

# **MARYLAND HIGHER EDUCATION COMMISSION**

## **MEETING BOOKLET**

Time: 1:00 PM  
Wednesday, April 26, 2023

Place: Video Teleconference  
(Google Meet)

## **Maryland Higher Education Commission**

Mary Pat Seurkamp, Ph.D., Chair

Charles McDaniels, Jr., Vice Chair

Senchal D. Barrolle, Esq.

Vivian S. Boyd, Ph.D.

Lewis R. Brown, Ed.D.

James E. Coleman

Judge Barbara Kerr Howe

James B. Sellinger, Sr.

Ray Serrano, Ph.D.

Craig A. Williams, Ph.D.

Sade Davis, Student Commissioner

**Wes Moore**  
**Governor**

**Aruna Miller**  
**Lt. Governor**



**Wes Moore**  
Governor

**Aruna Miller**  
Lt. Governor

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

## Maryland Higher Education Commission Meeting Agenda

**TIME:** 1:00 p.m.  
Wednesday  
April 26, 2023

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

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**Review Meeting – Proposal of Stevenson University for a Doctor of Physical Therapy Program**

**Adjournment**

*The next Commission meeting is on Wednesday, May 24, 2023 @ 1:00 p.m.*

**Maryland Higher Education Commission**  
Meeting Minutes

February 22, 2023  
1:00 p.m.

The Maryland Higher Education Commission (MHEC) met on Wednesday, February 22, 2023 via video teleconference (Google Meet).

**Commission members present:**

Mary Pat Seurkamp, Ph.D., Chair	James B. Sellinger, Sr.
Charles McDaniels, Jr., Vice Chair	Ray Serrano, Ph.D.
Senchal D. Barrolle, Esq.	Craig A. Williams, Ph.D.
Vivian S. Boyd, Ph.D.	Sade Davis, Student Commissioner
James E. Coleman	

**Commission members not present:**

Lewis R. Brown, Ed.D.	Judge Barbara Kerr Howe
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**Staff members present:**

Al Dorsett	Emily A. A. Dow, Ph.D.
Geoffrey Newman	Donita Moore
Lee Towers	Trish Gordon McCown
Everette Jackson	Melissa Leuschel
Deborah Ing	Alexandra Edelstein
Rhonda Wardlaw	Soma Kedia
Shayla Hunter	Aubrey Bascombe
Lyndsay Bates	Frances Turner
Bryson Barksdale	Eric Jackson
Tegwa Fadl Alla	Rose Robinson
Laura Schenk, DNP	

**Call to Order**

The meeting was called to order by **Chair Seurkamp** at approximately 1:00 p.m. A meeting quorum was established with nine (9) of the eleven (11) members present.

**Chair's Remarks**

**Chair Seurkamp** welcomed everyone and asked Mr. Lee Towers, Executive Director of External Relations, to introduce a new staff member. Mr. Towers reported that new employee Dr. Laura Schenk is replacing Dr. Peg Daw who passed away late last year. Dr. Schenk, who

will be assuming the role of Nurse Support Program II Grant Manager, made some brief remarks. **Chair Seurkamp** gave an overview of the meeting agenda.

### **Public Comments**

There were no public comments.

### **Approval of Minutes – Action Item**

There was a motion by **Commissioner Serrano** and a second by **Commissioner Coleman** for the approval of the January 17, 2023 open meeting minutes and the January 17, 2023 closed session minutes. The motion was approved unanimously.

### **Commissioner Committee Updates**

**Education Policy Committee:** There was no update to share.

**Outreach, Grants, and Financial Assistance Committee:** There was no update to share.

**Finance and Operations Committee:** Mr. Geoffrey Newman, Assistant Secretary for Finance and Administration, reported that MHEC currently has 12 vacancies, which are actively being filled. Additionally, the agency had its first budget hearing in the legislature last week and will have the remainder of its budget hearings next week.

**Diversity, Equity, and Inclusion Committee:** There was no update to share.

### **Department of Academic Affairs – FY 2022 Biannual Report on VA Education Benefits: MD SAA Actions for July 1, 2022 – December 31, 2022 – Information Item**

**Chair Seurkamp** recognized Dr. Emily Dow, Assistant Secretary for Academic Affairs, who provided an overview of the Maryland State Approving Agency's actions concerning program approval actions, other approval actions, visits to facilities, technical assistance activities, an outreach activity, liaison activities, and staff development activities.

### **Department of Academic Affairs – Biannual Report on Private Career Schools: Secretary Actions for July 1, 2022 – December 31, 2022 – Information Item**

Dr. Dow provided an overview of the Secretary's actions concerning new schools, new programs, approvals of change of location, an approval of change of ownership, certificate renewals, and training provider questionnaires.

### **Department of Academic Affairs – Report on Institutions of Higher Education Program Review: Secretary Actions for Biannual Report (July 1, 2022 – December 31, 2022) – Information Item**

Dr. Dow provided an overview of the Secretary’s actions concerning a program objection, new degree programs, new certificate programs, new areas of concentration, substantial modifications to existing programs, non-substantial modifications to existing programs, withdrawn proposals, and an institutional program partnership.

**AIB/Blueprint: Draft MHEC Implementation Plan – Information Item**

**Chair Seurkamp** recognized Dr. Dow to present this item. Dr. Dow provided the background and context. Every unit of government responsible for implementing any part of the Blueprint for Maryland’s Future, including each local school board, is required to submit its own implementation plan to the Accountability Implementation Board for approval. The Board may withhold funding to any agency without an approved implementation plan. Initial plans are due on March 15, 2023.

MHEC’s implementation plan will highlight agency-specific initiatives, including the Teaching Fellows Scholarship, Loan Assistance Repayment Program (LARP) for public school teachers, and the Teacher Quality Diversity Program. There will also be coordinated initiatives with other entities related to early childhood education, college readiness standards, etc.

**Commissioner Coleman** asked if progress reports on drafting MHEC’s Implementation Plan will be given to the Commission, and Dr. Dow replied that every effort will be made to update the Commissioners. **Chair Seurkamp** asked if MHEC was on track to complete the Implementation Plan by the March 15 deadline, and Dr. Dow answered that they were making good progress. Other clarifying questions were asked by the Commissioners.

**Vote for Closed Session to Discuss a Personnel Matter**

**Commissioner Serrano** made a motion to enter into a closed session to discuss a personnel matter. **Commissioner McDaniels** seconded the motion. The roll was taken:

- McDaniels – Yes
- Boyd – Yes
- Williams – Yes
- Coleman – Yes
- Serrano – Yes
- Sellinger – Yes
- Davis – Yes
- Barrolle – Yes
- Seurkamp – Yes

**Adjournment**

The meeting adjourned at approximately 2:17 p.m.

