

Maryland Higher Education Commission
Meeting Minutes

June 22, 2022
1:00 p.m.

The Maryland Higher Education Commission (MHEC) met on Wednesday, June 22, 2022 via video teleconference (Google Meet).

Commission members present:

Mary Pat Seurkamp, Ph.D., Chair	Charles McDaniels, Jr.
Vivian S. Boyd, Ph.D.	Karen B. Salmon, Ph.D.
James E. Coleman	Ray Serrano, Ph.D.
Judge Barbara Kerr Howe	Haleemat Y. Adekoya, Student Commissioner

Commissions members absent:

Senchal D. Barrolle, Esq.	James B. Sellinger, Sr.
Lewis R. Brown, Ed.D.	Craig A. Williams, Ph.D.

Staff members present:

James D. Fielder, Ph.D.	Emily A. A. Dow, Ph.D.
Rhonda Wardlaw	Lee Towers
Soma Kedia	Trish Gordon McCown
Donna Thomas	Geoffrey Newman
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 eight (8) out of twelve (12) members present.

Chair's Remarks

Chair Seurkamp welcomed and thanked everyone for attending today's meeting. She gave a brief overview of the meeting agenda and encouraged Commissioners to volunteer or nominate someone to serve as the Commission Vice Chair. **Chair Seurkamp** also reminded everyone that there will be review meetings in July and August scheduled during the time of the regular monthly Commission meetings.

Secretary's Remarks

Secretary Fielder reported that with the new fiscal year starting on July 1, MHEC will be adding 10 staff members for the new academic program review unit (resulting from the HBCU coalition settlement). The first 5 are currently being processed and will begin their employment sometime in July. We are also in the midst of preparing the physical space to accommodate them in our building. Additionally, MHEC met with Morgan State University's Provost to discuss their new academic program requests. We will be meeting next with the 3 HBCUs that are part of the University System of Maryland to discuss the same.

Public Comments

There were no public comments.

Commission Minutes Approval

Commissioner Salmon motioned to approve the May 25, 2022 meeting minutes.

Commissioner Serrano seconded the motion, and the motion was approved unanimously.

Commissioner Committee Updates

Education Policy Committee: Commissioner Boyd reported that there had not been much activity in the Committee recently. She noted that Student Commissioner Adekoya's term was ending soon. **Chair Seurkamp** remarked that Commissioner Adekoya had been a great addition and a great contributor to the Commission. **Secretary Fielder** added that nominations for Student Commissioner have been submitted to the Governor's Office for consideration.

Outreach, Grants, and Financial Assistance Committee: Commissioner Adekoya informed the Commission that there were no recent meetings of the Committee.

Finance and Operations Committee: Mr. Geoffrey Newman (Assistant Secretary for Finance and Administration) reported that the agency has been experiencing some turnover recently. However, they are working as quickly as possible to refill those vacancies.

Diversity, Equity, and Inclusion Committee: Commissioner McDaniels reported that the Committee met in June and are currently working on their mission statement, which they hope to finalize by their next meeting. Secretary Fielder joined their last meeting where they were able to establish some goals for the remainder of the year. Additionally, they will reach out to the Diversity, Equity, and Inclusion (DEI) staff at some of the institutions this fall to learn about their work.

Department of Academic Affairs – 2021-2022 Faculty Advisory Council Annual Report – Information Item

Chair Seurkamp recognized Dr. Emily Dow, Assistant Secretary for Academic Affairs, who presented the Council's recommendations and the topics discussed during the 2021-2022 academic year. These recommendations were related to the following topics: pathway from 2-year to 4-year institutions, developmental education, test-optional admissions, faculty tenure,

promotion & unionization, social justice & systemic racism, and faculty professional development. There were two presentations on transfer (one being a carry-over from the previous Council). Some of the recommendations from the presentations on transfer were included in the regulations, and some will be in the guidance document to institutions.

