

# **MARYLAND HIGHER EDUCATION COMMISSION**

## **MEETING BOOKLET**

Time: 1:00 PM  
Wednesday, January 26, 2022

Place: Video Teleconference  
(Google Meet)

## **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

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**



**Larry Hogan**  
Governor

**Boyd K. Rutherford**  
Lt. Governor

**Mary Pat Seurkamp, Ph. D.**  
Chair

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

**Maryland Higher Education Commission  
Meeting Agenda**

**TIME:** 1:00 p.m.  
Wednesday  
January 26, 2022

**PLACE:** Video Teleconference  
(Google Meet)

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<b>Public Comments</b>		
<b>Commission Minutes Approval</b>		
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<b>Adjournment</b>		

*\*The next Commission meeting is on Wednesday, February 23, 2022 @ 1:00 p.m.*

**Maryland Higher Education Commission**  
Meeting Minutes

December 15, 2021  
1:00 p.m.

The Maryland Higher Education Commission (MHEC) met on Wednesday, December 15, 2021 via video teleconference (Google Meet).

**Commission members present:**

Mary Pat Seurkamp, Ph.D., Chair	Charles McDaniels, Jr. (arrived at 1:08 PM)
Vivian S. Boyd, Ph.D.	Ray Serrano, Ph.D.
Lewis R. Brown, Ed.D.	Craig A. Williams, Ph.D.
James E. Coleman	Haleemat Y. Adekoya, Student Commissioner

**Commission members absent:**

Vera R. Jackson, Ph.D., Vice Chair	James B. Sellinger, Sr.
Senchal D. Barrolle, Esq.	

**Staff members present:**

James D. Fielder, Ph.D.	Emily A. A. Dow, Ph.D.
Geoffrey Newman	Jennifer Katz
Soma Kedia	Trish Gordon McCown
Lee Towers	

**Call to Order**

The meeting was called to order by **Chair Seurkamp** at approximately 1:03 p.m. A meeting quorum was established with seven (7) out of eleven (11) members present.

**Chair's Remarks**

**Chair Seurkamp** welcomed and thanked everyone for attending today's meeting. She noted that today's meeting would be brief, as there was only one set of regulations which require the Commission's timely approval.

**Secretary's Remarks**

**Secretary Fielder** informed everyone that with the recent increase in COVID cases at Bowie State University, the school has decided to switch to remote operations.

## **Public Comments**

There were no public comments.

## **Commission Minutes Approval**

**Commissioner Serrano** motioned to approve the November 17, 2021 meeting minutes. **Commissioner Coleman** seconded the motion, and the motion was approved unanimously.

## **Department of Academic Affairs – Final Adoption of COMAR Amendments – Financial Guarantee Requirements for Private Career Schools – Action Item**

**Chair Seurkamp** recognized Dr. Emily Dow, Assistant Secretary for Academic Affairs, who presented this item. On August 25, 2021, the Commission approved proposed amendments to regulations regarding the financial guarantee requirements for fully online or hybrid programs offered by private career schools. The purpose of these amendments is to eliminate the outdated distinction between the calculation of financial guarantees for online/hybrid programs and programs offered in a traditional format. 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.

In order to allow private career schools to continue to offer post-pandemic hybrid and online education without interruption, the Commission approved these amendments for emergency adoption, which lasts a maximum of six months. Therefore, in order to make a permanent change, the Commission also approved these amendments for publication in the Maryland Register.

The legislature's Joint Committee on Administrative, Executive, and Legislative Review (AELR) granted emergency status to these regulatory amendments on September 22, 2021. The emergency status expires on January 15, 2022. The Commission does not need to take any further action with regard to the emergency adoption.

The proposed permanent changes to the regulations were published in the Maryland Register on October 8, 2021. The public comment period for the amendments ended on November 8, 2021, and no public comments were received. The regulatory amendments became eligible for final adoption on November 23, 2021.

The proposed amendments to the regulations are ready for the Commission's final adoption, with non-substantive changes as highlighted in the attached text. The purpose of the non-substantive changes is to adjust cross-references within the regulation that are affected by the regulatory amendments. The amendments will become effective 10 days after notice of the final adoption is published in the Maryland Register.

Dr. Dow recommended that the Commission approves for final adoption the proposed amendments, including the non-substantive changes indicated in the text, to the regulations regarding financial guarantees for distance education by Private Career Schools.

**Commissioner Boyd** made a motion for approval and **Commissioner Adekoya** seconded the motion. The motion passed unanimously.

### **Commissioner Committee Updates**

**Education Policy Committee:** **Commissioner Boyd** did not have any special or new update to share.

**Outreach, Grants, and Financial Assistance Committee:** **Commissioner Coleman** did not have a report or update to share.

**Finance and Operations Committee:** Mr. Geoffrey Newman, Assistant Secretary for Finance and Administration and staff contact for the Committee, reported that five (5) of the agency's vacant positions will be filled shortly. Additionally, the legislative session will commence in January, and the budget will be introduced by the Governor at that time.

