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## MEMORANDUM

**DATE:** March 23, 2022

**TO:** Maryland Higher Education Commissioners

**FROM:** Emily A. A. Dow, Ph.D., Assistant Secretary of Academic Affairs

**SUBJECT:** Approval of Proposed New Regulations and Amendments to COMAR –  
Transfer Between Public Institutions of Higher Education

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On February 23, 2022, at a regular public meeting of the Commission, the Commissioners were presented with draft new regulations and regulatory amendments regarding the transfer of students between public institutions of higher education in the State. Based on the feedback received from the Commissioners at the February 23 Commission Meeting as well as feedback from multiple stakeholders, edits were made to the draft. These edits do not change the overall intent of the regulations, but rather provide some clarification regarding the standards, processes, and regulatory language. The Commission’s Education Policy Committee met in public session on March 14, 2022, to discuss the feedback and resulting changes. The proposed regulations are now ready for your approval.

The regulations arose from passage of the 2021 Transfer With Success Act (Ch. 188/189, 2021 Laws of Maryland), which amended § 11-207 of the Education Article, Annotated Code of Maryland. As discussed in more detail in the February 23, 2022, Commission Meeting memorandum, MHEC convened a workgroup of various stakeholders in 2021 to develop a process for the new legislative requirements, including a joint review by “sending” and “receiving” institutions when any portion of a transfer student’s request to transfer courses and credits is denied, as well as new annual requirement to report to MHEC all denied transfer requests, along with the rationale for each denial.

The proposal repeals the 9 existing MHEC regulations regarding transfer and articulation agreements, adds 15 new regulations in their stead, and amends 5 existing regulations. These new regulations and amendments:

- ◇ **Add a transfer evaluation and review process to implement the Transfer With Success Act.** The relevant regulation covers the submission of a student request, deadlines for evaluating the request, instructions for applying the substantive standards, content of the report notifying students of accepted and denied courses, the

steps of the joint review process by the sending and receiving institutions, and the new annual reporting requirement.

- ◇ **Distinguish the transfer of completed courses from the awarding of credits for transferred courses.** Generally, the terms “course” and “credit” are used interchangeably in the transfer process. However, student transfer is better predicated on the successful completion of specific coursework and the assessment of student learning outcomes, rather than simply the transfer of credits. The regulations separate the evaluation of whether a course is transferable under the appropriate equivalency standard from the awarding and application of credit for the transferred course. The focus on the transfer of coursework, as opposed to credits, assists prospective transfer students in degree planning and course registration and facilitates the creation of institutional articulation agreements.
- ◇ **Create new statewide standards for the substantive evaluation of transfer requests and clarify existing standards.** Notably, the workgroup established an innovative standard for evaluating whether a particular course may be transferred between institutions: when at least 70% of the learning objectives of the two courses are equivalent, a course cannot be denied for transfer. This is a significant addition to the regulations as it creates a statewide standard for identifying course equivalencies. The regulations also clearly differentiate between the standards for transfer of general education courses, individual major and elective courses, and credit for prior learning.
- ◇ **More fully integrate transfer planning and articulation agreements into the Commission’s Academic Program Review process.** When submitting an academic program proposal for review, public institutions are now required to submit a new articulation agreement, a revised articulation agreement, or justification for why an articulation agreement is not appropriate for the proposed program. Institutions will collaborate and coordinate before submitting new proposals.
- ◇ **Create additional transparency for students.** Public institutions will be required to have comprehensive institutional transfer policies and make all transfer information publicly available and easily accessible.
- ◇ **Add new terms and definitions and replace outdated terminology.** For example, the term “native student” has been replaced with “non-transfer student” and new, plain language terms were added. For instance, the regulations describe three types of articulation agreements: “Program Transfer Agreement” (the comprehensive, seamless transfer of a group courses for the completion of a specific academic program), “Course Transfer Agreement” (the transfer of individual courses), and “Prior Learning Transfer Agreement” (the awarding of credit for prior and experiential learning).
- ◇ **Significantly reorganize the existing regulations, using clear, direct language.** The regulations aim to ensure that students and university staff can easily understand and navigate the complex standards and processes governing transfer.

While these regulations provide more coherent standards and processes regarding transfer, it is anticipated that implementation of the regulations by public institutions will require significant effort and resources. In light of this, MHEC is currently preparing a detailed guidance document regarding regulatory interpretation and recommended processes and related templates.

