



STATE HIGHER EDUCATION EXECUTIVE OFFICERS ASSOCIATION

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## Maryland Higher Education Commission

### Vertical Tabs

1. Agency and Contact Information

**1A1. Agency Name:**

Maryland Higher Education Commission

**1A2. Agency Description - Please review the description below and revise as appropriate (e.g., state executive agency, agency with appointed board, department or division within agency, etc.):**

The Maryland Higher Education Commission, a State Executive Agency with an appointed board, has licensing and approval authority for all degree-granting institutions and private career schools.

**1A3. Agency Contact - Please review and correct as necessary the contact information below:**

Monica Wheatley  
Associate Director of Collegiate Affairs  
Office of Academic Affairs  
Maryland Higher Education Commission  
6 North Liberty Street  
Baltimore, MD 21201  
(410) 767-3300  
[monica.wheatley@maryland.gov](mailto:monica.wheatley@maryland.gov) [1]

**1A4. Who should institutions contact if they have questions about your agency's authority, policies, or application process:**

For questions regarding Academic Program Approval contact: Academic Proposal Assistance [acadprop.mhec@maryland.gov](mailto:acadprop.mhec@maryland.gov) [2] 410-767-3300 For questions regarding Registration of Fully Online Programs contact: Online Registration Assistance [onlinereg.mhec@maryland.gov](mailto:onlinereg.mhec@maryland.gov) [3]

**1B. Links - Please provide web links to your agency home page, the regulations pertaining to authorization, and any other links important for understanding your agency's responsibility for authorization:**

[Agency Homepage](#) [4]

[Academic Program Approval](#) [5]

[Out-of-State Programs operating in Maryland, including programs with Practica/Internships](#) [6]

[Registration of Out-of-State Fully Online Programs](#) [7]

**1C1. Other Agencies - According to our records, the following agencies also have responsibility for authorization in the state. Please correct, add to, or clarify this list of authorizing authorities as necessary. These agencies will also be requested to complete this survey:**

None

**1C2. If the division of responsibility among these agencies is not clear, please explain:**

N/A

## 2. Types of Educational Providers Authorized

**2A1. Institution Types Authorized - Indicate the types of institutions that your agency authorizes. Feel free to provide a short explanation of any ambiguity:**

Public, in-state degree granting institutions

Public, out-of-state degree granting institutions

Private, in-state, not-for-profit degree granting institutions

Private, out-of-state, not-for-profit degree granting institutions

Private, in-state, for-profit degree granting institutions

Private, out-of-state, for-profit degree granting institutions

Non-degree, not-for-profit institutions

Non-degree, for-profit institutions

Religious Institutions

Tribally-controlled institutions

**2A2. Clarifying comments:**

Religious Institutions may be eligible for an exemption from authorization or approval to operate in Maryland in accordance with COMAR 13B.02.04.

Religious Institutions offering non-sectarian instruction, this includes any regionally accredited religious institutions, must apply for a certificate of approval to operate in Maryland in accordance with COMAR 13B.02.04.

**2B1. Multiple Agencies - Is an institution required to obtain approval from more than one agency to be authorized in your state (excluding purely programmatic approvals):**

Yes

**2B2. If so, please explain:**

programs in Education and Nursing should also seek the necessary approvals from the Maryland State Department of Education and the Maryland Board of Nursing, respectively. Some private career schools may need certain approvals from licensing boards.

**2C1. Accreditation - Is accreditation required for an institution to be authorized in your state:**

Yes

**2C3. If yes, what type of accreditation is required? Please check all that apply:**

Regional  
National  
Programmatic/specialized, if applicable

**2C4. Clarifying comments:**

Please review relevant regulations or contact the agency to determine accreditation requirements.

**2D1. Does your agency authorize specific academic programs offered by institutions, only institutions themselves, or both:**

Both Institutions and Programs

**2E1a. Education:**

Yes

**2E1b. Name and Contact information, Education:**

Maryland State Department of Education  
Division of Certification and Accreditation 200 West Baltimore Street  
Baltimore, MD 21201  
[www.marylandpublicschools.org/MSDE/divisions/certification/progapproval](http://www.marylandpublicschools.org/MSDE/divisions/certification/progapproval) [8]

**2E2a. Nursing:**

Yes

**2E2b. Name and Contact Information:**

Maryland Board of Nursing  
4140 Patterson Avenue  
Baltimore, MD 21215-2254  
[www.mbon.org](http://www.mbon.org) [9]

3. Exemptions

**3A1. General Exemptions - Are certain institutions or programs exempt by law or policy from your state authorization requirements:**

Yes

**3A2. If yes, to which institutions or programs does the exemption apply? How does it work (please describe)? If available, please provide any pertinent web links:**

Religious Institutions seeking to be exempted by the State of Maryland to offer religious degrees within the State must apply for an exemption. COMAR 13B.02.04.

