

**Maryland General Assembly  
Department of Legislative Services**

**Proposed Regulation  
Maryland Higher Education Commission  
(DLS Control No. 14-320)**

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**Overview and Legal and Fiscal Impact**

This regulation expands the definition of “area of concentration” in the context of the arrangement of courses within a program at an institution of higher education to include credit hours at the associate’s level.

The regulation presents no legal issue of concern.

The regulation will increase special fund revenues from academic program review fees to the Maryland Higher Education Commission by a minimal amount beginning in fiscal 2015. There is no effect on State expenditures. Local community colleges that submit new area of concentration proposals will have to pay academic program review fees of \$250 per proposal; the anticipated effect on community college expenditures is expected to be negligible. There are no additional revenue or expenditure effects on local agencies.

**Regulation of COMAR Affected**

**Maryland Higher Education Commission:**

Academic Regulations: Academic Programs – Degree-Granting Institutions  
COMAR 13B.02.03.02

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**Legal Analysis**

**Background**

Current regulation defines “area of concentration” with respect to the bachelor’s level, master’s level, and doctoral level. The regulatory definition is silent as to the associate’s level.

**Summary of Regulation**

The regulation expands the definition of “area of concentration” in the context of the arrangement of courses within a program at an institution of higher education to include at least 12 semester credit hours, but not more than 30 semester credit hours, at the associate’s level.

**Statutory Authority and Legislative Intent**

The Maryland Higher Education Commission cites §§ 11-105(u) and 11-201 of the Education Article as statutory authority for the regulation. Section 11-105(u)

authorizes the commission to adopt regulations necessary to carry out its powers and duties. Section 11-201 requires the commission to establish minimum requirements for issuing certificates, diplomas, and degrees by institutions of postsecondary education, which would include the award of an associate's degree. This authority is correct and complete. The regulation complies with the legislative intent of the law.

## **Fiscal Analysis**

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

Based on historical data, the commission expects to receive an average of two new area of concentration proposals from each of Maryland's 16 community colleges. Each proposal carries a fee of \$250, resulting in estimated annual revenue of \$8,000 for the commission. The Department of Legislative Services advises that the regulation grants new authority to community colleges to establish areas of concentration, which may be useful tools to attract and/or retain students. This may result in an influx of proposals immediately following the effective date of the new regulation in spring 2015 as community colleges move to institute areas of concentration. Therefore, revenues generated by the regulation may be higher in the initial years following approval but are nevertheless expected to be minimal. The Department of Legislative Services concurs with the commission's estimate of \$8,000 in annual revenues in the out-years.

### **Impact on Budget**

The regulation has a minimal positive effect on special fund revenues for the Maryland Higher Education Commission, as noted above. There is no additional effect on the State's 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 concurs.

## **Contact Information**

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