# MARYLAND HIGHER EDUCATION COMMISSION

### **MEETING BOOKLET**

Time: 10:00 AM

Wednesday, September 22, 2021

Place: Video Teleconference

(GoToMeeting)

## **Maryland Higher Education Commission**

Mary Pat Seurkamp, Ph.D., 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.

James B. Sellinger, Sr.

Ray Serrano, Ph.D.

Craig A. Williams, Ph.D.

Haleemat Y. Adekoya, Student Commissioner

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

Lawrence J. Hogan, Jr. Governor

**Boyd K. Rutherford** Lt. Governor



Mary Pat Seurkamp, Ph.D.

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

#### Maryland Higher Education Commission Meeting Agenda

**TIME:** 10:00 am - 3:00 pm

Wednesday

September 22, 2021

**PLACE:** Video Teleconference (GoToMeeting)

https://global.gotomeeting.com/join/499590149

Phone Number: +1 (312) 757-3121 Access Code: 499-590-149

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Chair's and Secretary's Remarks		
Election of Commission Vice Chair		*
<b>Public Comments</b>		
Commission Minutes Approval.  • August 25, 2021	1	*

#### **Commissioner Committee Updates**

#### Department of Finance and Administration - Mr. Geoffrey Newman

- Operation and Capital Budget Presentations
  - 10:15 am University System of Maryland, Ms. Ellen Herbst, Vice Chancellor for Administration & Finance, Dr. Joann Boughman, Senior Vice Chancellor for Academic & Student Affairs
  - 10:45 am St. Mary's College of Maryland Dr. Tuajuanda Jordan, President
  - o 11:05 am Morgan State University Dr. David Wilson, President
  - 11:25 am Maryland Independent College and University Association Ms. Sara Fidler, President
  - o 11:45 am Maryland Association of Community Colleges Dr. Brad Phillips, Executive Director
  - o 12:05 pm Baltimore City Community College Dr. Debra L. McCurdy, President
  - 12:25 pm Regional Higher Education Centers Mr. Geoffrey Newman, Assistant Secretary of Finance and Administration

Break (12:45-1:15)

Office of Student Financial Assistance – Ms. Donna Thomas

Financial Assistance Advisory Council (FAAC) Update

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Adjournment		

\*The next meeting will be on Wednesday, October 27, 2021 @ 1 pm.

#### **Maryland Higher Education Commission**

**Meeting Minutes** 

August 25, 2021 1:00 p.m.

The Maryland Higher Education Commission (MHEC) met on Wednesday, August 25, 2021 via video teleconference (GoToMeeting).

#### **Commission members present:**

Mary Pat Seurkamp, Ph.D., Chair	Vera R. Jackson, Ph.D.
Haleemat Y. Adekoya,	Charles McDaniels, Jr.
Student Commissioner	
Senchal D. Barrolle, Esq.	James B. Sellinger, Sr.
(left at 1:35 PM)	
Vivian S. Boyd, Ph.D.	Ray Serrano, Ph.D.
Lewis R. Brown, Ed.D.	Craig A. Williams, Ph.D.

#### **Commission members absent:**

James E. Coleman
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#### **Staff members present:**

James D. Fielder, Ph.D.	Emily A. A. Dow, Ph.D.
Geoffrey Newman	Everette Jackson
Soma Kedia	Trish Gordon McCown
Alexia Van Orden	Bryson Barksdale
Karen King-Sheridan	Jacqueline Cade

#### Call to Order

The meeting was called to order by **Chair Seurkamp** at approximately 1:03 p.m. A meeting quorum was established with ten (10) out of eleven (11) members present.

#### Chair's Remarks

Chair Seurkamp thanked the Commissioners for attending today's meeting and welcomed everyone. She introduced the 3 new Commissioners: Dr. Craig Williams who works for Johns Hopkins HealthCare, Dr. Ray Serrano who is an Analyst for the U. S. Department of Health and Human Services, and Student Commissioner, Ms. Haleemat Adekoya, a 3<sup>rd</sup>-year student at UMBC studying Political Science and Elementary Education. Commissioners Williams, Serrano and Adekoya were recognized for brief remarks. Chair Seurkamp also informed the Commission that Ms. Donna Mitchell resigned as Commissioner recently. Former Commissioner Mitchell served as Vice Chair, Acting Chair, and Chair of the Finance and

Operations Committee. She served for 6+ years on the Commission. **Chair Seurkamp** invited Commissioners who were interested in nominating someone for the role of Vice Chair or in serving themselves to notify her and Secretary Fielder by the end of the week. The Vice Chair is elected by the Commissioners.

