

**HOUSE . . . . . No. 1169**

---

**The Commonwealth of Massachusetts**

\_\_\_\_\_  
**In the Year Two Thousand Nine**  
\_\_\_\_\_

An Act Supporting Access And Excellence In Public Higher Education..

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1           SECTION 1. Subsection (a) of section 18B of chapter 6 of the General Laws, as  
2 appearing in the 2004 Official Edition, is hereby amended by striking out, in lines 3 through 7,  
3 inclusive, the words “all boards of trustees of community colleges, state colleges, and the  
4 University of Massachusetts other than the student and alumni trustees elected pursuant to  
5 section twenty-one of chapter fifteen A, and in the case of the university, pursuant to section one  
6 A of chapter seventy-five”, and inserting in place thereof the following words: - the University of  
7 Massachusetts, other than the student and alumni trustees elected pursuant to section 1A of  
8 chapter 75.

9           SECTION 2. Subsection (b) of said section 18B of said chapter 6 of the General Laws,  
10 as so appearing, is hereby amended by inserting after the first sentence the following sentence:-  
11 One member of the council shall be appointed by and serve at the pleasure of the president of the  
12 senate, one member of the council shall be appointed by and serve at the pleasure of the senate  
13 minority leader, one member of the council shall be appointed by and serve at the pleasure of the

14 speaker of the house of representatives, and one member of the council shall be appointed by and  
15 serve at the pleasure of the minority leader of the house of representatives.

16 SECTION 3. Said subsection (b) of section 18B of said chapter 6, as so appearing, is  
17 hereby further amended by inserting after the word “governor”, in line 14, the following words:-  
18 , or by the president of the senate, the minority leader of the senate, the speaker of the house of  
19 representatives, or the minority leader of the house of representatives if a vacancy occurs in a  
20 position held by a member appointed under their respective appointing authority.

21 SECTION 4. Said section 18B of said chapter 6, as so appearing, is hereby amended by  
22 striking out subsections (d) and (e) and inserting in place thereof the following subsections:-

23 (d) The council shall widely publicize its mission, responsibilities, contact information,  
24 by-laws governing the conduct of its affairs, descriptions of the responsibilities and duties and  
25 criteria for selection of the members of the board of elementary and secondary education, the  
26 board of higher education, and the board of trustees for the university of Massachusetts, and any  
27 vacancies on such boards, including, but not limited to, through the state’s website. Whenever a  
28 vacancy occurs or is expected to occur on the board of elementary and secondary education, the  
29 board of higher education, or on the board of trustees of the university of Massachusetts, the  
30 governor shall notify the council. The council shall advertise vacancies on the board of  
31 elementary and secondary education, the board of higher education, and the board of trustees of  
32 the university of Massachusetts at least 3 months before a term expires in order to broaden and  
33 deepen the pool of qualified candidates for such boards. The council shall submit to the  
34 governor a list of persons who, in the judgment of the council, are qualified and willing to serve  
35 as a member or trustee. The list shall include at least twice as many names as there are vacant

36 positions. The governor may appoint any person whose name is forwarded to him by the council  
37 or he may ask the nominating council to submit different nominees. Should the governor request  
38 different nominees, the council may not resubmit the same nominees.

39 The appointment shall be made within 90 days of the submission of the names by the  
40 nominating council. In the case of appointments to the board of higher education, if an  
41 appointment is not made within the 90-day period the board of higher education shall make an  
42 interim appointment for up to 1 year. If the governor does not act before the end of said 1-year  
43 period, the board of higher education shall make an interim appointment for the full board term.

44 (e) In considering candidates, the council shall seek persons of the highest quality who,  
45 by merit, experience, knowledge, skills, temperament, ability, integrity, sound judgment and  
46 proven leadership will provide sound policy direction and oversight for the commonwealth's  
47 educational system and its community colleges, state colleges, and the University of  
48 Massachusetts. Candidates shall be evaluated according to law and without regard to race,  
49 religion, sex, age, national or ethnic origin, sexual orientation or political affiliation. There shall  
50 be persons from diverse cultural, racial, social, geographic and ethnic backgrounds on the  
51 council. No member of the council may be considered for appointment to any board while a  
52 member of the council.

53 The criteria used by the council to determine membership on the board of higher  
54 education and the board of trustees of the university of Massachusetts shall include, but need not  
55 be limited to, the following:

56 (1) experience with complex organizations, including, but not limited to, an  
57 understanding of how to interpret the financial conditions of such organizations;

- 58 (2) an ability to recognize the distinction between management and governance;
- 59 (3) a record of particular interest in public higher education that presumes a deep  
60 understanding of its critical role in a diverse society;
- 61 (4) intelligence, wisdom, breadth of vision, record of independent judgment, an  
62 inquiring mind and an ability to speak articulately and succinctly;
- 63 (5) a capacity to function within a collegial group as a team member and to be a  
64 good follower as well as a leader;
- 65 (6) a record of accomplishment in one's life and career or profession;
- 66 (7) a record of understanding of the importance of advocacy and philanthropy in  
67 ensuring institutional vitality, responsiveness, and progress in meeting private and public needs;
- 68 (8) the time and energy required to be a conscientious and attentive board member;
- 69 (9) willingness to forego partisan political activity in board of higher education or  
70 board of trustees service that could prove detrimental to the board's reputation, and, in the case  
71 of members of the board of trustees of the university, the institution's reputation, as  
72 fundamentally nonpartisan enterprises; and
- 73 (10) an ability to consistently sustain a total institutional perspective in one's work  
74 on the board of higher education or the board of trustees, without allegiance to anything except  
75 the broad public good.

