

Department of Legislative Services
Maryland General Assembly
2004 Session

FISCAL AND POLICY NOTE
Revised

House Bill 1350
Appropriations

(Delegate Madaleno)

Education, Health, and Environmental Affairs

Higher Education - Approval of New Programs

This bill repeals the June 30, 2004 termination date on the procedures regulating the establishment and elimination of academic programs for constituent institutions of the University System of Maryland (USM) and extends the same procedures to all public institutions of higher education and specified nonpublic institutions of higher education.

The bill takes effect June 1, 2004.

Fiscal Summary

State Effect: The Maryland Higher Education Commission (MHEC) could continue to oversee the establishment and elimination of academic programs with existing resources.

Local Effect: Community colleges could follow a new process for establishing and eliminating academic programs with existing resources.

Small Business Effect: None.

Analysis

Bill Summary: The procedures used by USM constituent institutions for the establishment of academic programs are extended to regionally accredited nonpublic institutions of higher education that receive State funding. The president of an eligible nonpublic institution may propose to establish a new program if it can be established with existing resources and is consistent with the institution's mission statement, as published in its official catalogue. The proposal must be reported to MHEC, which must notify all

other institutions of higher education in the State. MHEC or an institution may object to the establishment of the new program, and MHEC must determine if the objection is justified. If MHEC determines that the objection is justified, MHEC must negotiate with the president of the nonpublic institution making the proposal to resolve the objection. If the objection cannot be resolved, a final recommendation on implementation of the proposed program must be made by MHEC.

The bill also requires a new program established by a public or nonpublic institution to meet a regional or statewide need consistent with the State Plan for Postsecondary Education. An objection to a proposal for new a program may be raised if the proposed program does not meet a regional or statewide need consistent with the State Plan for Postsecondary Education.

Finally, the bill requires MHEC to make reports on duplication and proliferation of academic programs available to public and nonpublic institutions.

Current Law: Institutions of higher education within USM that are proposing to establish new academic programs, or eliminate existing academic programs, must allow MHEC and other institutions of higher education in Maryland to review the proposal. If the proposal submitted by an institution is inconsistent with the institution's mission, creates unreasonable program duplication, or violates the State's equal educational opportunity obligations under State and federal law, MHEC must negotiate with the institution to modify the proposal. MHEC must monitor the program review process and report annually on the extent of program duplication in the State.

If these procedures for the establishment, review, and elimination of academic programs terminate, the procedures that were in place prior to 1999 would become law. Under that process, MHEC was the final authority in granting or denying approval for new programs in public institutions of higher education. In addition, the USM Board of Regents was responsible for reviewing and approving new programs proposed by USM institutions. Both MHEC and the USM Board of Regents also reviewed existing academic programs to determine if any were unreasonably duplicative, unproductive, or inconsistent with an institution's adopted mission.

Morgan State University, St. Mary's College of Maryland, community colleges, and nonpublic institutions of higher education must submit proposals for new programs and proposals for substantial modifications to existing programs to MHEC for review. A proposal from a public institution is either approved or disapproved by MHEC. MHEC may only make a recommendation for or against implementation of a proposal from a nonpublic institution. The institution may implement a new program without a positive recommendation from MHEC. USM institutions proposing to establish programs that

cannot be implemented with existing resources also follow this process, with MHEC making the final approval or disapproval decision.

Background: In response to the work of the Task Force to Study the Governance, Coordination, and Funding of the University System of Maryland, the General Assembly passed legislation in 1999 (Chapter 515) that required additional higher education funding and defined more clearly the roles and responsibilities of MHEC, the USM Board of Regents, and USM member institutions. With respect to program approval and elimination, the task force found that “the duplication of new program review is unnecessary, overly bureaucratic, and inhibits institutions from responding to the needs of citizens.” The task force legislation, therefore, included new procedures that USM institutions were to follow in establishing new programs and abolishing existing programs. The new procedures were originally set to terminate on June 30, 2002. Chapter 244 of 2002 made some modifications to the process and extended the sunset until June 30, 2004. This bill would provide for a relatively uniform process for all institutions of higher education in Maryland.

Additional Information

Prior Introductions: None.

Cross File: SB 812 (Senator Hogan) – Education, Health, and Environmental Affairs.

Information Source(s): University System of Maryland, Maryland Higher Education Commission, Department of Legislative Services

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