

MARYLAND HIGHER EDUCATION COMMISSION

MEETING BOOKLET

Time: 1:00 PM
Wednesday, May 26, 2021

Place: Video Teleconference
(GoToMeeting)

Maryland Higher Education Commission

Andrew R. Smarick, Chair

Donna M. Mitchell, Vice Chair

Senchal D. Barrolle, Esq.

Vivian S. Boyd, Ph.D.

Lewis R. Brown, Ed.D.

James E. Coleman

Vera R. Jackson, Ph.D.

Charles McDaniels, Jr.

Sydney Miller, Student Commissioner

James B. Sellinger, Sr.

Mary Pat Seurkamp, Ph.D.

John W. Yaeger, Ed.D.

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

Andrew R. Smarick
Chair

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

Maryland Higher Education Commission Meeting Agenda

TIME: 1:00 p.m.
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**The next Commission meeting is on Wednesday, June 23, 2021 @ 1:00 PM.*

Maryland Higher Education Commission
Meeting Minutes

April 28, 2021
1:00 p.m.

The Maryland Higher Education Commission (MHEC) met on Wednesday, April 28, 2021 via video teleconference (GoToMeeting).

Commission members present:

Andrew R. Smarick, Chair	Vera R. Jackson, Ph.D.
Donna M. Mitchell, Vice Chair	Charles McDaniels, Jr.
Senchal D. Barrolle, Esq.	Sydney Miller, Student Commissioner
Vivian S. Boyd, Ph.D.	Mary Pat Seurkamp, Ph.D.
James E. Coleman	John W. Yaeger, Ed.D.

Commission members absent:

Lewis R. Brown, Ed.D.	James B. Sellinger, Sr.
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Staff members present:

James D. Fielder, Ph.D.	Emily A. A. Dow, Ph.D.
Barbara Schmertz, Ph.D.	Jennifer Katz
Soma Kedia	Trish Gordon McCown
Lee Towers	Glenda Abney
Karen King-Sheridan	Jacqueline Cade
Bryson Barksdale	

Call to Order

The meeting was called to order by **Chair Smarick** at approximately 1:01 p.m. A meeting quorum was established with ten out of twelve (12) members present.

Chair's Remarks

Chair Smarick welcomed everyone to today's meeting and expressed the hope that things were returning to some degree of normalcy.

Secretary's Remarks

Secretary Fielder announced the settlement of the coalition case (Coalition for Equity and Excellence in Maryland Higher Education, et al. v. Maryland Higher Education Commission, et al.) that was originally filed in 2006. The settlement agreement was fully executed by all parties and filed with the District Court last night. He also reported that MHEC was working with MDH

(MD Dept. of Health) to offer mass vaccination opportunities to college students, staff and faculty. “University Days” have been set up at state mass vaccination sites to that effect. Additionally, MHEC staff recently participated in another webinar on the topic of cultural diversity. **Chair Smarick** remarked that a Chair needs to be appointed to lead the Diversity, Equity and Inclusion Committee. He asked Commissioners to submit nominations for this role.

Public Comments

Chair Smarick recognized the team from Strayer University that included Ms. Megan Jackson, General Counsel, Ms. Lisa Sincere, Associate General Counsel, and Mr. Andrew Burmeister, Director of Government Affairs. They are at the meeting to testify regarding their request for a waiver of the full-time faculty definition, as provided for in the Maryland Higher Education Commission’s “Requirements for Authorization of Out-of-State Degree-Granting Institutions to Operate in Maryland.” Ms. Sincere asserted that Strayer’s role, scope and mission are unique enough to merit a waiver of the full-time faculty definition. No other institution in Maryland is contributing to the education of adult learners in the same way as Strayer. They serve the highest percentage of part-time, underrepresented students over the age of 25 years old in Maryland. Strayer is also the only institution operating in Maryland that currently holds a Special Focus Four-Year: Business & Management Schools basic Carnegie classification. They have a long-standing commitment to Maryland students and a strong record of uniquely contributing to postsecondary education in Maryland that spans 130 years.

Ms. Jackson added that the decisions which Strayer makes are rooted in the best interests of their students. They have a strong full-time faculty and adjunct faculty base. Regardless of whether a faculty member is full-time or adjunct, they are held to the same standards of excellence in instruction and student engagement. Adjunct faculty are practicing professionals whose contributions only enhance the student experience.

Commission Minutes Approval

Commissioner Yaeger motioned to approve the March 24, 2021 and April 9, 2021 meeting minutes, as well as the April 9, 2021 closed session minutes. **Commissioner Barrolle** seconded the motion, and it was approved unanimously.

Commissioner Committee Updates

Education Policy Committee: There were no new items to report.

Outreach, Grants, and Financial Assistance Committee: **Commissioner Jackson** shared that the Committee (consisting of Commissioners Coleman and Miller) met on March 29. Their goals include the study of MHEC’s current grants and financial aid programs, the recommendation of changes to improve these programs & their administration, and the recommendation of strategies to improve public awareness of financial aid opportunities. During their meeting, the staff reported on the launch of a new file upload tool for scholarship applicants. They have also increased outreach efforts to high school students, which includes 45 virtual presentations this year.

Finance and Operations Committee: Vice Chair Mitchell reported that the Committee is currently recruiting new members. Once fully in place, they hope to be a source of support to the implementation of the coalition settlement agreement.

