

SENATE BILL 783

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6lr0530

By: **Senator Rosapepe**

Introduced and read first time: February 5, 2016

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 18, 2016

CHAPTER _____

1 AN ACT concerning

2 ~~Higher Education~~ **Correctional Education Council – Adult Correctional**
3 **Institutions – ~~Credit-Bearing Courses~~ Study of Access to the Internet and**
4 **Higher Education Courses**
5 **(Raising Education Attainment)**

6 FOR the purpose of ~~making a certain exception for certain programs that have been~~
7 ~~approved by the Maryland Higher Education Commission and that are subsequently~~
8 ~~approved by the Correctional Education Council from certain additional review by~~
9 ~~the Commission and certain governing boards of public institutions of higher~~
10 ~~education; requiring the Council to adopt regulations for certain correctional~~
11 ~~institutions in the Division of Correction for the implementation of certain education~~
12 ~~programs for inmates and for certain access to the Internet; requiring the Division~~
13 ~~to report to the Parole Commission on the academic progress of an inmate in certain~~
14 ~~programs~~ requiring the Correctional Education Council, in cooperation with the
15 Maryland Higher Education Commission and the Department of Public Safety and
16 Correctional Services, to convene certain workgroups, identify certain issues, and
17 issue certain reports on or before a certain date; and generally relating to studies
18 regarding access to the Internet and higher education programs for individuals in
19 adult correctional institutions in the State.

20 ~~BY repealing and reenacting, with amendments,~~
21 ~~Article – Education~~
22 ~~Section 11-206(a) and 11-206.1~~
23 ~~Annotated Code of Maryland~~
24 ~~(2014 Replacement Volume and 2015 Supplement)~~

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



~~BY repealing and reenacting, without amendments,
 Article — Education
 Section 11-206(b)
 Annotated Code of Maryland
 (2014 Replacement Volume and 2015 Supplement)~~

~~BY repealing and reenacting, with amendments,
 Article — Labor and Employment
 Section 11-902
 Annotated Code of Maryland
 (2008 Replacement Volume and 2015 Supplement)~~

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

(a) The Correctional Education Council, in cooperation with the Department of Public Safety and Correctional Services, shall convene a stakeholder workgroup to identify:

(1) the current availability of Internet access in correctional institutions in the State;

(2) opportunities to expand access to the Internet for educational purposes and other appropriate purposes; and

(3) any obstacles or barriers to meeting the objective of expanding access to the Internet in correctional institutions in the State;

(b) The Correctional Education Council, in cooperation with the Maryland Higher Education Commission, shall convene a stakeholder workgroup to identify:

(1) the availability of higher education courses to inmates;

(2) the demand for higher education courses in correctional institutions in the State; and

(3) any obstacles or barriers to meeting that demand; and

(c) On or before December 1, 2016, the Correctional Education Council shall report its findings under subsections (a) and (b) of this section to the Senate Education, Health, and Environmental Affairs Committee and the House Appropriations Committee in accordance with § 2-1246 of the State Government Article.

~~Article — Education~~

~~11-206.~~

1 ~~(a) This section does not apply to:~~

2 ~~(1) New programs proposed to be implemented by public and private~~
3 ~~nonprofit institutions of higher education using existing program resources in accordance~~
4 ~~with § 11-206.1 of this subtitle; [and]~~

5 ~~(2) Programs offered by institutions of higher education that operate in the~~
6 ~~State without a certificate of approval in accordance with § 11-202.1(b) of this subtitle;~~
7 ~~AND~~

8 ~~(3) A PROGRAM APPROVED UNDER SUBSECTION (B) OF THIS SECTION~~
9 ~~THAT IS SUBSEQUENTLY APPROVED BY THE CORRECTIONAL EDUCATION COUNCIL~~
10 ~~UNDER § 11-902 OF THE LABOR AND EMPLOYMENT ARTICLE THAT ALLOWS AN~~
11 ~~INDIVIDUAL IN AN ADULT CORRECTIONAL INSTITUTION IN THE STATE TO EARN~~
12 ~~CREDITS TOWARDS AN ASSOCIATE DEGREE OR A BACHELOR'S DEGREE.~~

