

Chapter 963

(House Bill 1244)

AN ACT concerning

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

FOR the purpose of requiring the Maryland Department of Labor, the Department of Commerce, and the Maryland Higher Education Commission to each ~~have a certain staff member who performs~~ perform certain duties related to defining, identifying, and compiling data regarding the workforce needs in the State and ~~who works~~ work collaboratively across certain agencies in a certain manner; altering certain requirements for the State Plan of Higher Education; requiring the Commission to establish a Program Review Process Advisory Council; altering certain requirements regarding the Commission's academic program approval process; requiring the Commission to develop and publish on its website on or before a certain date an administrative procedures guide for the Commission's program review process; requiring the Commission to conduct a review of certain approved programs that were subject to an objection of a historically Black college or university; requiring certain institutions of higher education to submit to the Commission a certain letter of intent regarding intended new graduate programs; establishing the Proposed Programs Collaborative Grant Fund to award grants to certain public institutions of higher education that collaborate to establish and implement new academic graduate programs; authorizing the Commission to develop a program review process for certain online programs in a certain manner; authorizing the Commission or an institution of higher education to file an objection to implementation of a proposed online program under certain circumstances; ~~providing that academic program proposals for certain graduate level programs may be proposed and implemented only by certain institutions, except under certain circumstances;~~ altering requirements for the Commission's review and approval of the mission statements of public institutions of higher education; requiring the Commission, in collaboration with institutions of higher education, to evaluate the process for reviewing academic program proposals for a certain purpose and to review the standard for triggering a review of a substantial modification to an existing academic program; requiring the Commission to update the State Plan for Higher Education on or before a certain date; and generally relating to academic program approval, institutional mission statements, and the Maryland Higher Education Commission.

BY renumbering

Article – Education

Section 11-105(a) through (x), ~~11-105(a) through (x)~~, 11-206.2, 11-206.3, and 11-206.4

to be Section 11-105(b) through (y), ~~11-206.5, 11-206.6, and 11-206.7~~ 11-105(b) through (y), ~~11-206.6, 11-206.7, and 11-206.8~~ 11-206.6, 11-206.7, and 11-206.8, respectively

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

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

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

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

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

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

BY repealing and reenacting, with amendments,
Article – Education
Section 11–104, ~~11–105(b)(2) and (3)~~, ~~11–105(b)(2) and (3)~~, 11–106, 11–206,
11–206.1, and 11–302
Annotated Code of Maryland
(2022 Replacement Volume and 2023 Supplement)

BY adding to
Article – Education
Section 11–105(a), ~~11–105(a)~~, 11–206.2, 11–206.3, ~~and~~ ~~and~~ 11–206.4, and 11–206.5,
and 11–206.5
Annotated Code of Maryland
(2022 Replacement Volume and 2023 Supplement)

BY repealing and reenacting, with amendments,

Article – Education

Section 11-105(c)(2) and (3)

Annotated Code of Maryland

(2022 Replacement Volume and 2023 Supplement)

(As enacted by Section 1 of this Act)

~~BY repealing and reenacting, with amendments,~~

~~Article – Education~~

~~Section 11-105(c)(2) and (3)~~

~~Annotated Code of Maryland~~

~~(2022 Replacement Volume and 2023 Supplement)~~

~~(As enacted by Section 1 of this Act)~~

BY repealing and reenacting, without amendments,

Article – State Finance and Procurement

Section 6-226(a)(2)(i)

Annotated Code of Maryland

(2021 Replacement Volume and 2023 Supplement)

BY repealing and reenacting, with amendments,

Article – State Finance and Procurement

Section 6-226(a)(2)(ii)189. and 190.

Annotated Code of Maryland

(2021 Replacement Volume and 2023 Supplement)

BY adding to

Article – State Finance and Procurement

Section 6-226(a)(2)(ii)191.

Annotated Code of Maryland

(2021 Replacement Volume and 2023 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 11-105(a) through (x), 11-105(a) through (x), 11-206.2, 11-206.3, and 11-206.4 of Article – Education of the Annotated Code of Maryland be renumbered to be Section(s) 11-105(b) through (y), 11-206.5, 11-206.6, and 11-206.7 11-105(b) through (y), 11-206.6, 11-206.7, and 11-206.8 11-206.6, 11-206.7, and 11-206.8, respectively.

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

Article – Business Regulation

1-101.

- (a) In this article the following words have the meanings indicated.
- (f) “Department” means the Maryland Department of Labor.

2–103.2.

