

**Maryland General Assembly
Department of Legislative Services**

**Proposed Regulations
Maryland Higher Education Commission**
(DLS Control No. 16-309)

Overview and Legal and Fiscal Impact

The general education and transfer regulations for public institutions of higher education are revised 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 fiscal impact on State or local agencies.

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 .10

Legal Analysis

Background

On December 9, 2016, the Maryland Higher Education Commission withdrew regulations (DLS Control No. 16-132P) that were published in the August 5, 2016 issue of the Maryland Register regarding the transfer and reverse transfer of credits between community colleges and public senior higher education institutions and substituted these regulations. An analysis of those withdrawn regulations may be found [here](#). These substituted regulations more completely address the provisions included in the report entitled Maryland Statewide Transfer Agreement and Reverse Credit Transfer Agreement that the commission submitted to the General Assembly in July 2016.

Summary of Regulations

The Student Transfer Advisory Committee of the commission is recommending 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, a definition of “Associate’s degree” is added that includes not only an Associate of Arts degree and an Associate of Science degree, but also an Associate of Applied Science degree, Associate of Arts in Teaching degree, Associate of Fine Arts degree, and Associate of Science in Engineering degree. The definition of reverse transfer is almost identical to the withdrawn regulations, with the exception that “up to 45 credits” was removed from the definition because the cap is included in a substantive provision of the regulations.

Regulation .02-1A(1) specifies that a student may not be denied direct transfer to another public institution of higher education if the student has completed an associate’s degree or has completed 60 or more credits, rather than 56 under the existing regulations. Subsection (2) states that a student who has not completed an associate’s degree or has completed fewer than 60 credits, rather than 56 under the existing regulations, is eligible to transfer to a public institution of higher education regardless of the number of credits earned.

For both categories of transfer students, the existing regulations specify that the student must have a 2.0 GPA or higher on a 4.0 scale or its equivalent and these regulations specify that it must be earned at the sending institution. The existing regulations also specify that if space is limited, admissions decisions shall provide for fair and equal treatment for native students and transfer students. These regulations specify that a receiving institution may require additional program admission requirements to some programs.

The regulations repeal existing regulations .04 and .05 and consolidate many of the provisions into a new regulation .04 that addresses the transfer of credits earned at another public institution of higher education, credits earned in or transferred from a community college, nontraditional credit, reverse transfer of credit, and transfer of general education credit. In regulation .04B(1), at least 60 credits, but not more than 70 credits of general education, elective, and major courses that a student earns at a community college in the State toward an Associate of Arts degree or an Associate of Science degree shall be transferrable to a public senior higher education institution in the State for credit toward a bachelor’s degree as long as the credits were earned in accordance with the student’s degree plan. Under subsection (5), an articulation agreement may allow for the transfer of credits above the cap of 70 credits.

Regulation .04E(1) requires a community college to accept for reverse transfer any credits that a student earned at a public senior higher education institution, up to 45 credits, if the student has completed at least 15 credits at the community college to which the credits are transferred.

Regulation .04F(4) requires a Maryland community college to 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. Additionally, subsection (6) 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 maximum is increased from 16 to 18 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.

Regulation .05B alters the time in which a receiving institution is required to evaluate the transcripts of a degree-seeking transfer student. Rather than 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 .06 requires all Maryland public institutions to collaborate to develop and provide to students information on transferrable programs and courses.

Legal Issues

The regulations present no legal issues of concern.

Statutory Authority and Legislative Intent

The commission cites §§ 11-105(u), and 11-207 of the Education Article as statutory authority for the regulations. Section 11-105(u) gives the commission authority to adopt any rule or regulation necessary to carry out its powers and duties. Section 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.

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:

- amending the title of regulation .04 from "Transfer of Nongeneral Education Program Credit" to "Transfer of Credit" to reflect that the regulation addresses a variety of credit transfers, including nongeneral, nontraditional, and general; and
- making a technical correction to Regulation .02B(8).

Fiscal Analysis

There is no fiscal impact on State or local agencies.

Agency Estimate of Projected Fiscal Impact

The commission advises that the regulations have no fiscal impact on State or local governments and implement provisions of the College and Career Readiness and College Completion Act of 2013 (Chapter 533). The Department of Legislative Services concurs. among other requirements, the College and Career Readiness and College Completion Act of 2013 requires the commission to develop statewide transfer agreements and reverse transfer agreements for community colleges and public four-year institutions of higher education that meet specified conditions.

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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