

SENATE BILL 1022

F2

4lr2146
CF HB 1244

By: **Senators King and Watson**

Introduced and read first time: February 2, 2024

Assigned to: Education, Energy, and the Environment

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 27, 2024

CHAPTER _____

1 AN ACT concerning

2 **Maryland Higher Education Commission – Academic Program Approval and**
3 **Institutional Mission Statements – Requirements**

4 FOR the purpose of requiring the Maryland Department of Labor, the Department of
5 Commerce, and the Maryland Higher Education Commission to each ~~have a certain~~
6 ~~staff member who performs~~ perform certain duties related to defining, identifying,
7 and compiling data regarding the workforce needs in the State and ~~who works work~~
8 collaboratively across certain agencies in a certain manner; altering certain
9 requirements for the State Plan of Higher Education; requiring the Commission to
10 establish a Program Review Process Advisory Council; altering certain requirements
11 regarding the Commission's academic program approval process; requiring the
12 Commission to develop and publish on its website on or before a certain date an
13 administrative procedures guide for the Commission's program review process;
14 requiring the Commission to conduct a review of certain approved programs that
15 were subject to an objection of a historically Black college or university; requiring
16 certain institutions of higher education to submit to the Commission a certain letter
17 of intent regarding intended new graduate programs; establishing the Proposed
18 Programs Collaborative Grant Fund to award grants to certain public institutions of
19 higher education that collaborate to establish and implement new academic
20 graduate programs; authorizing the Commission to develop a program review
21 process for certain online programs in a certain manner; authorizing the Commission
22 or an institution of higher education to file an objection to implementation of a
23 proposed online program under certain circumstances; altering requirements for the
24 Commission's review and approval of the mission statements of public institutions
25 of higher education; requiring the Commission, in collaboration with institutions of

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 higher education, to evaluate the process for reviewing academic program proposals
2 for a certain purpose and to review the standard for triggering a review of a
3 substantial modification to an existing academic program; requiring the Commission
4 to update the State Plan for Higher Education on or before a certain date; and
5 generally relating to academic program approval, institutional mission statements,
6 and the Maryland Higher Education Commission.

7 BY renumbering
8 Article – Education
9 Section 11–206.2, 11–206.3, and 11–206.4
10 to be Section 11–206.5, 11–206.6, and 11–206.7, respectively
11 Annotated Code of Maryland
12 (2022 Replacement Volume and 2023 Supplement)

13 BY repealing and reenacting, without amendments,
14 Article – Business Regulation
15 Section 1–101(a) and (f)
16 Annotated Code of Maryland
17 (2015 Replacement Volume and 2023 Supplement)

18 BY adding to
19 Article – Business Regulation
20 Section 2–103.2
21 Annotated Code of Maryland
22 (2015 Replacement Volume and 2023 Supplement)

23 BY repealing and reenacting, without amendments,
24 Article – Economic Development
25 Section 1–101(a) and (c)
26 Annotated Code of Maryland
27 (2018 Replacement Volume and 2023 Supplement)

28 BY repealing and reenacting, with amendments,
29 Article – Economic Development
30 Section 2.5–106(17) and (18)
31 Annotated Code of Maryland
32 (2018 Replacement Volume and 2023 Supplement)

33 BY adding to
34 Article – Economic Development
35 Section 2.5–106(19)
36 Annotated Code of Maryland
37 (2018 Replacement Volume and 2023 Supplement)

38 BY repealing and reenacting, with amendments,
39 Article – Education
40 Section 11–104, 11–105(b)(2) and (3), 11–106, 11–206, 11–206.1, and 11–302

1 Annotated Code of Maryland
2 (2022 Replacement Volume and 2023 Supplement)

3 BY adding to
4 Article – Education
5 Section 11–206.2, 11–206.3, and 11–206.4
6 Annotated Code of Maryland
7 (2022 Replacement Volume and 2023 Supplement)

8 BY repealing and reenacting, without amendments,
9 Article – State Finance and Procurement
10 Section 6–226(a)(2)(i)
11 Annotated Code of Maryland
12 (2021 Replacement Volume and 2023 Supplement)

13 BY repealing and reenacting, with amendments,
14 Article – State Finance and Procurement
15 Section 6–226(a)(2)(ii)189. and 190.
16 Annotated Code of Maryland
17 (2021 Replacement Volume and 2023 Supplement)

18 BY adding to
19 Article – State Finance and Procurement
20 Section 6–226(a)(2)(ii)191.
21 Annotated Code of Maryland
22 (2021 Replacement Volume and 2023 Supplement)

23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
24 That Section(s) 11–206.2, 11–206.3, and 11–206.4 of Article – Education of the Annotated
25 Code of Maryland be renumbered to be Section(s) 11–206.5, 11–206.6, and 11–206.7,
26 respectively.

27 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
28 as follows:

29 **Article – Business Regulation**

30 1–101.

31 (a) In this article the following words have the meanings indicated.

32 (f) “Department” means the Maryland Department of Labor.

33 **2–103.2.**

34 **THE DEPARTMENT SHALL HAVE AT LEAST ONE FULL–TIME STAFF MEMBER**
35 **WHO IS RESPONSIBLE FOR:**

1 (1) DEFINING, IDENTIFYING, AND COMPILING DATA ON STATE AND
2 REGIONAL WORKFORCE NEEDS; AND

3 (2) WORKING COLLABORATIVELY WITH THE DEPARTMENT OF
4 COMMERCE AND THE MARYLAND HIGHER EDUCATION COMMISSION TO PRODUCE
5 UNIFORM AND CONSISTENT BASELINE DATA, INCLUDING COMMON SOURCES AND
6 MEASUREMENTS, ABOUT WORKFORCE NEEDS TO INFORM STATE POLICIES
7 RELATING TO POSTSECONDARY EDUCATION.

8 Article – Economic Development

9 1–101.

10 (a) In this division the following words have the meanings indicated.

11 (c) “Department” means the Department of Commerce.

