

**Del D. Barnes HB 1130, Testimony.pdf**

Uploaded by: Barnes, Darryl

Position: FAV

DELEGATE DARRYL BARNES  
*Legislative District 25*  
Prince George's County

DEPUTY MAJORITY WHIP

Ways and Means Committee

*Subcommittees*

Chair, Local Revenues

Revenues

Racing and Gaming

*Chair*

Legislative Black Caucus of Maryland



The Maryland House of Delegates  
6 Bladen Street, Room 301  
Annapolis, Maryland 21401  
410-841-3557 · 301-858-3557  
800-492-7122 Ext. 3557  
Fax 410-841-3498 · 301-858-3498  
Darryl.Barnes@house.state.md.us

THE MARYLAND HOUSE OF DELEGATES  
ANNAPOLIS, MARYLAND 21401

**March 11, 2021**

**Testimony of Delegate Darryl Barnes in Support of HB 1130  
Higher Education – For-Profit Institutions – Standards for Operation**

Dear Chair McIntosh, Vice-Chairman Chang, and Members of the Appropriations Committee:

**HB 1130** amplifies last year's SB 294 that was passed into law by this body. SB294 aims to ensure quality education for veterans through determining which type of money can be used to pay for that education. HB1130 has inserted five measurements of quality that are readily available for review either through the accrediting body that has granted an institution accreditation or through review on IPEDS data.

Quality can be evaluated on the basis of student retention rate, student graduation rate, student in-field placement rate and (if applicable) graduate credentialing rate. Quality can also be determined, to a lesser extent, with the evaluation of cohort default rate. Due to the application of SB294 solely to schools that operate under a for-profit tax designation, the quality appellation for veterans' education does consider students who opt to attend public or private non-profit institutions.

HB 1130 is necessary to improve the quality and efficiency we are offering the Maryland-based veteran community. For all these reasons and more, **I am asking for a favorable report on HB 1130.**

Sincerely,

*Darryl Barnes*

Darryl L. Barnes

# **HB1130 Written Testimony.pdf**

Uploaded by: Shadow, Cyndie

Position: FAV



Your Life. Powered By Learning

Chair Maggie McIntosh  
Vice Chair Mark S. Chang  
Appropriations Committee  
House Office Building, Room 121  
Annapolis, Maryland 21401

March 9, 2021

Re: HB1130

Dear Chair McIntosh, Vice Chair Chang and members of the Appropriations Committee,

The HB1130 bill is, simply, an augmentation to last year's SB294 bill that was passed into law. During the introduction and debate on last year's bill, there was repeated mention of providing quality education to veteran students. While the aim of the legislation to improve the quality that veteran students receive is admirable, educational quality is in no way dependent on the source of funds required to attain that education. SB294 purports to insure quality education for veterans through determining which type of money can be used to pay for that education. HB1130 has inserted five measurements of quality that are readily available for review either through the accrediting body that has granted an institution accreditation or through review on IPEDS data. Generally, the information from an accrediting body reveals data from the prior academic year, while information from IPEDS has data from 3-4 years prior to the current year. In either case, quality can be evaluated on the basis of student retention rate, student graduation rate, student in-field placement rate and (if applicable) graduate credentialing rate. Additionally, quality can also be determined, to a lesser extent, with the evaluation of cohort default rate.

Due to the application of SB294 solely to schools that operate under a for-profit tax designation, the quality appellation for veterans' education does not account for students who opt to attend public or private non-profit institutions. In an effort to demonstrate how the measurements listed above compare between for-profit and non-profit institutions, the data below is a comparison between one for-profit career school in Prince George's county and three non-profit community colleges in Prince George's, Charles and Montgomery counties. All four institutions have similar programmatic career focused offerings such as medical assisting, dental assisting, and pharmacy technician training. The chart below shows comparisons in quality measurements, across all four institutions, taken from IPEDS College Navigator data (<https://nces.ed.gov/collegenavigator/>) in data reported for first time students started their programs of study in the 2016-2017 academic year.