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

15 ~~(i) A new program; or~~

16 ~~(ii) A substantial modification of an existing program.~~

17 ~~(2) The Commission shall review each such proposal and:~~

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

20 ~~(ii) Except as provided in § 16-108(e) of this article, with respect to~~
21 ~~each private nonprofit or for-profit institution of higher education, either recommend that~~
22 ~~the proposal be implemented or that the proposal not be implemented; and~~

23 ~~(iii) With respect to a private career school, either approve or~~
24 ~~disapprove the proposal.~~

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

27 ~~(4) Except as provided in paragraph (3) of this subsection, a public~~
28 ~~institution of postsecondary education and private career school may not implement a~~
29 ~~proposal without the prior approval of the Commission.~~

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

~~1 1. Subject to the provisions of § 17-105 of this article, a~~
~~2 private nonprofit institution of higher education; or~~

~~3 2. A for-profit institution of higher education.~~

~~4 (ii) If a private nonprofit or for-profit institution of higher education~~
~~5 implements a proposal despite the recommendation from the Commission that a program~~
~~6 not be implemented, the institution shall notify both prospective students of the program~~
~~7 and enrolled students in the program that the program has not been recommended for~~
~~8 implementation by the Commission.~~

~~9 (6) (i) If the Commission disapproves a proposal, the Commission shall~~
~~10 provide to the governing body that submits the proposal a written explanation of the~~
~~11 reasons for the disapproval.~~

~~12 (ii) After revising a proposal to address the Commission's reasons for~~
~~13 disapproval, the governing body may submit the revised proposal to the Commission for~~
~~14 approval.~~

~~15 11-206.1.~~

~~16 (a) (1) In this section the following words have the meanings indicated.~~

~~17 (2) "Public institution of higher education" means:~~

~~18 (i) A public senior higher education institution; and~~

~~19 (ii) A community college.~~

~~20 (3) "Private nonprofit institution of higher education" has the meaning~~
~~21 stated in § 10-101(k) of this article.~~

~~22 (A 1) THIS SECTION DOES NOT APPLY TO A PROGRAM APPROVED UNDER THIS~~
~~23 SECTION THAT IS SUBSEQUENTLY APPROVED BY THE CORRECTIONAL EDUCATION~~
~~24 COUNCIL UNDER § 11-902 OF THE LABOR AND EMPLOYMENT ARTICLE THAT~~
~~25 ALLOWS AN INDIVIDUAL IN AN ADULT CORRECTIONAL INSTITUTION IN THE STATE~~
~~26 TO EARN CREDITS TOWARDS AN ASSOCIATE DEGREE OR A BACHELOR'S DEGREE.~~

~~27 (b) (1) A president of a public institution of higher education may propose to~~
~~28 establish a new program or abolish an existing program if the action:~~

~~29 (i) Is consistent with the institution's adopted mission statement~~
~~30 under Subtitle 3 of this title; and~~

~~31 (ii) Can be implemented within the existing program resources of~~
~~32 the institution.~~

1 ~~(2) A president of a private nonprofit institution of higher education may~~
2 ~~propose to establish a new program if the action:~~

3 ~~(i) Is consistent with the mission statement published in the official~~
4 ~~catalog of the private nonprofit institution; and~~

5 ~~(ii) Can be implemented within the existing resources of the~~
6 ~~institution.~~

7 ~~(3) The president of a public institution of higher education shall report~~
8 ~~any programs that are proposed to be established or abolished in accordance with~~
9 ~~paragraph (1) of this subsection to:~~

