

**Maryland General Assembly  
Department of Legislative Services**

**Proposed Regulations  
Maryland Higher Education Commission**  
(DLS Control No. 18-310)

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## **Overview and Legal and Fiscal Impact**

These regulations allow the Maryland Higher Education Commission to approve an off-campus program at a regional higher education center (RHEC) if the Secretary of Higher Education grants a waiver of the requirement that there already be an existing on-campus program under specified circumstances.

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

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## **Legal Analysis**

### **Background**

Under current regulations, the commission may approve an institution of higher education's proposal for an off-campus program only if there is already an existing on-campus program and the institution and program meet other specified requirements. Among other things, a proposal for an off-campus program must contain specified information regarding the need and demand for extending the program and the impact the program may have on similar programs that may exist in the region.

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.

The Joint Committee on Administrative, Executive, and Legislative Review approved emergency status, beginning August 2, 2018, for emergency regulations containing identical text (see DLS Control No. 18-176E).

## **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 Secretary finds that 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, 11-202, 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 11-202 prohibits certain institutions of postsecondary education from commencing or continuing to operate, do business, or function without a certificate of approval from the commission. 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.

## **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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