

**Maryland General Assembly
Department of Legislative Services**

**Proposed Regulations
Maryland Higher Education Commission
(DLS Control No. 15-147)**

Overview and Legal and Fiscal Impact

The regulations implement the Charles W. Riley Firefighter and Ambulance and Rescue Squad Member Scholarship Program.

The regulations present no legal issues of concern.

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

Regulations of COMAR Affected

Maryland Higher Education Commission:

Financial Aid: Charles W Riley Firefighter and Ambulance and Rescue Squad Member Scholarship Program: COMAR 13B.08.03.01-12

Legal Analysis

Background

In order to increase transparency with its scholarship and financial aid programs, the Office of Student Financial Assistance in the Maryland Higher Education Commission has initiated an ongoing process to convert all program guidelines into regulations by the end of 2015. The Riley Scholarship Program is designed to encourage members of firefighting, ambulance, and rescue organizations in Maryland to pursue credited courses that lead to a degree in fire service technology, emergency medical technology, fire service management, or public safety administration with a minor or concentration in fire service technology or fire service management.

Summary of Regulations

The regulations implement the Riley Scholarship Program and are consistent with the requirements contained in § 18-603.1 of the Education Article, which establish and govern the Riley Scholarship Program. An individual must meet specified criteria to be eligible to receive a Riley Scholarship, such as being a State resident enrolled at an eligible institution and being actively engaged as a volunteer or career firefighter, ambulance squad member, or rescue squad member in an organized fire department, ambulance squad, or rescue squad in the State.

The regulations prescribe the application procedures, selection of recipients, and award notification. The regulations require annual awards to be at least 50% of the student's actual

annual tuition and mandatory fees at an eligible institution. The regulations also specify the renewal process for awards and the appeal process if awards are denied or cancelled. Consistent with the statute, the regulations require a recipient to work at least one year as a volunteer or career firefighter, an ambulance squad member, or a rescue squad member in an organized fire department, ambulance squad, or rescue squad in the State after completion of an eligible program in an eligible institution. The regulations require a recipient to repay the scholarship if the service obligation is not performed, but provide the option for a recipient to request that the service obligation be deferred for specified reasons. The regulations also allow the office to waive a recipient's service and repayment obligation if the recipient dies or provides proof from two qualified physicians that the recipient is permanently impaired.

Legal Issue

The regulations present no legal issues of concern.

Statutory Authority and Legislative Intent

The commission cites §§ 11-105(u), 18-204(c), and 18-603.1 of the Education Article as legal authority for the regulations. Section 11-105(u) gives the commission authority to adopt any rule or regulation necessary to carry out its powers and duties. Section 18-204(c) states that the office may adopt any rule or regulation necessary to carry out its powers and duties, one of which is to administer student financial assistance programs such as the Riley Scholarship Program.

Section 18-603.1 establishes and governs the Riley Scholarship Program. This section specifies the qualifications of an applicant and the requirements to maintain a certain grade point average and file for financial aid by a certain time. An award may be up to 100% of tuition and mandatory fees. This section also establishes the Riley Scholarship Fund within the commission and requires the commission to administer the fund. This section requires a recipient to work at least one year as a volunteer or career firefighter, ambulance squad member, or rescue squad member in an organized fire department, ambulance squad, or rescue squad in the State after completion of an eligible program in an eligible institution. Additionally, this section requires a recipient to repay the scholarship if the service obligation is not performed.

This authority is correct and complete. The regulations comply with the legislative intent of the law.

Technical Corrections and Special Notes

In response to suggestions from the Department of Legislative Services, staff for the commission agreed to make several stylistic, technical, and clarifying changes to Regulations .02A(2)(b) and B, .03A, .04A, .07, .08A and C, .10A, and .12.

Please note that while the statute only sets a maximum scholarship of 100% of the student's actual annual tuition and mandatory fees at an eligible institution, the regulations require an annual award to be at least 50% of the student's actual annual tuition and mandatory fees. Commission staff explained that this is because when the guidelines were being negotiated, the fire and rescue organizations felt strongly that the annual award should be at least 50%.

Although the statute does not require annual awards to be 50% of a student's actual annual tuition and mandatory fees, the 50% minimum is not prohibited under the statute.

Fiscal Analysis

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

Agency Estimate of Projected Fiscal Impact

The commission advises that the regulations have no impact on state or local governments and that the regulations codify existing guidelines and practices (both written and unwritten) developed by the commission regarding the Charles W. Riley Firefighter and Ambulance and Rescue Squad Member Scholarship Program. The Department of Legislative Services concurs and advises that the scholarship was established by Chapter 503 of 2013 to replace the Tuition Reimbursement Program, which is repealed effective October 1, 2015. There is no fiscal impact beyond the estimate in the fiscal and policy note for Senate Bill 587 of 2013 (Chapter 503). No regulations regarding the tuition reimbursement program or the new scholarship program have been promulgated previously.

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

Contact Information

Legal Analysis: Dana Tagalicod – (410) 946/(301) 970-5350

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