

**Maryland General Assembly
Department of Legislative Services**

**Proposed Regulations
Maryland Higher Education Commission
(DLS Control No. 15-191)**

Overview and Legal and Fiscal Impact

The regulations implement the Veterans of the Afghanistan and Iraqi Conflicts Scholarship Program.

The regulations present no legal issues of concern.

There is no fiscal impact on State or local agencies.

Regulations of COMAR Affected

Maryland Higher Education Commission:

Financial Aid: Veterans of the Afghanistan and Iraqi Conflicts Scholarship Program:
COMAR 13B.08.07.01-.09

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 financial aid program guidelines into regulations by the end of 2015. The Veterans of the Afghanistan and Iraqi Conflicts Scholarship Program provides financial assistance to United States armed forces personnel who served in the Afghanistan and Iraqi conflicts and their sons, daughters, or spouses attending a Maryland postsecondary institution.

Summary of Regulations

The regulations implement the Veterans of the Afghanistan and Iraqi Conflicts Scholarship Program and are consistent with the requirements contained in § 18-604 of the Education Article, which establish and govern the Veterans of the Afghanistan and Iraqi Conflicts Scholarship Program. An individual must meet certain criteria to be eligible to receive financial assistance under the program, such as the individual must be a resident of Maryland, be enrolled at an eligible institution at least part-time, and must have served in the Afghanistan or Iraqi conflicts for at least 60 days or be the child or spouse of an individual who served in those conflicts.

Consistent with the statute, the regulations specify the application, selection, and awarding procedures for the program. The regulations also set forth the requirements for renewal and revocation, along with an appeal process if an award is revoked. The regulations prohibit the office from making initial awards after June 30, 2020.

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 18-604 of the Education Article as statutory 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 Veterans of the Afghanistan and Iraqi Conflicts Scholarship Program. Section 18-604 establishes and governs the Veterans of the Afghanistan and Iraqi Conflicts Scholarship Program. The program is established in § 18-604(b) and eligibility criteria are specified in subsection (c). Subsection (e) sets forth the maximum amount of an award, subsection (f) requires a recipient to maintain a 2.5 grade point average, and subsection (g) specifies the duration of an award. Subsection (i) prohibits initial awards from being made after June 30, 2020 and subsection (j) allows a senator or a delegate to authorize the office to award all or a portion of the legislator's scholarship funds to this program.

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 stylistic, technical, and clarifying changes to the legal authority reference and in Regulations .02A(1) and .04A(4) and (5).

Commission staff also agreed that the provision in § 18-604(j) that allows a senator or a delegate to authorize legislative scholarship funds to be used to award scholarships under this program should be included in the regulations for the Senatorial Scholarship Program and the Delegate Scholarship Program.

Fiscal Analysis

There is no fiscal impact on State or local agencies.

Agency Estimate of Projected Fiscal Impact

The commission advises that the regulations codify existing guidelines and practices (both written and unwritten) developed by the commission regarding the Veterans of the Afghanistan and Iraqi Conflicts Scholarship Program and have no impact on State or local governments. The Department of Legislative Services concurs to the extent that the regulations do not modify current practice. The scholarship was established by Chapter 290 of 2006 and has been modified over the years; however, no regulations regarding the program have been promulgated.

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

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