Commissioner McDaniels asked which recommendations will be implemented by staff and which require feedback from the Commission. Dr. Dow answered that some of the recommendations have been adopted already in regulations changes and some may still require input from the Commissioners. **Chair Seurkamp** inquired if the list of recommendations could be separated into those that have been implemented, those requiring feedback from the Commissioners, and those that will go out to the institutions as suggestions. Dr. Dow responded that she could provide such a summary for the Commission at either the July or August meeting. **Commissioner Boyd** asked if the Faculty Advisory Council could look at the impact of COVID, perhaps explore training options regarding online teaching for faculty, and consider how to address these far-reaching changes. Dr. Dow replied that COVID was an important consideration and that Council members shared updates regarding its impact and what they were doing about it at each of their meetings.

Department of Academic Affairs – Final Adoption of the 2022 Maryland State Plan for Higher Education – Action Item

Chair Seurkamp recognized Dr. Dow who reported that she has recently received new feedback on the State Plan from the Commissioners, as well as some higher education segment representatives. She reviewed the various changes made to the version already seen by the Commissioners. These changes included the addition of certain words or phrases to clarify certain ideas. Other changes were made to improve the document's overall flow. Dr. Dow recommended that the Commission accept and approve the 2022 Maryland State Plan for Higher Education.

Commissioner Serrano commented that there was very little mention of Maryland's HBCUs (Historically Black Colleges and Universities) in the State Plan. Dr. Dow noted that the State Plan was for all higher education in Maryland. There followed a discussion regarding what additional remarks could include and where they could be placed. **Commissioner Howe** made a motion to approve the 2022 Maryland State Plan for Higher Education with the understanding that additional language would be inserted by the Secretary related to HBCUs. **Commissioner Coleman** seconded the motion, and the motion passed unanimously.

Department of Finance and Administration – Office of Student Financial Assistance – Final Adoption of Amendments to COMAR 13B.08.02.02 – Janet L. Hoffman Loan Assistance Repayment Program – Action Item

Chair Seurkamp recognized Mr. Newman who asked Ms. Donna Thomas, the Director of the Office of Student Financial Assistance, to present this item. Ms. Thomas reported that on March 23, 2022, the Commission approved proposed amendments to the regulations for the Janet L. Hoffman Loan Assistance Repayment Program, which provides State assistance in the repayment of educational loans for the purpose of attracting qualified individuals to fields of

employment in government and the nonprofit sector, particularly those in which there are critical manpower shortages in the State and lower salaries than in the private sector. The purpose of the amendments is to make changes reflecting the Blueprint for Maryland's Future— Implementation, 2021 Maryland Laws Ch. 36 (House Bill 1300 (2020)) by expanding eligibility for the Program to include public school teachers who teach fine arts subjects and to redefine the pool of schools in which public school teachers may complete their service requirement for the Program based on the percentage of students enrolled in free and reduced price lunch programs and a school's loss of Title I status.

The proposed amendments were published in the Maryland Register on May 6, 2022. The public comment period for the amendments ended on June 6, 2022, and no public comments were received. The regulatory amendments became eligible for final adoption on June 21, 2022. 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. Thomas recommended that the Commission approve for final adoption the proposed amendments to the regulations for the Janet L. Hoffman Loan Assistance Repayment Program. **Commissioner Salmon** made a motion for approval, and **Commissioner Coleman** seconded the motion. The motion was approved unanimously.

Department of Finance and Administration – Office of Student Financial Assistance – Final Adoption of Amendments to COMAR 13B.08.10.03 – Delegate Howard P. Rawlings Educational Excellence Awards Program – Action Item

Chair Seurkamp recognized Ms. Thomas to present this item. Ms. Thomas reported that on March 23, 2022, the Commission approved proposed amendments to the regulations for the Delegate Howard P. Rawlings Educational Excellence Awards Program, which provides need-based financial assistance to students, including through the provision of Guaranteed Access Grants. The purpose of the amendments is to make changes to the Guaranteed Access Grant Program that were passed during the 2021 Session by expanding the eligibility criteria for secondary school students to prequalify for the Grant prior to their senior year of high school.

