

**Maryland General Assembly  
Department of Legislative Services**

**Proposed Regulations  
Maryland Higher Education Commission  
(DLS Control No. 19-055)**

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## **Overview and Legal and Fiscal Impact**

The regulations make changes to provisions of COMAR that relate to the transfer of credits, known as “articulation,” between institutions of higher education.

The regulations present no legal issues of concern.

There is no material fiscal impact on State or local agencies.

## **Regulations of COMAR Affected**

### **Maryland Higher Education Commission:**

Academic Regulations: Academic Programs - Degree-Granting Institutions:

COMAR 13B.02.03.02 and .24

General Education and Transfer: Public Institutions of Higher Education:

COMAR 13B.06.01.04

Requirements for Articulation Agreements: COMAR 13B.06.02.01

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## **Background**

In November 2017, the Maryland Association of Community Colleges Task Force requested that the Maryland Higher Education Commission review the potential implementation of applied baccalaureate degrees at community colleges to address unmet workforce needs in the State. In response, the commission convened a workgroup that met five times between January and May of 2018 to examine the following issues: six specified industries in which a bachelor’s degree may be required for licensure or certification; the existing process through which community colleges partner with 4-year institutions to award a bachelor’s degree; challenges associated with student transfer and articulation of credits between institutions; and the need for an applied baccalaureate degree in light of the existing Bachelors of Technical Studies (BTS) and Bachelors of Professional Studies (BPS) degrees.<sup>1</sup> In June 2018, the workgroup submitted seven recommendations to the commission. The regulations implement the recommendations of the workgroup.

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<sup>1</sup> A BTS/BPS degree is at least 120 credit hours and is awarded for the completion of: (1) an associate of applied science degree; (2) an advanced program of study in the designated area of concentration; and (3) a three-credit hour internship related to the program.

## **Summary of Regulations**

The regulations require a 4-year institution of higher education to accept for transfer from a community college up to 70 credits, rather than only 64 credits, of any degree, rather than of only certain degrees, awarded by a community college. Regarding the BTS and BPS degrees, the regulations require participating institutions to execute an articulation agreement, rather than a specified memorandum of understanding (MOU). Requirements relating to the previous MOU structure for the BTS/BPS degrees are repealed. The regulations set forth a definition for articulation agreements, specify by whom an agreement must be signed, specify elements that must be allowed to be transferred including coursework and internships, and specify other provisions that may be included in the agreement such as procedures for admissions, registration and advising, access to student services and financial aid, and the cost of tuition. The regulations clarify that an articulation agreement is subject to the program approval authority of the commission and a final signed copy of the agreement must be filed with the commission.

## **Legal Issues**

The regulations present no legal issues of concern.

## **Statutory Authority and Legislative Intent**

The commission cites §§ 11-105(u), 11-201, 11-202, 11-206, 11-206.1, and 11-207 of the Education Article as statutory authority for the regulations. Section 11-105(u) authorizes the commission to adopt regulations to carry out its powers and duties. Section 11-201 requires the commission to establish minimum requirements for the issuance of degrees by institutions of higher education. Section 11-202 requires the commission to issue a certificate of approval to an institution to operate in the State if the institution meets specified criteria. Sections 11-206 and 11-206.1 govern the program approval process for new (11-206) or existing (11-206.1) programs. Section 11-207 requires the commission to establish procedures for the transfer of students between public institutions and to establish standards relating to articulation agreements.

This authority is correct and complete. The regulations comply with the legislative intent of the law.

## **Fiscal Analysis**

There is no material fiscal impact on State or local agencies.

## **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 but advises that, under the regulations, students may take more credits at a community college prior to transferring to four-year institutions. However, despite this potential operational impact, overall, the regulations are not

anticipated to have a material fiscal impact on community colleges or four-year institutions of higher education because four-year institutions generally have control over the size of their student body.

### **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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