

# **MARYLAND HIGHER EDUCATION COMMISSION**

## **MEETING BOOKLET**

Time: 1:00 PM  
December 12, 2018

Place: Maryland Higher Education Commission  
(866) 247-6034  
Conference Code:  
8337996036 #  
Conference Call

# **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:** 1:00 p.m.  
Wednesday  
December 12, 2018

**PLACE:** Conference Call  
(866) 247-6034  
Conference Code:  
8337996036 #

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<b>Call to Order</b>		
<b>Commission Minutes Approval</b> .....	1	*
• October 24, 2018		
<b>Chairman’s and Secretary’s Remarks</b>		
<b>Commissioner Committee Updates</b>		
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<b>Department of Academic Affairs</b> - Emily Dow		
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<b>Adjournment</b>		

**Maryland Higher Education Commission**  
Meeting Minutes

October 24, 2018  
1:00 p.m.

The Maryland Higher Education Commission (MHEC) met on Wednesday, October 24, 2018 at 6 N. Liberty Street, 7th Floor Board Room, Baltimore, MD 21201.

**Commission members present:**

Anwer Hasan, Chairman	Vera Jackson
Sandra L. Jimenez, Vice-Chair	Ian MacFarlane
Vivian S. Boyd, Ph.D.	Donna Mitchell
Giavanna Tserkis	Joel Packer
Russell Kelley	John Yaeger

**Commission members not present:**

Rizwan Siddiqi	John Holaday
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**Staff members present:**

Dr. James D. Fielder, Jr.	Dr. Emily Dow
Geoff Newman	Dr. Jon Enriquez
Christine Wellons	Parris Jackson
Lee Towers	Cynthia Tims
Vanessa Bennett	Alexia Van Orden
Glenda Abney	Bryson Barksdale
Barbara Schmertz	Sarahita Wyatt-Paige
Rhonda Wardlaw	Donna Thomas

**Call to Order**

The meeting was called to order by **Chairman Hasan** at approximately 1:00 P.M. A meeting quorum was established with ten of the twelve members present.

**Approval of Minutes – Action Item**

There was a motion by **Commissioner MacFarlane** to approve the minutes. **Secretary Fielder** offered a correction to the attendance **Commissioner Holaday** was listed as present but was not in attendance, and **Commissioner Kelley** was listed as absent, but was present. **Commissioner MacFarlane** also added a couple of edits. **Commissioner Packer** also noted an error. The minutes were unanimously approved with the changes.

### Chairman's Remarks

No remarks.

### Secretary's Remarks

**Chairman Hasan** recognized **Secretary Fielder**. **Secretary Fielder** recognized Deborah Lee, the new Executive Assistant. Ms. Lee has replaced Priscilla Moore.

**Secretary Fielder** reported on a recent successful meeting with the Maryland Community College Presidents about the Promise Scholarship regulations. He noted that a contract regarding MDCAPS new software program had been approved by the Board of Public Works. Interclype will be the new vendor for this program. It is a Maryland based company. Finally, he announced that MHEC has received three new PINS. These PINS are due to legislative mandates for the new Student Loan Debt Relief Tax Credit and the Promise Scholarship.

### Commissioner and Committee Updates

**Outreach, Grants, and Financial Assistance: Commissioner Packer** reported the committee had scheduled a training session for November 2 at 12:30 p.m. It was hoped that as many commissioners as possible would attend. This training will also be offered on several future dates for commissioners unable to attend the scheduled session.

**Finance and Operations Committee: Commissioner MacFarlane** noted that his committee would be examining Mr. Newman's upcoming FY 2020 operating budget report with relation to the goals of the Maryland State Plan.

**Program Review Committee: Commissioner Yaeger** announced that he had sent out his committee's main goals. Most of these goals are related to improving the ability of students to transfer from 2-year to 4-year institutions.

### Office of the Secretary -- Regina Lightfoot Student Service Award

**Secretary Fielder** recognized Emily Dow. Dr. Dow presented Angela Lowry with the Regina Lightfoot Student Service Award. Angela Lowry was a student at Garrett College when she applied, but now attends Frostburg State University. Ms. Lowry accepted the award and thanked the Commission.

