

SENATE BILL 85

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2002 Regular Session
(2r0018)

ENROLLED BILL

-- Education, Health, and Environmental Affairs/Appropriations --

Introduced by **Chairman, Education, Health, and Environmental Affairs
Committee (Departmental - University System of Maryland)**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

President.

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 institutions*
8 *to take a certain action or provide a certain explanation;* extending the date for
9 submitting a certain report; and generally relating to procedures for the
10 approval of new programs at constituent institutions of the University System of
11 Maryland.

12 BY repealing and reenacting, with amendments,
13 Article - Education
14 Section 11-206.1
15 Annotated Code of Maryland

1 (2001 Replacement Volume)

2 BY repealing and reenacting, without amendments,

3 Article - Education

4 Section 12-106(d) and (e)

5 Annotated Code of Maryland

6 (2001 Replacement Volume)

7 BY repealing and reenacting, with amendments,

8 Chapter 515 of the Acts of the General Assembly of 1999

9 Section 11

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

12 **Article - Education**

13 11-206.1.

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

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

19 (ii) Can be implemented within the existing program resources of
20 the institution.

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

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

24 (ii) The Maryland Higher Education Commission.

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

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

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

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

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

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

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

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

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

14 (1) Inconsistency of the proposed program with the institution's
15 approved mission;

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

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

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

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

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

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

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

34 (e) (1) The Commission shall:

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

1 (ii) Identify low productivity programs.

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

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

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

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

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

13 (g) The Commission shall:

14 (1) Monitor the program development and review process established
15 under this section;

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

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

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

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

25 12-106.

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

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

32 (2) Ensure that the new program:

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

