

**Maryland General Assembly
Department of Legislative Services**

**Proposed Regulations
Maryland Higher Education Commission**
(DLS Control No. 16-275)

Overview and Legal and Fiscal Impact

The regulations clarify which entities and organizations may not advertise as schools, conservatories, academies, institutes, colleges, or universities, as enforced by the Maryland Higher Education Commission.

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:

Nonpublic Schools: Minimum Requirements for Private Career Schools:

COMAR 13B.01.01.03

Minimum Requirements for Private Career Schools:

COMAR 13B.01.01.15

Legal Analysis

Summary of Regulations

The regulations clarify which entities may not advertise as schools, conservatories, academies, institutes, colleges, or universities, except as otherwise provided. Although only institutions of higher education may advertise as a college or university, the Secretary of Higher Education may authorize an organization to advertise as a school, conservatory, academy, or institute if the organization:

- qualifies for an exemption as the result of providing training or instruction via distance learning that originates outside of the State;
- provides a prominent disclaimer in all of its advertising and enrollment materials that it is not licensed by the commission; and

- furnishes or offers to furnish programs for the purpose of training or upgrading for gainful employment. The decision of the secretary is final.

Legal Issues

The regulations present no legal issues of concern.

Statutory Authority and Legislative Intent

The commission cites §§ 11-105(u) and 11-201 of the Education Article as statutory authority for the regulations. Section 11-105(u) authorizes the commission to adopt regulations to carry out provisions of law relating to the governance and regulation of higher education. Section 11-201 requires the commission to establish minimum requirements for issuing certificates, diplomas, and degrees by institutions of postsecondary education.

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 regulations clarify the circumstances under which certain organizations are restricted from advertising themselves as schools, academies, conservatories, institutes, colleges, or universities; and set forth standards under which the secretary may permit organizations that do not have certificates of approval from the commission to use the terms school, academy, conservatory, or institute. The commission advises that the regulations have no impact on State or local governments. The Department of Legislative Services concurs.

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

Legal Analysis: Sara C. Fidler – (410) 946/(301) 970-5350

Fiscal Analysis: Caroline L. Boice – (410) 946/(301) 970-5510