The proposed amendments were published in the Maryland Register on May 6, 2022. The public comment period for the amendments ended on June 6, 2022, and no public comments were received. The regulatory amendments became eligible for final adoption on June 21, 2022. 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. Thomas recommended that the Commission approve for final adoption the proposed amendments to the regulations for the Delegate Howard P. Rawlings Educational Excellence Awards Programs. **Commissioner McDaniels** made a motion for approval, and **Commissioner Howe** seconded the motion. The motion passed unanimously.

Department of Finance and Administration – Office of Student Financial Assistance – Final Adoption of New Regulations for COMAR – Teaching Fellows for Maryland Scholarship Program – Action Item

Chair Seurkamp recognized Ms. Thomas to present this item. Ms. Thomas reported that on March 23, 2022, the Commission approved new regulations for the Teaching Fellows for Maryland Scholarship Program, which provides financial assistance to Maryland students who, upon completion of an undergraduate or graduate teacher certification program, pledge to work as public school or public prekindergarten teachers at Maryland schools that have at least 50% of the students in the school eligible for free or reduced price meals (FRPM). The program is available to students attending all public senior higher education institutions in the State and to students attending any private nonprofit institution of higher education in the State that has agreed to provide matching grants to awardees. Private nonprofit institutions must confirm their commitment to provide matching grants by annually submitting a Participation Agreement to OSFA.

The proposed amendments were published in the Maryland Register on May 6, 2022. The public comment period for the amendments ended on June 6, 2022. One public comment was received, from the Maryland Independent College and University Association (MICUA), and is enclosed. The public comment is regarding the annual submission of Participation Agreements. The proposed regulations stated that a deadline to submit a Participation Agreement would be determined annually; MICUA requests that a certain date be established to assist institutions with their annual planning.

Pursuant to MICUA's request, two minor changes have been made to the appropriate proposed regulation. In addition to adding an annual deadline date for institutions to submit Participation Agreements to OSFA (March 1), an annual deadline date for OSFA to distribute the annual Participation Agreements to institutions (February 1) has been added to ensure that institutions have sufficient time for completion and submission.

The regulations became eligible for final adoption on June 21, 2022. Changes to proposed regulations may be made in the process of final adoption if they are certified as nonsubstantive by an agency's legal counsel. Because these changes simply add specific dates based on OSFA's current practices, they have been determined to be nonsubstantive by MHEC's Assistant Attorneys General. The proposed regulations are ready for the Commission's final adoption, with the nonsubstantive changes to Regulation .03 shown in the referenced text. The amendments will become effective 10 days after notice of the final adoption is published in the Maryland Register.

Ms. Thomas recommended that the Commission approve for final adoption the proposed regulations, including the nonsubstantive changes indicated in the text, for the Teaching Fellows for Maryland Scholarship Program. **Commissioner Howe** motioned for approval, and **Commissioner Boyd** seconded the motion. The motion was approved unanimously.

Department of Finance and Administration – Office of Student Financial Assistance – Approval of Proposed Amendment to COMAR 13B.08.01.02 – 2+2 Transfer Scholarship Program – Action Item

Chair Seurkamp recognized Ms. Thomas to present this item. Ms. Thomas reported that under § 18-2501, *et seq.*, of the Education Article, Annotated Code of Maryland, the 2+2 Transfer Scholarship Program provides financial assistance to encourage community college graduates to transfer to 4-year institutions of higher education and complete a bachelor’s degree program. This scholarship program is governed by COMAR 13B.08.01.

Currently, § 18-2503 of the Education Article requires OSFA to use the federally calculated expected family contribution (EFC) in determining the financial need of an applicant for this scholarship. However, the U. S. Department of Education is in the process of replacing EFC with a different measure of financial need, the student aid index (SAI). In anticipation of this change, during the 2022 session, the legislature enacted House Bill 734 (Ch. 23), which allows OSFA the discretion to determine the best measure of financial need for this scholarship. The proposed regulatory amendment reflects this change.

The proposed regulatory amendment has 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 Legislature 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.