#### Secretary's Remarks

**Secretary Fielder** welcomed the three new Commissioners and remarked that MHEC staff was looking forward to working with them. He also expressed regret at the resignation of Ms. Mitchell, but felt grateful for her past service. A piece of good news is the approval of The Collegium in Hagerstown to operate as an in-state, degree-granting institution. The Collegium offers a classical education in a traditional Catholic environment.

#### **Public Comments**

There were no public comments.

#### **Commission Minutes Approval**

**Commissioner Boyd** motioned to approve the June 23, 2021 meeting minutes, the June 23, 2021 closed session minutes, the June 28, 2021 meeting minutes, and the June 28, 2021 closed session minutes. **Commissioner Coleman** seconded the motion, and the motion was approved unanimously.

#### **Commissioner Committee Updates**

**Education Policy Committee: Commissioner Boyd** reported that the Committee met on Monday, August 23. During the meeting, they reviewed the Committee's roles and responsibilities. Academic Affairs staff members also shared general updates.

Outreach, Grants, and Financial Assistance Committee: Commissioner Jackson did not have anything new to share.

**Finance and Operations Committee:** Mr. Geoffrey Newman, Assistant Secretary for Finance and Administration and staff contact for the Committee, reported that there are currently 13 vacancies in the agency, all of which are at various stages of the recruitment and hiring process. They have also recently closed FY 2021 and have opened FY 2022. Additionally, they are working on submitting MHEC's FY 2023 budget to the Department of Budget and Management (DBM).

**Diversity, Equity, and Inclusion Committee: Commissioner McDaniels** reported that he is currently the sole member of this new Committee, so there is no update.

<u>Department of Academic Affairs – Report on Institutions of Higher Education Program</u>

<u>Review: Secretary Actions for Quarter 1 (January 1, 2021 – March 31, 2021) – Information Item</u>

Chair Seurkamp recognized Dr. Emily Dow, Assistant Secretary for Academic Affairs, who asked Ms. Trish Gordon McCown, Director of Academic Affairs, to present this item. Ms. McCown provided an overview of the Secretary's actions concerning program objections, new degree programs, new certificate programs, new areas of concentration, non-substantial modifications to existing programs, proposals withdrawn, institutional program partnerships, a proposal not approved or recommended, out-of-state institutions, online registration institutions, Academic Common Market certifications, and Unique Major reviews.

#### <u>Department of Academic Affairs – Report on Private Career Schools: Secretary Actions</u> for Quarter 1 (January 1, 2021 – March 31, 2021) – Information Item

Ms. McCown provided an overview of the Secretary's actions concerning a program approval withdrawn, a school approval withdrawn, training provider questionnaires, and workforce development sequence scholarships (approvals, denials, and approval of modifications).

#### <u>Department of Academic Affairs – Report on VA Education Benefits: MD SAA Actions for</u> Quarter 2 (January 1, 2021 – March 30, 2021) – Information Item

Ms. McCown remarked that this is a new report that Academic Affairs will be offering to the Commissioners for their review. She then provided an overview of the Maryland State Approving Agency's actions concerning program approval actions, other approval actions, visits to facilities, technical assistance actions, and liaison activities.

# <u>Department of Academic Affairs – Emergency Adoption and Approval of Proposed</u> <u>Amendments to COMAR – Financial Guarantee Requirements for Private Career Schools</u> – Action Item

Dr. Dow presented this item. Under Maryland law, private career schools (PCS) are required to maintain a financial guarantee to ensure that tuition refunds can be made to students in the event of a school closure. The statute requires that the guarantee be at least 100% of non-Title IV tuition liability and gives MHEC the discretion to increase that amount. By regulation, MHEC requires an increased financial guarantee, depending on the type of institution, how long the institution has been operating, if the institution is financially viable, and the modality of the program being offered.

Currently, if a PCS seeks to offer a hybrid or fully online program, the school is expected to hold a financial guarantee equal to 100% of total tuition liability, regardless of financial viability or how long the institution has been operating. This requirement has not changed since it was instituted in 2004.