MHEC is also currently preparing guidance on the annual reporting requirement. Student-level data will be collected to allow both the Commission and institutions to evaluate long-term outcomes. For the first year, the data collection will be limited to denial of transferability. It is hoped that future data collections will include additional information, such as the award and application of credit for transferred courses. We expect the data to help identify and evaluate best practices, obstacles to student success, and equity between institutional policies. Therefore, it is likely that these regulations will be amended after several years. Currently pending legislation regarding transfer, particularly the Transfer with Success Act 2.0 (HB 598/ SB 540) may also require regulatory changes.

The proposed new regulations and regulatory amendments are enclosed for your review and approval for publication in the Maryland Register. Specifically, the enclosed regulations and amendments propose:

- (1) Under COMAR 13B.02.03 (Academic Programs — Degree-Granting Institutions):
  - a. Making minor amendments to Regulations .02 (Definitions) and .06 (Criteria for Program Review); and
  - b. Repealing Regulation .19 (Parallel Programs and Recommended Transfer Programs) and adding a new Regulation .19 (Public Institutions—Transfer and Articulation) that creates concrete transfer and articulation requirements for public institutions requesting approval for new academic programs or substantial modifications to existing academic programs;
  
- (2) Under COMAR 13B.06.01 (Public Institutions of Higher Education):
  - a. Amending the chapter name to *General Education Requirements for Public Institutions of Higher Education* to clearly separate requirements for general education and transfer;
  - b. Making minor and non-substantive amendments to Regulations .01 (Scope and Applicability) and .02 (Definitions); and
  - c. Amending Regulation .03 (General Education Requirements for Public Institutions) to make language and organizational clarifications and to add a new provision requiring the identification of general education courses on student transcripts to assist with transfer evaluation;
  - d. Repealing the following regulations, moving some existing provisions to the new regulation above and the new regulations below:
    - i. .02-1 (Admission of Transfer Students and First-Time Students with Advanced Standing);
    - ii. .04 (Transfer of Education Program Credit);
    - iii. .05 (Academic Success and General Well-Being of Transfer Students);
    - iv. .06 (Programmatic Currency);
    - v. .07 (Transfer Mediation Committee);

- vi. .08 (Appeal Process), and
- vii. .09 (Periodic Review);

- (3) Under COMAR 13B.06.02 (Requirements for Articulation Agreements):
- a. Amending the chapter name to *Transfer Students and Transfer of Courses and Credits* to cover a broader range of transfer-related topics;
  - b. Repealing Regulation .01 (Articulation Agreements), moving some existing provisions to the new regulations below; and
  - c. Adding, for the purposes summarized in this memorandum, new Regulations:
    - i. .01 (Purpose and Scope);
    - ii. .02 (Definitions);
    - iii. .03 (Institutional Policies and Responsibilities);
    - iv. .04 (Collaboration and Coordination between Institutions);
    - v. .05 (Information for Students);
    - vi. .06 (Admission of Transfer Students);
    - vii. .07 (Transfer of Courses and Credits Generally);
    - viii. .08 (Number of Credits Accepted for Transfer);
    - ix. .09 (Transfer of General Education Courses);
    - x. .10 (Evaluation of Individual Course Equivalencies);
    - xi. .11 (Transfer of Previously Awarded Credit for Prior Learning);
    - xii. .12 (Establishment of Transferability);
    - xiii. .13 (Program Transfer Agreements); and
    - xiv. .14 (Evaluation and Review Process for Transfer of Courses and Credits); and

- (4) Under COMAR 13B.07.02 (General Regulations and Policies for Community Colleges):
- a. Making a minor, non-substantive amendment to Regulation. 01 (Admission and Transfer of Students).

These new regulations and regulatory amendments have been approved for legality by MHEC’s Assistant Attorneys General as required by the Maryland Administrative Procedure Act. Upon Commission approval, proposed regulations and regulatory amendments are submitted to the legislature’s Joint Committee on Administrative, Executive, and Legislative Review (AELR), after which they are submitted to the Division of State Documents (DSD) for publication in the Maryland Register. After a public comment period, they may be brought back before the Commission for final adoption.

**RECOMMENDATION:** It is recommended that the Commission: (1) approves for publication in the Maryland Register the enclosed proposed new regulations and regulatory amendments regarding transfer between public institutions of higher education; and (2) authorizes its Assistant Attorneys General to make non-substantive edits to the proposed regulations to conform to the stylistic and formatting requirements of AELR and DSD.