

MARYLAND REGISTER

Proposed Action on Regulations

Transmittal Sheet PROPOSED OR REPROPOSED Actions on Regulations	Date Filed with AELR Committee	TO BE COMPLETED BY DSD
	11/03/2017	Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

1. Desired date of publication in Maryland Register: 12/8/2017

2. COMAR Codification

Title Subtitle Chapter Regulation

13B 02 01 03, .21

13B 02 02 03, .16

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13B 02 03 29

3. Name of Promulgating Authority

Maryland Higher Education Commission

4. Name of Regulations Coordinator

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6. Check applicable items:

- New Regulations

- Amendments to Existing Regulations

Date when existing text was downloaded from COMAR online: 11/2/17.

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 General Provisions

Article, §3-302(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 Christine Wellons, Assistant Attorney General, (telephone #410-767-3313) on 11/3/17. A written copy of the approval is on file at this agency.

Name of Authorized Officer

Christine Wellons

Title

Principal Counsel

Date

11/3/17

Telephone No.

410-767-3313

Title 13B

B MARYLAND HIGHER EDUCATION COMMISSION

Subtitle 02 ACADEMIC REGULATIONS

13B.02.01 Requirements for Authorization of Out-of-State Degree-Granting Institutions to Operate in Maryland

Subtitle 02 ACADEMIC REGULATIONS

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

Subtitle 02 ACADEMIC REGULATIONS

13B.02.03 Academic Programs - Degree-Granting Institutions

Subtitle 02 ACADEMIC REGULATIONS

13B.02.03 Academic Programs - Degree-Granting Institutions

Authority: Md. Code Ann., Educ. 11-105(u), 11-201, 11-202, 11-203, 11-206.

Notice of Proposed Action

□

The Maryland Higher Education Commission proposes to amend regulations in COMAR 13B.02.01, 13B.02.02, and 13B.02.03, and to add regulation .29 to 13B.02.03.

This action was considered at a public meeting of the Commission on November 25, 2017.

Statement of Purpose

The purpose of this action is to amend Academic Regulations of the Commission in order that certain institutions of higher education may offer distance education in certain circumstances, and that certain institutions may alter a program modality (i.e., distance education or on-campus education) upon prior notice to the Commission.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact.

The proposal will reduce fees paid by an institution of higher education when it alters a program modality from an on-campus to online format, or visa-versa.

II. Types of Economic Impact.	Revenue (R+/R-)	
	Expenditure (E+/E-)	Magnitude
<hr/>		
A. On issuing agency:		
Fees to Institutions	(R-)	Minimal
B. On other State agencies:	NONE	
C. On local governments:	NONE	
	Benefit (+)	
	Cost (-)	Magnitude
<hr/>		

- D. On regulated industries or trade groups:
- | | | |
|-------------------|-----|---------|
| Reduction in Fees | (+) | Minimal |
|-------------------|-----|---------|
- 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.)

A. An institution that previously would have been required to submit a substantial program modification application and \$250 fee to the Commission in order to change program modalities now will submit a notification with a \$50 fee to the Commission. Based on prior years, the reduction in revenues is likely to be less than \$5,000 annually.

D. An institution that previously was required to pay a \$250 fee in order to change a program modality now will be required to pay a \$50 fee. In addition, institutions will have to expend fewer resources on completing substantial modification applications; a change in program modality will require notification only.

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 Emily A.A. Dow, Ph.D., Assistant Secretary, Maryland Higher Education Commission, 6 North Liberty Street, Baltimore, MD 21201, or call 410-767-3300, or email to emily.dow@maryland.gov, or fax to . Comments will be accepted through January 8, 2018. A public hearing has not been scheduled.

Economic Impact Statement Part C

- A. Fiscal Year in which regulations will become effective: FY 19
- 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.
The regulations will have a positive economic impact on institutions of higher education, which are not small businesses.
- G. Small Business Worksheet:

Attached Document:

Subtitle 02 ACADEMIC REGULATIONS

Chapter 01 Requirements for Authorization of Out-of-State Degree-Granting Institutions to Operate in Maryland

.03 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) – (5) [text unchanged]

(5-1) "*C-RAC guidelines*" mean the *Interregional Guidelines for the Evaluation of Distance Education adopted by the Council of Regional Accrediting Commissions*.

