

# SENATE BILL 72

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9lr0162

(PRE-FILED)

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By: **Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Higher Education Commission)**

Requested: October 29, 2008

Introduced and read first time: January 14, 2009

Assigned to: Education, Health, and Environmental Affairs

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## A BILL ENTITLED

1 AN ACT concerning

2 **Higher Education – Institutions of Postsecondary Education – Exempt**  
3 **Institutions**

4 FOR the purpose of prohibiting certain institutions of postsecondary education that  
5 are exempt from approval by the Maryland Higher Education Commission from  
6 making certain references and representations; establishing certain penalties  
7 for certain violations; and generally relating to references and representations  
8 by certain institutions of postsecondary education.

9 BY repealing and reenacting, without amendments,  
10 Article – Education  
11 Section 11–202(c)  
12 Annotated Code of Maryland  
13 (2008 Replacement Volume)

14 BY adding to  
15 Article – Education  
16 Section 11–202(h) and (i)  
17 Annotated Code of Maryland  
18 (2008 Replacement Volume)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
20 MARYLAND, That the Laws of Maryland read as follows:

21 **Article – Education**

22 11–202.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (c) Subject to the requirements imposed by subsection (d) of this section, the  
2 following institutions of postsecondary education may operate without a certificate of  
3 approval from the Commission:

4 (1) A nonpublic institution of higher education operating under a  
5 charter granted by the General Assembly;

6 (2) A religious degree-granting institution which certifies, in  
7 accordance with procedures established by the Commission, that it:

8 (i) Is founded and operated by a church or organization of  
9 churches as an integral part of the religious ministry of that church or organization;

10 (ii) Offers sectarian instruction only designed for and aimed at  
11 persons who hold or seek to learn particular religious faiths or beliefs of churches or  
12 religious organizations, and provides only educational programs for religious  
13 vocations; and

14 (iii) States on the diploma or degree the religious nature of the  
15 degree; and

16 (3) A church or other religious institution offering a postsecondary  
17 instructional program leading to a diploma or certificate only if designed for and  
18 aimed at persons who hold or seek to learn the particular religious faith or beliefs of  
19 that church or religious organization, and providing only educational programs for  
20 religious purposes.

21 **(H) AN INSTITUTION OF POSTSECONDARY EDUCATION AUTHORIZED TO**  
22 **OPERATE WITHOUT A CERTIFICATE OF APPROVAL UNDER SUBSECTION (C)(2)**  
23 **OR (3) OF THIS SECTION MAY NOT:**

24 **(1) MAKE ANY REFERENCE TO APPROVAL OR EXEMPTION BY THE**  
25 **COMMISSION ON ANY CERTIFICATE, DIPLOMA, ACADEMIC TRANSCRIPT, OR**  
26 **OTHER DOCUMENT ISSUED BY THE INSTITUTION; OR**

27 **(2) MAKE ANY REPRESENTATION AS TO APPROVAL OR**  
28 **EXEMPTION BY THE COMMISSION ON ANY ADVERTISEMENT OR PUBLICATION,**  
29 **OR ON A WEBSITE.**

30 **(I) A PERSON WHO VIOLATES SUBSECTION (H) OF THIS SECTION IS**  
31 **SUBJECT TO A FINE NOT EXCEEDING \$5,000 FOR EACH VIOLATION.**

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
33 October 1, 2009.