

Bill Response - SB1022.pdf

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Office of the President

**Morgan State University Testimony
Dr. David K. Wilson, President**

Senate Bill 1022 (Senators King and Watson)
Maryland Higher Education Commission - Academic Program Approval and
Institutional Mission Statements – Requirements
Education, Energy, and the Environment Committee
February 28, 2024

Favorable

Chair Feldman, Vice Chair Kagan, and members of the Education, Energy, and the Environment Committee. We, at Morgan, thank you for the opportunity to share our position on Senate Bill 1022. The summary of the Bill states the following: *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 certain duties related to defining, identifying, and compiling data regarding the workforce needs in the State and who works collaboratively across certain agencies; altering certain requirements for the State Plan of Higher Education; requiring the Commission to establish a Program Review Process Advisory Council; etc.*

In responding to the Bill, I commend the Program Approval Process Workgroup for its diligent work since its initial appointment in August of last year, including especially Delegate Stephanie Smith and Senator Nancy King who served as Co-Chairs of the Workgroup and Delegate Kevin Harris and Senator Ron Watson who also served on the Workgroup from the Maryland General Assembly. Through its appointed representative to the Workgroup, Morgan State University supported and voted in favor of the Workgroup's Report and Recommendations, which were unanimously approved and adopted by members of the Workgroup representing the General Assembly, the Maryland Higher Education Commission, and all segments of higher education in the State.

SB 1022, cross-filed with HB 1244, will necessarily and appropriately codify the Report and Recommendations of the Workgroup which, in direct response to the General Assembly's mandate, substantively and procedurally address (1) the development and approval of institutional missions, (2) the State Plan for Higher Education and the development of State workforce needs, (3) the intent, plan, procedures and potential collaboration of institutions in the development and proposal of new academic programs, (4) the academic program approval process, including the process for addressing and resolving objections to proposed programs, (5) the appropriate analysis for determining both unreasonable duplication and unnecessary duplication of academic

programs as required by both State and federal law, (6) criteria for a full program review of a substantial modification to an existing program, and (7) other matters related to the review and approval of academic programs on each of the State's various campuses. Upon our review, HB 1244 and SB 1022 appropriately track the Report and Recommendations of the Workgroup and we fully support their codification and implementation as positive steps forward, especially with respect to the State's obligations to fully dismantle its former *de jure* segregated system of higher education and eliminate any policies and practices traceable to that former system which might foster discrimination on the basis of race or perpetuate the inequities of segregation by race. Morgan State University supports the passage of these two bills.

The Report and Recommendations of the Workgroup and these two bills go a long way in addressing Morgan's major concerns and objectives:

First, they affirm and strengthen MHEC's role as the statewide coordinating agency for higher education with particular emphasis on and much needed clarity regarding its authority to approve institutional missions and, consequently, academic programs to be offered at each institution.

Second, they provide for the development and articulation of criteria and structure to facilitate MHEC's approval of unique, clearly defined missions for each institution (including the level of research of an institution and new Carnegie classifications, if applicable), the ability to assess the present and future capacity of each institution to fully meet its approved mission as well as its present and future capacity to meet State need and market demand in compliance with existing law governing the State's system of higher education, and the ability to enhance and increase an institution's capacity where that capacity is found lacking.

Third, they provide for the development and articulation of criteria and structure to facilitate MHEC's approval of academic programs in full compliance with existing federal law governing our system of higher education, including most importantly the clear distinction between "unreasonable duplication of academic programs" and "unnecessary duplication of academic programs" and the ability to ensure that new, high-demand programs at the State's HBCUs remain unique to the HBCUs.

All of this will help preserve, strengthen, and enhance a complementary as opposed to a duplicative system of higher education as well as a racially, ethnically, and demographically diverse system of higher education structured to best meet the needs of the State and, most significantly, of the students we serve.

As you are aware, in recent years the U.S. District Court held that the State of Maryland continues to maintain and perpetuate a separate and unequal system of higher education that is segregated by race and which violates the constitutional rights of students that attend the State's four HBCUs and that a remedy is required. That holding is grounded primarily in the State's continuing policies and practices of unnecessary program duplication. The Report and Recommendations of the Workgroup and their codification through this bill are necessary to ensure the elimination of unnecessary program duplication which, the courts have consistently held, was part and parcel to a segregated system of higher education and is a policy and practice that fosters discrimination by race and which perpetuates the inequities of segregation by race.

In this respect, SB 1022 and HB 1244 necessarily amend Education Article 11-206.1 governing the proposal, consideration and approval of new academic programs that are consistent with an institution's adopted mission and can be implemented with existing program resources of the

institution. If any amendments to the bills are to be considered, it is recommended that the provisions for Education Article 11-206 governing the approval of new academic programs or the substantial modification of existing programs not covered by Education Article 11-206.1 also include analysis and the development of regulations for both “unreasonable duplication” and “unnecessary duplication” of academic programs. This will simply ensure that the analysis and criteria for program approval under both sections are consistent and in compliance with governing federal law.

