

**Maryland General Assembly  
Department of Legislative Services**

**Proposed Regulation  
Maryland Higher Education Commission**  
(DLS Control No. 22-271)

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

The regulation establishes a deadline for a religious institution that is denied an exemption to operate without a certificate of approval from the Maryland Higher Education Commission to request a hearing before the Commission.

The regulation presents no legal issues of concern.

There is no fiscal impact on State or local agencies.

## **Regulation of COMAR Affected**

### **Maryland Higher Education Commission:**

Academic Regulations: Exemption Procedures for Religious Educational Institutions and  
Religious Institutions: COMAR 13B.02.04.05

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## **Legal Analysis**

### **Background**

Under § 11–202.1 of the Education Article a private nonprofit institution of higher education operating under a charter granted by the General Assembly may operate without a certificate of approval from the commission. A religious educational institution may operate without a certificate of approval from the commission if the institution meets certain requirements, including submitting to the commission an exemption renewal application every two years. Section 11–202.1(d) of the Education Article requires the commission to adopt regulations establishing procedures and standards for the submission and evaluation of an application for exemption, renewal applications, and reports and financial statements submitted by religious educational institutions. The current regulation allows an institution denied an exemption to request a hearing before the commission without imposing a deadline.

## **Summary of Regulation**

The regulation establishes a deadline for a religious institution that is denied an exemption to operate without a certificate of approval from the commission to request a hearing before the commission no later than 20 days after receipt of written notification of the denial.

## **Legal Issues**

The regulation presents no legal issues of concern.

## **Statutory Authority and Legislative Intent**

The commission cites §§ 11–105(o) and (u), 11–201, and 11–202.1 of the Education Article as statutory authority for the regulation.

Section 11–105(u) authorizes the commission to require an application or renewal fee from an institution of postsecondary education seeking certification, an exemption from certification, or approval of certain academic program actions. Section 11–202.1 sets forth the circumstances under which a private nonprofit institution of higher education, including certain religious education institutions, may operate without a certificate of approval from the commission. The section requires the commission to adopt regulations establishing procedures and standards for the submission and evaluation of an application for exemption, renewal applications, and reports and financial statements submitted by religious educational institutions.

The remaining cited authority is not relevant to this regulation.

The relevant cited authority is correct and complete. The regulation complies 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**

Religious educational institutions may operate in Maryland without a certificate of approval from the commission. To do so, an institution must: (1) meet specified qualifications; (2) apply for an exemption; and (3) pay \$250. Exemptions are valid for two years. An institution denied an exemption may request a hearing before the commission. The regulation sets a 20-day limit for a religious educational institution to request a hearing, which aligns with other appeal procedures for commission actions, including denial of approval to operate both private career schools and degree-granting institutions.

The commission advises that the regulation has no impact on State or local governments. The Department of Legislative Services concurs, as the regulation is generally administrative and is not anticipated to materially impact the number of hearings requested or the processing fees collected.

### **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 regulation has minimal or no economic impact on small businesses in the State. The Department of Legislative Services concurs as the regulation is not anticipated to materially impact the number of hearings requested by religious educational institutions or any processing fees.

### **Contact Information**

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