

**Maryland General Assembly
Department of Legislative Services**

**Proposed Regulation
State Board of Education**
(DLS Control No. 14-093)

Overview and Legal and Fiscal Impact

This regulation authorizes a student to be counted as one full-time equivalent student under specified circumstances for the purpose of calculating State aid for education under the foundation program.

The regulation presents no legal issues of concern.

There is no material fiscal impact on State or local agencies.

Regulation of COMAR Affected

State Board of Education:

Local School Administration: General Financial Aid to Local School Systems:
COMAR 13A.02.06.03

Legal Analysis

Background

In October, 2013, the State Board of Education (State board) requested emergency status for regulations (*See* DLS Control No. 299-13) that would authorize a student who is enrolled in an early college public school program to be included as a full-time equivalent student in the enrollment count of the local school system. The State board reported that emergency status was needed in order to authorize reimbursement to the Middle College High School at Prince George's Community College and to provide all local school systems in the State with the opportunity to develop robust early college public school programs that would be ready to open for the 2014-2015 school year. The AELR Committee granted emergency status to run from November 7, 2013 until March 28, 2014, and later extended this period until August 13, 2014. However, the regulation for which emergency status was granted did not define "early college public school program" and the committee asked the State board to address this issue before proposing permanent replacement regulations.

In the intervening months, the State board studied early college public school programs and, more generally, the funding of dually enrolled students (*i.e.*, those students who are receiving credit from both high school and college courses). This regulation reflects the work of the State board, and eliminates a need for defining this term while still accomplishing the goals of ensuring that a local school system receives the full amount of State aid for a dually enrolled

student and that resources are available to develop and sustain expanded dual enrollment opportunities in the State.

Summary of Regulation

The regulation authorizes a student to be counted as one full-time equivalent student if: (1) the student is registered in a public school system in grades 9 through 12, is enrolled full-time in a State-approved institution of higher education, and is receiving credit for both high school and college courses and (2) the student is under the supervision of the public school system for the purposes of assuring that graduation requirements are met, planning the dual enrollment course work for the student, and, if appropriate, providing and supervising participation in extracurricular activities at the public school. The regulation also repeals specific references to “early college public school programs.”

Legal Issue

The regulation presents no legal issues of concern.

Statutory Authority and Legislative Intent

The State board cites §§ 2-205 and 5-202 of the Education Article as legal authority for the regulation. Section 2-205 requires the State board to determine the elementary and secondary educational policies of the State and to adopt regulations for the administration of the public schools in the State. Section 5-202 sets forth the formula for calculating State aid for education under the foundation program. This authority is correct and complete. The regulation complies with the legislative intent of the law.

Fiscal Analysis

There is no material fiscal impact on State or local agencies.

Agency Estimate of Projected Fiscal Impact

The department advises that the regulation has no fiscal impact. The Department of Legislative Services generally concurs but advises that, in addition to allowing students enrolled in official early college programs to qualify for State funding as allowed under the current regulation, this regulation may allow a minimal number of additional students to qualify as full-time equivalent students and, thus, allow a local school system to receive State funding for those students. For example, if a local school system without an official early college program allows a student to enroll in a State-approved institution of higher education on a full-time basis, agrees to award high school credit, and provides the required services and supervision, the student could count as a full-time equivalent student under the regulation. However, the projected fiscal impact is anticipated to be minimal as the number of students who would qualify is anticipated to be small and the majority of those students would have likely been enrolled in public school and, thus, already counted for State funding absent the regulation.

Impact on Budget

There is no impact on the State operating or capital budget.

Agency Estimate of Projected Small Business Impact

The department advises that the regulation has minimal or no economic impact on small businesses in the State.

Contact Information

Legal Analysis: Sara C. Fidler – (410) 946/(301) 970-5350

Fiscal Analysis: Caroline L. Boice – (410) 946/(301) 970-5510