

**Maryland General Assembly
Department of Legislative Services**

**Proposed Regulation
Maryland Higher Education Commission**
(DLS Control No. 16-266)

Overview and Legal and Fiscal Impact

The regulation eliminates the requirement for out-of-state institutions of higher education that offer a fully online distance education program to Maryland students to provide certain data reports to the Maryland Higher Education Commission with certain applications for registration because these institutions are already required to transfer data directly to the Maryland Longitudinal Data System (MLDS).

The regulation presents no legal issues of concern.

There is no fiscal impact on State or local agencies.

Regulation of COMAR Affected

Maryland Higher Education Commission:

Fully Online Programs: Registration: COMAR 13B.05.01.06

Legal Analysis

Summary of Regulation

Most out-of-state institutions of higher education that offer a fully online distance education program to Maryland students are required to register with the commission. The regulation eliminates the requirement for these institutions to provide reports to the commission on MLDS-required data for Maryland students with each application for registration that follows the first registration because these institutions are already required to transfer data directly to MLDS.

Although the regulation eliminates the requirement for institutions that are required to register with the commission to provide certain data reports to the commission, § 24-707(c)(1) of the Education Article continues to require out-of-state institutions of higher education that offer a fully online distance education program to Maryland students and that are required to register with the commission to transfer student-level enrollment data, degree data, and financial aid data for all Maryland residents to MLDS.

Legal Issues

The regulation presents no legal issues of concern.

Statutory Authority and Legislative Intent

The commission cites §§ 11-105(u) and 11-202.2 of the Education Article as statutory authority for the regulation. Section 11-105(u) authorizes the commission to adopt any rule or regulation necessary to carry out its powers and duties. Section 11-202.2 requires most out-of-state institutions of higher education that offer a fully online distance education program to Maryland students to file an application to register with the commission before or within three months of enrolling the first Maryland student. Some out-of-state institutions are not required to register with the commission, such as institutions that participate in the State Authorization Reciprocity Agreement.

This authority is correct and complete. The regulation complies with the legislative intent of the law.

Technical Corrections and Special Notes

In response to a suggestion from the Department of Legislative Services, staff for the commission agreed to amend the letter designations of the sections that follow repealed section (C) and to update the cross references in current sections (H) and (I).

Fiscal Analysis

There is no fiscal impact on State or local agencies.

Agency Estimate of Projected Fiscal Impact

The regulation repeals the requirement that institutions of higher education with fully online programs in the State submit data reports on Maryland students required by the Maryland Longitudinal Data System to the commission with each renewal application for registration. The commission advises that repealing the regulation minimally decreases staff time required for the commission but has no fiscal impact.

The Department of Legislative Services concurs; however, the Department of Legislative Services advises that the Education Article § 24-707(c)(1) still requires higher education institutions that are required to register to transfer student-level enrollment data, degree data, and financial aid data for all Maryland residents to the Maryland Longitudinal Data System.

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 regulation has minimal or no economic impact on small businesses in the State. The Department of Legislative Services concurs.

Contact Information

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