76 SECTION 5. Said chapter 6 is hereby further amended by inserting after said section  
77 18B, as so appearing, the following section:-

78           Section 18C. (a) There shall be a public higher education trustees nominating council to  
79 advise the governor with respect to appointments to all the boards of trustees of community  
80 colleges and state colleges, other than the student and alumni trustees elected under section 21 of  
81 chapter 15A. The council shall consist of 1 member to be appointed by and serve at the pleasure  
82 of the president of the senate, 1 member to be appointed by and serve at the pleasure of the  
83 minority leader of the senate, 1 member to be appointed by and serve at the pleasure of the  
84 speaker of the house of representatives, 1 member to be appointed by and serve at the pleasure of  
85 minority leader of the house of representatives, and 7 members to be appointed by and serve at  
86 the pleasure of the governor at least 1 of whom shall have graduated from a state college in the  
87 commonwealth, and at least 1 of whom shall have graduated from a community college in the  
88 commonwealth. In selecting members for the council, the respective appointing authorities shall  
89 consult with academic, business, civic and labor leaders. If a vacancy occurs in a position held  
90 by a member of the council, the respective appointing authority shall appoint a new member.  
91 Whenever a vacancy occurs or is expected to occur on a board of trustees of any community  
92 college or state college, the governor shall notify the council. The council shall submit to the  
93 governor a list of persons who, in the judgment of the council, are qualified and willing to serve  
94 as a trustee. The list shall include at least twice as many names as there are vacant positions.  
95 The governor may appoint any person whose name is forwarded to him by the council or he may  
96 ask the nominating council to submit different nominees. Should the governor request different  
97 nominees, the council may not resubmit the same nominees. The appointment shall be made  
98 within 90 days of the submission of the names by the council. If the process is not completed  
99 within the 90-day period, then the board of higher education shall make an interim appointment

100 for up to 1 year. If the governor does not act before the end of said 1 year period, the board of  
101 higher education shall make an interim appointment for the full board of trustee term.

102 (b) The council shall annually select one of its members to serve as the chair of the  
103 council. The council shall adopt and make public by-laws for the conduct of its affairs, and  
104 criteria for membership on said boards of trustees. The council shall widely publicize its mission,  
105 responsibilities, contact information, by-laws for the conduct of its affairs, description of the  
106 responsibilities and duties of trustees, criteria for membership on boards of trustees, and any  
107 vacancies on such boards, including, but not limited to, through the state's website. The board of  
108 higher education shall provide assistance to the council in fulfilling its mission and  
109 responsibilities. All records and deliberations with respect to persons under consideration as  
110 nominees or prospective nominees shall be held in confidence by the council, but shall be  
111 available to the governor and the governor's representatives. Members of the council may be  
112 reimbursed by the governor for all expenses reasonably incurred in the performance of their  
113 duties.

114 (c) In considering candidates, the council shall seek persons of the highest quality who,  
115 by merit, experience, knowledge, skills, temperament, ability, integrity, sound judgment and  
116 proven leadership will provide sound policy direction and oversight for the applicable state  
117 college or community college. The presidents of the state and community colleges may  
118 recommend candidates for their respective boards of trustees to the council. Candidates shall be  
119 evaluated according to law and without regard to race, religion, sex, age, national or ethnic  
120 origin, sexual orientation or political affiliation. No member of the council may be considered  
121 for appointment to any board while a member of the council.

122 (d) The criteria used to determine membership on boards of trustees shall include, but  
123 need not be limited to, the following:

124 (1) experience with complex organizations, including, but not limited to, an  
125 understanding of how to interpret the financial conditions of such organizations;

126 (2) an ability to recognize the distinction between management and governance;

127 (3) a record of particular interest in public higher education that presumes a deep  
128 understanding of its critical role in a diverse society;

129 (4) intelligence, wisdom, breadth of vision, record of independent judgment,  
130 inquiring mind and an ability to speak articulately and succinctly;

131 (5) a capacity to function within a collegial group as a team member and to be a  
132 good follower as well as a leader;

133 (6) a record of accomplishment in one's life and career or profession;

134 (7) a record of understanding of the importance of advocacy and philanthropy in  
135 ensuring institutional vitality, responsiveness, and progress in meeting private and public needs;

136 (8) the time and energy required to be a conscientious and attentive board member;

137 (9) willingness to forego partisan political activity in trustee service that could  
138 prove detrimental to the board's or the institution's reputation as a fundamentally nonpartisan  
139 enterprises; and

140 (10) an ability to consistently sustain a total institutional perspective in one's work  
141 on the board, without allegiance to anything except the broad public good.

142 (e) The council shall advertise vacancies on the boards of trustees at least 3 months  
143 before a term expires in order to broaden and deepen the pool of qualified candidates for trustee  
144 positions. Such advertisement shall at a minimum be conducted on a regional and local basis.

145 SECTION 6. Section 1 of chapter 15A of the General Laws, as most recently amended  
146 by chapter 27 of the acts of 2008, is hereby amended by striking out the second paragraph and  
147 inserting in place thereof the following 2 paragraphs:-

148 It is hereby further declared that by maintaining a high quality system of public colleges  
149 and universities the commonwealth moves toward achieving the following goals:

150 (a) to provide all its citizens regardless of economic means with the opportunity to  
151 participate in high quality postsecondary academic and educational programs to assist in their  
152 personal betterment and growth, as well as that of the entire citizenry, and to ensure that public  
153 higher education remains affordable for all citizens of the commonwealth;

154 (b) to improve student access, academic achievement, and graduation rates at public  
155 higher education institutions, and to promote diversity at such institutions;

156 (c) to contribute to the existing base of research and knowledge in areas of general and  
157 special interest, for the benefit of our communities, our commonwealth and beyond, to provide  
158 policy research addressing the needs of the commonwealth and local communities, and in the  
159 case of the university of Massachusetts, to pursue theoretical and applied research, development,  
160 scholarship and creative activities that strengthen innovation at all stages and contribute to the  
161 well-being of the citizens of the commonwealth and beyond;



162 (d) to reinforce the critical importance of higher education to the future of the  
163 economic growth and development of the commonwealth in a global economy, and, by so doing,  
164 prepare its citizens to constitute a capable, adaptable and innovative workforce to meet the  
165 economic needs of the commonwealth at all levels, as well as their own economic security, and  
166 to respond to the needs of the workplace, as defined in consultation with business, industry and  
167 labor;

168 (e) to provide opportunities for lifelong learning and for a seamless system of  
169 education at all levels to encourage citizens of all ages to increase their knowledge and skills;

170 (f) to support pre- kindergarten through grade 12 education programs, including, but  
171 not limited to, the preparation of high quality teachers and administrators for pre-kindergarten  
172 through grade 12 schools;

173 (g) to promote collaboration among public higher education institutions on a statewide  
174 and regional basis and with the private sector;

175 (h) to ensure that the board of higher education and public higher education  
176 institutions are responsible for the effective management and stewardship of public funds and are  
177 accountable to the public and the general court in their use of funds to advance educational  
178 priorities and to achieve and demonstrate positive educational outcomes;

179 (i) to ensure the cost-efficient use of resources at each public higher education  
180 institution and across all institutions and to manage campuses as efficiently as possible,  
181 including, but not limited to, by forming statewide and regional collaborations and partnerships  
182 in management and academic programming that increase efficiency and quality in our public  
183 higher education system; and

184 (j) to utilize technology to enhance teaching and learning and to increase the capacity  
185 of public higher education institutions to serve all the citizens of the commonwealth seeking  
186 postsecondary education.

