

**Maryland General Assembly  
Department of Legislative Services**

**Proposed Regulations  
State Board of Education**  
(DLS Control No. 19-215)

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

These regulations add a new chapter to incorporate into regulation several provisions that govern the funding of State-aided educational institutions under Title 5, Subtitle 5 of the Education Article.

The regulations present no legal issues of concern.

There is no fiscal impact on State or local agencies.

## **Regulations of COMAR Affected**

### **State Board of Education:**

Special Instructional Programs: State-Aided Educational Institutions:  
COMAR 13A.05.13.01 through .06

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## **Legal Analysis**

### **Background**

The State-aided educational institution program provides funding and support to certain non-profit organizations that provide unique educational experiences to students and teachers that cannot be replicated in the classroom. The State Department of Education administers the program and requires the educational experiences provided by the educational institutions to be aligned with State curricular and educational priorities.

### **Summary of Regulations**

The regulations add the requirements for State-aided educational institutions in Title 5, Subtitle 5 of the Education Article into regulation and generally mirror the statutory requirements. Regulation .01 describes the purpose of the State-aided educational institutions program and Regulation .02 defines certain terms related to the program. Regulation .03 describes the qualifications and required documentation for an educational institution to qualify as a State-aided educational institution and be considered for funding. In addition to the documentation required by statute, this regulation requires evidence that the program to be funded is an existing program that has a track record of success. Regulation .04 describes the documentation that a State-aided

educational institution seeking funding must submit to the department. Regulation .05 describes the process for review and approval of applications for qualification as a State-aided educational institution for funding. Lastly, Regulation .06 requires each State-aided educational institution funded through the program annually to submit to the department a midyear/interim progress report, a managing for results report, and an annual progress report. This regulation also states that the department will conduct annual site visits for the State-aided Educational Institutions Program.

## **Legal Issues**

The regulations present no legal issues of concern.

## **Statutory Authority and Legislative Intent**

The department cites Title 5, Subtitle 5 of the Education Article as statutory authority for the regulations. Section 5-501 describes the documentation that an educational institution must submit to qualify as a State-aided educational institution. Section 5-502 describes the materials that must be submitted to qualify for funding. Section 5-503 requires the department to review applications and submit a list of qualified institutions to the State Superintendent of Schools in June. Section 5-504 requires the State Superintendent to review and comment on the list and present the list and comments to the State Board of Education at the July meeting for review and comment by the State board at the August meeting. Section 5-505 requires the State board, after the August meeting, to submit to the Governor the list of qualified institutions, as well as the comments of the State Superintendent and the State board on each institution. Section 5-506 requires the department to adopt regulations to implement the subtitle.

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

## **Technical Corrections and Special Notes**

In response to suggestions made by the Department of Legislative Services, staff of the department agreed to make the following changes:

- make technical corrections to the list of information required in the operating budget under Regulation .03B(4);
- add language in Regulation .05C to clarify when the State board is required to submit specified information to the Governor; and
- alter the statutory authority to include all of Title 5, Subtitle 5 of the Education Article.

This analysis reflects these changes.

## **Fiscal Analysis**

There is no fiscal impact on State or local agencies.

### **Agency Estimate of Projected Fiscal Impact**

The regulations reflect current practice and formally implement Chapter 657 of 1998 (Senate Bill 794), which established requirements for an organization that provides unique educational experiences to students and teachers that cannot be replicated in the classroom to receive State funding. In fiscal 2020, the State budget includes nearly \$6.3 million for these organizations. Neither the total amount of funding provided for these programs nor the distribution of the funding is affected by the regulations.

### **Impact on Budget**

There is no impact on the State operating or capital budget.

### **Agency Estimate of Projected Small Business Impact**

The department advises that there is a positive impact on small business because some of the organizations that receive funding under the program are small businesses. The Department of Legislative Services advises there is no new impact due to these regulations; any impact is due to the funding provided annually in the State budget for the programs.

## **Contact Information**

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