*For Inclusion in the Open Session Minutes of the Commission's February 22, 2023 Meeting:*

EXECUTIVE SESSION: Pursuant to § 3-305(b)(1) and (7) of the General Provisions Article, Annotated Code of Maryland, and upon motion of Commissioner Serrano, seconded by Commissioner McDaniels, and with unanimous agreement of the Commissioners present, the Maryland Higher Education Commission met in closed session on Wednesday, February 22, 2023, virtually, by video, using Google Meet, for the purpose of discussing a personnel matter and receiving legal advice on the personnel matter. The following Commission members were not present for the vote: Barbara Howe, Lewis Brown, and Sade Davis.

The Executive Session commenced at approximately 2:15 p.m. In attendance at closed session were Commissioners Mary Pat Seurkamp, Vivian Boyd, James Coleman, Senchal Barrolle, James Sellinger, Ray Serrano, Craig Williams, and Charles McDaniels; and Assistant Attorney General Soma Kedia. Commissioner Sade Davis joined at approximately 2:30 p.m. The Commission discussed the appointment of a new Secretary of Higher Education under § 11-104 of the Education Article, Annotated Code of Maryland, to fill the current vacancy in that position. The Commission also received legal advice on the Commission's role in the appointment of a new Secretary. No actions were formally moved, voted on, or taken during the closed session. The Executive Session ended at approximately 3:10 p.m.





Wes Moore  
Governor

Aruna Miller  
Lt. Governor

Mary Pat Seurkamp, Ph.D.  
Chair

## MEMORANDUM

**DATE:** April 26, 2023

**TO:** Maryland Higher Education Commissioners

**FROM:** Geoffrey Newman, Assistant Secretary for Finance and Administration

**SUBJECT:** Final Adoption of Amendments to COMAR 13B.07.02.03 –  
Community Colleges Student Residence Policy

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On August 24, 2022, the Commission approved a proposed regulatory amendment to the computation of State aid to community colleges based on a newly enacted § 15-106.11 of the Education Article, Annotated Code of Maryland, which exempts returned Peace Corps volunteers who are domiciled in the State from paying nonresident tuition at a public institution of higher education in the State and establishes that returned Peace Corps volunteer students shall be included as in-State residents for the computation of State aid to community colleges.

The proposed amendments were published in the Maryland Register on February 24, 2023. The public comment period for the amendments ended on March 27, 2023, and no public comments were received. The regulatory amendments became eligible for final adoption on April 11, 2023.

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 enclosed regulatory amendment to the computation of State aid to community colleges.

## Subtitle 07 COMMUNITY COLLEGES

### 13B.07.02 General Regulations and Policies for Community Colleges

Authority: Education Article, §§15-106.11 and 16-305, Annotated Code of Maryland

#### Notice of Proposed Action

[22-325-P]

The Maryland Higher Education Commission proposes to amend Regulation .03 under **COMAR 13B.07.02 General Regulations and Policies for Community Colleges**. This action was considered at an open meeting of the Commission held on August 24, 2022.

#### Statement of Purpose

The purpose of this action is to adjust the Cade funding formula for community colleges to include a nonresidency waiver for returned Peace Corps volunteers, pursuant to Ch. 75, Acts of 2022.

#### 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 for Finance and Administration, Maryland Higher Education Commission, 6 N. Liberty St., 10th Fl., Baltimore, MD 21201, or call 410-767-3085, or email to [geoff.newman@maryland.gov](mailto:geoff.newman@maryland.gov). Comments will be accepted through March 27, 2023. A public hearing has not been scheduled.

#### .03 Student Residency Policy.

A.—E. (text unchanged)

F. The following students shall be considered to be Maryland residents (not applicable to Baltimore City Community College):

(1)—(2) (text unchanged)

(3) A student enrolled in a program designated by the Commission as a health manpower shortage program; [and]

(4) A student from outside the State who enrolls as part of a reciprocity agreement negotiated between Maryland and another state[.];

and

(5) *A returned Peace Corps volunteer under Education Article, §15-106.11, Annotated Code of Maryland, who is domiciled in the State and attends a public institution of higher education in the State.*

G.—H. (text unchanged)

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



Wes Moore  
Governor

Aruna Miller  
Lt. Governor

Mary Pat Seurkamp, Ph.D.  
Chair

## MEMORANDUM

**DATE:** April 26, 2023

**TO:** Maryland Higher Education Commissioners

**FROM:** Al Dorsett, Director Office of Student Financial Assistance

**SUBJECT:** Approval of Proposed Amendments to COMAR 13B.08.20 –  
Cybersecurity Public Service Scholarship Program

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Under § 18-3501 et seq., of the Education Article, Annotated Code of Maryland, the Cybersecurity Public Service Scholarship Program supports students who are pursuing an education in programs that are directly relevant to cybersecurity. The awarding of the Cybersecurity Public Service Scholarship Program is governed by COMAR 13B.08.20.

On September 29, 2022, the Commission approved proposed amendments to the regulations for the Cybersecurity Public Service Scholarship Program for submission to AELR and publication in the Maryland Register. The purpose of the proposed amendments was to: (a) adjust the scholarship regulations to accommodate legislative changes that expanded eligibility to part-time students and altered the eligible employers for the mandatory service obligation; (b) streamline the renewal process and limit the bases for deferment of the service obligation; and (c) make stylistic and basic formatting changes. The proposed amendments were published in the Maryland Register on February 24, 2023.

Though the prior proposed amendments received no public comments and are eligible for final adoption, the Office of Student Financial Assistance recommends withdrawing that proposal and submitting a new proposal including additional amendments to change the definition of full-time and part-time for graduate students and to make two additional adjustments to appropriately accommodate part-time students.

Enclosed for your review and approval is the new proposal. The additional amendments are highlighted for your convenience. These changes to the proposal have been approved for legality by MHEC's Assistant Attorneys General as required by the Maryland Administrative Procedure Act.

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) Authorizes the withdrawal of the proposed regulatory amendments to the Cybersecurity Public Service Scholarship Program approved by the Commission on September 29, 2022;
- (2) Approves for publication in the Maryland Register the enclosed proposed regulatory amendments to the Cybersecurity Public Service Scholarship Program; and
- (3) Authorizes its Assistant Attorney 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 20 Cybersecurity Public Service Scholarship Program

Authority: Education Article, §§11-105(u), 18-204(c), 18-3503, and 18-3506, Annotated Code of Maryland

#### .02 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) "Commission" means the Maryland Higher Education Commission.

(2) "Cybersecurity program" means a credit-bearing degree or certificate program that:

(a) Is approved by the Commission under Education Article, §11-206, Annotated Code of Maryland; and

(b) Has been identified by the Secretary as directly relevant to cybersecurity and published on the Commission website.

(3) "Director" means the Executive Director of the Office.