Programs offered at Military sites may be exempted by the State of Maryland. COMAR 13B.02.01.04

**3A3. If yes, how does the institution or program claim an exemption? For example, is the exemption automatic as long as it meets specified criteria, does the institution or program notify the agency and the exemption is granted, is there an application process, etc.:**

Religious Institutions seeking to be exempted by the State of Maryland to offer religious degrees within the State must apply for an exemption. COMAR 13B.02.04.

Programs offered at Military sites may be exempted by the State of Maryland. COMAR 13B.02.01.04

**3B. Other Requirements - If an institution or program is exempt from state authorization, are there any other state requirements that an institution would need to fulfill in order to operate in your state (e.g., providing contact information, list of programs, etc.):**

Religious Institutions seeking to be exempted by the State of Maryland to offer religious degrees within the State must apply for an exemption. COMAR 13B.02.04.

**3C1. Religious Institutions - Does your state constitution or do your state laws provide any exemptions for religious institutions:**

Yes

**3C2. If yes, are all religious institutions exempt (please describe):**

No, they must meet the criteria for exemption as indicated above.

**3C3. If yes, are religious institutions that award only religious degrees or certificates exempt (please describe):**

They must apply and be approved for an exemption

**3C4. If yes, are certain religious institutions exempt that meet other criteria (please describe):**

No.

#### 4. Authorization of Distance Education

**4A1. Does your agency require purely (100%) distance education programs, including online or correspondence study programs that enroll residents of your state, to be authorized without regard to physical presence:**

No

**4A2. Clarifying Comments:**

No, but institutions are required to register fully online programs. Education Article, § 11-202.2. COMAR 13B.05.01.

Programs that include practica or internships and the like must apply for a certificate of approval to operate in the state.

**4B1. If not, does your agency determine whether an institution must be authorized based on a physical presence (“operating”) standard:**

Yes

#### 5. Physical Presence Policy – Common “Triggers”

**5A. If your agency uses a physical presence standard, how does your agency define physical presence? If available, please provide a link to that policy or a citation to the relevant regulation giving that standard:**

PLEASE NOTE: Requiring a practicum, internship or other instructional experience in Maryland, regardless of whether credit is awarded for the experience, constitutes a physical presence in the State

of Maryland triggering the requirement to obtain a certificate of approval to operate. Institutions seeking a certificate or approval to “operate in Maryland” must obtain authorization from the Maryland Higher Education Commission. As defined in COMAR 13B.02.01.03B(12), “Operate in Maryland” means: i. the maintenance in Maryland, for the purpose of offering instruction leading to a degree or certificate, or any instruction for credit, of a classroom (including a teleclassroom or a computer laboratory, or both, recruiting office, administrative office, or any other instructional space either through a lease or purchase of space; ii. the recurring use of space for instruction in Maryland provided by another, educational entity or any organization, whether or not a lease or purchase occurs; or iii. the maintenance in Maryland by a non-accredited out-of-State institution or organization of any ongoing administrative or instructional activity that purports to contribute to the granting of degrees or postsecondary certificates or course credits.

#### INSTRUCTIONAL ACTIVITIES

##### **5B1a. Hosting short term, face-to-face, seminars or conferences in the state where students meet in person:**

Yes

##### **5B1b. Clarifying Comments:**

if there is instruction or it is required for the course, program or degree.

##### **5B2a. Permitting a student to complete an internship, externship, field experience, or clinical practicum organized by the institution:**

Yes

##### **5B2b. Clarifying Comments:**

if it is required for the course, program or degree.

##### **5B2c. Does this apply only to distance education students or more generally:**

More Generally

##### **5B3a. Permitting a student to complete an internship, externship, field experience, or clinical practicum found by the student acting independently:**

No

##### **5B3b. Clarifying Comments:**

if it is not required for the course, program or degree. Volunteer experiences neither required nor credited by the institution do not constitute a physical presence.

##### **5B3c. Does this apply only to distance education students or more generally:**

More Generally

#### PROPERTY IN THE STATE

##### **5B4a. Maintaining a location (physical building) in the state that is used for instructional activity:**

Yes

##### **5B5a. Maintaining a location (physical building) in the state that is used ONLY for non-instructional activity (administration, recruitment, etc.):**

No

##### **5B6a. Housing ONLY computer servers or other equipment at a physical location in the state:**

No

**5B7a. Maintaining an in-state address or phone number, regardless of use:**

No

**5B7b. Clarifying Comments:**

“Operate in Maryland” does not include the noninstructional activities of an out-of-State...that...(iii) maintains in Maryland a mailing address or a telephone answering or relay service, or advertises such a presence. COMAR 13B.02.01.03B(12).