12 2.5–106.

13 The Department shall:

14 (17) facilitate regular meetings among its regional experts, financial
15 incentive team, and tourism development team to determine the success in meeting overall
16 economic development strategic goals and in addressing the economic development needs
17 of each region; [and]

18 (18) work with community colleges to enhance the role of community
19 colleges in providing workforce training services, including industry–specific education and
20 training in response to the needs of the State; AND

21 (19) ~~HAVE AT LEAST ONE FULL-TIME STAFF MEMBER WHO IS~~
22 ~~RESPONSIBLE FOR:~~

23 (I) ~~DEFINING, IDENTIFYING, AND COMPILING~~ DEFINE,
24 IDENTIFY, AND COMPILE DATA ON STATE AND REGIONAL WORKFORCE NEEDS; AND

25 (II) ~~WORKING WORK~~ COLLABORATIVELY WITH THE MARYLAND
26 DEPARTMENT OF LABOR AND THE MARYLAND HIGHER EDUCATION COMMISSION
27 TO PRODUCE UNIFORM AND CONSISTENT BASELINE DATA, INCLUDING COMMON
28 SOURCES AND MEASUREMENTS, ABOUT WORKFORCE NEEDS TO INFORM STATE
29 POLICIES RELATING TO POSTSECONDARY EDUCATION.

30 Article – Education

1 11-104.

2 (a) The Governor shall appoint, with the advice and consent of the Senate, a
3 Secretary of Higher Education.

4 (b) (1) The Secretary shall:

5 (i) Select, organize, and direct the staff of the Commission;

6 (ii) Perform the duties the Commission assigns;

7 (iii) See that the policies and decisions of the Commission are carried
8 out;

9 (iv) Serve at the pleasure of the Governor; and

10 (v) Be a member of the Governor's Executive Council.

11 (2) (i) After consideration of the recommendations of the Commission,
12 the Governor shall include in the annual budget request the salary for the Secretary.

13 (ii) The Secretary is entitled to the salary provided in the State
14 budget.

15 (c) (1) The Secretary may hire the additional staff provided in the State
16 budget.

17 (2) **THE SECRETARY SHALL HAVE AT LEAST ONE FULL-TIME STAFF**
18 **MEMBER WHO IS RESPONSIBLE FOR:**

19 (I) **DEFINING, IDENTIFYING, AND COMPILING DATA ON STATE**
20 **AND REGIONAL WORKFORCE NEEDS; AND**

21 (II) **WORKING COLLABORATIVELY WITH THE DEPARTMENT OF**
22 **COMMERCE AND THE MARYLAND DEPARTMENT OF LABOR TO PRODUCE UNIFORM**
23 **AND CONSISTENT BASELINE DATA, INCLUDING COMMON SOURCES AND**
24 **MEASUREMENTS, ABOUT WORKFORCE NEEDS TO INFORM STATE POLICIES**
25 **RELATING TO POSTSECONDARY EDUCATION.**

26 (d) (1) Each employee of the Commission shall join the Teachers' Pension
27 System of the State of Maryland or the Employees' Pension System of the State of
28 Maryland.

29 (2) Any employee of the Commission who is determined by the Secretary
30 to hold a professional position may join the optional retirement program under Title 30 of
31 the State Personnel and Pensions Article.

1 11-105.

2 (b) (2) (i) In consultation with the governing boards and agencies
3 concerned with postsecondary education in the State, the Commission shall develop and
4 periodically update an overall plan consistent with the Charter, known as the State Plan
5 for Higher Education, that shall identify:

6 1. The present and future needs for postsecondary education
7 and research throughout the State, **INCLUDING CURRENT AND EMERGING STATE AND**
8 **REGIONAL WORKFORCE NEEDS IN ACCORDANCE WITH SUBPARAGRAPH (IV) OF THIS**
9 **PARAGRAPH;**

10 2. The present and future capabilities of the different
11 institutions and segments of postsecondary education in the State, **INCLUDING ANY**
12 **SPECIFIC ACADEMIC PROGRAMS PARTICULAR INSTITUTIONS COULD DEVELOP TO**
13 **FULFILL OR SUPPORT IDENTIFIED WORKFORCE NEEDS;** and

14 3. The long-range and short-range objectives and priorities
15 for postsecondary education and methods and guidelines for achieving and maintaining
16 them.

17 (ii) The Commission shall ensure that the State Plan for Higher
18 Education complies with the State's equal educational opportunity obligations under State
19 and federal law, including Title VI of the Civil Rights Act.

20 (iii) In developing the State Plan for Higher Education, the
21 Commission shall incorporate the goals and priorities for higher education ~~identified in this~~
22 ~~Division III and, for the University System of Maryland, including those identified in §§~~
23 ~~10-209 and 12-106 of this article~~ **FOR ALL PUBLIC INSTITUTIONS OF HIGHER**
24 **EDUCATION.**

25 (IV) **IN IDENTIFYING STATE AND REGIONAL WORKFORCE NEEDS**
26 **FOR THE STATE PLAN FOR HIGHER EDUCATION, THE COMMISSION SHALL:**

27 1. **USE THE UNIFORM AND CONSISTENT BASELINE DATA,**
28 **INCLUDING COMMON SOURCES AND MEASUREMENTS, ABOUT WORKFORCE NEEDS**
29 **DEVELOPED IN COLLABORATION WITH THE DEPARTMENT OF COMMERCE AND THE**
30 **MARYLAND DEPARTMENT OF LABOR;**

31 2. **CONSULT, AS NECESSARY, WITH OTHER STATE**
32 **AGENCIES WITH UNIQUE EXPERTISE IN SPECIFIC WORKFORCE SEGMENTS,**
33 **INCLUDING THE MARYLAND LONGITUDINAL DATA SYSTEM CENTER,**
34 **OCCUPATIONAL LICENSING BOARDS, AND NATIONAL ORGANIZATIONS;**

