

SENATE BILL 783

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6lr0530

By: **Senator Rosapepe**

Introduced and read first time: February 5, 2016

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Higher Education – Adult Correctional Institutions – Credit-Bearing Courses**
3 **(Raising Education Attainment)**

4 FOR the purpose of making a certain exception for certain programs that have been
5 approved by the Maryland Higher Education Commission and that are subsequently
6 approved by the Correctional Education Council from certain additional review by
7 the Commission and certain governing boards of public institutions of higher
8 education; requiring the Council to adopt regulations for certain correctional
9 institutions in the Division of Correction for the implementation of certain education
10 programs for inmates and for certain access to the Internet; requiring the Division
11 to report to the Parole Commission on the academic progress of an inmate in certain
12 programs; and generally relating to higher education programs for individuals in
13 adult correctional institutions in the State.

14 BY repealing and reenacting, with amendments,
15 Article – Education
16 Section 11–206(a) and 11–206.1
17 Annotated Code of Maryland
18 (2014 Replacement Volume and 2015 Supplement)

19 BY repealing and reenacting, without amendments,
20 Article – Education
21 Section 11–206(b)
22 Annotated Code of Maryland
23 (2014 Replacement Volume and 2015 Supplement)

24 BY repealing and reenacting, with amendments,
25 Article – Labor and Employment
26 Section 11–902
27 Annotated Code of Maryland
28 (2008 Replacement Volume and 2015 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Education**

4 11–206.

5 (a) This section does not apply to:

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

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

11 **AND**

12 **(3) A PROGRAM APPROVED UNDER SUBSECTION (B) OF THIS**
13 **SECTION THAT IS SUBSEQUENTLY APPROVED BY THE CORRECTIONAL EDUCATION**
14 **COUNCIL UNDER § 11–902 OF THE LABOR AND EMPLOYMENT ARTICLE THAT**
15 **ALLOWS AN INDIVIDUAL IN AN ADULT CORRECTIONAL INSTITUTION IN THE STATE**
16 **TO EARN CREDITS TOWARDS AN ASSOCIATE DEGREE OR A BACHELOR’S DEGREE.**

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

19 (i) A new program; or

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

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

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

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

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

29 (3) If the Commission fails to act within 60 days of the date of submission
30 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 11–206.1.

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

23 (2) “Public institution of higher education” means:

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

25 (ii) A community college.

26 (3) “Private nonprofit institution of higher education” has the meaning
27 stated in § 10–101(k) of this article.

28 **(A–1) THIS SECTION DOES NOT APPLY TO A PROGRAM APPROVED UNDER THIS**
29 **SECTION THAT IS SUBSEQUENTLY APPROVED BY THE CORRECTIONAL EDUCATION**
30 **COUNCIL UNDER § 11–902 OF THE LABOR AND EMPLOYMENT ARTICLE THAT**
31 **ALLOWS AN INDIVIDUAL IN AN ADULT CORRECTIONAL INSTITUTION IN THE STATE**
32 **TO EARN CREDITS TOWARDS AN ASSOCIATE DEGREE OR A BACHELOR’S DEGREE.**

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

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

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

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

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

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

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

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

17 (ii) The Maryland Higher Education Commission.

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

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

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

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

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

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

29 (ii) Meets a regional or statewide need consistent with the Maryland
30 State Plan for Postsecondary Education;

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

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

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

8 (e) Within 30 days of receipt of a notice of an institution's intent to establish a
9 new program in accordance with subsection (b) of this section, the Commission may file, or
10 the institutions of higher education in the State may file with the Commission, an objection
11 to implementation of a proposed program provided the objection is based on:

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

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

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

19 (4) Violation of the State's equal educational opportunity obligations under
20 State and federal law.

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

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

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

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

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

1 (g) (1) The Commission shall:

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

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

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

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

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

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

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

17 (i) The Commission shall:

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

20 (2) Report annually to the Governor and, in accordance with § 2-1246 of
21 the State Government Article, the General Assembly on the nature and extent of any
22 duplication or proliferation of programs; and

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

26 Article – Labor and Employment

27 11-902.

28 (a) (1) The Correctional Education Council shall develop and recommend an
29 educational and workforce training program for each correctional institution in the Division
30 of Correction.

1 **(2)** The programs shall meet the special needs and circumstances of the
2 inmates in each correctional institution.

3 (b) (1) The Council shall adopt regulations for all correctional institutions in
4 the Division of Correction for the implementation of a mandatory education program for all
5 inmates who fail to attain a minimum educational standard as set forth in this subsection.

6 (2) The regulations adopted by the Council shall:

7 (i) require that the educational standard shall be the attainment of
8 a General Educational Development (GED) diploma or a verified high school diploma;

9 (ii) apply only to any inmate who:

10 1. was received by the Division of Correction after July 1,
11 1987;

12 2. has 18 months or more remaining to be served before a
13 mandatory supervision release date;

14 3. is not exempted due to a medical, developmental, or
15 learning disability; and

16 4. does not possess a General Educational Development
17 (GED) diploma or a verified high school diploma;

18 (iii) require any inmate who is not exempted under item (ii)3 of this
19 paragraph to participate in:

20 1. the mandatory education program for at least 120
21 calendar days; or

22 2. a workforce skills training program; and

23 (iv) the Division of Correction shall report to the Parole Commission
24 the academic progress of an inmate in the mandatory education program.