With many PCSs operating in either a hybrid or fully online modality due to the pandemic, this requirement poses a significant financial burden to the schools. In some instances, the financial guarantee for an online or hybrid program might be as much as ten times higher than the same program offered in a traditional format, making it essentially prohibitive for private career schools to offer online education. In turn, this can make it difficult for many students, who have

often been traditionally underserved, to pursue postsecondary education. Additionally, this added financial requirement replicates efforts at the federal level to provide student protections, should a school close.

The enclosed proposed regulatory amendments eliminate the distinction between modalities as a factor in calculating a financial guarantee. With this change, financial guarantee calculations for hybrid and fully online programs would be the same as programs in a traditional format, with a minimum guarantee of 100% of non-Title IV tuition liability and an increased guarantee based on how long the institution has been operating and if the institution is financially viable. The proposed regulatory change was discussed at the MHEC Private Career School Advisory Council meeting on July 20, 2021; the Council provided general support in moving forward with the proposed change.

These proposed regulatory amendments are available for the Commission's review and approval for publication in the Maryland Register. 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.

In addition to requesting approval for the customary regulatory process, emergency adoption is recommended to allow schools to continue to offer hybrid and online education without interruption. Emergency regulations become effective ten days after approval by AELR and expire six months later. Therefore, it is necessary to simultaneously submit the proposed regulations through both processes to make a permanent regulatory change.

#### Dr. Dow recommended that the Commission:

- 1) Approves for publication in the Maryland Register the proposed regulatory amendments to the Private Career School regulations regarding financial guarantees for distance education;
- 2) Pursuant to § 10-111 of the State Government Article of the Annotated Code, declares that emergency adoption of the regulations is necessary and approves the proposed amendments for emergency adoption; and
- 3) Authorizes 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.

**Commissioner Jackson** made a motion for approval and **Commissioner Boyd** seconded the motion. The motion was approved unanimously.

<u>Department of Academic Affairs – Final Adoption of COMAR Amendments –</u> Certification Standards and Procedures for Emergency Services Instructors – Action Item Chair Seurkamp recognized Dr. Dow who asked Ms. Alexia Van Orden, Staff Liaison to the Maryland Fire-Rescue Education Training Commission, to present this item. Ms. Van Orden stated that, on February 24, 2021, the Commission approved for publication in the Maryland Register proposed amendments to the regulations for Certification Standards and Procedures for Emergency Services Instructors, which are recommended by the Maryland Fire-Rescue Education Training Commission. The purpose of these amendments is to update the edition year of the appropriate instructor standards manual, change certain instruction methods, and make minor style and language changes. The proposed regulations were published in the Maryland Register on May 21, 2021. The public comment period for the regulations ended on June 21, 2021, and no public comments were received.

The proposed amendments to the regulations are ready for the Commission's final adoption. The amendments will become effective 10 days after notice of the final adoption is published in the Maryland Register.

Ms. Van Orden recommended that the Commission approves for final adoption the attached amendments to the regulations for Certification Standards and Procedures for Emergency Services Instructors. **Commissioner McDaniels** made a motion for approval and **Commissioner Boyd** seconded the motion. The motion was approved unanimously.

#### **Adjournment**

**Commissioner Jackson** made a motion to adjourn and **Commissioner Coleman** seconded the motion. The motion passed unanimously. The meeting adjourned at approximately 2:00 p.m.



Mary Pat Seurkamp, Ph. D.

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

#### MEMORANDUM

**DATE**: September 22, 2021

**TO**: Maryland Higher Education Commissioners

**FROM**: Donna Thomas

Director, Office of Student Financial Assistance

**SUBJECT**: Final Adoption of COMAR Amendments –

Richard W. Collins III Leadership with Honor Scholarship Program

On May 26, 2021, the Commission approved for publication in the Maryland Register proposed amendments to the regulations for the Richard W. Collins III Leadership with Honor Scholarship Program, which awards scholarships to ROTC students at the state's four HBCUs. The purpose of these amendments is to incorporate changes to the funding allocation that were passed during the 2021 Session (HB 1124/SB 40), alter the application deadline to facilitate earlier awarding, and delete an obsolete provision. The proposed amendments were published in the Maryland Register on July 16, 2021. The public comment period for the amendments ended on August 16, 2021, and no public comments were received. The regulatory amendments became eligible for final adoption on August 31, 2021.

The enclosed proposed amendments to the regulations are ready for the Commission's final adoption. 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 Richard W. Collins III Leadership with Honor Scholarship Program.