RECRUITING ACTIVITIES

**5B8a. Organized, consistent, on - the - ground recruiting of students in the state by employees or agents of the institution:**

No

**5B8c. What if the agent is only recruiting students in the state on an occasional basis (i.e. at job fairs):**

No

**5B8d. Clarifying Comments:**

“Operate in Maryland” does not include the noninstructional activities of an out-of-State...that... (ii) conducts periodic and temporary visits to Maryland for the purposes of student recruitment or contact with an institution’s alumni... (COMAR 13B.02.01.03B(12))

THIRD PARTY AGREEMENTS/CONTRACTS

**5B9a. Having a contract/agreement between the institution and in-state institutions or in-state entities to provide services for students (i.e. library, gym, computer centers, etc.):**

Yes

ADVERTISING

**5B12a. Advertising in local media sources that are largely viewed by residents of the state**

:

No

**5B13a. Advertising in national media sources that can be accessed by residents of the state:**

No

EMPLOYMENT IN THE STATE

**5B14a. Employing full-time faculty in the state to provide instruction via distance education programs to students in the state:**

No

**5B14c. What about adjunct faculty:**

No

**5B15a. Employing full-time faculty in the state to provide instruction via distance education programs solely to students outside of the state:**

No

**5B15c. What about adjunct faculty:**

No

**5B16a. Employing mentors, tutors, or preceptors in the state to aid students, who are residents of the state, on an individual basis:**

No

OTHER

**5C2. Clarifying Comments:**

Please refer to COMAR 13B.02.01.03B(12) for the complete definition of “operate in Maryland.”

## 6. Application Process

**6A. Description - Please provide a short description of the application process to obtain state authorization. If available, please provide web links to the specific references to all applicable state laws, regulations, manuals, forms, or other pertinent documents:**

Application information and guidelines related to institutional approval can be found at:

[http://mhec.maryland.gov/institutions\\_training/Pages/acadaff/AcadProgIns...](http://mhec.maryland.gov/institutions_training/Pages/acadaff/AcadProgIns...) [5]

**6B. Processing Time - Generally, how long does it take to approve applications (assuming that the agency has received all required information from the institution)? Please provide a typical range if appropriate:**

The out-of-state approval process can take up to 6 months.

**6C. Duration - What is the authorization duration:**

Initially for 1 year, for the first 5 years of operation.

**6D. Maintenance - What does an institution need to do to maintain authorization:**

Submit an annual renewal application, until such time as the institution qualifies for a multi-year renewal.

**6E. Reporting - What kinds of information or data must an institution report to your agency as a condition for continued authorization? How frequently is this reported or updated? Is this information published or shared publicly:**

Renewal application information and guidelines can be found at:

[http://mhec.maryland.gov/institutions\\_training/Pages/acadaff/AcadProgIns...](http://mhec.maryland.gov/institutions_training/Pages/acadaff/AcadProgIns...) [6]

**6F. Loss of Status - Can an institution lose its authorized status? If so, how?:**

Yes, by not meeting the re-authorization criteria, as outlined in COMAR 13B.02.01.08, or at any time, not remaining in compliance with the standards on which its certificate of approval was based. COMAR 13B.02.01.09.

**6Ga. Multi-Institutional Systems - Can a multi-institutional system or college corporation apply to your agency for authorization on behalf of all of its component institutions? If so, please describe the process:**

If each institution is individually registered with or designated by the U.S. Department of Education, each is required to submit a separate application for authorization.

**6Gb. Would multi-institution public systems be treated the same as multi-location for-profit institutions:**

Yes

**6H. Distinctive Features - What distinctive features in your authorization process would be**

**useful for applicants to know (e.g., certain times during the year that you process applications for authorization, sharing of applications or information about proposed programs with institutions or other stakeholders in your state for comment):**

Applications are circulated to already authorized in-state institutions for comment.

**6I1. Amendments - Is your agency currently planning to amend its application process by the end of 2013:**

Yes

**6I2. If yes, please provide a brief description of the anticipated change:**

To be determined.

**6I3. If yes, when does the agency expect the change to be fully implemented:**

2014

#### 7. Fees Associated with Authorization

**7A. Application Fee - Is there an application fee to initiate the authorization process? If so, what is the fee or fee schedule? Please provide a web link if available:**

Yes, \$7,500 for up to two academic programs and \$850 for each additional program. There is also a \$7,500 fee per site for each at which an institution is delivering face-to-face instruction.

**7B. Other Costs - Are there any other costs associated with the state authorization process (e.g. site visits, hiring a reviewer, surety bond, tuition recovery fund, agent licensing, etc.):**

See (a) above.