Education Policy Committee – Strayer University’s Request for Waiver of Full-Time Faculty Definition – Action Item

Chair Smarick recognized **Commissioner Yaeger** (Chair of the Education Policy Committee) who explained that Strayer University submitted a request on August 4, 2020 for a waiver from the definition of full-time faculty consistent with the Commission’s “Requirements for Authorization of Out-of-State Degree-Granting Institutions to Operate in Maryland,” specifically COMAR 13B.02.01.16E.

There are two elements regarding faculty that are required for MHEC to approve an out-of-state institution to operate in Maryland: (1) At least 1/3 of the classes offered shall be taught by full-time faculty of the parent institution and (2) meeting the specified definition of full-time faculty found in COMAR. **Commissioner Yaeger** added that the regulation is there to protect the students, as they would clearly benefit from having sufficient access to full-time faculty who have a large role in shaping the student experience, from curriculum to advisement.

The Committee recommends that the Commission deny Strayer University’s waiver of the definition of full-time faculty as provided for in the Maryland Higher Education Commission’s “Requirement for Authorization of Out-of-State Degree-Granting Institutions to Operate in Maryland.” Strayer has not demonstrated that its “unique role, scope, and mission...requires a waiver in order for the institution to operate in Maryland,” pursuant to the requirements of COMAR 13B.02.01.16E(2).

Upon reviewing the University’s renewal application to continue operations in Maryland, it was discovered that the University was out of compliance in meeting the 1/3 full-time faculty standard (by not meeting the COMAR definition of full-time faculty) and subsequently requested the waiver. Strayer’s renewal application remains active until a determination regarding this request is resolved. While Strayer provided commentary on its mission, role and scope, it is not clear what about its mission, role and scope is unique that merits an exemption to the definition of full-time faculty.

Commissioner Yaeger made a motion to approve the recommendation and **Vice Chair Mitchell** seconded the motion. **Commissioner McDaniels** thanked Commissioner Yaeger for his comments and explanation, as it is especially important that underserved students have sufficient access to full-time faculty. The motion passed unanimously.

Department of Academic Affairs – The Collegium Sanctorum Angelorum’s Stage One Application for Initial Approval as a Degree-Granting Institution Offering – Information Item

Chair Smarick recognized Ms. Trish Gordon McCown (MHEC’s Director of Academic Affairs) who presented this item. In accordance with the Code of Maryland Regulations (COMAR) 13B.02.02, the Maryland Higher Education Commission has reviewed a Stage One initial application for a Certificate of Approval as an in-state degree-granting institution submitted by Collegium Sanctorum Angelorum (“The Collegium”), located at 36 S. Potomac Street, Suite 203, Hagerstown, MD 21740 (main office). The application includes a proposal to offer the following three programs:

- 1) Bachelor of Arts (B.A.) in Liberal Arts
- 2) Upper Division Certificate (U.D.C.) in Theology and Philosophy
- 3) Lower Division Certificate (L.D.C.) Studies in English and Latin

Dr. Edward Schaefer, President, was informed on April 2, 2021, that The Collegium is approved to proceed to Stage Two of the application process. This decision was based on an analysis of the application in conjunction with the Maryland Higher Education Commission’s Minimum Requirements for In-State Degree-Granting Institutions (COMAR 13B.02.02), the Maryland State Plan for Postsecondary Education, and a 30-day review by the Maryland higher education community. No comments or objections were received during the 30-day circulation period.

A Stage Two application was received on April 15, 2021 and is currently under review by MHEC staff. If the documentation submitted by The Collegium satisfies the requirements of the Stage Two application, an evaluation team will be appointed to conduct an on-site visit to the institution to ensure that the institution complies with the regulations.

If, based on the evaluation team report and other available information, the Secretary is satisfied that the prospective in-state institution is in compliance with COMAR 13B.02.02 and the minimum requirements are met, the Secretary shall grant approval to operate. If the Secretary is not satisfied that a prospective in-state institution is in compliance with this chapter, the Secretary shall issue a notice of deficiencies and deny approval to the institution. If approved, an evaluation team will conduct an on-site visit to the in-state institution at the end of an institution’s first instructional year to ensure that the institution is in compliance with COMAR 13B.02.02 and any other condition upon which the Commission based the institution’s approval to operate.

Commissioner Seurkamp asked about the mission of The Collegium. **Secretary Fielder** responded that The Collegium offers an education in a traditional Catholic environment.

Office of Research and Policy Analysis – Maryland Higher Education Commission
Maryland Public Colleges and Universities Enrollment Projections 2021 to 2030 – Action Item

Chair Smarick recognized Dr. Barbara Schmertz (MHEC’s Director of the Office of Research and Policy Analysis) who presented this item. The Maryland Higher Education Commission (MHEC) prepares 10-year enrollment projections for public institutions each year. 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. The Department of Budget and Management and the General Assembly use the Commission's forecasts as the State's official enrollment projections for public higher education.

The materials include headcount projections for each institution, with separate analyses for full and part-time undergraduates and, as applicable, full and part-time graduate/professional students. Full-time equivalent (FTE) and full-time day equivalent (FTDE) projections are calculated by applying a mathematical formula to the headcount figures. Projections are also developed for state-funding-eligible FTE noncredit continuing education enrollments at the community colleges. The projections model involves the application of a linear regression analysis to demographic and economic factors.

