

**Maryland General Assembly  
Department of Legislative Services**

**Proposed Regulations  
Maryland Higher Education Commission**  
(DLS Control No. 19-076)

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

These Maryland Higher Education Commission regulations make several changes to the existing regulations implementing the Maryland Community College Promise Scholarships program, which is administered by the Office of Student Financial Assistance within the 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: Maryland Community College Promise Scholarships:  
COMAR 13B.08.21.05, .09, .12 and .17

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## **Legal Analysis**

### **Background**

The Maryland Community College Promise Scholarships program was created by Chapter 554 of 2018 to provide tuition assistance for students attending community college in the State. Final regulations implementing the statutory law took effect March 25, 2019 (see DLS Control No. 18-311).

Several changes to the statutory law governing the program were made during the General Assembly's 2019 legislative session, but are not reflected in these regulations. Chapter 752, an emergency law, altered provisions that relate to the eligibility requirements, the service obligation, and reporting. Chapter 464 altered the provisions governing the calculation of award amounts to specify that, for a recipient who is eligible for a certain local promise scholarship, a program award must be credited to the recipient's tuition before the award of the local promise scholarship.

Although some of the changes made by Chapters 464 and 752 are in conflict with other provisions of the existing program regulations, this action alters provisions that are not directly

affected by the statutory changes. In response to an inquiry from staff of the Department of Legislative Service, staff of the commission advised that the commission plans to make additional regulatory changes to address the conflicts. Staff for the commission also acknowledged that, when statutory text is in conflict with a regulation, the statutory text will prevail.

## **Summary of Regulations**

These regulations make several small tweaks to the existing regulatory framework of the Maryland Community College Promise Scholarships program. These include:

- altering the dates by which applicants must apply for the program and submit supporting documentation;
- providing that the office must give consideration for late awards to students who have seen an increase in tuition and fee expenses as a result of adding credits after initial registration, but only after the office considers late awards to students in other previously specified categories;
- altering the specifics of the verification process for scholarship eligibility, including requiring that the office verify the accuracy of adjusted gross income levels and the demonstrated need of a representative sample of a certain group of applicants;
- clarifying the certification of award eligibility process, including that the information an institution must report to determine an applicant's unmet tuition includes the annual tuition and fees based on the applicant's fall enrollment status; and
- clarifying that the basis for an appeal for a scholarship denial under certain circumstances in which a student is an individual with disabilities should come from a disability support services office or a similar office.

## **Legal Issues**

The regulations present no legal issues of concern.

## **Statutory Authority and Legislative Intent**

The commission cites §§ 11-105(u), 18-204(c), 18-3603, 18-3604, and 18-3606 of the Education Article as statutory authority for the regulations. Section 11-105(u) gives the commission the authority to adopt any rule or regulation necessary to carry out its powers and duties. Section 18-204(c) gives the office the authority to adopt any rule or regulation necessary to carry out its powers and duties. Section 18-3603, among other things, states the eligibility criteria an applicant must meet to receive a Maryland Community College Promise Scholarship. Section 18-3604, among other things, lays out the maximum amount of an award and priority considerations for who receives an award. Section 18-3606 requires the commission to adopt regulations to implement the program.

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 Department of Legislative Services concurs. The Department of Legislative Services further advises that, according to statute, the Governor must include at least \$15 million in the annual State budget for the Maryland Community College Promise Scholarship, and the regulations do not impact the amount of this funding.

### **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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