**7C. Renewal Costs - What are the costs, if any, to renew authorization:**

See (a) above.

**7D. Exemption Costs - What costs are associated with receiving a waiver or exemption to authorization:**

No fee for military exemptions; \$250 for religious school exemptions.

#### 8. Interstate Reciprocity

**8A. Do your state regulations explicitly allow or prohibit interstate reciprocal agreements about authorization? If so, please describe:**

No, but as of July 1, 2013 the Maryland Annotated Code establishes an exemption from the registration law for institutions that are part of the Southern Regional Education Board's Electronic Campus. See 2013 Md. Law, ch. 490 (Senate Bill 510).



**8D. If interstate reciprocal agreements are not addressed in your regulations, would your agency consider establishing such agreements? Please elaborate:**

N/A

9. Consumer Protection and Student Complaints

**9A1. Does your agency have a process for handling complaints about postsecondary institutions or programs::**

Yes

**9A2. If yes, please describe the process or provide a web link to the material that describes the complaint process:**

[http://mhec.maryland.gov/institutions\\_training/Pages/acadaff/acadaffairs...](http://mhec.maryland.gov/institutions_training/Pages/acadaff/acadaffairs...) [10]

**9A3a. If yes, does this complaint process extend to institutions not authorized by the agency that may enroll residents of the state (such as explicitly distance education programs with no physical presence or exempt institutions):**

No

**9A4. If available, please provide a web link to the complaint form:**

[Complaint Form](#) [11]

**9B. Who is the contact person for receiving complaints? Please include name, title, address, phone, and email if available:**

Academic Affairs – Student Complaints  
Maryland Higher Education Commission  
6 N. Liberty Street, 10th Floor  
Baltimore, MD 21207  
[acadprop.mhec@maryland.gov](mailto:acadprop.mhec@maryland.gov) [2]

10. Enforcement

**10A. If your agency finds that an institution or program is operating in your state without authorization, what is the resulting warning or enforcement action:**

The Maryland Higher Education Commission may issue an order to cease and desist or may issue a notice of violation and impose a penalty. In addition, through the Office of the Attorney General, the Secretary of Higher Education may seek an injunction and other judicial remedies. The Commission also may require the refund of all tuition and fees.

**10B. Can an institution or program appeal a warning or enforcement action? If yes, please describe the process or provide web links to the regulations/policies:**

Yes, through administrative and judicial processes.

12. Other

**12A. Is there anything else about the authorization process in your state that we and**

## **others ought to know about:**

Institutions are strongly urged to review the Maryland Higher Education Commissions [website](#) [4] for information regarding the requirements and application process for authorization to operate within the State of Maryland and/or the registration process for fully online programs prior to contacting agency staff.

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**Source URL:** [http://sheeo.org/sheeo\\_surveys/user/22](http://sheeo.org/sheeo_surveys/user/22)

### **Links**

[1] <mailto:monica.wheatley@maryland.gov>

[2] <mailto:acadprop.mhec@maryland.gov>

[3] <mailto:onlinereg.mhec@maryland.gov>

[4] <http://mhec.maryland.gov/Pages/default.aspx>

[5] [http://mhec.maryland.gov/institutions\\_training/Pages/acadaff/AcadProgInstitApprovals/academicprogramsinstitutionalapprovals.aspx](http://mhec.maryland.gov/institutions_training/Pages/acadaff/AcadProgInstitApprovals/academicprogramsinstitutionalapprovals.aspx)

[6] [http://mhec.maryland.gov/institutions\\_training/Pages/acadaff/AcadProgInstitApprovals/out-of-stateinstit.aspx](http://mhec.maryland.gov/institutions_training/Pages/acadaff/AcadProgInstitApprovals/out-of-stateinstit.aspx)

[7] [http://mhec.maryland.gov/institutions\\_training/Pages/acadaff/oos\\_online/oos\\_online\\_registration.aspx](http://mhec.maryland.gov/institutions_training/Pages/acadaff/oos_online/oos_online_registration.aspx)

[8] <http://www.marylandpublicschools.org/MSDE/divisions/certification/progapproval>

[9] <http://www.mbon.org>

[10] [http://mhec.maryland.gov/institutions\\_training/Pages/acadaff/acadaffairsdepartments.aspx](http://mhec.maryland.gov/institutions_training/Pages/acadaff/acadaffairsdepartments.aspx)

[11] [http://mhec.maryland.gov/institutions\\_training/Documents/acadaff/MHECStudentComplaintForms.pdf](http://mhec.maryland.gov/institutions_training/Documents/acadaff/MHECStudentComplaintForms.pdf)