### Department of Finance and Administration--FY 2020 Higher Education State Operating Budget Recommendations- Action Item

**Chairman Hasan** recognized Mr. Geoff Newman. Mr. Newman provided an overview of the 2020 state operating budget recommendations. There was a motion by **Commissioner MacFarlane** and a second by **Commissioner Jackson** for approval of the FY 2020 Higher Education State Operating Budget Recommendations. **Commissioner Packer** noted an error on the chart showing the number of on time FAFSA applications. **Commissioner Packer**

introduces his substitute recommendations. His substitute recommendation included several of the **Outreach, Grants, and Financial Assistance Committee's** goals. **Commissioner Packer** moved these recommendations. Several slight amendments were offered to **Commissioner Packer's** substitute recommendation by other Commissioners. Christine Wellons clarified the cumulative amendments to this recommendation. It is recommended that the Maryland Higher Education Committee adopt the following funding priorities be used in targeting funding for higher education for Fiscal Year 2020.

- Funding for the continue support of the Maryland Higher Education Commission as it continues to implement the programs and examine its operations to increase automation of applications and management programs.
- Continued funding to support moderate increases in resident undergraduate tuition rates at public colleges and universities.
- Funding to support new programs of student financial assistance brought forward by the Governor and General Assembly.
- Continued support to formula-funded institutions and segments in accordance with the calculations methodologies provided in statute.

**Commissioner Packer** read these corrections to his recommendation. **Commissioner Packer** moved his amendment. The motion was unanimously approved.

**Department of Finance and Administration--FY 2020 Consolidated Capital Budget Recommendations- Action Item**

**Chairman Hasan** recognized Mr. Geoff Newman. Mr. Newman recognized Ms. Cynthia Tims. Ms. Tims provided an overview of the FY 2020 consolidated capital budget recommendations. Please see Ms. Tims attached report.

**Department of Finance and Administration- Student Loan Debt Relief Tax Credit- Action Item**

**Chairman Hasan** recognized Mr. Geoff Newman. Mr. Newman provided an update on the new regulations for 2018 student loan debt relief tax credit. The Commission had previously approved these regulations in June. The proposed regulations were published in the Maryland Register on August 31, 2018. No public comments have been received.

**Commissioner Mitchell** moved and it was second by **Commissioner Yaeger** that the Commission approves for final adoption the enclosed Student Loan Tax Credit regulations, which were proposed in the August 31, 2018 issue of the Maryland Register. The motion was unanimously approved.

### **Office of Student Financial Assistance- Proposed Regulation–Maryland Community College Promise Scholarship Program**

**Chairman Hasan** recognized Donna Thomas. Ms. Thomas described the new regulations for the Maryland Community College Promise Scholarship. She described the eligibility requirements for this new scholarship that will provide tuition assistance to students attending community college. The Promise Scholarship is a last dollar award, applied to eligible recipients after all non-loan aid has been applied; not to exceed \$5,000 annually or actual tuition, whichever is less. The promise scholarship includes a service obligation of 1 year of work in the State per year of award.

**Commissioner Mitchell** moved and **Commissioner MacFarlane** seconded that the Commission approve for publication in the Maryland Register the enclosed proposed regulations dated October 24, 2018 for the Maryland Community College Promise 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. **Commissioner Packer** recommended an amendment that clarifies the distinction between the independent and dependent income of students to clarify that if a student is independent their own adjusted gross income or theirs and their spouses income would be used to calculate the amount of the award for that program. **Commissioner MacFarlane** asked for clarifications on how this new program would affect students who had already received partial scholarships and other grants. **Commissioner Packer** moved to approve the proposed modified regulations. **Commissioner Jackson** seconded this amendment. The motion was approved unanimously.

### **Office of Student Financial Assistance- Proposed amendments to Financial Aid Advisory Council Bylaws**

**Chairman Hasan** recognized Donna Thomas. Ms. Thomas will be presented changes to the Financial Aid Advisory Council Bylaws. The council recently made several changes to the composition of the council.

**Commissioner Jimenez** moved that the recommended that the Maryland Higher Education Commission adopt the proposed Bylaws to govern the operation of the FAAC. Commissioner Jackson seconds the amendment. The amendments were unanimously approved.

### **Department of Academic Affairs – Proposed Adoption of Regulations – Regional Higher Education Centers - Action Item**

**Chairman Hasan** recognized Dr. Emily Dow. Dr. Dow updated the commission on the emergency regulations that were approved in June regarding the provision of off-campus programs at regional higher education centers (“RHECs”). Prior to the adoption of these emergency regulations, COMAR 13B.02.03.20 prohibited MHEC from approving any off-campus unless the program already was offered at the institution’s principal campus. In order for

these regulations to be permanent beyond December 31, 2018 they need to be approved by the Commission.