187 It is hereby declared to be the policy of the commonwealth to assure that each community  
188 college, each state college and the university of Massachusetts has at its disposal adequate funds  
189 to provide, foster and support high quality institutions of public higher education that serve the  
190 interests of the commonwealth and its citizens in the manner described in this section. For that  
191 purpose, it is hereby further declared to be the policy of the commonwealth to make annually to  
192 each community college, to each state college and to the university of Massachusetts  
193 appropriations which, with all other unrestricted funds that are available, in the case of each, for  
194 expenditure in the conduct of its affairs and the support of its mission, are sufficient to fully fund  
195 its operating requirements at the level prescribed by the funding formulas developed under  
196 section 15B. Such appropriations shall be considered the commonwealth's annual full funding  
197 obligations with respect to the operating requirements of the institutions as referred to in this  
198 chapter. It is hereby further declared to be the policy of the commonwealth to provide adequate  
199 funds to each community college, state college, and the university of Massachusetts for capital  
200 needs including the repair, renovation, construction, reconstruction, improvement, demolition,  
201 expansion, acquisition, furnishing, or equipping of buildings, structures, facilities and other  
202 infrastructure, including, but not limited to technology infrastructure, necessary to maintain high  
203 quality institutions of higher education.

204 SECTION 7. Said chapter 15A of the General Laws is hereby amended inserting after  
205 section 1, the following new section:-

206 Section 2. There shall be an advisory committee on education policy, hereinafter called  
207 the committee. The committee shall be composed of the following: the secretary of education,  
208 the commissioner of early education and care; the chairman of the board of early education and  
209 care; the commissioner of elementary and secondary education; the chairman of the board of  
210 elementary and secondary education; the commissioner of higher education; the chairman of the  
211 board of higher education; the president of the university of Massachusetts; the house chairman  
212 of the joint committee on education; the senate chairman of the joint committee on education; the  
213 house chairman of the joint committee on higher education; the senate chairman of the joint  
214 committee on higher education; 1 member appointed by and serving at the pleasure of the  
215 minority leader of the senate; 1 member appointed by and serving at the pleasure of the minority  
216 leader of the house of representatives; and 8 members appointed by and serving at the pleasure of  
217 the governor, 1 of whom shall be a president of a state college, 1 of whom shall be a president of  
218 a community college, 4 of whom shall be representatives from the state's pre- kindergarten  
219 through grade 12 public education system, 1 of whom shall be a representative from the  
220 business community, and 1 of whom shall be a representative from organized labor. The  
221 committee shall serve as an advisory body to the board of early education and care, the board of  
222 elementary and secondary education, and the board of higher education. It shall have the  
223 following powers and duties:

224 (a) to study and report on issues common to public early childhood, elementary,  
225 secondary, or vocational-technical schools, adult basic education, higher education and lifelong  
226 learning;

227 (b) to serve as a forum for discussion between the lay boards responsible for  
228 overseeing public education at all levels in the commonwealth and between those involved in the  
229 future of public education;

230 (c) to serve as a public forum for discussion of general education goals at all levels for  
231 the commonwealth;

232 (d) to develop goals for a coordinated system from early childhood through higher  
233 education at the university level and lifelong learning, and make recommendations to appropriate  
234 boards or groups relative to such;

235 (e) to build public support and understanding of education at all levels;

236 (f) to encourage and facilitate partnerships between and among public early childhood,  
237 elementary, secondary, and vocational-technical schools with institutions of higher learning, and  
238 to promote collaboration among public higher education institutions;

239 (g) to articulate, through study and discussions, the vital connection between high  
240 quality public education at all levels and the future economic growth and development in the  
241 commonwealth and the well-being of its citizens;

242 (h) to encourage and facilitate partnerships between and among public schools, higher  
243 education institutions, businesses, and workforce development entities to improve the delivery of  
244 educational and workforce development services;

245 (i) to articulate goals for accountability and high standards of quality for the entire  
246 system of education in the commonwealth, in consultation with parents, students, educators,  
247 business representatives, community officials and the public at-large;

248 (j) to review and provide general advice to the secretary of education, the board of  
249 early education and care, the board of elementary and secondary education, and the board of  
250 higher education on budget recommendations, including, but not limited to, operating budgets  
251 and capital outlay recommendations;

252 (k) to advise the governor, secretary of education, the joint committee on education,  
253 and the joint committee on higher education relative to any issue within its purview; and

254 (l) to encourage contributions and grants to schools and public higher education  
255 institutions from businesses, foundations, or any other viable and appropriate funding source.

256 The committee may utilize subcommittees of the full committee to accomplish any of the  
257 duties required of it. Nothing in this section shall be construed to grant the committee any  
258 authority vested in the secretary of education, the board of early education and care, the board of  
259 elementary and secondary education, or the board of higher education.

260 The committee, at least once every 2 years, shall elect 1 of its members to serve as the  
261 chair of the committee. The committee shall meet at least 4 times annually, and at other times at  
262 the call of the chair, or the secretary of education, the chairman of the board of early education  
263 and care, or the chairman of the board of elementary and secondary education, or the chairman of  
264 the board of higher education, or a majority of the members of the committee. The committee  
265 shall meet at least once annually with the board of early education and care, the board of  
266 elementary and secondary education, and the board of higher education.

267 A member of the committee shall not be found to be in violation of section 6 of chapter  
268 268A for conduct which involves his participation, as a member of the committee, in a particular  
269 matter before the committee which may affect the financial interest of a public school or district

270 or institution of public higher education with which he is affiliated; provided, however, that said  
271 member, his immediate family or partner, has no personal and direct financial interest in said  
272 particular matter; and provided, further, that such affiliation is disclosed to the committee and  
273 recorded in any minutes of the committee.

274 SECTION 8. Section 7 of said chapter 15A is hereby amended by striking out the words  
275 “education, arts and humanities”, and inserting in place thereof the following words:- higher  
276 education.

277 SECTION 9. Subsection (e) of section 7A of said chapter 15A is hereby amended by  
278 striking out the words “education, arts and humanities” and inserting in place thereof the  
279 following words:- higher education.

280 SECTION 10. Said section 7A of said chapter 15A is hereby amended by striking out  
281 the words “and the general court” and inserting in place thereof the following words:- through  
282 the joint committee on higher education to the general court.