1 **3. USE DATA FROM RESOURCES AND LITERATURE**
2 **RELATING TO SPECIFIC OCCUPATIONS; AND**

3 **4. PROVIDE ALL INSTITUTIONS OF HIGHER EDUCATION**
4 **IN THE STATE WITH ACCESS TO THIS BASELINE DATA.**

5 **(v) THE COMMISSION SHALL UPDATE THE WORKFORCE NEEDS**
6 **IDENTIFIED IN THE MOST RECENT VERSION OF THE STATE PLAN FOR HIGHER**
7 **EDUCATION EACH YEAR AS AN APPENDIX TO THE PLAN AND POST THE UPDATE ON**
8 **THE COMMISSION'S WEBSITE.**

9 (3) (i) The Commission shall submit to the Governor and, subject to §
10 2–1257 of the State Government Article, to the General Assembly a quadrennial review of
11 the plan by July 1, 2009, and by July 1 of each fourth year thereafter.

12 (ii) The quadrennial review shall include a report on the status and
13 needs of postsecondary education in the State.

14 **(iii) BEGINNING WITH THE QUADRENNIAL REVIEW OF THE**
15 **STATE PLAN FOR HIGHER EDUCATION DUE BY JULY 1, 2026, THE COMMISSION**
16 **SHALL SUBMIT THE PROPOSED PLAN TO THE LEGISLATIVE POLICY COMMITTEE FOR**
17 **REVIEW AND COMMENT BEFORE ADOPTION BY THE COMMISSION.**

18 11–106.

19 (a) (1) The Commission shall establish:

20 (i) A Faculty Advisory Council;

21 (ii) A Student Advisory Council;

22 (iii) A Segmental Advisory Council;

23 (iv) A Financial Assistance Advisory Council;

24 (v) A Maryland Digital Library Advisory Council; [and]

25 (vi) A Private Career School Advisory Council; **AND**

26 **(vii) A PROGRAM REVIEW PROCESS ADVISORY COUNCIL.**

27 (2) These Councils shall meet periodically for the purpose of reviewing such
28 matters as are referred by the Commission or the Secretary for their consideration and
29 advice.

1 (3) The Councils may make reports and recommendations to the
2 Commission.

3 (b) (1) The Commission may appoint continuing advisory committees that
4 represent various groups in the higher education community.

5 (2) Advisory committees may make recommendations to the Commission
6 on matters of statewide importance that affect their constituencies.

7 11–206.

8 (a) This section does not apply to:

9 (1) New programs proposed to be implemented by public and private
10 nonprofit institutions of higher education using existing program resources in accordance
11 with § 11–206.1 of this subtitle;

12 (2) Programs offered by institutions of higher education that operate in the
13 State without a certificate of approval in accordance with § 11–202.1(b) of this subtitle; and

14 (3) The Cyber Warrior Diversity Program established under Subtitle 14 of
15 this title.

16 (b) (1) Prior to the proposed date of implementation, the governing body of an
17 institution of postsecondary education shall submit to the Commission each proposal for:

18 (i) A new program; or

19 (ii) A substantial modification of an existing program.

20 (2) The Commission shall review each such proposal and:

21 (i) With respect to each public institution of postsecondary
22 education, either approve or disapprove the proposal;

23 (ii) Except as provided in § 16–108(c) of this article, with respect to
24 each private nonprofit or for–profit institution of higher education, either recommend that
25 the proposal be implemented or that the proposal not be implemented; and

26 (iii) With respect to a private career school, either approve or
27 disapprove the proposal.

28 (3) If the Commission fails to act within 60 days of the date of submission
29 of the completed proposal, the proposal shall be deemed approved.

1 (4) Except as provided in paragraph (3) of this subsection, a public
2 institution of postsecondary education and private career school may not implement a
3 proposal without the prior approval of the Commission.

4 (5) (i) Except as provided in paragraph (3) of this subsection, and
5 subject to subparagraph (ii) of this paragraph, a program that has not received a positive
6 recommendation by the Commission may be implemented by:

7 1. Subject to the provisions of § 17–105 of this article, a
8 private nonprofit institution of higher education; or

9 2. A for–profit institution of higher education.

10 (ii) If a private nonprofit or for–profit institution of higher education
11 implements a proposal despite the recommendation from the Commission that a program
12 not be implemented, the institution shall notify both prospective students of the program
13 and enrolled students in the program that the program has not been recommended for
14 implementation by the Commission.

15 (6) (i) If the Commission disapproves a proposal, the Commission shall
16 provide to the governing body that submits the proposal a written explanation of the
17 reasons for the disapproval.

18 (ii) After revising a proposal to address the Commission’s reasons for
19 disapproval, the governing body may submit the revised proposal to the Commission for
20 approval.

21 (c) (1) Prior to discontinuation, each institution of postsecondary education
22 that proposes to discontinue an existing program shall provide written notification to the
23 Commission specifying:

24 (i) The name of the program; and

25 (ii) The expected date of discontinuation.

26 (2) By rule or regulation, the Commission may require the payment by a
27 private career school of a refund to any student or enrollee who, because of the
28 discontinuation of an ongoing program, is unable to complete such program.

29 (d) The Commission shall review and make recommendations on programs in
30 private nonprofit and for–profit institutions of higher education.

31 (e) (1) In this subsection, “governing board” includes the board of trustees of a
32 community college.

1 (2) **(I)** The Commission shall adopt regulations establishing standards
2 for determining whether [2] **TWO** or more programs are unreasonably **OR**
3 **UNNECESSARILY** duplicative.