Additionally, for-profit institutions work directly with potential employers who are looking for graduates who have studied specific topics and had an opportunity to demonstrate their skills in a live externship and/or clinical environment. The costs associated with creating those learning experiences are rolled into the total tuition and fees and for-profit institutions, but may be an additional charge at non-profit institutions.

Respectfully Submitted,

Cyndie Shadow, PhD  
Campus President

**COMPARISON OF COMMUNITY COLLEGE OUTCOMES TO FOR-PROFIT COLLEGE OUTCOMES IN & AROUND PRINCE GEORGES COUNTY**

2016-2017 IPEDS Measurement	College of Southern Maryland	Montgomery County CC	Prince George's County CC	Prince George's County for-profit
First Time Full Time Student Retention	65%	75%	64%	73%
First Time Full Time Student Graduation Rate within 150% of program length	31%	22%	12%	67%
First Time Full Time Student Transfer Rate within 150% of program length	16%	22%	25%	0*
Combined First Time Full Time Graduation and Transfer Rates within 150% of program length	47%	44%	37%	67%
Average net price	\$8,007	\$8,535	\$8,136	\$16,755**

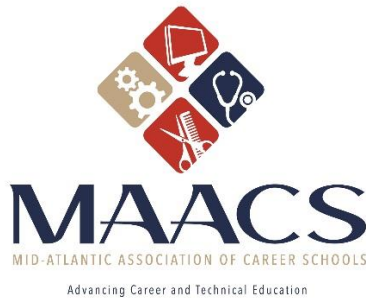
\*Transfer rates are not included in the for-profit institution because students choose to enter programs that are designed to move them directly into a career rather than transferring to an additional program.

\*\*The net price includes credentialing examinations, career placement assistance, all books and fees, which a student is made aware of at the time of enrollment. Students sign an enrollment agreement with the total cost of the program and there is not a tuition increase for those students who complete their academic programs without exiting and returning to the program

# **Testimony On House Bill 1130.pdf**

Uploaded by: Shenck, Aaron

Position: FAV



### **Testimony On House Bill 1130**

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**MAACS Supports HB 1130.** We support the bill for two primary reasons:

- 1) We have significant concerns for the existing provision of Maryland Law, which was enacted in 2020 through SB 294. This law authorized Maryland to create its own state-based formula similar to the federal “90/10 calculation” on schools registered as “for-profit.” To our knowledge, Maryland is the only state in the country to pass a state law that expands on this federal provision.
- 2) HB 1130 of 2021 proposes improvements to the existing law that help assure schools are accountable and producing great student outcomes.

## **Issue #1: Concerns With Existing Law**

We strongly believe the federal “90/10 Rule” is poor public policy.

- We support strong outcome measures, but believe any outcome measure that is good should be applied to all sectors of higher education. 90/10 is only applied to for-profit schools. Significant research shows many public and non-profit schools would fail this same metric if it were applied to them. We do not believe 90/10 is good policy, but if it were to make sense, then why not apply it across the board to all institutions? Why only single out one sub-set of institutions?
- 90/10 is not an outcomes measurement at all. Nothing in the calculation has anything to do with either the academics delivered at a school, nor the outcomes of the student while at the school, nor does it have any relationship to the post-education job placement or career the student will enter when done with the program.
- 90/10 is an input calculation based off of two financial factors:
  - o How many low income students your school educates and/or other students with high financial aid need. The more low-income students a school educates, the more likely the school will fail 90/10.
  - o How low (or high) your tuition is. The lower your tuition is, the more likely a school will fail 90/10.
- There is so much discussion in higher education about the importance of “access” and “equity” and making sure options are available at reasonable prices for all students at various socio-economic backgrounds. Why the federal government (and Maryland now) continues to have a metric in place that punishes schools that serve a larger share of low-income populations and/or punishes schools that have lower tuitions, seems very counterproductive to access and equity.
- Finally, a sub-issue that has often recently been discussed with 90/10 is how federal veterans funding is included in the calculation. Maryland’s current law includes these funds into the calculation and the federal law may do the same in a few years. Most “for-profit” schools are technical and trade schools focused on specific “hands-on” vocations. These institutions are extremely popular for many veterans because they are shorter than traditional 4-year programs, they are hands-on, focused on a specific career the veteran wants to pursue, and are designed usually towards educating working adults.