10 ~~(i) The institution's governing board; and~~

11 ~~(ii) The Maryland Higher Education Commission.~~

12 ~~(4) The president of a private nonprofit institution of higher education~~
13 ~~shall report any programs that are proposed to be established in accordance with paragraph~~
14 ~~(2) of this subsection to the Commission.~~

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

17 ~~(e) The governing board of a public institution of higher education shall:~~

18 ~~(1) Review the actions taken under subsection (b) of this section;~~

19 ~~(2) Ensure that any new program proposed to be established by a~~
20 ~~president:~~

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

23 ~~(ii) Meets a regional or statewide need consistent with the Maryland~~
24 ~~State Plan for Postsecondary Education;~~

25 ~~(iii) Meets criteria for the quality of new programs, developed in~~
26 ~~consultation with the Commission; and~~

27 ~~(iv) Can be implemented within the existing program resources of~~
28 ~~the institution, verified by a process established in consultation with the Commission.~~

29 ~~(d) The Board of Regents of the University System of Maryland shall approve the~~
30 ~~proposed new program within 60 days if the program meets the criteria in subsection (e)(2)~~
31 ~~of this section, subject to the provisions of subsections (c) and (f) of this section.~~

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

~~(1) Inconsistency of the proposed program with the institution's approved mission for a public institution of higher education and the mission statement published in the official catalog of a private nonprofit institution of higher education;~~

~~(2) Not meeting a regional or statewide need consistent with the Maryland State Plan for Postsecondary Education;~~

~~(3) Unreasonable program duplication which would cause demonstrable harm to another institution; or~~

~~(4) Violation of the State's equal educational opportunity obligations under State and federal law.~~

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

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

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

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

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

~~(g) (1) The Commission shall:~~

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

~~(ii) Identify low productivity programs at public institutions of higher education.~~

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

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

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

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

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

~~(i) The Commission shall:~~

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

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

~~(3) Make available a copy of the report under item (2) of this subsection to the public institutions of higher education and the private nonprofit institutions of higher education.~~

~~Article Labor and Employment~~

~~11-902.~~

~~(a) (1) The Correctional Education Council shall develop and recommend an educational and workforce training program for each correctional institution in the Division of Correction.~~

~~(2) The programs shall meet the special needs and circumstances of the inmates in each correctional institution.~~

~~(b) (1) The Council shall adopt regulations for all correctional institutions in the Division of Correction for the implementation of a mandatory education program for all inmates who fail to attain a minimum educational standard as set forth in this subsection.~~

~~(2) The regulations adopted by the Council shall:~~

~~(i) require that the educational standard shall be the attainment of a General Educational Development (GED) diploma or a verified high school diploma;~~

~~(ii) apply only to any inmate who:~~

~~1. was received by the Division of Correction after July 1, 1987;~~

~~2. has 18 months or more remaining to be served before a mandatory supervision release date;~~

~~3. is not exempted due to a medical, developmental, or learning disability; and~~

~~4. does not possess a General Educational Development (GED) diploma or a verified high school diploma;~~

~~(iii) require any inmate who is not exempted under item (ii)3 of this paragraph to participate in:~~

~~1. the mandatory education program for at least 120 calendar days; or~~

~~2. a workforce skills training program; and~~

~~(iv) the Division of Correction shall report to the Parole Commission the academic progress of an inmate in the mandatory education program.~~

~~(e) (1) The Council shall adopt regulations for all correctional institutions in the Division of Correction for the implementation of a mandatory workforce skills training program for all inmates as provided in this subsection.~~

~~(2) The regulations shall apply only to an inmate who:~~

~~(i) has 18 months or more remaining to be served before a mandatory supervision release date; and~~

~~(ii) is not exempted due to a medical, developmental, or learning disability.~~

~~(3) The Division of Correction shall report to the Parole Commission the academic progress of an inmate in the mandatory workforce skills training program.~~

