

MARYLAND REGISTER

Proposed Action on Regulations

Transmittal Sheet PROPOSED OR REPROPOSED Actions on Regulations	Date Filed with AELR Committee	TO BE COMPLETED BY DSD
	09/24/2015	Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

1. Desired date of publication in Maryland Register: 10/30/2015

2. COMAR Codification

Title Subtitle Chapter Regulation

13B 02 02 .23

3. Name of Promulgating Authority

Maryland Higher Education Commission

4. Name of Regulations Coordinator

Tonya L Johnson

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5. Name of Person to Call About this Document

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6. Check applicable items:

- New Regulations

Amendments to Existing Regulations

 Date when existing text was downloaded from COMAR online: .

Repeal of Existing Regulations

Recodification

Incorporation by Reference of Documents Requiring DSD Approval

Reproposal of Substantively Different Text:

: Md. R
(vol.) (issue) (page nos) (date)

Under Maryland Register docket no.: --P.

7. Is there emergency text which is identical to this proposal:

Yes - No

8. Incorporation by Reference

Check if applicable: Incorporation by Reference (IBR) approval form(s) attached and 18 copies of documents proposed for incorporation submitted to DSD. (Submit 18 paper copies of IBR document to DSD and one copy to AELR.)

9. Public Body - Open Meeting

- OPTIONAL - If promulgating authority is a public body, check to include a sentence in the Notice of Proposed Action that proposed action was considered at an open meeting held pursuant to State Government Article, §10-506(c), Annotated Code of Maryland.

OPTIONAL - If promulgating authority is a public body, check to include a paragraph that final action will be considered at an open meeting.

10. Children's Environmental Health and Protection

Check if the system should send a copy of the proposal to the Children's Environmental Health and Protection Advisory Council.

11. Certificate of Authorized Officer

I certify that the attached document is in compliance with the Administrative Procedure Act. I also certify that the attached text has been approved for legality by Mark Blom, Assistant Attorney General, (telephone #410-767-3311) on September 24, 2015. A written copy of the approval is on file at this agency.

Name of Authorized Officer

Mark Blom

Title

Principal Counsel

Telephone No.

410-767-3311

Date

September 24, 2015

Title 13B
B MARYLAND HIGHER EDUCATION COMMISSION

Subtitle 02 ACADAMIC REGULATIONS

13B.02.02 Minimum Requirements for In-State Degree Granting Institutions

Authority: Education Article, §§ 11-105(u) and 15-106.1, Annotated Code of Maryland.

Notice of Proposed Action

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The Maryland Higher Education Commission proposes to adopt new Regulation .23 Tuition Exemption for Foster Care Recipients and Unaccompanied Homeless Youth under 13B.02.02.

This action was considered by the Maryland Higher Education Commission at a public meeting on September 23, 2015.

Statement of Purpose

The purpose of this action is to adopt implementing regulations concerning § 15-106.1 of the Education Article of the Annotated Code of Maryland (tuition exemption for foster care recipients and unaccompanied homeless youth).

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact.

The regulation requires tuition waivers for foster care recipients and unaccompanied homeless youth who are enrolled in a certification or licensure noncredit course offered a public institution of higher education if the institution receives State funding for the course. The Department of Human Resources has 20 such students on its caseload.

II. Types of Economic Impact.	Revenue (R+/R-)	Expenditure (E+/E-)	Magnitude
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A. On issuing agency:	NONE		
B. On other State agencies:	NONE		
C. On local governments:			
(1) Savings on tuition expenditures	(E-)		nominal
(2) Loss of Tuition revenue	(R-)		nominal

	Benefit (+) Cost (-)	Magnitude
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D. On regulated industries or trade groups: NONE

E. On other industries or trade groups: NONE

F. Direct and indirect effects on public: NONE

III. Assumptions. (Identified by Impact Letter and Number from Section II.)

C(1). Several local departments of social services pay the tuitions charged to these students. This regulation will result in the savings of those monies.

C(2). Community colleges will no longer be able to assess tuition to these students for noncredit courses. The Department of Human Resources has 20 such students on its caseload.

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. Jennifer Frank, Assistant Secretary, Maryland Higher Education Commission, 6 N. Liberty St, 10th Floor Baltimore, Md 21201, or call 410-767-3041, or email to jennifer.frank@maryland.gov, or fax to 410-332-0270.

