6 N. Liberty Street, 7th FL BR
Baltimore, MD 21201

	Page	Action Item
Call to Order		
Commission Minutes Approval	1	*
• June 27, 2018		
• July 11, 2018		
• August 27, 2018		
Chairman’s and Secretary’s Remarks		
Commissioner Committee Updates		
Office of Student Financial Assistance – Donna Thomas		
• Proposed Adoption on Regulations		
○ Cybersecurity Public Service Scholarship Program	13	
○ Howard P. Rawlings Educational Excellence Program	17	
Department of Finance and Administration – Geoff Newman		
• Operation and Capital Budget Presentation		
○ 9:30 am – University System of Maryland, Ms. Ellen Herbst, Vice Chancellor for Administration & Finance		
○ 10:00 am – St. Mary’s College of Maryland – Dr. Tuajuanda C. Jordan, President		
○ 10:20 am - Morgan State University – Dr. David Wilson, President		
○ 10:40 pm – Maryland Independent College and University Association – Ms. Tina Bjarekull, President		
○ 11:00 am – Maryland Association of Community Colleges – Dr. Bernie Sadusky, Executive Director		
○ 11:20 am – Baltimore City Community College – Dr. James H. Johnson, Jr., Interim President		
○ 11:40 pm – Regional Higher Education Centers – Mr. Geoffrey Newman, Assistant Secretary of Finance and Administration and Center Directors		
Lunch		
Office of Research and Policy Analysis – Jon Enriquez		
• 2018 Retention and Graduation Rates at Maryland Four-Year Institutions	27	
• 2018 Retention, Graduation, and Transfer Rates at Maryland Community Colleges	29	
Adjournment		

Maryland Higher Education Commission
Meeting Minutes

June 27, 2018
1:00 p.m.

The Maryland Higher Education Commission (MHEC) met on Wednesday, June 27, 2018 at 6 N. Liberty Street, 7th Floor Board Room, Baltimore, MD 21201.

Commission members present:

Anwer Hasan, Chairman	Sandra L. Jimenez, Vice Chairperson
Bryson Barksdale	Vivian S. Boyd, Ph.D.
Vera Jackson	Donna Mitchell
Joel C. Packer	Rizwan A. Siddiqi
John W. Yaeger, Ed.D	

Commission members not present:

John W. Holaday, Ph.D.	Ian MacFarlane
Russell Kelly	

Staff members present:

Jon Enriquez	Lee Towers
Christine Wellons	Aubrey Bascombe
Trish Gordon McCown	Geoff Newman
Rhonda Wardlaw	Ashley Wallace
Kendal Cook	Barbara Schmertz
Karen King Sheridan	Jermal Butler
Michael Kiphart	Vanessa Bennett
Glenda Abney	

Call to Order

The meeting was called to order by **Chairman Hasan** at approximately 1:07 p.m. A meeting quorum was established with nine out of twelve members present.

Approval of Minutes – Action Item

There was a motion by **Commissioner Boyd** and a second by **Commissioner Siddiqi** for approval of the May 23, 2018 meeting minutes. The motion was approved unanimously.

Chairman’s Remarks

No remarks.

Secretary’s Remarks

Chairman Hasan recognized **Secretary Fielder**. **Secretary Fielder** reported MHEC continues to receive strong feedback regarding the state plan. **Secretary Fielder** further reported feedback has been positive including feedback received during the recent SREB Annual meeting.

Faculty Advisory Council

No report.

Student Advisory Council

Secretary Fielder recognized Ms. Glenda Abney. Ms. Abney introduced Mr. Bryson Barksdale and Ms. Ashley Esposito. Mr. Barksdale and Ms. Esposito provided the Commission the 2017-2018 Student Advisory Council End of Year Report.

Applied Baccalaureate Workgroup Recommendations –Action Item

Chairman Hasan recognized **Commissioner Yaeger**. **Commissioner Yaeger** reported the applied baccalaureate workgroup met five times to discuss a variety of topics including current Maryland law, a review of other states’ programs that allow bachelor degrees at community colleges, definitions of an “applied baccalaureate”, defining and identifying workforce need, and current opportunities and processes to meet workforce need. As a result of these discussions, the workgroup agreed on seven recommendations. These recommendations include:

- **Recommendation 1:** The current Bachelors of Technical Studies and the Bachelors of Professional Studies satisfy the concept of an “applied baccalaureate” for Maryland. {Strategy 5, 2017-2021 State Plan}
- **Recommendation 2:** The Commission should promote and clarify the current RFP process set in statute. {Strategy 5, 2017-2021 State Plan}
- **Recommendation 3:** The Commission should provide a template for articulation agreements. {Strategy 5, 2017-2021 State Plan}
- **Recommendation 4:** The Commission should consider a grievance process for articulation agreements. {Strategy 5, 2017-2021 State Plan}

- **Recommendation 5:** The Commission should promote the completion of an associate's degree prior to transferring through the articulation agreement template and through transfer scholarships. {Strategy 5 and 6, 2017-2021 State Plan}
- **Recommendation 6:** There is a timeline to review and discuss the progress of meeting unmet workforce needs, particularly for the industries presented in the MACC proposal.
- **Recommendation 7:** Measures of progress towards meeting unmet workforce needs in Maryland will be demonstrated through (a) improved processes (e.g., promoting and clarifying the RFP process), (b) explicit articulation agreements, and (c) examining the success of specific pathways.

Chairman Hasan requested additional time for Commissioners to review applied baccalaureate workgroup materials and recommendations. Commission will meet via conference call next week to vote on recommendations.

Office of the Secretary – Commission Committee Updates –Information Item

Program Review Committee: Commission Yaeger reported there was no update for the Program Review Committee. **Commissioner Yaeger** further reported focus has been on the applied baccalaureate workgroup.

Finance and Operations Committee: Commissioner Siddiqi provided the Commission an update on the committee's activities. **Commissioner Siddiqi** reported the committee is working on staffing, the Student Loan Debt Relief Tax Credit, and standardizing the institution's annual budget requests.

Outreach, Grants, and Financial Assistance: Commissioner Packer provided the Commission an update on the development of a mobile app. The application to NIC USA was submitted June 6th. **Commissioner Packer** reported the goal is to have the mobile app operational by the end of the year. **Commissioner Packer** further reported the number of outreach sessions has increased by 32% exceeding the 15% goal. **Commissioner Packer** further reported on the development of the train the trainer package.

Department of Finance and Administration – Proposed Adoption on Regulations – Student Loan Debt Relief Tax Credit- Action Item

Chairman Hasan recognized Mr. Geoff Newman. Mr. Newman reported legislation passed during the 2018 Session, House Bill 593 and Senate Bill 933, expanded both the types of debt qualifying for the Tax Credit, and the total amount of the Tax Credit. Mr. Newman further reported under the new legislation, loans incurred for graduate school now may qualify for the credit, whereas previously only undergraduate loan debt qualified. In addition, the total amount of Tax Credits that may be awarded by MHEC has been increased from \$5,000,000 to \$9,000,000. The proposed regulatory amendments align with the new legislative requirements of House Bill 593 and Senate Bill 933.

Commissioner Boyd motioned that the Commission approve for publication and public comment the attached proposed regulations regarding the Student Loan Debt Relief Tax Credit, and authorizes MHEC's attorneys to approve non-substantive revisions as necessary to conform the proposed regulations to the stylistic and formatting requirements of AELR and of the Division of State Documents. **Commissioner Mitchell** seconded the motion. The motion was approved unanimously.

Department of Academic Affairs – Proposed Adoption on Regulations – For-Profit Institutions of Higher Education- Action Item

Chairman Hasan recognized Dr. Michael Kiphart. Dr. Kiphart reported Senate Bill 795 of the 2018 legislative session provides that a for-profit institution of higher education must provide financial guarantees sufficient to cover its total non-Title-IV tuition liability. It is necessary to amend MHEC regulations (COMAR 13B.02.06.05) in order to implement Senate Bill 795. Dr. Kiphart further reported current regulations give for-profit institutions an option between providing the financial guarantee or providing a cash fund into a guaranty fund in an amount equal to the financial guarantee. In order to align with Senate Bill 795, it is necessary to remove the option of the cash payment in lieu of a financial guarantee.

Commissioner Siddiqi motioned that the Commission approve for publication and public comment the attached proposed regulations regarding financial guarantees of for-profit institutions of higher education, and authorizes MHEC's attorneys to approve non-substantive revisions as necessary to conform the proposed regulations to the stylistic and formatting requirements of AELR and of the Division of State Documents. **Commissioner Mitchell** seconded the motion. The motion was approved unanimously.

