

**Maryland General Assembly
Department of Legislative Services**

**Emergency Regulations
Maryland Higher Education Commission**
(DLS Control No. 18-176)

Overview and Legal and Fiscal Impact

The regulations authorize the Secretary of Higher Education to grant a waiver from the requirement that an off-campus program may be approved by the Maryland Higher Education Commission only if there is already an existing on-campus program. The waiver applies to specified programs offered at regional higher education centers (RHEC) in the State.

The regulations present no legal issues of concern.

There is no material fiscal impact on State or local agencies.

Regulations of COMAR Affected

Maryland Higher Education Commission:

Academic Regulations: Academic Programs - Degree-Granting Institutions:
COMAR 13B.02.03.02 and .20

Legal Analysis

Background

RHECs are education facilities that are operated by public or private nonprofit institutions of higher education in the State and include participation by two or more institutions. Programs at RHECs consist of an array of offerings at multiple degree levels.

Summary of Regulations

The regulations authorize the Secretary to grant a waiver from the requirement that an off-campus program may be approved by the commission only if there is already an existing on-campus program. Under the regulations, a waiver must be granted if the program (1) meets the program approval requirements of a new program that will not be implemented using existing program resources and (2) will be offered at a RHEC.

Legal Issues

The regulations present no legal issues of concern.

Statutory Authority and Legislative Intent

The commission cites §§ 11–105(u), 11–201, and 11–206 of the Education Article as statutory authority for the regulations. Section 11–105(u) authorizes the commission to adopt regulations to carry out its powers and duties. Section 11–201 requires the commission to establish minimum requirements for issuing certificates, diplomas, and degrees by institutions of postsecondary education. Section 11–206 requires the governing body of an institution of postsecondary education to submit to the commission each proposal for a new or substantial modification to a program, prior to the proposed date of implementation.

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

Emergency Status

The commission requests emergency status beginning July 5, 2018, and expiring December 31, 2018. This emergency period is within the normal time frames approved by the Joint Committee on Administrative, Executive, and Legislative Review. The commission indicates that emergency status is necessary in order to authorize educational programs at RHECs in the State, specifically relating to an impending accreditation issue.

Fiscal Analysis

There is no material fiscal impact on State or local agencies.

Agency Estimate of Projected Fiscal Impact

The commission advises that the regulations have no impact on State or local governments. The Department of Legislative Services generally concurs that there is likely no material fiscal impact but advises that public institutions of higher education revenues and expenditures for programs at regional higher education centers may increase minimally due to additional programs being approved. However, any impact on expenditures is likely offset by revenues.

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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