

HOUSE BILL 427

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2lr0047

By: **Chair, Appropriations Committee (By Request – Departmental – Higher Education Commission)**

Introduced and read first time: February 1, 2012

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Higher Education Commission – Program Review – Approval**

3 FOR the purpose of requiring the Maryland Higher Education Commission to approve
4 or disapprove certain proposals submitted by an institution of postsecondary
5 education for a new program or a substantial modification of an existing
6 program under certain circumstances; prohibiting institutions of postsecondary
7 education from implementing a new program or a substantial modification of an
8 existing program without prior approval of the Commission; repealing the
9 authority of the Commission to review and make recommendations on certain
10 program proposals; and generally relating to institutions of postsecondary
11 education and program review and approval by the Maryland Higher Education
12 Commission.

13 BY repealing and reenacting, with amendments,
14 Article – Education
15 Section 11–206(a) and (b) and 11–206.1(a) and (f)
16 Annotated Code of Maryland
17 (2008 Replacement Volume and 2011 Supplement)

18 BY repealing
19 Article – Education
20 Section 11–206(d)
21 Annotated Code of Maryland
22 (2008 Replacement Volume and 2011 Supplement)

23 BY renumbering
24 Article – Education
25 Section 11–206(e)
26 to be Section 11–206(d)
27 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2008 Replacement Volume and 2011 Supplement)

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.

6 (a) This section does not apply to:

7 (1) New programs **AND SUBSTANTIAL MODIFICATIONS OF**
8 **EXISTING PROGRAMS** proposed to be implemented by public and private nonprofit
9 institutions of higher education using existing program resources in accordance with §
10 11–206.1 of this subtitle; and

11 (2) Programs offered by institutions of higher education that operate
12 in the State without a certificate of approval in accordance with § 11–202.1(b) of this
13 subtitle.

14 (b) (1) Prior to the proposed date of implementation, the governing body
15 of an institution of postsecondary education shall submit to the Commission each
16 proposal for:

17 (i) A new program; or

18 (ii) A substantial modification of an existing program.

19 (2) The Commission shall review each such proposal and[

20 (i) With respect to each public institution of postsecondary
21 education, either approve or disapprove the proposal;

22 (ii) Except as provided in § 16–108(c) of this article, with respect
23 to each private nonprofit or for–profit institution of higher education, either
24 recommend that the proposal be implemented or that the proposal not be
25 implemented; and

26 (iii) With respect to a private career school,] either approve or
27 disapprove the proposal.

28 (3) If the Commission fails to act within 60 days of the date of
29 submission of the completed proposal, the proposal shall be deemed approved.

1 (4) Except as provided in paragraph (3) of this subsection, [a public]
2 AN institution of postsecondary education [and private career school] may not
3 implement a proposal without the prior approval of the Commission.

4 (5) [(i) Except as provided in paragraph (3) of this subsection, and
5 subject to subparagraph (ii) of this paragraph, a program that has not received a
6 positive recommendation by the Commission may be implemented by:

7 1. Subject to the provisions of § 17–105 of this article, a
8 private nonprofit institution of higher education; or

9 2. A for–profit institution of higher education.

10 (ii) If a private nonprofit or for–profit institution of higher
11 education implements a proposal despite the recommendation from the Commission
12 that a program not be implemented, the institution shall notify both prospective
13 students of the program and enrolled students in the program that the program has
14 not been recommended for implementation by the Commission.

15 (6)] (i) If the Commission disapproves a proposal, the Commission
16 shall provide to the governing body that submits the proposal a written explanation of
17 the reasons for the disapproval.

18 (ii) After revising a proposal to address the Commission’s
19 reasons for disapproval, the governing body may submit the revised proposal to the
20 Commission for approval.

21 [(d) The Commission shall review and make recommendations on programs in
22 private nonprofit and for–profit institutions of higher education.]

23 11–206.1.

24 (a) (1) In this section the following words have the meanings indicated.

25 **(2) “NEW PROGRAM” INCLUDES A SUBSTANTIAL MODIFICATION**
26 **OF AN EXISTING PROGRAM.**

27 **[(2)] (3)** “Public institution of higher education” means:

28 (i) A public senior higher education institution; and

29 (ii) A community college.

30 **[(3) “Private nonprofit institution of higher education” has the meaning**
31 **stated in § 10–101(k) of this article.]**

1 (f) (1) If an objection is filed under subsection (e) of this section by the
2 Commission or an institution within 30 days of receipt of a notice of an institution's
3 intent to establish a new program, the Commission shall immediately notify the
4 institution's governing board and president.

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

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

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

12 (5) If the objection cannot be resolved within 30 days of receipt of an
13 objection, the Commission shall make a final determination on approval of the new
14 program [for a public institution of higher education or a final recommendation on
15 implementation for a private nonprofit institution of higher education].

16 SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 11-206(e) of
17 Article – Education of the Annotated Code of Maryland be renumbered to be Section(s)
18 11-206(d).

19 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 July 1, 2012.