

**Maryland General Assembly
Department of Legislative Services**

**Proposed Regulations
Maryland Higher Education Commission**
(DLS Control No. 16-132)

Overview and Legal and Fiscal Impact

These regulations revise existing general education and transfer regulations for public institutions of higher education to comply with the College and Career Readiness and College Completion Act of 2013 (Chapter 533).

The regulations present no legal issues of concern.

There is no material fiscal impact on State or local agencies although higher education fee revenues may decrease minimally.

Regulations of COMAR Affected

Maryland Higher Education Commission:

General Education and Transfer: Public Institutions of Higher Education:
COMAR 13B.06.01.02, .02-1, and .04 through .08

Legal Analysis

Summary of Regulations

The Student Transfer Advisory Committee of the Maryland Higher Education Commission has recommended revisions to the regulations relating to general education and transfer for public institutions of higher education consistent with the committee's work to develop a Statewide Transfer Agreement and Reverse Credit Transfer Agreement as required by Chapter 533 of 2013. These regulations reflect the revisions recommended by the committee.

In Regulation .02-1, the categories of transfer students are updated. The first category is students who may not be denied direct transfer to another public institution of higher education if they meet certain criteria. The criteria are (1) the student has completed an associate's degree at a public institution of higher education; (2) the student has attained at least a 2.0 GPA; (3) space is available for the student; and (4) the student meets any additional program admission requirements at the receiving institution. If space is limited, admissions decisions shall provide for fair and equal treatment for native students and transfer students.

The second category of transfer students is students who are eligible to transfer to another public institution of higher education if they meet certain criteria. The criteria are (1) the student

has completed some courses but has not yet completed an associate's degree at a public institution of higher education; (2) the student has attained at least a 2.0 GPA; (3) the student satisfied the admission criteria of the receiving institution as a high school senior; and (4) the student meets any additional program admission requirements at the receiving institution.

Additionally, Regulation .02-1 requires a receiving institution to publish on the institution's website application and admission data from the most recent admission cycle. The receiving institution also must ensure that any changes to program standards and criteria for admission and the transfer of credits are communicated in a timely manner and maintain the fair and equal treatment of native students and transfer students.

Regulation .04 increases the maximum number of additional general education credits a receiving institution may require a transfer student who has completed the requisite number of general education credits at a public institution to complete as a condition of graduation. The regulations increase the maximum from 16 to 18 credits to accommodate special circumstances at St. Mary's College of Maryland, which requires students to have 48 credits of general education to graduate. Students may transfer up to 30 credits of general education credits, and the existing regulation allowed only a maximum of 16 additional credits to be taken at the receiving institution. These regulations increase the maximum to 18 to accommodate the 48 general education credit requirement at St. Mary's College.

Additionally, Regulation .04 also specifies that a Maryland community college must accept 28-36 credits of general education, that meet certain criteria specified in other regulations, as completion of the general education requirements at the community college, without further review or the need for a course-by-course match. In essence, this operationalizes the reverse transfer aspect of the transfer program.

Regulation .05 specifies that courses taken at a public institution as part of a recommended transfer program leading to a baccalaureate degree shall be applicable to related programs at the receiving public institution if the courses were completed in accordance with the receiving institution's policies governing native students in the same program. The regulations also require public four-year institutions to provide an official electronic transcript at no charge to a community college to which a student requests to reverse transfer. In the case of nontraditional credit such as technical courses or clinical experiences, the transfer of credit must be evaluated by the receiving institution according to the same standards that apply to native students at the receiving institution. In the case of course credit awarded through articulation agreements with other segments and agencies, the regulations specify that in order to facilitate the transfer of credits articulation agreements should be developed in collaboration with all public institutions.

Regulation .06 alters the time in which a receiving institution is required to evaluate the transcripts of a degree-seeking transfer student. Rather than at least 15 working days before mid-semester, the regulations specify that a transcript must be evaluated within 20 working days of receipt of the student's official transcript.

Regulation .07 requires all Maryland public institutions to collaborate to develop and provide to students information on transferrable programs and courses.

The regulations also add several new defined terms, such as “cumulative grade point average” and “reverse transfer”, and make several stylistic changes.

Legal Issues

The regulations present no legal issues of concern.

Statutory Authority and Legislative Intent

The commission cites §§ 10-205, 11-105(b)(9), 11-105(u), and 11-201 of the Education Article as statutory authority for the regulations. Chapter 533 of 2013 established certain State goals regarding higher education, which are set forth in § 10-205. For example, it is the goal of the State that at least 55% of Maryland’s adults age 25 to 64 will hold at least an associate’s degree by the year 2025. Another goal relevant to these regulations is that all degree-seeking students enrolled in a public community college will earn an associate’s degree before leaving the community college or transferring to a public senior higher education institution. Section 11-105(b)(9) states that the commission has statewide coordinating responsibilities for institutions of higher education to ensure the State achieves the goals established under § 10-205.

More specifically, § 11-105(u) gives the commission authority to adopt any rule or regulation necessary to carry out its powers and duties. Section 11-201 requires the commission to establish minimum requirements for issuing certificates, diplomas, and degrees by institutions of postsecondary education.

Although not cited by the commission, § 11-207 addresses the transfer of students between public institutions of higher education and requires the commission to develop and implement a statewide transfer agreement whereby at least 60 credits of general education, elective, and major courses that a student earns at any community college in the State toward an associate of arts or associate of science degree shall be transferable to any public senior higher education institution in the State for credit toward a bachelor’s degree. This section also requires the commission to develop and implement a statewide reverse transfer agreement whereby at least 30 credits that a student earns at any public senior higher education institution in the State toward a bachelor’s degree are transferable to any community college in the State for credit toward an associate’s degree.

With the addition of § 11-207, this authority is correct and complete. The regulations comply with the legislative intent of the law.

Technical Corrections and Special Notes

In response to suggestions from the Department of Legislative Services, staff for the commission agreed to make the following changes to the regulations:

- adding § 11-207 of the Education Article as legal authority for the regulations;

- revising the defined term “reverse transfer agreement” to “reverse transfer” to conform with the term used in Regulation .05A(5); and
- deleting the change in Regulation .08A from “4” to “four” so that the term “public four-year colleges” remains consistent within the regulations.

Fiscal Analysis

There is no material fiscal impact on State or local agencies although higher education fee revenues may decrease minimally.

Agency Estimate of Projected Fiscal Impact

The commission advises that the regulations have no impact on State or local governments. The Department of Legislative Services generally concurs and notes that the regulations implement the provisions of the College and Career Readiness and College Completion Act of 2013 (Chapter 533) relating to statewide transfer and reverse transfer agreements. Most of the costs for the commission and institutions of higher education to implement these provisions were included in the fiscal and policy note for Chapter 533. In addition, because the regulations prohibit public four-year institutions from charging transcript fees to students applying for reverse transfer of credits to a community college, higher education fee revenues may decrease. The number of students who will apply for reverse transfer each year is unknown; however, the impact on any single institution is anticipated to be minimal.

Impact on Budget

There is no impact on the State operating or capital budget.

Agency Estimate of Projected Small Business Impact

The commission advises that the regulations have minimal or no economic impact on small businesses in the State. The Department of Legislative Services concurs.

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