Department of Academic Affairs – Proposed Adoption on Regulations – Off-Campus Programs at Regional Higher Education Centers- Action Item

Chairman Hasan recognized Dr. Michael Kiphart. Dr. Kiphart reported under current regulation, COMAR 13B.02.03.20, an institution may not be approved to offer a program off-campus unless the program already is offered at the institution's principal campus. The proposed regulations would modify this restriction such that an off-campus program may be approved if it is to be offered at an RHEC. Dr. Kiphart further reported the goal of this regulatory amendment is to encourage the delivery of a broader spectrum of courses and program offerings throughout our state. This regulatory change would better allow institutions, RHECs, and MHEC to respond to regional educational and economic needs.

Commissioner Boyd motioned that the Commission approve for publication and public comment the attached proposed regulations regarding off-campus programs at regional higher education centers, and authorizes MHEC's attorneys to approve non-substantive revisions as necessary to conform the proposed regulations to the stylistic and formatting requirements of AELR and of the Division of State Documents. **Commissioner Siddiqi** seconded the motion. The motion was approved unanimously.

Office of Research and Policy Analysis – 2016 Bachelor’s Graduate Follow-Up Survey- Information Item

Chairman Hasan recognized Dr. Jon Enriquez. Dr. Enriquez recognized Dr. Barbara Schmertz. Dr. Schmertz provided the Commission a report on the 2016 Bachelor’s Graduate Follow-Up Survey. This report presents results of the most current Bachelor’s Graduate Follow-Up Survey, which includes responses from graduates who earned their degrees from a public four-year campus in Maryland during the 2015-2016 academic year. This report provides data on respondent demographics and data on post-baccalaureate outcomes (e.g., employment, residency, and additional higher education). In addition, analysis is provided tied to two research questions that aim to explore data on post-graduate outcomes, perceptions of preparedness for work and school, and perceptions of the role of financial aid.

Office of Research and Policy Analysis – Enrollment Projections- Maryland Public Colleges and Universities- Action Item

Chairman Hasan recognized Dr. Jon Enriquez. Dr. Enriquez provided the commission a report on the enrollment projections for Maryland public colleges and universities through Fall 2027. Dr. Enriquez reported these projections provide perspective to higher education policy discussions at the state level, including facilities planning, tuition and fees issues, articulation, funding priorities, and retention and graduation rates.

Commissioner Jackson motioned that the Maryland Higher Education Commission accept the 2018-2027 enrollment projections and approve their distribution to the public, the campuses, and interested state agencies. **Commissioner Siddiqi** seconded the motion. The motion was approved unanimously.

Office of Student Financial Assistance – Final Adoption on Regulations – MLARP Foster Care- Action Item

Chairman Hasan recognized Ms. Claudine Saxton. Ms. Saxton reported the Commission approved for publication in the Maryland Register the attached regulations regarding the Maryland Loan Assistance Repayment Program for Foster Care Recipients. Ms. Saxton further reported the purpose of the Maryland Loan Assistance Repayment Program for Foster Care Recipients is to provide State assistance in the repayment of educational loans owed by a foster care recipient employed by the State or a county or municipality of the State.

Vice Chairperson Jimenez motioned that the Commission approve for final adoption and publication in the Maryland Register the attached proposed regulations regarding the Maryland Loan Assistance Repayment Program for Foster Care Recipients, and authorizes MHEC’s attorneys to approve non-substantive revisions as necessary to conform the proposed regulations to the stylistic and formatting requirements of AELR and of the Division of State Documents. **Commissioner Packer** seconded the motion. The motion was approved unanimously.

Office of Student Financial Assistance – Final Adoption on Regulations – EEA Audit Regulations- Action Item

Chairman Hasan recognized Ms. Claudine Saxton. Ms. Saxton reported the Commission approved for publication in the Maryland Register the attached regulations regarding the Maryland Higher Education Commission Independent Audit Review. Ms. Saxton further reported the purpose of the Maryland Higher Education Commission Independent Audit Review is to provide oversight to ensure that all participating postsecondary institutions are handling funds appropriately for recipients of the Howard P. Rawlings Educational Excellence Award program.

Commissioner Siddiqi motioned that the Commission approve for final adoption and publication in the Maryland Register the attached proposed regulations regarding the Maryland Higher Education Commission Independent Audit Review, and authorizes MHEC's attorneys to approve non-substantive revisions as necessary to conform the proposed regulations to the stylistic and formatting requirements of AELR and of the Division of State Documents. **Vice Chairperson Jimenez** seconded the motion. The motion was approved unanimously.

Adjournment

The meeting adjourned at approximately 3:16 p.m.

Maryland Higher Education Commission
Meeting Minutes

July 11, 2018
2:00 p.m.

The Maryland Higher Education Commission (MHEC) met on Wednesday, July 11, 2018 via conference call.

Commission members present:

Anwer Hasan, Chairman	Sandra L. Jimenez, Vice Chairperson
Bryson Barksdale	Vivian S. Boyd, Ph.D.
Vera Jackson	Russell Kelley
Donna Mitchell	Joel C. Packer
Rizwan A. Siddiqi	John W. Yaeger, Ed.D

Commission members not present:

John W. Holaday, Ph.D.	Ian MacFarlane

Staff members present:

Secretary Fielder	Emily Dow
Christine Wellons	

Call to Order

The meeting was called to order by **Chairman Hasan** at approximately 2:06 p.m. A meeting quorum was established with ten out of twelve members present.

Applied Baccalaureate Workgroup Recommendations- Action Item

Chairman Hasan recognized Commissioner Yaeger. Commissioner Yaeger reported the applied baccalaureate workgroup met five times to discuss a variety of topics including current Maryland law, a review of other states' programs that allow bachelor degrees at community colleges, definitions of an "applied baccalaureate", defining and identifying workforce need, and current opportunities and processes to meet workforce need. As a result of these discussions, the workgroup agreed on seven recommendations. These recommendations include:

- **Recommendation 1:** The current Bachelors of Technical Studies and the Bachelors of Professional Studies satisfy the concept of an “applied baccalaureate” for Maryland. {Strategy 5, 2017-2021 State Plan}
- **Recommendation 2:** The Commission should promote and clarify the current RFP process set in statute. {Strategy 5, 2017-2021 State Plan}
- **Recommendation 3:** The Commission should provide a template for articulation agreements. {Strategy 5, 2017-2021 State Plan}
- **Recommendation 4:** The Commission should consider a grievance process for articulation agreements. {Strategy 5, 2017-2021 State Plan}
- **Recommendation 5:** The Commission should promote the completion of an associate’s degree prior to transferring through the articulation agreement template and through transfer scholarships. {Strategy 5 and 6, 2017-2021 State Plan}
- **Recommendation 6:** There is a timeline to review and discuss the progress of meeting unmet workforce needs, particularly for the industries presented in the MACC proposal.
- **Recommendation 7:** Measures of progress towards meeting unmet workforce needs in Maryland will be demonstrated through (a) improved processes (e.g., promoting and clarifying the RFP process), (b) explicit articulation agreements, and (c) examining the success of specific pathways.

Commissioner Boyd motioned that the Commission endorses for implementation the Recommendations from the Applied Baccalaureate Workgroup, as set forth in a memorandum submitted to the Commission by Commissioner John Yaeger, Ed.D. (Captain, USN, Ret.) at a regular public meeting of the Commission on June 27, 2018. It is further recommended that the Commission instructs MHEC staff to report to the Commission in January 2019 regarding progress in implementing the Recommendations. **Commissioner Kelley** seconded the motion. The motion was approved unanimously.

Adjournment

The meeting adjourned at approximately 2:23 p.m.

Maryland Higher Education Commission
Meeting Minutes

August 27, 2018
11:00 a.m.

The Maryland Higher Education Commission (MHEC) met on Monday, August 27, 2018 via conference call.

Commission members present:

Anwer Hasan, Chairman	Vivian S. Boyd, Ph.D.
Vera Jackson	Russell Kelly
Ian MacFarlane	Donna Mitchell
Joel C. Packer	Giavanna Tserkis
John W. Yaeger, Ed.D	

Commission members not present:

John W. Holaday, Ph.D.	Sandra L. Jimenez, Vice Chairperson

Staff members present:

Secretary Fielder	Emily Dow
Christine Wellons	Geoff Newman

Call to Order

The meeting was called to order by **Chairman Hasan** at approximately 11:08 a.m. A meeting quorum was established with ten out of twelve members present.

Proposed Adoption on Regulations – Workforce Development Sequence- Action Item

Chairman Hasan recognized Dr. Emily Dow. Dr. Dow reported in 2017, the General Assembly enacted legislation (2017, ch. 149, § 1) to create workforce development sequence scholarships at community colleges in the State. In 2018, the General Assembly amended the legislation (2018, ch. 695, § 1) to expand availability of the scholarships for workforce sequences related to registered apprenticeship programs. Dr. Dow further reported on May 23, 2018, the Commission approved for publication proposed regulations regarding workforce development sequence scholarships. Those proposed regulations have been further amended by staff, working together with community college representatives, to clarify the inclusion of registered apprenticeships pursuant to the 2018 legislation, and to make other clarifying edits.