A recent study by a non-partisan veterans organization – Veterans Education Project – examined 90/10 and its impact on veterans and concluded this policy is counterproductive because it reduces veterans’ choices and it would actually push some veterans into programs with worse outcomes. The report is linked below and it includes a link to the specific data sets used for the report: <https://veteranseducationproject.org/2021/02/09/changes-to-90-10-harm-veterans/>



## **Issue #2: Why HB 1130 Makes Improvements**

Although we have significant concerns for the base policy around 90/10, we support HB 1130 because it will make improvements to the base policy. When SB 294 passed in 2020, many of the concepts in HB 1130 were being discussed with legislators at that time. However, due to COVID and timing of the legislative session requiring bills to move very quickly before the state closed down due to COVID, none of these ideas got into the bill before passage.

Unlike 90/10, which is simply an “input” calculation measure based on finances, the provisions included in HB 1130 are real “outcome” measurements. They actually measure how good a school has done to educate a student into a career, complete their programs and get them a job. These metrics are also already measured by accrediting bodies and other entities, so it is not “recreating the wheel” and these measurements can be easily found. Here are the measurements we support in the bill:

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If a for-profit school can show 70% or above in these measurements, which many public institutions and non-profits could not meet these thresholds, then there is no reason for a school to have to do an enhanced state-based 90/10 calculation. This is especially true if you consider schools that have problems with 90/10 are usually educating a high number of low-income students. Maryland should be celebrating institutions educating low-income populations and showing great results in outcomes by getting those populations educated, graduated, and employed. HB 1130 helps to recognize and support these institutions providing great results to your constituents.

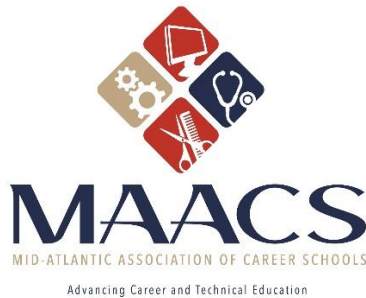
Thank you for the opportunity to provide this testimony.

Aaron M. Shenck, BA, MPA  
Executive Director – MAACS

# **Testimony On House Bill 1130.pdf**

Uploaded by: Shenck, Aaron

Position: FAV



### **Testimony On House Bill 1130**

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It is important for the discussions today to note our member institutions in MAACS include both “Non-profit” and “For-profit” schools. Regardless of their tax status, these institutions are all accredited, sometimes through multiple institutional and programmatic accrediting bodies. Outcomes and accountability are very important to our members and our association. Not only do we advocate for strong outcomes, but our association also provides professional development, training, and other resources to help schools achieve strong outcomes.

**MAACS Supports HB 1130.** We support the bill for two primary reasons:

- 1) We have significant concerns for the existing provision of Maryland Law, which was enacted in 2020 through SB 294. This law authorized Maryland to create its own state-based formula similar to the federal “90/10 calculation” on schools registered as “for-profit.” To our knowledge, Maryland is the only state in the country to pass a state law that expands on this federal provision.
- 2) HB 1130 of 2021 proposes improvements to the existing law that help assure schools are accountable and producing great student outcomes.

## **Issue #1: Concerns With Existing Law**

We strongly believe the federal “90/10 Rule” is poor public policy.