**Diversity, Equity, and Inclusion Committee:** **Commissioner McDaniels** reported that the Committee met in December to set some goals and targets for the first quarter of the new year. A few MHEC staff members were able to join their meeting, lending invaluable insight. The Committee hopes they will be able to incorporate some of their goals into several reports put out by the Commission, including the Performance Accountability Report, Cultural Diversity, and Progress to 55%.

### **Adjournment**

The meeting adjourned at approximately 1:20 p.m.



**Larry Hogan**  
Governor

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Lt. Governor

**Mary Pat Seurkamp, Ph.D.**  
Chair

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

## MEMORANDUM

**DATE:** January 26, 2022

**TO:** Maryland Higher Education Commission

**FROM:** James D. Fielder, Jr., Ph.D.                      **STAFF:** Geoffrey F. Newman  
Daniel D. Schuster

**SUBJECT:** FY 2024 Community College Construction Grant Program: State and Local Cost-Sharing Formula

The Community College Construction Grant Program provides State assistance for the construction and improvement of facilities at community colleges. This grant funds the construction of major new facilities, renovation of existing facilities, and improvements to campus infrastructure.

The level of State participation in capital projects for the community colleges is determined by two criteria: the portion of the project that meets the space eligibility requirements for State support, and the State and local cost-sharing formula prescribed in statute and calculated by the Maryland State Department of Education (MSDE). MSDE uses this cost-sharing formula to calculate the State's share in providing financial assistance for public education. The formula is based on a current expense calculation that considers the enrollment of students in elementary and secondary schools and county wealth (e.g. net taxable income, the assessed valuation of real property, and the assessed value of personal property).

Based on this cost-sharing formula, the State contributes between 50 percent and 70 percent of the eligible costs of a project for single-county-operated community colleges and 75 percent of the eligible costs of a project for regional community colleges. The table on the next page shows the percentage of State share for newly introduced projects in the FY 2024 community college capital budget request.

**Community College Capital Grant Program: Percentage of State Share: FY 2024**

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Allegany College of Maryland	70.0%	Garrett Community College	50.0%
Anne Arundel Community College	50.0%	Hagerstown Community College	65.3%
Carroll Community College	50.7%	Harford Community College	53.2%
Cecil Community College	58.8%	Howard Community College	50.0%
Chesapeake College (Regional)	75.0%	Montgomery College	50.0%
College of Southern Maryland (Regional)	75.0%	Prince George’s Community College	59.0%
Community College of Baltimore County	52.3%	Wor-Wic Community Col. (Regional)	75.0%
Frederick Community College	55.7%		

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Source: Maryland State Department of Education, FY 2022 State Aid Calculations Report

**RECOMMENDATION: This item is for informational purposes only.**





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Secretary

## MEMORANDUM

**DATE:** January 26, 2022

**TO:** Maryland Higher Education Commissioners

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

**SUBJECT:** Approval of Proposed Amendment to COMAR –  
Denial of Application for Religious Exemption

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Under § 11-202.1 of the Education Article, Annotated Code of Maryland, religious educational institutions may operate in Maryland without a Certificate of Approval from the Commission under certain circumstances. To do so, they must apply for an exemption from the Commission. Eligibility for religious exemptions is governed by COMAR 13B.02.04.

COMAR 13B.02.04.05 sets forth the rights of an institution whose application for a religious exemption is denied. Pursuant to Educ. § 11-202.1, the regulation includes the procedure for requesting a hearing regarding the denial. This provision does not currently include a time limit for an institution to request a hearing. The enclosed proposed regulatory amendment adds a 20 day deadline. This addition brings religious exemption hearing procedures into alignment with all other appeal procedures for MHEC actions, including denials of approval to operate both private career schools and degree-granting institutions.

The proposed regulatory amendments have been approved for legality by MHEC's Assistant Attorneys General as required by the Maryland Administrative Procedure Act. They are now enclosed for your review and approval.

Upon your 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:

- (1) Approves for publication in the Maryland Register the enclosed proposed regulatory amendment to the procedures for denial of a religious exemption; and
- (2) 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.

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

## **Subtitle 02 ACADEMIC REGULATIONS**

### **Chapter 04 Exemption Procedures for Religious Educational Institutions**

**Authority: Education Article, §§11-105(o) and (u), 11-201, and 11-202.1, Annotated Code of Maryland**

#### **.05 Denial of Exemption.**

##### A. Hearing.

(1) No later than 20 days after receipt of written notification of the denial, an ~~An~~ institution denied an exemption under this chapter may request a hearing before the Commission.

(2) The hearing before the Commission shall be conducted in accordance with the Administrative Procedure Act, State Government Article, Title 10, Subtitle 2, Annotated Code of Maryland, and COMAR 13B.04.01.

(3) If the institution requests a hearing, the Commission may refer the hearing to the Office of Administrative Hearings.