(4) "Education expenses" mean:

(a) Tuition ~~and mandatory fees;~~

~~(b) Mandatory fees; and~~

~~(c) Costs of room and board.~~

(5) "Eligible institution" means: ~~a public or private nonprofit institution of higher education that operates in the State under Education Article, §§11-201 and 11-201.1, Annotated Code of Maryland.~~

~~(a) A community college in the State;~~

~~(b) A public senior higher education institution in the State; or~~

~~(c) A private nonprofit institution of higher education in the State that:~~

~~(i) Is approved to operate by the Commission under Education Article, §11-202, Annotated Code of Maryland; or~~

~~(ii) May operate without a Certificate of Approval from the Commission under §11-202.1(a), Annotated Code of~~

~~Maryland.~~

(6) "Extenuating circumstances" mean a documented disability, including pregnancy, or a documented extended illness, that prevents a recipient from fulfilling a scholarship requirement.

(7) "Full-time" means ~~enrollment at an eligible institution in:~~

~~(a) Enrollment at an eligible institution in At least 12 credits per semester in a certificate or undergraduate degree program at the time of certification of the Scholarship; or~~

~~(b) At least 9 credits per semester Classification by an eligible institution as a full-time student in a graduate certificate, graduate degree, or doctoral degree program at the time of certification of the Scholarship.~~

~~(8) "Local Educational Agency" has the meaning stated in 20 U.S.C. §1401(19).~~

~~(89) "Office" means the Office of Student Financial Assistance within the Maryland Higher Education Commission.~~

~~(10) "Part-time" means enrollment at an eligible institution in:~~

~~(a) Enrollment at an eligible institution in At least 6 credits, but fewer than 12 credits, per semester in an undergraduate certificate or degree program at the time of certification of the Scholarship; or~~

~~(b) At least 6 credits, but fewer than 9 credits, per semester Classification by an eligible institution as a part-time student in a graduate certificate or degree program at the time of certification of the Scholarship.~~

~~(911) "Secretary" means the Secretary of Higher Education.~~

~~(4012) "Scholarship" means a Cybersecurity Public Service Scholarship under this chapter.~~

#### .03 Student Eligibility.

A. Subject to the State budget, the Office annually shall determine a student's eligibility to receive a scholarship.

B. An applicant is eligible for a scholarship if the applicant:

(1) Is enrolled full-time ~~or part-time~~ at an eligible institution in a cybersecurity program;

~~(2) Has earned a minimum of 25 percent of the credits required to complete the cybersecurity program;~~

~~(a) If enrolled full time, within 23 years of graduation from the cybersecurity program; or~~

~~(b) If enrolled part time, within 6 years of graduation from the cybersecurity program;~~

(3) Has maintained a cumulative grade point average of at least 3.0 on a 4.0 scale;

(4) Has not received a federal CyberCorps Scholarship for Service, regardless of whether the applicant has applied for a federal CyberCorps Scholarship for Service;

(5) Either:

(a) Attends a public eligible institution, and has been determined eligible for in-State tuition by the institution; or

(b) Attends a private nonprofit eligible institution, and would qualify for in-State tuition under the provisions of Education Article, Title 15, Annotated Code of Maryland; and

(6) Timely files an application and any required supporting documentation with the Office.

#### **.04 Application Process.**

A. A student shall apply annually to the Office to be eligible for a scholarship in the form prescribed by the Office.

B. Time of ~~Submission.~~Submission. An application and required documentation received by the Office after July 1 is untimely and shall not be considered.

C. An applicant shall submit the following required documentation:

- (1) Copy of the applicant's official college or university transcript;
- (2) Proof from the eligible institution that the applicant is enrolled full-time and is within 32 years from graduation in a cybersecurity program, or is enrolled part-time and is within 6 years from graduation in a cybersecurity program; and
- (3) Certification from the institution that the applicant has not received or applied for a Federal CyberCorps Scholarship for Service.

~~D. For the 2018–2019 award year only, applicants shall apply and submit all required documentation to the Office by February 1, 2019.~~

#### **.05 Scholarship Renewal.**

A. Subject to Regulation .06 of this chapter, ~~an applicant shall be eligible to renew a scholarship shall be renewed~~ for a subsequent year if the applicant: continues to meet the requirements of Regulation .03 of this chapter.

~~(1) Timely submits an application under Regulation .04 of this chapter; and~~

~~(2) Continues to meet the requirements of Regulation .03 of this chapter.~~

B. A recipient enrolled full-time may receive a scholarship for a maximum of 23 years.

C. A recipient enrolled part-time may receive a scholarship for a maximum of 6 years.

#### **.06 Amount of Scholarship.**

A. An annual scholarship for a full-time student shall be in the amount prescribed by the Director, ~~which may not exceed the recipient's education expenses, and shall be appropriately prorated by the Director for the part-time status of a recipient.~~

B. The amount of an annual scholarship may not exceed the recipient's education expenses.

~~B. Priority of Scholarship Awards. Priority for scholarships shall be given to prior year recipients who remain eligible under this chapter.~~

#### **.07 Selection and Notification of Recipients.**

A. Renewal Awards. Priority for scholarships shall be given to prior year recipients who remain eligible under Regulation .05 of this chapter.

~~B. If funds remain after awards are made to students under §A of this regulation, Eligible applicants shall be ranked on the basis of cumulative grade point average.~~

~~B. Grades for credits earned for an applicant attending a public or private nonprofit institution 2-3 years prior to graduation shall be used to calculate the cumulative grade point average.~~

~~C. Awards shall be made to applicants based on cumulative grade point average ranked highest to lowest. Awards shall be issued until the total funds appropriated for the program have been depleted.~~

~~D. Recipients shall be notified through the Maryland College Aid Processing System (MDCAPS) of the scholarship awards.~~

~~E. A recipient shall accept the award online through MDCAPS by the date specified in the award notice, or the award shall be forfeited.~~

~~F. Eligible applicants who do not receive an award shall be notified and placed on a waiting list and considered if funds become available.~~

#### **.08 Verification and Payment.**

A. Verification. The Office shall verify that the applicant:

(1) Meets the grade point average requirement;

(2) Is:

(a) Enrolled full-time and is 2- within 3 years from graduating in a cybersecurity program; or

(b) Enrolled part-time and is within 6 years from graduating in a cybersecurity program; and

(3) Is not a recipient of a Federal CyberCorps Scholarship for Service award.

B. Payment. Eligible institutions shall certify on billing rosters provided by the Office that the recipient is:

(1) Eligible for in-State tuition;

(2) Maintaining a grade point average of at least a 3.0 on a 4.0 scale;

(3) Enrolled full-time or part-time in a cybersecurity program;

(4) Maintaining satisfactory academic progress toward a degree; and

(5) Maintaining the standards of the institution.

#### **.09 Scholarship Conditions and Service Requirement.**

A. Full-Time Employment. For purposes of this regulation, "full-time employment" means employment for at least 35 hours per week.

