

**Maryland General Assembly
Department of Legislative Services**

**Proposed Regulations
Maryland Higher Education Commission
(DLS Control No. 22-294)**

Overview and Legal and Fiscal Impact

The regulations establish and expand policies and procedures for the transfer of students and courses and credits between public institutions of higher education and segments of postsecondary education in the State. Of note, the Maryland Higher Education Commission (commission): (1) establishes a statewide standard for the evaluation of course and credit transfer requests by students, including by distinguishing between the transferability of completed courses and the awarding of credit for transferred courses; (2) establishes requirements for increased notification of transfer policies and procedures for students and the public; and (3) requires institutions to work collaboratively to establish various written agreements with specific information about the transferability of courses and credits between institutions.

These regulations present no legal issue of concern.

There is no material fiscal impact on State or local agencies beyond that noted in the fiscal and policy notes for House Bill 460 and Senate Bill 886 of 2021.

Regulations of COMAR Affected

Maryland Higher Education Commission:

Academic Regulations: Academic Programs – Degree-Granting Institutions:

COMAR 13B.02.03.02, .06, and .19

General Education and Transfer: Public Institutions of Higher Education:

COMAR 13B.06.01.01 through .09

Requirements for Articulation Agreements: COMAR 13B.06.02.01 through .14

Community Colleges: General Regulations and Policies for Community Colleges:

COMAR 13B.07.02.01

Legal Analysis

Background

During the 2021 legislative session, the General Assembly enacted Chapters 188 and 189, *Transfer With Success Act*. These Acts require the commission to strengthen regulations regarding procedures for the transfer of students between the public segments of postsecondary education in the State to bring transparency and clarity to decisions made by receiving institutions about the denial of courses or credits taken by a student at a sending institution within specified timeframes.

To achieve these goals, the regulations regarding the transfer of students require receiving and sending institutions to report a denial of a course or credit and conduct a review of a denial decision within a specified period of time. Each public institution of higher education must submit an annual report to the commission listing any course or credit denials and the reasons for the denials.

Summary of Regulations

In general, these regulations reorganize and establish and expand requirements regarding the policies and procedures for the transfer of students between public institutions of higher education and segments of postsecondary education in the State.

The commission revises regulations .02, .06, and .19 of Chapter 13B.02.03 as follows:

- Regulation .02 alters various defined terms relating to academic programs for degree-granting institutions of higher education;
- Regulation .06 requires public institutions of higher education to require a program proposal to include the adequacy of articulation and transfer planning;
- Existing regulation .19 concerning parallel programs and recommended transfer programs is repealed; and
- New Regulation .19 requires the specified institution, before submitting a proposal for a new bachelor's degree program, a substantial modification to an existing bachelor's degree program, or a substantial modification to an existing associate's degree program, to provide notification of proposed changes to specified institutions that may have affected students; and, additionally, this new regulation specifies the required contents of a proposal.

The commission revises regulations .02 and .03 and repeals .02–1 and .04 through .09 of Chapter 13B.06.01 as follows:

- Regulation .02 alters various defined terms related to general education requirements for public institutions of higher education;
- Regulation .03 requires a public institution of higher education to incorporate course work in five specified core areas in the design of their general education program; repeals the term “semester hours” and substitutes “credit hours”; specifies the range of credit hours for various degree programs; and requires each public institution to designate on the student transcript which courses have met a general education requirement, including the specific core area satisfied by that course; and
- Existing regulations that are repealed include: .02–1, regarding the admission of transfer students and first-time students with advanced standing; .04, regarding the transfer of education program credit; .05, regarding academic success and general well-being of transfer students; .06, regarding information on transferable programs and courses and

recommended transfer programs; .07, regarding the Transfer Mediation Committee; .08, regarding a process for appealing the denial of transfer credit; and .09, regarding reporting requirements, the designation of transfer coordinators, and the Student Transfer Advisory Commission.

The commission repeals the existing Chapter 13B.06.02, related to articulation agreements and adds a new Chapter 13B.06.02, Transfer Students and Transfer of Courses and Credits, with the following regulations:

- Regulation .01 sets forth the purpose and scope of this chapter relating to transfer students and the transfer of courses and credits between public institutions of higher education and segments of postsecondary education in the State;
- Regulation .02 defines terms relevant to student and course and credit transfers;
- Regulation .03 requires institutions to establish written policies and procedures for transfer between public institutions of higher education; provides for the minimum contents of policies and procedures; encourages public institutions to use the standards for the evaluation of student and course and credit transfers between public institutions for student and credit and course transfers for private and out-of-state institutions of higher education; and requires the designation of a transfer coordinator at each institution and provides for their purpose and duties;
- Regulation .04 establishes policies related to coordination between institutions of higher education and segments of postsecondary education in the State, including institutional cooperation to provide students and the public with current, accurate, and consistent information about transfers; requirements for discussion between institutions regarding specified changes to curriculum for new or existing programs that may affect student transfers, updating established agreements, and posting notification of changes; collaboration through Program Transfer Agreements, Course Transfer Agreements, or Prior Learning Agreements whenever possible; adoption of uniform policies and procedures, if practicable; and convening of a permanent Student Transfer Advisory Committee;
- Regulation .05 establishes requirements for the provision of information to students regarding articulation agreements and student transfers and course and credit transfers;
- Regulation .06 establishes requirements for the general admission of transfer students, including conditions under which an institution may or may not deny a student general admission to a public institution of higher education; requests for transfer when an institution has insufficient number of slots available; and admission of transfer students to specific academic programs;
- Regulation .07 establishes general policies regarding the transfer of courses and credits, including when an institution must accept transfer and award credits for a course or credit

