

HOUSE BILL 553

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3lr0122

By: **Chair, Appropriations Committee (By Request – Departmental – Higher Education Commission)**

Introduced and read first time: January 30, 2013

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Higher Education – Program Proposals – Review and Objections**

3 FOR the purpose of altering a certain time period that triggers a certain consequence
4 if the Maryland Higher Education Commission fails to act on certain program
5 proposals submitted by certain institutions of postsecondary education; altering
6 certain time periods during which the Commission must act during its review of
7 certain academic programs proposed by certain institutions of higher education;
8 altering a certain time period during which the Commission and certain
9 institutions of higher education may act to object to certain program proposals;
10 and generally relating to the alteration of time periods for review of and
11 objections to higher education program proposals.

12 BY repealing and reenacting, without amendments,
13 Article – Education
14 Section 11–206(b)(1) and (2)
15 Annotated Code of Maryland
16 (2008 Replacement Volume and 2012 Supplement)

17 BY repealing and reenacting, with amendments,
18 Article – Education
19 Section 11–206(b)(3) and 11–206.1(e) and (f)
20 Annotated Code of Maryland
21 (2008 Replacement Volume and 2012 Supplement)

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
23 MARYLAND, That the Laws of Maryland read as follows:

24 **Article – Education**

25 11–206.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

4 (i) A new program; or

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

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

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

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

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

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

17 11–206.1.

18 (e) Within 30 **BUSINESS** days of receipt of a notice of an institution’s intent
19 to establish a new program in accordance with subsection (b) of this section, the
20 Commission may file, or the institutions of higher education in the State may file with
21 the Commission, an objection to implementation of a proposed program provided the
22 objection is based on:

23 (1) Inconsistency of the proposed program with the institution’s
24 approved mission for a public institution of higher education and the mission
25 statement published in the official catalog of a private nonprofit institution of higher
26 education;

27 (2) Not meeting a regional or statewide need consistent with the
28 Maryland State Plan for Postsecondary Education;

29 (3) Unreasonable program duplication which would cause
30 demonstrable harm to another institution; or

31 (4) Violation of the State’s equal educational opportunity obligations
32 under State and federal law.

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

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

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

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

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

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 July 1, 2013.