



Unreasonable Duplication Analysis

Maryland Higher Education Commission

October 23, 2024

Emily A. A. Dow, Ph.D., Assistant Secretary for Academic Affairs

HB1244: Statutory Changes

- Unreasonable program duplication which would cause ~~demonstrable harm to another institution~~ **the State or students attending institutions of higher education in the State**
- ~~Violation~~ **unnecessary program duplication in violation** of the State's equal educational opportunity obligations under state and federal law.

HB1244: Unreasonable Duplication

Commission is required to adopt regulations on procedures for conducting an analysis

- Legislature identified two priorities for the analysis:
 1. Meeting State and regional workforce needs *and* preserving existing programs that are able to meet State and regional workforce needs
 2. Collaborations between institutions
- Required to use baseline data and common sources developed in conjunction with the Maryland Departments of Labor and Commerce (annual appendices to State Plan for Higher Education)

HB1244: Unreasonable Duplication

- Unreasonable program duplication which would cause ~~demonstrable harm to another institution~~ the State or students attending institutions of higher education in the State
- ~~Violation~~ unnecessary program duplication in violation of the State's equal educational opportunity obligations under state and federal law.

Unreasonable Duplication: Purpose

- ✓ Ensure State resources are appropriately distributed among institutions of higher education
- ✓ Ensure institutions are collaborating to provide a wide spectrum of educational programs

Unreasonable Duplication: Process Notes

- Institutions will be expected to use the same analysis in letters of intent, proposals, and objections
- Once duplication is identified, the institution will be required to revise the proposal or seriously explore opportunities for collaboration/cooperation
- Institutions with existing programs will be required to engage regarding collaboration

Unreasonable Duplication: Draft General Rules

1. Unreasonable program duplication does not exist unless the two programs are at the same degree or certificate level.
 - A bachelor's degree may not be considered duplicative of an associate's degree program.
 - An upper division certificate may not be considered duplicative of a bachelor's degree program.
 - A doctoral degree may not be considered duplicative of a master's degree program, regardless of the number of credits in the master's degree program.

Unreasonable Duplication: Draft General Rules

2. Unreasonable program duplication does not exist if the development of a new program or discipline is identified as needed to meet a State or regional workforce shortage through the annual appendix of the State Plan for Higher Education

Unreasonable Duplication: Draft General Rules

3. Unreasonable program duplication is most likely to exist within specialty programs, subdisciplines, professional degrees, and occupation-specific programs.
 - May publish a list of existing unique academic programs within any degree or certificate level which may not be proposed at another institution without prior permission

Unreasonable Duplication: Draft General Rules

4. Duplication is presumed not to exist if an existing program is a basic, common, or core program at a particular degree or certificate level.
 - May publish a list of specific basic, common, or core programs within any degree or certificate level
 - Defining basic, common, or core programs varies depending on degree level (see following slides)

Unreasonable Duplication: Draft General Rules

5. Because every community college in the State serves a different region of the State, duplication of an associate's degree program, a lower division certificate, or other academic program at one community college by another community college is not unreasonable.

Unreasonable Duplication: Draft General Rules

6. At the bachelor's degree level: basic, common, or core programs in the liberal arts, social sciences, theoretical sciences, business, and education are not unreasonably duplicative.
 - Refer to the possible list of specific basic, common, or core programs
 - basic, common, or core programs at bachelor's level = programs in the liberal arts, social sciences, theoretical sciences, business, and education

Unreasonable Duplication: Draft General Rules

7. Duplication of Master's Degrees, Post-baccalaureate Certificates, and Graduate Certificates: common programs in the traditional liberal arts, social sciences, and theoretical sciences are not unreasonably duplicative.
 - Refer to the possible list of specific basic, common, or core programs
 - basic, common, or core programs at Master's, Post-baccalaureate, and Graduate Certificates = programs in the traditional liberal arts, social sciences, and theoretical sciences

Unreasonable Duplication: Draft General Rules

8. All proposals for doctoral degrees shall be reviewed for unreasonable program duplication.

Determination of Unreasonable Duplication

Determination of duplication is a qualitatively analytic process that cannot be determined by a particular set of metrics, but instead depends upon the unique circumstances in each situation.

Determination of Unreasonable Duplication: Draft Steps

Is the content of the programs substantially similar?

- No = not unreasonably duplicative
- Yes = is the duplication *unreasonable* that would could harm to the State or students attending institutions of higher education in the State?

Determination of Unreasonable Duplication: Draft Steps

Is the content of the programs substantially similar?

- Basic Indicators
 - If basic indicators demonstrates a substantial difference between the content of the proposed program and existing program = unreasonable duplication *does not exist*
- Course Analysis may be conducted in addition to a review of basic indicators

Determination of Unreasonable Duplication: Draft Content Analysis

Criteria to determine if the content of the programs substantially similar – basic indicators:

- Learning objectives
- Projected competencies and skills
- Intended employment upon program completion
- Licensure, certification, stackable credentials, or industry recognitions
- Program title
- Requested or recommended CIP code
- Program accreditation

Determination of Unreasonable Duplication: Draft Content Analysis

Criteria to determine if the content of the programs substantially similar – course analysis:

- Course titles
- Course objectives
- Course descriptions
- Experiential learning requirements and opportunities
- If applicable, any requirement to develop original scholarship
- Required and available concentrations and specialties

Determination of Unreasonable Duplication: Draft Unreasonable Analysis

Factors to consider that demonstrate that the duplication is unreasonable (because it could harm to the State or students attending institutions of higher education in the State):

- Prioritize workforce need
 - No workforce need = program duplication is unreasonable

Determination of Unreasonable Duplication: Draft Unreasonable Analysis

Factors to consider that demonstrate that the duplication is unreasonable (because it could harm to the State or students attending institutions of higher education in the State):

- Program modality and, if applicable, the geographic distance between the institutions
- The intended student population for the programs, including admissions requirements and existing student body
- Student demand for the program (i.e., student market supply)
- The availability of sufficient faculty to staff both programs
- The mission of each institution
- Potential opportunities for the institutions to collaborate
- Any other factor that may assist the Secretary in making a determination

Determination of Unreasonable Duplication: Draft Harm to Students or the State

Examples of harm:

- Inefficient or inappropriate use of State resources
- Interference with the State's statutory responsibilities regarding HBIs
- If applicable, potential unavailability of clinical placements for students
- Changes to the program or opportunities within the program leading to the loss or lack of availability of faculty advisors, increases in program cost, or increases in time to completion

Next Steps

- Discuss with the Program Review Process Advisory Council
 - 1st meeting: November 20, 3-4pm
- Provide updates at the December 11th Commission meeting
- Interim feedback can be sent to Dr. Emily Dow, Assistant Secretary for Academic Affairs
 - c/o Dr. Lyndsay Silva, Associate Director for Program Review –
Lyndsay.Silva@Maryland.gov