
By: **Delegate Madaleno**

Introduced and read first time: February 18, 2004

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

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

4 FOR the purpose of repealing a certain termination provision relating to procedures
5 governing the approval of new programs at constituent institutions of the
6 University System of Maryland; and generally relating to the approval of new
7 programs at the University System of Maryland.

8 BY repealing and reenacting, without amendments,
9 Article - Education
10 Section 11-206.1 and 12-106(d) and (e)
11 Annotated Code of Maryland
12 (2001 Replacement Volume and 2003 Supplement)

13 BY repealing and reenacting, with amendments,
14 Chapter 515 of the Acts of the General Assembly of 1999, as amended by
15 Chapter 244 of the Acts of the General Assembly of 2002
16 Section 11

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

19 **Article - Education**

20 11-206.1.

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

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

26 (ii) Can be implemented within the existing program resources of
27 the institution.

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

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

4 (ii) The Maryland Higher Education Commission.

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

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

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

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

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

13 (ii) Meets criteria for the quality of new programs, developed in
14 consultation with the Commission; and

15 (iii) Can be implemented within the existing program resources of
16 the institution, verified by a process established in consultation with the Commission;
17 and

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

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

26 (1) Inconsistency of the proposed program with the institution's
27 approved mission;

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

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

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

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

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

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

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

11 (e) (1) The Commission shall:

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

14 (ii) Identify low productivity programs.

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

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

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

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

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

26 (g) The Commission shall:

27 (1) Monitor the program development and review process established
28 under this section;

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

32 (3) On or before January 1, 2004, submit a report to the Governor, the
33 Board of Regents, and, in accordance with § 2-1246 of the State Government Article,
34 the General Assembly on:

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

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

4 12-106.

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

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

11 (2) Ensure that the new program:

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

14 (ii) Meets criteria for the quality of new programs, developed in
15 consultation with the Maryland Higher Education Commission; and

16 (iii) Can be implemented within existing program resources of the
17 institution, verified by a process established in consultation with the Maryland
18 Higher Education Commission; and

19 (3) Approve the proposed new program within 60 days if the program
20 meets the criteria in item (2) of this subsection, subject to the requirements of §
21 11-206.1(c) and (d) of this article.

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

26 **Chapter 515 of the Acts of 1999, as amended by Chapter 244 of the Acts of**
27 **2002**

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

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
33 June 1, 2004.