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

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

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

Article – Economic Development

1–101.

- (a) In this division the following words have the meanings indicated.
- (c) “Department” means the Department of Commerce.

2.5–106.

The Department shall:

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

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

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

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

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

Article – Education

11–104.

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

(b) (1) The Secretary shall:

- (i) Select, organize, and direct the staff of the Commission;
- (ii) Perform the duties the Commission assigns;
- (iii) See that the policies and decisions of the Commission are carried out;
- (iv) Serve at the pleasure of the Governor; and
- (v) Be a member of the Governor’s Executive Council.

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

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

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

(2) THE SECRETARY SHALL HAVE AT LEAST ONE FULL–TIME STAFF MEMBER WHO IS RESPONSIBLE FOR:

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

(II) WORKING COLLABORATIVELY WITH THE DEPARTMENT OF COMMERCE AND THE MARYLAND DEPARTMENT OF LABOR TO PRODUCE UNIFORM AND CONSISTENT BASELINE DATA, INCLUDING COMMON SOURCES AND

MEASUREMENTS, ABOUT WORKFORCE NEEDS TO INFORM STATE POLICIES RELATING TO POSTSECONDARY EDUCATION.

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

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

~~11-105.~~

~~(A) (1) IN THIS SECTION, "EMERGING WORKFORCE NEED PROGRAM" MEANS A GRADUATE LEVEL PROGRAM IDENTIFIED BY THE COMMISSION UNDER SUBSECTION (B)(2)(i)1 OF THIS SECTION THAT:~~

~~(i) NO INSTITUTION OF HIGHER EDUCATION IN THE STATE OFFERS;~~

~~(ii) ADDRESSES A JOB OR INDUSTRY NEED THAT IS INNOVATIVE, UNIQUE, AND RARE; AND~~

~~(iii) COULD LEVERAGE FEDERAL, STATE, OR PRIVATE RESOURCES ON A LONG TERM BASIS WITH IMMEDIATE DEVELOPMENT BY AN INSTITUTION OF HIGHER EDUCATION.~~

~~(2) "EMERGING WORKFORCE NEED PROGRAM" DOES NOT MEAN A SPECIFIC ACADEMIC PROGRAM IDENTIFIED BY THE COMMISSION TO FULFILL OR SUPPORT AN IDENTIFIED CURRENT STATE AND REGIONAL WORKFORCE NEED.~~

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

~~1. The present and future needs for postsecondary education and research throughout the State, INCLUDING CURRENT AND EMERGING STATE AND REGIONAL WORKFORCE NEEDS AND ANY SPECIFIC ACADEMIC PROGRAMS INSTITUTIONS COULD DEVELOP TO FULFILL OR SUPPORT IDENTIFIED CURRENT STATE AND REGIONAL WORKFORCE NEEDS AND ANY EMERGING WORKFORCE NEED PROGRAMS IN ACCORDANCE WITH SUBPARAGRAPH (IV) OF THIS PARAGRAPH;~~

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

~~3. The long range and short range objectives and priorities for postsecondary education and methods and guidelines for achieving and maintaining them.~~

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

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

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

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

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

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

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

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

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

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

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

11-105.

(A) (1) IN THIS SECTION, “EMERGING WORKFORCE NEED PROGRAM” MEANS A GRADUATE LEVEL PROGRAM IDENTIFIED BY THE COMMISSION IN THE STATE PLAN FOR HIGHER EDUCATION OR EACH ANNUAL UPDATE TO THE WORKFORCE NEEDS AS AN APPENDIX TO THE PLAN UNDER SUBSECTION (C)(2)(I)1 OF THIS SECTION THAT:

(I) NO INSTITUTION OF HIGHER EDUCATION IN THE STATE OFFERS;

(II) ADDRESSES A JOB OR INDUSTRY NEED THAT IS INNOVATIVE, UNIQUE, AND RARE; AND

(III) COULD LEVERAGE FEDERAL, STATE, OR PRIVATE RESOURCES ON A LONG-TERM BASIS WITH IMMEDIATE DEVELOPMENT BY AN INSTITUTION OF HIGHER EDUCATION.

(2) “EMERGING WORKFORCE NEED PROGRAM” DOES NOT MEAN A SPECIFIC ACADEMIC PROGRAM IDENTIFIED BY THE COMMISSION TO FULFILL OR SUPPORT AN IDENTIFIED CURRENT STATE AND REGIONAL WORKFORCE NEED.