B. Use of Scholarship. A scholarship shall be used solely for education expenses to attend an eligible institution.

C. As a precondition of receiving a scholarship, a recipient shall provide a promissory note and shall enter into a written agreement with the Commission, in the form and manner prescribed by the Office, requiring the recipient to:

- (1) Earn credit as a full-time or part-time student;
- (2) Complete the cybersecurity program for which the recipient received the scholarship; and
- (3) Perform the service obligation described in §D of this regulation.

**D. Service Obligation.**

~~(1) Except as provided in subsections (3) and (4) of this section, F~~ for each year semester that the recipient receives a scholarship, the recipient shall, ~~for the time period specified in subsections (2)—(4) of this section:~~

~~(+a)~~ Maintain full-time employment in the State for ~~at least 1 year 6 months=~~ in a unit of State government in the cybersecurity field for a:

~~(ai)~~ Local educational agency;

~~(bi)~~ Public high school;

~~(ciii)~~ Community college; or

~~(div)~~ A unit of State government, county government, or city or municipal government; or

~~(2b)~~ Teach full-time in the State ~~for at least 1 year 1 semester~~ in a public high school in an education program that is directly relevant to cybersecurity in:

~~(ai)~~ A public high school; or

~~(bi)~~ A community college.

~~(32) The work obligation for a A part-time student shall perform the service obligation for 6 months for each semester the recipient received the -scholarship equal the amount of time needed for an equivalent full-time student to complete the obligation in subsections (1) and (2) of this regulation.~~

~~(43) A part-time student shall perform the service obligation for 3 months for each semester the recipient received the scholarship.~~

~~(4) The work obligation for both full time and part-time students shall not exceed 3 years of full-time employment.~~

**.10 Conversion of Scholarship to Loan Failure to Meet Conditions of Scholarship.**

A. Except as provided in §C of this regulation, if the recipient breaches the terms or conditions of the agreement or note under Regulation .09 of this chapter, including the failure to perform the service obligation, the scholarship shall convert to a student loan payable to the State.

B. Interest on the loan shall be charged at an interest rate equal to the interest rate established by the United States Department of Education for the Federal Stafford Loan on the first day of July of each year.

C. Interest may not accrue prior to notification to the Office of a recipient's graduation or termination from an institution of higher education.

D. Repayment may be prorated if the recipient partially fulfills the service obligation.

E. Except as otherwise provided in this regulation, repayment shall be made to the State within 6 years after the repayment period begins, and shall follow a repayment schedule established by the Office.

**.11 Deferment of the Service Obligation and Repayment.**

A. Recipients shall seek eligible employment aggressively within the State.

B. A recipient may request that the service obligation be deferred during the time the recipient is:

(1) Enrolled full-time ~~(12 or more credits per semester) or part-time (6—11 credits per semester) in~~ in a matriculated program of study as an undergraduate ~~(12 or more credits per semester) or graduate (9 or more credits per semester) student in a~~ course of study ~~that would further their career in cybersecurity,~~ at any ~~post-secondary~~ institution of higher education in the State;

(2) On a temporary leave of absence, approved by the employer in the required employment field, for a period not to exceed 12 months;

(3) Temporarily disabled in a manner that substantially impairs the recipient's ability to perform the service obligation, for a period not to exceed 3 years;

(4) Unable to maintain employment, for a period not to exceed 12 months, because the recipient must care for a spouse or child who is disabled;

(5) Assigned military duty outside of the State, not to exceed ~~3-4~~ years, ~~without filing an appeal;~~ or

(6) Married to a spouse assigned military duty outside of the State, not to exceed ~~3-4~~ years, ~~without filing an appeal.~~

C. A recipient's deferment request shall include satisfactory supporting documentation, consisting of the following, as appropriate:

(1) Certification by the institution that the recipient has returned to a full-time or part-time course of study at an institution of post-secondary education in the State;

(2) Certification by the employer that the recipient is on a temporary approved leave of absence;

(3) A sworn affidavit by a qualified physician that the recipient is temporarily disabled in a manner that substantially impairs the recipient's ability to perform the service obligation;

(4) A sworn affidavit by a qualified physician that the recipient is unable to maintain employment because the recipient must care for a spouse or child who is disabled; or

(5) A copy of military orders.

D. The Office shall review all documentation, determine if the deferment conditions have been met and, if so, determine the deferment period.

E. During the period of an approved deferment, a recipient need not make scholarship repayments and interest does not accrue.

~~F. The Office shall, on a case by case basis, review appeals from individuals assigned military duty outside the State, and from spouses of individuals assigned military duty outside the State, that exceed the 3 year deferral limit. Appeals shall be in writing and include a copy of the military orders, and the Director shall determine if an appeal is granted.~~

**.12 Waiver of the Service Obligation and Repayment.**

~~The Office shall waive a recipient's service and repayment obligations if it determines:~~

A. ~~The Office shall waive a recipient's service and repayment obligations if it determines~~ On the basis of a sworn affidavit of 2 qualified physicians, that the recipient is permanently unable to fulfill the service obligation, on a full-time or part-time basis, because of a permanent impairment; ~~or,~~

B. ~~The Office shall waive a recipient's service and repayment obligations if it determines~~ On the basis of a death certificate or other evidence of death that is conclusive under State law, that the recipient has died.

**.13 Determinations of the Office.**

Decisions of the Office under this chapter regarding ~~whether to grant an award~~ eligibility, recipient selection, and deferment or waiver of the service obligation ~~or whether to grant an appeal~~ are final and not subject to additional review.





Wes Moore  
Governor

Aruna Miller  
Lt. Governor

Mary Pat Seurkamp, Ph.D.  
Chair

## MEMORANDUM

**DATE:** April 26, 2023

**TO:** Maryland Higher Education Commissioners

**FROM:** Al Dorsett, Director, Office of Student Financial Assistance

**SUBJECT:** Final Adoption of New Regulations for COMAR –  
Veterans of the Afghanistan and Iraq Conflicts Scholarship Program

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On September 29, 2022, the Commission approved new regulations for the Veterans of the Afghanistan and Iraq Conflicts Scholarship Program, which provides financial assistance to military service members, veterans, reservists, and their family members. The purpose of the regulations is to formalize internal guidelines for the program and expand the eligibility of family members for the program by including stepchildren in addition to children and spouses, pursuant to Ch. 23, 2022 Acts of Maryland (HB734).

The proposed amendments were published in the Maryland Register on February 24, 2023. The public comment period for the amendments ended on March 27, 2023, and no public comments were received. The regulatory amendments became eligible for final adoption on April 11, 2023.

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 enclosed new regulations for the Veterans of the Afghanistan and Iraq Conflicts Scholarship Program.

## Subtitle 08 FINANCIAL AID

### ***13B.08.12 Veterans of the Afghanistan and Iraq Conflicts Scholarship Program***

*Authority: Education Article, §§11-105(u), 18-204(c), and 18-604, Annotated Code of Maryland*

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

[22-327-P]

The Maryland Higher Education Commission proposes to adopt new Regulations **.01—.08** under a new chapter, **COMAR 13B.08.12 Veterans of the Afghanistan and Iraq Conflicts Scholarship Program**. This action was considered at an open meeting of the Commission held on September 29, 2022.