(6)-(7) [text unchanged]

(8) [Distance Education.

(a) "Distance education" means [course work for academic credit delivered by telecommunicated instruction to a physical space specifically reserved for the purpose of receiving the instruction, for example, a teleclassroom, and requires the payment of tuition or fees for the instruction] *education that uses one or more of the following technologies to deliver instruction to students who are separated from the instructor, and to support regular and substantive interaction between the students and the instructor synchronously or asynchronously:*

(a) *Internet;*

(b) *One-way and two-way transmissions through open broadcasts, closed circuit, cable, microwave, broadband lines, fiber optics, satellite or wireless communication devices;*

(c) *Audio conferencing; and*

(d) *Video cassette, DVDs, and CD-ROMs, if the cassette, DVDs, and CD-ROMs are used in a course in conjunction with a technology listed in (a) – (c) of this subsection.*

[(b) "Distance education" does not include telecommunicated instruction at the student's initiation via an individual personal computer.]

(9) – (18) [text unchanged]

.21 Instruction Delivered by Distance Education.

[A.] An out-of-State institution operating in Maryland and delivering instruction in Maryland by distance education shall provide evidence to the Secretary of compliance with the [standards of good practice] *C-RAC guidelines*. [in §B of this regulation.]

[B. Standards of Good Practice for Distance Education.

[(1) Curriculum and Instruction.

(a) A program of study shall be developed by a team of faculty, administrators, and technologists.

(b) A program of study shall result in learning outcomes appropriate to the rigor and breadth of the degree program offered.

(c) A degree program delivered by distance education shall be coherent and complete.

(d) A program shall provide for appropriate real-time or delayed interaction between faculty and students.

(e) Qualified faculty shall provide appropriate oversight of the program offered.

(f) Faculty members in appropriate disciplines shall participate in the design and planning of programs and courses to be delivered by distance learning.

(2) Role and Mission.

(a) The program shall be consistent with the institution's mission.

(b) Review and approval processes shall ensure the appropriateness of the technology being used to meet a program's objectives.

(3) Faculty Support.

(a) Principles of good practice for teaching in a distance learning format shall be developed and maintained by the faculty.

(b) A program shall provide faculty support services specifically related to teaching via distance education.

(c) The program shall provide training for faculty who teach via the use of technology.

(4) Resources for Learning. A program shall ensure that appropriate learning resources are available to students.

(5) Students and Student Services.

(a) A program shall provide students with clear, complete, and timely information on the:

(i) Curriculum;

(ii) Course and degree requirements;

(iii) Nature of faculty/student interaction;

(iv) Assumptions about technology competence and skills;

(v) Technical equipment requirements;

(vi) Availability of academic support services and financial aid resources; and

(vii) Costs and payment policies.

(b) Enrolled students shall have reasonable and adequate access to the range of student services to support their learning.

(c) Accepted students shall have the background, knowledge, and technical skills needed to undertake the program.

(d) Advertising, recruiting, and admissions materials shall clearly and accurately represent the program and the services available.

(6) Commitment to Support.

(a) Policies for faculty evaluation shall include appropriate consideration of teaching and scholarly activities related to programs offered through distance learning.

(b) An institution shall demonstrate a commitment to ongoing support, both financial and technical, and to a continuation of the program for a period sufficient to enable students to complete a degree/certificate.

(7) Evaluation and Assessment.

(a) An institution shall evaluate the program's educational effectiveness, including assessments of student learning outcomes, student retention, student and faculty satisfaction, and cost effectiveness.

(b) An institution shall provide for assessment and documentation of student achievement in each course and at the completion of the program.]

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

.03 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) – (6) [text unchanged]

(6-1) "*C-RAC guidelines*" mean the *Interregional Guidelines for the Evaluation of Distance Education adopted by the Council of Regional Accrediting Commissions*.

(7)-(8) [text unchanged]

(9) [Distance Education.