- We support strong outcome measures, but believe any outcome measure that is good should be applied to all sectors of higher education. 90/10 is only applied to for-profit schools. Significant research shows many public and non-profit schools would fail this same metric if it were applied to them. We do not believe 90/10 is good policy, but if it were to make sense, then why not apply it across the board to all institutions? Why only single out one sub-set of institutions?
- 90/10 is not an outcomes measurement at all. Nothing in the calculation has anything to do with either the academics delivered at a school, nor the outcomes of the student while at the school, nor does it have any relationship to the post-education job placement or career the student will enter when done with the program.
- 90/10 is an input calculation based off of two financial factors:
  - o How many low income students your school educates and/or other students with high financial aid need. The more low-income students a school educates, the more likely the school will fail 90/10.
  - o How low (or high) your tuition is. The lower your tuition is, the more likely a school will fail 90/10.
- There is so much discussion in higher education about the importance of “access” and “equity” and making sure options are available at reasonable prices for all students at various socio-economic backgrounds. Why the federal government (and Maryland now) continues to have a metric in place that punishes schools that serve a larger share of low-income populations and/or punishes schools that have lower tuitions, seems very counterproductive to access and equity.
- Finally, a sub-issue that has often recently been discussed with 90/10 is how federal veterans funding is included in the calculation. Maryland’s current law includes these funds into the calculation and the federal law may do the same in a few years. Most “for-profit” schools are technical and trade schools focused on specific “hands-on” vocations. These institutions are extremely popular for many veterans because they are shorter than traditional 4-year programs, they are hands-on, focused on a specific career the veteran wants to pursue, and are designed usually towards educating working adults.

A recent study by a non-partisan veterans organization – Veterans Education Project – examined 90/10 and its impact on veterans and concluded this policy is counterproductive because it reduces veterans’ choices and it would actually push some veterans into programs with worse outcomes. The report is linked below and it includes a link to the specific data sets used for the report: <https://veteranseducationproject.org/2021/02/09/changes-to-90-10-harm-veterans/>

## **Issue #2: Why HB 1130 Makes Improvements**

Although we have significant concerns for the base policy around 90/10, we support HB 1130 because it will make improvements to the base policy. When SB 294 passed in 2020, many of the concepts in HB 1130 were being discussed with legislators at that time. However, due to COVID and timing of the legislative session requiring bills to move very quickly before the state closed down due to COVID, none of these ideas got into the bill before passage.

Unlike 90/10, which is simply an “input” calculation measure based on finances, the provisions included in HB 1130 are real “outcome” measurements. They actually measure how good a school has done to educate a student into a career, complete their programs and get them a job. These metrics are also already measured by accrediting bodies and other entities, so it is not “recreating the wheel” and these measurements can be easily found. Here are the measurements we support in the bill:

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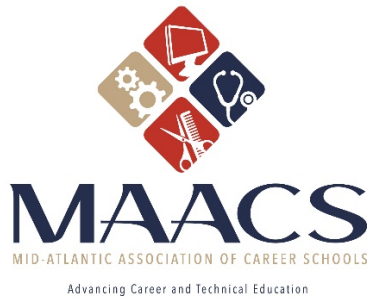
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Thank you for the opportunity to provide this testimony.

Aaron M. Shenck, BA, MPA  
Executive Director – MAACS

# **Maryland SFR HB 1130 (1)**

Uploaded by: Curtis, Ramond

Position: UNF



**HB 1130: Higher Education - For-profit Institutions - Standards of Operation**  
**Position: Oppose**

**March 9, 2021**

**The Honorable Maggie McIntosh, Chair**  
**House Appropriations Committee**  
**Room 121, HOB**  
**Annapolis, MD 21401**  
**cc: Members, Appropriations Committee**

Honorable Chair McIntosh and Members of the Committee:

My name is Ramond Curtis, and I am the State Policy Manager for Veterans Education Success, a nonprofit veteran-serving organization that advocates for public policy to ensure veterans' higher education success and to protect and defend the integrity and promise of the GI Bill.