#### **Statement of Purpose**

The purpose of this action is to formalize MHEC guidelines for awarding Veterans of the Afghanistan and Iraq Conflicts scholarships and scholarship procedures. Pursuant to Ch. 23, Acts of 2022, the regulations also expand eligibility for family members by including stepchildren in addition to children and spouses.

#### **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 for Finance and Administration, Maryland Higher Education Commission, 6 N. Liberty St., 10th Fl., Baltimore, MD 21201, or call 410-767-3085, or email to [geoff.newman@maryland.gov](mailto:geoff.newman@maryland.gov). Comments will be accepted through March 27, 2023. A public hearing has not been scheduled.

#### ***.01 Program Established.***

*A. There is a Veterans of the Afghanistan and Iraq Conflicts Scholarship Program, which is administered by the Office pursuant to Education Article, §18-604, Annotated Code of Maryland.*

*B. The Program may be referred to as the Senator Douglas J.J. Peters Veterans of the Afghanistan and Iraq Conflicts Scholarship Program.*

*C. The purpose of the program is to provide financial assistance to attend a Maryland institution of higher education for United States armed forces personnel who served in the Afghanistan or Iraq Conflicts and their families.*

#### ***.02 Definitions.***

*A. In this chapter, the following terms have the meanings indicated.*

*B. Terms Defined.*

*(1) "Commission" means the Maryland Higher Education Commission.*

*(2) "Director" means the Director of the Office.*

*(3) "Educational expenses" means:*

*(a) Tuition and mandatory fees; and*

*(b) Costs of room and board.*

*(4) "Eligible institution" means:*

*(1) A community college in the State;*

*(2) A public senior higher education institution in the State; or*

*(3) A private nonprofit institution of higher education in the State that:*

*(a) Is approved to operate by the Commission under Education Article, §11-202, Annotated Code of Maryland; or*

*(b) May operate without a Certificate of Approval from the Commission under Education Article, §11-202.1(a), Annotated Code of*

*Maryland.*

*(5) Extenuating Circumstances.*

*(a) "Extenuating circumstances" means the occurrence of an extraordinary event or condition that prevents a recipient from fulfilling a scholarship requirement.*

*(b) "Extenuating circumstances" may include, but is not limited to:*

*(i) Disability or serious illness or injury of the student;*

*(ii) Pregnancy or adoption of a child;*

*(iii) Fulfillment of military service;*

*(iv) Extreme financial hardship of the student or the student's immediate family; or*

*(v) Serious illness or injury or death of an immediate family member.*

*(6) "Family member" means son, daughter, stepson, stepdaughter, or spouse.*

*(7) "Full-time" means enrollment at an eligible institution in at least 12 credits per semester in an undergraduate program.*

*(8) "Office" means the Office of Student Financial Assistance within the Maryland Higher Education Commission.*

(9) “Part-time” means enrollment at an eligible institution in at least 6, but fewer than 12, credits per semester in an undergraduate degree program.

(10) “Scholarship” means a Senator Douglas J.J. Peters Veterans of the Afghanistan and Iraq Conflicts Scholarship under this chapter.

(11) “Veteran” has the meaning stated in State Government Article, §9-901, Annotated Code of Maryland.

### **.03 Use and Amount of Award.**

A. A scholarship may be used for educational expenses at any eligible institution.

B. The annual award may not exceed the amount of 50 percent of the equivalent annual tuition and mandatory fees and room and board of a resident undergraduate at a 4-year public institution of higher education within the University System of Maryland, other than the University of Maryland Global Campus and the University of Maryland, Baltimore, with the highest annual expenses for a full-time resident undergraduate.

C. If a recipient of a scholarship receives federal education benefits for which the recipient qualifies as a result of the individual’s military service, status as a dependent of a member of the armed forces, or status as a veteran of the armed forces, the amount of the federal education benefits received for the purposes of educational expenses shall be credited against the recipient’s educational expenses before the calculation of the scholarship award amount.

### **.04 Initial Awards—Eligibility.**

A. Subject to the State budget, the Office annually shall determine individuals’ initial eligibility to receive a scholarship.

B. An applicant is eligible for a scholarship if the applicant is:

(1) A resident of Maryland;

(2) Accepted for admission or enrolled in an eligible institution in:

(a) An undergraduate degree program; or

(b) A 2-year lower division certificate program in which the coursework is acceptable for transfer credit toward a bachelor’s degree program at an eligible institution; and

(3) One of the following:

(a) A veteran or active duty member of the United States armed forces who served in:

(i) Afghanistan or contiguous air space, as defined in federal military regulations, on or after October 24, 2001, and before a terminal date prescribed by the United States Secretary of Defense; or

(ii) Iraq or contiguous waters or air space, as defined in federal military regulations, on or after March 19, 2003, and before a terminal date prescribed by the United States Secretary of Defense;

(b) A member of a reserve component of the United States armed forces or the Maryland National Guard who was activated as a result of the United States military conflict in:

(i) Afghanistan or contiguous air space, as defined in federal military regulations, on or after October 24, 2001, and before a terminal date prescribed by the United States Secretary of Defense; or

(ii) Iraq or contiguous waters or air space, as defined in federal military regulations, on or after March 19, 2003, and before a terminal date prescribed by the United States Secretary of Defense; or

(c) The son, daughter, stepson, stepdaughter, or spouse of an individual described in §B(3)(a) or (b) of this regulation.

### **.05 Initial Awards—Application Process.**

A. To be considered for an initial scholarship award, an individual shall submit to the Office, no later than March 1:

(1) A complete Senator Douglas J.J. Peters Veterans of the Afghanistan and Iraq Conflicts Scholarship application form;

(2) All applicable documentation of military service and family relationship described in §§B and C of this regulation; and

(3) Any other documents requested by the Office.

B. Documentation of Military Service in Afghanistan or Iraq Conflicts.

(1) An active duty member of the United States armed forces or a family member of an active duty member of the United States armed forces shall submit a copy of the member’s official military orders.

(2) A veteran of the United States armed forces, a family member of a veteran of the United States armed forces, a member of a reserve component of the United States armed services or the Maryland National Guard, or a family member of a member of a reserve component of the United States armed services or the Maryland National Guard shall submit a copy of the veteran’s or member’s Certificate of Release or Discharge from Active Duty.

C. Documentation of Family Relationship.

(1) The son or daughter or an individual described in Regulation .04B(3)(a) or (b) of this chapter shall submit a copy of their birth certificate or proof of adoption.

(2) The spouse of an individual described in Regulation .04B(3)(a) or (b) of this chapter shall submit a copy of their marriage certificate.