4 **(II) THE REGULATIONS SHALL:**

5 **1. CLEARLY IDENTIFY ALL SPECIFIC CRITERIA AND**
6 **FACTORS USED BY THE COMMISSION TO DETERMINE WHETHER TWO OR MORE**
7 **PROGRAMS ARE UNREASONABLY OR UNNECESSARILY DUPLICATIVE;**

8 **2. PRIORITIZE MEETING STATE AND REGIONAL**
9 **WORKFORCE NEEDS AND PRESERVING EXISTING PROGRAMS THAT ARE ABLE TO**
10 **MEET THESE WORKFORCE NEEDS; AND**

11 **3. PRIORITIZE COLLABORATION BETWEEN**
12 **INSTITUTIONS OF HIGHER EDUCATION.**

13 (3) The Commission may review existing programs at public institutions of
14 postsecondary education if the Commission has reason to believe that academic programs
15 are unreasonably **OR UNNECESSARILY** duplicative or inconsistent with an institution's
16 adopted mission.

17 (4) The Commission may make a determination that an unreasonable **OR**
18 **UNNECESSARY** duplication of programs exists on its own initiative or after receipt of a
19 request for determination from any directly affected public institution of postsecondary
20 education.

21 (5) (i) If the Commission makes a determination under paragraph (4)
22 of this subsection the Commission may:

23 1. Make recommendations to a governing board on the
24 continuation or modification of the programs;

25 2. Require any affected governing board to submit a plan to
26 resolve the duplication; and

27 3. Negotiate, as necessary, with any affected governing
28 board until the unreasonable **OR UNNECESSARY** duplication is eliminated.

29 (ii) Notwithstanding the provisions of subparagraph (i) of this
30 paragraph, if the Commission determines that [2] **TWO** or more existing programs offered
31 by institutions under the governance of different governing boards are unreasonably **OR**
32 **UNNECESSARILY** duplicative, the governing boards of the institutions of postsecondary
33 education at which the programs are offered shall have 180 days from the date of the

1 Commission's determination to formulate and present to the Commission a joint plan to
2 eliminate the duplication.

3 (iii) If in the Commission's judgment the plan satisfactorily
4 eliminates the duplication, the governing board of the affected institutions shall be so
5 notified and shall take appropriate steps to implement the plan.

6 (iv) If in the Commission's judgment the plan does not satisfactorily
7 eliminate the duplication, or if no plan is jointly submitted within the time period specified
8 in paragraph (6) of this subsection, the governing board of the affected institutions shall be
9 so notified. The Commission may then seek to eliminate the duplication by revoking the
10 authority of a public institution of postsecondary education to offer the unreasonably **OR**
11 **UNNECESSARILY** duplicative program.

12 (6) (i) Prior to imposing a sanction under paragraph (5) of this
13 subsection, the Commission shall give notice of the proposed sanction to the governing
14 board of each affected institution.

15 (ii) 1. Within 20 days of receipt of the notice, any affected
16 institution may request an opportunity to meet with the Commission and present
17 objections.

18 2. If timely requested, the Commission shall provide such
19 opportunity prior to the Commission's decision to impose a sanction.

20 (iii) The Commission's decision shall be final and is not subject to
21 further administrative appeal or judicial review.

22 11-206.1.

23 (a) (1) In this section the following words have the meanings indicated.

24 (2) "Private nonprofit institution of higher education" has the meaning
25 stated in § 10-101(k) of this article.

26 (3) "Public institution of higher education" means:

27 (i) A public senior higher education institution; and

28 (ii) A community college.

29 (b) (1) A president of a public institution of higher education may propose to
30 establish a new program or abolish an existing program if the action:

31 (i) Is consistent with the institution's adopted mission statement
32 under Subtitle 3 of this title; and

1 (ii) Can be implemented within the existing program resources of
2 the institution.

3 (2) A president of a private nonprofit institution of higher education may
4 propose to establish a new program if the action:

5 (i) Is consistent with the mission statement published in the official
6 catalog of the private nonprofit institution; and

7 (ii) Can be implemented within the existing resources of the
8 institution.

9 (3) The president of a public institution of higher education shall report
10 any programs that are proposed to be established or abolished in accordance with
11 paragraph (1) of this subsection to:

12 (i) The institution's governing board; and

13 (ii) The Maryland Higher Education Commission.

14 (4) The president of a private nonprofit institution of higher education
15 shall report any programs that are proposed to be established in accordance with paragraph
16 (2) of this subsection to the Commission.

17 (5) Upon receipt of a proposed new program, the Commission shall notify
18 all other institutions of higher education in the State.

19 (c) The governing board of a public institution of higher education shall:

20 (1) Review the actions taken under subsection (b) of this section;

21 (2) Ensure that any new program proposed to be established by a
22 president:

23 (i) Is consistent with the institution's approved mission statement
24 under Subtitle 3 of this title;

25 (ii) Meets a regional or statewide need consistent with the
26 [Maryland] State Plan for [Postsecondary] **HIGHER** Education;

27 (iii) Meets criteria for the quality of new programs, developed in
28 consultation with the Commission; and

29 (iv) Can be implemented within the existing program resources of
30 the institution, verified by a process established in consultation with the Commission.

1 (d) The Board of Regents of the University System of Maryland shall approve the
 2 proposed new program within 60 days if the program meets the criteria in subsection (c)(2)
 3 of this section, subject to the provisions of subsections (e) and (f) of this section.

4 (e) (1) Within 30 days of receipt of a notice of an institution's intent to
 5 [establish] **SUBMIT** a new program **TO THE COMMISSION** in accordance with subsection
 6 (b) of this section, the Commission may file, or the institutions of higher education in the
 7 State may file with the Commission, an objection to implementation of a proposed
 8 **GRADUATE** program provided the objection is based on:

9 [(1)] (I) Inconsistency of the proposed program with the institution's
 10 approved mission for a public institution of higher education and the mission statement
 11 published in the official catalog of a private nonprofit institution of higher education;

12 [(2)] (II) Not meeting a regional or statewide need consistent with the
 13 [Maryland] State Plan for [Postsecondary] **HIGHER** Education;

14 [(3)] (III) Unreasonable program duplication which would cause
 15 ~~demonstrable~~ harm to ~~another institution~~ **THE STATE OR STUDENTS ATTENDING**
 16 **INSTITUTIONS OF HIGHER EDUCATION IN THE STATE;** or

17 [(4)] (IV) [Violation] **UNNECESSARY PROGRAM DUPLICATION IN**
 18 **VIOLATION** of the State's equal educational opportunity obligations under State and
 19 federal law.