I am writing today in opposition to HB 1130, which seeks to weaken requirements under the recently passed Veterans Education Protection Act.

According to data released in a 2016 report by the Maryland Consumer Rights Coalition titled "*Making the Grade? An Analysis of For-Profit and Career Schools in Maryland*," students at for-profit schools in Maryland are paying more for their education, taking out larger loans, and facing higher default rates on their loans than students at public institutions.<sup>1</sup> It has become abundantly clear that many for-profit colleges across the state and country are not adequately serving students and are leaving them with worthless credits and enormous student debt. As the US Senate Education Committee reported, for-profit colleges serve only 13% of students but account for half of the nation's student loan default problem.<sup>2</sup>

We are grateful that Maryland is focusing on protecting students from predatory for-profit schools because we know how critical postsecondary education attainment is to economic success. For that reason, we oppose HB 1130 and the unnecessary exemptions it would include. We hope you take this opportunity to protect Maryland veterans and urge you to vote no on HB 1130.

Respectfully,

Ramond Curtis, Veterans Education Success

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<sup>1</sup> See Maryland Consumer Rights Coalition "Making the Grade: An Analysis of For-Profit Schools in Maryland" available at <https://static1.squarespace.com/static/5b05bed59772ae16550f90de/t/5cd33603e79c70b5a0db5ad2/1557345799535/Making+the+Grade+Report.pdf>

<sup>2</sup> See US Senate Committee report, *ibid* FN 8

# **HB1130 - Testimony in Opposition - Attorney Genera**

Uploaded by: Madaio, Christopher

Position: UNF



**BRIAN E. FROSH**  
*Attorney General*

**ELIZABETH F. HARRIS**  
*Chief Deputy Attorney General*

**CAROLYN QUATTROCKI**  
*Deputy Attorney General*



**WILLIAM D. GRUHN**  
*Chief*  
Consumer Protection Division

Writer's Fax No.

**STATE OF MARYLAND**  
**OFFICE OF THE ATTORNEY GENERAL**  
**CONSUMER PROTECTION DIVISION**

Writer's Direct Dial No.  
(410) 576-6585

March 11, 2021

**TO:** The Honorable Maggie McIntosh, Chair  
Appropriations Committee

**FROM:** Christopher J. Madaio, Assistant Attorney General - Consumer Protection Division

**RE:** House Bill 1130 – Higher Education - For-Profit Institutions – Standards for Operation  
– UNFAVORABLE

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The Consumer Protection Division of the Office of the Attorney General opposes House Bill 1130, because it removes the protections for veterans enrolling in post-secondary education that the General Assembly created last session by passing SB 294 (Chapter 546), the Veterans Education Protection Act. That law, passed last year on a unanimous vote and now codified in section 11-210 of the Education Article, prevents for-profit institutions of higher education and for-profit private career schools from enrolling new Maryland students if the school, after repeated failures, cannot prove that it has sufficient academic quality to obtain 10% of its revenue from sources other than the federal government. This law closed a loophole in the federal “90-10” requirement in the Higher Education Act that allowed for-profit schools to count GI Bill benefits and some other types of federal money as non-federal revenue, thereby perversely incentivizing schools to target predatory recruitment efforts at veterans.

Examples of unfair and deceptive recruitment and admissions practices targeting military members and veterans include the operator of a lead generation website used by for-profit schools that falsely gave the appearance of an official website for the Department of Veterans Affairs,<sup>1</sup> the Department of Defense temporarily banning the University of Phoenix from recruiting on military bases in 2015,<sup>2</sup> Ashford University,<sup>3</sup> Kaplan University, and schools operated by Education Management Corporation.<sup>4</sup>

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<sup>1</sup> <https://www.insidehighered.com/news/2012/06/28/attorneys-general-announce-settlement-profit-college-marketer>