(3) The stepson or stepdaughter of an individual described in Regulation .04B(3)(a) or (b) of this chapter shall submit:

(a) A copy of the marriage certificate of their parent and stepparent; and

(b) A copy of their birth certificate or proof of adoption.

D. An application form or any required documentation under §§B and C of this regulation that is received after March 1 may not be considered in the determination of award eligibility.

E. Additional Information or Documentation.

(1) The Office may request additional information or documentation, or a signed authorization for the release of information or documentation from a third party, before determining eligibility for the award.

(2) Any requested information, documentation, or signed authorization submitted after any deadline established by the Office will not be considered in the determination of award eligibility.

**.06 Renewal Awards.**

A. An initial scholarship award under this chapter may be renewed annually for a maximum of:

- (1) Four renewal awards, if the student is enrolled full-time; or
- (2) Eight renewal awards, if the student is enrolled part-time.

B. A student shall be eligible for a renewal award if the student:

(1) Continues to meet the requirements in Regulation .04B(1) and (2) of this chapter; and

(2) Except as set forth in §C of this regulation, has achieved and maintained a cumulative grade point average (GPA) of at least 2.5 on a 4.0 scale.

C. Waiver of GPA Requirement Based on Extenuating Circumstances.

(1) A student who has not achieved or maintained the required cumulative GPA shall be eligible to receive a renewal award if the student provides the Office with documentation of extenuating circumstances and the Office determines that the documentation provides sufficient evidence of the extenuating circumstances.

(2) No later than 30 days after receiving notice of ineligibility for a renewal award, a student requesting a waiver of the GPA requirement shall submit to the Office:

- (a) A letter explaining the extenuating circumstances and why they prevented the student from achieving the required GPA;
- (b) Any documentation of the occurrence of the extenuating circumstances;
- (c) Any other relevant supporting information; and
- (d) Any other documents requested by the Office.

(3) Waiver determinations made by the Office are final and not subject to additional review or appeal.

**.07 Recipient Selection, Notification, and Acceptance.**

A. If the number of eligible applicants for awards exceeds the amount of funds available, eligible applicants will be selected pursuant to §§B—D of this regulation.

B. Renewal Awards. Priority shall be given to applicants who are renewing an award under Regulation .06 of this chapter.

C. Veterans, Active Duty Military, and Reserve and National Guard Members.

(1) If funds remain after awards are made to students under §B of this regulation, priority shall be given to initial applicants who are eligible for a scholarship under Regulation .04B(3)(a) or (b) of this chapter.

(2) If the number of applicants under this section exceeds the amount of funds available, applicants shall be ranked by application completion date.

D. Family Members.

(1) If funds remain after awards are made to students under §§B and C of this regulation, awards shall be made to initial applicants who are eligible for a scholarship under Regulation .04B(3)(c) of this chapter.

(2) If the number of applicants under this section exceeds the amount of funds available, applicants shall be ranked by application completion date.

E. An eligible applicant who does not receive an award shall be notified and placed on a waiting list.

F. Notification and Acceptance of Award.

(1) Applicants who are selected for a scholarship shall be notified of an award offer in writing, which may include electronic mail.

(2) A recipient of an award offer who wishes to accept the award shall provide written notification to the Office, in the form prescribed by the Office, by the deadline established by the Office.

**.08 Certification and Disbursement.**

A. Annual awards shall be disbursed in two installments, one per semester.

B. Before disbursing an award, the Office may require an institution to certify, in the form and manner requested by the Office, that a recipient has met certain eligibility requirements for the award.

C. In addition to any certification required under §B of this regulation, before disbursement of a renewal award, an institution shall certify, in the form and manner requested by the Office, that a recipient maintained a cumulative GPA of at least 2.5 on a 4.0 scale.

D. An award will not be disbursed by the Office until all required certification is received.

E. An institution shall provide certification to the Office and request payment for all recipients on a semester basis, no later than:

- (1) December 15, for the fall semester; and
- (2) May 15, for the spring semester.

F. An institution that fails to timely certify and request payment for all recipients under §D of this regulation may not certify recipients for the subsequent semester until all prior semester awards have been certified and disbursed.

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



Wes Moore  
Governor

Aruna Miller  
Lt. Governor

Mary Pat Seurkamp, Ph.D.  
Chair

## MEMORANDUM

**DATE:** April 26, 2023

**TO:** Maryland Higher Education Commissioners

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

**SUBJECT:** Final Adoption of Amendments to COMAR 13B.01.01.17 and 13B.02.06 – Veterans’ Education Protection Act (90/10 Rule)

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On October 26, 2022, the Commission approved proposed regulatory amendments regarding the Veterans’ Education Protection Act, 2020 Maryland Laws Ch. 546 (SB 294), which is codified at § 11-210 of the Education Article, Annotated Code of Maryland. The purpose of the amendments is to create a process for MHEC to monitor and enforce the compliance of for-profit institutions of higher education and private career schools that are approved by MHEC to accept federal veterans’ education benefits with Maryland’s revenue requirements for these schools. The schools are prohibited from enrolling new Maryland residents if revenue from federal funds, including veterans’ education benefits, exceeds 90% of all annual instructional revenue during two of the three preceding fiscal years.

The proposed amendments were published in the Maryland Register on February 24, 2023. The public comment period for the amendments ended on March 27, 2023 and one public comment was received. The comment, which is enclosed, supports the regulatory amendments. The regulatory amendments became eligible for final adoption on April 11, 2023.

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 enclosed regulatory amendments regarding the Veterans’ Education Protection Act (90/10 Rule).

March 27, 2023

Emily A. A. Dow, Ph.D.  
Assistant Secretary for Academic Affairs  
Maryland Higher Education Commission (MHEC)  
6 N. Liberty St., 10th Fl.  
Baltimore, MD 21201

By Email

Dear Dr. Dow,

The undersigned organizations, representing a coalition of non-profit consumer, veterans, and student groups, write in strong support of proposed regulation 13B.01.01 “Minimum Requirements for Private Career Schools” to implement Chapter 546, Acts of 2020, Veterans’ Education Protection Act, codified at Md. Code Ann., Education §11-210 (2020). The proposed regulatory amendments and new regulation create a process for MHEC to monitor and enforce applicable institutions’ compliance with the aforementioned law by requiring them to submit specific information regarding their revenues to the Commission on an annual basis.

We commend the proposed regulation for its faithful implementation of the statute while minimizing compliance burdens for schools by tracking the analogous federal regulation in 34 CFR § 668.28. The implementation of this rule will further strengthen protections for student veterans in Maryland in particular by tracking schools that fail in two of the immediately preceding three years.

Sincerely,

New America, Higher Education Program

Veterans Education Success

Veterans for Common Sense

David Halperin, Esq.

