

**Maryland General Assembly
Department of Legislative Services**

**Proposed Regulation
Maryland Higher Education Commission**
(DLS Control No. 23-083)

Overview and Legal and Fiscal Impact

The regulation adjusts the Senator John A. Cade Funding Formula for community colleges to include a nonresidency waiver for returned Peace Corps volunteers.

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:

Community Colleges:

General Regulations and Policies for Community Colleges: COMAR 13B.07.02.03

Legal Analysis

Background

The State's annual contribution to the Senator John A. Cade Funding Formula is determined by enrollment at community colleges and a statutory percentage of current year State appropriations per full-time equivalent student (FTES) at selected four-year institutions. The resulting community college per student amount is multiplied by the number of FTES enrolled in the colleges in the second preceding fiscal year to identify a total formula amount.

There are in-State tuition exemptions, or waivers, for public school teachers if the courses are related to or needed for their employment, military personnel and their spouses and dependents in certain circumstances, State and local public safety personnel and their families, AmeriCorps volunteers, and certain undocumented immigrants who have resided in the State in certain circumstances.

Summary of Regulation

The regulation alters the student residency policy to consider as a Maryland resident a returned Peace Corps volunteer domiciled in the State under the Senator John A. Cade Funding Formula for community colleges. "Returned Peace Corps volunteer" is defined as a person who

has been certified by the Director of the Peace Corps as having served satisfactorily as a Peace Corps volunteer.

Legal Issues

The regulation presents no legal issues of concern.

Statutory Authority and Legislative Intent

The Maryland Higher Education Commission cites §§ 15-106.11 and 16-305 of the Education Article as statutory authority for the regulation.

Section 15–106.11 exempts a returned Peace Corps volunteer who attends a public institution of higher education in the State from paying nonresident tuition if the returned Peace Corps volunteer is domiciled in the State. The section also specifies that a returned Peace Corps volunteer domiciled in the State attending a community college shall be included as an in–State resident for computation of State aid to community colleges.

Section 16–305 contains the funding formula for State and county aid to community colleges.

This 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

The regulation requires community colleges (excluding Baltimore City Community College) to include a returned Peace Corp volunteer, as defined in statute, who is domiciled in the State and attends a public institution of higher education in the State as a Maryland resident. This implements provisions of Chapters 75 and 76 of 2022 (Senate Bill 50 and House Bill 87), which exempt a returned Peace Corps volunteer domiciled in the State from paying nonresident tuition and require a community college student who pays in-state tuition due to being a Peace Corps volunteer to be included as an in-state resident for computation of State aid under the Senator John A. Cade Funding Formula for community colleges and the Baltimore City Community College funding formula. The commission advises that the regulation has no impact on State or local government. The Department of Legislative Services concurs as any impact has already been accounted for in the fiscal and policy note for that Senate Bill 50 and House Bill 87, which estimated no material impact on local community college tuition revenues or the Senator John A. Cade Funding Formula for community colleges.

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.

Contact Information

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