

**Maryland General Assembly  
Department of Legislative Services**

**Emergency/Proposed Regulation  
Maryland Higher Education Commission**  
(DLS Control No. 14-021)

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**Overview and Legal and Fiscal Impact**

This emergency/proposed regulation authorizes a real estate private career school to establish a satellite classroom that meets specified requirements without first obtaining approval from the Secretary of Higher Education.

The regulation presents no legal issue of concern.

There is no fiscal impact on State or local agencies.

**Regulation of COMAR Affected**

**Maryland Higher Education Commission:**

Nonpublic Schools: Minimum Requirements for Private Career Schools:  
COMAR 13B.01.01.04

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**Legal Analysis**

**Background**

Generally, an institution of postsecondary education must obtain a certificate of approval from the Maryland Higher Education Commission to commence or continue to operate in the State. The commission has delegated the authority to approve applications for the operation of private career schools to the Secretary. The process for obtaining approval of a private career school includes the submission of an application and fee, a site visit, and review and recommendation by the Secretary's advisory council. If the Secretary is satisfied that minimum requirements are met, the Secretary issues a certificate of approval that is limited to specified school locations and programs. A person must obtain approval through the same review process before beginning instruction at an additional location.

The Maryland Higher Education Commission advises that this proposed action was considered at an open meeting held on February 26, 2014.

## **Summary of Regulation**

The regulation authorizes a real estate school to establish satellite classrooms in which the school may offer an approved real estate salesperson pre-licensing program in the approved manner with qualified instructors without the prior approval of the Secretary. The regulation defines “satellite classroom” as an additional instructional space geographically separated from a real estate school’s approved location. The satellite classroom must be located in an established real estate office or other recognized place of business conducive to classroom instruction and used only for the purpose of instruction. In addition, each real estate school that establishes a satellite classroom must maintain a list of satellite classrooms, by business name and address; submit the list to the commission with the school’s annual report; limit total student enrollment at all locations to the maximum enrollment approved by the Secretary; and maintain student records from satellite classrooms at the school’s approved location.

## **Legal Issue**

The regulation presents no legal issue of concern.

## **Statutory Authority and Legislative Intent**

The commission cites §§ 11-105(u) and 11-201 of the Education Article as legal authority for this regulation. Section 11-105(u) authorizes the commission to adopt regulations necessary to carry out the coordination and governance of higher education in the State. Section 11-201 requires the commission to establish minimum requirements for issuing certificates, diplomas, and degrees by institutions of postsecondary education, which include private career schools. This authority is correct and complete. The regulation complies with the legislative intent of the law.

## **Reason for Emergency Status**

The commission has requested emergency status from February 26, 2014 until August 22, 2014. This emergency period is within normal time frames approved by the Committee. The commission indicates that the emergency status is needed to address a significant practical issue that causes problems for the agency and the industry.

## **Fiscal Analysis**

There is no fiscal impact on State or local agencies.

## **Agency Estimate of Projected Fiscal Impact**

The commission advises that the regulation has no impact on State or local governments.

## **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 regulation has minimal or no economic impact on small businesses in the State. The Department of Legislative Services advises that some real estate schools in the State are small businesses, and the regulation may minimally reduce the administrative burden for some real estate schools.

## **Contact Information**

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