Robert Shireman, The Century Foundation

The Institute for College Access & Success

# Title 13B

## MARYLAND HIGHER EDUCATION COMMISSION

### Notice of Proposed Action

[22-329-P]

The Maryland Higher Education Commission proposes to:

- (1) Amend Regulation .17 under **COMAR 13B.01.01 Minimum Requirements for Private Career Schools**; and
- (2) Amend Regulations .01, .06, and .11 and adopt new Regulation .14 under **COMAR 13B.02.06 Additional Requirements for For-Profit Institutions of Higher Education**.

This action was considered at an open meeting of the Commission held on October 26, 2022.

#### Statement of Purpose

The purpose of this action is to implement Ch. 546, Acts of 2020, Veterans' Education Protection Act, which is codified at Education Article, §11-210, Annotated Code of Maryland. The proposed regulatory amendments and new regulation create a process for MHEC to monitor and enforce applicable institutions' compliance with Education Article, §11-210, Annotated Code of Maryland, by requiring them to submit specific information regarding their revenues to the Commission on an annual basis.

#### 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 Emily A. A. Dow, Ph.D., Assistant Secretary for Academic Affairs, Maryland Higher Education Commission, 6 N. Liberty St., 10th Fl., Baltimore, MD 21201, or call 410-767-3041, or email to emily.dow@maryland.gov. Comments will be accepted through March 27, 2023. A public hearing has not been scheduled.

## Subtitle 01 NONPUBLIC SCHOOLS

### 13B.01.01 Minimum Requirements for Private Career Schools

Authority: Education Article, Title 11, Subtitles 1, 2, and 4; State Government Article, Title 10, Subtitle 2; Annotated Code of Maryland

#### .17 Finances.

A.—I. (text unchanged)

*J. Revenue Requirements for Certain Schools.*

- (1) *In this section, "year" means July 1 through the following June 30.*
- (2) *This section applies to private career schools that:*
  - (a) *Are for-profit institutions;*
  - (b) *Participate in and receive funds through Title IV of the federal Higher Education Act of 1965; and*
  - (c) *Are approved by the Commission, in its role as State Approving Agency, to enroll students who receive financial assistance for education under the federal Post-9/11 Veterans Educational Assistance Act of 2008.*
- (3) *A school described under §J(2) of this regulation may not enroll new Maryland residents unless the percentage of annual revenue from non-federal funds that has been or will be reported to the U.S. Department of Education under 34 CFR §668.28 in 2 of the 3 immediately preceding years is at least 10 percent.*
- (4) *Institutional Responsibility.*
  - (a) *Annually and as part of an institution's annual report submitted under Regulation .06 of this chapter, an institution described under §J(2) of this regulation shall:*
    - (i) *Provide to the Secretary, in the form and manner requested by the Secretary, the percentages of revenue from federal and non-federal funds most recently reported to the U.S. Department of Education under 34 CFR §668.28; and*
    - (ii) *Review the percentages provided under §J(4)(a)(i) of this regulation and the percentages reported in the 2 preceding years to determine if the institution has met the revenue requirements in §J(3) of this regulation.*
  - (b) *An institution that determines that it has not met the revenue requirements in §J(3) of this regulation shall:*
    - (i) *Immediately cease enrollment of new Maryland residents;*
    - (ii) *Immediately notify the Secretary; and*
    - (iii) *No more than 30 days after notifying the Secretary, submit a plan to the Secretary outlining the steps the institution will take to come into compliance with this section prior to the due date of the institution's next annual report.*
- (5) *Enforcement by Secretary.*
  - (a) *The Secretary annually shall review an institution's three most recent financial statements to determine if an institution has complied with this section and Education Article, §11-210, Annotated Code of Maryland.*

(b) *The Secretary may issue an order to any institution in violation of this section or Education Article, §11-210, Annotated Code of Maryland, to cease and desist enrollment and may impose a fine of up to \$5,000.*

(c) *The Secretary is not prohibited from employing any other enforcement mechanism permitted by this chapter or Education Article, Title 11, Annotated Code of Maryland.*

(6) *Subsequent Compliance.*

(a) *An institution in violation of this section may, upon submission of its next annual report under Regulation .06 of this chapter, submit a written request to the Secretary to determine if the institution has come into compliance.*

(b) *The Secretary shall make a determination within 15 days of any request made under §J(6)(a) of this regulation.*

(c) *An institution in violation of this section may not enroll new Maryland residents until the Secretary has notified the institution, in writing, that it is in compliance with this section.*

## **Subtitle 02 ACADEMIC REGULATIONS**

### **13B.02.06 [Financial Guarantees and the Maryland Guaranty Student Tuition Fund] *Additional Requirements for For-Profit Institutions of Higher Education***

Authority: Education Article, §§11-105(u) [and], 11-203, and 11-210, Annotated Code of Maryland

#### **.01 Purpose.**

The purpose of this chapter is to:

A.—B. (text unchanged)

C. Provide for the creation and administration of the Maryland Guaranty Student Tuition Fund for For-Profit Institutions of Higher Education; [and]

D. Set forth standards and procedures for processing claims filed by students of for-profit institutions of higher education under Education Article, §11-203, Annotated Code of Maryland[.]; and

E. *Set forth reporting requirements for for-profit institutions of higher education operating in Maryland.*

#### **.06 Requirements for the Financial Guarantee.**

A.—B. (text unchanged)

C. Amount of Guarantee.

(1) By each [October] *December 1*, a school shall provide to the Commission a financial guarantee in an amount equal to the school's non-Title IV adjusted gross tuition and fees for the prior July 1 through June 30.

(2) (text unchanged)

#### **.11 Reporting.**

A. Each school shall file with the Secretary by [September] *November 1* of each year:

(1)—(2) (text unchanged)

(3) A Financial Reporting Form, as prescribed by the Secretary, that requires, at a minimum, the following information for the most recent year beginning July 1 and ending June 30:

(a)—(b) (text unchanged)

(c) The total amount of non-Title IV adjusted gross tuition and fees; [and]

(d) *If applicable under Regulation .14 of this chapter, the percentages of revenue from federal and non-federal funds most recently reported to the U.S. Department of Education under 34 CFR §668.28; and*

[d)] (e) (text unchanged)

B. (text unchanged)

#### **.14 Revenue Requirements for Certain Institutions.**

A. *In this regulation, "year" means July 1 through the following June 30.*

B. *This regulation applies to schools that:*

(1) *Are approved to operate in Maryland under COMAR 13B.02.01 or COMAR 13B.02.02;*

(2) *Are for-profit institutions;*

(3) *Participate in and receive funds through Title IV of the federal Higher Education Act of 1965; and*

(4) *Are approved by the Commission, in its role as State Approving Agency, to enroll students who receive financial assistance for education under the federal Post-9/11 Veterans Educational Assistance Act of 2008.*

C. *A school described under §B of this regulation may not enroll new Maryland residents unless the percentage of annual revenue from non-federal funds that has been or will be reported to the U.S. Department of Education under 34 CFR §668.28 in 2 of the 3 immediately preceding years is at least 10 percent.*