Ms. Thomas recommended that the Commission: (1) approve for publication in the Maryland Register the proposed regulatory amendment to the 2+2 Transfer Scholarship Program; and (2) authorize its Assistant Attorneys General to make nonsubstantive edits to the proposed regulations to conform to the stylistic and formatting requirements of AELR and DSD. Some clarifying questions were asked about the proposed amendment. **Commissioner Howe** made a motion for approval and **Commissioner Coleman** seconded the motion. The motion was approved unanimously.

Department of Finance and Administration – Office of Student Financial Assistance – Approval of Proposed Amendment to COMAR 13B.08.13.03 – Edward T. and Mary A. Conroy Memorial Scholarship Program and Jean B. Cryor Memorial Scholarship Program – Action Item

Chair Seurkamp recognized Ms. Thomas to present this item. Ms. Thomas reported that under § 18-601 of the Education Article, Annotated Code of Maryland, the Edward T. and Mary A. Conroy Memorial Scholarship Program and the Jean B. Cryor Memorial Scholarship Program provide financial assistance to certain veterans, first responders, local public safety employees and their families and to the families of school employees who died or were disabled as a result of an act of violence, respectively. These scholarship programs are governed by COMAR 13B.08.13.

Currently, these scholarships are available to students at degree-granting institutions only. During the 2022 session, the legislature enacted House Bill 734 (Ch. 23), which expands eligibility for the program to students who attend private career schools. The proposed regulatory amendments reflect this change.

The proposed regulatory amendments have been approved for legality by MHEC's Assistant Attorneys General as required by the Maryland Administrative Procedure Act. Upon approval, the 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.

Ms. Thomas recommended that the Commission: (1) approve for publication in the Maryland Register the proposed regulatory amendments to the Edward T. and Mary A. Conroy Memorial Scholarship Program and the Jean B. Cryor Memorial Scholarship Program; and (2) authorize its Assistant Attorneys General to make nonsubstantive edits to the proposed regulations to conform to the stylistic and formatting requirements of AELR and DSD.

Department of Finance and Administration – Office of Student Financial Assistance – Approval of Proposed Amendments to COMAR 13B.08.14 – Workforce Shortage Student Assistance Grant Program – Action Item

Chair Seurkamp recognized Ms. Thomas to present this item. Ms. Thomas reported that under § 18-708 of the Education Article, Annotated Code of Maryland, the Workforce Shortage Student Assistance Grant Program provides financial assistance to students in certain majors who agree to use their degree to obtain employment in fields of critical shortage in the State after graduation. The current areas of shortage include early childhood education, special education, certain teaching fields, aging services, disability services, mental health, physical and occupational therapy, nursing, and social work. This scholarship program is governed by COMAR 13B.08.14.

Currently, MHEC's regulations for this program require the submission of a high school or college transcript and prioritize the selection of applicants primarily by high school or college GPA. Applicants are not required to complete the FAFSA, so a student's financial need is a secondary factor or is not taken into account at all. The purpose of the proposed regulatory amendments is to provide a specific process for students who obtained their GED, but have not yet enrolled in a college or university, to apply for the scholarship. Because these applicants are not able to submit either a high school or college GPA, the regulatory amendments also add a FAFSA filing requirement, enabling a modification of the selection process to prioritize applicants by financial need rather than GPA.

The proposed regulatory amendments have been approved for legality by MHEC's Assistant Attorneys General as required by the Maryland Administrative Procedure Act. Upon approval, the 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.

Ms. Thomas recommended that the Commission: (1) approve for publication in the Maryland Register the proposed regulatory amendments to the Workforce Shortage Student Assistance Grant Program; and (2) authorize its Assistant Attorneys General to make nonsubstantive edits to the proposed regulations to conform to the stylistic and formatting requirements of AELR and DSD. **Commissioner Salmon** made a motion for approval and **Commissioner Howe** seconded the motion. The motion was approved unanimously.

Adjournment

Commissioner Serrano made a motion to adjourn and **Commissioner Coleman** seconded the motion. The motion passed unanimously. The meeting adjourned at approximately 2:17 p.m.