(a) "Distance education" means [course work for academic credit delivered by telecommunicated instruction to a physical space specifically reserved for the purpose of receiving the instruction, for example, a teleclassroom, and requires the payment of tuition or fees for the instruction] *education that uses one or more of the following technologies to deliver instruction to students who are separated from the instructor, and to support regular and substantive interaction between the students and the instructor synchronously or asynchronously:*

(a) *Internet;*

(b) *One-way and two-way transmissions through open broadcasts, closed circuit, cable, microwave, broadband lines, fiber optics, satellite or wireless communication devices;*

(c) *Audio conferencing; and*

(d) *Video cassette, DVDs, and CD-ROMs, if the cassette, DVDs, and CD-ROMs are used in a course in conjunction with a technology listed in (a) – (c) of this subsection.*

[(b) "Distance education" does not include telecommunicated instruction at the student's initiation via an individual personal computer.]

(10) – (30) [text unchanged]

.16 Graduation Requirements.

A.-N. [text unchanged]

O. Instruction Delivered by Distance Education.

[(1)] An in-State institution delivering instruction in Maryland by distance education shall provide evidence to the Secretary of compliance with the [standards of good practice] *C-RAC guidelines*. [in §O(2) of this regulation.]

[(2) Standards of Good Practice for Distance Education.

- (a) Curriculum and Instruction.
 - (i) A program of study shall be developed by a team of faculty, administrators, and technologists.
 - (ii) A program of study shall result in learning outcomes appropriate to the rigor and breadth of the degree program offered.
 - (iii) A degree program delivered by distance education shall be coherent and complete.
 - (iv) A program shall provide for appropriate real-time or delayed interaction between faculty and students.
 - (v) Qualified faculty shall provide appropriate oversight of the program offered.
 - (vi) Faculty members in appropriate disciplines shall participate in the design and planning of programs and courses to be delivered by distance learning.
- (b) Role and Mission.
 - (i) A program shall be consistent with the in-State institution's mission.
 - (ii) Review and approval processes shall ensure the appropriateness of the technology being used to meet a program's objectives.
- (c) Faculty Support.
 - (i) Principles of good practice for teaching in a distance learning format shall be developed and maintained by the faculty.
 - (ii) A program shall provide faculty support services specifically related to teaching via distance education.
 - (iii) A program shall provide training for faculty who teach via the use of technology.
- (d) A program shall ensure that appropriate learning resources are available to students.
- (e) Students and Student Services.
 - (i) A program shall provide students with clear, complete, and timely information on the curriculum, course and degree requirements, nature of faculty/student interaction, assumptions about technology competence and skills, technical equipment requirements, availability of academic support services and financial aid resources, and costs and payment policies.
 - (ii) Enrolled students shall have reasonable and adequate access to the range of student services to support their learning.
 - (iii) Accepted students shall have the background, knowledge, and technical skills needed to undertake the program.
 - (iv) Advertising, recruiting, and admissions materials shall clearly and accurately represent the program and the services available.
- (f) Commitment to Support.
 - (i) Policies for faculty evaluation shall include appropriate consideration of teaching and scholarly activities related to programs offered through distance learning.
 - (ii) An in-State institution shall demonstrate a commitment to ongoing support, both financial and technical, and to a continuation of the program for a period sufficient to enable students to complete a degree/certificate.
- (g) Evaluation and Assessment.
 - (i) An in-State institution shall evaluate the program's educational effectiveness, including assessments of student learning outcomes, student retention, student and faculty satisfaction, and cost-effectiveness.
 - (ii) An institution shall provide for assessment and documentation of student achievement in each course and at the completion of the program.]

Chapter 03 Academic Programs — Degree-Granting Institutions

.02 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) – (4) [text unchanged]

(4-1) “C-RAC guidelines” mean the *Interregional Guidelines for the Evaluation of Distance Education* adopted by the Council of Regional Accrediting Commissions.