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

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

2. The present and future capabilities of the different institutions and segments of postsecondary education in the State, AND ANY SPECIFIC ACADEMIC PROGRAMS INSTITUTIONS COULD DEVELOP TO FULFILL OR SUPPORT IDENTIFIED CURRENT STATE AND REGIONAL WORKFORCE NEEDS AND ANY EMERGING WORKFORCE NEED PROGRAMS; and

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

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

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

(IV) IN IDENTIFYING STATE AND REGIONAL WORKFORCE NEEDS AND EMERGING WORKFORCE NEED PROGRAMS FOR THE STATE PLAN FOR HIGHER EDUCATION, THE COMMISSION SHALL:

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

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

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

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

5. CONSULT WITH EACH SEGMENT OF HIGHER EDUCATION.

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

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

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

(iii) BEGINNING WITH THE QUADRENNIAL REVIEW OF THE STATE PLAN FOR HIGHER EDUCATION DUE BY JULY 1, 2026, AND EACH ANNUAL UPDATE TO THE WORKFORCE NEEDS AS AN APPENDIX TO THE PLAN UNDER PARAGRAPH (2)(V) OF THIS SUBSECTION, THE COMMISSION SHALL SUBMIT THE PROPOSED PLAN, OR UPDATE TO THE PLAN, TO THE LEGISLATIVE POLICY COMMITTEE FOR REVIEW AND COMMENT BEFORE ADOPTION BY THE COMMISSION.

11-106.

(a) (1) The Commission shall establish:

- (i) A Faculty Advisory Council;
- (ii) A Student Advisory Council;
- (iii) A Segmental Advisory Council;
- (iv) A Financial Assistance Advisory Council;
- (v) A Maryland Digital Library Advisory Council; [and]
- (vi) A Private Career School Advisory Council; AND

(VII) A PROGRAM REVIEW PROCESS ADVISORY COUNCIL.

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

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

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

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

11–206.

(a) This section does not apply to:

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

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

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

(b) (1) ~~Prior to SUBJECT TO § 11–206.5 OF THIS SUBTITLE, PRIOR~~ **PRIOR** **SUBJECT TO § 11–206.5 OF THIS SUBTITLE, PRIOR TO** the proposed date of implementation, the governing body of an institution of postsecondary education shall submit to the Commission each proposal for:

(i) A new program; or

(ii) A substantial modification of an existing program.

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

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

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

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

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

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

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

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

2. A for–profit institution of higher education.

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

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

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

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

(i) The name of the program; and

(ii) The expected date of discontinuation.

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

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

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

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

(II) THE REGULATIONS SHALL:

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

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

3. PRIORITIZE COLLABORATION BETWEEN INSTITUTIONS OF HIGHER EDUCATION.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11-206.1.

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

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

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

(i) A public senior higher education institution; and

(ii) A community college.

(b) (1) ~~A SUBJECT TO § 11-206.5 OF THIS SUBTITLE, A~~ A SUBJECT TO § 11-206.5 OF THIS SUBTITLE, A president of a public institution of higher education may propose to establish a new program or abolish an existing program if the action:

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

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

(2) ~~A SUBJECT TO § 11-206.5 OF THIS SUBTITLE, A~~ **A SUBJECT TO § 11-206.5 OF THIS SUBTITLE, A** president of a private nonprofit institution of higher education may propose to establish a new program if the action:

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

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

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

(i) The institution's governing board; and

(ii) The Maryland Higher Education Commission.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(I) CLEARLY IDENTIFY ALL OF THE SPECIFIC CRITERIA AND FACTORS USED BY THE COMMISSION; AND

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

1. MEETING STATE AND REGIONAL WORKFORCE NEEDS;

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

3. COLLABORATION BETWEEN INSTITUTIONS OF HIGHER EDUCATION.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(ii) Justification for the continuation of the program.

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

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

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

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

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

11-206.2.

(A) ~~BEGINNING IN JANUARY 2025~~ ON OR BEFORE JANUARY 1, 2025, AND EACH JANUARY 1 THEREAFTER, THE COMMISSION SHALL REVIEW EACH ACADEMIC PROGRAM THAT HAS BEEN RECENTLY APPROVED AND EACH ACADEMIC PROGRAM THAT HAS BEEN APPROVED IN THE 4 ~~4~~ IMMEDIATELY PRECEDING SCHOOL ~~YEARS~~ YEAR ~~YEARS~~ THAT WAS SUBJECT TO AN OBJECTION OF A HISTORICALLY BLACK COLLEGE OR UNIVERSITY, AS DESCRIBED IN § 10-214 OF THIS ARTICLE, TO DETERMINE WHETHER THE HISTORICALLY BLACK COLLEGE OR UNIVERSITY, THE STATE, OR STUDENTS ATTENDING INSTITUTIONS OF HIGHER EDUCATION IN THE STATE SUFFERED ~~DEMONSTRABLE~~ HARM RESULTING FROM APPROVAL OF THE PROGRAM.

