

SB0029/404939/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 29

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, strike “a”; in line 5, strike “determination” and substitute “determinations”; in the same line, strike “a program” and substitute “certain programs”; strike beginning with “after” in line 5 down through “date” in line 6 and substitute “during or after certain dates”; in line 6, after “circumstances;” insert “requiring the Commission to include certain findings as part of certain determinations; authorizing the Commission to take certain actions as a result of certain determinations;”; in line 7, after “concerning” insert “certain”; and in line 9, after “Act;” insert “providing that this Act shall be construed to require the Commission to review certain determinations regarding certain duplication of academic programs;”.

AMENDMENT NO. 2

On page 3, in line 25, strike the brackets; strike beginning with “**EXCEPT**” in line 25 down through “**THE**” in line 26; in line 28, strike “**SUCH A**”; in line 30, after “**(5)**” insert “**(I) THIS PARAGRAPH APPLIES ONLY TO A PROGRAM THAT:**”

1. HAS BEEN APPROVED OR IMPLEMENTED AFTER JULY 1, 2005, BUT BEFORE DECEMBER 1, 2005, AND ABOUT WHICH AN OBJECTION WAS FILED WITH THE COMMISSION UNDER PARAGRAPH (4) OF THIS SUBSECTION BY MORGAN STATE UNIVERSITY, COPPIN STATE UNIVERSITY, BOWIE STATE UNIVERSITY, OR THE UNIVERSITY OF MARYLAND EASTERN SHORE; OR

2. HAS BEEN APPROVED OR IMPLEMENTED AFTER JULY 1, 2007.

(Over)

(II);

and strike beginning with “**FOR**” in line 30 down through “**THE**” in line 31 and substitute “**THE**”.

AMENDMENT NO. 3

On page 4, in line 1, strike “**A**” and substitute “**AN UNNECESSARY**”; and strike beginning with “**ANY**” in line 2 down through “**EDUCATION**” in line 3 and substitute “**MORGAN STATE UNIVERSITY, COPPIN STATE UNIVERSITY, BOWIE STATE UNIVERSITY, OR THE UNIVERSITY OF MARYLAND EASTERN SHORE.**”

(III) IF THE COMMISSION DETERMINES THAT AN UNNECESSARY DUPLICATION OF PROGRAMS EXISTS UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE COMMISSION SHALL DETERMINE THAT THE UNNECESSARY DUPLICATION IS UNJUSTIFIED IF THE PROGRAM VIOLATES THE STATE’S AGREEMENT WITH THE UNITED STATES DEPARTMENT OF EDUCATION OFFICE FOR CIVIL RIGHTS OR THE STATE’S EQUAL EDUCATIONAL OPPORTUNITY OBLIGATIONS UNDER STATE OR FEDERAL LAW.

(IV) A DETERMINATION OF THE COMMISSION UNDER SUBPARAGRAPH (III) OF THIS PARAGRAPH SHALL INCLUDE THE CRITERIA USED BY THE COMMISSION IN MAKING A DETERMINATION UNDER SUBPARAGRAPH (III) OF THIS PARAGRAPH.

On page 4, in line 6, after “(4)” insert “**OR (5)**”; in line 12, after “unreasonable” insert “**OR UNNECESSARY**”; and in lines 15 and 28, in each instance, after “unreasonably” insert “**OR UNNECESSARILY**”.

On page 7, in line 13, strike “or”; after line 13, insert:

“(4) UNNECESSARY PROGRAM DUPLICATION AS DETERMINED BY THE COMMISSION UNDER § 11-206(E)(5) OF THIS SUBTITLE; OR”;

in line 14, strike “(4)” and substitute “**(5)**”; and in line 32, strike “**(E)(3)**” and substitute “**(E)(4) OR (5)**”.

AMENDMENT NO. 4

On page 8, after line 27, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to require the Maryland Higher Education Commission to review any determinations regarding unreasonable or unnecessary duplication for programs approved or implemented after July 1, 2005, but before December 1, 2005, under § 11-206 or § 11-206.1 of the Education Article as enacted by this Act.”;

and in line 28, strike “2.” and substitute “**3.**”.