<sup>2</sup> <https://www.consumeraffairs.com/news/feds-probe-university-of-phoenix-dod-bars-it-from-recruiting-on-military-bases-101015.html>. Veterans groups thanked the Secretary of Defense for taking action to “protect service members from deceptive recruiting, including surreptitious recruiting on military installations.” Letter from Air Force Sergeants Association et al. to Hon. Ashton Carter, Former Sec’y of Def. (Oct. 27, 2015), [https://static1.squarespace.com/static/556718b2e4b02e470eb1b186/t/5744bf65f699bb5072d21559/1464123237247/Letter+to+DoD+on+MOU+enforcement.final+\(1\).pdf](https://static1.squarespace.com/static/556718b2e4b02e470eb1b186/t/5744bf65f699bb5072d21559/1464123237247/Letter+to+DoD+on+MOU+enforcement.final+(1).pdf)

<sup>3</sup> <https://www.bloomberg.com/news/articles/2009-12-30/for-profit-colleges-target-the-military>

<sup>4</sup> <https://www.help.senate.gov/ranking/newsroom/press/harkin-reveals-deceptive-marketing-employed-by-for-profit-colleges-to-profit-off-veterans-and-servicemembers>

HB1130 should be given an unfavorable report because it unnecessarily exempts any school from compliance with the student protections included in last year's Veterans Education Protection Act if the school meets benchmarks that are unrelated to stopping veterans from being targeted by unfair and deceptive recruitment and admissions practices. There is no need to include any exemptions for the law passed last year. Schools that offer quality programs at a fair price will be able to recruit students of all backgrounds and be able to obtain revenue from a variety of sources, including employers who will pay for their employees to obtain training, scholarship programs, and students who are able to pay some of their tuition from savings. Like the Maryland law, the federal 90-10 requirement does not include any exemptions because they would be unnecessary and counterproductive to the purpose of the revenue requirement.

Also, the metrics in this bill providing the exemption for the Veterans Education Protection Act are far too low to protect students. The default rate threshold allows a school to have as many as 25% of its graduates in such financial distress that they are defaulting on their student loans, which is far higher than should be acceptable to exempt a school from reasonable student protections and far higher than the national average of 9.7%. In addition, the graduation rate, retention rate, and placement rate requirement of 70% is the bare minimum that is required by most accrediting agencies. Giving schools an exemption to the Veterans Education Protection Act because they meet the minimum standards already required of them does not protect students. The proposed standards also do not include one of the most important signs of a quality education from a for-profit school that is federally required to have its programs lead to gainful employment: the earnings of graduates and the median debt incurred by graduates. Many programs offered by for-profit institutions bury their graduates in significant debt and do not result in the same earnings as graduates from similar programs at our community colleges.<sup>5</sup>

Lastly, the bill is premature because the Maryland Higher Education Commission has not published regulations that are needed to establish a reporting process for for-profit institutions' revenue. To date, no school has been required to take any steps to calculate or report data to MHEC. Also, the Veterans Education Protection Act included language that gave schools until 2023 before the potential sanction related to noncompliance with the requirements of the bill would apply. The arguments from proponents of HB1130 were raised by schools last year and were rejected by this Committee and the Senate Education, Health, and Environmental Affairs Committee, and nothing has changed since that time. It is unnecessary and harmful to veterans to amend this law before the reporting and compliance structures have even been implemented.

The bipartisan Veterans Education Protection Act enhances consumer protection laws by closing a loophole that encourages for-profit colleges to exploit veterans for their GI Bill benefits, resulting in unfair, deceptive, and abusive recruitment tactics. There is no need to roll back those protections by adding an exemption with low criteria, especially before MHEC has even begun the process of implementation the law.

The Consumer Protection Division urges the Appropriations Committee to give HB 1130 an unfavorable report.

cc: Members, Appropriations Committee  
The Honorable Darryl Barnes

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<sup>5</sup> This data is publicly available on the U.S. Department of Education's College Scorecard website: <https://collegescorecard.ed.gov/>.