B. No more than two trucks may operate as permitted by Transportation Article, §21-310(f), Annotated Code of Maryland.

#### .04 Safety.

- A. While traveling under the authority of an approval of this chapter, the driver shall comply with:
  - (1) The vehicle laws of Maryland;
  - (2) The regulations of this chapter; and
- (3) Any other conditions, both general and specific, attached to the approval.
- B. When operating a truck under the approval of this chapter, the driver shall ensure the safety of the public.

CHRISTINE NIZER Administrator Motor Vehicle Administration

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

#### **Subtitle 08 FINANCIAL AID**

#### 13B.08.11 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

#### **Notice of Proposed Action**

[21-088-P]

The Maryland Higher Education Commission proposes to amend Regulations .04 and .07 under COMAR 13B.08.11 Richard W. Collins III Leadership with Honor Scholarship Program. This action was considered at an open meeting of the Commission held May 26, 2021.

#### **Statement of Purpose**

The purpose of this action is to update scholarship allocation guidelines pursuant to Ch. 240, Acts of 2021; alter application deadlines to allow earlier awarding to students; and remove an obsolete provision.

#### **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 Geoff Newman, Assistant Secretary, Maryland Higher Education Commission, 6 N. Liberty Street, 10th Floor, Baltimore, MD 21201, or call 410-767-3085, or email to geoff.newman@maryland.gov. Comments will be accepted through August 16, 2021. A public hearing has not been scheduled.

#### .04 Application Process.

A. (text unchanged)

- 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
  - C.—D. (text unchanged)
  - E. [Time of Submission.
- (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] June 15 [is untimely and] may not be considered for an award.
  - F. (text unchanged)
- [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) (text unchanged)
- (2) Award at least 25 percent of its total annual scholarship budget to students [of] at Bowie State University; and
- (3) Award [75 percent] the remaining amount of its total annual scholarship budget to students [of] at other eligible institutions.
  - B.—D. (text unchanged)

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



Mary Pat Seurkamp, Ph.D.

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

#### MEMORANDUM

**DATE**: September 22, 2021

**TO**: Maryland Higher Education Commissioners

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

**SUBJECT:** Approval of Amendments to the Bylaws of the Financial Assistance Advisory

Council (FAAC)

The purpose of this memorandum is to request approval for bylaw changes for the Financial Assistance Advisory Council (FAAC). FAAC was established by statute in 1988 and currently meets monthly to review matters regarding the administration of State financial aid programs and financial aid outreach to Maryland high school students.

During the 2021 session, the legislature passed SB 664 to improve financial aid outreach to high school students. Among other provisions, the law requires that the FAAC bylaws be updated to add to the council a student services director member, appointed by the Public School Superintendents' Association of Maryland.

FAAC adopted the attached bylaws amendments, reflecting the change required by the legislature, on July 15, 2021. Amendments to the bylaws of any of MHEC's advisory councils require final approval by the Commission.

**RECOMMENDATION**: It is recommended that the Commission approve the attached amendments to the Financial Assistance Advisory Council bylaws.

## MARYLAND HIGHER EDUCATION COMMISSION

## Financial Assistance Advisory Council

## $\underline{BYLAWS}$

Revised: July 15, 2021

#### .01 <u>Establishment and Purpose</u>

- A. The Financial Assistance Advisory Council to the Maryland Higher Education Commission is established in conformity with the Education Article, §11-106 (a), of the Annotated Code of Maryland and is hereafter referred to as the Council.
- B. The Council will meet periodically to review such matters as are referred by the Commission or the Secretary for its consideration and advice and to make reports and recommendations to the Commission.
- C. The Council may make recommendations to the Commission on matters of statewide importance that affect its constituents.

#### .02 <u>Membership</u>

The Advisory Council shall consist of 20 members, appointed by the Commission, who represent and are nominated by the heads of the following segments, associations, institutions, agencies, and councils:

- a. Chancellor of University System of Maryland
  - 1 System Administration
  - 2 Campus Financial Aid Director
  - 1 Campus Admissions Director
- b. Executive Director, Maryland Association of Community Colleges
  - 2 Campus Financial Aid Directors
  - 1 System Administration
- c. President of Morgan State University
  - 1 Director of Financial Aid
- d. President of St. Mary's College of Maryland
  - 1 Director of Financial Aid
- e. Maryland Association of Private Colleges and Career Schools
  - 1 Member
- f. Maryland Independent Colleges and Universities
  - 1 MICUA
  - 2 Director of Financial Aid

- g. Maryland School Counselors Associations 2
- h. Student Advisory Council 1
- i. Community at-large 1
- j. Maryland Non-Profit College Access Professional 1
- k. Public School Superintendents' Association of Maryland
  - 1 Student Services Director
- k. Ex-Officio Director, Office of Student Financial Assistance/MHEC.

