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By: **Delegates Kopp and Rawlings**  
Introduced and read first time: February 6, 2002  
Assigned to: Appropriations

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Committee Report: Favorable with amendments  
House action: Adopted  
Read second time: March 12, 2002

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Higher Education - University System of Maryland - Approval of New**  
3 **Programs - Sunset Extension**

4 FOR the purpose of extending to a certain date the termination of certain provisions  
5 relating to procedures for the approval of new programs at constituent  
6 institutions of the University System of Maryland; modifying the procedures for  
7 the approval of certain new programs; requiring certain presidents of  
8 institutions to take a certain action or provide a certain explanation; extending  
9 the date for submitting a certain report; and generally relating to procedures for  
10 the approval of new programs at constituent institutions of the University  
11 System of Maryland.

12 BY repealing and reenacting, with amendments,  
13 Article - Education  
14 Section 11-206.1  
15 Annotated Code of Maryland  
16 (2001 Replacement Volume)

17 BY repealing and reenacting, without amendments,  
18 Article - Education  
19 Section 12-106(d) and (e)  
20 Annotated Code of Maryland  
21 (2001 Replacement Volume)

22 BY repealing and reenacting, with amendments,  
23 Chapter 515 of the Acts of the General Assembly of 1999

1 Section 11

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

4 **Article - Education**

5 11-206.1.

6 (a) (1) A president of a constituent institution of the University System of  
7 Maryland may propose to establish a new program or abolish an existing program if  
8 the action:

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

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

13 (2) The president shall report any programs that are proposed to be  
14 established or abolished in accordance with paragraph (1) of this subsection to:

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

16 (ii) The Maryland Higher Education Commission.

17 (3) Upon receipt of a proposed new program, the Commission shall notify  
18 all other institutions of higher education in the State.

19 (b) The institution's governing board shall:

20 (1) Review the actions taken under subsection (a) of this section;

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

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

25 (II) MEETS CRITERIA FOR THE QUALITY OF NEW PROGRAMS,  
26 DEVELOPED IN CONSULTATION WITH THE COMMISSION; and

27 ~~(ii)~~ (III) Can be implemented within the existing program  
28 resources of the institution, VERIFIED BY A PROCESS ESTABLISHED IN  
29 CONSULTATION WITH THE COMMISSION; and

30 (3) Approve the proposed new program within 60 days if the program  
31 meets the criteria in paragraph (2) of this subsection, subject to the provisions of  
32 subsections (c) and (d) of this section.

1 (c) Within 30 days of receipt of a notice of an institution's intent to establish a  
2 new program in accordance with subsection (a) of this section, the Commission may  
3 file, or the institutions of higher education in the State may file with the Commission,  
4 an objection to implementation of a proposed program provided the objection is based  
5 on:

6 (1) Inconsistency of the proposed program with the institution's  
7 approved mission;

8 (2) Unreasonable program duplication which would cause demonstrable  
9 harm to another institution; or

10 (3) Violation of the State's equal educational opportunity obligations  
11 under State and federal law.

12 (d) (1) If an objection is filed under subsection (c) of this section by the  
13 Commission or an institution within 30 days of receipt of a notice of an institution's  
14 intent to establish a new program, the Commission shall immediately notify the  
15 institution's governing board and president.

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

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

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

23 (5) If the objection cannot be resolved within 30 days of receipt of an  
24 objection, the Commission shall make a final determination on approval of the new  
25 program.

26 (e) (1) The Commission shall:

27 (i) Identify programs established under subsection (a) of this  
28 section that are inconsistent with the State Plan for Higher Education; and

29 (ii) Identify low productivity programs.

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

33 (3) IF THE COMMISSION NOTIFIES A PRESIDENT OF AN INSTITUTION  
34 UNDER PARAGRAPH (2) OF THE SUBSECTION, WITHIN 60 DAYS THE PRESIDENT OF  
35 THE INSTITUTION SHALL PROVIDE TO THE COMMISSION IN WRITING:

36 (I) AN ACTION PLAN TO ABOLISH OR MODIFY THE PROGRAM; OR

1                   (II)     JUSTIFICATION FOR THE CONTINUATION OF THE PROGRAM.

2       (f)       The Commission and the governing boards of the public institutions of  
3 higher education shall jointly develop a definition and accepted criteria for  
4 determining low productivity programs.

5       (g)       The Commission shall:

6               (1)       Monitor the program development and review process established  
7 under this section;

8               (2)       Report annually to the Governor, the Board of Regents, and, in  
9 accordance with § 2-1246 of the State Government Article, the General Assembly on  
10 the nature and extent of any duplication or proliferation of programs; and

11              (3)       On or before [January 1, 2002] JANUARY 1, 2004, submit a report to  
12 the Governor, the Board of Regents, and, in accordance with § 2-1246 of the State  
13 Government Article, the General Assembly on:

14              (i)       The impact of the program development and review process on  
15 the quality and accessibility of postsecondary education in the State; and

16              (ii)       Any increased costs due to duplication of programs.

17 12-106.

18       (d)       With respect to each institution under its jurisdiction, and subject to the  
19 provisions of Title 11 of this article, in consultation with the Chancellor, the Board  
20 shall:

21              (1)       Review each new program proposed to be established and  
22 implemented within existing program resources in accordance with § 11-206.1 of this  
23 article;

24              (2)       Ensure that the new program:

25              (i)       Is consistent with the institution's adopted mission statement  
26 in accordance with Title 11, Subtitle 3 of this article;

27                   (II)     MEETS CRITERIA FOR THE QUALITY OF NEW PROGRAMS.  
28 DEVELOPED IN CONSULTATION WITH THE MARYLAND HIGHER EDUCATION  
29 COMMISSION; and

30              ~~(ii)~~    (III)    Can be implemented within existing program resources of  
31 the institution, VERIFIED BY A PROCESS ESTABLISHED IN CONSULTATION WITH THE  
32 MARYLAND HIGHER EDUCATION COMMISSION; and

33              (3)       Approve the proposed new program within 60 days if the program  
34 meets the criteria in item (2) of this subsection, subject to the requirements of §  
35 11-206.1(c) and (d) of this article.

1 (e) With respect to the program approval provisions in this title and Title 11 of  
2 this article, the Board of Regents shall take action as a Board to approve or  
3 disapprove a new program, and may consult with the Chancellor and appropriate  
4 University staff.

5

**Chapter 515 of the Acts of 1999**

6 SECTION 11. AND BE IT FURTHER ENACTED, That Section 2 of this Act  
7 shall take effect July 1, 1999. It shall remain effective for a period of [3] 5 years and,  
8 at the end of June 30, [2002] 2004, with no further action required by the General  
9 Assembly, Section 2 of this Act shall be abrogated and of no further force and effect.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
11 July 1, 2002.