**Commissioner Jimenez** moved that the Commission approve for publication in the Maryland Register the enclosed amendments to COMAR 13B.02.03 regarding off-campus programs at regional higher education centers; and authorize 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.

### **Department of Academic Affairs – Final Adoption of Regulations – New Financial Guarantee Requirements for For-Profit Institutions of Higher Education**

**Chairman Hasan** recognized Dr. Emily Dow. Dr. Dow updated the Commission on the New Financial Guarantee Requirements for Regulations for For-Profit Institutions of Higher Education. These regulations require for-profit institutions to provide financial guarantees in amounts sufficient to cover 100 percent of the institutions' non-Title IV tuition liability.

**Commissioner MacFarlane** moved that the Commission approve for final adoption the enclosed proposed regulations, which were proposed in the Maryland Register on August 31, 2018, regarding the financial guarantee requirements of for-profit institutions of higher education. **Commissioner Packer** seconded this motion. It was unanimously approved.

### **Review Meeting for University of Baltimore proposed Bachelor of Science in Accounting –**

**Commissioner Hasan** recognized Christine Wellons, Principal Counsel for MHEC. This is in response to the University of Baltimore's request for a hearing. She gave a brief overview of the process for the meeting. **Commissioner Hasan** recognized **Secretary Fielder** who said the purpose of this meeting is to give the Commissioners all the information they need in order to review the Secretary's denial of a proposed Bachelor of Science degree in Accounting by the University of Baltimore. Secretary Fielder explained the reason for the decision to deny the request in the State of Maryland regarding the University of Baltimore.

**Chairman Hasan** recognized **President Kurt Schmoke**, president of University of Baltimore, along with, Dr. Darlene Brannigan Smith, Executive Vice President and Provost (and former dean of the Merrick School of Business) and Dr. JoAnn Boughman, Senior Vice Chancellor for Academic and Student Affairs, University System of Maryland and Dr. Candace Caraco, Assistant Provost for Academic Affairs, Policies, & Programs have an appeal before the Commission regarding the denial. See attached information.

### **Public Comment**

Morgan's Dean of the School of Business and Management, Fikru Boghossian, and Dr. Anna McPhatter, Ph.D LESW, Interim Provost and Senior Vice President for Academic Affairs and Dr. Sharon Finney, Chair of the Accounting Department all had comments regarding the appeal.



**Closed Session**

**Commissioner Hasan** moved that the Commission go into closed session. This motion was seconded by Commission Yaeger.

**Commission Meeting Adjourned**

The meeting adjourned at approximately 4:15 p.m.



Larry Hogan  
Governor

Boyd K. Rutherford  
Lt. Governor

Anwer Hasan  
Chairperson

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

## MEMORANDUM

**DATE:** December 12, 2018  
**TO:** Commissioners, Maryland Higher Education Commission  
**FROM:** Geoff Newman., Assistant Secretary, Finance and Administration  
**RE:** Proposed Regulations Regarding a Legal Representation Fund for Title IX Proceedings

During the 2018 legislative session, amendments were adopted to Education Article, § 11-206, Annotated Code of Maryland, related to institutions' sexual assault policies. Under the amendments to § 11-206, institutions are required to allow students to be represented by attorneys in Title IX proceedings, and the Commission is required to:

(1) Generate a list of attorneys who will represent complainants and respondents in Title IX proceedings at institutions; and

(2) Subject to funding, reimburse attorneys for reasonable fees related to the representation.

The enclosed proposed regulations are intended to implement the new requirements of § 11-601 by creating a legal representation fund, and by setting by forth the administrative requirements of seeking reimbursement from the fund.

### **RECOMMENDATION:**

It is recommended that the Commission:

(1) Approves for publication in the Maryland Register the enclosed regulations regarding a legal representation fund for Title IX proceedings; and

(2) 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.

## PROPOSED NEW REGULATIONS

MHEC – December 12, 2018

### Legal Representation Fund for Title IX Proceedings

#### **.01 Establishment**

A. There is a Legal Representation Fund for Title IX Proceedings.

B. The fund shall be administered by the Commission pursuant to Education Article, § 11-601, Annotated Code of Maryland.

#### **.02 Definitions**

A. The following terms, as used in this chapter, have the meanings indicated.

B. Terms Defined.

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

(2) “Fund” means the Legal Representation Fund for Title IX Proceedings.