completed at a sending institution, general education courses, and credits for prior learning; written documents establishing transferability by institutions; and the awarding of credits toward academic program requirements;

- Regulation .08 provides for the number of credits accepted for transfer and reverse transfer between a public senior higher education institution and a community college in the State and adopts requirements for the awarding and application of credit of a transferring student by a receiving institution;
- Regulation .09 requires a receiving institution to accept for transfer any completed course that fulfills a general education requirement at the sending institution and provides for awarding of credits;
- Regulation .10 establishes a statewide standard for the evaluation of course and credit transfer requests by students based on equivalent course learning objectives of a course or combination of courses at the sending institution and receiving institution; requires equivalencies to be determined by faculty who are subject matter experts and not administrators; and specifies that credits awarded for a transfer course may not be less than the number of credits earned for that course or combination of courses at the sending institution;
- Regulation .11 establishes a policy for the transfer of previously awarded credit for prior learning, including for an examination, nationally recognized standardized examination scores, or experiential learning;
- Regulation .12 provides for the methods by which institutions may establish transferability of courses and credits, including by a Program Transfer Agreement, a Course Transfer Agreement, a list of evaluated courses; requires articulation agreements, lists, and other information that establishes transferability to be published and reviewed in a certain manner; and requires information regarding the transferability of a course publicly available in an institutional source at the time of a student transfer evaluation request to be honored by that institution;
- Regulation .13 establishes requirements and permitted provisions for Program Transfer Agreements, including use, contents, parties to the agreement, signatories, and depositing with the commission; and
- Regulation .14 requires: (1) an institution to establish an evaluation and review process for the official transcripts and other relevant materials of a student requesting transfer, including timing of the evaluation, contents of an evaluation, and a transfer evaluation report; and (2) a sending institution, in collaboration with a receiving institution, to conduct an evaluation to review each denial of course or credit, including timelines, a meeting between the institutions, and a recordkeeping and annual reporting requirement to the commission.

The commission also revises regulation 13B.07.02.01 to update a cross reference.

Legal Issues

These regulations present no legal issues of concern.

Statutory Authority and Legislative Intent

The commission cites Titles 11, 15, and 16 of the Education Article and §§ 11–105 and 11–207 of the Education Article as statutory authority for these regulations. More specifically, §§ 11–105, 11–201, 11–206, and 11–207 are sufficient authority for the regulations.

Section 11–105 requires the commission to coordinate the overall growth and development of postsecondary education in the State. The commission has statewide coordinating responsibility for community colleges and institutions of higher education and requires establishment of general policies for community college operation. The commission may review any education program offered at an institution of postsecondary education and establish guidelines relating to matters of general educational policy. The commission may 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. Section 11–206 requires the commission to review and approve or disapprove proposals from institutions of postsecondary education for new programs or substantial modifications of existing programs. Section 11–207 requires the commission to establish procedures for the transfer of students between public segments of postsecondary education, recommend cooperative programs among segments of postsecondary education to assure flexibility in the higher education system, and establish standards for articulation agreements in conjunction with governing boards.

The remaining cited authority is not directly relevant to these regulations.

The relevant cited 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 beyond that noted in the fiscal and policy notes for House Bill 460 and Senate Bill 886 of 2021.

Agency Estimate of Projected Fiscal Impact

The regulations significantly alter the credit transfer framework, including implementing the Transfer with Success Act (House Bill 460 and Senate Bill 886 of 2021, enacted as Chapters 188 and 189), which requires public institutions that deny a course or credit transfer to: (1) notify

the student and sending institution and (2) conduct a review. The commission advises that the regulations may increase expenditures at public four-year institutions and community colleges to the extent that institutions require additional staff or incur other related administrative costs. The Department of Legislative Services concurs that higher education expenditures may increase beyond the potential costs noted in the fiscal and policy notes for House Bill 460 and Senate Bill; however, the costs are likely non-material and absorbable. Further, any such costs are largely dependent on institutional implementation decisions and existing transfer policies.

The commission advises that no additional funds were allocated to implement Chapters 188 and 189 or otherwise make changes to the course and credit transfer system; thus, existing resources will be used. In addition, as noted by the commission, the regulations are also expected to appreciably decrease costs for individual students who transfer between public institutions to complete a degree.

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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