283 SECTION 11. Said section 7A of said chapter 15A is hereby further amended by adding  
284 the following subsection:-

285 (k) The systems developed under this section by the board of higher education or the  
286 board of trustees of the university of Massachusetts shall evaluate the mission-related activities  
287 undertaken and the progress made at each institution of public higher education in advancing the  
288 goals set forth in section 1.

289 SECTION 12. Section 9 of said chapter 15A is hereby amended by striking out, in line  
290 20, the words “education, arts and humanities” and inserting in place thereof the following  
291 words:- higher education.

292 SECTION 13. Said section 9 of said chapter 15A is hereby amended by striking out the  
293 words “education, arts and humanities” and inserting in place thereof the following words:-  
294 higher education.

295 SECTION 14. Said section 9 of said chapter 15A is hereby further amended by inserting  
296 after the word “finance” the following words:- and the joint committee on higher education.

297 SECTION 15. Said section 9 of said chapter 15A is hereby further amended by inserting  
298 after the word “secretaries” the following words:- and the joint committee on higher education.

299 SECTION 16. Said section 9 of said chapter 15A is hereby further amended by striking  
300 out clause (i).

301 SECTION 17. Said section 9 of said chapter 15A is hereby further amended by adding  
302 the following 2 clauses: - ; (hh) at least once annually appear before the joint committee on  
303 higher education to provide a detailed report on public higher education in the commonwealth;  
304 (ii) establish the position of workforce coordinator at the board to work with the state and  
305 community colleges, the university of Massachusetts, other higher education institutions, local,  
306 state or federal agencies, non-profit and community based entities, and business, industry and  
307 labor in efforts to meet the commonwealth’s workforce needs. The job of the coordinator shall  
308 include working with the state and community college presidents and deans, as well as business  
309 and industry, adult basic education and community-based organizations to develop or improve

310 certificate and degree programs in high-skill, high-demand areas, and other areas of future  
311 employment requiring postsecondary education.

312 SECTION 18. Said section 9 of said chapter 15A is hereby further amended by striking  
313 out the third paragraph.

314 SECTION 19. Section 9B of said chapter 15A, as so appearing, is hereby amended by  
315 striking out the words “education, arts and humanities” and inserting in place thereof the  
316 following words:- higher education.

317 SECTION 20. Section 15B of said chapter 15A is hereby amended by striking out the  
318 first 4 paragraphs and inserting in place thereof the following 4 paragraphs:-

319 Each board of trustees of a state or community college shall annually submit to the  
320 secretary and the board of higher education a budget request for the ordinary maintenance of its  
321 institution. The request shall include the aggregate salary of all officers and employees of the  
322 institution and all revenues therefrom and any other information as the board of higher education  
323 may require or as provided in section 3 of chapter 29. Each board of trustees shall make requests  
324 to the secretary and the board under said chapter 29. Each institution shall make its request in  
325 conformity with and for the purpose of securing funding for the institution consistent with the  
326 requirements of the funding formula developed under this section. Copies of such budget  
327 requests shall be forwarded to the senate and house committees on ways and means, and the joint  
328 committee on higher education.

329 The board of trustees of the university of Massachusetts shall annually submit to the  
330 secretary and the board of higher education a budget request for the ordinary maintenance of its  
331 institution. The request shall include the aggregate salary of all its officers and employees and



332 all revenues therefrom and any other information as the secretary and the board of higher  
333 education may require or as provided in section 3 of chapter 29. The board of trustees shall  
334 make its request to the board under said chapter 29. The board of trustees shall make its request  
335 in conformity with and for the purpose of securing funding consistent with the requirements of  
336 the funding formula developed pursuant to this section. Copies of such budget requests shall be  
337 forwarded to the senate and house committees on ways and means, and the joint committee on  
338 higher education.

339           Each board of trustees of the higher education system shall prepare their budget requests  
340 in accordance with a funding formula. The board of higher education shall develop the formulas  
341 for the institutions within the state and community college segments in consultation with the  
342 boards of trustees of the state and community colleges and the secretary. Formulas shall include  
343 factors relating to the costs of instruction, academic, institutional and student services support,  
344 and physical plant operation and maintenance based on appropriate national standards and  
345 comparable peer institutions with similar missions. Peer institutions shall be identified in  
346 consultation with the presidents of the state and community colleges. The university trustees  
347 shall develop funding formulas for the university in consultation with president of the university  
348 and campus administrations and the secretary. Formulas shall include factors relating to the  
349 costs of instruction, research, public service, academic, institutional and student services support,  
350 physical plant operations and maintenance, and financial aid based on appropriate national  
351 standards and comparable peer institutions with similar missions. Peer institutions shall be  
352 identified in consultation with president of the university and the chancellors of each university  
353 campus. All funding formulas under this section shall be periodically reviewed and revised as

354 needed, and shall be submitted to the joint committee on higher education and the house and  
355 senate committees on ways and means for review and comment.

356           Within 90 days of the effective date of any general appropriations act, the board of  
357 trustees of the university of Massachusetts shall report to the joint committee on higher education  
358 and the house and senate committees on ways and means the allocation to each campus of the  
359 university and the president’s office of any appropriations or other funds received by the  
360 university.

361           SECTION 21. Said chapter 15A is hereby further amended by striking out section 15F,  
362 as so appearing, and inserting in place thereof the following section:-

363           Section 15F. It is hereby declared to be the policy of the commonwealth to encourage  
364 public community college training opportunities in order to promote workforce development,  
365 minimize the shortage of skilled workers and raise economic opportunity through a matching  
366 incentive grant program to be known as the community college workforce training incentive  
367 program. Subject to appropriation, the board of higher education shall establish guidelines for  
368 the distribution of community college workforce training incentive grants. The guidelines shall  
369 provide: (i) allowable incentive grant awards which shall not exceed \$200 for every \$1,000 in  
370 eligible revenues; and (ii) minimum requirements for the level of vocationally-oriented  
371 instruction which shall be provided by incentive grant recipients in the fiscal year in which the  
372 grant is awarded. Each community college which is eligible for grant awards in a fiscal year  
373 shall, subject to appropriation, receive not less than \$50,000 from the total amount appropriated  
374 for the incentive program to fund the salary of a workforce training coordinator at each campus.  
375 For the purposes of this section, “eligible revenues” shall mean revenues received by a

376 community college for any of the following purposes: tuition and fees paid by students enrolled  
377 in vocationally-oriented courses; tuition and fees paid by Massachusetts employers on behalf of  
378 employees enrolled in vocationally-oriented courses; and revenues from service contracts with  
379 Massachusetts employers to provide vocationally-oriented training. Revenues from contracts  
380 with public agencies, public grants or private gifts shall not be eligible revenues for the purposes  
381 of this section. Incentive grants shall be expended for the following purposes: to expand  
382 vocationally-oriented course offerings; to expand vocationally-oriented instruction provided  
383 through contracts with Massachusetts employers; and to otherwise promote vocationally-oriented  
384 instruction. Each community college shall annually, not later than December 31, report to the  
385 board of higher education, the joint committee on higher education, and the house and senate  
386 committees on ways and means on the level of vocationally-oriented instruction provided in the  
387 preceding fiscal year and the anticipated level of such instruction in the current fiscal year. The  
388 report shall detail enrollment levels, revenues received, sources of revenues, the number of  
389 service contracts established with Massachusetts employers and such other information as the  
390 board of higher education may require.

