

MARYLAND REGISTER

Proposed Action on Regulations

Transmittal Sheet PROPOSED OR REPROPOSED Actions on Regulations	Date Filed with AELR Committee	TO BE COMPLETED BY DSD
	05/02/2014	Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

1. Desired date of publication in Maryland Register: 6/13/2014

2. COMAR Codification

Title Subtitle Chapter Regulation

13B 02 01 03, .04-1

3. Name of Promulgating Authority

Maryland Higher Education Commission

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6. Check applicable items:

New Regulations

B MARYLAND HIGHER EDUCATION COMMISSION

Subtitle 02 ACADEMIC REGULATIONS

13B.02.01 Requirements for Authorization for Out-of-State Degree-Granting Institutions to Operate in Maryland

Authority: Education Article, §§11-105(u), 11-201, and 11-202, Annotated Code of Maryland.

Notice of Proposed Action

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The Maryland Higher Education Commission proposes to amend regulation .03 and add new regulation .04-1 under COMAR 13B.02.01 Requirements for Authorization for Out-of-State Degree-Granting Institutions to Operate in Maryland.

This action was considered by the Commission at an open meeting held on April 29, 2014, notice of which was given as required by the State Government Article, §10-506(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to amend the definition of operating in Maryland, as it pertains to out-of-state institutions of higher education operating in Maryland, and to establish reporting requirements for out-of-state institutions of higher education having a small number of students at sites in Maryland.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Dr. Shawna Acker-Ball, Director, Academic Affairs, Maryland Higher Education Commission, 6 N. Liberty St., 10th Floor, Baltimore, MD 21201, or call 410-767-3268, or email to sackerball@mhec.state.md.us, or fax to 410-332-0270. Comments will be accepted through 7/13/2014. A public hearing has not been scheduled.

Economic Impact Statement Part C

A. Fiscal Year in which regulations will become effective: FY 2015

B. Does the budget for the fiscal year in which regulations become effective contain funds to implement the regulations?

Yes

C. If 'yes', state whether general, special (exact name), or federal funds will be used:

No new funds will be required. The regulations can be implemented within MHEC's current budget.

D. If 'no', identify the source(s) of funds necessary for implementation of these regulations:

E. If these regulations have no economic impact under Part A, indicate reason briefly:

The regulations will likely cause a diminution in some application fee revenues (certificates of approval), and an increase in others (registration), which will impact the agency and the institutions in a neutral fashion.

F. If these regulations have minimal or no economic impact on small businesses under Part B, indicate the reason and attach small business worksheet.

There are no small businesses that are subject to these regulations.

G. Small Business Worksheet:

Attached Document:

TITLE 13B MARYLAND HIGHER EDUCATION COMMISSION

SUBTITLE 02 ACADEMIC REGULATIONS

Chapter 01 Requirements for Authorization for Out-of-State Degree-Granting Institutions to Operate in Maryland

.03 Definitions.

A. (text unchanged)

B. (text unchanged)

(1) - (11) (text unchanged)

[(12) Operate in Maryland.

(a) "Operate in Maryland" means:

(i) The maintenance in Maryland, for the purpose of offering instruction leading to a degree or certificate, or any instruction for credit, of a classroom (including a teleclassroom or a computer laboratory, or both, recruiting office, administrative office, or any other instructional space either through a lease or purchase of space;

(ii) The recurring use of space for instruction in Maryland provided by another educational entity or any organization, whether or not a lease or purchase occurs; or

(iii) The maintenance in Maryland by a nonaccredited out-of-State institution or organization of any ongoing administrative or instructional activity that purports to contribute to the granting of degrees or postsecondary certificates or course credits.

(b) "Operate in Maryland" does not include the noninstructional activities of an out-of-State institution which is accredited by an organization recognized as an accrediting agency by the U.S. Department of Education to grant institutional accreditation, that:

(i) Maintains in Maryland space for noninstructional purposes, such as recruiting, registration, or other administrative purposes;

(ii) Conducts periodic and temporary visits to Maryland for the purposes of student recruitment or contact with an institution's alumni; or

(iii) Maintains in Maryland a mailing address or a telephone answering or relay service, or advertises such a presence.

(c) "Operate in Maryland" does not include distance education that originates outside of Maryland.]

(12) "Operate in Maryland" means to:

(a) Establish or provide a location in the State for students to receive synchronous or asynchronous instruction for credit leading to a degree or certificate;

(b) Require students to physically meet in a location in the State for instructional purposes more than twice during a full-term (quarter or semester) course for a total of more than six hours; or

(c) Have more than five students, in a single program, physically present at one or more sites in the State in a supervised internship, practicum, or field experience as a required part of a degree or certificate program.

(13) - (18) (text unchanged)

.04-1 Report by Out-of-State Institutions.

A. An out-of-State institution that has no more than five students in a single program at one or more sites in the State in a supervised internship, practicum, or field experience as a required part of a degree or certificate program shall:

(1) Submit to the Secretary, by June 30 of each year, an annual report detailing the number of students placed at each internship, practicum, or field experience location; and

(2) Register any online programs in accordance with Education Article, §11–202.2, Annotated Code of Maryland; and

B. The annual report to the Secretary shall be made in a form and manner required by the Secretary.