

(Approved as amended on 09/22/2021)

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:

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| Mary Pat Seurkamp, Ph.D., Chair | Vera R. Jackson, Ph.D. |
| Haleemat Y. Adekoya, Student Commissioner | Charles McDaniels, Jr. |
| Senchal D. Barrolle, Esq. (left at 1:35 PM) | James B. Sellinger, Sr. |
| Vivian S. Boyd, Ph.D. | Ray Serrano, Ph.D. |
| Lewis R. Brown, Ed.D. | Craig A. Williams, Ph.D. |
| James E. Coleman (arrived at 1:45 PM) | |

Staff members present:

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| 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 3rd-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

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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 McDaniels** 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.

Department of Academic Affairs – Report on Institutions of Higher Education Program Review: Secretary Actions for Quarter 1 (January 1, 2021 – March 31, 2021) – Information Item

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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.

Department of Academic Affairs – Report on Private Career Schools: Secretary Actions 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).

Department of Academic Affairs – Report on VA Education Benefits: MD SAA Actions for 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.

Department of Academic Affairs – Emergency Adoption and Approval of Proposed Amendments to COMAR – Financial Guarantee Requirements for Private Career Schools – 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

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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.

**Department of Academic Affairs – Final Adoption of COMAR Amendments –
Certification Standards and Procedures for Emergency Services Instructors – Action Item**

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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.