Commissioner Jackson motioned that the Commission:

- 1) Approves for publication in the Maryland Register the enclosed proposed regulations, dated August 27, 2018, regarding workforce development sequence scholarships;
- 2) Rescinds its prior approval, on May 23, 2018, of a set of proposed regulations, dated May 23, 2018, regarding workforce development sequence scholarships; and
- 3) Authorizes its Assistant Attorneys General to make non-substantive edits to the proposed regulations if necessary to conform to the stylistic requirements of the Joint Administrative, Executive, and Legislative Review Committee or the Division of State Documents.

Commissioner Mitchell seconded the motion. The motion was approved unanimously.

Final Adoption on Regulations – Financial Guarantee Requirements for Online Registered Institutions- Action Item

Chairman Hasan recognized Dr. Emily Dow. Dr. Dow reported during the 2018 legislative session, the General Assembly passed Senate Bill 795 as emergency legislation. The bill will require non-SARA, for-profit out-of-state institutions of higher education that provide online education in Maryland to provide to MHEC a financial guarantee in an amount sufficient to cover the institution's non-Title IV tuition liability. Dr. Dow further reported on April 25, 2018, the Commission approved for publication in the Maryland Register the enclosed regulations to implement the requirements of the 2018 legislation. The regulations were published in the Maryland Register on June 8, 2018. The public comment period for the regulations ended on July 9, 2018, and no public comments were received.

Commissioner MacFarlane motioned that the Commission approve for final adoption and publication in the Maryland Register the attached proposed regulations regarding the financial guarantee requirements for online registered institutions, and authorizes MHEC's attorneys to approve non-substantive revisions as necessary to conform the proposed regulations to the stylistic and formatting requirements of AELR and of the Division of State Documents.

Commissioner Kelley seconded the motion. The motion was approved unanimously.

Final Adoption on Regulations – Financial Guarantee Requirements for Private Career Schools- Action Item

Chairman Hasan recognized Dr. Emily Dow. Dr. Dow reported during the 2018 legislative session, the General Assembly passed Senate Bill 795 as an emergency measure. The bill requires private career schools to provide to the Commission financial guarantees in amounts sufficient to cover 100 percent of the institutions' non-Title IV tuition liability. Dr. Dow further reported on April 25, 2018, the Commission approved the enclosed proposed regulations, for publication in the Maryland Register, in order to implement the new statutory requirements. The proposed regulations were published in the Maryland Register on June 8, 2018. The public comment period ended on July 9, 2018, and no public comments were received.

Commissioner Yaeger motioned that the Commission approve for final adoption and publication in the Maryland Register the attached proposed regulations regarding financial guarantee requirements for private career schools, and authorizes MHEC's attorneys to approve non-substantive revisions as necessary to conform the proposed regulations to the stylistic and formatting requirements of AELR and of the Division of State Documents. **Commissioner Kelley** seconded the motion. The motion was approved unanimously.

Adjournment

The meeting adjourned at approximately 11:26 a.m.



Larry Hogan
Governor

Boyd K. Rutherford
Lt. Governor

Anwer Hasan
Chairperson

James D. Fielder, Jr., Ph. D.
Secretary

MEMORANDUM

DATE: September 26, 2018

TO: Maryland Higher Education Commissioners

FROM: Donna Thomas, Director, and Office of Student Financial Assistance

SUBJECT: Proposed Approval of COMAR Program Regulations–
Cybersecurity Public Service Scholarship Program

The purpose of this memorandum is to request approval to publish proposed regulations for the Cybersecurity Public Service Scholarship Program.

In 2018, the General Assembly enacted legislation (2018, ch. 415) to create a scholarship program to support students who are pursuing an education in programs that are directly relevant to Cybersecurity.

A student is eligible to apply for the scholarship if:

- eligible for in-state tuition;
- a student who is enrolled full-time at an eligible institutions in an approved credit bearing degree or certificate program that is directly relevant to cybersecurity;
- within 2 years of graduation;
- maintained a cumulative GPA of at least a 3.0; and
- has not received a Federal CyberCorps Scholarship for Service award

RECOMMENDATION: It is recommended that the Commission approve for publication in the Maryland Register the enclosed proposed regulations dated September 26, 2018 for the Cybersecurity Public Service Scholarship Program, and authorize MHEC’s attorneys to approve non-substantive revisions as necessary to conform the proposed regulations to the stylistic and formatting requirements of AELR and of the Division of State Documents.

Title 13B MARYLAND HIGHER EDUCATION COMMISSION

Subtitle 08 FINANCIAL AID

Chapter 20 Cybersecurity Public Service Scholarship Program

Authority: Education Article, §§11-105(u), 18-204(c), 18-3406, Annotated Code of Maryland

.01 Program Established.

There is a Cybersecurity Public Service Scholarship Program, which is administered by the Office pursuant to Education Article, Title 18, Subtitle 34, Annotated Code of Maryland.

.02 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

- (1) "Commission" means the Maryland Higher Education Commission.
- (2) "Cybersecurity program" means a credit-bearing degree or certificate program that:
 - (a) Is approved by the Commission under Education Article, §11-206, Annotated Code of Maryland; and
 - (b) Has been identified by the Secretary as directly relevant to cybersecurity.
- (3) "Director" means the executive director of the Office.
- (4) "Education expenses" mean:
 - (a) Tuition;
 - (b) Mandatory fees; and
 - (c) Costs of room and board.
- (5) "Eligible institution" means a public or private nonprofit institution of higher education that operates in the State under Education §§ 11-201, 11-201.1, Annotated Code of Maryland.
- (6) "Extenuating circumstances" mean a documented disability, including pregnancy, or a documented extended illness, that prevents a recipient from fulfilling a scholarship requirement.
- (7) "Full-time" means enrollment in at least 12 credits per semester at an eligible institution.
- (8) "Office" means the Office of Student Financial Assistance within the Maryland Higher Education Commission.
- (9) "Secretary" means the Secretary of Higher Education.
- (10) "Scholarship" means a Cybersecurity Public Service Scholarship under this chapter.

.03 Student Eligibility.

A. Subject to the State budget, the Office annually shall determine a student's eligibility to receive a scholarship.

B. An applicant is eligible for a scholarship if the applicant:

- (1) Is enrolled full-time at an eligible institution in a cybersecurity program;
- (2) Is within 2 years of graduation from the cybersecurity program;
- (3) Has maintained a cumulative grade point average of at least 3.0 of a 4.0 scale;
- (4) Has not received a federal CyberCorps Scholarship for Service, regardless of whether the applicant has applied for a federal CyberCorps Scholarship for Service;
- (5) Either:
 - (a) Attends a public eligible institution, and has been determined eligible for in-State tuition by the institution;or
 - (b) Attends a private nonprofit eligible institution, and would qualify for in-State tuition under the provisions of Education Article, Title 15, Annotated Code of Maryland; and
- (6) Timely files an application and any required supporting documentation with the Office.

.04 Application Process.

A. A student shall apply annually to the Office to be eligible for a scholarship in the form prescribed by the Office.

B. Time of Submission. An application and required documentation received by the Office after July 1 is untimely and shall not be considered.

D. An applicant must submit the following required documentation:

- (1) Copy of the applicant's official college or university transcript;
 - (2) Proof from the eligible institution that the applicant is 2 years from graduation in a cybersecurity program;
- and
- (3) Certification from the institution that the applicant has not received or applied for a Federal Cybercorps Scholarship for Service.

E. For the 2018-2019 award year only, applicants shall apply and submit all required documentation to the Office by February 1, 2019.

.05 Scholarship Renewal.

A. Subject to regulation .06, an applicant shall be eligible to renew a scholarship for a subsequent year if the applicant:

- (1) Timely submits an application under regulation .04; and
- (2) Continues to meet the requirements of regulation .03.

B. A recipient may receive a scholarship for a maximum of 2 years.

.06 Amount of Scholarship.

A. An annual scholarship shall be in the amount prescribed by the Director, which shall not exceed the recipient's education expenses.

B. Priority of Scholarship Awards. Priority for scholarships shall be given to prior year recipients who remain eligible under this chapter.

.07 Selection of Recipients.

A. Eligible applicants shall be ranked on the basis of cumulative grade point average.

B. Grades for credits earned for an applicant attending a public or private nonprofit institution 2 years prior to graduation shall be used to calculate the cumulative grade point average.

C. Awards shall be made to applicants based on cumulative grade point average ranked highest to lowest. Awards shall be issued until the total funds appropriated for the program have been depleted.

D. Recipients shall be notified through the Maryland College Aid Processing System (MDCAPS) of the scholarship awards.

E. A recipient shall accept the award online through MDCAPS by the date specified in the award notice, or the award shall be forfeited.

F. Eligible applicants who do not receive an award shall be notified and placed on a waiting list and considered if funds become available.

.08 Verification and Payment.