25 (c) (1) The Council shall adopt regulations for all correctional institutions in
26 the Division of Correction for the implementation of a mandatory workforce skills training
27 program for all inmates as provided in this subsection.

28 (2) The regulations shall apply only to an inmate who:

29 (i) has 18 months or more remaining to be served before a
30 mandatory supervision release date; and

1 (ii) is not exempted due to a medical, developmental, or learning
2 disability.

3 (3) The Division of Correction shall report to the Parole Commission the
4 academic progress of an inmate in the mandatory workforce skills training program.

5 **(D) (1) THE COUNCIL SHALL ADOPT REGULATIONS FOR ALL**
6 **CORRECTIONAL INSTITUTIONS IN THE DIVISION OF CORRECTION FOR THE**
7 **IMPLEMENTATION OF A HIGHER EDUCATION PROGRAM FOR INMATES THAT ALLOWS**
8 **AN INDIVIDUAL IN AN ADULT CORRECTIONAL INSTITUTION IN THE STATE TO EARN**
9 **CREDITS TOWARD AN ASSOCIATE DEGREE OR A BACHELOR'S DEGREE AS PROVIDED**
10 **IN THIS SUBSECTION.**

11 **(2) THE REGULATIONS ADOPTED BY THE COUNCIL SHALL:**

12 **(I) PROVIDE FOR THE SELECTION OF INSTITUTIONS OF HIGHER**
13 **EDUCATION IN THE STATE THAT CAN PARTICIPATE IN THE PROGRAM;**

14 **(II) REQUIRE THE APPROVAL BY THE COUNCIL OF A HIGHER**
15 **EDUCATION PROGRAM;**

16 **(III) REQUIRE THE DISTRIBUTION OF INFORMATION REGARDING**
17 **THE PROGRAM AND THE AVAILABILITY OF STATE AND FEDERAL FINANCIAL AID TO**
18 **INDIVIDUALS WHO PARTICIPATE IN THE PROGRAM; AND**

19 **(IV) APPLY ONLY TO ANY INMATE WHO:**

20 **1. HAS 18 MONTHS OR MORE REMAINING TO BE SERVED**
21 **BEFORE A MANDATORY SUPERVISION RELEASE DATE; AND**

22 **2. POSSESSES A GENERAL EDUCATIONAL**
23 **DEVELOPMENT (GED) DIPLOMA OR A VERIFIED HIGH SCHOOL DIPLOMA.**

24 **(3) THE DIVISION OF CORRECTION SHALL REPORT TO THE PAROLE**
25 **COMMISSION ON THE ACADEMIC PROGRESS OF AN INMATE IN THE HIGHER**
26 **EDUCATION PROGRAM.**

27 **(E) THE COUNCIL SHALL ADOPT REGULATIONS FOR ALL CORRECTIONAL**
28 **INSTITUTIONS IN THE DIVISION OF CORRECTION FOR THE IMPLEMENTATION OF A**
29 **PROGRAM THAT ALLOWS ALL INMATES TO ACCESS THE INTERNET FOR:**

30 **(1) EDUCATIONAL PURPOSES; AND**

1 **(2) OTHER PURPOSES THAT DO NOT CREATE A DEMONSTRABLE RISK**
2 **TO PUBLIC SAFETY.**

3 **[(d)] (F)** On or before October 30 of each year, the Council shall report its
4 activities to the Governor and, in accordance with § 2-1246 of the State Government
5 Article, to the General Assembly.

6 **[(e)] (G)** (1) (i) The Council shall actively advocate and promote the
7 interests of educational programs and workforce skills training opportunities in
8 correctional institutions.

9 (ii) The Council shall seek to ensure that a quality education, equal
10 educational opportunity, and workforce skills training are available to all inmates at
11 correctional institutions.

12 (2) The Council, on a regular basis, shall review the educational and
13 workforce skills training programs at correctional institutions to ensure that the unique
14 educational and training needs of the populations of the correctional institutions are being
15 satisfactorily met.

16 (3) The Council shall include in its review:

- 17 (i) curriculum guides;
- 18 (ii) courses of study;
- 19 (iii) resource materials;
- 20 (iv) textbooks;
- 21 (v) supplementary readers;
- 22 (vi) materials of instruction;
- 23 (vii) visual and auditory aids;
- 24 (viii) supplies;
- 25 (ix) teacher performance; and
- 26 (x) other teaching aids.

27 (4) Based on its review, the Council shall recommend and advocate
28 improvements to the educational and workforce skills training programs at correctional
29 institutions.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
2 1, 2016.