

MARYLAND REGISTER

Proposed Action on Regulations

Transmittal Sheet PROPOSED OR REPROPOSED Actions on Regulations	Date Filed with AELR Committee	TO BE COMPLETED BY DSD
	07/21/2016	Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

1. Desired date of publication in Maryland Register: 9/2/2016

2. COMAR Codification

Title	Subtitle	Chapter	Regulation
13B	07	04	.01, .02, .03, .04
13B	07	05	.01, .02

3. Name of Promulgating Authority

Maryland Higher Education Commission

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Title 13B
B MARYLAND HIGHER EDUCATION COMMISSION
Subtitle 07 COMMUNITY COLLEGES

13B.07.04 Construction Procedures

Subtitle 07 COMMUNITY COLLEGES

13B.07.05 Space Allocation Guidelines

Authority: Authority: Education Article, §11-105(u), and Title 16, Annotated Code of Maryland

Notice of Proposed Action

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The Maryland Higher Education Commission proposes to amend Regulations .01, .02, .03, .04 under COMAR 13B.07.04 Construction Procedures and Regulations .01, .02 under COMAR 13B.07.05 Space Allocation Guidelines.

This action was considered by the Commission at an open meeting held on June 16, 2016, notice of which was given as required by the State Government Article, §10-506(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to reflect corrections, changes, and updated practices in meeting the regulatory standards for compliance.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

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 David Beard, Senior Finance Policy Analyst, Maryland Higher Education Commission, 6 N Liberty Street, 10th Floor, Baltimore, MD 21201, or call 410-767-3086, or email to david.beard@maryland.gov, or fax to 410-332-0270. Comments will be accepted through 10/2/16. A public hearing has not been scheduled.

Economic Impact Statement Part C

- A. Fiscal Year in which regulations will become effective: FY 2017
- B. Does the budget for the fiscal year in which regulations become effective contain funds to implement the regulations?
No
- C. If 'yes', state whether general, special (exact name), or federal funds will be used:
- D. If 'no', identify the source(s) of funds necessary for implementation of these regulations:
No funds are needed.
- E. If these regulations have no economic impact under Part A, indicate reason briefly:
These regulations address procedural adjustments, agency name-changes and time-line changes.
- F. If these regulations have minimal or no economic impact on small businesses under Part B, indicate the reason and attach small business worksheet.
These regulations address procedural adjustments, agency name-changes and time-line changes.
- G. Small Business Worksheet:

Attached Document:

Title 13B

MARYLAND HIGHER EDUCATION COMMISSION

SUBTITLE 07 COMMUNITY COLLEGES

Chapter 04 Construction Procedures

.01 College Facilities.

- A. A college shall:
- (1) (text unchanged)
 - (2) In submitting a proposal for a project for which the college is not eligible or does not seek State participation, indicate:
 - (a) Why additional space beyond current guidelines is necessary, if applicable[.]; *and*
 - (b) How the space will be used[.]; *and*
 - (c) The estimated life cycle impact of the proposed facility on the operating costs of the college;]
 - (3) (text unchanged)
- B.—D. (text unchanged)

.02 Facilities Master Plan (Includes Baltimore City Community College).

- A. Each college shall develop and submit by February 1 of each year a facilities master plan or [addendum] *an update to the current facilities master plan* which supports the college's role and mission. The plan shall cover a period of not less than 10 years. Colleges should consider developing 20-year land use plans.

B. A college should regularly review the college's facilities master plan. The plan shall be updated every [5] 10 years or whenever major changes occur in the role and mission statements or in other plan components which have significant facilities implications.

C. The facilities master plan shall include:

(1)—(3) (text unchanged)

(4) Specific plans to meet identified needs, including:

(a)—(e) (text unchanged)

(f) *Bike path plan*;

(g) *Sustainability*;

[(f)] (h) Utilities extensions and improvements;

[(g)] (i) Long-range telecommunications plan needs which address the future requirements of the college for voice, data, video, and radio;

[(h)] (j) New construction;

[(i)] (k) A site development plan; and

[(j)] (l) An approach for updating the plan;

(5) Details of plans for all projects in the plan [prepared under PlanMaryland Goals and Objectives and Guidelines for Capital Budgeting] *should consider the Maryland Department of Planning Growth and Conservation map*; and

(6) (text unchanged)

D. (text unchanged)

E. Assessment and Analysis of Existing Land and Facilities and Planning Assumptions.

(1) (text unchanged)

(2) All proposals for new campuses, new site development, and new facilities projects shall [conform to PlanMaryland Goals and Objectives and Guidelines for Capital Budgeting] *consider the Maryland Department of Planning Growth and Conservation map*.

(3) (text unchanged)

F. Review Process for Facilities Master Plans.

(1) A board of trustees approved new or updated facilities master plan shall be submitted concurrently to the Commission, the Department of Budget and Management, the Department of General Services, and the Maryland [Office] *Department of Planning*.

