



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

Maryland Higher Education Commission Higher Education Fiscal 2020 Budget Overview

**Testimony of Dr. James D. Fielder, Jr., Secretary of Higher Education,
to the Senate Budget and Taxation Subcommittee on
Education, Business and Administration and the
House Appropriations Committee**

January 31 & February 1, 2019

Issues

- 1. The Chancellor, presidents of SMCM and MSU, MICUA, and the Maryland Association of Community Colleges should comment on the impact that the proposed changes will have on campuses, including if revisions will be made to policies and procedures.**

The Secretary of MHEC should comment on the lack of funding to pay attorney's fees and what will happen when a student contacts MHEC regarding the payment of attorney's fees.

MHEC Response: The total amount of annual funding necessary to reimburse legal fees for the program is uncertain for a couple of reasons. First, the program is new and will be carried out pursuant to new policies of the institutions of higher education, which will be adopted this summer. Second, the U.S. Department of Education is in the process of revising federal regulations, and we do not yet know what effects, if any, the new federal regulations will have upon institutions' policies. Given this uncertainty, MHEC has consulted with DBM about the best manner to reimburse attorneys' fees, and MHEC will do so through the deficiency funding process, which is the same process MHEC has used in the past for the payment of other attorneys' fees.

The process for making a claim for attorneys' fees will be set forth in agency regulations. The Commission has approved regulations for publication in the Maryland Register. Under the regulations, a student will choose a reduced-fee or pro-bono attorney from an MHEC-provided list, or the student may choose an attorney not on the list. The attorney who represents the student will be responsible for submitting an application for fees to MHEC. The student will not have to submit the application. MHEC will reimburse reasonable fees to the attorney at rates equivalent to those charged by and paid to attorneys under civil legal services programs administered by the Maryland Legal Services Corporation. The attorney will agree not to charge any excess fees to the student if the attorney is on the MHEC list of attorneys. If the attorney is not on the MHEC list, the student might be responsible for paying the attorney any fees above and beyond those reimbursed by MHEC.