(3) “Complainant” means a student or former student of an institution of higher education operating within the State who:

(a) Makes a complaint to an institution of higher education on which a formal Title IX investigation is initiated; and

(b) Was enrolled at the institution at the time of the incident that is the basis of the complaint.

(4) “Respondent” means a current or former student of an institution of higher education operating within the State who:

(a) Responds to a complaint on which a formal Title IX investigation is initiated; and

(b) Was enrolled as a student at the institution at the time of the incident that is the basis of the complaint.

(5) “Secretary” means the Secretary of Higher Education.

(6) “Title IX proceedings” or “Title IX investigation” means an institution’s formal process of investigating and resolving a written complaint under Title IX of the federal Education Amendments of 1972, 20 U.S.C. § 1681, as amended.

#### **.03 Institutional Policies**

A. Each institution of higher education that is required to adopt a sexual assault policy under Education Article, § 11-601, Annotated Code, shall include within the policy provisions that a complainant or respondent may:

(1) Obtain from the Commission, through its website, a list of licensed attorneys who have indicated that they will represent complainants or respondents in Title IX proceedings on a pro bono basis or for reduced legal fees; and

## PROPOSED NEW REGULATIONS

MHEC – December 12, 2018

### Legal Representation Fund for Title IX Proceedings

(2) Through the complainant or respondent's attorney, seek reimbursement of certain legal costs and fees from the Commission's Legal Representation Fund for Title IX Proceedings, subject to the availability of funding.

B. The institution shall display prominently in its policy, and shall make available to students, the information contained in A.

#### **.04 Administration of the Fund**

A. The fund shall be funded through, and subject to, a specific appropriation in the State budget.

B. Claims for reimbursement submitted under .05 may be granted subject to the availability of funds.

#### **.05 Claims for Reimbursement of Legal Fees**

A. An attorney licensed in the State who has represented a complainant or respondent in Title IX proceedings may seek reimbursement from the fund, for up to 20 hours of services, by submitting an application to the Commission in the form prescribed by the Secretary.

B. The application form shall require the attorney to disclose, at a minimum:

(1) Information about the Title IX proceeding, including the identity of the institution and the time period of legal representation;

(2) The attorney's retainer agreement with the complainant or respondent;

(3) A detailed billing statement of legal services provided to the complainant or respondent;

(4) Certification from the attorney that the billing statement is accurate and complete; and

(5) Written authorization, signed by the client, that:

(a) The attorney may seek reimbursement from the fund to pay the client's fees; and

(b) If applicable, the client understands and agrees that the client is responsible for paying any fees that are not reimbursed through the fund; and

(6) Certification from the attorney that, if the attorney is included within the pool created under .06, the attorney has not and shall not charge the client any costs and fees in excess of the reduced rate identified in .06.

#### **.06 Pool of Attorneys Accepting Pro Bono Clients or Reduced Fees**

A. After consultation with legal service providers with expertise about sexual assault and with State and local bar associations, the Commission shall create and maintain a list of attorneys, each of whom represents and agrees that he or she:

(1) Is licensed to practice law in Maryland;

PROPOSED NEW REGULATIONS

MHEC – December 12, 2018

Legal Representation Fund for Title IX Proceedings

- (2) Is in good standing with the Maryland Court of Appeals;
- (3) Has malpractice insurance sufficient to cover representation in a Title IX proceeding;
- (3) Is qualified and willing to represent a complainant, a respondent, or either, in a Title IX proceeding; and
- (4) Shall represent complainants or respondents in Title IX proceedings:
  - (a) On a pro bono basis; or
  - (b) At fees equivalent to those paid to attorneys under civil legal services programs administered by the Maryland Legal Services Corporation established under Title 11 of the Human Services Article Annotated Code.

B. The Secretary shall identify, and shall publish on the Commission’s website, the hourly fees and costs that may be charged by an attorney on the list created under A.

C. The Commission shall not recommend, insure, or endorse an attorney, law firm, or legal services agency, and shall not be liable for any acts or omissions of the attorney, the law firm, or the legal services agency.