A. Verification.

(a) The Office shall verify that the applicant:

- (1) Meets the grade point average requirement;
- (2) Is 2 years from graduating in a cybersecurity program; and
- (3) Is not a recipient of a Federal CyberCorps Scholarship for Service award.

B. Payment.

(a) Eligible institutions shall certify on billing rosters provided by the Office that the recipient is:

- (1) Eligible for in-state tuition;
- (2) Maintaining a grade point average of at least a 3.0 on a 4.0 scale;
- (3) Enrolled full-time in a cybersecurity program;
- (4) Maintaining satisfactory academic progress toward a degree; and
- (5) Maintaining the standards of the institution.

.09 Scholarship Conditions and Service Requirement.

A. Full-Time Employment. For purposes of this regulation, "full-time employment" means employment for at least 35 hours per week.

B. Use of Scholarship. A scholarship shall be used solely for education expenses to attend an eligible institution.

C. As a precondition of receiving a scholarship, a recipient shall provide a promissory note and shall enter into a written agreement with the Commission, in the form and manner prescribed by the Office, requiring the recipient to:

- (1) Earn credit as a full-time student;
- (2) Complete the cybersecurity program for which the recipient received the scholarship; and
- (3) Perform the service obligation described in paragraph D.

D. Service Obligation. For each year that the recipient receives a scholarship, the recipient shall:

- (1) Maintain full-time employment in the State for at least 1 year in a unit of State government in the cybersecurity field; or
- (2) Teach full-time in the State for at least 1 year in a public high school in an education program that is directly relevant to cybersecurity.

.10 Conversion of Scholarship to Loan.

A. Except as provided in paragraph C, if the recipient breaches the terms or conditions of the agreement or note under regulation .09, including the failure to perform the service obligation, the scholarship shall convert to a student loan payable to the State.

B. Interest on the loan shall be charged at an interest rate equal to the interest rate established by the United States Department of Education for the Federal Stafford Loan on the first day of July of each year.

C. Interest may not accrue prior to notification to the Office of a recipient's graduation or termination from an institution of higher education.

D. Repayment may be prorated if the recipient partially fulfills the service obligation.

E. Except as otherwise provided in this regulation, repayment shall be made to the State within 6 years after the repayment period begins, and shall follow a repayment schedule established by the Office.

.11 Deferment of the Service Obligation and Repayment.

A. Recipients shall seek eligible employment aggressively within the State.

B. A recipient may request that the service obligation be deferred during the time the recipient is:

(1) Enrolled full-time (12 or more credits per semester) or part-time (6-11 credits per semester) in an undergraduate course of study, at any post-secondary institution in the;

(2) On a temporary leave of absence, approved by the employer in the required employment field, for a period not to exceed 12 months;

(3) Temporarily disabled in a manner that substantially impairs the recipient's ability to perform the service obligation, for a period not to exceed 3 years;

(4) Unable to maintain employment, for a period not to exceed 12 months, because the recipient must care for a spouse or child who is disabled;

(5) Assigned military duty outside of the State, not to exceed 3 years, without filing an appeal; or

(6) Married to a spouse assigned military duty outside of the State, not to exceed 3 years, without filing an appeal.

C. A recipient's deferment request shall include satisfactory supporting documentation, consisting of the following, as appropriate:

(1) Certification by the institution that the recipient has returned to a full-time or part-time course of study at an institution of post-secondary education in the State;

(2) Certification by the employer that the recipient is on a temporary approved leave of absence;

(3) A sworn affidavit by a qualified physician that the recipient is temporarily disabled in a manner that substantially impairs the recipient's ability to perform the service obligation;

(4) A sworn affidavit by a qualified physician that the recipient is unable to maintain employment because the recipient must care for a spouse or child who is disabled; or

(5) A copy of military orders.

D. The Office shall review all documentation, determine if the deferment conditions have been met and, if so, determine the deferment period.

E. During the period of an approved deferment, a recipient need not make scholarship repayments and interest does not accrue.

F. The Office shall, on a case-by-case basis, review appeals from individuals assigned military duty outside the State, and from the spouse of an individual assigned military duty outside the State, that exceed the 3-year deferral limit. Appeals shall be in writing and include a copy of the military orders, and the Director shall determine if an appeal is granted.

.12 Waiver of the Service Obligation and Repayment.

A. The Office shall waive a recipient's service and repayment obligations if it determines:

(1) On the basis of a sworn affidavit of 2 qualified physicians, that the recipient is permanently unable to fulfill the service obligation, on a full-time or part-time basis, because of a permanent impairment; or

(2) On the basis of a death certificate, or other evidence of death that is conclusive under State law that the recipient has died.

.13 Determinations of the Office

Decisions of the Office under this chapter regarding whether to grant an award and whether to grant an appeal are final and not subject to additional review.



Larry Hogan
Governor

Boyd K. Rutherford
Lt. Governor

Anwer Hasan
Chairperson

James D. Fielder, Jr., Ph. D.
Secretary

MEMORANDUM

DATE: September 26, 2018

TO: Maryland Higher Education Commissioners

FROM: Donna Thomas, Director

SUBJECT: Proposed Approval of COMAR Program Regulations–
Delegate Howard P. Rawlings Program of Educational Excellence Awards

The purpose of this memorandum is to request approval to publish with amendments for comment proposed regulations for the Delegate Howard P. Rawlings Program of Educational Excellence Awards (EEA) Program.

In 2018, the General Assembly enacted legislation (2018, ch. 812) to make certain individuals eligible for the Howard P. Rawlings Educational Excellence Awards Program, if the individual is eligible for certain in-state tuition.

On May 23, 2018, the Commission approved for publication proposed regulations regarding the EEA Program. Those proposed regulations have been further amended by staff, to include the recent 2018 legislative changes, and to make other clarifying edits.

The EEA Program is the State's largest need-based aid grant program comprised of the Guaranteed Access Grant, Educational Assistance Grant, and Campus-Based Educational Assistance Grant. Annually more than 26,000 students that have demonstrated financial need are awarded. The annual award amounts in the program range from \$400-\$18,400.

RECOMMENDATION: It is recommended that the Commission approve for publication in the Maryland Register the enclosed proposed regulations dated September 26, 2018 for the Delegate Howard P. Rawlings Program of Educational Excellence Awards; rescinds its prior approval, on May 23, 2018 of a set of proposed regulations, dated May 23, 2018, regarding the EEA program; and authorize MHEC's attorneys to approve non-substantive revisions as necessary to conform the proposed regulations to the stylistic and formatting requirements of AELR and of the Division of State Documents.

PROPOSED REGULATIONS – DELEGATE HOWARD P. RAWLINGS PROGRAM OF EDUCATIONAL EXCELLENCE AWARDS

Sept. 26, 2018

.01 Purpose.

The purpose of the Delegate Howard P. Rawlings Program of Educational Excellence Awards program is to provide need-based financial assistance to students in accordance with Title 18 of the Education Article of the Annotated Code.

.02 Definitions.

A. As used in this Chapter, the following terms have the meaning indicated.

B. Terms defined.

(1) “Academic year” means the fall, spring, and summer semesters and any semester shorter in length than the term of a regular semester.

(2) “Alternative application” means an application form prescribed by the Office to determine student need, which shall be used by individuals who are ineligible to complete the FAFSA.

(2) “Commission” means the Maryland Higher Education Commission.

(3) “Educational Assistance Grant” or “EA Grant” means the Delegate Howard P. Rawlings Educational Assistance Grant.

(4) “Educational Excellence Award” or “EEA” means the Delegate Howard P. Rawlings Program of Educational Excellence Awards, which consists of Delegate Howard P. Rawlings Guaranteed Access Grants and Delegate Howard P. Rawlings Educational Assistance Grants.

(6) “Eligible for in-state tuition” means an individual:

(a) Determined by a public institution of higher education to qualify for in-state tuition under the institution’s policies and Subtitle 15 of the Education Article, Annotated Code; or

(b) Determined by a nonpublic institution of higher education within the State to meet the criteria for in-state tuition under Subtitle 15 of the Education Article, Annotated Code.

(5) “Eligible institution” means an institution of higher education within the State.

(6) “FAFSA” means the Free Application for Federal Student Aid.

(7) Full-time student.

(a) “Full-time student” means a student enrolled in at least 12 credit hours, or the equivalent of 12 credit hours, as determined by OSFA:

(i) In a regular undergraduate program leading to a degree or diploma from an eligible institution; or

(ii) In a 2-year associate degree program in which the coursework is acceptable for transfer credit to an accredited baccalaureate program at an eligible institution.

(b) A semester hour or equivalent that does not lead towards a degree or diploma in a student’s educational program shall not be counted for purposes of determining whether the student is full-time.

(8) “GED” means a high school diploma by examination under 11-808 of the Labor and Employment Article, Annotated Code.

(8) “Guaranteed Access Grant” or “GA Grant” means the Delegate Howard P. Rawlings Guaranteed Access Grant.

