

SENATE BILL 496

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SB 823/14 – EHE

5lr1912
CF 5lr2731

By: **Senators Rosapepe, Bates, Benson, Conway, Currie, Guzzone, Hough, Kagan, Kelley, King, Klausmeier, Montgomery, Nathan–Pulliam, Salling, Simonaire, Waugh, and Young**

Introduced and read first time: February 6, 2015

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland College Education Export Act of 2015**

3 FOR the purpose of authorizing the Maryland Higher Education Commission to enter into
4 the State Authorization Reciprocity Agreement; exempting certain institutions that
5 participate in the State Authorization Reciprocity Agreement from a certain
6 requirement to register with the Commission under certain circumstances; and
7 generally relating to the State Authorization Reciprocity Agreement.

8 BY repealing and reenacting, with amendments,
9 Article – Education
10 Section 11–105(m) and 11–202.2(b)
11 Annotated Code of Maryland
12 (2014 Replacement Volume and 2014 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
14 That the Laws of Maryland read as follows:

15 **Article – Education**

16 11–105.

17 (m) (1) Subject to paragraph (2) of this subsection, the Commission shall
18 administer existing programs for interstate and regional cooperation, including reciprocity
19 agreements on matters that affect postsecondary education, and may propose such new
20 programs as it deems appropriate to the educational needs of the State.

21 (2) (i) This paragraph shall apply only to a public institution of higher
22 education.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(ii) In order to provide higher educational opportunities at minimum cost to students and the State, the Commission is authorized to participate in the Southern Regional Education Board Interstate Agreement, also known as the Academic Common Market, to provide an opportunity for qualified nonresident students to enroll in selected programs and curricula on a resident tuition and fee charge basis.

(iii) Notwithstanding any other provision of this article, the Commission is specifically authorized to create guidelines for the waiver of the collection of nonresident tuition and fee charges for students from other states that are enrolled in programs and curricula approved by the Commission as part of a regional or interstate agreement.

(iv) Before participating in any interstate agreement under this subsection, the Commission shall consult with:

1. The Board of Regents of the University System of Maryland;
 2. The Board of Regents of Morgan State University;
 3. The Board of Trustees of St. Mary's College of Maryland;
- and
4. The affected community colleges.

(v) Any interstate reciprocal agreement entered into by the Commission involving the states of Pennsylvania and West Virginia shall supersede the provisions of § 16–310 of this article to the extent that the provisions of § 16–310 of this article are inconsistent with the reciprocal interstate agreement.

(3) THE COMMISSION IS AUTHORIZED TO PARTICIPATE IN THE STATE AUTHORIZATION RECIPROCAL AGREEMENT (SARA).

11–202.2.

(b) (1) An institution of higher education that enrolls Maryland students in a fully online distance education program in the State shall file an application to register with the Commission before or within 3 months of enrolling the first Maryland student.

(2) This section does not apply to an institution of higher education that enrolls Maryland students in a fully online distance education program in the State that:

(i) Is subject to program review by the Commission under § 11–206 or § 11–206.1 of this subtitle; **[or]**

(ii) Participates in the Southern Regional Education Board's Electronic Campus; **OR**

1 **(III) PARTICIPATES IN THE STATE AUTHORIZATION**
2 **RECIPROCITY AGREEMENT (SARA).**

3 (3) (i) After filing an application under paragraph (1) of this subsection,
4 an institution that has enrolled a Maryland student before obtaining a registration under
5 this section may continue to operate without a registration while the Commission considers
6 the institution's application, conducts a hearing concerning the institution's application, or
7 participates in judicial review regarding an institution's application.

8 (ii) An institution that continues to operate without a registration
9 under subparagraph (i) of this paragraph shall furnish a performance bond or other form
10 of financial guarantee to the State in an amount set by regulation that is in addition to and
11 separate from a performance bond or other form of financial guarantee required under §
12 11-203 of this subtitle.

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
14 1, 2015.