

Chapter 143

(Senate Bill 9)

AN ACT concerning

**Maryland Higher Education Commission – Academic Program Approval –
Revisions**

FOR the purpose of requiring certain nonpublic institutions of higher education to submit a certain letter of intent regarding intended new graduate level programs to the Maryland Higher Education Commission in a certain manner and at certain times; repealing a provision of law that required the Commission to circulate certain letters of intent to certain institutions; repealing a certain provision of law that limited which institutions of higher education could propose or implement certain academic programs for certain graduate level programs under certain circumstances; and generally relating to academic program approval and the Maryland Higher Education Commission.

BY repealing and reenacting, with amendments,

Article – Education

Section 11–105(a) and (c)(2)(i), 11–206(b)(1), 11–206.1(b), and ~~11–206.3(a)~~
11–206.3(a), (d), and (e)

Annotated Code of Maryland

(2022 Replacement Volume and 2024 Supplement)

BY repealing and reenacting, without amendments,

Article – Education

Section ~~11–206.3(b)~~ 11–206.3(b) and (c)

Annotated Code of Maryland

(2022 Replacement Volume and 2024 Supplement)

BY repealing

Article – Education

Section 11–206.5

Annotated Code of Maryland

(2022 Replacement Volume and 2024 Supplement)

BY repealing and reenacting, with amendments,

Chapter 963 of the Acts of the General Assembly of 2024

Section 4

BY renumbering

Article – Education

Section 11–206.6 through 11–206.8

to be Section 11–206.5 through 11–206.7, respectively

Annotated Code of Maryland

(2022 Replacement Volume and 2024 Supplement)

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

Article – Education

11–105.

(a) (1) In this section, “emerging workforce need program” means a graduate level program identified by the Commission [in the State Plan for Higher Education or each annual update to the workforce needs as an appendix to the Plan] under subsection (c)(2)(i)1 of this section that:

(i) No institution of higher education in the State offers;

(ii) Addresses a job or industry need that is innovative, unique, and rare; and

(iii) Could leverage federal, State, or private resources on a long–term basis with immediate development by an institution of higher education.

(2) “Emerging workforce need program” does not mean a specific academic program identified by the Commission to fulfill or support an identified current State and regional workforce need.

(c) (2) (i) In consultation with the governing boards and agencies concerned with postsecondary education in the State, the Commission shall develop and periodically update an overall plan consistent with the Charter, known as the State Plan for Higher Education, that shall identify:

1. The present and future needs for postsecondary education and research throughout the State, including current and emerging State and regional workforce needs **AND ANY SPECIFIC ACADEMIC PROGRAMS INSTITUTIONS COULD DEVELOP TO FULFILL OR SUPPORT IDENTIFIED CURRENT STATE AND REGIONAL WORKFORCE NEEDS AND ANY EMERGING WORKFORCE NEED PROGRAMS** in accordance with subparagraph (iv) of this paragraph;

2. The present and future capabilities of the different institutions and segments of postsecondary education in the State, [and] **INCLUDING** any specific academic programs institutions could develop to fulfill or support identified [current State and regional workforce needs and any emerging workforce need programs] **WORKFORCE NEEDS**; and

3. The long-range and short-range objectives and priorities for postsecondary education and methods and guidelines for achieving and maintaining them.

11-206.

(b) (1) [Subject to § 11-206.5 of this subtitle, prior] **PRIOR** to the proposed date of implementation, the governing body of an institution of postsecondary education shall submit to the Commission each proposal for:

- (i) A new program; or
- (ii) A substantial modification of an existing program.

11-206.1.

(b) (1) [Subject to § 11-206.5 of this subtitle, a] **A** president of a public institution of higher education may propose to establish a new program or abolish an existing program if the action:

- (i) Is consistent with the institution's adopted mission statement under Subtitle 3 of this title; and
- (ii) Can be implemented within the existing program resources of the institution.

(2) [Subject to § 11-206.5 of this subtitle, a] **A** president of a private nonprofit institution of higher education may propose to establish a new program if the action:

- (i) Is consistent with the mission statement published in the official catalog of the private nonprofit institution; and
- (ii) Can be implemented within the existing resources of the institution.

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

- (i) The institution's governing board; and
- (ii) The Maryland Higher Education Commission.

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

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

11-206.3.

(a) In this section, “institution” means [a]:

(1) A public senior higher education institution; OR

(2) A PRIVATE NONPROFIT INSTITUTION OF HIGHER EDUCATION.

(b) (1) Beginning January 1, 2025, the Commission shall require each institution to submit a letter of intent to the Commission that identifies each new graduate level program that an institution intends to propose for approval under § 11-206 or § 11-206.1 of this subtitle.

(2) The Commission shall require each institution to submit a letter of intent every 6 months.

(3) The letter of intent shall include all new graduate programs the institution intends to propose within the 6-month to 2-year time period following submission of the letter of intent.

(c) The Commission shall use a letter of intent submitted by an institution under this section:

(1) To facilitate collaboration between institutions; and

(2) To provide feedback to an institution before the institution submits the new program to the Commission for approval, including any Commission concerns regarding unreasonable or unnecessary program duplication.

(d) (1) The Commission may not use a letter of intent to establish any preference or priority for approval of a program proposal.

