

**MHEC**

*Creating a state of achievement*

Marlin O'Malley  
Governor

Anthony G. Brown  
Lt. Governor

Anwer Hasan  
Chairperson

Ellsabeth A. Sachs  
Interim Secretary

## **MARYLAND HIGHER EDUCATION COMMISSION**

### **RESOLUTION informing the United States Department of Education regarding the authority of Maryland's community colleges to operate in Maryland**

WHEREAS, On October 29, 2010, the United States Department of Education issued Final Regulations on Program Integrity Issues (75 FR 66831 – 66975) including regulations at 34 CFR §600.9 that require an educational institution to be “established by name as an educational institution by a State through a charter, statute, constitutional provision, or other action by an appropriate State agency or State entity...” and be “authorized to operate educational programs beyond secondary education, including programs leading to a degree or certificate;” and

WHEREAS, The Maryland Higher Education Commission (“Commission”) has authority under Education Article, §§11-105 and 11-202, Annotated Code of Maryland, to coordinate the overall growth and development of postsecondary education in the State, and to issue certificates of approval to institutions of higher education to operate in the State; and

WHEREAS, Under Education Article, §§11-201 and 11-202, Annotated Code of Maryland, the Commission may issue a certificate of approval to an institution of higher education, including a community college, if it meets certain minimum requirements established by the Commission for issuing certificates, diplomas, and degrees; and

WHEREAS, The General Assembly of Maryland has established certain community colleges by name and established a process by which other community colleges and regional community colleges may be established pursuant to Education Article §16-101(b); §16-105(b)(Community College of Baltimore County), §16-202(a)(2)(regional community colleges), §16-503(a)(Baltimore City Community College), and §16-603(a)(1) (College of Southern Maryland), Annotated Code of Maryland; and

WHEREAS, Under Education Article §16-101(b), Annotated Code of Maryland, the governing body of any county that does not have a community college may request permission to establish one from the Maryland Higher Education Commission; and upon recommendation from the Maryland Higher Education Commission, the Governor may appoint a board of community college trustees for that county; and

WHEREAS, Under Education Article §16-103(b), Annotated Code of Maryland, with approval of the Maryland Higher Education Commission, each board of trustees may establish and operate one or more community colleges; and

WHEREAS, Prior to the creation of the Maryland Higher Education Commission other entities, including the Maryland State Board for Community Colleges and the Maryland State Board of

Education, were authorized by Maryland law to authorize the establishment of a community college upon request of the governing body of a county; and

WHEREAS, The Maryland Higher Education Commission pursuant to its authority to issue certificates of approval to operate in Maryland and to approve institutional name changes under Education Article, §11-202, Annotated Code of Maryland, and under the Code of Maryland Regulations, Title 13B, Subtitle 02, Chapter 02, Regulation 04B, respectively, has approved institutional name changes for community colleges; and

WHEREAS, The Commission has authority under Education Article, §11-107, Annotated Code of Maryland, to seek an injunction against an institution of higher education operating in Maryland without authorization; and

WHEREAS, The minimum requirements set forth in regulations adopted by the Commission and published in the Code of Maryland Regulations, Title 13B, Subtitle 02, Chapter 02, require institutions of higher education to adopt student rights, responsibilities, and grievance procedures; and

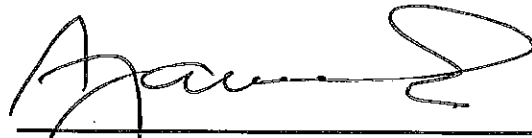
WHEREAS, The Maryland community colleges named below or their predecessors have been in operation for decades, some for more than 60 years; now, therefore, be it

RESOLVED, That the Maryland Higher Education Commission respectfully informs the United States Department of Education that the community colleges named below are authorized to operate as institutions of higher education in Maryland, offering educational programs beyond secondary education, including programs leading to a degree or certificate:

- Allegany College of Maryland
- Anne Arundel Community College
- Baltimore City Community College
- Community College of Baltimore County
- Carroll Community College
- Cecil College
- Chesapeake College
- College of Southern Maryland
- Frederick Community College
- Garrett College
- Hagerstown Community College

- Harford Community College
- Howard Community College
- Montgomery College
- Prince George's Community College
- Wor-Wic Community College

*Given under the Seal of the State of Maryland by  
the Maryland Higher Education Commission on this  
18<sup>th</sup> day of May, 2011.*



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*Chairman,  
Maryland Higher Education Commission*