**HB1130 MHEC Letter of Information 03112021.pdf**

Uploaded by: Towers, Lee

Position: INFO



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Chair

James D. Fielder, Jr., Ph. D.  
Secretary

**Bill Number:** House Bill 1130                                 **Position:** Letter of Information  
**Title:** Higher Education – For–Profit Institutions – Standards for Operation  
**Committee:** House Appropriations Committee  
**Hearing Date:** March 11, 2021

**Bill Summary:**

House Bill 1130 would require specific postsecondary institutions (i.e., for-profit institutions that receive Title IV funding from the federal government and are approved by the Maryland State Approving Agency for Veteran’s benefits) to meet specific retention, graduation, placement, and credentialing rates (as reported to a specific accreditor listed in the bill) or fall below a specific cohort loan default rate. If an institution is unable to meet those standards, the institution must have at least 10% of their annual revenue sourced from non-federal funds (i.e., a Maryland specific “90/10 rule”).

**Information:**

House Bill 1130 amends legislation that was passed in the 2020 session ([SB294/Chapter 546](#)), which established the Maryland specific “90/10 rule.” MHEC is still working through the details on how to implement the Maryland “90/10 rule” and House Bill 1130 would add additional reporting requirements for review and additional oversight of specific institutions.

There are two possible ways MHEC could interpret the legislation. One way would be to only apply the Maryland specific 90/10 rule to institutions that do not meet the amended criteria listed in subsection (d)<sup>1</sup>. Alternatively, MHEC could apply the Maryland specific 90/10 rule to all applicable institutions described in subsections (b) & (c)<sup>2</sup> and exempt institutions from the

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<sup>1</sup> (d) (1) an institution or a school described in subsection (b) of this section that fails to meet either of the standards set forth under paragraph (2) of this subsection shall:  
(I) satisfy the requirement described under subsection (e) of this section; and  
(II) be subject to the enrollment limitations under subsection (f) of this section.

(2) An institution or a school shall, as reported on its annual report to its institutional accreditor, maintain during the previous year:  
(I) 1. A retention rate of 70% or greater; or B. A graduation rate of 70% or greater;  
2. An in–field career placement rate of 70% or greater; and  
3. A required credentialing rate of 70% or greater; or  
(II) a cohort default rate of 25% or less.

<sup>2</sup> (b) Subject to subsection (c) of this section, this section applies to:  
(1) A for–profit institution of higher education approved to operate in the State;

Maryland specific 90/10 rule that meet the amended criteria listed in subsection (d). MHEC would require guidance on the intent of the legislation for proper administration.

Additionally, MHEC interprets a “cohort default rate” to apply to default rates of federal financial aid. MHEC would source this information from the U.S. Department of Education. Similarly, in reviewing the list of accreditors identified in the legislation, MHEC cannot identify an accreditor known as the “National Accreditation Commission on Cosmetology Arts and Sciences.” MHEC believes that intended accreditor is the “National Accrediting Commission of Career Arts and Sciences, Inc.”

For further information, contact Dr. Emily Dow, Assistant Secretary for Academic Affairs, at [Emily.dow@maryland.gov](mailto:Emily.dow@maryland.gov).

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(2) A for-profit institution of higher education that enrolls Maryland residents in a fully online distance education program in the State; and

(3) A private career school approved to operate in the State that has not been determined by the Internal Revenue Service to be an organization to which contributions are tax deductible in accordance with § 501(c)(3) of the Internal Revenue Code.

(c) An institution or a school described in subsection (b) of this section shall:

(1) Be approved by the Commission to receive education assistance under 30 the federal Post-9/11 Veterans Educational Assistance Act of 2008; and

(2) Have received funds to pay for students’ tuition, fees, or other institutional charges through Title IV of the federal Higher Education Act of 1965 during the prior academic year for which the tuition, fees, and other institutional charges collected per full-time equivalent student enrolled would not be covered in full by the amount of the maximum level of federal Pell Grant funds.