After careful consideration and a review of the projections model and its data sources, MHEC has decided that the projections reporting for the 2020 report (projecting annual changes to enrollment from 2020 to 2029) will serve as the basis for the 2021 to 2030 Enrollment Projections. These are the key drivers of this decision:

- Fall 2020 undergraduate and graduate student data, which serves as the baseline for the projections model, reflects unprecedented upheaval in Maryland's colleges and universities enrollment due to the COVID-19 pandemic;
- A number of the variables integral to the linear regression model – including Maryland high school graduate projections, per capita income, and population projections – rely on data that has not been updated for the past two to four years. It is felt that these are specious data to use in the model and likely will cause the projections to be an unreliable predictor of future enrollment; and
- The model relies on FTE and FTDE data collected each Fall by MHEC that requires institutions to distinguish distance education students from students taking courses on the campus; this year MHEC issued temporary guidance to institutions to ameliorate colleges' concerns that their data for Fall 2020 under-represented their student enrollments and their subsequent space needs (again, due to various pedagogical accommodations to maintain safe learning environments during the COVID-19 pandemic). Despite this guidance, institutions faced challenges in estimating their in-person versus distance education courses for the near future; using these data in our model would have unintended, and possibly, negative effects on projections.

Dr. Schmertz recommended that the Maryland Higher Education Commission accept the 2021-2030 enrollment projections and approve their distribution to the public, the campuses, and interested state agencies.

Commissioner Yaeger inquired if the U. S. Census 2020 data is used in this report. Dr. Schmertz responded that this data is used by the Maryland Department of Planning, whose data is used by MHEC. However, the effect is not seen right away, as population projections (using U. S. Census 2020 data) are not released by the Dept. of Planning until possibly sometime in the fall. **Commissioner Seurkamp** asked what might account for the high rate of projected enrollment growth at BCCC (Baltimore City Community College). Dr. Schmertz replied that she would have to look into it further and get back to her.

Commissioner Boyd made a motion for approval and **Commissioner Seurkamp** seconded it. The motion was approved unanimously.

Office of Research and Policy Analysis – 2020 Performance Accountability Report – Action Item

Chair Smarick recognized Dr. Schmertz who presented this item. The annual Performance Accountability Report (PAR) provides an opportunity for the State, the Maryland Higher Education Commission (MHEC), colleges and universities, and individual governing boards to review and evaluate institutions' efforts to fulfill their missions and advance the goals of the State. This statewide report includes a summary of highlights from institutional submissions for the 2019-2020 academic year reporting cycle.

Overall, institutions met or exceeded most of their goals, objectives, and benchmarks established through their accountability processes. That said, institutions faced tremendous challenges beginning in March 2020 as a result of the COVID-19 pandemic. Colleges and universities worked tirelessly to maintain the academic quality of their programs and courses while protecting the health and safety of their campus communities. It is important to note that much of the data shared in the institutional reports that follow were collected prior to the COVID-19 pandemic. As such, the impact COVID-19 has had on metrics tied to the State Plan's goals of access, success, and innovation has not yet been fully revealed. Institutions caution that it will take several years to see the short and long-term impacts that this virus will have on campuses.

Dr. Schmertz recommended that the Maryland Higher Education Commission approve the 2020 Performance Accountability Report and ask the Secretary to forward it to the Governor and the General Assembly as required by law. **Chair Smarick** asked if the institutions self-report or if an outside consultant is hired to assemble their reports. Dr. Schmertz replied that the institutions are responsible for writing their own submissions. **Commissioner Yaeger** made a motion for approval, and **Commissioner Jackson** seconded the motion. The motion was approved unanimously.

Adjournment

Commissioner Coleman made a motion to adjourn and **Vice Chair Mitchell** seconded the motion. The motion passed unanimously. The meeting adjourned at approximately 1:58 p.m.



Larry Hogan
Governor

Boyd K. Rutherford
Lt. Governor

Andrew R. Smarick
Chair

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

MEMORANDUM

DATE: May 26, 2021
TO: Maryland Higher Education Commission
FROM: Student Advisory Council
SUBJECT: Technology Grant Recommendation

Recommendation. The Student Advisory Council recommends that the Maryland Higher Education Commission establish a Technology Grant for the primary purpose of increasing student access to higher education and improving student success by increasing access to either high-quality internet or technological equipment.

The Student Advisory Council recommends the Commission to consider the following specifications in implementing the Technology Grant (“the grant”):

Eligibility: The grant would be open to all students enrolled at a postsecondary institution authorized to operate in Maryland. Students enrolled as full-time or part-time, enrolled in non-credit programs that lead to licensure or certification, undergraduate or graduate students, international students, and students enrolled at a private career school would be eligible to receive the grant. Students not registered for a specific academic program would not be eligible (e.g., non-matriculated students).

Award Amount: A student would indicate the amount requested (with a specified itemization of use), with a minimum award of \$300 and a maximum award of \$1,000. A student would indicate on the application if the award is to be used for (a) equipment or hardware, (b) internet access, or (c) software. Students would be eligible for the award up to 3 years for non-repetitive categories; meaning, students may receive the award up to three times, provided that they indicate a different category each time (e.g., a student who receives an award for equipment may not subsequently receive a second award for equipment, but may receive a second award for software). Students may reapply to use the award for a different category.

Additionally, students may use the award for more than one category in a given year, with the same minimum and maximum amounts. For example, for a student that needs both a laptop and funds to cover the costs of internet access, the student would be eligible to use a \$300-\$1,000 for a laptop and an additional \$300-\$1,000 to cover the costs of internet access.

*The Student Advisory Council recommends that the State consider a statewide contract to issue out specific technology instead of a monetary award. Vouchers with specific suppliers may also be a tool.

Prioritization: Students that demonstrate the greatest need (such as information obtained from the FAFSA, information regarding existing campus resources¹) would be offered the award first. Awards would be made until funds are exhausted.