(9) “OSFA” or the “Office” means the Office of Student Financial Assistance within the Commission.

(10) “Secretary” means the Secretary of Higher Education for the State.

(11) “Successfully completed courses” means a course in which a student received any grade higher than an “F” regardless of any school or program policy, except that a course which is retaken by a student more than once may not be considered “successfully completed.”

.03 Eligibility.

A. To be eligible for financial assistance under the Educational Excellence Award program, an applicant shall:

(1) Be a Maryland resident or be eligible for in-state tuition;

(2) File the FAFSA, or the alternative application prescribed by the Office, by March 1;

(3) Be accepted for admission, or enrolled as a full-time student, in a regular undergraduate program leading to a degree or diploma at an eligible institution, or be enrolled full-time in a 2-year associate degree program in which the course work is acceptable for transfer credit to an accredited baccalaureate program at an eligible institution;

(4) Demonstrate financial need based upon the formula set forth in Regulation .06; and

(5) Agree to provide any information or documentation requested by OSFA for the purpose of administering the EEA and, if requested, sign an authorization for the release of information to OSFA for the purpose of administering the EEA.

B. An applicant’s failure or refusal to provide to OSFA requested information, or a signed authorization for the release of information, by the deadlines established by OSFA may result in a determination of ineligibility, the cancellation of an award, or the denial of an appeal.

C. To be eligible for a Guaranteed Access Grant, an applicant shall:

(1) Satisfy the requirements of § A of this Regulation;

(2) Except as provided in D, have an annual total family income as reported on the FAFSA or the alternative application that is at or below 130 percent of the federal poverty level or, if program funding allows, that is at or below 150 percent of the federal poverty level, for 2 years prior to the academic year for which the student is being reviewed;

PROPOSED REGULATIONS – DELEGATE HOWARD P. RAWLINGS PROGRAM OF EDUCATIONAL EXCELLENCE AWARDS

Sept. 26, 2018

(3) *Begin enrollment at an eligible institution within 1 year of completing high school or within 1 year of obtaining a GED with a passing score of at least 165 per module or, if failing to do either, provide documentation satisfactory to OSFA of extenuating circumstances;*

(4) *Be under the age of 22 at the time of receiving the first award, except as provided in E;*

(5) (a) *Have obtained a GED with a passing score of at least 165 per module; or*

(b) *Have successfully completed a college preparatory program in high school that is designed to prepare students for college level work;*

(6) (a) *Have obtained a GED with a passing score of at least 165 per module; or*

(b) *Have completed high school with an unweighted cumulative grade point average of at least 2.5 on a 4.0 scale or its equivalent at the end of the first semester of the senior year in high school and have completed high school or, failing to do so, on the recommendation of the recipient's high school principal provide evidence satisfactory to the Commission of extenuating circumstances;*

(7) *Except as provided in §C(3) and (6), be a senior in high school at the time of initial application;*

(8) *Except as provided in §C(3) and (6), submit a completed high school certification form and a high school transcript reflecting the first semester of the applicant's senior year;*

(9) *Whether applying for the first time or as a renewal recipient, submit all supplemental documentation requested by OSFA (other than the FAFSA, which is due on March 1) no later than April 1 prior to the award year; and*

(10) *Meet any other requirements adopted by the Commission.*

D. *OSFA may not consider an earned income credit under § 32 of the Internal Revenue Code in determining the annual family income eligibility of an applicant for a Guaranteed Access Grant.*

E. *Prior to calendar year 2022, an individual may be under the age of 26 at the time of receiving the first GA award, but beginning in calendar year 2022, an individual shall be under the age of 22 at the time of receiving the first GA award.*

F. *Requirements for students in grades 7 or 8.*

(1) *Except as provided in §F(2) of this regulation, a student in grade 7 or grade 8 who applies and prequalifies for a Guaranteed Access Grant on the basis of financial need as established by the Commission shall agree in writing, as a secondary and undergraduate student, to:*

(a) *Satisfy the attendance policy of the applicable school;*

(b) *Refrain from substance abuse;*

(c) *Provide information required by the Commission or the Maryland State Department of Education;*

(d) *Apply for admission to an institution of higher education during the student's senior year of high school;*

(e) *Participate in the Next Generation Scholars of Maryland Program until the student graduates from high school and matriculates at an institution of higher education;*

(f) *Maintain an unweighted cumulative grade point average of at least 2.5 on a 4.0 scale or its equivalent;*

and

(g) *Satisfy any other program requirements set by OSFA, the Commission, the Maryland State Board of Education, or the Maryland State Department of Education.*

(2) *For academic years 2017-2018 and 2018-2019 only, a student in grade 9 who applies and prequalifies for a Guaranteed Access Grant on the basis of financial need as established by OSFA shall meet the conditions of §F(1) of this Regulation.*

.04 Award Amounts and Credit Completion Requirements.

A. *Educational Excellence Award program award amounts shall be determined by OSFA in accordance with this regulation and regulation .06.*

B. *Educational Assistance Grant Award Amounts.*

(1) *Educational Assistance Grant award amounts shall range between \$400 and \$3,000 and be awarded in \$100 increments.*

(2) *The amount of an Educational Assistance Grant made to a student in the student's first two academic years of enrollment may not be less than \$400 or more than \$3,000.*

(3) *If the student enrolled in an eligible institution on or after August 31, 2015, and has received the EA Grant for at least two years, then beginning with the 2018-2019 award year, and in each academic award year thereafter, the student shall successfully complete:*

(a) *At least 30 credits in the prior academic year, in order for the EA award amount to not be less than \$400 or more than \$3,000; or*

(b) *At least 24 but less than 30 credits in the prior academic year, in order for the EA award amount to be equal to the amount the student would have otherwise received under subparagraph (a) multiplied by the ratio of the number of credits successfully completed divided by 30.*

(4) *If the student's prorated award amount under §B(3)(b) is less than \$400, the student shall not be awarded an Educational Assistance Grant.*

C. *Guaranteed Access Grant Award Amounts.*

PROPOSED REGULATIONS – DELEGATE HOWARD P. RAWLINGS PROGRAM OF EDUCATIONAL EXCELLENCE AWARDS

Sept. 26, 2018

(1) *Guaranteed Access Grant* award amounts shall range from \$400 up to a maximum award not to exceed the equivalent annual expenses of a full-time resident undergraduate at the 4-year public institution of higher education within the University System of Maryland, other than the University of Maryland University College and the University of Maryland Baltimore, which is calculated by OSFA to have the highest annual expenses for a full-time resident undergraduate, in \$100 increments.

(2) The amount of a *Guaranteed Access Grant* made to a student in the student's first two academic years of enrollment shall be equal to 100 percent of the student's adjusted financial need as determined by OSFA, subject to the requirements of §C(1).

(3) If the student has enrolled in an eligible institution on or after August 31, 2015, and has received the *GA Grant* for at least two years, then beginning with the 2018-2019 award year, and each academic award year thereafter, the student shall successfully complete:

(a) At least 30 credits in the prior academic year, in order for the award amount to be equal to 100 percent of the amount calculated under §C(2); or

(b) At least 24 but less than 30 credits in the prior academic year, in order for the award amount to be equal to 100 percent of the amount calculated under §C(2) multiplied by the ratio of the number of credits successfully completed divided by 30.

(4) If the student's prorated award amount under §C(3)(b) would be less than \$400, the student shall not be awarded a *Guaranteed Access Grant*.

D. (1) Except as provided in §D(2), if the student fails to complete at least 24 credits at the end of the student's second academic year of receiving the grant, the student shall not be awarded either the *Guaranteed Access Grant* or the *Educational Assistance Grant*.

(2) A student described in §D(1) may be awarded the grant if, subsequent to the second year of receiving the grant:

(a) The student completes 24 credits within an academic year; and

(b) Reapplies for and qualifies for the grant the following year.

E. The award recipient shall continue to meet the criteria established by this chapter for the duration of the award.

F. Students may hold other State scholarships or grants in addition to an *EEA*, but shall meet all conditions for all awards, and may not receive an amount combined from all State programs that exceeds the maximum amount established by OSFA.

G. A student who has been approved through an appeal under regulation 15. to receive an *EEA* while taking less than 12 credits in a term may not receive a part-time grant from OSFA during that same term.

.05 Use of Award Out-of-State.

A. A *Guaranteed Access Grant* or *Educational Assistance Grant* may be used at an institution of higher education in another state or the District of Columbia only if:

(1) (a) The attendance is pursuant to a reciprocal agreement for applicants that are deaf or hearing impaired at an institution of higher education that makes special provisions for deaf and hearing impaired students;

(b) Comparable special provisions are not available at an in-State institution of higher education; and

(c) The institution is accredited by accrediting body recognized by the U.S. Department of Education; or

(2) The attendance is pursuant to a reciprocal agreement under Education Article, 18-305(b) and 18-308, Annotated Code.