~~(D) (1) THE COUNCIL SHALL ADOPT REGULATIONS FOR ALL CORRECTIONAL INSTITUTIONS IN THE DIVISION OF CORRECTION FOR THE IMPLEMENTATION OF A HIGHER EDUCATION PROGRAM FOR INMATES THAT ALLOWS AN INDIVIDUAL IN AN ADULT CORRECTIONAL INSTITUTION IN THE STATE TO EARN~~

~~CREDITS TOWARD AN ASSOCIATE DEGREE OR A BACHELOR'S DEGREE AS PROVIDED IN THIS SUBSECTION.~~

~~(2) THE REGULATIONS ADOPTED BY THE COUNCIL SHALL:~~

~~(I) PROVIDE FOR THE SELECTION OF INSTITUTIONS OF HIGHER EDUCATION IN THE STATE THAT CAN PARTICIPATE IN THE PROGRAM;~~

~~(II) REQUIRE THE APPROVAL BY THE COUNCIL OF A HIGHER EDUCATION PROGRAM;~~

~~(III) REQUIRE THE DISTRIBUTION OF INFORMATION REGARDING THE PROGRAM AND THE AVAILABILITY OF STATE AND FEDERAL FINANCIAL AID TO INDIVIDUALS WHO PARTICIPATE IN THE PROGRAM; AND~~

~~(IV) APPLY ONLY TO ANY INMATE WHO:~~

~~1. HAS 18 MONTHS OR MORE REMAINING TO BE SERVED BEFORE A MANDATORY SUPERVISION RELEASE DATE; AND~~

~~2. POSSESSES A GENERAL EDUCATIONAL DEVELOPMENT (GED) DIPLOMA OR A VERIFIED HIGH SCHOOL DIPLOMA.~~

~~(3) THE DIVISION OF CORRECTION SHALL REPORT TO THE PAROLE COMMISSION ON THE ACADEMIC PROGRESS OF AN INMATE IN THE HIGHER EDUCATION PROGRAM.~~

~~(E) THE COUNCIL SHALL ADOPT REGULATIONS FOR ALL CORRECTIONAL INSTITUTIONS IN THE DIVISION OF CORRECTION FOR THE IMPLEMENTATION OF A PROGRAM THAT ALLOWS ALL INMATES TO ACCESS THE INTERNET FOR:~~

~~(1) EDUCATIONAL PURPOSES; AND~~

~~(2) OTHER PURPOSES THAT DO NOT CREATE A DEMONSTRABLE RISK TO PUBLIC SAFETY.~~

~~[(d)] (F) On or before October 30 of each year, the Council shall report its activities to the Governor and, in accordance with § 2-1246 of the State Government Article, to the General Assembly.~~

~~[(e)] (G) (1) (i) The Council shall actively advocate and promote the interests of educational programs and workforce skills training opportunities in correctional institutions.~~

1 ~~(ii) The Council shall seek to ensure that a quality education, equal~~
2 ~~educational opportunity, and workforce skills training are available to all inmates at~~
3 ~~correctional institutions.~~

4 ~~(2) The Council, on a regular basis, shall review the educational and~~
5 ~~workforce skills training programs at correctional institutions to ensure that the unique~~
6 ~~educational and training needs of the populations of the correctional institutions are being~~
7 ~~satisfactorily met.~~

8 ~~(3) The Council shall include in its review:~~

- 9 ~~(i) curriculum guides;~~
- 10 ~~(ii) courses of study;~~
- 11 ~~(iii) resource materials;~~
- 12 ~~(iv) textbooks;~~
- 13 ~~(v) supplementary readers;~~
- 14 ~~(vi) materials of instruction;~~
- 15 ~~(vii) visual and auditory aids;~~
- 16 ~~(viii) supplies;~~
- 17 ~~(ix) teacher performance; and~~
- 18 ~~(x) other teaching aids.~~

19 ~~(4) Based on its review, the Council shall recommend and advocate~~
20 ~~improvements to the educational and workforce skills training programs at correctional~~
21 ~~institutions.~~

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
23 1, 2016.