Award Use: The grant may be used for hardware or equipment (e.g., computer, router), internet access (e.g., monthly bills, mobile hot spot), or software (not otherwise supplied by the institution). A student would be required to maintain and submit records of the use of awarded funds.

Justification. The State Plan for Higher Education has an explicit goal of ensuring student access to higher education. Students may face a barrier in accessing higher education if they do not have access to Wi-Fi, equipment (such as laptop or desktop computers), or specialized software. The COVID-19 pandemic has exacerbated these challenges and has likely prevented students from continued enrollment.

Virtual learning for college students will likely become more prevalent moving forward, post-pandemic. Similarly, students utilize several web-based services to register for classes, access course materials², submit assignments (even in a traditional in-person course), and access other campus-based resources. Access to reliable Wi-Fi in today's postsecondary landscape could be considered equivalent to access to transportation and subsequently the physical campus. Access to quality internet is essential to be a successful student.

According to a 2018 Maryland General Assembly commissioned Task Force on Rural Internet, Broadband, Wireless and Cellular Service, "...only 64% of Marylanders have access to high-speed internet" (using the Federal Communications Commission standard for high-speed internet access).³ Additionally, as the report notes, even if residents have access to high-speed internet, costs related to installation and monthly fees may be a barrier to access. This is often referred to as the "digital divide." While there are efforts⁴ to expand access to high-speed internet in Maryland – particularly to rural areas – students may be limited in their ability to actually pay for high-speed internet for education and training.

Similar to internet access, students may struggle with access to the basic technology needed to access the internet and subsequent education materials and resources. Elementary and secondary students are now commonly provided individual devices (either laptops or tablets issued by the school or school district). However, postsecondary students are expected to have the financial means to purchase personal technological devices. Students who may not have the ability to pay

¹ Some campuses provide technological resources (e.g., loaner laptop programs, hot spot loaner programs). If a student can access the requested resource through the campus, they would be ineligible for the grant.

² There has been an increasing push to offer open educational resources (OERs). These are considered no-cost resources, such as textbooks and materials. Most, if not all, of the resources are only accessible via the internet.

³ https://rural.maryland.gov/wp-content/uploads/sites/4/2019/01/2018_MSAR11544_Task-Force-for-Rural-Internet-Broadband-Wireless-and-Cellular-Service-Report-1.pdf

⁴ Most recently, Governor Hogan Announces \$10 Million in Grant Awards to Expand Broadband Access For Education: <https://news.maryland.gov/dhcd/2020/08/13/governor-hogan-announces-10-million-in-grant-awards-to-expand-broadband-access-for-education/#:~:text=The%20Governor's%20Office%20of%20Rural,solely%20dedicated%20for%20educational%20use.>

for a laptop, desktop computer, or similar device using their own funds are significantly limited in using grants or scholarships for non-tuition purposes. In other words, many grants and scholarships awarded to students are limited to only tuition and fees. While students may have access to the funds to pay for higher education, they may not have the funds to engage with higher education. The monthly costs related to high-speed internet access or the cost of obtaining adequate technology may prohibit a student from accessing higher education or fully succeeding in their higher education endeavors.

MARYLAND HIGHER EDUCATION COMMISSION

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MEMORANDUM

DATE: May 26, 2021
TO: Maryland Higher Education Commission
FROM: Student Advisory Council
SUBJECT: 2020-2021 Student Advisory Council Annual Report

Presented below is a summative report of the activities of the 2020-2021 Student Advisory Council. Recommended goals for the 2021-2022 cohort are also presented.

2020-2021 Student Advisory Council **Annual Report to the Maryland Higher Education Commission**

Accomplishments

1. The Student Advisory Council prepared and presented a recommendation to the Commission regarding accessibility for voting. Specifically, the Council requested that the Commission encourage colleges and universities to provide as much flexibility as possible for students to cast their vote for the November 3, 2020 elections.
2. The Student Advisory Council prepared and presented a recommendation to the Commission regarding a Technology Grant. Due to the COVID-19 pandemic, the Council discussed the equity challenges students may face in accessing higher education without the appropriate technology.
3. The Student Advisory Council prepared a letter to Faculty Advisory Council highlighting ways that faculty can support students while teaching and engaging with students in a remote environment.
4. Representatives from the Maryland Department of Health presented to the Student Advisory Council on mental health resources at the local and state level. Some student representatives duplicated the same presentation on their campus for information-sharing.
5. Representatives from the Maryland Department of Health presented to the Student Advisory Council on the mechanics of contact tracing and the importance of answering phone calls from the Department of Health for the purposes of contact tracing.
6. This year, each meeting had a standing agenda item to discuss COVID-19 related issues and concerns. This allowed for campus representatives to share information with one another and provide general updates.
7. The executive board (Chair, Vice Chair, and Secretary) and the Advisor met regularly 1 week prior to each Council meeting for the purposes of planning the agenda and ensuring all related materials were ready for discussion.