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

11-206.3.

(A) IN THIS SECTION, “INSTITUTION” MEANS ~~A:~~

~~(1)~~ ~~A~~ A PUBLIC SENIOR HIGHER EDUCATION INSTITUTION; ~~OR~~

~~(2)~~ ~~A PRIVATE NONPROFIT INSTITUTION OF HIGHER EDUCATION.~~

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

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

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

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

(1) TO FACILITATE COLLABORATION BETWEEN INSTITUTIONS; AND

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

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

(E) (1) ~~THE~~ SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE COMMISSION SHALL ESTABLISH REQUIREMENTS FOR SUBMITTING A LETTER OF INTENT UNDER THIS SECTION, INCLUDING THE FORMAT, DEADLINES, AND REVIEW CRITERIA OF THE LETTERS.

(2) THE COMMISSION SHALL CIRCULATE EACH LETTER OF INTENT SUBMITTED BY AN INSTITUTION AMONG EACH INSTITUTION, BUT MAY NOT POST AN INSTITUTION'S LETTER OF INTENT PUBLICLY.

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

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

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

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

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

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

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

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

(4) THE COMMISSION SHALL:

(I) ADMINISTER THE FUND;

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

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

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

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

(6) THE FUND CONSISTS OF:

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

(II) INTEREST EARNINGS; AND

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

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

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

(II) COSTS ASSOCIATED WITH:

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

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

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

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

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

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

11-206.4.

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

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

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

(B) THE PROCESS DEVELOPED AND IMPLEMENTED UNDER SUBSECTION (A) OF THIS SECTION SHALL ALLOW THE COMMISSION OR AN INSTITUTION OF HIGHER EDUCATION IN THE STATE TO FILE WITH THE COMMISSION AN OBJECTION TO

IMPLEMENTATION OF THE PROPOSED PROGRAM, PROVIDED THE OBJECTION IS BASED ON:

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

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

(3) UNREASONABLE PROGRAM DUPLICATION OF A FULLY ONLINE PROGRAM THAT WOULD CAUSE HARM TO THE STATE OR STUDENTS ATTENDING INSTITUTIONS OF HIGHER EDUCATION IN THE STATE; OR

(4) UNNECESSARY PROGRAM DUPLICATION OF A FULLY ONLINE PROGRAM IN VIOLATION OF THE STATE'S EQUAL EDUCATIONAL OPPORTUNITY OBLIGATIONS UNDER STATE AND FEDERAL LAW.

~~(B)~~ (C) THE COMMISSION SHALL INCLUDE THE PROGRAM REVIEW PROCESS DEVELOPED UNDER THIS SECTION IN THE ADMINISTRATIVE PROCEDURES GUIDE REQUIRED UNDER § 11-206.1(H) OF THIS SUBTITLE.

11-206.5.

(A) IN THIS SECTION, "EMERGING WORKFORCE NEED PROGRAM" HAS THE MEANING STATED IN § 11-105(A) OF THIS TITLE.

(B) THIS SECTION APPLIES ON OR AFTER ADOPTION BY THE COMMISSION OF THE UPDATED STATE PLAN FOR HIGHER EDUCATION DUE JANUARY 1, 2025.

(C) SUBJECT TO SUBSECTION (D) OF THIS SECTION, THE COMMISSION MAY APPROVE A PROPOSAL SUBMITTED UNDER § 11-206, § 11-206.1, OR § 11-206.4 OF THIS SUBTITLE ONLY FOR AN ACADEMIC PROGRAM FOR AN EMERGING WORKFORCE NEED PROGRAM FOR:

(1) BOWIE STATE UNIVERSITY;

(2) COPPIN STATE UNIVERSITY;

(3) MORGAN STATE UNIVERSITY;

(4) THE UNIVERSITY OF MARYLAND, COLLEGE PARK CAMPUS AS THE STATE'S FLAGSHIP CAMPUS WITH PROGRAMS AND FACULTY NATIONALLY AND

INTERNATIONALLY RECOGNIZED FOR EXCELLENCE IN RESEARCH AND THE
ADVANCEMENT OF KNOWLEDGE; AND

(5) UNIVERSITY OF MARYLAND EASTERN SHORE.