B. OSFA may not award more than 10 percent of the funds available for each of the types of grant awarded through the *Guaranteed Access Grant* program and *Educational Assistance Grant* program to students attending schools located in another state and the District of Columbia.

.06 Financial Need Calculation and Award Formulas.

A. *Determination of Financial Need.*

(1) The Office shall calculate an applicant's adjusted financial need using the following formula:

Adjusted Financial Need =

Cost of Attendance

- Expected Family Contribution Plus/Minus Regional Cost of Living Adjustment

- Workforce Shortage Student Assistance Grant or Economic Development Student Assistance Grant

- Estimated Pell Grant.

(2) The *Expected Family Contribution* shall be determined using the same methodology used by the U.S. Department of Education to determine expected family contribution for purposes of federal student aid.

(3) The *Regional Cost of Living Adjustment* shall be determined annually by the Secretary.

(4) *Cost of Attendance* shall be calculated as follows:

(a) For a student living with parents, tuition and mandatory fees plus an allowance established by OSFA, with a minimum value of \$3,200;

(b) For a student living off-campus, tuition and mandatory fees plus an allowance established by OSFA, with a minimum value of \$5,100; and

PROPOSED REGULATIONS – DELEGATE HOWARD P. RAWLINGS PROGRAM OF EDUCATIONAL EXCELLENCE AWARDS

Sept. 26, 2018

(c) For a student living on-campus, tuition and mandatory fees, room and board, plus an allowance established by OSFA, with a minimum value of \$900.

B. Determination of EEA Award Amounts.

(1) Amounts of EEA program awards shall be calculated using data from the FAFSA or the alternative application.

(2) EA Grant Formulas. Subject to the requirements of regulation .04:

(i) An EA award for a student attending a 4-year institution shall be calculated using the following formula: Adjusted Financial Need x 40% = Educational Assistance Grant; and

(ii) An award for a student attending a community college shall be calculated using the following formula: Adjusted Financial Need x 60% = Educational Assistance Grant.

(3) GA Grant Formulas. Subject to the requirements of regulation .04, Guaranteed Access Grants shall be calculated using the following formula: Adjusted Financial Need x 100% = Guaranteed Access Grant.

(4) Award amounts shall be calculated on an annual basis and rounded to the nearest \$100.

(5) Awards that are made for the fall and spring semesters in the academic year are evenly split between the two semesters.

(6) If a student's award amount is determined to be below \$400, the student shall not receive the award.

C. Errors on a FAFSA or alternative application that are corrected by a student after the deadline may be considered by OSFA. Changes in award amounts as a result of a correction shall be handled as follows:

(1) For EA Grants and GA Grants, if a correction results in a decrease in an award amount, the award shall be adjusted and the student notified of the change. If a correction results in an increase in an award, the increase shall be funded only if OSFA determines that funds are available.

(2) For GA Grants only, if a correction in family income or family size results in the student no longer being eligible for a GA Grant, the student's GA award shall be canceled and, if funding is available in OSFA's determination, the student may be awarded as an EA Grant.

.07 Awarding Priorities and Distribution of Funds.

A. On an annual basis, the Secretary shall establish awarding priorities for making awards under the Educational Excellence Awards Program.

B. The awarding priorities shall be based upon projections using the estimated funding level for the program, and shall take into consideration funds necessary to award Guaranteed Access Grants at 100 percent of need, with the remainder of the funds being awarded as Educational Assistance Grants.

C. As its first awarding priority, and subject to the requirements of § 18-304 and 18-307 of the Education Article, Annotated Code, the Office shall strive to award recipients at the percent of need and maximum award established for the prior award year, adjusting for tuition and fee increases.

D. As its second awarding priority, and subject to the requirements of § subject to the requirements of § 18-304 and 18-307 of the Education Article, Annotated Code, the Office shall strive to maintain the overall number of awards in the EEA program.

.08 Selection of Recipients.

A. A FAFSA or alternative application filed after March 1 for the GA Grant shall not be considered.

B. OSFA shall notify an applicant if supplemental documentation is needed to process the application.

C. GA award applicants who submit all supplemental documentation required by OSFA, including, as applicable, high school transcripts, high school certification forms, proof of successfully passing GED examination, and other verification documents, by April 1 shall be funded prior to all other Educational Excellence Awards applicants.

C. All applicants for the EA Grant shall be selected and awards made based upon a statewide ranking of each student's Expected Family Contribution (EFC) and need, with the lowest EFC and greatest need awarded first, in the following priority:

(1) Renewal applicants for EA Grants shall be awarded first provided that the requirements of Regulation .10 are met; and

(2) Remaining funds shall be awarded to all other eligible applicants until all funds are depleted.

.09 Award Notification and Acceptance.

A. Recipients shall be notified by OSFA through the Maryland College Aid Processing System (MDCAPS) of the awards.

B. An initial EA or GA Grant recipient shall log-on to MDCAPS in order to accept an award, except that, in extenuating circumstances as determined by the Director of OSFA, a student may accept an award by providing written acceptance to the Office.

.10 Award Renewal and Continuation.

A. An Educational Assistance Grant may be renewed if the recipient:

(1) Files a FAFSA or alternative application by March 1;

(2) Demonstrates financial need;

PROPOSED REGULATIONS – DELEGATE HOWARD P. RAWLINGS PROGRAM OF EDUCATIONAL EXCELLENCE AWARDS

Sept. 26, 2018

(3) Is enrolled as a full-time student in an eligible institution or community college;
(4) At the end of the student's second academic year and thereafter of receiving the grant, completed at least 24 credits in the prior academic year;

(5) Is making satisfactory progress according to institutional standards in compliance with federal Title IV program regulations; and

(6) Is a resident of the State or eligible for in-state tuition, as verified by the institution.

B. A Guaranteed Access Grant may be renewed if the recipient:

(1) Files a FAFSA **or alternative application** by March 1 and, if requested by OSFA, submits all required verification documentation to OSFA by April 1;

(2) Has an annual total family income as reported on the FAFSA **or alternative application** which is at or below 150% of the federal poverty level;

(3) Is enrolled as a full-time student in an eligible institution or community college;

(4) At the end of the student's second academic year and thereafter of receiving the grant, completed at least 24 credits in the prior academic year;

(5) Is making satisfactory progress according to institutional standards in compliance with federal Title IV program regulations; and

(6) Is a resident of the State **or eligible for in-state tuition**, as verified by the institution.

C. A renewal applicant for a GA Grant who does not meet the requirements of §B shall be considered for an EA Grant, if the recipient satisfies the requirements of §A of this regulation, meets the EFC requirements based upon the statewide ranking of greatest need, and regulation .03 of this chapter.

.11 Award Cancellation or Adjustment.

A. An award shall be canceled if:

(1) A recipient of an EA Grant or GA Grant fails to accept the award within the time specified in the award notification to the recipient;

(2) A recipient of an EA Grant or GA Grant fails to satisfy all verification requirements;

(3) A recipient of a GA Grant fails to submit all required verification documents by April 1;

(4) An institution reports on the billing roster that the recipient is:

(a) Not enrolled at that institution in a regular program;

(b) Not enrolled as a full-time student;

(c) Not meeting the required number of successfully completed credits under regulation .04;

(d) Not making satisfactory academic progress;

(e) Not a resident of the State **or not eligible for in-state tuition**; or

(f) In default of a Title IV loan or owes a refund of Title IV assistance; or

(5) An institution reports on the credit roster that the recipient is not meeting the required number of successfully completed credits under regulation .04 of this chapter.

B. An award shall be adjusted in accordance with regulation .04 if an institution reports on the billing roster that a recipient who received the grant for two prior years has completed a minimum of 24 credits but less than 30 credits.

.12 Payment of Awards.

A. OSFA shall make an award payment to the institution for each semester that the eligible recipient is granted the award.

B. The institution shall certify to OSFA all recipients, on a semester basis, on or before:

(1) December 15, for the fall semester; and

(2) May 15, for the spring semester.

C. An institution who fails to certify all recipients on a semester basis by the prescribed deadline will not be able to certify recipients for subsequent semester.

At the beginning of each semester, institutions shall review billing rosters provided by OSFA to certify, by a deadline determined by OSFA, that the recipients meet the requirements described in this chapter.

D. In order for funds to be disbursed to the institution, the institution at which the student is enrolled shall maintain the student's FAFSA information on file. OSFA will maintain the applications for students eligible for in-state tuition but ineligible for federal aid.

E. Institutions shall be responsible for disbursing the funds on behalf of awarded students in a timely fashion.

.13 Verification of Eligibility.

A. In-house verification by OSFA.

(1) OSFA annually shall verify a percentage of all new Educational Excellence Award applications to determine if they contain accurate information.