20 (2) **SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, THE**
 21 **COMMISSION SHALL ADOPT REGULATIONS ON PROCEDURES FOR CONDUCTING AN**
 22 **ANALYSIS OF THE OBJECTIONS DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION**
 23 **THAT:**

24 (i) **CLEARLY IDENTIFY ALL OF THE SPECIFIC CRITERIA AND**
 25 **FACTORS USED BY THE COMMISSION; AND**

26 (ii) **FOR AN OBJECTION UNDER PARAGRAPH (1)(III) OF THIS**
 27 **SUBSECTION, USE A SET OF BASELINE DATA AND COMMON SOURCES AND THAT**
 28 **PRIORITIZE:**

29 1. **MEETING STATE AND REGIONAL WORKFORCE NEEDS;**

30 2. **PRESERVING EXISTING PROGRAMS THAT ARE ABLE**
 31 **TO MEET STATE AND REGIONAL WORKFORCE NEEDS; AND**

32 3. **COLLABORATION BETWEEN INSTITUTIONS OF**
 33 **HIGHER EDUCATION.**

1 **(3) THE COMMISSION, ~~JOINTLY~~ IN CONSULTATION WITH THE**
2 **ATTORNEY GENERAL, SHALL ADOPT REGULATIONS FOR STANDARDS FOR**
3 **CONDUCTING AN ANALYSIS OF AN OBJECTION UNDER PARAGRAPH (1)(IV) OF THIS**
4 **SUBSECTION.**

5 (f) (1) If an objection is filed under subsection (e) of this section by the
6 Commission or an institution within 30 days of receipt of a notice of an institution's intent
7 to establish a new program, the Commission shall immediately notify the institution's
8 governing board and president.

9 (2) The Commission shall determine if an institution's objection is justified
10 based on the criteria in subsection (e) of this section.

11 (3) An objection shall be accompanied by detailed information supporting
12 the reasons for the objection.

13 (4) If the Commission determines that an objection is justified, the
14 Commission shall negotiate with the institution's governing board and president to modify
15 the proposed program in order to resolve the objection.

16 (5) If the objection cannot be resolved within 30 days of receipt of an
17 objection, the Commission shall make a final determination on approval of the new program
18 for a public institution of higher education or a final recommendation on implementation
19 for a private nonprofit institution of higher education.

20 **(G) A HEARING FOR REVIEW OF THE ~~COMMISSION'S~~ SECRETARY'S**
21 **DETERMINATION OF AN INSTITUTION'S OBJECTION UNDER SUBSECTION (F) OF THIS**
22 **SECTION SHALL:**

23 **(1) BE CONDUCTED IN OPEN SESSION, INCLUDING DISCUSSIONS AND**
24 **ANY FORMAL ACTION TAKEN BY THE COMMISSION;**

25 **(2) ALLOW EACH PARTY, INCLUDING THE SECRETARY, THE**
26 **PROPOSING INSTITUTION, AND THE OBJECTING INSTITUTION, TO HAVE NOT LESS**
27 **THAN 10 MINUTES TO PRESENT THEIR POSITIONS REGARDING THE**
28 **DETERMINATION, WITHOUT INTERRUPTION; AND**

29 **(3) REQUIRE THE APPROVAL OF A MAJORITY OF THE MEMBERS THEN**
30 **SERVING ON THE COMMISSION.**

31 **(H) (1) ON OR BEFORE JANUARY 1, 2025, THE COMMISSION SHALL**
32 **DEVELOP AND PUBLISH ON ITS WEBSITE AN ADMINISTRATIVE PROCEDURES GUIDE**
33 **FOR THE COMMISSION'S PROGRAM REVIEW PROCESS DEVELOPED UNDER THIS**
34 **SECTION.**

1 **(2) THE COMMISSION SHALL UPDATE THE ADMINISTRATIVE**
 2 **PROCEDURES GUIDE AT LEAST ONCE EACH YEAR.**

3 **[(g)] (I)** (1) The Commission shall:

4 (i) Identify programs established under subsection (b) of this section
 5 that are inconsistent with the State Plan for Higher Education; and

6 (ii) Identify low productivity programs at public institutions of
 7 higher education.

8 (2) If the Commission identifies any programs that meet the criteria set
 9 forth in paragraph (1) of this subsection, the Commission shall notify the president of the
 10 institution.

11 (3) If the Commission notifies a president of an institution under
 12 paragraph (2) of this subsection, within 60 days the president of the institution shall
 13 provide to the Commission in writing:

14 (i) An action plan to abolish or modify the program; or

15 (ii) Justification for the continuation of the program.

16 **[(h)] (J)** The Commission and the governing boards of the public institutions of
 17 higher education shall jointly develop a definition and accepted criteria for determining low
 18 productivity programs.

19 **[(i)] (K)** The Commission shall:

20 (1) Monitor the program development and review process established
 21 under this section;

22 (2) Report annually to the Governor and, in accordance with § 2-1257 of
 23 the State Government Article, the General Assembly on the nature and extent of any
 24 duplication or proliferation of programs; and

25 (3) Make available a copy of the report under item (2) of this subsection to
 26 the public institutions of higher education and the private nonprofit institutions of higher
 27 education.

28 **11-206.2.**

29 **(A) ~~BEGINNING IN JANUARY 2025~~ ON OR BEFORE JANUARY 1, 2025, AND**
 30 **EACH JANUARY 1 THEREAFTER, THE COMMISSION SHALL REVIEW EACH ACADEMIC**
 31 **PROGRAM THAT HAS BEEN APPROVED IN THE 4 IMMEDIATELY PRECEDING SCHOOL**
 32 **~~YEARS~~ YEAR THAT WAS SUBJECT TO AN OBJECTION OF A HISTORICALLY BLACK**

1 COLLEGE OR UNIVERSITY, AS DESCRIBED IN § 10-214 OF THIS ARTICLE, TO
2 DETERMINE WHETHER THE HISTORICALLY BLACK COLLEGE OR UNIVERSITY
3 SUFFERED ~~DEMONSTRABLE~~ HARM RESULTING FROM APPROVAL OF THE PROGRAM.