(4) After the hearing provided for in §A(3) of this regulation, the Commission may take the following action:

(a) Grant the exemption;

(b) Deny the exemption; or

(c) Remand the case to the Secretary for further action as directed by the Commission.

(5) If the institution does not file a timely request for a hearing, the Secretary's decision becomes the final action of the Commission.

##### B. Judicial Review.

(1) An institution that is denied an exemption by the Commission after a hearing under §A of this regulation has the right to judicial review provided by State Government Article, Title 10, Subtitle 2, Annotated Code of Maryland.

(2) The decision of the Commission is considered correct and the institution has the burden of proving otherwise.

(3) The Commission shall be a party to the proceeding.



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## MEMORANDUM

DATE: January 26, 2022

TO: Maryland Higher Education Commission

FROM: Barbara Schmertz

STAFF: Yuxin Lin

SUBJECT: MSAR #709 2021 Performance Accountability Report

The annual Performance Accountability Report (PAR) serves as an important mechanism by which institutions are held accountable for establishing and maintaining performance standards, and using metrics to assess their effectiveness in tackling institutional and statewide higher education goals. This statewide report includes a summary of highlights from Maryland's public institutions' submission for the 2020-2021 academic year reporting cycle.

Institutions faced tremendous challenges beginning in March 2020 as a result of the COVID-19 pandemic. This year the submissions focused on the immediate challenges observed, strategies that colleges and universities employed to respond to the negative impact brought by the pandemic, and their effort to progress toward the three key goals of the 2017-2021 Maryland State Plan for Postsecondary Education, access, success, and innovation. This year, the institutions were also required to respond to one of the following three prompts:

- Please specify how your institution utilized CARES<sup>1</sup> funding over the past year. What are some ways your institution was able to leverage those funds for student access and success?
- What are three of the biggest challenges your institution faced due to the COVID pandemic?
- What are three COVID-related initiatives/programs your institution implemented that your institution will be adopting permanently?

In general, most of Maryland's public higher education institutions documented enrollment declines in the 2020-2021 academic year. In order to prevent the spread of COVID-19, all institutions pivoted the majority of teaching, learning and services to online or hybrid mode. Staff training, purchasing new or upgraded equipment, providing and expanding technical support, and course redesign were initiatives campuses immediately undertaken. Institutions had to implement policies and procedures (e.g. conducting regular COVID-19 test, reinforcing mask

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<sup>1</sup> Coronavirus Aid, Relief, and Economic Security Act. See details here: <https://home.treasury.gov/policy-issues/coronavirus/about-the-cares-act>

mandate, and preparing rooms for students who need to be quarantined) to keep students, faculty, and staff safe. These actions, combined with revenue declines due to the decreasing enrollment, imposed additional financial burdens to the colleges and universities. Revenue losses and expense increases had a significant impact on the institutions, particularly auxiliary services. To respond to the negative impact brought by the pandemic, the institutions directed financial aid specifically to students with needs (using the funds obtained from the Higher Education Emergency Relief Fund, “HEERF”).

Despite the challenges faced in 2020-2021, institutions reported some positive trends and encouraging benchmarks. Institutions are confident that they are on track to meet Maryland’s degree attainment goal of having at least 55% of all Marylanders hold at least an associate’s degree by 2025. They continue their commitment to ensuring equitable access to affordable and quality postsecondary education. Minority student enrollment stayed steady during the pandemic. The return to in-person instruction as well as improved distance learning delivery have allowed institutions to return to some form of normalcy. A positive sign in Fall 2021 is that some institutions are seeing an uptick in first-time, full-time enrollment, suggesting that more students returned to school as the campuses reopened their doors<sup>2</sup>.

While MHEC has been closely monitoring key trends such as enrollment and retention as well as the progress to the 55% completion goal, the short- and long-term influences caused by the COVID-19 pandemic on Maryland higher education institutions are not fully known. In the coming year, the Commission will continue to partner with institutions as they use the 2021-2022 academic year to address the disruptions the pandemic caused to enrollments, revenues, expenditures and operations and plan for the challenges that lie ahead.

**RECOMMENDATION:** It is recommended that the Maryland Higher Education Commission approve the 2021 Performance Accountability Report and ask the Secretary to forward it to the Governor and the General Assembly as required by law.

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<sup>2</sup> See MHEC 2021 Opening Fall Enrollment Dashboard found here:  
<https://app.powerbigov.us/view?r=eyJrIjoizjhlMWQwYjYtZmFIMS00YWY4LWIwNGMtZDMxNTRIMmQwMDI5IiwidCI6IjYwYWZlOWUyLTQ5Y2QtNDIiMS04ODUxLTY0ZGYwMjc2YTJlOCJ9>



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## Maryland Higher Education Commission 2022 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 26, 2022	July 27, 2022 (if needed)
February 23, 2022	August 24, 2022 (if needed)
March 23, 2022	September 28, 2022 10:00am to 4:00pm
April 27, 2022	October 26, 2022
May 25, 2022	November 16, 2022 *Please note date change.*
June 22, 2022	December 14, 2022 *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 2022 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>