I strongly urge this Committee to approve SB 1022 and send it to the full House for its adoption. Thank you for your consideration. I am happy to entertain any questions you might have at this time. I am also happy to provide you with any further information that you might request.

Respectfully Submitted,



David K. Wilson
President, Morgan State University

SB 1022 MICUA Support.pdf

Uploaded by: Matt Power

Position: FAV



Written Support

Senate Education, Energy, and the Environment Committee *Senate Bill 1022 Maryland Higher Education Commission – Academic Program Approval and Institutional Mission Statements – Requirements*

Matt Power, President
mpower@micua.org
February 28, 2024

On behalf of the member institutions of the Maryland Independent College and University Association (MICUA) and the nearly 55,000 students we serve, I thank you for the opportunity to provide this written testimony in support of [Senate Bill 1022 Maryland Higher Education Commission – Academic Program Approval and Institutional Mission Statements – Requirements](#). This bill makes substantive improvements to Maryland’s academic program approval process and transforms it for the better.

MICUA appreciates the leadership of the bill sponsor, who co-chaired the workgroup that made the recommendations which serve as the foundational components in Senate Bill 1022. Maryland’s academic program approval process needed reform. The workgroup met throughout 2023, hearing from experts and exploring the numerous components of the program approval process.

MICUA was a workgroup member and is thankful for the contributions of the other members and for the collaborative and consensus-based approach that the co-chairs took to guide the workgroup. The recommendations embodied in House Bill 1244 will result in a more predictable and less contentious process, rooted in the need for institutions of higher education to create programs that meet the State’s workforce needs. House Bill 1244 will also ensure that the Maryland Higher Education Commission’s (MHEC) new regulations will provide additional clarity for all the entities that participate in the program approval process. MICUA looks forward to continuing to collaborate with MHEC and the other segments of higher education through the Program Review Process Advisory Council established in Senate Bill 1022.

If you have any questions or would like additional information, please contact Irnande Altema, Associate Vice President for Government and Business Affairs, ialtema@micua.org.

For all of these reasons, MICUA requests a favorable Committee report for Senate Bill 1022.

SB1022 King Sponsor Testimony.pdf

Uploaded by: Senator Nancy King

Position: FAV

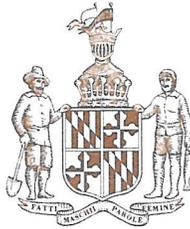
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THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

Senate Bill 1022 – Maryland Higher Education Commission – Academic Program Approval and Institutional Mission Statements - Requirements

February 28, 2024

Mister Chairman and Members of the Education, Energy and the Environment Committee:

In the 2023 legislative session, the General Assembly added language to the 2024 budget requiring a workgroup to study the Program Approval Process for Maryland’s Higher Education Institutions. The workgroup was further charged with preparing a report to include recommendations regarding whether the Maryland Higher Education Commission (MHEC) should:

1. develop operational missions to differentiate each institution’s roles in meeting the State’s goals;
2. develop three-year institutional plans to help facilitate efficient coordination of academic degree program offerings;
3. develop mechanisms to ensure that objective data demonstrates that proposed programs support State workforce needs and the economic competitiveness of the State and that MHEC has sufficient data analytics staff to evaluate these objectives;
4. develop measurable criteria to determine when a proposed new program is considered unreasonable/unnecessary duplicative;
5. make any revisions to the objection process, including any recommended statutory changes; (6) make any revisions of the criteria that trigger a full program review;
6. given projected enrollment declines, make any revisions to the program approval process to encourage collaboration among institutions to ensure viable programs; and
7. make any revisions to ensure that the program approval process has the primary goal of meeting the needs of the students and the State while ensuring full compliance with all applicable laws and legal precedents regarding program approval with respect to the historically black colleges and universities.

The Workgroup consisted of Co-Chairs Senator Nancy King and Delegate Stephanie Smith, Senator Ron Watson, Delegate Kevin Harris, Tuajuanda Jordan-President of St. Mary’s College, Kristin Mallory-Vice President for Academic Affairs Wor-Wic Community College, Pace McConkie-Director of the Center for Civil Rights in Education Morgan State University, Darryl Pines-President University of Maryland College Park, Matthew Power-President Maryland Independent College and University Association (MICUA), and Sanjay Rai-Acting Secretary Maryland Higher Education Commission (MHEC).

The Workgroup met five times from August 2023 through January 2024 and had productive conversations related to their charges including discussions about how other states oversee academic program development in higher education.

Senator Bill 1022 is a compilation of the final recommendations of the Workgroup on how program development and review in Maryland can be more transparent, predictable, and timely for higher education institutions but, most importantly, for students. I respectfully request a favorable report on Senate Bill 1022.

