



Draft Regulations for Unreasonable Duplication and Unnecessary Duplication

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Maryland Higher Education Commission

Historical Context

- **The Coalition Case Settlement:** Resolved the finding of de jure program duplication harmful to Maryland's four HBCUs (Bowie, Coppin, Morgan, and UMES)
- **Historic Financial Remedy:** Mandated a \$577 million allocation to Maryland's four HBCUs over ten years (FY 2023–2032)
- **Post-settlement Recommendations:** NCHEMS report and subsequent legislative workgroup made recommendations to revise the academic program review process
- **Policy Reform via HB 1244 (2024):** Restructures MHEC's academic program review process based on recommendations from the NCHEMS study and a legislative workgroup.
- **Mandatory Analytic Tools:** Requires annual Workforce Needs Analysis and a Harm Analysis Report for HBCUs and ensure program alignment with state economic demands.
- **New Regulatory Framework:** Requires MHEC to establish new, clear standards for unnecessary and unreasonable duplication and online program approval.

Legislative Background

Four allowable objections:

1. Mission inconsistency
 2. Not meeting State or regional need
 3. Unreasonable duplication
 4. Unnecessary duplication
- ✓ HB1244 requires MHEC to adopt regulations on program objections
 - ✓ Regulations must specify the criteria and factors used in the review

WES MOORE, Governor

Ch. 963

Chapter 963

(House Bill 1244)

AN ACT concerning

Maryland Higher Education Commission – Academic Program Approval and Institutional Mission Statements – Requirements

FOR the purpose of 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~~ perform certain duties related to defining, identifying and compiling data regarding the workforce needs in the State and ~~who works with~~ collaboratively across certain agencies in a certain manner; altering certain requirements for the State Plan of Higher Education; requiring the Commission to establish a Program Review Process Advisory Council; altering certain requirements regarding the Commission's academic program approval process; requiring the Commission to develop and publish on its website on or before a certain date an administrative procedures guide for the Commission's program review process requiring the Commission to conduct a review of certain approved programs that were subject to an objection of a historically Black college or university; requiring certain institutions of higher education to submit to the Commission a certain letter of intent regarding intended new graduate programs; establishing the Proposed Programs Collaborative Grant Fund to award grants to certain public institutions of

Purpose of the Regulations

- ✓ Provide transparent, consistent standards for program review
 - The statute does not provide the standards
- ✓ Align duplication analysis with:
 - ✓ Workforce priorities
 - ✓ Collaboration between institutions
 - ✓ Equal educational opportunity obligations

Unreasonable duplication
that would cause harm to
the State or the student

Unnecessary duplication that
is in violation of the State's
equal education opportunity
obligations

Unreasonable Duplication

- Focus: duplication causing harm to the State or students
- Priorities from statute
 - ❖ Meet State and regional workforce needs
 - ❖ Preserve existing programs meeting those needs
 - ❖ Encourage institutional collaboration

Unreasonable Duplication: General Rules

- Only applies to programs at the same level
- Not unreasonable if:
 - Addresses documented workforce shortage (see Workforce Needs Analysis)
 - Basic or common program in core disciplines
- All doctoral programs are reviewed for duplication
- Undergraduate programs are not unreasonably duplicative

Unreasonable Duplication: Does Duplication Exist?

Step 1: Review basic indicators

- Learning objectives and competencies
- Employment outcomes
- Licensure/certification and accreditation
- Title and CIP Code

Step 2: If needed, course-by-course analysis

- Course titles, objectives, descriptions, experiential requirements

Unreasonable Duplication:

Is the duplication unreasonable?

Primary factor: Workforce need

Additional factors:

- Modality and geographic distance
- Student population and demand
- Faculty capacity
- Institutional mission
- Collaboration potential

Harm Examples:

- Inefficient use of State resources
- Interference with HBI responsibilities
- Limited experiential opportunities
- Increased student cost or time to degree

Unnecessary Duplication

- Applies only to public senior institutions
- Based on equal educational opportunity obligations
- Prevent TWIs from duplication HBI programs
- Ensure alignment with State and federal law

Unnecessary Duplication: Process

Step 1: Are programs broadly similar?

- Learning objectives, competencies, employment outcomes
- Licensure, title, CIP code, accreditation

Unnecessary Duplication: Process

Step 2: If similar, is there a sound educational justification for the duplication to exist?

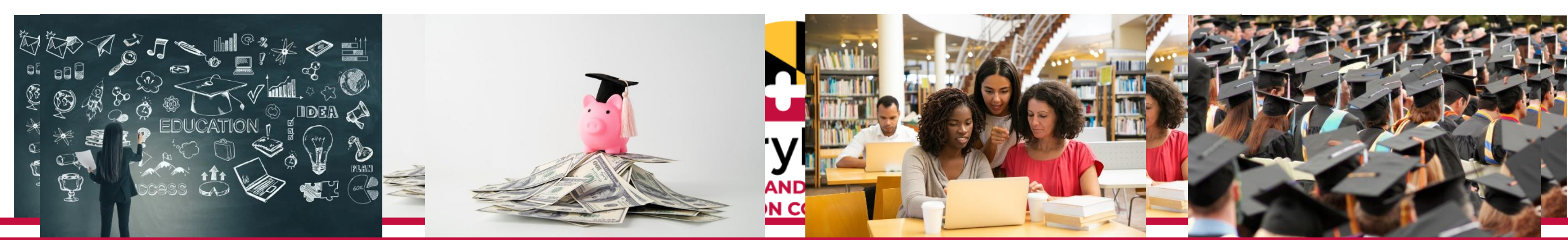
- Geographic distance
- Workforce need
- Clinical or experiential opportunities
- Unique educational resources
- Departmental or institutional reputation
- Partnerships with industry, government, or education

Summary

| Feature | Unreasonable Duplication | Unnecessary Duplication |
|-----------------------|--|---|
| Applies to | All sectors | Public senior institutions |
| Degree level | Graduate programs | Graduate programs |
| Focus | Harm to State or students | Equal educational opportunity |
| Collaboration | Encouraged | Not a factor |
| Review Process | Is there duplication (basic indicators, course-by-course analysis)? If yes, does the duplication cause harm to the State or the student? | Are the programs broadly similar? If yes, is there a sound educational justification for the duplication? |

Next Steps

1. Commission input
2. Review by Program Review Process Advisory Council
3. Revised regulations to be presented to the Commission at a future meeting



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