(2) The Commission shall review the plan with specific attention to:

(a) [Conformity with PlanMaryland Goals and Objectives and Guidelines for Capital Budgeting] *Consideration of the Maryland Department of Planning Growth and Conservation map*;

(b)—(e) (text unchanged)

(f) Library construction with regard to:

(i) (text unchanged)

(ii) *Library commons*;

[(ii)] (iii) Library automation; and

[(iii)] (iv) New forms of book storage such as compact shelving;

(g)—(h) (text unchanged)

(3) (text unchanged)

(4) The Department of General Services and the Maryland [Office] *Department of Planning* shall concurrently submit questions and concerns to the Commission and the Department of Budget and Management. The Commission shall forward its questions and concerns to the Department of Budget and Management to facilitate a consolidated response to the college from the Commission and the Department of Budget and Management. The college shall provide a response addressing the questions and concerns and may choose to modify its plan as a result of the issues raised. If appropriate, a meeting including the review agencies and the college may be held to assure a coordinated approach to completing the review process.

(5) (text unchanged)

.03 Five-Year Capital Improvements Program/Annual Capital Budget Request Submission.

A.—B. (text unchanged)

C. Projects identified in the program shall be consistent with [PlanMaryland Goals and Objectives and Guidelines for Capital Budgeting and] the approved facilities master plan *and should consider the Maryland Department of Planning Growth and Conservation map*. The program shall be updated annually to reflect actual capital appropriations and any changes affecting project priorities within the program, as well as to add an additional year.

D. (text unchanged)

E. (text unchanged)

F. Review Process for Five-year Capital Improvements Program.

(1) A facility program statement is required for each project to be [included in the 5-year capital improvements program] *considered for funding in the capital budget*. The program statement consists of Part I/project justification and Part II/technical specifications. [A] *The college shall submit [a] the Part I[/project justification by May 1 of the*

year in which the project is to be included in the 5-year capital improvement program for the first time. The Part I/project justification shall be submitted to the Commission] *and Part II to the Commission, the Department of Budget and Management, the Department of General Services, and the Department of Planning no later than May 1 of the year that the college is requesting funding.*

(2) The Commission review of the Part I/project justification shall focus on:

(a)—(b) (text unchanged)

(c) [Conformity with PlanMaryland Goals and Objectives and Guidelines for Capital Budgeting] *Consideration of the Maryland Department of Planning Growth and Conservation map;* and

(d) (text unchanged)

(3) The Part II/technical specifications shall be submitted by May 1 of the year in which the design funds are requested. The Part II/technical specifications review shall be conducted by the Department of Budget and Management, the Department of General Services, and the Maryland [Office] *Department of Planning.*

(4)—(5) (text unchanged)

.04 Site Selection.

A. The general location for each proposed college or addition to a college shall be selected by the board of trustees for the college concerned, and submitted for the approval of the Commission and the Board of Public Works through the Department of General Services, which shall seek comments and recommendations from the Maryland [Office] *Department of Planning.*

B. (text unchanged)

C. Specific Site Selection Procedure.

(1) The board of trustees of the college shall study the available sites and have prepared a report that ranks the available sites in order of preference. Technical data, including proximity within [PlanMaryland] *Maryland Department of Planning Growth and Conservation* planning areas and a site check list, shall support this ranking.

(2)—(4) (text unchanged)

(5) Material supporting the selection of the specific site in §C(4) of this regulation, including an analysis of alternative sites which were considered, shall be submitted to the Secretary. The Secretary shall submit these documents to the Department of General Services and the Maryland [Office] *Department of Planning* for their confidential review and findings.

(6)—(7) (text unchanged)

(8) The Secretary shall notify the college of the responses of the Department of General Services and the Maryland [Office] *Department of Planning.*

(9)—(12) (text unchanged)

Chapter 05 Space Allocation Guidelines

.01 General Principles.

A.—E. (text unchanged)

F. On-campus daytime weekly student contact hours (WSCH) shall be used to compute classroom and laboratory space needs. The WSCH shall be certified by the Secretary of Higher Education. [Except for remedial or other prerequisite courses, noncredit contact hours are not included in computing space, and only "on campus" hours shall be included.]

G. Eligible noncredit contact hours may be included in computing space, and only "on campus" hours shall be included. When reporting eligible non-credit contact hours, report them on the MHEC Form CC-S6.

[G.] H. Enrollment projections to be used by a college in applying these regulations should be consistent with the approved role and mission statement for that college. The enrollment projection should be that which is contained in the facilities master plan most recently endorsed by the Commission.

[H.] I. Office space is based on the count of full-time equivalent faculty, full-time administrators, full-time librarians, full-time staff, and student officers as certified to by the Secretary.