391 SECTION 22. Section 16 of said chapter 15A is hereby amended by striking out, in line  
392 129, the words “education, arts and humanities” and inserting in place thereof the following  
393 words:- higher education.

394 SECTION 23. Section 19 of said chapter 15A is hereby amended by striking out, in lines  
395 7 and 8, the words “specific categories of students designated by the council which may  
396 include”.

397 SECTION 24. The second paragraph of said section 19 of said chapter 15A is hereby  
398 further amended by striking out clause (iii).

399 SECTION 25. Said section 19 of said chapter 15A is hereby further amended by  
400 inserting after the second paragraph the following paragraph:-

401 The commonwealth shall bear the cost of providing any waivers granted under this  
402 section.

403 SECTION 26. Said section 19 of chapter 15A is hereby further amended by striking out,  
404 in lines 22, 23, and 26 the words “education, arts and humanities” and inserting in place thereof  
405 the following words:- higher education.

406 SECTION 27. The first paragraph of section 22 of said chapter 15A is hereby amended  
407 by striking out clause (b) and inserting in place thereof the following clause:- (b) the boards of  
408 trustees of each state and community college annually shall provide a copy of its audited  
409 financial statements to the joint committee on higher education and the house and senate  
410 committees on ways and means detailing expenditures and revenues, including, but not limited to  
411 any trust funds;.

412 SECTION 28. Said section 22 of said chapter 15A is hereby further amended by  
413 inserting after the first paragraph the following 5 paragraphs:-

414 The board of trustees of each state and community college shall fix and establish tuition  
415 and fee rates for each such institution. In-state tuition and fee rates for the institution shall  
416 preserve affordability for residents of the commonwealth. Except as provided in section 9 or in

417 the case of students participating in the New England Regional Student Program, out-of-state  
418 tuition and fee rates at least shall equal 100 per cent of the costs of the student's education.

419 Notwithstanding any general or special law to the contrary, if the commonwealth is  
420 meeting its annual full funding obligation with respect to the operating requirements of the  
421 institution and providing adequate funds for the capital needs of the institution as set forth in  
422 section 1, the board of trustees shall not increase in-state tuition or mandatory fees for that year.  
423 If the commonwealth's appropriation for the institution is equal to or greater than the previous  
424 fiscal year but less than its annual full funding obligation with respect to the operating  
425 requirements of the institution, the rate of any increase in in-state tuition and mandatory fees  
426 shall not exceed the rate of increase in the higher education price index. If any institution  
427 encounters extraordinary circumstances, it may request a higher rate of increase than that  
428 otherwise permitted by this paragraph within parameters and procedures set by the board of  
429 higher education and upon the approval of the board of higher education.

430 In so far as practicable, the final tuition and fee rates shall be established for the  
431 subsequent academic year not later than 15 days before the deadline for submission of state or  
432 federal financial aid applications by students attending institutions of higher education set forth  
433 in section 5.

434 All tuition and fees received by a state or community college shall be retained by the  
435 board of trustees of the institution in a revolving trust fund and shall be expended as the board of  
436 trustees may direct for the operation and support of the institution. Any balance in the trust fund  
437 at the end of a fiscal year shall continue to be held in the trust fund, shall remain available for

438 expenditure in subsequent fiscal years and shall not revert to the General Fund. All such trust  
439 funds shall be subject to audit by the state auditor.

440 For employees of a state college or community college who are paid from tuition retained  
441 under this section, fringe benefits and any collective bargaining increases shall be funded as if  
442 those employees' salaries were supported by state appropriations.

443 Notwithstanding the provisions of this section to the contrary, the board of trustees of a  
444 community or state college may fix and establish a tuition rate and charges reduction for  
445 residents of bordering states to not less than 1 and 1/2 times the institution's in-state tuition and  
446 fee rates, if it determines that the institution is below enrollment capacity and the projected cost  
447 to the institution and the commonwealth of the reduction would be minimal when taking into  
448 account the projected enrollment growth associated with such adjustment. The board of trustees  
449 shall seek reciprocal arrangements from bordering states where no such tuition reduction is  
450 available for residents of Massachusetts.

451 SECTION 29. Said chapter 15A is hereby amended by adding the following 4 sections:-

452 Section 42. (a) Notwithstanding any general or special law to the contrary, each  
453 community college, each state college and the university of Massachusetts shall create at the  
454 institution a reserve fund, hereinafter referred to as the "student charges stabilization fund", for  
455 their respective institution. There shall be deposited annually into the student charges  
456 stabilization fund of each institution the following: (1) any moneys which, within 60 days after  
457 the end of a fiscal year, the institution certifies to the state comptroller are moneys that were  
458 appropriated to the institution for that fiscal year and that were not expended during, and remain  
459 unencumbered for expenditure in respect of, that fiscal year; provided, that notwithstanding any

460 general or special law to the contrary, all such moneys shall remain available for expenditure,  
461 without further appropriation, in subsequent fiscal years and shall not revert to the General Fund;  
462 and provided, further that the state comptroller shall transfer any such moneys remaining in the  
463 state treasury to the institution within 30 days of receipt of the institution's certification; (2)  
464 moneys that are appropriated to an institution which are required by the legislature to be  
465 deposited into the institution's student charges stabilization fund; and (3) other moneys that an  
466 institution may elect to deposit into its student charges stabilization fund, including student  
467 tuition and fee revenue. Student charges stabilization fund moneys shall be deposited in an  
468 interest bearing account credited to its respective institution.

469 (b) If the commonwealth meets its annual full funding obligations with respect to the  
470 operating requirements of the institution as set forth in section 1, each institution shall deposit 5  
471 per cent of any growth in state appropriation and tuition and fees from the prior year into their  
472 student charges stabilization fund.

