



**Report #9215:
Fully Online Distance Education Program Registration Report**

Submitted by the Maryland Higher Education Commission

December 2, 2013

Education §11-202.2(G) of the Annotated Code of Maryland requires the Maryland Higher Education Commission to report to the Governor, and in accordance with §2-1246 of the State Government Article, the General Assembly, a fully online distance education program registration report. This report shall include:

- I. The number of institutions of higher education that apply for registration under this section;
- II. The type and size of the institutions that apply;
- III. The number of institutions approved for registration;
- IV. The number of institutions denied registration;
- V. The number of Maryland students enrolled in institutions required to register under this section;
- VI. The results of the requirements of §11-202.3 of this subtitle;
- VII. The number of institutions found to be in violation of the requirement to register under this section;
- VIII. Any fines imposed, and in what amounts, on institutions that violate this section; and
- IX. Any fine revenues collected from institutions for violation of this section.

During the current December 1, 2012 through November 30, 2013 reporting period, the Commission received a total of 108 registration applications, including 28 initial applications and 80 renewal applications. During this same time period, the Secretary of Higher Education issued registration to 96 out-of-state institutions with a total of 3,621 fully online programs. The Commission collected a total of \$217,000 in registration fees.

Additionally, Commission staff required 18 out-of-state institutions with 88 online programs to apply for a certificate of approval to operate in Maryland, since those programs were determined to have a physical presence in the State (i.e., internships and practica) and did not qualify for registration.

I. Number of institutions that applied in the reporting period: **108**

II. Type and size of institutions that applied:

Types of institutions that applied for registration with the Maryland Higher Education Commission

Type	Number of applicants for registration
Public	21
Private-for-profit	55
Private not-for-profit	32

Size of institutions that applied for registration with the Maryland Higher Education Commission¹:

Size ²	Number of applicants for registration
Very small two-year ³	1
Small two-year ⁴	1
Medium two-year ⁵	2
Large two-year ⁶	3
Very large two-year ⁷	1
Very small four-year, primarily nonresidential ⁸	1
Very small four-year, primarily residential ⁹	0
Small four-year, primarily nonresidential ¹⁰	4
Very small four-year, highly residential ¹¹	0

¹ The Carnegie Classification of Institutions of Higher Education is used for this analysis.

² Footnotes three through twenty-one provide Carnegie Foundation definitions of institutional size.

³ Fall enrollment data show FTE enrollment of fewer than 500 students at these associate’s degree granting institutions. (Carnegie Classifications)

⁴ Fall enrollment data show FTE enrollment of 500–1,999 students at these associate’s degree granting institutions. (Carnegie Classifications)

⁵ Fall enrollment data show FTE enrollment of 2,000–4,999 students at these associate’s degree granting institutions. (Carnegie Classifications)

⁶ Fall enrollment data show FTE enrollment of 5,000–9,999 students at these associate’s degree granting institutions. (Carnegie Classifications)

⁷ Fall enrollment data show FTE enrollment of at least 10,000 students at these associate’s degree granting institutions. (Carnegie Classifications)

⁸ Fall enrollment data show FTE enrollment of fewer than 1,000 degree-seeking students at these bachelor’s degree granting institutions. Fewer than 25 percent of degree-seeking undergraduates live on campus and/or fewer than 50 percent attend full time (includes exclusively distance education institutions). (Carnegie Classifications)

⁹ Fall enrollment data show FTE enrollment of fewer than 1,000 degree-seeking students at these bachelor’s degree granting institutions. 25-49 percent of degree-seeking undergraduates live on campus and at least 50 percent attend full time. (Carnegie Classifications)

¹⁰ Fall enrollment data show FTE enrollment of 1,000–2,999 degree-seeking students at these bachelor’s degree granting institutions. Fewer than 25 percent of degree-seeking undergraduates live on campus and/or fewer than 50 percent attend full time (includes exclusively distance education institutions). (Carnegie Classification)

¹¹ Fall enrollment data show FTE enrollment of fewer than 1,000 degree-seeking students at these bachelor’s degree granting institutions. At least half of degree-seeking undergraduates live on campus and at least 80 percent attend full time. (Carnegie Classifications)

Size ²	Number of applicants for registration
Very small four-year, highly residential ¹²	0
Very small four-year, highly residential ^{13:}	0
Small four-year, primarily residential ¹⁴	2
Small four-year, highly residential ¹⁵	4
Medium four-year, primarily nonresidential ¹⁶	2
Medium four-year, primarily residential ¹⁷	4
Medium four-year, highly residential ¹⁸	7
Large four-year, primarily nonresidential ¹⁹	48
Large four-year, primarily residential ²⁰	24
Large four-year, highly residential ²¹	4

¹² Fall enrollment data show FTE enrollment of fewer than 1,000 degree-seeking students at these bachelor's degree granting institutions. At least half of degree-seeking undergraduates live on campus and at least 80 percent attend full time. (Carnegie Classifications)

¹³ Fall enrollment data show FTE enrollment of fewer than 1,000 degree-seeking students at these bachelor's degree granting institutions. At least half of degree-seeking undergraduates live on campus and at least 80 percent attend full time. (Carnegie Classifications)

¹⁴ Fall enrollment data show FTE enrollment of 1,000–2,999 degree-seeking students at these bachelor's degree granting institutions. 25-49 percent of degree-seeking undergraduates live on campus and at least 50 percent attend full time. (Carnegie Classifications)

