



**Maryland Higher Education Commission
Letter of Support**

Education, Energy and the Environment Committee

Senate Bill 1022

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

February 28, 2024

1:00 PM

Favorable with Amendments

As the Acting Secretary at the Maryland Higher Education Commission (MHEC), I offer this letter of support for Senate Bill 1022. I want to thank Senator Nancy King for her leadership as Co-Chair of the Academic Approval Process Workgroup and Senator Ron Watson, who is a sponsor of Senate Bill 1022. I firmly support the recommendations and proposed statutory changes presented in Senate Bill 1022. We are eager to implement the proposed changes, in Senate Bill 1022, including:

1. Collaboration between MHEC, Maryland Department of Labor, and Maryland Department of Commerce to define, identify, and compile data on state and regional workforce needs, and annually amend the State Plan for Higher Education with this information to help institutions develop targeted academic programs;
2. The creation of a Program Review Process Advisory Council;
3. Clarifying the distinction between unreasonable and unnecessary duplication;
4. The development and publication of an administrative procedures guide for academic program review;
5. A report evaluating harm to existing programs at Maryland's Historically Black Colleges and Universities (HBCUs);
6. The requirement that public 4-year institutions submit letters of intent for new graduate programs;
7. Establishing of a "Proposed Programs Collaborative Grant Fund;"
8. A different review process for primarily online academic programs;
9. Clarifying language regarding mission statements at public institutions and the review process; and,
10. Evaluating the definition of a substantial modification and making regulatory changes.

MHEC also intends to use this opportunity to make other improvements to the program review process to increase efficiency and transparency, as well as to foster and shape collaboration among Maryland's institutions of higher education. Collaboration within Maryland's higher

education community is essential to ensuring an equitable distribution of state resources, so that no student or institution is left behind.

Based on the timeline and expectations included in the Workgroup's recommendations and what is set forth in the proposed legislation, some changes can be implemented within the next 3-6 months. MHEC will also lay the groundwork for changes that the Workgroup slated to occur in 2025.

In fact, we have already begun the work of establishing a workgroup to review the substantial modification definition, the development of an administrative procedures guide, and begun initial discussions with the Maryland Department of Labor and the Maryland Department of Commerce regarding workforce needs.

Thank you for the opportunity to write in support of Senate Bill 1022 and to offer two amendments. First, Senate Bill 1022 would require MHEC to review approved programs that received an objection from an HBCU in the 4 years prior to determine if the HBCU suffered harm resulting from the approval of the program. MHEC would be required to report on the findings every four years. We request that this be made an annual report; we believe this report is necessary to do every year to evaluate harm.

Second, we seek an amendment that would clarify the provisions provided on page 14, lines 10 through 11, which refer to "a hearing for review of the Commission's determination of an institution's objection." Under the current process, the Commission does not hold a review hearing for the determination of an institution's objection. Rather, because the process is delegated to the Secretary by regulation, the Secretary makes a determination on approval of a proposed program, but the Commission retains the authority to review that determination upon a request by an institution. In this process, institutions submit their full arguments in writing, including supporting data, prior to the hearing, which then provides the institutions with time to make oral presentations and gives the Commissioners the opportunity to ask questions regarding the written materials and oral presentations.

The current process for this review has been in place, without significant changes, for more than 25 years, and we strongly agree that this part of the academic program review process needs reform. Pursuant to the advice of the Office of the Attorney General, the Commission already changed its voting procedures to ensure that the Commission does not make any decision on review without a majority of the Commission members then serving in support of that decision.

The Commission believes that more robust changes to this review process are warranted. We want to create collaboration within higher education desired by this administration, nor, to our understanding, by the legislature. We hope to have the statutory flexibility to have robust discussion to develop a new review process that brings institutions together to prevent program duplication. We hope to focus on productive resolution of potential program duplication to support both innovation and equity in our State. To that end, we respectfully request that lines 10 through 11, on page 14, be amended as indicated below.

In addition to the recommendations and proposed statutory changes, I commit to a continued review of the academic program review process employed by MHEC, in collaboration with all institutions and stakeholders, and will make additional improvements that bring further transparency and collaboration.

The MHEC respectfully requests the following amendments to Senate Bill 1022:

AMENDMENT #1

11-206.2.

(A) BEGINNING IN JANUARY 2025, THE COMMISSION SHALL REVIEW EACH ACADEMIC PROGRAM THAT HAS BEEN APPROVED IN THE 4 IMMEDIATELY PRECEDING SCHOOL 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 SUFFERED DEMONSTRABLE HARM RESULTING FROM APPROVAL OF THE PROGRAM.

(B) ON OR BEFORE SEPTEMBER 1, 2025, AND EVERY [4] YEAR[S] 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.

AMENDMENT #2

11-206.1.

(G) [A HEARING FOR REVIEW OF THE COMMISSION'S DETERMINATION OF AN INSTITUTION'S OBJECTION UNDER SUBSECTION (F) OF THIS SECTION] **ANY REVIEW BY THE COMMISSION OF A DETERMINATION OR RECOMMENDATION OF THE SECRETARY OR COMMISSION ON AN ACADEMIC PROGRAM PROPOSAL SHALL:**

Thank you for allowing MHEC to share our positions on Senate Bill 1022.