[I.] J. The space inventory to be used by a college in applying these regulations to determine eligibility for State funding is the total amount of on-campus space minus space contained in temporary structures. Temporary structures are those with an anticipated useful life of less than 15 years or those that were not intended to occupy space on campus for more than 15 years from original construction.

[J.] K. The space inventory is recorded in terms of net assignable square feet (NASF). The space allowances computed under these guidelines are also recorded as NASF.

.02 Capital Guidelines.

Space allocation guidelines for college campuses are as follows:

Room Use Category

Space Factor by Size of FTDE

HEGIS Code	Space	Base	3000 & Under	3001 & Up
100	Classroom Facilities	WSCH1	1.50	1.11
110	Classroom			
200	Laboratory Facilities	WSCH2	7.00	5.83
210	Class Laboratory			
220	Open Laboratory	FTDE	4.20	4.20
300	Office	FTEF3	166.00	166.00
		FT Staff		
		Student Offices ⁴		
320	Testing & Tutoring Centers	FTDE5	Core of 1,500 NASF and 0.5 NASF/FTDE in excess of 1,500 FTDE.	
400	Library			
410	Study/Seating	FTDE	6.25	6.25
420	Stack	BVE6	.10-	.10+
400— 455	Processing	Percent of 420 with minimum of 1,200 NASF ⁷	.40	.40
500	Special Use			
520	Physical Education—Pool, Gym, and Fitness/Wellness Center	FTDE8	Core of 28,000 NASF (consisting of 14,000 for a gym, 8,000 for a pool, and 6,000 for a fitness center) and 10 NASF/FTDE in excess of 1,500 FTDE and 6,000 NASF of service space (consisting of 3,500 for lockers and 2,500 for storage).	
530	Audiovisual, Radio, TV	FTDE	Core of 1,600 NASF and 0.8 NASF/FTDE in excess of 1,500 FTDE up to 3,000 FTDE and 2 NASF/FTDE in excess of 3,000 FTDE.	
580	Greenhouse	Campus	Core of 1,000 NASF	
600	General Use			
610	Assembly	FTDE	Core of 12,000 NASF and 2 NASF/FTDE in excess of 1,500 FTDE.	

620	Exhibition	FTDE	Core of 1,500 NASF and 0.5 NASF/FTDE in excess of 1,500 FTDE.	
630	Food Facilities	PHC9	10.2	8.4
650	Lounge Facilities	PHC10	3.0	3.0
660	Merchandising	FTDE	Core of 1,600 NASF and 0.5 NASF/FTDE in excess of 1,500 FTDE.	
680	Meeting Space	FTDE	Core of 6,000 NASF	Core of 8,000 NASF
700	Support			
710	Data Processing, Telecomm	FTDE ¹¹	Core of 2,500 NASF for the first 4,000 FTDE and 0.75 NASF/FTDE beyond 4,000 FTDE.	
720— 745	Shops, Storage, Vehicle Storage, and Repair	Total Campus Allowance minus this category ¹²	0.04	0.04
750	Central Service	FTDE	Core of 4,000 NASF for the first 4,000 FTDE and 1 NASF/FTDE beyond 4,000 FTDE.	
760	Hazardous Materials	Total Storage	2% of existing inventory in Room Use Categories 720—745.	
800	Health Care	FTDE	Core of 500 NASF and 0.2 NASF/FTDE in excess of 1,500 FTDE.	

¹WSCH-Lecture. Weekly student contact hours for on-campus day students in credit courses and eligible noncredit courses where instruction is lecture.

²WSHC-Lab. Weekly student contact hours for on-campus day students in credit courses and eligible noncredit courses where instruction is lab.

³FTEF—Full-time equivalent faculty, including librarians, plus 25% of all part-time faculty.

⁴1,120 square feet maximum for student offices.

⁵FTDE—Full-time day equivalent is total credit hours taught on campus between 8 a.m. and 5 p.m. divided by 15 credit hours.

⁶BVE—Bound volume equivalent which is 20,000 BVE for the first 1,000 FTE and 1,000 BVE for every 100 FTE above 1,000.

⁷A minimum allowance is needed for cataloging, binding, and maintenance regardless of collection size.

⁸Minimum size of gym is 14,000 NASF for activity space, 8,000 NASF for pool, 6,000 NASF for fitness space, 3,500 NASF for lockers, and 2,500 NASF for storage.

⁹PHC—Planning headcount is 50% of FTDE for on-campus credit and eligible noncredit courses plus FTEF and FT Staff and includes space for seating, preparation, and storage.

¹⁰Allowance includes quiet, study, and building lounges.

¹¹FTDE for on-campus credit courses and eligible noncredit courses.

¹²Allowance related to required service space on campus total square footage.

¹³ *Computed need in any larger institutional size category may not be less than the maximum amount for any smaller institutional size category.*