4 (B) ON OR BEFORE SEPTEMBER 1, 2025, AND ~~EVERY 4 YEARS~~ EACH
5 SEPTEMBER 1 THEREAFTER, THE COMMISSION SHALL REPORT ITS FINDINGS
6 UNDER SUBSECTION (A) OF THIS SECTION, IN ACCORDANCE WITH § 2-1257 OF THE
7 STATE GOVERNMENT ARTICLE, TO THE SENATE EDUCATION, ENERGY, AND THE
8 ENVIRONMENT COMMITTEE AND THE HOUSE APPROPRIATIONS COMMITTEE.

9 11-206.3.

10 (A) IN THIS SECTION, "INSTITUTION" MEANS A PUBLIC SENIOR HIGHER
11 EDUCATION INSTITUTION.

12 (B) (1) BEGINNING JANUARY 1, 2025, THE COMMISSION SHALL REQUIRE
13 EACH INSTITUTION TO SUBMIT A LETTER OF INTENT TO THE COMMISSION THAT
14 IDENTIFIES EACH NEW GRADUATE LEVEL PROGRAM THAT AN INSTITUTION INTENDS
15 TO PROPOSE FOR APPROVAL UNDER § 11-206 OR § 11-206.1 OF THIS SUBTITLE.

16 (2) THE COMMISSION SHALL REQUIRE EACH INSTITUTION TO SUBMIT
17 A LETTER OF INTENT EVERY 6 MONTHS.

18 (3) THE LETTER OF INTENT SHALL INCLUDE ALL NEW GRADUATE
19 PROGRAMS THE INSTITUTION INTENDS TO PROPOSE WITHIN THE 6-MONTH TO
20 2-YEAR TIME PERIOD FOLLOWING SUBMISSION OF THE LETTER OF INTENT.

21 (C) THE COMMISSION SHALL USE A LETTER OF INTENT SUBMITTED BY AN
22 INSTITUTION UNDER THIS SECTION:

23 (1) TO FACILITATE COLLABORATION BETWEEN INSTITUTIONS; AND

24 (2) TO PROVIDE FEEDBACK TO AN INSTITUTION BEFORE THE
25 INSTITUTION SUBMITS THE NEW PROGRAM TO THE COMMISSION FOR APPROVAL,
26 INCLUDING ANY COMMISSION CONCERNS REGARDING UNREASONABLE OR
27 UNNECESSARY PROGRAM DUPLICATION.

28 (D) THE COMMISSION MAY NOT USE A LETTER OF INTENT TO ESTABLISH
29 ANY PREFERENCE OR PRIORITY FOR APPROVAL OF A PROGRAM PROPOSAL.

30 (E) THE COMMISSION SHALL ESTABLISH REQUIREMENTS FOR SUBMITTING
31 A LETTER OF INTENT UNDER THIS SECTION, INCLUDING THE FORMAT, DEADLINES,
32 AND REVIEW CRITERIA OF THE LETTERS.

1 **(F) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,**
2 **THE COMMISSION MAY APPROVE A PROGRAM PROPOSAL SUBMITTED UNDER §**
3 **11-206 OR § 11-206.1 OF THIS SUBTITLE ONLY IF THE INSTITUTION HAS INCLUDED**
4 **THE PROGRAM IN A LETTER OF INTENT SUBMITTED TO THE COMMISSION.**

5 **(2) (I) THE COMMISSION MAY APPROVE A NEW PROGRAM**
6 **PROPOSED BY AN INSTITUTION UNDER § 11-206 OR § 11-206.1 OF THIS SUBTITLE**
7 **THAT WAS NOT INCLUDED IN A LETTER OF INTENT IF THE INSTITUTION SUBMITS**
8 **PROOF SATISFACTORY TO THE COMMISSION:**

9 **1. OF THE EXIGENT CIRCUMSTANCES LEADING TO THE**
10 **DEVELOPMENT OF THE PROPOSED PROGRAM; AND**

11 **2. THAT THE BENEFIT OF THE PROGRAM TO THE STATE**
12 **OR REGION OUTWEIGHS THE STATE'S INTEREST IN REASONABLE PUBLIC NOTICE**
13 **AND INSTITUTIONAL COLLABORATION.**

14 **(II) THE COMMISSION SHALL ESTABLISH OBJECTIVE**
15 **STANDARDS AND A FAIR AND TRANSPARENT PROCESS FOR CONSIDERATION AND**
16 **APPROVAL OF A PROPOSED PROGRAM UNDER SUBPARAGRAPH (I) OF THIS**
17 **PARAGRAPH.**

18 **(G) (1) IN THIS SUBSECTION, "FUND" MEANS THE PROPOSED PROGRAMS**
19 **COLLABORATIVE GRANT FUND.**

20 **(2) THERE IS A PROPOSED PROGRAMS COLLABORATIVE GRANT**
21 **FUND.**

22 **(3) THE PURPOSE OF THE FUND IS TO PROVIDE FINANCIAL**
23 **ASSISTANCE TO INCENTIVIZE INSTITUTIONS OF HIGHER EDUCATION TO**
24 **COLLABORATE WITH OTHER INSTITUTIONS OF HIGHER EDUCATION, AT THE**
25 **DISCRETION OF EACH INSTITUTION, TO ESTABLISH AND IMPLEMENT A NEW**
26 **GRADUATE PROGRAM.**

