



Fully Online Distance Education Program Registration
Maryland Higher Education Commission
MSAR #10646
Submitted November 21, 2022

Executive Summary

Education Article §11-202.2(g) of the Annotated Code of Maryland requires the Maryland Higher Education Commission (MHEC) to submit to the Governor, and in accordance with §2-1246 of the State Government Article, the General Assembly, an annual 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.

Overview

Effective January 1, 2016, the State of Maryland became a full participant in the State Authorization Reciprocity Agreement (SARA). As such, an institutional participant in SARA is exempt from the requirements for the Registration of Online Programs in Maryland (COMAR13B.05.01). Additionally, effective January 1, 2016, Maryland's definition of operate in Maryland (COMAR 13B.02.01.03B(12)(c)) was amended to allow an out-of-state institution to place no more than 10 students in a single program, physically present at a single site in the State in a supervised internship, practicum, or field experience as a required part of a degree or certificate program. If more than 10 students from a single program are placed at a single site in the State in a supervised internship, practicum, or field placement, then the institution must submit an application for a certificate of approval to operate in Maryland.

Membership in SARA has completely altered the online education landscape in the United States and in Maryland. Presently, there are 49 SARA member states, the District of Columbia, Puerto Rico, and U.S. Virgin Islands with more than 2,300 participating institutions. Only California is not a SARA member state. All SARA member institutions may register online Maryland students with no Maryland registration. With the majority of institutions participating in SARA,

the number of out-of-state registration applications for Maryland has dropped precipitously for the current year and four years in a row.

During the reporting period from November 1, 2021, through October 31, 2022, MHEC received a total of 48 registration applications including 6 initial applications and 42 renewal applications.

Responses

I. Number of institutions that applied in the reporting period:
48 (6 initial and 42 renewals)

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	8
Private for-profit	11
Private not-for-profit	29

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

Size and Number of Institutions		Size and Number of Institutions	
Two-year, very small two-year	1	Four-year, small, highly residential	1
Two-year, small	0	Four-year, medium, primarily nonresidential	1
Two-year, medium	2	Four-year, medium, primarily residential	3
Two-year, large	0	Four-year, medium, highly residential	2
Two-year, very large	1	Four-year, medium	6
Four-year, very small, primarily nonresidential	3	Four-year, large, primarily nonresidential	4
Four-year, very small, primarily residential	1	Four-year, large, primarily residential	4
Four-year, very small, highly residential	1	Four-year, large, highly residential	2
Four-year, small, primarily nonresidential	3	Not classified	1
Four-year, small, primarily residential	1	Special Focus Institution	11

III. Number of institutions approved for registration in the reporting period: **43**

¹ Based on Carnegie Classification of Institutions of Higher Education

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

5 of 48 Institutions not Approved or not Denied	
2	Withdrawn
3	Pending

V. Number of Maryland students enrolled at institutions required to register: **6,705**

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

§11-202.3

At least twice a year, the Commission shall peruse federal databases and other information sources to determine whether there are Maryland students who are enrolled in a fully online distance education program offered by an institution of higher education that is required to register with the Commission under § 11–202.2 of this subtitle, but that has failed to register with the Commission.

In the instance that we determine that an institution is noncompliant or nonresponsive with registration requirements, MHEC staff will investigate such institution’s Web site to determine if it has revised and published its policies on enrolling Maryland students after having received notice that registration with our office is required. Following the successful results of the investigatory letters that were sent out by MHEC, a number of institutions have voluntarily contacted MHEC staff to inquire about out-of-state online registration procedures or to announce their participation in NC-SARA. We continue to identify which institutions are located in NC-SARA states and are NC-SARA approved institutions, to determine whether an institution should be identified for further enforcement action.

The number of out-of-state institutions offering online distance education to Maryland residents required to register has not decreased and remains relatively the same at approximately 40-48 institutions for reporting periods November 2020 through October 2021 and November 2021 through October 2022. To date California is the only state that does not participate in NC-SARA.

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

In the past, a number of institutions were found to be in violation of the requirement to register as a result of MHEC’s investigatory efforts summarized in Section VI. They were deemed in violation since it was determined that these non-registered institutions were already enrolling Maryland residents in fully online programs. However, as of this report, no institutions have been found to be in violation of these requirements; therefore, no fines have been imposed.

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**

Conclusion

During Maryland’s participation in NC-SARA, applications decreased over time from a peak of 165 in 2016 to a low of 26 in 2017. However, there has been a recent increase in applications. For the reporting period ending October 2022, online registration applications have increased to 48.

Students enrolling in online courses and/or programs continue to increase with the existence of and participation in NC-SARA. The NC-SARA Annual Data Report: Technical Report for Fall 2021 Exclusively Distance Education Enrollment & 2021 Out-of-State Learning Placements shows more than 4.2 million² student participants across the nation – down from the 5.8 million³ reported in Fall 2020. To date, 49 states, the District of Columbia, U.S. Virgin Islands, and Puerto Rico have joined NC-SARA. There are more than 2,300 individual colleges and universities that participate in NC-SARA.

Maryland’s NC-SARA application was initially approved in 2015 and renewed in 2021. MHEC began implementing the agreement on January 1, 2016. As of October 2022, 40 Maryland institutions participated in NC-SARA enrolling a total of 108,351 students (72,198 Maryland residents and 36,153 out-of-state residents)⁴.

Maryland Residents Enrolled in Maryland SARA Institutions	Out-of-State Residents Enrolled in Maryland SARA Institutions	Maryland Residents Enrolled in Out-of-State SARA Institutions
72,198	36,153	43,227

²[NC-SARA Annual Data Report: Technical Report for Fall 2021 Exclusively Distance Education Enrollment & 2021 Out-of-State Learning Placements](#), retrieved from NC-SARA website Nov. 14, 2022.

³[NC-SARA Annual Data Report: Technical Report for Fall 2021 Exclusively Distance Education Enrollment & 2021 Out-of-State Learning Placements](#), retrieved from NC-SARA website Nov. 14, 2022.

⁴[NC-SARA Data Dashboards](#), retrieved from NC-SARA website Nov. 14, 2022.