

# **HB 1138 Written Testimony - Senate Copy.pdf**

Uploaded by: Kris Fair

Position: FAV



**THE MARYLAND HOUSE OF DELEGATES**  
**ANNAPOLIS, MARYLAND 21401**

**SPONSOR TESTIMONY**

**HB 1138 - Higher Education - Private Career Schools - Advertising**

The Honorable Brian Feldman, Chair  
Education, Energy, and the Environment Committee  
Maryland Senate  
2 West Miller Senate Office Building  
Annapolis, MD 21401

Chair Feldman, Vice-Chair Kagan, and Esteemed Members of the Education, Energy, and the Environment Committee:

HB 1138 is a modest bill that seeks to enable qualifying private career schools to advertise slightly ahead of their official opening date, after meeting certain criteria and only with the Maryland Higher Education Commission's (MHEC) explicit approval. To guarantee robust consumer protections for students, schools that receive approval to advertise under this legislation are not allowed to enroll or accept any payments or funds from prospective students.

Under HB 1138, private career schools may request to begin advertising before receiving their Certificate of Approval (COA) only when they have:

- conducted a market survey
- secured a location
- completed necessary building modifications
- obtained required equipment and permits (except the COA)
- been determined to be likely to receive approval from Maryland Higher Education Commission (MHEC), and
- received explicit authorization from the Secretary to begin advertising.

The legislation is necessary to codify the unwritten administrative practices that MHEC currently employs so that private career schools can open, operate, and plan their activities with sufficient clarity. Schools' inability to advertise before opening means that they must fully open before recruiting any students, incurring weeks and potentially months of full operating costs without associated revenue from full operating levels of students.

Those costs amount to an unnecessary financial barrier for Maryland educational institutions offering alternative career pathways. This barrier could be alleviated if schools are able to enroll students closer to their opening dates, which would require them to identify and communicate their existence and services with prospective students beforehand through advertisements.

Finally, I am grateful for MHEC's support and collaboration on this legislation, and the House and I have accepted its proposed amendment as friendly. With MHEC's guidance, I am confident that this bill strikes the appropriate balance between robust student protections and regulatory reform to make opening and operating a private career school less burdensome—ultimately giving students more opportunities to pursue alternative career paths.

For these reasons, I urge the Committee to give HB 1138 a favorable report.

Best regards,

A handwritten signature in blue ink, appearing to read "Kris Fair". The signature is fluid and cursive, with the first name "Kris" and last name "Fair" clearly distinguishable.

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Delegate Kris Fair  
District 3, Frederick County

## **Lincoln Tech**

Uploaded by: Christopher Dews

Position: FWA



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## **TESTIMONY IN SUPPORT OF HOUSE BILL 1138:**

**TO:** Hon. Brian Feldman, Chair, and members of the Senate Education, Energy and the Environment Committee

**FROM:** Christopher Dews, Policy Consultant

**DATE:** April 2nd, 2025

Lincoln College of Technology (“Lincoln Tech”) is a nationally recognized degree-granting career college located in Columbia, Maryland. It trains students in career-focused fields such as HVAC, automotive technology, electrical, medical assisting, and welding. Lincoln Tech fully supports House Bill 1138 with a friendly amendment to include degree-granting institutions of post-secondary education.

For over 60 years, Lincoln Tech has provided industry-recognized certifications and connected graduates to employers such as Mazda, Northrop Grumman, Aerotek, and more. Every year, hundreds of students graduate from its Columbia campus. If Lincoln Tech considered possible expansion in Maryland, the ability to advertise its programs and collect prospective interest from Maryland residents becomes essential in starting to operate a new campus location. Currently, [House Bill 1138](#) allows private career schools to begin advertising future programs while finalizing their Certificate of Approval to operate. As drafted, if Lincoln Tech were to consider adding a new location, it would be excluded from the proposed legislation due to its degree-granting status in Maryland. We believe this bill should apply to all institutions of postsecondary education, including those that offer any degree, to provide a level playing field to any institution interested in expanding in Maryland.

To this end, we have worked with the bill sponsor and the Maryland Higher Education Commission (MHEC) to draft a friendly amendment to include institutions of postsecondary education. We urge a favorable report with the following amendments:

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### Article – Education

10–101.

(a) In this division the following words have the meanings indicated.



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(i) (1) “Institution of postsecondary education” means a school or other institution that offers an educational program in the State for individuals who are at least 16 years old and who have graduated from or left elementary or secondary school.

(j) “Private career school” means a privately owned and privately operated institution of postsecondary education other than an institution of higher education that furnishes or offers to furnish programs, whether or not requiring a payment of tuition or fee, for the purpose of training, retraining, or upgrading individuals for gainful employment as skilled or semiskilled workers or technicians in recognized occupations or in new and emerging occupations.

11–212.

(A) THE SECRETARY MAY APPROVE A REQUEST FROM AN APPLICANT FOR A PRIVATE CAREER SCHOOL **OR INSTITUTION OF POSTSECONDARY EDUCATION (AS DEFINED IN §10–101 IN THIS ARTICLE)** TO ADVERTISE AND COLLECT CONTACT INFORMATION FROM POTENTIAL NEW STUDENTS BEFORE THE PRIVATE CAREER SCHOOL **OR INSTITUTION OF POSTSECONDARY EDUCATION** RECEIVES A CERTIFICATE OF APPROVAL TO OPERATE.

(B) A PRIVATE CAREER SCHOOL **OR INSTITUTION OF POSTSECONDARY EDUCATION** APPROVED UNDER SUBSECTION (A) OF THIS SECTION:

1. SHALL:

(I) ADVERTISE ONLY INFORMATION RELATING TO THE OPENING OF THE PRIVATE CAREER SCHOOL **OR INSTITUTION OF POSTSECONDARY EDUCATION**, INCLUDING THE ANTICIPATED DATE OF OPENING, PROGRAMS OF INSTRUCTION, AND THE APPLICATION PROCESS; AND

(II) INCLUDE, IN ANY ADVERTISEMENT, A DISCLOSURE THAT THE CERTIFICATE OF APPROVAL TO OPERATE THE PRIVATE CAREER SCHOOL **OR INSTITUTION OF POSTSECONDARY EDUCATION** IS PENDING APPROVAL; AND

2. MAY NOT COLLECT ANY FEES OR ENTER INTO AN ENROLLMENT AGREEMENT WITH POTENTIAL STUDENTS.



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(C) THE SECRETARY SHALL ADOPT REGULATIONS PROVIDING FOR THE  
PROCESS TO APPROVE A PRIVATE CAREER SCHOOL **OR INSTITUTION OF**  
**POSTSECONDARY EDUCATION** TO ADVERTISE UNDER THIS SECTION.

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