**.07 Reimbursements from the Fund**

A. The Commission shall grant a claim for reimbursement submitted under .05 if it determines, in its sole discretion, that:

- (1) The application submitted under .05 is complete and accurate;
- (2) The legal services for which reimbursement is sought were provided to a complainant or respondent solely in connection with a Title IX proceeding at an institution or higher education operating within the State;
- (3) The legal fees for which reimbursement is sought are reasonable; and
- (4) The fund contains sufficient funds to grant the reimbursement.

B. The Commission shall not reimburse any legal costs or fees associated with a civil or criminal matter, or associated with an administrative matter that is not a Title IX proceeding.

C. The Commission’s decision whether, and in what amount, to provide reimbursement under this chapter is final and not subject to further review.



Larry Hogan  
Governor

Boyd K. Rutherford  
Lt. Governor

Anwer Hasan  
Chairperson

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

December 12, 2018

TO: Commissioners, Maryland Higher Education Commission

FROM: Emily A.A. Dow, Ph.D., Assistant Secretary, Academic Affairs

RE: Final Adoption of Regulations; Workforce Development Sequence Scholarship

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On August 27, 2018, the Commission approved for publication in the Maryland Register the enclosed regulations to implement the requirements of 2018 legislation that established a Workforce Development Sequence Scholarship at community colleges. (Ch. 695, Acts of 2018). The regulations were published in the Maryland Register on October 26, 2018. The public comment period for the regulations ended on November 26, 2018, and no public comments were received.

The proposed regulations are ready for the Commission's final adoption.

**RECOMMENDATION:** It is recommended that the Commission approves for final adoption the attached proposed regulations regarding the Workforce Development Sequence Scholarship.

(2) Set standards for approval of programs licensing massage therapists or registered massage practitioners at educational institutions in this State; and

(3) Survey approved massage therapy programs and schools as necessary.

ROBERT R. NEALL  
Secretary of Health

**Title 12**  
**DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES**  
**Subtitle 04 POLICE TRAINING AND STANDARDS COMMISSION**

**12.04.01 General Regulations**

Authority: Correctional Services Article, §2-109; Public Safety Article, §§3-208 and 3-209; Annotated Code of Maryland

**Correction to Notice of Open Meeting**  
[18-248-P]

The Notice of Open Meeting that appeared in 45:20 Md. R. 936 (September 28, 2018) has been changed. The correct notice follows.

**Open Meeting**

Final action on the proposal will be considered by the Maryland Police Training and Standards Commission during a public meeting to be held on January 8, 2019, at 10 a.m., at Public Safety Education and Training Center, 6852 4th Street, Sykesville, MD 21784.

STEPHEN T. MOYER  
Secretary of Public Safety and Correctional Services

**Title 13B**  
**MARYLAND HIGHER EDUCATION COMMISSION**

**Subtitle 08 FINANCIAL AID**

**13B.08.23 Workforce Development Sequence Scholarship**

Authority: Education Article, §§11-105(u), 18-202, 18-204, 18-3302, Annotated Code of Maryland

**Notice of Proposed Action**  
[18-286-P]

The Maryland Higher Education Commission proposes to adopt new Regulations .01—.11 under a new chapter, COMAR 13B.08.23 Workforce Development Sequence Scholarship. This action was considered at a public meeting of the Commission held on August 27, 2018.

**Statement of Purpose**

The purpose of this action is to implement and administer the Workforce Development Sequence Scholarship, which was established by Ch. 149, Acts of 2017, and Ch. 695, Acts of 2018.

**Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

**Estimate of Economic Impact**

The proposed action has no economic impact.

**Economic Impact on Small Businesses**

The proposed action has minimal or no economic impact on small businesses.

**Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

**Opportunity for Public Comment**

Comments may be sent to Emily A.A. Dow, Ph.D., Assistant Secretary of Academic Affairs, Maryland Higher Education Commission, 6 N. Liberty St., 10th Fl., Baltimore, MD 21201, or call 410-767-3041, or email to emily.dow@maryland.gov. Comments will be accepted through November 26, 2018. A public hearing has not been scheduled.

**.01 Purpose.**

The purpose of the Workforce Development Sequence Scholarship is to provide financial assistance to students enrolled in workforce development sequences at community colleges in the State.

**.02 Definitions.**

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

B. Terms Defined.

(1) "Associated costs of attendance" means costs incurred by a student to purchase books or equipment that are necessary for the completion of the workforce development sequence for which the student is receiving a Workforce Development Sequence Scholarship, and any related testing fees for licensure or certification.