473 (c) The board of trustees at each community college, state college and the university  
474 may, in a fiscal year and upon vote of the board, expend moneys in its student charges  
475 stabilization fund whenever in any such year the moneys made available to it, do not meet the  
476 commonwealth's annual full funding obligations with respect to the operating requirements of  
477 the institution as set forth in section 1. Among the uses as the boards of trustees of each state or  
478 community college or the university of Massachusetts shall direct for the operation and support  
479 of the institution, the moneys shall first be used to reduce the need for increases in tuition and  
480 mandatory fees and to mitigate such increases should they become necessary.

481           Section 43. The board of higher education, in conjunction with the state and community  
482 colleges, shall establish and administer mandated training and orientation sessions for newly  
483 appointed trustees of the state and community colleges, and the board of higher education. The  
484 board of trustees of the university of Massachusetts shall establish and administer such sessions  
485 for newly appointed trustees of the university.

486           Section 44. The board of higher education shall establish an advisory committee on  
487 workforce development whose membership shall consist of the following: the workforce  
488 coordinator of the board, who shall chair the committee, the director of workforce development,  
489 or his designee, the secretary of economic development, or his designee, the director of the  
490 Commonwealth Corporation, or his designee, a representative appointed by and to serve at the  
491 pleasure of the state workforce investment board, a representative appointed by and to serve at  
492 the pleasure of the Massachusetts Workforce Board Association, the chairs of the state and  
493 community colleges presidents' councils, or their designees, and a representative from the  
494 university of Massachusetts appointed by and to serve at the pleasure of the president of the  
495 university. The advisory committee shall advise and assist the board on workforce development  
496 issues and efforts. The committee shall periodically conduct and analyze labor-market studies,  
497 including, but not limited to, those referred to in clause (c) of section 9, in order to identify labor-  
498 market trends in the commonwealth. The committee shall make the results of its studies and  
499 analyses available to the members of the board, the board of trustees and president of each public  
500 institution of higher education, and the joint committee on higher education.

501           Section 45. There shall be a program to be administered by the board for the purpose of  
502 providing grants to students who have successfully completed the federal Gaining Early  
503 Awareness and Readiness for Undergraduate Programs (GEAR UP), set forth in 20 U.S.C.



504 1070a-21 et seq., and any regulations promulgated for the program, who are domiciled in the  
505 commonwealth and have graduated from a Massachusetts high school and have been accepted at  
506 an approved public or independent college, university, or school of nursing, or any other  
507 approved institution of higher education furnishing a program of higher education located in  
508 Massachusetts or in a state with a reciprocal agreement with Massachusetts. The program shall  
509 provide grants to eligible students equal to the student's so-called Federal Pell Grant received  
510 from the federal government, not to exceed the cost of attendance. Payment shall be made by the  
511 board directly to the institution. The grant shall be renewable for each academic undergraduate  
512 year; provided that the student is in good academic standing, not on academic probation, and still  
513 has financial need as determined by the board. Funds for the implementation, maintenance and  
514 administration of the program shall come from those authorized under section 2000 of chapter  
515 29.

516 SECTION 30. Chapter 29 of the General Laws is hereby amended by adding the  
517 following section: -

518 Section 2000. There shall be established and set up on the books of the commonwealth  
519 a separate fund to be known as the GEAR UP Fund, the funds of which shall be expended by the  
520 board of higher education, without further appropriation, for the purpose of assisting low income  
521 students who are domiciled in the commonwealth and are Massachusetts high school graduates  
522 and have successfully completed the Gaining Early Awareness and Readiness for Undergraduate  
523 Programs (GEAR UP), set forth in 20 U.S.C. 1070a-21 et seq., and any regulations promulgated  
524 pursuant thereto, and who have been accepted for admission to an approved public or  
525 independent college, university, or school of nursing, or any other approved institution of higher  
526 education furnishing a program of higher education located in Massachusetts or in a state with a

527 reciprocal agreement with Massachusetts. The fund shall be administered in accordance with the  
528 provisions of section 46 of chapter 15A. There shall be credited to the fund revenues and other  
529 financing sources directed to the fund by appropriation and matching funds from the United  
530 States department of education.

531 SECTION 31. The fifth paragraph of section 1A of chapter 75 of the General Laws, most  
532 recently amended by chapter 27 of the acts of 2008, is hereby amended by striking out clause (b).

533 SECTION 32. Said section 1A of said chapter 75 is hereby amended by inserting after  
534 the word “university”, in line 74, the following words:- and enter into leases of real property  
535 without the prior approval of the division of capital asset management.

536 SECTION 33. Said fifth paragraph of said section 1A of said chapter 75 is hereby further  
537 amended by striking out clause (p) and inserting in place thereof the following clause:- (p) to fix  
538 and establish tuition rates and fees of each university campus and to retain the tuition and fees in  
539 accordance with this section.

540 SECTION 34. Said section 1A of said chapter 75 is hereby further amended by inserting  
541 after the fifth paragraph the following 5 paragraphs: -

542 The board of trustees shall fix and establish tuition and fee rates for each university  
543 campus. In-state tuition and fee rates shall preserve affordability for residents of the  
544 commonwealth. Except as provided in section 9 of chapter 15A or in the case of students  
545 participating in the New England Regional Student Program, out-of-state tuition and fee rates at  
546 least shall equal 100 per cent of the costs of the student’s education.

547 Notwithstanding any general or special law to the contrary, if the commonwealth is  
548 meeting its annual full funding obligation with respect to the operating requirements of the  
549 institution and providing adequate funds for capital needs of the institution as set forth in section  
550 1, the board of trustees shall not increase in-state tuition and mandatory fees for that year. If the  
551 commonwealth's appropriation for the institution is equal to or greater than the previous fiscal  
552 year but less than its annual full funding obligation with respect to the operating requirements of  
553 the institution, the rate of any increase in in-state tuition and mandatory fees shall not exceed the  
554 rate of increase in the higher education price index. If any campus of the university encounters  
555 extraordinary circumstances, the board of trustees may adopt a higher rate of increase than that  
556 otherwise permitted by this paragraph within parameters and procedures set by the board of  
557 higher education.

558 In so far as practicable, the final tuition and fee rates shall be established for the  
559 subsequent academic year not later than 15 days before the deadline for submission of state or  
560 federal financial aid applications by students attending institutions of higher education as set  
561 forth in section 5 of chapter 15A.