(D) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, IF AN
INSTITUTION OF HIGHER EDUCATION DOES NOT SUBMIT A PROPOSAL UNDER §
11-206, § 11-206.1, OR § 11-206.4 OF THIS SUBTITLE FOR AN ACADEMIC PROGRAM
FOR AN EMERGING WORKFORCE NEED PROGRAM WITHIN 1 YEAR AFTER THE
QUADRENNIAL REVIEW OF THE STATE PLAN FOR HIGHER EDUCATION, AND EACH
ANNUAL UPDATE TO THE WORKFORCE NEEDS AS AN APPENDIX TO THE PLAN THAT
IDENTIFIED THE EMERGING WORKFORCE NEED PROGRAM, ANY INSTITUTION OF
POSTSECONDARY EDUCATION IN THE STATE MAY SUBMIT THE PROPOSAL FOR
APPROVAL BY THE COMMISSION UNDER §§ 11-206, 11-206.1, AND 11-206.4 OF THIS
SUBTITLE.

(2) (I) 1. WITHIN 90 DAYS AFTER THE QUADRENNIAL REVIEW
OF THE STATE PLAN FOR HIGHER EDUCATION, AND EACH ANNUAL UPDATE TO THE
WORKFORCE NEEDS AS AN APPENDIX TO THE PLAN, EACH INSTITUTION LISTED IN
SUBSECTION (C) OF THIS SECTION SHALL COMMUNICATE TO THE COMMISSION A
NOTICE OF INTENT TO SUBMIT AN ACADEMIC PROGRAM FOR AN EMERGING
WORKFORCE NEED PROGRAM IDENTIFIED IN THE PLAN IN THE UPCOMING YEAR.

2. THE COMMISSION SHALL:

A. SHARE THE NOTICE TO ALL SEGMENTS OF HIGHER
EDUCATION;

B. FACILITATE COLLABORATION BETWEEN
INSTITUTIONS OF HIGHER EDUCATION;

C. PROVIDE FEEDBACK TO AN INSTITUTION BEFORE AN
INSTITUTION SUBMITS THE NEW PROGRAM TO THE COMMISSION FOR APPROVAL;
AND

D. IDENTIFY STATE RESOURCES TO ASSIST THE
INSTITUTION IN DEVELOPING THE PROGRAM.

(II) IF AN INSTITUTION OF HIGHER EDUCATION LISTED IN
SUBSECTION (C) OF THIS SECTION COLLABORATES WITH ANY OTHER INSTITUTION
OF HIGHER EDUCATION IN THE STATE, AT THE DISCRETION OF EACH INSTITUTION,
TO IMPLEMENT AN EMERGING WORKFORCE NEED PROGRAM WITHIN 1 YEAR AFTER
THE QUADRENNIAL REVIEW OF THE STATE PLAN FOR HIGHER EDUCATION, AND

EACH ANNUAL UPDATE TO THE WORKFORCE NEEDS AS AN APPENDIX TO THE PLAN THAT IDENTIFIED THE EMERGING WORKFORCE NEED PROGRAM, THE COMMISSION MAY APPROVE A PROPOSAL FOR AN ACADEMIC PROGRAM FOR AN EMERGING WORKFORCE NEED PROGRAM FOR THE INSTITUTION OF HIGHER EDUCATION COLLABORATING WITH AN INSTITUTION LISTED IN SUBSECTION (C) OF THIS SECTION.

(III) IF NO INSTITUTION LISTED IN SUBSECTION (C) OF THIS SECTION PROVIDES NOTICE TO THE COMMISSION OF INTENT IN ACCORDANCE WITH THIS PARAGRAPH TO SUBMIT AN ACADEMIC PROGRAM FOR AN EMERGING WORKFORCE NEED PROGRAM IDENTIFIED IN THE QUADRENNIAL REVIEW OF THE STATE PLAN FOR HIGHER EDUCATION, AND EACH ANNUAL UPDATE TO THE WORKFORCE NEEDS AS AN APPENDIX TO THE PLAN, IN THE UPCOMING YEAR, ANY INSTITUTION OF HIGHER EDUCATION MAY IMMEDIATELY SUBMIT A PROPOSAL UNDER § 11-206, § 11-206.1, OR § 11-206.4 OF THIS SUBTITLE FOR AN ACADEMIC PROGRAM FOR AN EMERGING WORKFORCE NEED PROGRAM.