Comments will be accepted through December 1, 2015. A public hearing has not been scheduled.

Economic Impact Statement Part C

A. Fiscal Year in which regulations will become effective: FY 2016

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:

General

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:

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

This regulation has no impact on small businesses.

G. Small Business Worksheet:

Attached Document:

Title 13B

MARYLAND HIGHER EDUCATION COMMISSION

SUBTITLE 02 ACADEMIC REGULATIONS

Chapter 02 Minimum Requirements for In-State Degree-Granting Institutions

Authority: Education Article, §§11-105(u) and 15-106.1; Annotated Code of Maryland

.23 Tuition Exemption for Foster Care Recipients and Unaccompanied Homeless Youth

A. In this regulation, the following terms have the meaning indicated.

(1) (a) "Foster care recipient" means an individual who:

(i) Was placed in an out-of-home placement by the Maryland Department of Human Resources; and

(ii) Resided in an out-of-home placement in the State at the time the individual graduated from high school or successfully completed a general equivalency development examination (GED); or

(iii) Resided in an out-of-home placement in the State on the individual's 13th birthday and was placed into guardianship or adopted out of an out-of-home placement after the individual's 13th birthday.

(b) "Foster care recipient" includes a younger sibling of an individual described in paragraph(a) of this subsection if the younger sibling is concurrently placed into guardianship or adopted out of an out-of-home placement by the same guardianship or adoptive family.

(2) "Out-of-home placement" has the meaning stated in § 5-501 of the Family Law Article.

(3) (a) "Tuition" means the charges imposed by a public institution of higher education for enrollment at the institution.

(b) "Tuition" includes charges for registration and all fees required as a condition of enrollment.

(4) "Unaccompanied homeless youth" means a child or youth who:

(a) Has had a consistent presence in the State for at least 1 year before enrollment in a public institution of higher education that is documented by school, employment, or other records;

(b) Is not in the physical custody of a parent or guardian;

(c) Is a homeless child or youth, as defined by the McKinney-Vento Homeless Assistance Act; and

(d) Was determined to be a homeless child or youth by:

(i) A Maryland local school system homeless liaison, as defined by the McKinney-Vento Homeless Assistance Act;

(ii) A director or a designee of the director of a Maryland-based program funded under the Runaway and Homeless Youth Act;

(iii) A director or a designee of the director of a Maryland-based program funded under Title IV, Subtitle B of the McKinney-Vento Homeless Assistance Act; or

(iv) The financial aid director at the public institution of higher education in which the youth seeks to enroll.

(5) "Vocational certificate" means a certification or licensure program offered by a public institution of higher education:

(a) Through courses for credit; or

(b) Through non-credit courses if the Commission approves the courses for State funding.

B. When determining whether a youth is an unaccompanied homeless youth, a financial aid administrator shall verify annually that the youth qualifies as an independent student under the federal College Cost Reduction and Access Act, 20 U.S.C. § 1087vv(d)(1)(H).

C. A foster care recipient or an unaccompanied homeless youth is exempt from paying any tuition at a public institution of higher education, regardless of that foster care recipient's or unaccompanied homeless youth's receipt of any scholarship or grant if:

(1) The foster care recipient or unaccompanied homeless youth is enrolled at the institution on or before the date that the foster care recipient or unaccompanied homeless youth reaches the age of 25 years;

(2) The foster care recipient or unaccompanied homeless youth is enrolled as a candidate for a vocational certificate, an associate's degree, or a bachelor's degree; and

(3) The foster care recipient or unaccompanied homeless youth has filed for federal and State financial aid by March 1 each year.

D. If a foster care recipient or an unaccompanied homeless youth receives a scholarship or grant for postsecondary study and is enrolled before the recipient's 25th birthday as a candidate for a vocational certificate, an associate's degree, or bachelor's degree at a public institution of higher education, the scholarship or grant may not be applied to the tuition for the foster care recipient or unaccompanied homeless youth.

E. A foster care recipient or an unaccompanied homeless youth who is exempt from tuition under this section continues to be exempt until the earlier of:

(1) 5 years after first enrolling as a candidate for an associate's degree or a bachelor's degree at a public institution of higher education in the State; or

(2) The date that the foster care recipient or unaccompanied homeless youth is awarded a bachelor's degree.