(2) "Commission" means the Maryland Higher Education Commission.

(3) Eligible Student.

(a) "Eligible student" means a student who:

(i) Is a Maryland resident or has graduated from a Maryland high school; and

(ii) Is enrolled in a Workforce Development Sequence at a community college in the State.

(b) "Eligible student" may include an active duty member of the U.S. Military who:

(i) Is stationed in the State;

(ii) Resides in the State; or

(iii) Is domiciled in the State.

(4) "Noncredit certificate" means a document issued by a community college to a student certifying that the student has completed a noncredit sequence of courses.

(5) "Office" means the Office of Student Financial Assistance within the Commission.

(6) "Secretary" means the Secretary of Higher Education.

(7) Workforce Development Sequence.

(a) "Workforce development sequence" means a group of noncredit courses, approved by the Commission, that is offered by a community college and composed of courses related to:

(i) Job preparation or a registered apprenticeship;

(ii) Licensure or certification; or

(iii) Job skill enhancement.

(b) "Workforce development sequence" does not include a sequence of courses leading to an associate or bachelor's degree.

(8) "Workforce Development Sequence Scholarship" or "Scholarship" means an award made to an eligible student under this chapter.

**.03 Establishment and Administration.**

A. There is a Workforce Development Sequence Scholarship, which shall be administered by the Office consistent with this chapter and pursuant to participation agreements with participating community colleges.

B. To participate in the Workforce Development Sequence Scholarship, a community college shall enter into a participation agreement with the Office, upon the terms prescribed by the Secretary, which, at a minimum, shall include terms to:

- (1) Safeguard the confidentiality of personally identifiable information;
- (2) Ensure the accuracy of student eligibility determinations under this chapter; and
- (3) Provide for the return by the college to the Office any Scholarships not awarded consistent with this chapter and the participation agreement.

**.04 Approval of a Workforce Development Sequence.**

A. A community college shall apply to the Commission for approval of a workforce development sequence on a form prescribed by the Secretary.

B. The Secretary shall approve a workforce development sequence application if:

- (1) The Secretary determines that completion of the courses in the sequence results in the issuance of a noncredit certificate to the student; and
- (2) Each course in the sequence:
  - (a) Is eligible to be funded through Pell grants under Title IV of the federal Higher Education Act;
  - (b) Is eligible to be funded through the federal Workforce Innovation and Opportunity Act;
  - (c) Is designed to prepare an individual to sit for a licensing exam required by a State regulatory agency for employment in a specific occupational field;
  - (d) Is a required component of a registered apprenticeship; or
  - (e) In the Secretary's determination:
    - (i) Is approved for State funding through the Request for State Funding of a Continuing Education Course (CC-10) application process; and
    - (ii) Has the purpose of job enhancement or job preparation, or leads to licensure or certification for an occupation that requires licensure or certification.

**.05 Student Eligibility.**

To be eligible to receive a Workforce Development Sequence Scholarship, a student shall:

- A. Be enrolled at a community college that has entered into a participation agreement with the Office;
- B. Be enrolled in a Workforce Development Sequence; and
- C. Be an eligible student as defined in Regulation .02 of this chapter.

**.06 Award Amount.**

A. A Workforce Development Sequence Scholarship may not exceed \$2,000 per student annually.

B. A Workforce Development Sequence Scholarship shall be used solely for tuition, mandatory fees, costs to participate in a registered apprenticeship program, and other associated costs of attendance that have not been met through another grant or scholarship by the State or employer.

C. A Workforce Development Sequence Scholarship may be combined with any other grant or scholarship, provided that the total amount of grants or scholarships does not exceed the student's tuition, mandatory fees, apprenticeship costs, and other associated costs of attendance.

**.07 Institutional Allocation and Notification.**

A. At the beginning of each State fiscal year, the Office shall notify each participating college of the total dollar amount of Scholarships that may be awarded to students attending the college during the fiscal year.

B. The Office shall allocate equally among the community colleges up to 50 percent of the annual dollar amount budgeted for the Workforce Development Sequence Scholarship.