(2) OSFA shall verify Educational Excellence Award applications for recipients identified by OSFA, or by institutions, based upon:

(a) Whether the information contained in the application has discrepancies from the information contained in the FAFSA **or alternative application**; or

PROPOSED REGULATIONS – DELEGATE HOWARD P. RAWLINGS PROGRAM OF EDUCATIONAL EXCELLENCE AWARDS

Sept. 26, 2018

(b) Whether the applicant misreported dependency status, State residency status, or status related to eligibility for in-state tuition.

(3) OSFA may randomly select applications for verification.

(4) Selected recipients are required to provide documentation of financial data and to verify dependency and State residency or eligibility for in-state tuition.

(5) OSFA annually shall verify the eligibility status of at least 25% of GA Grant award recipients.

(6) New and renewal GA Grant recipients shall provide documentation of financial data to verify eligibility as requested by OSFA.

(7) OSFA shall notify a student who has been selected for verification in writing, and shall advise the student that the student is required to provide the following documents within the time specified in the notification:

(a) A Maryland Office of Student Financial Assistance Dependent or Independent Verification Form to verify:

(i) Child support;

(ii) Other untaxed income;

(iii) State residency or eligibility for in-state tuition for non-tax filers; and

(b) The federal IRS Tax Transcript, or IRS data retrieved through the FAFSA, and W-2 forms, 1099, or Schedule C of the student, student's parents, and student's spouse, to verify:

(i) Income and federal taxes paid; and

(ii) State residency or eligibility for in-state tuition; and

(c) If deemed necessary by OSFA, a Non Tax Filer Statement for the student, student's parents, or student's spouse.

(8) Awards shall not be issued for students who fail to provide the requested information by the deadline pursuant to this regulation.

(9) Students who provide the requested documentation shall be verified in accordance with the procedures established by OSFA. Awards for students with errors shall be recalculated and adjusted or canceled in accordance with this chapter.

(10) OSFA annually shall perform an independent review for a select percentage of GA Grant recipients that were verified in-house. This process shall occur between July 1 and December 1. If a discrepancy is found during the review process, OSFA reserves the right to make necessary adjustments to a student's award and shall notify the student in writing.

B. Institutional verification.

(1) The institutions annually shall verify application information for a percentage of all new Educational Excellence Award recipients to determine if students are submitting accurate financial data.

(2) OSFA shall select a minimum of 25% of all students who have received an EA Grant and were flagged for federal verification. Lists of the selected students shall be submitted to the institutions the students are attending.

(3) After students are selected, each applicable institution shall use the U.S. Department of Education's Title IV financial aid rules and regulations to verify the:

(a) Taxable and non-taxable income of the student and, if a dependent student, the student's parents;

(b) Household size;

(c) Number of individuals in the household that will attend or are enrolled in college;

(d) Enrollment status (undergraduate or graduate);

(e) Housing status;

(f) Dependency status;

(g) Expected Family Contribution; and

(h) Transaction number of Institutional Student Information Report used.

(4) Institutions shall provide updated and verified data to OSFA by the date established by OSFA annually.

(5) Information verified by the institutions shall be used to update OSFA records.

(6) Awards for students with corrections and errors shall be recalculated and adjusted or canceled as specified in this chapter.

.14 Late Awards.

A. OSFA shall consider students for late EA Grants if funds become available after initial awards have been made.

B. Notwithstanding any other provision of this chapter, consideration for a late award shall be given in the following descending order to students who:

(1) Were previously awarded and have requested reinstatement of a canceled award;

(2) Applied on time and filed an appeal based on changes in financial circumstances;

(3) Applied on time and were eligible for an award but were not funded;

(4) Were late in applying, appealed for consideration, and were placed on the waiting list; and

(5) Applied after the deadline.

C. Selection of Recipients.

(1) If funds are available to make late awards, OSFA shall fund EA Grant recipients as specified in §B of this regulation, and shall notify recipients and institutions.

PROPOSED REGULATIONS – DELEGATE HOWARD P. RAWLINGS PROGRAM OF EDUCATIONAL EXCELLENCE AWARDS

Sept. 26, 2018

(2) *If funds become available after commencement of the fall semester and are sufficient to issue late awards, OSFA shall require the institution to verify the eligibility of students before making awards.*

.15 Appeals of Eligibility Decisions.

A. *An EA or GA Grant applicant or recipient may appeal an award eligibility decision, and OSFA may grant or deny an appeal of eligibility, pursuant to this regulation.*

B. *Appeals of Full-time Status.*

(1) *The applicant or recipient may appeal a determination that the applicant or recipient is not enrolled full-time.*

(2) *To be considered full-time, the actual time spent in the classroom, lab, supervised activity, or clinic shall equal at least 180 clock hours in a regular semester.*

(3) *An applicant or recipient enrolled for at least 6 credit hours, but less than 12 credit hours, may appeal on the basis that the individual is participating in a specific course or activity (such as an internship or a practicum) that is required by the institution to complete the academic program.*

C. *Appeals to Receive Fifth or Third Year Awards. A student may appeal to hold an award for an additional year on the basis that:*

(1) *In the case of baccalaureate programs, the institution confirms that the student is enrolled in an academic program that requires five years to complete; or*

(2) *The student provides to OSFA evidence of extenuating financial, academic, or other circumstances that prevent the student from completing the academic program in four years for a baccalaureate program, or 2 years for an associate degree program.*

D. *Appeals Based Upon Special Financial Circumstances. Subject to the availability of funds, OSFA shall make adjustments, as follows, based upon adequate documentation, that the student has experienced special financial circumstances that directly reduce the family contribution:*

(1) *If the student's parent or spouse dies on or after January 1 of the of the corresponding award year, OSFA shall adjust the FAFSA income information to exclude the income of the parent(s) or spouse affected;*

(2) *If the student or the student's parents' divorce or separate on or after January 1 of the corresponding award year, OSFA shall adjust the FAFSA income information to exclude the income of the parent or spouse affected;*

(3) *If the student, student's parent (if dependent) or student's spouse, if the student is married and independent, becomes completely or involuntarily unemployed for at least ten consecutive weeks in the prior or current year, OSFA shall calculate the student's family contribution and total family income using an estimated income for the current calendar year; and*

(4) *If the student or the student's parent loses, as a result of the student reaching the age of majority, benefits from Social Security, TANF, or child support, OSFA shall calculate the student's family contribution and total family income using an estimated income for the current calendar year.*

E. *Appeals of GA Grant Eligibility. A GA applicant or recipient may appeal an eligibility determination, in addition to the other grounds set forth in this regulation, on the grounds that the applicant or recipient:*

(1) *Did not complete high school or did not attain an unweighted grade point average of at least 2.5 on a 4.0 scale or its equivalent at the end of the first semester of the senior year in high school due to evidence of extenuating circumstances satisfactory to the Office;*

(2) *Did not begin college within 1 year of high school graduation or GED attainment due to evidence satisfactory to the Office of extenuating circumstances; or*

(3) *Is a renewal student who no longer is eligible for the GA Grant program because the applicant's annual family income rises above the 150 percent poverty level.*

F. *Appeals of Credit Completion Requirement. A student who has received an EEA grant for at least 2 academic years and fails to complete at least 24 credits in the prior academic year may appeal an eligibility decision on the basis that:*

(1) *The student completed at least 18 credit hours in the prior academic year and participated in a specific course or activity, such as an internship, practicum, or study abroad program, that is required by the institution to complete the student's academic program and that, when combined with the 18 credit hours, is the equivalent of 24 credit hours in OSFA's determination; or*

(2) *The student is an individual with disabilities who completed less than 24 credit hours due to a disability.*

G. *Appeal Procedures.*

(1) *An individual shall file an appeal under this regulation by submitting to OSFA a completed appeal form prescribed by OSFA.*

(2) *In addition to the appeal form, the individual shall submit to OSFA the following documentation:*

(a) *If the appeal is of an ineligibility decision due to the student's lack of full-time status, documentation from the student's department chair describing:*

(i) *The program requirements for that semester;*

(ii) *The catalog summary of the program and classes; and*

(iii) *The number of clock hours required for the student's activity;*

PROPOSED REGULATIONS – DELEGATE HOWARD P. RAWLINGS PROGRAM OF EDUCATIONAL EXCELLENCE AWARDS

Sept. 26, 2018

(b) *If the appeal is based upon requiring a 5th year to complete a baccalaureate program, or a 3rd year to complete an associate degree program, documentation, as applicable, consisting of a death certificate, or statement from an attending physician, psychologist, mental health professional, guidance counselor, social worker, or the Dean of Students or other officer at the student's institution confirming the:*

- (i) *Serious illness or injury of the student;*
- (ii) *Serious illness of a member of the student's immediate family;*
- (iii) *Serious emotional difficulties of the student;*
- (iv) *Death of a member of the student's immediate family;*
- (v) *Existence of other serious personal circumstances; or*
- (vi) *The institution's confirmation that the student's baccalaureate program requires a fifth year to*

complete;