562 All tuition and fees received by each university campus shall be retained by the board of  
563 trustees in a revolving trust fund and shall be expended as the board of trustees may direct for the  
564 operation and support of each university campus. Any balance in the trust fund at the end of a  
565 fiscal year shall continue to be held in the trust fund, shall remain available for expenditure in  
566 subsequent fiscal years and shall not revert to the General Fund. All such trust funds shall be  
567 subject to audit by the state auditor.

568 For employees of the university who are paid from tuition retained under this section,  
569 fringe benefits and any collective bargaining increases shall be funded as if those employees'  
570 salaries were supported by state appropriations.

571 Notwithstanding the provisions of this section to the contrary, the board of trustees of the  
572 university may fix and establish a tuition rate and charges reduction for residents of bordering  
573 states to not less than 1 and 1/2 times the institution's in-state tuition and fee rates, if it  
574 determines that the institution is below enrollment capacity and the projected cost to the  
575 institution and the commonwealth of the reduction would be minimal when taking into account  
576 the projected enrollment growth associated with such adjustment. The board of trustees shall  
577 seek reciprocal arrangements from bordering states where no such tuition reduction is available  
578 for residents of Massachusetts.

579 SECTION 35. Section 10 of said chapter 75 is hereby amended by striking out the first  
580 sentence and in inserting in place thereof the following 2 sentences:- The trustees shall prepare  
581 and submit annually to the governor and, through the joint committee on higher education, to the  
582 general court a complete financial report setting forth the expenditures and revenues, including,  
583 but not limited to any trust funds, of the university on a campus-by-campus basis and on a  
584 university-wide basis. The report may be in the form of annual audited financial statements  
585 prepared by the university if such audited financial statements provide the aforementioned detail.

586 SECTION 36. Section 2E of chapter 90 of the General Laws is hereby amended by  
587 adding the following subsection: -

588 (d) Notwithstanding the provisions of section 2F to the contrary, the registrar shall  
589 furnish, upon application, to the owners of private passenger motor vehicles, distinctive

590 registration plates which shall display on their face a design indicating support for public higher  
591 education and the words “Support Public Higher Education”. The registration plates shall be  
592 designed in consultation with the presidents of the state’s public higher education institutions and  
593 the board of higher education. There shall be a fee of not less than \$40 for the plates in addition  
594 to the established registration fee for private passenger motor vehicles, such fee being payable at  
595 the time of registration of the vehicle and at each renewal thereof.

596           There is hereby established and set up on the books of the commonwealth a separate fund  
597 to be known as the Public Higher Education Registration Plate Trust Fund, the funds of which  
598 shall be expended, without further appropriation, by the board of higher education for  
599 scholarships and grants to students in need of financial assistance at public higher education  
600 institutions in the state. There shall be credited to the fund the portion of the total fee remaining  
601 after the deduction of costs directly attributable to the issuance of registration plates under this  
602 subsection. Any money remaining in the fund at the end of a fiscal year shall remain available  
603 for expenditure in subsequent fiscal years and shall not revert to the General Fund.

604           SECTION 37. Section 2 of chapter 182 of the acts of 2008 is hereby amended by  
605 inserting after item 7061-9404 the following item:-

606           7061-9602 For the purpose of establishing, in conjunction with the board of higher  
607 education, a matching grant program to increase the success and college readiness of  
608 underserved and nontraditional students from elementary school through higher education and to  
609 facilitate the transition from high school to higher education for such students; provided, that the  
610 department shall establish partnerships with organizations, including, but not limited to, the  
611 Massachusetts Educational Financing Authority, and the Commonwealth Corporation to assist in

612 carrying out such program; provided, that the department shall submit any rules, regulations,  
613 proposals and initiatives that it develops for such program to the joint committee on education,  
614 the joint committee on higher education and the joint committee on labor and workforce  
615 development not later than December 31, 2009; and provided further, that the funds appropriated  
616 herein shall remain available for expenditure until June 30, 2010  
617 ..... 1,000,000

618 SECTION 38. Item 7066-0000 of said section 2 of said chapter 182 is hereby amended  
619 by adding the following words:- ; and provided further, that the funds appropriated herein shall  
620 remain available for expenditure until June 30, 2010.

621 SECTION 39. Said item 7066-0000 of said section 2 of said chapter 182 is hereby  
622 further amended by striking out the figure “\$2,262,898” and inserting in place thereof the  
623 following figure:- \$2,882,898.

624 SECTION 40. Said section 2 of said chapter 182 is hereby further amended by inserting  
625 after item 7066-0000 the following 3 items:-

626 7066-0002 For a funding pool to be administered by the board of higher education to  
627 provide seed funding for the purposes of assisting in expanding existing programs or developing  
628 new programs at public higher education institutions that are in high demand occupations and  
629 have long waiting lists, including, but not limited to, nursing; to establish a statewide curriculum,  
630 in consultation with the board of early education and care, to train early childhood educators to  
631 fulfill the demands made by the new early education and care initiative; to assist in developing  
632 and maintaining regional teaching and recruitment advancement centers to attract new teachers  
633 from traditional and nontraditional backgrounds; and to assist in developing a pilot program in

634 courses needed for high demand occupations through Mass Colleges On-Line, so-called;  
635 provided, that the funds appropriated herein shall remain available for expenditure until June 30,  
636 2010.....3,000,000

637           7066-0003 For a grant program to be administered by the board of higher education for  
638 eligible persons who have completed certificate or degree programs in high-demand, lower-  
639 paying occupations, including, but not limited to, early education and care workers, human  
640 services workers, social workers as regularly determined by the board’s advisory committee on  
641 workforce development, inserted by this act; provided, that the funds appropriated herein shall  
642 remain available for expenditure until June 30, 2010 ..... 8,000,000

643           7066-0004 For the GEAR UP program established pursuant to section 46 of chapter 15A  
644 of the General Laws, as inserted by this act; provided, that the funds appropriated herein shall be  
645 deposited in the GEAR UP Fund, as inserted by this act ..... 2,000,000

646           7066-0015 For the purpose of implementing section 15E of chapter 15A of the General  
647 Laws to encourage private fundraising by the commonwealth’s public institutions of higher  
648 education for the endowment incentive and capital outlay contribution program of said  
649 institutions; provided, that the funds appropriated herein shall remain available for expenditure  
650 until June 30, 2010 ..... 13,000,000

651           SECTION 41. Item 7070-0065 of said section 2 of said chapter 182is hereby amended  
652 by adding the following words:- ; and provided further, that the funds appropriated herein shall  
653 remain available for expenditure until June 30, 2010.