C. Except as provided in §D of this regulation, the amount remaining after the allocation required under §B of this regulation shall be allocated proportionately to participating community colleges based upon student enrollment as follows:

- (1) Each college's most recent FTE enrollment in workforce development sequences, based upon the previous year's Enrollment Report for Credit Courses (CC2 report) and Enrollment Report for Equated Credit Continuing Education Courses (CC3 report), shall be divided by the total FTE enrollment for all workforce development sequences offered by all participating colleges; and
- (2) The percentage derived from the calculation in §C(1) of this regulation shall be multiplied by the total number of awards (in \$2,000 increments) not allocated, and the result shall be the additional allocation to the college.

D. For the 2018—2019 award year only, the amount remaining after the allocation required under §B of this regulation shall be allocated proportionally to participating community colleges based upon student enrollment as follows:

- (1) Each college's most recent total FTE enrollment, based upon the previous year's Enrollment Report for Credit Courses (CC2 report) and Enrollment Report for Equated Credit Continuing Education Courses (CC3 report), shall be divided by the total FTE enrollment for all community colleges; and
- (2) The percentage derived from the calculation in §D(1) of this regulation shall be multiplied by the total number of awards (in \$2,000 increments) not allocated, and the result shall be the additional allocation to the college.

E. For the 2019—2020 award year, if a college fails to use 66 percent or more of its allocated awards by March 15, the remaining unused awards shall be returned to the Office and redistributed to community colleges meeting the 66 percent requirement, on a pro-rata basis, unless the community college losing the award demonstrates, in the judgment of the Office, that it has eligible candidates to whom it will make the remaining awards.

F. The Office shall notify colleges of any reallocation of awards made after March 15.

**.08 Disbursement and Reallocation of Funds.**

A. Each participating community college is responsible for awarding its allocation to eligible students.

B. Beginning in the 2019—2020 award year, if a college fails to use 66 percent or more of its allocated awards by March 15, the remaining unused awards shall be returned to the Office and redistributed to community colleges meeting the 66 percent requirement, on a pro-rata basis, unless the community college losing the award demonstrates, in the judgment of the Office, that it has eligible candidates to whom it will make the remaining awards.

C. The Office shall notify colleges of any reallocation of awards made after March 15.

D. If a community college does not spend the entire amount allocated to it in a fiscal year by June 15, the following year's allocated amount will be reduced by the amount of unspent funds.

**.09 Distribution of Awards to Students.**

A. Selection Criteria. In determining the selection criteria to be applied to award applicants, a community college:

- (1) Shall ensure that awards are made only to eligible students;
- (2) May not make an award to any student who already has received the award for two workforce development sequences, regardless of the duration, cost, or successful completion of the sequences; and
- (3) May determine the prioritization of awards based upon any of the following criteria:
  - (a) The workforce needs of the service area of the institution;
  - (b) The availability to the applicant of other funds;



(c) Whether the student has received the award previously; and

(d) The order in which applications were submitted by applicants.

*B. Compliance with State and Federal Law.* A community college shall administer the Workforce Development Sequence Scholarship consistent with State and federal law.

*C. Nondiscrimination.* A community college may not discriminate against applicants, prospective applicants, or awardees based upon sex, race, ethnicity, religion, disability, sexual orientation, or sexual identity.

*D. Reporting to Commission.* A community college shall report to the Office annually regarding the selection criteria used by the college under §A of this regulation.

**.10 Continuation of Workforce Development Sequence.**

*A. Approval of a Workforce Development Sequence terminates when the condition under which the sequence was approved ceases, including by:*

(1) A determination by the U.S. Department of Education that one or more of the courses in the sequence are no longer eligible to be funded through Pell grants under Title IV of the federal Higher Education Act;

(2) A determination by the Department of Labor, Licensing, and Regulation that the sequence is no longer eligible to be funded through the federal Workforce Innovation and Opportunity Act;

(3) A determination by a licensing board that the licensing exam that is the subject of the sequence no longer is required for employment in a specific occupational field;

(4) A determination by the Department of Labor, Licensing, and Regulation that the sequence is no longer a required component of a registered apprenticeship; or

(5) A determination by the Secretary that:

(a) Any course in the sequence is no longer eligible for State funding through the CC-10 application process; or

(b) The sequence no longer has the purpose of job enhancement or job preparation, or no longer leads to licensure or certification for occupations that require the licensure or certification.

*B.* A community college shall notify the Commission immediately if the Workforce Development Sequence discontinues, or if any of the circumstances enumerated in §A of this regulation occurs.

*C.* If a workforce development sequence is discontinued or terminated, the community college either shall reallocate workforce development sequence funds towards another workforce development sequence, or shall return the unused funds to the Office.

