

**Maryland General Assembly
Department of Legislative Services**

**Proposed Regulations
Maryland Higher Education Commission**
(DLS Control No. 19-030)

Overview and Legal and Fiscal Impact

These regulations establish the procedures governing the Richard W. Collins III Leadership With Honor Scholarship Program to be administered by the Office of Student Financial Assistance within 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:

Financial Aid:

Richard W. Collins III Leadership With Honor Scholarship Program:

COMAR 13B.08.11.01 through .09

Legal Analysis

Background

These regulations implement Chapter 597 of 2018, which established the Richard W. Collins III Leadership With Honor Scholarship Program to provide scholarships to students who:

- are eligible for in-State tuition;
- are members of a Reserve Officer Training Corps (ROTC) program;
- are members of a minority group or another group historically underrepresented in ROTC programs; and
- attend a historically black college or university (HBCU) in the State (Bowie State University, Coppin State University, Morgan State University, and the University of Maryland Eastern Shore).

Richard W. Collins III was an ROTC student at Bowie State University. He was days from graduating when he was murdered at a bus stop at the University of Maryland, College Park Campus in May 2017.

ROTC is a group of college-based officer training programs for training commissioned officers of the U.S. Armed Forces. There are three separate ROTC programs run by the U.S. Armed Forces: Army ROTC; Navy ROTC, which also trains Marines Corps officers; and Air Force ROTC. Among HBCUs, there are currently:

- Army ROTC programs at Bowie State University and Morgan State University;
- an Air Force ROTC program at Bowie State University; and
- no Navy ROTC programs at an HBCU in the State.

Students at Coppin State University can take ROTC courses at Morgan State University, and students at the University of Maryland Eastern Shore can take ROTC courses at the University of Delaware.

Summary of Regulations

These regulations implement the Richard W. Collins III Leadership With Honor Scholarship Program. The stated goal of the program is to further the State's compelling interests in educating diverse student bodies and in achieving diversity in ROTC programs. In implementing the program, the regulations:

- require that, in addition to meeting the eligibility requirements listed in statute, each applicant must be enrolled full-time at an eligible HBCU and timely file an application with the office;
- require each eligible HBCU to make a determination of which students are minority students or members of another group historically underrepresented in ROTC programs who will contribute to diversity within ROTC programs, based upon a holistic review of each applicant;
- require that students apply annually for the program by submitting, among other things, a Free Application for Federal Student Aid (FAFSA) or, if ineligible for the FAFSA, by submitting the Maryland State Financial Aid Application;
- authorize students to continue to receive scholarship awards for a maximum of four years, if they continue to meet the eligibility and application requirements and continue to maintain satisfactory academic progress;

- provide for the award amount of each scholarship recipient to be set by the executive director of the office at no more than the total educational expenses of the recipient and no less than \$500 per semester or \$1,000 per academic year;
- provide that the office shall give priority to applicants with the greatest financial need, based on the student's expected family contribution (though prior year recipients will be given priority in subsequent years to continue to receive a scholarship);
- provide that 25% of total annual scholarships will be awarded to students of Bowie State University with the remaining 75% going to students of the other eligible institutions;
- provide that students will be notified of awards through the Maryland College Aid Processing System; and
- provide that award payments will be made to the institutions for each semester that eligible recipients are granted awards, but also requiring each institution to certify the continued eligibility of each award recipient and request payment for award recipients, and prohibiting institutions that fail to certify and request payment from certifying students in the subsequent semester.

Legal Issues

These regulations present no legal issues of concern.

Statutory Authority and Legislative Intent

The commission cites §§ 11-105(u), 18-204(c), and 18-605(e) of the Education Article as statutory authority for these regulations. Section 11-105(u) gives the commission authority to adopt any rule or regulation necessary to carry out its powers and duties. Section 18-204(c) states that the office may adopt any rule or regulation necessary to carry out its powers and duties, one of which is to administer student financial assistance programs. Section 18-605 establishes the Richard W. Collins III Leadership With Honor Scholarship Program. Section 18-605(e) requires the office to adopt any procedures or regulations necessary to implement that section.

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 have no impact on State or local governments. The regulations implement Chapter 597 of 2018 (Senate Bill 1202), which created the Richard W. Collins III Leadership With Honor Scholarship Program. Chapter 597 requires the Governor to include an annual appropriation of at least \$1.0 million for the program in the State budget beginning in fiscal 2020. There is no fiscal impact beyond the funding mandated by Chapter 597. 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.

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