(E) THE COMMISSION SHALL ADOPT REGULATIONS FOR THE IMPLEMENTATION OF THIS SECTION.

~~11-206.5.~~

(A) IN THIS SECTION, "EMERGING WORKFORCE NEED PROGRAM" HAS THE MEANING STATED IN § 11-105(A) OF THIS TITLE.

(B) SUBJECT TO SUBSECTION (C) OF THIS SECTION, THE COMMISSION MAY APPROVE A PROPOSAL SUBMITTED UNDER § 11-206, § 11-206.1, OR § 11-206.4 OF THIS SUBTITLE ONLY FOR AN ACADEMIC PROGRAM FOR AN EMERGING WORKFORCE NEED PROGRAM FOR:

(1) MORGAN STATE UNIVERSITY;

(2) BOWIE STATE UNIVERSITY;

(3) UNIVERSITY OF MARYLAND EASTERN SHORE;

(4) COPPIN STATE UNIVERSITY; AND

(5) THE UNIVERSITY OF MARYLAND, COLLEGE PARK CAMPUS AS THE STATE'S FLAGSHIP CAMPUS WITH PROGRAMS AND FACULTY NATIONALLY AND INTERNATIONALLY RECOGNIZED FOR EXCELLENCE IN RESEARCH AND THE ADVANCEMENT OF KNOWLEDGE.

~~(C) IF AN INSTITUTION OF HIGHER EDUCATION UNDER SUBSECTION (B) OF THIS SECTION DOES NOT SUBMIT A PROPOSAL UNDER § 11-206, § 11-206.1, OR § 11-206.4 OF THIS SUBTITLE FOR AN ACADEMIC PROGRAM FOR AN EMERGING WORKFORCE NEED PROGRAM WITHIN 2 YEARS AFTER THE PUBLICATION OF THE STATE PLAN FOR HIGHER EDUCATION OR THE APPENDIX TO THE PLAN THAT IDENTIFIED THE EMERGING WORKFORCE NEED PROGRAM, ANY INSTITUTION OF POSTSECONDARY EDUCATION IN THE STATE MAY SUBMIT THE PROPOSAL FOR APPROVAL BY THE COMMISSION UNDER §§ 11-206, 11-206.1, AND 11-206.4 OF THIS SUBTITLE.~~

11-302.

(a) (1) The president of each public institution of higher education is responsible for developing a mission statement.

(2) The president shall submit the mission statement to the institution's governing board.

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

(b) (1) The governing board:

(i) Shall review the mission statement and may require the president to prepare a revised mission statement;

(ii) May adopt the mission statement as submitted or with amendments; and

(iii) Shall submit the statement to the Commission.

(2) (i) In the case of constituent institutions of the University System of Maryland, the Chancellor of the University System of Maryland shall review the statement prior to its consideration by the Board of Regents and make recommendations.

(ii) Before adopting the mission statements, the Board of Regents shall review the statements individually and on a systemwide basis to assure that:

1. They are consistent with the Charter and the systemwide plan; and

2. They will promote the efficient and effective use of the institution's and System's resources.

(iii) The Board shall consolidate the statements into an adopted systemwide statement.

(c) (1) Each regional higher education center shall:

(i) Develop a mission statement;

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

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

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

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

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

(iii) Shall submit the statement to the Commission.

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

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

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

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

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

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

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

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

2. WHY THE MISSION STATEMENT WAS APPROVED OR REJECTED.

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

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

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

Article – State Finance and Procurement

6–226.

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

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

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

190. the Protecting Against Hate Crimes Grant Fund; AND

191. THE PROPOSED PROGRAMS COLLABORATIVE GRANT FUND.

SECTION 3. AND BE IT FURTHER ENACTED, That:

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

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

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

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

SECTION 4. AND BE IT FURTHER ENACTED, That:

(a) On or before January 1, 2025, the Maryland Higher Education Commission shall update the State Plan for Higher Education last revised in 2022 to include updated information on State and regional workforce needs ~~information~~, emerging workforce needs, and any specific academic programs institutions could develop to fulfill or support identified needs.

(b) The Maryland Higher Education Commission shall submit the update under subsection (a) of this section to the Legislative Policy Committee for review and comment before adoption.

~~(b)~~ (c) During the process of updating the State Plan under subsection (a) of this section, the Commission shall provide postsecondary education stakeholders with an opportunity to provide input on State and regional workforce needs issues relevant to the

purposes and objective of the State Plan for Higher Education, including students, members of the public, and major industry partners.

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

Approved by the Governor, May 16, 2024.