**.11 Record Keeping, Audits, and Annual Reports.**

*A.* All financial books, records, and documents pertaining to the Workforce Development Sequence Scholarship program shall be open to inspection, review, and audit at all times by the Commission, the State auditor, or their authorized representatives.

*B.* A community college shall include the Workforce Development Sequence Scholarship program in any independent audit conducted for the college on State financial aid programs.

*C.* Except as provided in §D of this regulation, each community college that participates in the Workforce Development Sequence Scholarship program shall submit to the Office:

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

(a) Name and social security number of each award recipient;

(b) Cost of attendance for each sequence of courses;

(c) Amount awarded to each recipient;

(d) Workforce development sequence in which each recipient is enrolled;

(e) Any registered apprenticeship in which the recipient participated;

(f) State and county residency of each award recipient; and

(g) For any recipients who are not residents of the State, the Maryland high school from which the recipient graduated;

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

(a) Name and social security number of each award recipient;

(b) Cost of attendance for each sequence of courses;

(c) Amount awarded to each recipient;

(d) Workforce development sequence in which each recipient is enrolled;

(e) Any registered apprenticeship in which the recipient participated;

(f) State and county residency of each award recipient; and

(g) For any recipients who are not residents of the State, the Maryland high school from which the recipient graduated;

(3) By June 15, a final, end-of-year report that provides a final cumulative list of recipients that includes for each award the:

(a) Name, social security number, and date of birth of each award recipient;

(b) Cost of attendance for each sequence of courses;

(c) Gender, race, and ethnicity of each award recipient;

(d) Amount awarded to each recipient;

(e) Workforce development sequence in which each recipient is enrolled;

(f) Any registered apprenticeship in which the recipient participated;

(g) State and county residency of each award recipient;

(h) For any recipients who are not residents of the State, the Maryland high school from which the recipient graduated; and

(i) The number of current year recipients registering for the following year to continue their sequence of courses; and

(4) Any additional information required by the Office pursuant to the participating agreement.

*D.* For the 2018—2019 award year only, a community college shall provide the reports required under §C of this regulation by deadlines established by the Office.

JAMES D. FIELDER, JR., Ph.D.,  
Secretary of Higher Education



Larry Hogan  
Governor

Boyd K. Rutherford  
Lt. Governor

Anwer Hasan  
Chairperson

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

## MEMORANDUM

**DATE:** December 12, 2018

**TO:** Maryland Higher Education Commission

**FROM:** Jon Enriquez **STAFF:** Sarahita Wyatt-Paige

**SUBJECT:** 2018 Opening Fall Enrollment

This report highlights preliminary Fall 2018 enrollment data submitted by the State's colleges and universities. Final enrollment numbers collected later in the term may vary slightly from the figures presented in this report.

**Total headcount enrollment at Maryland's colleges and universities in Fall 2018 is 358,609, a decrease of 984 (or 0.3%) over last year's enrollment of 359,593.** This is the sixth consecutive year in which enrollment has been between 357,000 and 362,000, indicating that enrollment is generally stable. This year's headcount enrollment total is 14,750 (or 4.0%) lower than the all-time peak of 373,359 students enrolled in Fall 2011. Undergraduate enrollment declined by 0.3% and graduate enrollment decreased marginally by 11 students (0.0%) from last year.

The number of students enrolling at community colleges declined by 2.0%. This is the seventh consecutive year of declining enrollment at community colleges. Enrollment declined at 12 of the 16 community colleges in Fall 2018.

Enrollment at public four-year institutions grew by 0.5%. This is due to increases in part-time undergraduate student enrollment (up 3.6%). Part-time graduate enrollment decreased by 3.1% but nevertheless, the magnitude of changes in total enrollment was rather small at most institutions.

Enrollment at private and independent institutions increased slightly by 0.9%.

The number of first-time, full-time students increased to 36,558, an increase of 4.2%. However, community colleges saw a 0.6% decrease in the number of first-time, full-time students, declining from 12,650 to 12,571. Across all public four-year institutions, the number of first-time, full-time students increased from 15,675 to 16,623, a 6.0% increase.

**RECOMMENDATION: This item is for information only.**



**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 21, 2018 *Please note date change*
May 23, 2018	December 19, 2018 *Please note date change*

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

### Dates and Times Subject to Change

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



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