Planning for Next Year

The Student Advisory Council offers the following topics for discussion and presentation for next year:

- Diversity, equity, and inclusion (DEI): discussing opportunities for marginalized communities in higher education; coordinating with the new Commission’s subcommittee on DEI; considering issues of shared governance (institutional bodies and student organizations); making recommendations for long-term planning; making DEI more than just a phrase
- Topics regarding accessibility: credit for prior learning and work experience; ensuring accessibility for undocumented individuals for financial aid (e.g., what communities/organizations is MHEC missing contact with?); identifying barriers for students utilizing disability benefits
- Higher Education Funding: become educated on higher education funding in Maryland; better understand State scholarship programs and expand outreach efforts
- Coordination between Student Advisory and Faculty Advisory Councils: set up a meeting in September or October between two executive groups for coordination
- Administrative notes: keep the pre-planning meeting and ask outside committee representatives (e.g., Governor’s Youth Council, Student Transfer Advisory Council, etc.) to provide brief written summaries in preparation for the monthly Student Advisory Council meeting

2020-2021 Meeting Dates
(Saturdays, 10am-12 pm)

September 19, 2020	December 5, 2020
October 3, 2020	January 30, 2021
October 24, 2020	April 17, 2021
November 14, 2020	May 8, 2021

Typically, each meeting is held on a different campus. However, due to the COVID-19 pandemic, all meetings were held virtually.

2020-2021 Leadership

- Kyle Dineen (College Park), Executive Chairperson
- Iqra Rafiq (Hood College), Vice Chairperson
- Luke Zolenski (Wor-Wic Community College), Secretary
- Emily A. A. Dow (Maryland Higher Education Commission), Advisor

2020-2021 Membership List (as of November 29, 2020)

Allegany College of Maryland	Wesley Mason
Anne Arundel Community College	
Bais HaMedrash and Mesivta of Baltimore	
Baltimore City Community College	

Binah Institute of Advanced Judaic Studies	
Bowie State University	Micheal McGee
Capitol Technology University	
Carroll Community College	
Cecil College	Tré Isaiah Miller
Chesapeake College	
College of Southern Maryland	
Community College of Baltimore County	
Coppin State University	Ashanti Davis
Frederick Community College	Emma Wachter
Frostburg State University	Noah DeMichele
Garrett College	
Goucher College	Sal Suarez
Hagerstown Community College	
Harford Community College	Shreeyam Mishra
Hood College	Iqra Rafiq
Howard Community College	Darryl Jeffries
Johns Hopkins University	
Loyola University Maryland	
Maryland Institute College of Art	Julea Seliavski
Maryland University of Integrative Health	
McDaniel College	Mackenzie Hunt
Montgomery College	
Morgan State University	
Mount St. Mary's University	Shahanaaz Soumah
Ner Israel Rabbinical College	
Notre Dame of Maryland University	Jolisse Gray
Prince George's Community College	Rosebell Onuma
Salisbury University	Jose Cabrera
St. John's College	
St. Mary's Seminary and University	
St. Mary's College of Maryland	Jahmoni Bartee
Stevenson University	Marie Oluebube Ofoegbu
Towson University	Jordan DeVeaux/Vertania Kemp
University of Baltimore	Frank Vermeiren/Tina Azarvand
University of Maryland Baltimore	Christine (Chrissy) Carney*
University of Maryland Center for Environmental Science	
University of Maryland Eastern Shore	
University of Maryland Global Campus	Matthew Rose/J. Angel Knight

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University of Maryland, Baltimore County	Wangui Nganga
University of Maryland, College Park	Kyle Dineen
Washington Adventist University	
Washington College	
Women's Institute of Torah Seminary	
Wor-Wic Community College	Luke Zolenski
Yeshiva College of the Nation's Capital	

2021-2022 Meeting Dates

Saturdays, 10am-12pm

August 28, 2021 (intro. meeting for new reps.)

September 25, 2021

October 16, 2021

November 20, 2021

December 4, 2021

September 11, 2021

January 29, 2022

April 23, 2022

May 14, 2022

Meetings will continue to be held virtually for the 2021-2022 academic year.



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MEMORANDUM

DATE: May 26, 2021

TO: Maryland Higher Education Commissioners

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

SUBJECT: Final Adoption of Amendments to COMAR Financial Aid Regulations – Delegate Howard P. Rawlings Educational Excellence Awards Program

On February 24, 2021, the Commission approved for publication in the Maryland Register proposed amendments to the regulations for the Delegate Howard P. Rawlings Educational Excellence Awards Program. The purpose of these amendments is primarily to add a new process for institutional verification of Guaranteed Access Grants, as required by statute. The regulations also add an additional appeal criterion for late FAFSA filers, clarify the recipient selection priority, and replace the term “alternate application” with “MSFAA” throughout the regulations. The proposed regulations were published in the Maryland Register on April 9, 2021. The public comment period for the regulations ended on May 10, 2021, and no public comments were received.

The proposed amendments to the regulations are ready for the Commission’s final adoption, with a non-substantive change to the text of Regulation .08B to correct a single word, as reflected in tracked changes in the attached copy of the regulations. The amendments will become effective 10 days after notice of the final adoption is published in the Maryland Register.

RECOMMENDATION: It is recommended that the Commission approves for final adoption the attached amendments to the regulations for the Delegate Howard P. Rawlings Educational Excellence Awards Program, including the non-substantive change reflected in the attached text.

13B.08.10 Delegate Howard P. Rawlings Educational Excellence Awards Program

Authority: Education Article, §§11-105(u), 18-204(c), and 18-301[—18-309] *et seq.*, Annotated Code of Maryland

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) (text unchanged)

[(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.]

[(3)] (2)—[(11)] (10) (text unchanged)

(11) “Maryland State Financial Aid Application (MSFAA)” means the financial aid application form prescribed by the Office for individuals who are eligible for in-State tuition and ineligible to complete the FAFSA.

(12)—(15) (text unchanged)

.03 Eligibility.