(5) [text unchanged]

(6) “Distance education” means [course work taught by an institution through electronic distribution of instruction to a site other than the principal location of the institution, and advertised or described as leading to the formal award of a certificate or degree] *education that uses one or more of the following technologies to deliver instruction to students who are separated from the instructor, and to support regular and substantive interaction between the students and the instructor synchronously or asynchronously:*

(a) *Internet;*

(b) *One-way and two-way transmissions through open broadcasts, closed circuit, cable, microwave, broadband lines, fiber optics, satellite or wireless communication devices;*

(c) *Audio conferencing; and*

(d) *Video cassette, DVDs, and CD-ROMs, if the cassette, DVDs, and CD-ROMs are used in a course in conjunction with a technology listed in (a) – (c) of this subsection.*

(7) *“Distance education course” means a course in which the instructional content is delivered exclusively via distance education, except that requirements for coming to campus for orientation, testing, or academic support services do not exclude a course from being classified as a distance education course.*

[(7)] (8) *“Distance education program” means [:*

(a) *For an institution of higher education other than a community college, a program in which more than 50 percent of the program is offered through electronic distribution of instruction to one or more sites other than the principal location of an institution; or*

(b) *For a community college, a program in which more than 50 percent of the program is offered through electronic distribution of instruction outside the community college service area] a program for which all the required coursework for program completion may be completed by distance education courses.*

[(8)] (9) *“Formal award” means a certificate or degree granted in recognition of successful completion of the requirements of a program, conferred by the faculty and ratified by an institution's governing board.*

[(9)] (10) *“Historically black institution (HBI)” means a Maryland public historically black institution, including Bowie State University, Coppin State University, Morgan State University, and University of Maryland Eastern Shore.*

[(10)] (11) *“Independent institution” means a private nonprofit institution of higher education.*

[(11)] (12) *“In-State institution” means an institution of higher education whose primary campus is in Maryland and whose authority to grant degrees is conferred by Maryland.*

[(12)] (13) *“Institution of higher education” means an institution of postsecondary education that generally limits enrollment to graduates of secondary schools, and awards degrees at the associate, bachelor’s, or graduate level.*

[(13)] (14) *“Internship” means a supervised work experience or field placement in a student's program.*

[(14)] (15) *“Joint degree” means a single degree offered by two or more institutions bearing the name and seal of each in which all cooperating institutions are substantively involved in required course work, faculty exchange, and shared use of facilities.*

[(15)] (16) *Off-Campus Program.*

(a)–(b) [text unchanged]

(17) *“On-campus education” means education in which the instruction occurs when the learner(s) and the instructor(s) are in the same location, synchronously to all students. On campus education may incorporate elements of technology, and may be web-enhanced, e.g., instruction with standard meeting places and times, which include an electronic component to deliver homework assignments or require e-mail exchanges between the instructor and students.*

(18) *“On-campus program” means a program that is not a distance education program.*

[(16)] (19) *“Parallel program” means a program at a community college and a program at a public 4-year institution of higher education having comparable objectives.*

[(17)] (20) *“Primary degree” means a single degree offered by one institution having responsibility for at least 2/3 of the course requirements in which cooperating institutions participate by the appropriate and complementary addition of courses, faculty, and facilities intended to complete the degree requirements of the primary institution.*

[(18)] (21) *“Private for-profit institution” means a privately owned and operated institution of higher education that is intended to operate as a business.*

[(19)] (22) *“Program” means a course of study requiring the completion of a specified number of semester credit hours from among a prescribed group of courses that leads to a formal award.*

(23) *“Program modality” means:*

(1) *Distance education; or*

(2) *On-campus education.*

[(20)] (24) *“Program proposal” means a submission for a new program or substantial modification for review in the form and manner required by the Secretary.*

[(21)] (25) *“Recommended transfer program (RTP)” means a program including both general education and courses in a major, taken at a community college, that is:*

(a)–(b) [text unchanged]

[(22)] (26) *“Secretary” means the Secretary of Higher Education.*

[(23)] (27) *“Segment” means:*

(a)–(f) [text unchanged]

[(24)] (28) *“State Plan” means the document entitled Maryland State Plan for Postsecondary Education.*

[(25)] (29) *“Substantial modification” means a major change in an existing program or area of concentration.*

[(26)] (30) *“Undergraduate major” means, varying by degree program and subject area:*

(a)–(b) [text unchanged]

.02-1 Program Review Fees.

A. Except as provided in section C of this regulation, each institution of higher education shall pay an academic program review fee for each program review action as provided in this regulation.

