

SENATE BILL 9

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EMERGENCY BILL
(PRE-FILED)

5lr1027
CF HB 479

By: **Chair, Education, Energy, and the Environment Committee**

Requested: October 1, 2024

Introduced and read first time: January 8, 2025

Assigned to: Education, Energy, and the Environment

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: January 24, 2025

CHAPTER _____

1 AN ACT concerning

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

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

13 BY repealing and reenacting, with amendments,

14 Article – Education

15 Section 11-105(a) and (c)(2)(i), 11-206(b)(1), 11-206.1(b), and ~~11-206.3(a)~~

16 11-206.3(a), (d), and (e)

17 Annotated Code of Maryland

18 (2022 Replacement Volume and 2024 Supplement)

19 BY repealing and reenacting, without amendments,

20 Article – Education

21 Section ~~11-206.3(b)~~ 11-206.3(b) and (c)

22 Annotated Code of Maryland

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.



1 (2022 Replacement Volume and 2024 Supplement)

2 BY repealing

3 Article – Education

4 Section 11–206.5

5 Annotated Code of Maryland

6 (2022 Replacement Volume and 2024 Supplement)

7 BY repealing and reenacting, with amendments,

8 Chapter 963 of the Acts of the General Assembly of 2024

9 Section 4

10 BY renumbering

11 Article – Education

12 Section 11–206.6 through 11–206.8

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

14 Annotated Code of Maryland

15 (2022 Replacement Volume and 2024 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

17 That the Laws of Maryland read as follows:

18 **Article – Education**

19 11–105.

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

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

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

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

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

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

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

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

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

15 11-206.

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

19 (i) A new program; or

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

21 11-206.1.

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

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

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

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

32 (i) Is consistent with the mission statement published in the official
33 catalog of the private nonprofit institution; and

1 (ii) Can be implemented within the existing resources of the
2 institution.

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

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

7 (ii) The Maryland Higher Education Commission.

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

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

13 11-206.3.

14 (a) In this section, "institution" means [a]:

15 (1) A public senior higher education institution; OR

16 (2) A PRIVATE NONPROFIT INSTITUTION OF HIGHER EDUCATION.

17 (b) (1) Beginning January 1, 2025, the Commission shall require each
18 institution to submit a letter of intent to the Commission that identifies each new graduate
19 level program that an institution intends to propose for approval under § 11-206 or §
20 11-206.1 of this subtitle.

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

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

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

28 (1) To facilitate collaboration between institutions; and

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

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

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

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

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

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

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

22 [11-206.5.

23 (a) In this section, "emerging workforce need program" has the meaning stated in
24 § 11-105(a) of this title.

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

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

30 (1) Bowie State University;

31 (2) Coppin State University;

32 (3) Morgan State University;

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

4 (5) University of Maryland Eastern Shore.

5 (d) (1) Subject to paragraph (2) of this subsection, if an institution of higher
6 education does not submit a proposal under § 11–206, § 11–206.1, or § 11–206.4 of this
7 subtitle for an academic program for an emerging workforce need program within 1 year
8 after the quadrennial review of the State Plan for Higher Education, and each annual
9 update to the workforce needs as an appendix to the Plan that identified the emerging
10 workforce need program, any institution of postsecondary education in the State may
11 submit the proposal for approval by the Commission under §§ 11–206, 11–206.1, and
12 11–206.4 of this subtitle.

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

18 2. The Commission shall:

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

20 B. Facilitate collaboration between institutions of higher
21 education;

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

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

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

34 (iii) If no institution listed in subsection (c) of this section provides
35 notice to the Commission of intent in accordance with this paragraph to submit an academic
36 program for an emerging workforce need program identified in the quadrennial review of

1 the State Plan for Higher Education, and each annual update to the workforce needs as an
2 appendix to the Plan, in the upcoming year, any institution of higher education may
3 immediately submit a proposal under § 11–206, § 11–206.1, or § 11–206.4 of this subtitle
4 for an academic program for an emerging workforce need program.

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

7 Chapter 963 of the Acts of 2024

8 SECTION 4. AND BE IT FURTHER ENACTED, That:

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

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

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

21 SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 11–206.6 through
22 11–206.8 of Article – Education of the Annotated Code of Maryland be renumbered to be
23 Section(s) 11–206.5 through 11–206.7, respectively.

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