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

(1) (text unchanged)

(2) [File] *Annually file* the FAFSA[, or the alternative application prescribed by the Office,] *or MSFAA* by March 1;

(3) (text unchanged)

(4) Demonstrate financial need based upon the formula set forth in Regulation .06 of this chapter; [and]

(5) Agree to provide, *by the deadline established by OSFA*, any *supplemental* information or documentation requested by OSFA *or an institution* for the purpose of administering *or verifying eligibility* for the EEA; and[,]

(6) [if] *If* requested, sign an authorization for the release of information to OSFA *or an institution* for the purpose of administering *or verifying eligibility* for the EEA.

B. (text unchanged)

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

(1) (text unchanged)

(2) Except as provided in §D of this regulation, have an annual total family income as reported on the FAFSA or [the alternative application] *MSFAA* 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;

(3)—(8) (text unchanged)

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

(10) (text unchanged)

D.—F. (text unchanged)

.06 Financial Need Calculation and Award Formulas.

A. (text unchanged)

B. Determination of EEA Award Amounts.

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

(2)—(6) (text unchanged)

C. Errors on a FAFSA or [alternative application] *MSFAA* 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)—(2) (text unchanged)

.08 Selection of Recipients.

A. [A] *An applicant for the GA Grant who files the FAFSA or [alternative application filed] MSFAA after March 1 [for the GA Grant shall] may not be considered for an award.*

B. [OSFA shall notify an applicant if supplemental documentation is needed to process the application.] *A renewal applicant for the GA Grant shall meet all the requirements set forth in Regulation .10 of this chapter to be considered for an ~~initial~~ renewal award.*

C. GA [award] *Grant* 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.] *have completed the FAFSA or MSFAA by March 1 shall be selected for the award in the following priority:*

(1) *Renewal applicants who submit all supplemental information or documentation requested by OSFA or an institution by April 1;*

(2) *Initial applicants who submit all supplemental information requested by OSFA or an institution by April 1; and*

(3) *Renewal and initial applicants and initial applicants who submit all supplemental information requested by OSFA or an institution after April 1 but no later than May 15.*

D. (text unchanged)

.10 Award Renewal and Continuation.

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

- (1) Files a FAFSA or [alternative application] *MSFAA* by March 1;
- (2)—(6) (text unchanged)

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

- (1) Files a FAFSA or [alternative application] *MSFAA* by March 1 and, if requested by OSFA or *the institution*, submits all required verification documentation [to OSFA] by [April 1] *the deadline established by OSFA*;
- (2) Has an annual total family income as reported on the FAFSA or [alternative application] *MSFAA* which is at or below 150 percent of the federal poverty level;
- (3)—(6) (text unchanged)

C. (text unchanged)

.11 Award Cancellation or Adjustment.

A. An award shall be canceled if:

- (1)—(2) (text unchanged)
- (3) A recipient of a GA Grant fails to submit all [required verification documents] *requested supplemental information or documentation to OSFA or an institution* by [April 1] *the deadline established by OSFA*;
- (4)—(5) (text unchanged)

B. (text unchanged)

.12 Payment of Awards.

A.—C. (text unchanged)

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] *who complete the MSFAA*.

E. (text unchanged)

.13 Verification of Eligibility.

A. In-House Verification by OSFA.

- (1) (text unchanged)
- (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] *MSFAA*; or
 - (b) (text unchanged)
 - (3) (text unchanged)
 - (4) *An applicant who filed a MSFAA and is selected for verification may only be verified by OSFA.*
 - [(4)] (5)—[(5)] (6) (text unchanged)
 - (7) *Initial GA Grant applicants shall submit a high school transcript or documentation of GED scores.*
 - [(6)] (8) [New] *Initial and renewal GA Grant recipients shall provide documentation of financial data to verify eligibility as requested by OSFA.*
 - [(7)] (9) 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] *Number of individuals in the household who will attend or are enrolled in college*;
 - (ii) [Other untaxed income] *Household size*; and
 - (iii) [State residency or eligibility for in-State tuition for non-tax filers] *Other untaxed income*;
 - (b) [The federal] *As applicable, the Maryland State tax return, IRS [Tax Transcript] tax transcript, federal tax return, 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) *Adjusted gross income*;
 - [(i)] (ii) *Income [and federal] taxes paid; [and]*
 - (iii) *Untaxed portions of IRA distributions*;
 - (iv) *Untaxed portions of pensions*;
 - (v) *Tax exempt interest income*;
 - (vi) *Education credits; and*
 - [(ii)] (vii) (text unchanged)
 - (c) (text unchanged)
 - [(8)] (10) Awards [shall] *may not be issued for students who fail to provide the requested information by the deadline [pursuant to this regulation] established by OSFA.*
 - [(9)] (11)—[(10)] (12) (text unchanged)