B. The following schedule sets forth the fees for academic program review actions.

Category	Actions Covered	Fee
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No Fee	• Articulation Agreement • Code Change • Request for Proposal from Community College	\$0
Nominal Fee	• Discontinued Program • Suspend Program • Reactivate Program • Change Program Title • <i>Notification of a Change in Program Modality</i> • Non-Substantial Program Change • Substantial Change to Area of Concentration • Substantial Change to Certificate Program	\$50
Modest Fee	• New Area of Concentration • New Certificate Program Within an Existing Program • Closed Site Approval • Statewide and Health Manpower Designations • Substantial Change to Degree Program • Off-Campus Program	\$250
Substantial Fee	• New Stand-Alone Certificate Program • New Academic Program • BTPS Program • Cooperative Degree Program • New Academic Program At Approved Out-of-State Institution Within a Non-Renewal Year	\$850
New Degree Level Fee	• New Degree Level Approval	\$5,000 for up to two degree programs plus \$1,000 for each degree program over two programs

C. An institution of higher education requesting a program review action related to a program offered at a regional higher education center is exempt from payment of an academic program review fee.

.03 Statutory Authority of the Commission Regarding Academic Program Review, Approval, and Recommendation.

A. –D. [text unchanged]

E. An institution shall submit a program proposal for a substantial modification to:

- (1) Change more than 33 percent of an existing program’s course work;
- [(2)] (2) Convert more than 50 percent of a program previously approved for offering in a distance education format to a classroom or site-based learning format, or convert more than 50 percent of a program previously approved for offering in a classroom or site-based learning format to a distance education format.];
- [(3)] (2) Offer an existing program as an off-campus program;
- [(4)] (3) Establish a new area of concentration within an existing program (for example, an institution offers a program in psychology and wishes to add a new area of concentration in employee assistance training, or an institution offers a program in mental health and wishes to offer a new area of concentration in addiction counseling); or
- [(5)] (4) Establish a new program title within an approved program (for example, an institution offers a program in human resources and wishes to offer a program in human resources management).

F. – I. [text unchanged]

.06 Criteria for Program Review.

A program proposal shall address the following areas:

A. - M. [text unchanged]

N. Consistency with the Commission's minority student achievement goals; [and]

O. Relationship to low productivity programs identified by the Commission[.]; and

P. *Adequacy of distance education programs under Regulation .22 of this chapter.*

.07 Mission and Planning Priorities.

A. A program proposal submitted by an institution that is central to the institution's mission statement is eligible for approval or recommendation for implementation.

B. A proposed program shall be:

- (1) Central to the institution’s mission;
- (2) Related to the program emphasis as outlined in the mission statement; [and]
- (3) An institutional priority for program development consistent with the institution’s strategic planning process[.]; and
- (4) *Adequately funded for at least the first 5 years of program implementation.*

C. An institution shall demonstrate a commitment to:

- (1) *Ongoing administrative, financial, and technical support of a program; and*
- (2) *Continuation of the program for a period of time sufficient to allow enrolled students to complete the program.*

.10 Adequacy of Curriculum Design, Program Modality, and Related Learning Outcomes.

A. A program shall be established and overseen by qualified faculty.

B. Faculty members in relevant disciplines in collaboration with other appropriate institutional personnel shall participate in the design of courses.

[A.] C. The presence of a structured and coherent program of study with clearly delineated program objectives and intended student learning outcomes shall be evident.

D. A program shall result in learning outcomes appropriate to the rigor and breadth of the program.

E. An institution shall provide for assessment of, and shall document, student achievement of learning outcomes in a program.

[B.] F. Required courses in the program may not be excessive and shall be consistent with customary expectations for the type of certificate or degree proposed.

G. The program modality shall be appropriate to meet a program's objectives.

H. Advertising, recruiting, and admissions materials shall clearly and accurately represent the program and the services available.

I. A program shall provide students with clear, complete, and timely information on the curriculum, course and degree requirements, nature of faculty/student interaction, assumptions about technology competence and skills, technical equipment requirements, learning management system, availability of academic support services and financial aid resources, and costs and payment policies.

[C.] J. The general education courses shall be distributed in a manner consistent with COMAR 13B.02.02.16.E and F.

