

SENATE BILL 823

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By: **Senators Rosapepe, Dyson, Ferguson, and Montgomery**

Introduced and read first time: January 31, 2014

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland College Education Export Act of 2014**

3 FOR the purpose of authorizing the Maryland Higher Education Commission to enter
4 into the State Authorization Reciprocity Agreement; exempting certain
5 institutions that participate in the State Authorization Reciprocity Agreement
6 from a certain requirement to register with the Commission under certain
7 circumstances; and generally relating to the State Authorization Reciprocity
8 Agreement.

9 BY repealing and reenacting, with amendments,
10 Article – Education
11 Section 11–105(m) and 11–202.2(b)
12 Annotated Code of Maryland
13 (2008 Replacement Volume and 2013 Supplement)

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

16 **Article – Education**

17 11–105.

18 (m) (1) Subject to paragraph (2) of this subsection, the Commission shall
19 administer existing programs for interstate and regional cooperation, including
20 reciprocity agreements on matters that affect postsecondary education, and may
21 propose such new programs as it deems appropriate to the educational needs of the
22 State.

23 (2) (i) This paragraph shall apply only to a public institution of
24 higher education.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (ii) In order to provide higher educational opportunities at
2 minimum cost to students and the State, the Commission is authorized to participate
3 in the Southern Regional Education Board Interstate Agreement, also known as the
4 Academic Common Market, to provide an opportunity for qualified nonresident
5 students to enroll in selected programs and curricula on a resident tuition and fee
6 charge basis.

7 (iii) Notwithstanding any other provision of this article, the
8 Commission is specifically authorized to create guidelines for the waiver of the
9 collection of nonresident tuition and fee charges for students from other states that are
10 enrolled in programs and curricula approved by the Commission as part of a regional
11 or interstate agreement.

12 (iv) Before participating in any interstate agreement under this
13 subsection, the Commission shall consult with:

14 1. The Board of Regents of the University System of
15 Maryland;

16 2. The Board of Regents of Morgan State University;

17 3. The Board of Trustees of St. Mary's College of
18 Maryland; and

19 4. The affected community colleges.

20 (v) Any interstate reciprocal agreement entered into by the
21 Commission involving the states of Pennsylvania and West Virginia shall supersede
22 the provisions of § 16–310 of this article to the extent that the provisions of § 16–310 of
23 this article are inconsistent with the reciprocal interstate agreement.

24 **(3) THE COMMISSION IS AUTHORIZED TO PARTICIPATE IN THE**
25 **STATE AUTHORIZATION RECIPROCITY AGREEMENT (SARA).**

26 11–202.2.

27 (b) (1) An institution of higher education that enrolls Maryland students
28 in a fully online distance education program in the State shall file an application to
29 register with the Commission before or within 3 months of enrolling the first
30 Maryland student.

31 (2) This section does not apply to an institution of higher education
32 that enrolls Maryland students in a fully online distance education program in the
33 State that:

34 (i) Is subject to program review by the Commission under §
35 11–206 or § 11–206.1 of this subtitle; [or]

1 (ii) Participates in the Southern Regional Education Board's
2 Electronic Campus; **OR**

3 (iii) **PARTICIPATES IN THE STATE AUTHORIZATION**
4 **RECIPROCITY AGREEMENT (SARA).**

5 (3) (i) After filing an application under paragraph (1) of this
6 subsection, an institution that has enrolled a Maryland student before obtaining a
7 registration under this section may continue to operate without a registration while
8 the Commission considers the institution's application, conducts a hearing concerning
9 the institution's application, or participates in judicial review regarding an
10 institution's application.

11 (ii) An institution that continues to operate without a
12 registration under subparagraph (i) of this paragraph shall furnish a performance
13 bond or other form of financial guarantee to the State in an amount set by regulation
14 that is in addition to and separate from a performance bond or other form of financial
15 guarantee required under § 11-203 of this subtitle.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 July 1, 2014.