LBCMD Priority Support Letter - SB 1022.pdf

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Position: FAV



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February 27, 2024

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Chairman Brian Feldman
Education, Energy, and Environment Committee
2 West Miller Senate Office Building
Annapolis, Maryland 21401

Dear Chairman Feldman and Members of the Committee,

The Legislative Black Caucus of Maryland offers strong favorable support for **Senate Bill 1022 – Maryland Higher Education Commission – Academic Program Approval and Institutional Mission Statements – Requirements**, a bill that requires the Maryland Higher Education Commission to have a designated staff member to define, identify, and compile data related to the workforce needs of the State of Maryland. It will also require the MHEC to establish a Program Review Process Advisory Council. **This bill is on the 2024 legislative priority agenda of the Black Caucus.**

During the 2022-2023 academic year, several predominantly white institutions (PWIs) in Maryland were found to have duplicated degree programs from Historically Black Colleges and Universities (HBCUs) across the state. This act of blatant duplication has adversely affected HBCUs regarding admission rates and federal funding. Specifically, Towson University was found to have copied Morgan State University's Business Analytics doctoral program, violating a 2021 legal settlement requiring Maryland to pay \$577 million to the state's HBCUs for allegation underfunding the schools.

More than 100 HBCUs have provided Black students across the United States access to higher education that has been historically denied to them by PWIs. However, HBCUs continue to face barriers in equal funding and program creation. Specifically in Maryland, HBCUs now have to contend with PWIs outright copying programs that are specific to HBCUs.

Senate Bill 1022 will allow for data on workforce needs to be analyzed and find the appropriate solution to meet those needs. It will also require the Maryland Higher Education Commission to establish an advisory council to determine if degree programs from HBCUs are being duplicated by PWIs and the best course of action. For these reasons, the Legislative Black Caucus of Maryland supports **Senate Bill 1022** and asks that you vote favorably on this bill.

Legislative Black Caucus of Maryland

SB 1022 Academic Programs Testimony Favorable.docx

Uploaded by: Derrick Coley

Position: FWA



**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.

SB 1022_Commerce_MHEC Program Approval_FWA.pdf

Uploaded by: Kevin Anderson

Position: FWA



Wes Moore | Governor
Aruna Miller | Lt. Governor
Kevin A. Anderson | Secretary of Commerce
Signe Pringle | Deputy Secretary of Commerce

DATE: February 28, 2024
BILL NO: Senate Bill 1022
BILL TITLE: Maryland Higher Education Commission - Academic Program Approval and Institutional Mission Statements - Requirements
COMMITTEE: Senate Education, Energy, and the Environment
POSITION: Support with Amendment

The Maryland Department of Commerce (Commerce) supports Senate Bill 1022 - Maryland Higher Education Commission - Academic Program Approval and Institutional Mission Statements – Requirements with amendment.

Bill Summary:

Senate Bill 1022 alters requirements relating to the State Plan of Higher Education, and alters requirements relating to the Maryland Higher Education Commission’s academic program approval process. It also requires the Departments of Commerce and Labor as well as the Maryland Higher Education Commission (MHEC) to have a staff member responsible for collecting certain data relating to workforce needs as well as coordinating with that individual in the other agencies.

Background:

The FY 2024 Budget Bill (Chapter 101, Acts of 2023) included language authorizing the Maryland Program Approval Process Workgroup to make recommendations to improve the academic program approval process of MHEC. The workgroup consisted of legislators, representatives of higher education institutions, and the Acting Secretary of MHEC. They met several times and were briefed on current processes utilized by MHEC as well as national processes and best practices, and ultimately submitted a report with 23 recommendations. This legislation incorporates the workgroup’s recommendations.

Rationale:

Commerce agrees that there needs to be better collaboration between our agency, the Department of Labor, and MHEC as it relates to workforce needs and programs being offered in the State’s higher education institutions. Commerce also agrees that the three agencies need to be utilizing consistent and agreed upon data to assess these needs. Commerce is however requesting an amendment to slightly alter the language regarding the hiring of an individual responsible for these items as it is the Department’s position that we already have multiple individuals on staff that are responsible for certain parts of these requirements. The Department supports officially adding this collaboration to the requirements and responsibilities of the agency, but we request that the language not be tied specifically to personnel and job responsibilities. Commerce looks forward to increasing the partnership between our agency, Labor and MHEC to ensure that Maryland’s higher education institutions are well positioned to be able to train and educate Maryland students in the industries and areas of highest need to support the workforce needs of the State and grow Maryland’s economy.

Commerce respectfully requests a favorable report with amendment on Senate Bill 1022.

AMENDMENTS TO SENATE BILL 1022
(First Reading File Bill)

AMENDMENT NO.1

On page 4, strike lines 19 through 27, inclusively, and substitute:

(19) DEFINE, IDENTIFY, AND COMPILE DATA ON STATE AND REGIONAL WORKFORCE NEEDS, AND 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.

Explanation: This amendment alters the requirement that Commerce have at least one full-time staff member with specific job responsibilities, and instead requires that the Department be responsible for these requirements.