[D.] K. Accreditation Requirements; Conditional Approval.

(1) If a professional shall graduate from a program with specialized accreditation, certification, or approval to practice in the State, the program shall meet all appropriate accreditation, certification, or approval standards.

(2) The Secretary may grant conditional approval for a program that fails to meet the standards specified in §D(1) of this regulation if the institution begins the process of securing appropriate accreditation, certification, or approval.

(3) Except as provided in §D(4) of this regulation, the Secretary's conditional approval shall be revoked if an institution fails to secure appropriate accreditation, certification, or approval for the program within a time frame consistent with the relevant approval process.

(4) The Secretary may extend conditional approval if the institution has made substantial progress in securing appropriate accreditation, certification, or approval for the program.

[E.] L. If an institution contracts for instructional services in the State, to be provided by another institution or a non-collegiate organization, these services shall be based on a written contract that provides for institutional control over the quality of the curriculum, instructional staffing, instructional support services, and the integrity of enrollment policies.

.11 Faculty Resources.

A. – G. [text unchanged]

H. An institution shall provide ongoing pedagogy training for faculty in evidenced-based best practices, including training in:

(1) Pedagogy that meets the needs of the students,

(2) The learning management system, and

(3) Evidenced-based best practices for distance education, if distance education is offered.

.13 Physical Facilities and Instructional Equipment.

A. –B. [text unchanged]

C. An institution offering distance education shall ensure that students and faculty have adequate access to:

(1) An institutional electronic mailing system, and

(2) A learning management system that provides the necessary technological support for distance education.

.15 Adequacy of Provisions for Evaluation of Programs.

A. – B. [text unchanged]

C. An institution shall evaluate a program's educational effectiveness, including assessments of student learning outcomes, student retention, student and faculty satisfaction, and cost-effectiveness.

.22 Distance Education.

[A. The Commission shall review a distance education program proposal under the criteria established in Regulation .06 of this chapter.

B. A program proposal for a distance education program shall be submitted by the institution to the Commission before implementation and contain the following information:

(1) The title of the program and the degree or certificate to be awarded;

(2) The resource requirements for the program and the source of funds to support the program for the first 2 years of program implementation;

(3) The need and demand for the program in terms of:

(a) Specific local, State, and national needs for graduates;

(b) Job opportunities that are available to those who complete the program; and

(c) Evidence of market demand through supporting data, including results of surveys that have recently been conducted;

(4) If a similar program is offered within the State, a description of:

- (a) Similarities or differences in the degree to be awarded;
- (b) Area of specialization; and
- (c) Specific academic content of the program;
- (5) A description of the method of instructional delivery; and
- (6) A brief description of the academic oversight, quality control, and student services to be provided.

C. Principles of Good Practice.

(1) This section applies to distance education and distance education programs offered by an institution of higher education operating in this State that is required to have a certificate of approval from the Commission under COMAR 13B.02.01 or 13B.02.02.

(2) An institution shall provide evidence to the Secretary of compliance with the principles of good practice in this section.

(3) Principles of Good Practice for Distance Education.

(a) Curriculum and Instruction.

(i) A distance education program shall be established and overseen by qualified faculty.

(ii) A program's curriculum shall be coherent, cohesive, and comparable in academic rigor to programs offered in traditional instructional formats.

(iii) A program shall result in learning outcomes appropriate to the rigor and breadth of the program.

(iv) A program shall provide for appropriate real-time or delayed interaction between faculty and students.

(v) Faculty members in appropriate disciplines in collaboration with other institutional personnel shall participate in the design of courses offered through a distance education program.

(b) Role and Mission.

(i) A distance education program shall be consistent with the institution's mission.

(ii) Review and approval processes shall ensure the appropriateness of the technology being used to meet a program's objectives.

(c) Faculty Support.

(i) An institution shall provide for training for faculty who teach with the use of technology in a distance education format, including training in the learning management system and the pedagogy of distance education.

(ii) Principles of best practice for teaching in a distance education format shall be developed and maintained by the faculty.

(iii) An institution shall provide faculty support services specifically related to teaching through a distance education format.

(d) An institution shall ensure that appropriate learning resources are available to students including appropriate and adequate library services and resources.

