

SENATE BILL 9

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EMERGENCY BILL
(PRE-FILED)

5lr1027
CF 5lr1850

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

A BILL ENTITLED

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 certain provision of law that limited which institutions of higher
8 education could propose or implement certain academic programs for certain
9 graduate level programs under certain circumstances; and generally relating to
10 academic program approval and the Maryland Higher Education Commission.

11 BY repealing and reenacting, with amendments,
12 Article – Education
13 Section 11–105(a) and (c)(2)(i), 11–206(b)(1), 11–206.1(b), and 11–206.3(a)
14 Annotated Code of Maryland
15 (2022 Replacement Volume and 2024 Supplement)

16 BY repealing and reenacting, without amendments,
17 Article – Education
18 Section 11–206.3(b)
19 Annotated Code of Maryland
20 (2022 Replacement Volume and 2024 Supplement)

21 BY repealing
22 Article – Education
23 Section 11–206.5
24 Annotated Code of Maryland
25 (2022 Replacement Volume and 2024 Supplement)

26 BY repealing and reenacting, with amendments,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Chapter 963 of the Acts of the General Assembly of 2024
2 Section 4

3 BY renumbering
4 Article – Education
5 Section 11–206.6 through 11–206.8
6 to be Section 11–206.5 through 11–206.7, respectively
7 Annotated Code of Maryland
8 (2022 Replacement Volume and 2024 Supplement)

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

11 **Article – Education**

12 11–105.

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

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

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

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

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

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

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

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

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

9 11-206.

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

13 (i) A new program; or

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

15 11-206.1.

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

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

21 (ii) Can be implemented within the existing program resources of
22 the institution.

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

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

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

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

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

2 (ii) The Maryland Higher Education Commission.

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

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

8 11-206.3.

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

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

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

12 (b) (1) Beginning January 1, 2025, the Commission shall require each
13 institution to submit a letter of intent to the Commission that identifies each new graduate
14 level program that an institution intends to propose for approval under § 11-206 or §
15 11-206.1 of this subtitle.

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

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

21 [11-206.5.

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

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

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

29 (1) Bowie State University;

30 (2) Coppin State University;

1 (3) Morgan State University;

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

5 (5) University of Maryland Eastern Shore.

6 (d) (1) Subject to paragraph (2) of this subsection, if an institution of higher
7 education does not submit a proposal under § 11–206, § 11–206.1, or § 11–206.4 of this
8 subtitle for an academic program for an emerging workforce need program within 1 year
9 after the quadrennial review of the State Plan for Higher Education, and each annual
10 update to the workforce needs as an appendix to the Plan that identified the emerging
11 workforce need program, any institution of postsecondary education in the State may
12 submit the proposal for approval by the Commission under §§ 11–206, 11–206.1, and
13 11–206.4 of this subtitle.

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

19 2. The Commission shall:

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

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

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

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

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

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

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

10 Chapter 963 of the Acts of 2024

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

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

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

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

24 SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 11–206.6 through
25 11–206.8 of Article – Education of the Annotated Code of Maryland be renumbered to be
26 Section(s) 11–206.5 through 11–206.7, respectively.

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