D. *Institutional Responsibility.*

(1) *Annually and as part of an institution's report submitted under Regulation .11 of this chapter, an institution described in §B of this regulation shall:*

(a) *Provide to the Secretary, in the form and manner requested by the Secretary, the percentages of revenue from federal and non-federal funds most recently reported to the U.S. Department of Education under 34 CFR §668.28; and*

(b) *Review the percentages provided under §D(1)(a) of this regulation and the percentages reported in the 2 preceding years to determine if the institution has met the revenue requirements in §C of this regulation.*

(2) *An institution that determines that it has not met the revenue requirements in §C of this regulation shall:*

(a) *Immediately cease enrollment of new Maryland residents;*



*(b) Immediately notify the Secretary; and*

*(c) No more than 30 days after notifying the Secretary, submit a plan to the Secretary outlining the steps the institution will take to come into compliance with the revenue requirements in §C of this regulation by the date the institution's next report to the U.S. Department of Education under 34 CFR §668.28 is due.*

*E. Enforcement by Secretary.*

*(1) The Secretary annually shall review an institution's three most recent revenue percentages provided under §D of this regulation to determine if an institution has complied with this regulation and Education Article, §11-210, Annotated Code of Maryland.*

*(2) The Secretary may issue an order to any institution in violation of this regulation or Education Article, §11-210, Annotated Code of Maryland, to cease and desist enrollment and may impose a fine of up to \$5,000.*

*(3) The Secretary is not prohibited from employing any other enforcement mechanism permitted by this chapter or Education Article, Title 11, Annotated Code of Maryland.*

*F. Subsequent Compliance.*

*(1) An institution in violation of this regulation may, upon submission of its next revenue percentage under §D of this chapter, submit a written request to the Secretary to determine if the institution has come into compliance.*

*(2) The Secretary shall make a determination within 15 days of any request made under §F(1) of this regulation.*

*(3) An institution in violation of this regulation may not enroll new Maryland residents until the Secretary has notified the institution, in writing, that it is in compliance with this section.*

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



Wes Moore  
Governor

Aruna Miller  
Lt. Governor

Mary Pat Seurkamp, Ph.D.  
Chair

## MEMORANDUM

**DATE:** April 26, 2023

**TO:** Maryland Higher Education Commissioners

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

**SUBJECT:** Final Adoption of Amendments to COMAR 13B.03.01 –  
Certification Standards and Procedures for Emergency Services Instructors

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On August 24, 2022, the Commission approved proposed regulatory amendments to the regulations governing certification standards for emergency services instructors. The purpose of the amendments is to change these standards to emphasize core knowledge for training of emergency services personnel. These regulations are enforced by the Maryland Instructor Certification Review Board (MICRB) through the Maryland Fire-Rescue Education and Training Commission, an entity within the Maryland Higher Education Commission.

The proposed amendments were published in the Maryland Register on February 24, 2023. The public comment period for the amendments ended on March 27, 2023, and no public comments were received. The regulatory amendments became eligible for final adoption on April 11, 2023.

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 enclosed regulatory amendments to the certification standards and procedures for emergency services instructors.

## Subtitle 03 FIRE-RESCUE EDUCATION AND TRAINING COMMISSION

### 13B.03.01 Certification Standards and Procedures for Emergency Services Instructors

Authority: Education Article, §11-105 and Title 11, Subtitle 5, Annotated Code of Maryland

#### Notice of Proposed Action

[22-326-P]

The Maryland Higher Education Commission proposes to amend Regulations .03 and .13 under **COMAR 13B.03.01 Certification Standards and Procedures for Emergency Services Instructors**. This action was considered at an open meeting of the Commission held on August 24, 2022.

#### Statement of Purpose

The purpose of this action is to change certain emergency services instructor certification standards to emphasize core knowledge. By eliminating the requirement for Instructor 1 and Instructor 2 candidates to have knowledge of course design and administration, which is not necessary to successfully train emergency services personnel, emergency services instructor training for these certification levels can spend more time on effective course delivery.

#### 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 Emily A. A. Dow, Ph.D., Assistant Secretary for Academic Affairs, Maryland Higher Education Commission, 6 N. Liberty St., 10th Fl., Baltimore, MD 21201, or call 410-767-3041, or email to [emily.dow@maryland.gov](mailto:emily.dow@maryland.gov). Comments will be accepted through March 27, 2023. A public hearing has not been scheduled.

#### .03 State Emergency Services Instructor Certification Standard.

A.—D. (text unchanged)

E. Six Sequential Stages of Instructor Candidate System.

(1)—(2) (text unchanged)

(3) Instructor Training.

(a) (text unchanged)

(b) The instructor training program shall fulfill the professional requirements and qualifications in Regulation .13 of this chapter, as taught by an instructor trainer approved by the MICRB. The course shall also include [examinations at mid-course and] *an examination* at the end of [the] *each* course, performance evaluations, and [one term project] *performance testing items* to be completed before the end of the course. The MICRB may consider credentials of a degreed applicant verified by a sponsoring agency as having completed this requirement. Evidence of academic achievement in the field of education (adult education preferred) shall be submitted to the MICRB.

(c) (text unchanged)

(d) [A level I instructor] *An Instructor I* training program shall be taught by an MICRB-approved State emergency services instructor approved as an instructor evaluator or instructor trainer. [A level II instructor] *An Instructor II* training program shall be taught by an MICRB-approved State emergency services instructor trainer.

(4)—(6) (text unchanged)

F.—I. (text unchanged)

#### .13 Local Emergency Service Instructor Standards.

A. Except as set forth in §B of this regulation, the instructor candidate shall meet the requirements of NFPA 1041 Standard for Fire and Emergency Services Instructor Professional Qualifications, chapters [1—6] *I—5*.

B. The instructor candidate may meet the requirements of a recognized instructor training agency or educational institution if the requirements:

(1) Cover all the elements specified in NFPA 1041 Standard for Fire and Emergency Services Instructor Professional Qualifications, chapters *I—5*; and

(2) (text unchanged)

C. The instructor candidate shall demonstrate knowledge and skills based on the general categories of NFPA 1041 Standard for Fire and Emergency Services Instructor Professional Qualifications, chapters *I—5*, and the requisite knowledge and skills of each section.

JAMES D. FIELDER, JR., Ph.D.

Secretary of Higher Education



**Wes Moore**  
Governor

**Aruna Miller**  
Lt. Governor

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

## Maryland Higher Education Commission 2023 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 17, 2023 *Please note date change.*	July 26, 2023 (if needed)
February 22, 2023	August 23, 2023 (if needed)
March 22, 2023	September 27, 2023 10:00am to 4:00pm
April 26, 2023	October 25, 2023
May 24, 2023	November 15, 2023 *Please note date change.*
June 28, 2023	December 13, 2023 *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 2023 will be conducted via video teleconference (Google Meet), unless otherwise noted.**

**Dates and times are subject to change.**

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