(e) Students and Student Services.

(i) A distance education program shall provide students with clear, complete, and timely information on the curriculum, course and degree requirements, nature of faculty/student interaction, assumptions about technology competence and skills, technical equipment requirements, learning management system, availability of academic support services and financial aid resources, and costs and payment policies.

(ii) Enrolled students shall have reasonable and adequate access to the range of student services to support their distance education activities.

(iii) Accepted students shall have the background, knowledge, and technical skills needed to undertake a distance education program.

(iv) Advertising, recruiting, and admissions materials shall clearly and accurately represent the program and the services available.

(f) Commitment to Support.

(i) Policies for faculty evaluation shall include appropriate consideration of teaching and scholarly activities related to distance education programs.

(ii) An institution shall demonstrate a commitment to ongoing support, both financial and technical, and to continuation of a program for a period sufficient to enable students to complete a degree or certificate.

(g) Evaluation and Assessment.

(i) An institution shall evaluate a distance education program's educational effectiveness, including assessments of student learning outcomes, student retention, student and faculty satisfaction, and cost-effectiveness.

(ii) An institution shall demonstrate an evidence-based approach to best online teaching practices.

(iii) An institution shall provide for assessment and documentation of student achievement of learning outcomes in a distance education program.]

A. An institution may not utilize distance education as a program modality unless the institution:

(1) As of January 1, 2018, offers at least one distance education program that has been approved by the Commission and that has received appropriate designation from the institutional accreditor; or

(2) Is designated by the Secretary, under §B in this regulation, as an institution eligible to provide distance education.

B. Designation as an institution eligible to provide distance education.

(1) An institution of higher education operating in the State that is required to have a certificate of approval from the Commission under COMAR 13.02.01 or 13B.02.02 may request that the Secretary designate the institution as eligible to provide distance education.

(2) An institution desiring to be designated as eligible to provide distance education shall submit an application to the Secretary, on a form prescribed by the Secretary, that:

(a) Demonstrates that:

(i) Distance education is consistent with the institution's mission;

(ii) Institutional resources and the source of funds to support distance education are sufficient;

(iii) Academic oversight, quality control, and student services to be provided shall be sufficient to provide distance education;

(iv) Student supports, including but not limited to technical support, learning resources such as library resources, student support services such as disability services, and student services such as financial aid, academic advising, and career planning, shall be sufficient to support students enrolled in distance education; and

(v) Faculty supports shall provide for best practices and pedagogy in distance education; and

(b) Includes:

(i) A list of intended programs to be offered as distance education;

(ii) An affirmation that a program's curriculum and objectives shall be coherent, cohesive, and comparable regardless of program modality;

(iii) A signed statement from the President of the institution that the institution shall comply with the C-RAC guidelines; and

(iv) Any complimentary materials submitted to the institutional accreditor for approval to offer distance education.

(3) The Secretary shall review a complete application submitted under this section and shall:

(a) Approve the application if it satisfies the criteria set forth in subsection (2) of this section; or

(b) Disapprove the application, and provide a description of the reasons that the application did not satisfy the criteria set forth in subsection (2) of this section.

C. An institution offering distance education shall comply with the C-RAC guidelines.

.29 Change of Program Modality.

A. Subject to COMAR 13B.02.03.22, an institution that has received approval to operate a program may add, change, suspend, or discontinue a program modality if the institution provides advance notice to the Commission in accordance with §B of this regulation.

B. An institution's notice to the Commission shall include:

(1) The name and degree of the program;

(2) The HEGIS and CIP code of the program;

(3) A description of, and rationale for, the addition, change, suspension, or discontinuation of program modality;

(4) An affirmation that the program's most recently approved curriculum and objectives are coherent, cohesive, and comparable, regardless of program modality;

(5) The planned implementation date of the addition, change, suspension, or discontinuation of program modality; and

(6) For any suspension or discontinuation of a program modality:

(a) The number of students enrolled in the program who are using that program modality and their expected graduation dates; and

(b) A plan that covers each of the students using the program's modality to ensure that:

(i) The student's time to completion of the program is not increased; and

(ii) Students and faculty continue to have access to course material, student services, and academic support for the duration of the program.