

**Maryland General Assembly
Department of Legislative Services**

**Proposed Regulations
Maryland Higher Education Commission**
(DLS Control No. 15-190)

Overview and Legal and Fiscal Impact

The regulations set forth the policies and procedures that implement the Graduate and Professional Scholarship Program.

The regulations present no legal issues of concern.

There is no fiscal impact on State or local agencies.

Regulations of COMAR Affected

Maryland Higher Education Commission:

Financial Aid: Graduate and Professional Scholarship Program:
COMAR 13B.08.08.01-.06

Legal Analysis

Background

In order to increase transparency with its scholarship and financial aid programs, the Office of Student Financial Assistance in the Maryland Higher Education Commission has initiated an ongoing process to convert all financial aid program guidelines into regulations by the end of 2015. The Graduate and Professional Scholarship Program provides financial assistance to full-time and part-time students in the fields of medicine, dentistry, law, pharmacy, nursing, social work, and veterinary medicine who have demonstrated financial need.

Summary of Regulations

The regulations implement the Graduate and Professional Scholarship Program. More specifically, the regulations:

- establish the purpose of the program;
- establish eligibility criteria for participation in the program, including State residency, demonstrated financial need, and enrollment as a degree-seeking student at specified graduate schools in the State;

- specify the proportion of an institutional allocation under the program as well as procedures for the disbursement of funds to institutions;
- specify minimum (\$1,000) and maximum (\$5,000) award amounts for students as well as the duration of an award (no longer than 8 semesters);
- specify renewal criteria;
- require institutions to submit annually to the office (1) the amount of funds and number of recipients of an award; (2) the allocation of awards by degree program; (3) the total number of eligible students with financial need; and (4) the methodology used to determine a student's financial need; and
- establish penalties for noncompliance with the requirement to submit annually the above information.

Legal Issue

The regulations present no legal issue of concern.

Statutory Authority and Legislative Intent

The commission cites §§ 11-105(u), 18-204(c), and 18-2601 of the Education Article as statutory authority for the regulations. Section 11-105(u) authorizes the commission to adopt regulations necessary to carry out its powers and duties. Section 18-204(c) authorizes the office to adopt regulations to carry out its powers and duties, one of which is to administer student financial assistance programs. Section 18-2601 requires the commission, in cooperation with the institutions of higher education in the State, to establish and administer the program. This section also specifies eligibility criteria for the program, minimum and maximum award amounts to students, the maximum term of use of an award, requirements relating to allocation of funds to institutions under the program, and a requirement for an annual institution-based audit regarding disposition of funds. Finally, this section also requires the commission to adopt regulations necessary for the implementation of the program.

This authority is correct and complete. The regulations comply with the legislative intent of the law.

Fiscal Analysis

There is no fiscal impact on State or local agencies.

Agency Estimate of Projected Fiscal Impact

The commission advises that the regulations codify existing guidelines and practices (both written and unwritten) developed by the commission regarding the Graduate and Professional Scholarship Program and have no impact on State or local governments. The Department of Legislative Services concurs to the extent that the regulations do not modify current practice. The scholarship was established by Chapters 315 and 429 of 2002 and has been modified over the years; however, no regulations regarding the program have been promulgated.

Impact on Budget

There is no impact on the State operating or capital budget.

Agency Estimate of Projected Small Business Impact

The commission advises that the regulations have minimal or no economic impact on small businesses in the State. The Department of Legislative Services concurs.

Contact Information

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