

**Maryland General Assembly
Department of Legislative Services**

**Emergency/Proposed Regulations
Maryland Higher Education Commission**
(DLS Control No. 14-369)

Overview and Legal and Fiscal Impact

This emergency/proposed regulation authorizes a community college to apply to the Maryland Higher Education Commission for approval of a sequential arrangement as an area of concentration at the community college.

The regulation presents no legal issues of concern.

The regulation will likely result in a minimal special fund revenue increase for the Maryland Higher Education Commission from academic program review fees established under the authority granted. Community colleges that submit sequential arrangements for approval as areas of concentration will have to pay academic program review fees to the commission. 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.02.03.03-1

Legal Analysis

Summary of Regulation

The regulation authorizes a community college to apply to the commission for approval of a sequential arrangement as an area of concentration at the community college. A “sequential arrangement” is defined as an arrangement of approved courses comprising between 12 and 30 semester hours offered by a community college on or before June 30, 2014.

To be eligible to apply to the commission for approval of a sequential arrangement as an area of concentration, the community college must have publicized the arrangement as an option for students. Additionally, the regulation requires a program proposal to be submitted to the commission by June 30, 2017 and requires the proposal to contain certain things such as the name of the concentration area and an outline of the curriculum design. The regulation also specifically authorizes the Secretary of Higher Education to establish program review fees for these proposals.

Legal Issue

The regulation presents no legal issues of concern.

Statutory Authority and Legislative Intent

The commission cites §§ 11-105(u) and 11-201 of the Education Article as legal authority for the regulation. Section 11-105(u) gives the commission broad authority to adopt any regulation 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. This authority is correct and complete. The regulation complies with the legislative intent of the law.

Reason for Emergency Status

The commission requests emergency status to begin November 24, 2014, and to expire May 23, 2015. This period is within the normal 180-day time frame approved by the committee, but the requested date for commencement of emergency status is earlier than permissible under the Administrative Procedure Act (and prior to the date of submission to the AELR committee); the date of commencement will coincide with the date of approval by the committee of the request for emergency status. The commission advises that emergency status is beneficial to address issues relating to current community college degree offerings immediately, rather than waiting for several months. No other information was provided in support of the request.

Technical Corrections and Special Notes

The commission agreed to make the following technical change to clarify that the intent in C is that each proposal must have (1) through (4) and either (5) or (6):

“C. A community college may request...by submitting a proposal that:

- (1) No changes needed
- (2) No changes needed
- (3) No changes needed
- (4) No changes needed
- (5) (a) Addresses the educational need...as identified in the State Plan; or
(b) Identifies transfer...facilitate/support.”

Fiscal Analysis

The regulation will likely result in a minimal special fund revenue increase for the Maryland Higher Education Commission from academic program review fees established under the authority granted. Community colleges that submit sequential arrangements for approval as areas of concentration will have to pay academic program review fees to the commission. There are no additional revenue or expenditure effects on local agencies.

Agency Estimate of Projected Fiscal Impact

The commission anticipates that revenue from academic program review fees will not exceed \$500 annually from each of 16 community colleges, for a total annual special fund revenue increase of \$8,000. The Department of Legislative Services advises that the regulation grants new authority to community colleges to convert sequential arrangements into 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 emergency/proposed regulation in fiscal 2015. Therefore, revenue generated by the regulation may be higher in fiscal 2015 than in the remaining two years but is nevertheless expected to be minimal. Proposals to convert sequential arrangements into areas of concentration must be submitted by community colleges by June 30, 2017, so any fiscal effect terminates in fiscal 2017.

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 no economic impact on small businesses in the State. The Department of Legislative Services concurs.

Contact Information

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