

Letter of Information

Senate Budget and Taxation Committee

Senate Bill 1043: Historically Black Colleges and Universities – Funding

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On behalf of Maryland's independent colleges and universities and the 65,600 students we serve, thank you for the opportunity to submit this letter of information regarding ***Senate Bill 1043: Historically Black Colleges and Universities – Funding***. Contingent on the settlement of *The Coalition for Equity and Excellence in Maryland Higher Education v. Maryland Higher Education Commission* lawsuit, this bill provides an additional \$57.7 million annually for Maryland's four Historically Black Colleges and Universities (HBCUs) from fiscal 2022 through 2031. It also creates an HBCU Reserve Fund to hold unused funds at the end of each fiscal year. Further, this bill establishes new program evaluation and substantial modification units within the Maryland Higher Education Commission (MHEC). These units will add 10 new staff members to existing staffing levels at the Commission and assist in reviewing and evaluating proposals for new programs and substantial modifications of existing programs.

Maryland's independent colleges and universities are not a party to the State of Maryland's agreement with the U.S. Department of Education's Office for Civil Rights (OCR) or the Coalition lawsuit. We are affected by this legislation, however, since both new programs and substantial modifications to existing programs are required to go through MHEC for recommendation for implementation. MICUA member program proposals require the same fees, content, timelines, and review for duplication as proposals from public two-year and four-year institutions. Over the past couple of years, MICUA has grown increasingly concerned about the volume and nature of frivolous program objections that have been submitted against our proposals, the number of denials and appeals that have gone to the Commission, and, in our opinion, MHEC's misapplication of relevant statutes and regulations in program decisions affecting our institutions.

MICUA supports the mission and success of the State's four HBCUs, and we appreciate the numerous partnerships we currently have with them. We also support the addition of professional staff at MHEC to fulfill its important statutory obligations for academic program approval. MHEC has been woefully understaffed over the past decade. New staff would help ensure that program proposals are moving and being processed in a timely manner, which is a win for everybody under our current system.

At the same time, we do have concerns about how the new units proposed in the bill might, organizationally, work with the existing review staff, and whether their focus would solely be on program duplication. Having not been a party to the Coalition lawsuit or the mediation process, MICUA is unsure what remedies have been discussed around the program approval process or the transfer or enhancement of existing academic programs. Without this involvement or first-hand knowledge, we have concerns that these new units could result in a program review process that is even more bureaucratic and costly than the existing one, making it more difficult for campuses to obtain new degree approvals or enact substantial changes to keep our programs current. In that case, this bill could directly harm our sector's ability to enroll new students and remain competitive with other institutions in Maryland and our out-of-state peers and competitors.

Thank you for considering our concerns.