¹⁵ Fall enrollment data show FTE enrollment of 1,000–2,999 degree-seeking students at these bachelor's degree granting institutions. At least half of degree-seeking undergraduates live on campus and at least 80 percent attend full time. (Carnegie Classifications)

¹⁶ Fall enrollment data show FTE enrollment of 3,000–9,999 degree-seeking students at these bachelor's degree granting institutions. Fewer than 25 percent of degree-seeking undergraduates live on campus and/or fewer than 50 percent attend full time (includes exclusively distance education institutions). (Carnegie Classifications)

¹⁷ Fall enrollment data show FTE enrollment of 3,000–9,999 degree-seeking students at these bachelor's degree granting institutions. 25-49 percent of degree-seeking undergraduates live on campus and at least 50 percent attend full time. (Carnegie Classifications)

¹⁸ Fall enrollment data show FTE enrollment of 3,000–9,999 degree-seeking students at these bachelor's degree granting institutions. At least half of degree-seeking undergraduates live on campus and at least 80 percent attend full time. (Carnegie Classifications)

¹⁹ Fall enrollment data show FTE enrollment of at least 10,000 degree-seeking students at these bachelor's degree granting institutions. Fewer than 25 percent of degree-seeking undergraduates live on campus and/or fewer than 50 percent attend full time (includes exclusively distance education institutions). (Carnegie Classifications)

²⁰ Fall enrollment data show FTE enrollment of at least 10,000 degree-seeking students at these bachelor's degree granting institutions. 25-49 percent of degree-seeking undergraduates live on campus and at least 50 percent attend full time. (Carnegie Classifications)

²¹ Fall enrollment data show FTE enrollment of at least 10,000 degree-seeking students at these bachelor's degree granting institutions. At least half of degree-seeking undergraduates live on campus and at least 80 percent attend full time. (Carnegie Classifications)

III. Number of institutions approved for registration in the reporting period: **96**

IV. Number of institutions denied registration: **0**

V. Number of Maryland students enrolled at registered institutions: **11,805**

VI. Results of the requirements of §11-202.3 of this subtitle:

The Commission has implemented a number of measures to determine whether there are Maryland students enrolled in fully online distance education programs offered by out-of-state institutions of higher education that are required to register with the Commission, but have failed to do so.

In the fall of 2012, Commission staff disseminated written notice of Maryland's new registration requirements to a total of 647 higher education institutions that had contacted the Commission when the law was originally proposed during the 2012 General Assembly legislative session. As these institutions and others have continued to become aware of the State's registration requirements and contacted the Commission, staff members have worked with these campuses regarding the regulations' interpretation and application. Once these institutions are identified, contact is maintained to ensure that the application for registration is submitted in compliance with the regulations, and/or that these institutions submit an application for a certificate of approval to operate in Maryland (if portions of the online program occur physically in Maryland).

There is no comprehensive existing national database that provides current enrollment data on students who are enrolled in fully online programs in higher education. However, data are available from the U.S. Department of Education that allow the Commission to determine the number of Maryland residents enrolled in out-of-state institutions who are Pell Grant recipients.²²

According to the U.S. Department of Education's report *2009-2010 Pell Grant Recipients by Institution Attended and State of Legal Residence*, in 2010 (the year for which the most recent data are available), 1,667 non-Maryland institutions of higher education had at least one Maryland student enrolled who was a Pell Grant recipient. Of these 1,667 institutions, 310 were either already registered with the Commission or were determined to be exempt from registration as a consequence of their participation in the Southern Regional Education Board's (SREB) Electronic Campus.

Removing both exempt institutions and those already registered revealed that a total of 92,933 Pell Grant recipients from Maryland were enrolled at these 1,357 remaining out-of-state institutions. Again, these aggregate numbers include only those institutions that enroll students who are Pell Grant recipients with Maryland as their state of legal residence. Also, these figures do not disaggregate Maryland students who are registered

²² United States Department of Education's *2009-2010 Pell Grant Recipients by Institution Attended and State of Legal Residence*

in fully online programs from those who are enrolled in programs that are not online and therefore would not fall under Maryland's registration law. Regardless, in January 2014, the Commission will issue written notice of Maryland's regulations to these 1,357 out-of-state institutions, detailing the Commission's findings of its analysis of the *Pell Grant Recipients* report, and informing institutions that they are required to register with the Commission if they have Maryland residents enrolled in any fully online programs.

The Commission is aware that additional avenues for systematic enforcement of the registration law could be explored if additional resources were available, including the use of investigative services and/or a "mystery shopper" program through which attempts could be made to register Maryland students in fully online programs at non-compliant out-of-state institutions.

VII. Number of institutions found to be in violation of the requirement to register: **0**

Commission staff members have encountered several instances in which out-of-state institutions have been made aware of Maryland's requirements, and rather than registering, have opted to drop Maryland students (and prohibit the future admission and enrollment of Maryland students) as to not have to comply. Commission staff members have also received numerous anonymous inquiries about the registration process from out-of-state institutions through private law firms, but have been unable to pursue those institutions since their identities have not been disclosed.

VIII. Any fines imposed, and in what amounts, on institutions that were found to be in violation: **0**

IX. Any fine revenues collected from institutions found to be in violation: **0**