27 **(4) THE COMMISSION SHALL:**

28 **(I) ADMINISTER THE FUND;**

29 **(II) DEVELOP AN APPLICATION PROCESS TO APPLY FOR A**
30 **GRANT FROM THE FUND; AND**

31 **(III) AWARD GRANTS TO INSTITUTIONS AS INTENDED BY THE**
32 **FUND.**

1 **(5) (I) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT**
2 **SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.**

3 **(II) THE STATE TREASURER SHALL HOLD THE FUND**
4 **SEPARATELY, AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.**

5 **(6) THE FUND CONSISTS OF:**

6 **(I) MONEY APPROPRIATED IN THE STATE BUDGET TO THE**
7 **FUND;**

8 **(II) INTEREST EARNINGS; AND**

9 **(III) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED**
10 **FOR THE BENEFIT OF THE FUND.**

11 **(7) THE FUND MAY BE USED ONLY FOR EXPENSES INCURRED BY AN**
12 **INSTITUTION FOR COLLABORATING OR ATTEMPTING TO COLLABORATE WITH OTHER**
13 **INSTITUTIONS TO ESTABLISH AND IMPLEMENT A NEW GRADUATE PROGRAM**
14 **IDENTIFIED IN A LETTER OF INTENT UNDER THIS SECTION, INCLUDING EXPENSES**
15 **FOR:**

16 **(I) SALARIES OF FACULTY WHO WORK TOGETHER TO**
17 **DETERMINE IF COLLABORATION IS FEASIBLE FOR THE INSTITUTIONS; AND**

18 **(II) COSTS ASSOCIATED WITH:**

19 **1. PROVIDING TRANSPORTATION FROM ONE**
20 **INSTITUTION TO ANOTHER INSTITUTION FOR SHARED CLASSES OR FACILITIES; AND**

21 **2. SHARING RESOURCES ACROSS INSTITUTIONS,**
22 **INCLUDING RESEARCH COLLABORATION, STUDENT EXCHANGE PROGRAMS, JOINT**
23 **MARKETING OR RECRUITMENT, FACULTY EXCHANGE PROGRAMS, AND ONLINE**
24 **PROGRAM COLLABORATION.**

25 **(8) (I) THE STATE TREASURER SHALL INVEST THE MONEY OF THE**
26 **FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.**

27 **(II) ANY INTEREST EARNINGS OF THE FUND SHALL BE**
28 **CREDITED TO THE FUND.**

29 **(9) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN**
30 **ACCORDANCE WITH THE STATE BUDGET.**

1 **(10) MONEY EXPENDED FROM THE FUND FOR EXPENSES INCURRED BY**
2 **INSTITUTIONS FOR COLLABORATING OR ATTEMPTING TO COLLABORATE TO**
3 **ESTABLISH AND IMPLEMENT A NEW GRADUATE PROGRAM IS SUPPLEMENTAL TO**
4 **AND IS NOT INTENDED TO TAKE THE PLACE OF FUNDING THAT OTHERWISE WOULD**
5 **BE APPROPRIATED FOR THE NEW PROGRAM.**

6 **11-206.4.**

7 **(A) NOTWITHSTANDING THE PROVISIONS OF §§ 11-206 AND 11-206.1 OF**
8 **THIS SUBTITLE AND SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE**
9 **COMMISSION SHALL DEVELOP AND IMPLEMENT A PROGRAM REVIEW PROCESS FOR**
10 **NEW PROPOSED PROGRAMS THAT:**

11 **(1) ARE OFFERED ONLY ONLINE AND TO A MAJORITY OF**
12 **OUT-OF-STATE STUDENTS; AND**

13 **(2) ENABLE THE INSTITUTIONS OF HIGHER EDUCATION IN THE**
14 **STATE TO COMPETE WITH OUT-OF-STATE COMPETITORS IN THE ONLINE**
15 **MARKETPLACE.**

16 **(B) THE PROCESS DEVELOPED AND IMPLEMENTED UNDER SUBSECTION (A)**
17 **OF THIS SECTION SHALL ALLOW THE COMMISSION OR AN INSTITUTION OF HIGHER**
18 **EDUCATION IN THE STATE TO FILE WITH THE COMMISSION AN OBJECTION TO**
19 **IMPLEMENTATION OF THE PROPOSED PROGRAM, PROVIDED THE OBJECTION IS**
20 **BASED ON:**

21 **(1) INCONSISTENCY OF THE PROPOSED PROGRAM WITH THE**
22 **INSTITUTION'S APPROVED MISSION FOR A PUBLIC INSTITUTION OF HIGHER**
23 **EDUCATION OR THE MISSION STATEMENT PUBLISHED IN THE OFFICIAL CATALOG OF**
24 **A PRIVATE NONPROFIT INSTITUTION OF HIGHER EDUCATION;**

25 **(2) NOT MEETING A STATE OR REGIONAL NEED CONSISTENT WITH**
26 **THE STATE PLAN FOR HIGHER EDUCATION;**

27 **(3) UNREASONABLE PROGRAM DUPLICATION THAT WOULD CAUSE**
28 **HARM TO THE STATE OR STUDENTS ATTENDING INSTITUTIONS OF HIGHER**
29 **EDUCATION IN THE STATE; OR**

30 **(4) UNNECESSARY PROGRAM DUPLICATION IN VIOLATION OF THE**
31 **STATE'S EQUAL EDUCATIONAL OPPORTUNITY OBLIGATIONS UNDER STATE AND**
32 **FEDERAL LAW.**

1 (ii) Submit the mission statement to the governing body of the
2 center; and

3 (iii) Upon direction of the governing body, update the mission
4 statement every 4 years in the year immediately following the quadrennial review of the
5 State Plan for Higher Education as set forth in § 11–105 of this title.

6 (2) The governing body of each regional higher education center:

7 (i) Shall review the mission statement and may require the
8 preparation of a revised mission statement;

9 (ii) May adopt the mission statement as submitted or with
10 amendment; and

11 (iii) Shall submit the statement to the Commission.