B. Institutional Verification.

- (1)—(2) (text unchanged)
- (3) After students are selected for EA Grant verification under §B(2) of this regulation, each applicable institution shall use the U.S. Department of Education's Title IV financial aid rules and regulations to verify the:
- (a)—(h) (text unchanged)
- (4)—(6) (text unchanged)
- (7) A public institution of higher education in the State or a private nonprofit institution of higher education that is eligible for State aid under Education Article, §17-103, Annotated Code of Maryland, may, in accordance with §§B(8)—(18) of this regulation, verify the eligibility of a GA Grant applicant who:
- (a) Filed a FAFSA; and
- (b) Is an admitted student at or has applied for admission to the institution for the next academic year.
- (8) An institution that may verify the eligibility of a GA grant applicant under §B(7) of this regulation shall elect to do so by notifying OSFA each year by the deadline established by OSFA.
- (9) Portability of Institutional Verification.
- (a) An applicant who has been verified by an institution that elects to verify GA Grant eligibility is not obligated to attend the institution performing the verification.
- (b) A verification obtained by an applicant under this regulation may be used at any institution at which a GA Grant may be used under Education Article, §18-305, Annotated Code of Maryland.
- (c) The amount of the GA Grant awarded to an applicant may be adjusted in accordance with the cost of attendance at the institution at which the applicant uses the award.
- (10) An institution that elects to verify GA Grant eligibility shall:
- (a) Verify that an applicant qualifies for a GA grant under this chapter;
- (b) Evaluate the applicant's income eligibility criteria, as established by the Office, using the VI standard Title IV financial aid verification process;
- (c) For all applicants verified, regardless of their enrollment status at the institution, maintain all verification records for a period of 5 years after the end date of the award year associated with the applicant's last award;
- (d) As part of and in accordance with the regulations for the institution's annual EEA Program audit submitted under COMAR 13B.08.19, provide the Commission with an audit of the institution's verification process, to assess:
- (i) Accuracy of award eligibility determination performed by the institution;
- (ii) Compliance with the requirements of the VI standard Title IV financial aid verification process;
- (iii) Accuracy of reporting by the institution to the Office in the Institutional Student Information Record; and
- (iv) Compliance with §§B(7) – B(18) of this regulation; and
- (e) Meet any other requirements established by the Office.
- (11) Annually between October 1 and March 1 prior to the award year, OSFA will provide a list to participating institutions that identifies applicants who must submit supplemental documentation in the following categories:
- (a) Initial applicants who must verify that their high school GPA or GED scores meet the threshold in Regulation .03 of this chapter;
- (b) Initial applicants who must verify that their high school GPA or GED scores meet the threshold in Regulation .03 of this chapter and who have been selected for verification of income eligibility; and
- (c) Renewal applicants who have been selected for verification of income eligibility.
- (12) An institution shall verify, as applicable:
- (a) For all applicants, FAFSA completion date;
- (b) For applicants who have obtained their GED, GED scores;
- (c) For applicants in high school:
- (i) That the applicant is in their senior year; and
- (ii) The applicant's unweighted cumulative high school GPA at the end of their first semester of senior year; and
- (d) For applicants selected for income verification:
- (i) Number of people in applicant's household; and
- (ii) All criteria required by the federal VI standard financial aid verification.
- (13) A participating institution shall establish a communication process to notify, in writing, applicants who are required to submit supplemental information or documentation for verification.
- (14) An institution may use their own institutional forms to collect supplemental information or documentation required for verification.
- (15) After verification and as applicable, an institution shall report to OSFA, by the deadline established by OSFA:
- (a) An applicant's unweighted GPA or GED scores; and
- (b) The Institutional Student Information Record the institution used to complete an applicant's federal VI verification.
- (16) An institution's failure to timely report an applicant's information as required under §B(15) of this regulation may cause the applicant to become ineligible for the GA Grant.
- (17) In the event that an applicant is verified by more than one institution, the information most recently reported under §B(15) of this regulation, at the time awards are made, shall be used by OSFA to select applicants.
- (18) In the event that an applicant is verified by both an institution and OSFA, the information obtained by OSFA shall be used by OSFA to select applicants.

.14 Late Awards.

- A. OSFA shall consider students for late *GA and EA* Grants if funds become available after initial awards have been made.
- B. (text unchanged)
- C. Selection of Recipients.

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

(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] *applicants* before making awards.

.15 Appeals of Eligibility Decisions.

- A.—D. (text unchanged)

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) (text unchanged)

(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, *if demonstrated by evidence satisfactory to the Office; [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[.]; *or*

(4) *Did not complete the FAFSA or MSFAA by the March 1 deadline due to extenuating circumstances, if demonstrated by evidence satisfactory to the Office.*

- F. (text unchanged)

- G. Appeal Procedures.

- (1) (text unchanged)

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

- (a)—(f) (text unchanged)

(g) *If the appeal is from a student who did not file the FAFSA or MSFAA by March 1 due to extenuating circumstances, a letter from the student explaining the extenuating circumstances that caused the student to miss the deadline;*

- [(g)] (h)—[(h)] (i) (text unchanged)

- (3)—(4) (text unchanged)

- H. (text unchanged)

13B.08.19 Institutional Audit Requirements for Educational Excellence Awards

Authority: Education Article, §§11-105(u), 18-204(c), and 18-307, Annotated Code of Maryland

.04 Audit Requirements.

- A.—B. (text unchanged)

C. In determining *EEA Program* compliance under §B of this regulation, the audit shall assess the following factors as they relate to the *EEA Program*:

- (1)—(5) (text unchanged)

(6) Estimation of State awards disbursed by the institution; [and]

(7) Verification of completed and signed Maryland College Aid Processing System (MDCAPS) Individual User Agreements[.]; *and*

(8) *For institutions that elect to verify GA applicant eligibility under Education Article, §18-303.3, Annotated Code of Maryland, and COMAR 13B.08.10.13B, compliance with:*

- (a) *The requirements of the VI standard Title IV financial aid verification process; and*

- (b) *COMAR 13B.08.10.13B(7)—(18).*

- D.—H. (text unchanged)

.06 Payment Remittance.