#### .03 Terms, Vacancies, and Compensation

- A. Each member serves for a term of 2 years beginning July 1.
- B. Members may be reappointed for succeeding terms if they are nominated in accordance with §.02.
- C. A member may serve up to six months longer than the member's term, but only until a successor is appointed.
- D. A vacancy shall be deemed to occur whenever a member misses two consecutive meetings of the Council in any one fiscal year without notification; is no longer affiliated with the segment, association, institution, agency, or council the member was appointed to represent; can no longer meet the responsibilities of office; or if the segment, association, institution, agency, or council no longer wants that member to represent it.
- E. If a member is unable to attend, an individual may be appointed to attend for the member and can vote on the member's behalf. This person is appointed by the represented segment, association, institution, agency or council with notification to the Chair prior to the meeting.
- F. A person appointed to fill a vacancy in an unexpired term serves for the remainder of that term only but may be reappointed.
- G. Each member of the Council serves without compensation. The Community at-large representative is entitled to reimbursement for expenses in accordance with the State Standard Travel Regulations.

#### .04 Officers and Duties

- A. The Council shall elect from among its members a Chair and a Vice-Chair.
- B. The Chair shall be a Council member who is serving in the second year of the 2-year term.

- C. The Vice-Chair shall be a Council member who is serving in the first year of the 2-year term.
- D. The Vice-Chair shall serve as the Chair in the second year of the term.
- E. An election of the Vice-Chair shall be held each year at the first meeting held after March 1.
- F. Should the Council be unable to elect a Chair and Vice-Chair that meet the requirements of §.04B. and C., the Council may waive the requirements in §.04B. and C.
- G. Officers shall serve for a term of one year beginning July 1.
- H. The Chair shall preside at all meetings of the Council, shall call special meetings of the Council as deemed necessary, and shall appoint those committees that the Chair or the Council deem necessary.
- I. The Vice Chair, at the request of the Chair, in the Chair's absence, or during an inability of the Chair to act, shall perform the duties and exercise the functions of the Chair and when so acting shall have the powers of the Chair, and have other powers and perform other duties that may be assigned by the Chair or by the Council.
- J. Vacancies in office may be filled at any scheduled meeting of the Council.
- K. A member selected to fill a vacancy in office serves for the remainder of that term only, unless the member is re-elected to that office.
- L. A staff member assigned by the Maryland Higher Education Commission shall keep the minutes of the meetings of the Council, shall notify members of meetings of the Council, and shall be custodian of the records of the Council.

#### .05 <u>Meetings and Quorum</u>

- A. The Council may adopt rules for the conduct of its meetings.
- B. The Council normally shall meet at least once every other month at a time and place of its choosing.

C. At all meetings of the Council a majority of the members serving on the Council shall constitute a quorum for the transaction of business and the affirmative vote of a majority of the members present and voting shall be sufficient to adopt any action.

#### .06 Reports to the Maryland Higher Education Commission

- A. Members of the Council shall be provided due notice of the time and place of meetings of the Commission, along with the agendas and attachments for these meetings, including minutes of the previous meetings of the Commission.
- B. The Chair of the Council or the Chair's designee may be afforded time at public meetings of the Commission to report on the activities and/or recommendations of the Council and to answer questions.

#### .07 <u>Parliamentary Authority</u>

The rules contained in the current edition of Robert's Rules of Order Newly Revised shall govern the Council in all cases to which they are applicable and in which they are not inconsistent with these Bylaws or the laws of the State of Maryland.

#### .08 <u>Amendments to the Bylaws</u>

- A. Any of these Bylaws may be altered or repealed and new Bylaws may be adopted by affirmative vote of a majority of the members serving on the Council at any regular meeting or at any special meeting called for that purpose.
- B. Amendments to the Bylaw adopted in accordance with §.08A shall take effect immediately upon final approval by the Commission and shall be applied prospectively.



Mary Pat Seurkamp, Ph. D.

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 4<sup>th</sup> 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