(c) *If the appeal is based upon special financial circumstances, copies, as applicable, of a death certificate, separation agreement or divorce decree, notice of job termination or layoff, Federal tax returns and W-2 forms, termination notices, or unemployment benefits from relevant agencies;*

(d) *If the appeal is based upon the student not meeting the required GPA in his or her senior year of high school:*

(i) *A letter from the student explaining the extenuating circumstances that caused the student not to obtain the required GPA;*

(ii) *An unofficial transcript to verify the student's GPA;*

(iii) *Supporting documentation describing the circumstances that prohibited the student from obtaining the required GPA; and*

(iv) *A letter of recommendation from the student's high school principal;*

(e) *If the appeal is from an applicant who was deemed ineligible for not beginning college within one year of high school graduation or GED attainment:*

(i) *A letter from the student explaining the extenuating circumstances that caused the student to not begin college within 1 year of high school graduation or GED attainment; and*

(iii) *A letter of reference from an employer, teacher, or organization that the applicant is affiliated with describing the applicant's commitment to attending college and earning a degree;*

(f) *If the appeal is from a student who was found to be no longer eligible for the GA program because the student's annual family income rises above 150% of the poverty level, supporting documentation identifying the change in income level that resulted in the family income exceeding the 150% poverty threshold and extenuating circumstances demonstrating why the income should be omitted from the award calculation;*

(g) *If the appeal is of a determination that the student failed to complete 24 credit hours in the prior academic year:*

(i) *A letter from the student's department chair that describes and confirms the program requirements for the applicable semester and describes the number of clock hours required for each activity, along with a catalog description of the program and classes involved; or*

(ii) *Documentation from the student's medical doctor that confirms that the student is an individual with disabilities, and that the student completed fewer than 24 credits due to disability.*

(h) *If the individual appeals a determination that an individual failed to complete high school:*

(i) *A letter to OSFA documenting the extenuating circumstance that prevented the student from graduating high school;*

(ii) *A copy of the student's high school transcript;*

(iii) *If applicable, a copy of the student's GED; and*

(iv) *A letter of recommendation from the recipient's high school principal.*

(3) *Adjustment of Awards. Subject to the availability of funds, the following adjustment of awards shall be made for appeals that are granted:*

(a) *If an appeal is granted prior to awards being made for the upcoming year, the student's amount of an award shall be based upon the information provided in connection with the appeal;*

(b) *If the student has not been awarded an award and submits the appeal after awards has been made for the upcoming year and the appeal is granted, the student shall be placed on the waiting list for an award;*

(c) *If the student already has been awarded an award and submits an appeal and the appeal is granted, the student shall be placed on a waiting list for any additional funds for which the student may be eligible; and*

(d) *If a student's appeal based upon 12-credit hour equivalency is granted, the student shall receive three-quarters of the original award if enrolled in 9 to 11 credits, and one-half of the original award if enrolled for 6 to 9 credits.*

(4) *Upon receipt of a completed appeal, the documentation shall be reviewed and a decision rendered by OSFA within 45 days, and the student shall be notified in writing of the outcome.*

H. *OSFA's grant or denial of an appeal under this regulation is final and not subject to further administrative or judicial review.*

.16 Documentation Required for a Dependency Override.

PROPOSED REGULATIONS – DELEGATE HOWARD P. RAWLINGS PROGRAM OF EDUCATIONAL EXCELLENCE AWARDS

Sept. 26, 2018

A. An institution that overrides a dependency determination for an EA applicant shall submit to OSFA for final award determination:

- (1) Updated Institutional Student Information Record data for the student; and
- (2) A Certification of Independent Status Form for the student.

B. An institution that overrides a dependency determination for a GA applicant who is selected for verification by OSFA shall submit to OSFA for final award determination:

- (1) A Certification of Independent Status Form for the student; and
- (2) All supporting documentation used by the institution to complete the override for the student.

.17 Delegate Howard P. Rawlings Campus-Based Awards.

A. The Commission shall allocate funds to institutions of higher education to make awards to students who applied for Educational Excellence Awards after the March 1st deadline or who have other extenuating circumstances.

B. Funds shall be awarded to institutions based upon the proportion of full-time Pell Grant eligible Maryland residents enrolled at the institution.

C. Funds shall be awarded by institutions to students who meet the eligibility criteria for EA Grant awards in § A of Regulation .03 but who did not apply by the March 1 deadline or who have other extenuating circumstances. These students may be eligible for a Pell Grant.

D. Awards shall be made in the amounts and the manner described in this chapter, including the same minimum amount (\$400), maximum amount (established annually), required percent of need (established annually), and requirement of rounding awards to the nearest \$100 increment.

E. The amount of a Campus Based Educational Assistance Grant shall be determined in accordance with this chapter, including but not limited to Regulation .04.

F. An institution may not award a Delegate Howard P. Rawlings Campus-Based Educational Assistance Grant to a recipient of a Guaranteed Access or Educational Assistance Grant awarded by OSFA.

G. Each institution of higher education that participates in the Campus-based Educational Assistance Grant program shall submit to OSFA:

(1) By October 15, a report of all initial awards for the academic year that includes for each award the:

- (a) Student's name;
- (b) Student's social security number, if required by the office;
- (c) Institutional cost of attendance;
- (d) Expected Family Contribution;
- (e) Amount of Pell Grant disbursed;
- (f) Amount of Campus-based EA Grant awarded;
- (g) Pell I.D. and transaction number from the Institutional Student Information Report used for awarding; and
- (h) Number of credits the student successfully completed for students enrolled in their second academic year of and thereafter;

(2) By January 15, a report of subsequent awards for the academic year that includes for each award the:

- (a) Student's name;
- (b) Student's social security number, if applicable;
- (c) Institutional cost of attendance;
- (d) Expected Family Contribution;
- (e) Amount of Pell Grant disbursed;
- (f) Amount of Campus-based EA grant awarded; and
- (g) Number of credits the student successfully completed for students enrolled in their second academic year of and thereafter; and

(3) By June 15, a final end-of-year report that provides:

- (a) A final cumulative list of recipients that includes for each award the:
 - (i) Student's name;
 - (ii) Student's social security number, if applicable; and
 - (iii) Award amount;
- (b) The total number of students receiving an award;
- (c) The total number of students eligible for an award;
- (d) The total number of credits successfully completed for student enrolled in their second academic year and thereafter; and
- (e) The following demographic information provided in the aggregate:
 - (i) The distribution of awards by class year;
 - (ii) The distribution of awards by income;
 - (iii) The distribution of awards by age;
 - (iv) The distribution of awards by gender;
 - (v) The distribution of awards by independent vs. dependent status; and
 - (vi) The number of recipients registering for the following year or transferring to a four-year institution.



MHEC
Creating a state of achievement

Larry Hogan
Governor

Boyd K. Rutherford
Lt. Governor

Anwer Hasan
Chairperson

James D. Fielder, Jr., Ph. D.
Secretary

Maryland Higher Education Commission 2018 Meeting Dates

The Maryland Higher Education Commission (MHEC) is Maryland’s higher education coordinating board responsible for the management of statewide financial aid programs and the establishment of statewide policies for public and private colleges and career schools to support students’ postsecondary pursuits.

Meeting Dates and Locations

January 24, 2018	June 27, 2018
February 28, 2018	September 26, 2018 9:30am to 3:30pm
March 28, 2018	October 24, 2018
April 25, 2018	November 14, 2018 *Please note date change*
May 23, 2018	December 12, 2018 *Please note date change*

All Commission Meetings will be held on the 4th Wednesday of Each Month from 1:00pm to 4:00pm at the Maryland Higher Education Commission in the 7th Floor Board Room located at 6 N. Liberty Street, Baltimore, MD 21201 unless otherwise noted.

Dates and Times Subject to Change

<http://www.mhec.maryland.gov/About/Pages/Meetings.aspx>



Larry Hogan
Governor

Boyd K. Rutherford
Lt. Governor

Anwer Hasan
Chairperson

James D. Fielder, Jr., Ph. D.
Secretary

Maryland Higher Education Commission 2019 Meeting Dates

The Maryland Higher Education Commission (MHEC) is Maryland's higher education coordinating board responsible for the management of statewide financial aid programs and the establishment of statewide policies for public and private colleges and career schools to support students' postsecondary pursuits.

Meeting Dates and Locations

January 23, 2019	June 26, 2019
February 27, 2019	September 25, 2019 9:30am to 3:30pm
March 27, 2019	October 23, 2019
April 24, 2019	November 20, 2019 *Please note date change*
May 22, 2019	December 11, 2019 *Please note date change*

All Commission Meetings will be held on the 4th Wednesday of Each Month from 1:00pm to 4:00pm at the Maryland Higher Education Commission in the 7th Floor Board Room located at 6 N. Liberty Street, Baltimore, MD 21201 unless otherwise noted.

Dates and Times Subject to Change

<http://www.mhec.maryland.gov/About/Pages/Meetings.aspx>