



Office of the President

**Morgan State University Testimony
Dr. David K. Wilson, President**

House Bill 1244 (Delegate Smith et al)
Maryland Higher Education Commission - Academic Program Approval and
Institutional Mission Statements – Requirements
Appropriations Committee
February 27, 2024

Favorable

Chair Barnes, Vice Chair Chang, and members of the Appropriations Committee. We, at Morgan, thank you for the opportunity to share our position on House Bill 1244. The summary of the Bill states the following: *Requiring the Maryland Department of Labor, the Department of Commerce, and the Maryland Higher Education Commission to each have a certain staff member who performs certain duties related to defining, identifying, and compiling data regarding the workforce needs in the State and who works collaboratively across certain agencies; altering certain requirements for the State Plan of Higher Education; requiring the Commission to establish a Program Review Process Advisory Council; etc.*

In responding to the Bill, I commend the Program Approval Process Workgroup for its diligent work since its initial appointment in August of last year, including especially Delegate Stephanie Smith and Senator Nancy King who served as Co-Chairs of the Workgroup and Delegate Kevin Harris and Senator Ron Watson who also served on the Workgroup from the Maryland General Assembly. Through its appointed representative to the Workgroup, Morgan State University supported and voted in favor of the Workgroup's Report and Recommendations, which were unanimously approved and adopted by members of the Workgroup representing the General Assembly, the Maryland Higher Education Commission, and all segments of higher education in the State.

HB 1244, cross-filed with SB 1022, will necessarily and appropriately codify the Report and Recommendations of the Workgroup which, in direct response to the General Assembly's mandate, substantively and procedurally address (1) the development and approval of institutional missions, (2) the State Plan for Higher Education and the development of State workforce needs, (3) the intent, plan, procedures and potential collaboration of institutions in the development and proposal of new academic programs, (4) the academic program approval process, including the process for addressing and resolving objections to proposed programs, (5) the appropriate analysis for determining both unreasonable duplication and unnecessary duplication of academic

programs as required by both State and federal law, (6) criteria for a full program review of a substantial modification to an existing program, and (7) other matters related to the review and approval of academic programs on each of the State's various campuses. Upon our review, HB 1244 and SB 1022 appropriately track the Report and Recommendations of the Workgroup and we fully support their codification and implementation as positive steps forward, especially with respect to the State's obligations to fully dismantle its former *de jure* segregated system of higher education and eliminate any policies and practices traceable to that former system which might foster discrimination on the basis of race or perpetuate the inequities of segregation by race. Morgan State University supports the passage of these two bills.

The Report and Recommendations of the Workgroup and these two bills go a long way in addressing Morgan's major concerns and objectives:

First, they affirm and strengthen MHEC's role as the statewide coordinating agency for higher education with particular emphasis on and much needed clarity regarding its authority to approve institutional missions and, consequently, academic programs to be offered at each institution.

Second, they provide for the development and articulation of criteria and structure to facilitate MHEC's approval of unique, clearly defined missions for each institution (including the level of research of an institution and new Carnegie classifications, if applicable), the ability to assess the present and future capacity of each institution to fully meet its approved mission as well as its present and future capacity to meet State need and market demand in compliance with existing law governing the State's system of higher education, and the ability to enhance and increase an institution's capacity where that capacity is found lacking.

Third, they provide for the development and articulation of criteria and structure to facilitate MHEC's approval of academic programs in full compliance with existing federal law governing our system of higher education, including most importantly the clear distinction between "unreasonable duplication of academic programs" and "unnecessary duplication of academic programs" and the ability to ensure that new, high-demand programs at the State's HBCUs remain unique to the HBCUs.

All of this will help preserve, strengthen, and enhance a complementary as opposed to a duplicative system of higher education as well as a racially, ethnically, and demographically diverse system of higher education structured to best meet the needs of the State and, most significantly, of the students we serve.

As you are aware, in recent years the U.S. District Court held that the State of Maryland continues to maintain and perpetuate a separate and unequal system of higher education that is segregated by race and which violates the constitutional rights of students that attend the State's four HBCUs and that a remedy is required. That holding is grounded primarily in the State's continuing policies and practices of unnecessary program duplication. The Report and Recommendations of the Workgroup and their codification through this bill are necessary to ensure the elimination of unnecessary program duplication which, the courts have consistently held, was part and parcel to a segregated system of higher education and is a policy and practice that fosters discrimination by race and which perpetuates the inequities of segregation by race.

In this respect, HB 1244 and SB 1022 necessarily amend Education Article 11-206.1 governing the proposal, consideration and approval of new academic programs that are consistent with an institution's adopted mission and can be implemented with existing program resources of the

institution. If any amendments to the bills are to be considered, it is recommended that the provisions for Education Article 11-206 governing the approval of new academic programs or the substantial modification of existing programs not covered by Education Article 11-206.1 also include analysis and the development of regulations for both “unreasonable duplication” and “unnecessary duplication” of academic programs. This will simply ensure that the analysis and criteria for program approval under both sections are consistent and in compliance with governing federal law.

I strongly urge this Committee to approve HB 1244 and send it to the full House for its adoption. Thank you for your consideration. I am happy to entertain any questions you might have at this time. I am also happy to provide you with any further information that you might request.

Respectfully Submitted,



David K. Wilson
President, Morgan State University