(2) THIS SECTION MAY NOT BE CONSTRUED TO GIVE AN INSTITUTION THE RIGHT OF FIRST REFUSAL FOR ANY PROGRAM INCLUDED IN A LETTER OF INTENT SUBMITTED TO THE COMMISSION UNDER THIS SECTION.

(e) (1) Subject to [paragraph] PARAGRAPHS (2) AND (3) of this subsection, the Commission shall establish requirements for submitting a letter of intent under this section, including the format, deadlines, and review criteria of the letters.

(2) The Commission [shall circulate each letter of intent submitted by an institution among each institution, but] may not post an institution's letter of intent publicly.

(3) (I) AFTER REVIEW OF THE LETTERS OF INTENT SUBMITTED BY EACH INSTITUTION UNDER THIS SECTION, THE COMMISSION SHALL DETERMINE WHETHER AN INTENDED PROGRAM IS SIMILAR TO AN EXISTING PROGRAM OR ANOTHER INTENDED PROGRAM INCLUDED IN ANOTHER INSTITUTION'S LETTER OF INTENT.

(II) IF THE COMMISSION DETERMINES THAT AN INTENDED PROGRAM IS SIMILAR TO ANOTHER PROGRAM UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE COMMISSION MAY NOTIFY THE AFFECTED INSTITUTIONS OF ITS DETERMINATION, PROVIDE FEEDBACK, AND ENCOURAGE DISCUSSION AND COLLABORATION BETWEEN THE INSTITUTIONS.

[11-206.5.

(a) In this section, "emerging workforce need program" has the meaning stated in § 11-105(a) of this title.

(b) This section applies on or after adoption by the Commission of the updated State Plan for Higher Education due January 1, 2025.

(c) Subject to subsection (d) of this section, the Commission may approve a proposal submitted under § 11-206, § 11-206.1, or § 11-206.4 of this subtitle only for an academic program for an emerging workforce need program for:

(1) Bowie State University;

(2) Coppin State University;

(3) Morgan State University;

(4) The University of Maryland, College Park Campus as the State's flagship campus with programs and faculty nationally and internationally recognized for excellence in research and the advancement of knowledge; and

(5) University of Maryland Eastern Shore.

(d) (1) Subject to paragraph (2) of this subsection, if an institution of higher education does not submit a proposal under § 11–206, § 11–206.1, or § 11–206.4 of this subtitle for an academic program for an emerging workforce need program within 1 year after the quadrennial review of the State Plan for Higher Education, and each annual update to the workforce needs as an appendix to the Plan that identified the emerging workforce need program, any institution of postsecondary education in the State may submit the proposal for approval by the Commission under §§ 11–206, 11–206.1, and 11–206.4 of this subtitle.

(2) (i) 1. Within 90 days after the quadrennial review of the State Plan for Higher Education, and each annual update to the workforce needs as an appendix to the Plan, each institution listed in subsection (c) of this section shall communicate to the Commission a notice of intent to submit an academic program for an emerging workforce need program identified in the Plan in the upcoming year.

2. The Commission shall:

A. Share the notice to all segments of higher education;

B. Facilitate collaboration between institutions of higher education;

C. Provide feedback to an institution before an institution submits the new program to the Commission for approval; and

D. Identify State resources to assist the institution in developing the program.

(ii) If an institution of higher education listed in subsection (c) of this section collaborates with any other institution of higher education in the State, at the discretion of each institution, to implement an emerging workforce need program within 1 year after the quadrennial review of the State Plan for Higher Education, and each annual update to the workforce needs as an appendix to the Plan that identified the emerging workforce need program, the Commission may approve a proposal for an academic program for an emerging workforce need program for the institution of higher education collaborating with an institution listed in subsection (c) of this section.

(iii) If no institution listed in subsection (c) of this section provides notice to the Commission of intent in accordance with this paragraph to submit an academic program for an emerging workforce need program identified in the quadrennial review of the State Plan for Higher Education, and each annual update to the workforce needs as an appendix to the Plan, in the upcoming year, any institution of higher education may immediately submit a proposal under § 11–206, § 11–206.1, or § 11–206.4 of this subtitle for an academic program for an emerging workforce need program.

(e) The Commission shall adopt regulations for the implementation of this section.]

Chapter 963 of the Acts of 2024

SECTION 4. AND BE IT FURTHER ENACTED, That:

(a) On or before January 1, 2025, the Maryland Higher Education Commission shall update the State Plan for Higher Education last revised in 2022 to include updated [information on] State and regional workforce needs[, emerging workforce needs, and any specific academic programs institutions could develop to fulfill or support identified needs.

(b) The Maryland Higher Education Commission shall submit the update under subsection (a) of this section to the Legislative Policy Committee for review and comment before adoption] **INFORMATION.**

[(c) (B) During the process of updating the State Plan under subsection (a) of this section, the Commission shall provide postsecondary education stakeholders with an opportunity to provide input on State and regional workforce needs issues relevant to the purposes and objectives of the State Plan for Higher Education, including students, members of the public, and major industry partners.

SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 11–206.6 through 11–206.8 of Article – Education of the Annotated Code of Maryland be renumbered to be Section(s) 11–206.5 through 11–206.7, respectively.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a ye and nay vote supported by three–fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

Approved by the Governor, April 22, 2025.