12 (d) (1) The Commission shall [review]:

13 **(I) DEVELOP DETAILED CRITERIA FOR THE ROBUST REVIEW OF**
14 **MISSION STATEMENTS OF PUBLIC INSTITUTIONS OF HIGHER EDUCATION,**
15 **INCLUDING ENSURING THE MISSION OF EACH INSTITUTION IS REFLECTIVE OF THE**
16 **INSTITUTION’S STATUTORY DISTINCTION AND CLEARLY DEFINED AND DISTINCT**
17 **FROM OTHER PUBLIC INSTITUTIONS; AND**

18 **(II) REVIEW** the mission statement to determine whether the
19 mission statement is consistent with the State Plan for Higher Education.

20 (2) The mission statement shall be deemed approved within ~~30~~ **90** days of
21 receipt unless the Commission [finds]:

22 **(I) FINDS** the statement is not consistent with the State Plan for
23 Higher Education; **OR**

24 **(II) REJECTS THE STATEMENT AFTER CONDUCTING A REVIEW**
25 **IN ACCORDANCE WITH PARAGRAPH (1) OF THIS SUBSECTION.**

26 (3) **(I) AFTER APPROVING OR REJECTING A MISSION STATEMENT**
27 **OF A PUBLIC INSTITUTION OF HIGHER EDUCATION, THE COMMISSION, IN**
28 **ACCORDANCE WITH § 2–1257 OF THE STATE GOVERNMENT ARTICLE, SHALL SUBMIT**
29 **TO THE SENATE BUDGET AND TAXATION COMMITTEE, THE SENATE COMMITTEE ON**
30 **EDUCATION, ENERGY, AND THE ENVIRONMENT, AND THE HOUSE APPROPRIATIONS**
31 **COMMITTEE A REPORT THAT INCLUDES AN ANALYSIS EXPLAINING:**

1 **1. THE ROLE OF THE PUBLIC INSTITUTION OF HIGHER**
 2 **EDUCATION WITHIN THE SYSTEM OF HIGHER EDUCATION IN THE STATE TO ENSURE**
 3 **THE MISSION STATEMENT IS CLEARLY DEFINED AND DISTINCT FROM OTHER PUBLIC**
 4 **INSTITUTIONS OF HIGHER EDUCATION; AND**

5 **2. WHY THE MISSION STATEMENT WAS APPROVED OR**
 6 **REJECTED.**

7 **(II) THE COMMISSION IS ENCOURAGED TO USE THE REPORT**
 8 **REQUIRED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH TO ENSURE THAT THE**
 9 **STATE IS SUPPORTING EACH PUBLIC INSTITUTION OF HIGHER EDUCATION IN**
 10 **MEETING THE NEEDS DESCRIBED IN THE MISSION STATEMENTS.**

11 **(4) (i)** If the Commission finds that the **MISSION** statement is not
 12 consistent with the State Plan for Higher Education **OR REJECTS THE STATEMENT**
 13 **UNDER PARAGRAPH (2) OF THIS SUBSECTION**, the Commission shall return the
 14 statement together with its objections that include the specific areas of inconsistency with
 15 the State Plan for Higher Education to the governing board.

16 (ii) The governing board and the institution president shall
 17 negotiate with the Commission and amend the statement or prepare a new statement.

18 **Article – State Finance and Procurement**

19 6–226.

20 (a) **(2) (i)** Notwithstanding any other provision of law, and unless
 21 inconsistent with a federal law, grant agreement, or other federal requirement or with the
 22 terms of a gift or settlement agreement, net interest on all State money allocated by the
 23 State Treasurer under this section to special funds or accounts, and otherwise entitled to
 24 receive interest earnings, as accounted for by the Comptroller, shall accrue to the General
 25 Fund of the State.

26 (ii) The provisions of subparagraph (i) of this paragraph do not apply
 27 to the following funds:

28 189. the Teacher Retention and Development Fund; [and]

29 190. the Protecting Against Hate Crimes Grant Fund; **AND**

30 **191. THE PROPOSED PROGRAMS COLLABORATIVE GRANT**
 31 **FUND.**

32 SECTION 3. AND BE IT FURTHER ENACTED, That:

1 (a) (1) The Maryland Higher Education Commission shall examine the
2 approval process established by the Commission for conducting academic program reviews
3 under §§ 11–206 and 11–206.1 of the Education Article, as enacted by Section 2 of this Act,
4 including all statutory and regulatory requirements regarding administrative procedures,
5 timelines, and deadlines, to determine whether the process, in whole or in part, needs
6 updating or revision to meet the needs of the institutions of higher education and students
7 in the State.

8 (2) On or before December 1, 2024, the Commission shall report its findings
9 and recommendations under paragraph (1) of this subsection to the General Assembly, in
10 accordance with § 2–1257 of the State Government Article.

11 (b) (1) The Commission, in collaboration with all institutions of higher
12 education in the State, shall evaluate whether the existing standard that triggers the
13 academic program review process for a substantial modification to an existing program
14 established under § 11–206 of the Education Article, as enacted by Section 2 of this Act,
15 and COMAR 13B.02.03.03E is the appropriate standard.

16 (2) If, after the evaluation conducted under paragraph (1) of this
17 subsection, the Commission determines that a new standard for establishing a substantial
18 modification to an existing program is appropriate, the Commission shall, on or before
19 January 1, 2025, adopt regulations establishing the new standard.

20 SECTION 4. AND BE IT FURTHER ENACTED, That:

21 (a) On or before January 1, 2025, the Maryland Higher Education Commission
22 shall update the State Plan for Higher Education last revised in 2022 to include updated
23 State and regional workforce needs information.

24 (b) During the process of updating the State Plan under subsection (a) of this
25 section, the Commission shall provide postsecondary education stakeholders with an
26 opportunity to provide input on State and regional workforce needs issues relevant to the
27 purposes and objective of the State Plan for Higher Education, including students,
28 members of the public, and major industry partners.

29 SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take effect July
30 1, 2024.