

**Maryland General Assembly
Department of Legislative Services**

**Proposed Regulation
Maryland Higher Education Commission
(DLS Control No. 16-031)**

Overview and Legal and Fiscal Impact

The regulation clarifies that all institutions of higher education that register with the Maryland Higher Education Commission in accordance with Chapter 1 of Subtitle 5 must report the number of students the institution places at internship, practicum, or field experience locations within the State.

The regulation presents no legal issues of concern.

There is no fiscal impact on State or local agencies.

Regulation of COMAR Affected

Maryland Higher Education Commission:

Fully Online Programs: Registration: COMAR 13B.05.01.11

Legal Analysis

Summary of Regulation

The regulation clarifies that all institutions of higher education that register with the Maryland Higher Education Commission in accordance with Chapter 1 of Subtitle 5 must report the number of students the institution places at internship, practicum, or field experience locations within the State. The regulation accomplishes this by requiring an institution that has no more than 10 Maryland students, instead of no more than 5 under the current regulation, in a program at one site in the State in a supervised internship, practicum, or field experience to report the number of students the institution places at each internship, practicum, or field experience location. If an institution of higher education has more than 10 students it is deemed to “operate in Maryland” under COMAR 13B.02.01.03 and is required to obtain a certificate of approval, which is a more stringent standard than registration with the commission.

The language of the regulation is substantially similar to COMAR 13B.02.01.04-1, which requires out-of-state institutions to report the number of students the institution places at each internship, practicum, or field experience location.

Legal Issues

The regulation presents no legal issues of concern.

Statutory Authority and Legislative Intent

The commission cites §§ 11-105(u), 11-202, and 11-202.2 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 11-202 states that an institution must have a certificate of approval from the commission in order to operate in Maryland, unless the institution meets certain exceptions. Section 11-202.2 requires an institution of higher education that enrolls Maryland students in a fully online distance education program in the State to register with the commission, unless the institution meets certain exceptions.

This authority is correct and complete. The regulation complies with the legislative intent of the law.

Fiscal Analysis

There is no fiscal impact on State or local agencies.

Agency Estimate of Projected Fiscal Impact

The department advises that the regulation codifies current practice. The Department of Legislative Services concurs.

Impact on Budget

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

Agency Estimate of Projected Small Business Impact

The department advises that the regulation has minimal or no economic impact on small businesses in the State. The Department of Legislative Services concurs with this assessment.

Contact Information

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