A. [The] *Except as set forth in §B of this regulation, the Commission shall require an institution to return to the Commission any overpayments of EEA Program funds that were not awarded and paid consistent with statute and regulation.*

B. *For institutions that elect to verify GA applicant eligibility under Education Article, §18-303.3, Annotated Code of Maryland, and COMAR 13B.08.10.13B, overpayments of EEA Program funds arising from a verification made under this election shall be paid by the institution that made the verification, regardless of what school the student attends.*

[B.] C. Except as provided in [§C] §D of this regulation, the institution may elect to remit payment to the Commission in one of the following ways:

- (1)—(3) (text unchanged)

- [C.] D.—[D.] E. (text unchanged)



Larry Hogan
Governor

Boyd K. Rutherford
Lt. Governor

Andrew R. Smarick
Chair

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

MEMORANDUM

DATE: May 26, 2021

TO: Maryland Higher Education Commissioners

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

SUBJECT: Approval of Proposed Amendments to COMAR Financial Aid Regulations – Richard W. Collins III Leadership with Honor Scholarship Program

During the 2021 session, the legislature passed HB 1124/SB 40 to amend the Richard W. Collins III Leadership with Honor Scholarship Program. The program awards scholarships to ROTC members at the state's four HBCUs.

Currently, 25% of total funds for the scholarship are allocated for students at Bowie State University and 75% of the funds are allocated for students at the University of Maryland Eastern Shore, Coppin State University, and Morgan State University. The legislation changes the allocation so that *at least* 25% of the total funds are for students at Bowie State University and the remaining funds after awarding all eligible Bowie State University students are for students at the other three institutions.

Enclosed for your review and approval are proposed regulatory amendments that reflect the change to the scholarship allocation as described above. Additionally, they include a change to the application deadline to facilitate earlier awarding and the deletion of an obsolete provision. These amendments have been approved for legality by MHEC's Assistant Attorneys General as required by the Maryland Administrative Procedure Act.

Upon approval, proposed regulations and regulatory amendments are submitted to the legislature's Joint Committee on Administrative, Executive, and Legislative Review (AELR), after which they are submitted to the Division of State Documents (DSD) for publication in the Maryland Register. After a public comment period, they may be brought back before the Commission for final adoption.

RECOMMENDATION: It is recommended that the Commission approve for publication in the Maryland Register the enclosed proposed regulatory amendments to the Richard W. Collins III Leadership with Honor Scholarship Program and authorize its Assistant Attorneys General to make non-substantive edits to the proposed regulations to conform to the stylistic and formatting requirements of AELR and DSD.

Title 13B MARYLAND HIGHER EDUCATION COMMISSION
Subtitle 08 FINANCIAL AID

Chapter 11 Richard W. Collins III Leadership with Honor Scholarship Program

Authority: Education Article, §§11-105(u), 18-204(c), and 18-605(e), Annotated Code of Maryland

.04 Application Process.

A. A student shall apply annually to the Office to be eligible for a scholarship.

B. Form of Application.

(1) An applicant shall apply and submit a Free Application for Federal Student Aid (FAFSA) by ~~April 1~~June 15.

(2) If the applicant is ineligible to submit a FAFSA, but qualifies for in-State tuition under Education Article, Title 15, Annotated Code of Maryland, the applicant shall submit a Maryland State Financial Aid Application (MSFAA) ~~by April 1~~in lieu of the FAFSA.

C. A student shall submit documentation to the Office confirming that the student is a member of a ROTC program.

D. A student shall submit to the Office an institutional certification form, completed by the applicant's institution, by a deadline established by the Office, confirming that the applicant is a minority student or a student who is a member of another group historically underrepresented in ROTC programs.

~~E. Time of Submission. An application and FAFSA or MSFAA received after June 15 may not be considered for an award.~~

~~(1) An application and FAFSA or MSFAA received by the Office by April 1 will have priority consideration for an award.~~

~~(2) If funds are available, an application and FAFSA or MSFAA received by the Office after April 1, but no later than July 15, may be considered for an award.~~

~~(3) An application and FAFSA or MSFAA received by the Office after July 15 is untimely and may not be considered.~~

F. If the Office requests additional information from the applicant in order to determine the applicant's eligibility:

(1) The Office shall notify the applicant of the deadline to submit such information;

(2) The applicant shall submit the information by the deadline established by the Office; and

(3) Information received by the Office after the deadline may not be considered.

~~G. For the 2019—2020 award year only, the application shall be submitted by the deadline established by the Office.~~

.07 Selection of Recipients.

A. Priority of Scholarship Awards. The Office shall:

- (1) Give priority to awarding scholarships to applicants with the greatest financial need;
- (2) Award at least 25 percent of its total annual scholarship budget to students of Bowie State University; and
- (3) Award ~~75 percent~~ the remaining amount of its total annual scholarship budget to students of other eligible institutions.

B. An applicant's financial need shall be based upon the Expected Family Contribution (EFC) as reported on the FAFSA or MSFAA.

C. An applicant's ranking shall be based on greatest financial need starting with the lowest EFC.

D. Priority for scholarships in the subsequent years shall be given to prior year recipients who remain eligible under this chapter.



Larry Hogan
Governor

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Chair

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

Maryland Higher Education Commission 2021 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 27, 2021	July 28, 2021 (if needed)
February 24, 2021	August 25, 2021 (if needed)
March 24, 2021	September 22, 2021 10:00am to 4:00pm
April 28, 2021	October 27, 2021
May 26, 2021	November 17, 2021 *Please note date change.*
June 23, 2021	December 15, 2021 *Please note date change.*

All Commission meetings will be held on the 4th Wednesday of each month from 1:00pm to 4:00pm, with certain exceptions. Meetings in 2021 will be conducted via video teleconference (GoToMeeting), unless otherwise noted.

Dates and times are subject to change.

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