654 SECTION 42. Said item 7070-0065 of said section 2 of said chapter 182 is hereby  
655 further amended by striking out the figure “\$100,125,856” and inserting in place thereof the  
656 following figure:- \$110,125,856.

657 SECTION 43. Said section 2 of said chapter 182 is hereby further amended by inserting  
658 after item 7100-0200 the following item:-

659 7100- 0201 For matching funds for endowed professorships in the fields of science  
660 and technology; provided, that such funds shall be matched on the basis of \$1 for every \$2 or  
661 more in private contributions; provided, that the funds appropriated herein shall remain available  
662 for expenditure until June 30, 2010 ..... 5,000,000

663 SECTION 44. The board of higher education, in conjunction with the chief executive  
664 officer of each community college and state college, shall prepare an enrollment plan for each  
665 institution that identifies the scope and nature of needed capacity and that passes through the  
666 funding formula developed under section 15B of chapter 15A of the General Laws, and shall, on  
667 or before December 31, 2010, transmit the same to the governor and the joint committee on  
668 higher education. The board of trustees of the university of Massachusetts, in conjunction with  
669 the president and the chancellor of each campus, shall prepare an enrollment plan for the  
670 university that identifies the scope and nature of needed capacity that passes through the funding  
671 formula developed under section 15B of chapter 15A of the General Laws, and shall, on or  
672 before December 31, 2010, transmit the same to the governor, the board of higher education, and  
673 the joint committee on higher education. Enrollment plans shall include, but need not be limited  
674 to, students seeking to enter postsecondary education upon graduation from high school, as well  
675 as students seeking to enter postsecondary education later in life.



676 SECTION 45. (a) The board of higher education, in consultation with the boards of  
677 trustees of the state and community colleges, shall periodically assess the capacity of those  
678 institutions to provide programs of education and training of a kind needed to develop  
679 transferable skills and to meet the commonwealth's workforce needs. To the extent that the  
680 capacity is insufficient, the boards of trustees of the state and community colleges may expand  
681 existing programs, develop new ones, or curtail existing ones for the purpose of providing  
682 programs of education and training of a kind needed to develop transferable skills and to meet  
683 market demand. Program revisions shall not impinge upon, or cause the reduction of, core  
684 academic course offerings the institutions. Nothing herein shall be deemed to contravene the  
685 provisions of clauses (a) and (b) of section 9 of chapter 15A of the General Laws.

686 (b) The board of trustees of the university of Massachusetts, in consultation with the  
687 board of higher education, shall periodically assess the capacity of the university to provide  
688 programs of education and training of a kind needed to develop transferable skills and to meet  
689 the commonwealth's workforce needs. To the extent that the capacity is insufficient, the board  
690 of trustees may expand existing programs, develop new ones, or curtail existing ones for the  
691 purpose of providing programs of education and training of a kind needed to develop transferable  
692 skills and to meet market demand. Program revisions shall not impinge upon, or cause the  
693 reduction of, core academic course offerings at the institution. Nothing herein shall be deemed  
694 to contravene the provisions of clauses (a) and (b) of section 9 of chapter 15A of the General  
695 Laws.

696 (c) The board of higher education, in consultation with the boards of trustees of the  
697 community colleges, the department of workforce development, and the Commonwealth  
698 Corporation, shall develop statewide standards of training and encourage both statewide and

699 regional collaborations for training persons to enter high-demand, high-skill occupations in  
700 targeted industries. In doing so, the board of higher education may, in accordance with  
701 subsection (a), support at the community colleges the establishment of new associate degree  
702 programs and certificate programs that are designed to teach transferable skills and the skills  
703 needed for high-demand, high-skill occupations and to prepare persons for employment in the  
704 targeted industries. Nothing herein shall be deemed to contravene the provisions of clauses (a)  
705 and (b) of section 9 of chapter 15A of the General Laws.

706 SECTION 46. Notwithstanding any general or special law to the contrary, the board of  
707 trustees of each community college shall endeavor to use a portion of increased funding provided  
708 to those institutions by the general court, to expand, in such manner as each board of trustees  
709 deems appropriate, support services in academic and occupational advising, remedial learning,  
710 English as a second language and other transitional services designed to facilitate the transition  
711 of students from high school to higher education and to increase their chance of success in  
712 completing higher education.

713 SECTION 47. Notwithstanding any general or special law to the contrary, the  
714 Massachusetts Educational Financing Authority shall develop and implement a plan to expand its  
715 UPlan in order to encourage greater participation by persons of low and moderate income.

716 SECTION 48. Notwithstanding any general or special law to the contrary, the  
717 department of workforce development shall modify its regulations to ensure community and state  
718 college eligibility for all workforce-related funding programs and initiatives and to give state and  
719 community college presidents and university chancellors voting membership on regional  
720 employment boards.

721 SECTION 49. The university of Massachusetts, in collaboration with the executive  
722 office of economic affairs and private sector business and industry leaders, shall create a 5-year  
723 strategic plan to address its research and development capacity and potential by focusing on  
724 strategic opportunity areas in ways that will provide the greatest economic benefits to the  
725 commonwealth. The university shall submit the plan to the joint committee on higher education,  
726 the joint committee on economic development and emerging technologies, and the senate and  
727 house committees on ways and means on or before December 1, 2009.

728 SECTION 50. Notwithstanding any general or special law to the contrary, the board of  
729 higher education shall adopt guidelines defining “extraordinary circumstances” and setting the  
730 parameters and procedures required by sections 28 and 34 of this act, within 3 months of the  
731 effective date of this act. The guidelines shall be developed in conjunction with the presidents of  
732 the state and community colleges and the president of the university of Massachusetts. A copy  
733 of the guidelines shall be filed with the house and senate committees on ways and means and the  
734 joint committee on higher education.

735 SECTION 51. There shall be a special commission to investigate and study the  
736 feasibility of eliminating the provisions of section 26 of chapter 15A of the General Laws  
737 relating to summer and evening courses and programs conducted at public higher education  
738 institutions being conducted at no expense to the commonwealth. The study shall include, but  
739 not be limited to, the cost to the commonwealth of the change. The commission shall consist of  
740 the house and senate chairs of the joint committee on higher education, who shall serve as co-  
741 chairs of the commission, 1 member appointed by the minority leader of the senate, 1 member  
742 appointed by the minority leader of the house of representatives, the president of the university  
743 of Massachusetts, 2 presidents of state colleges appointed by the president of the senate, 2

744 presidents of community colleges appointed by the speaker of the house of representatives, 2  
745 members of the board of higher education appointed by the board, and 3 members appointed by  
746 the Massachusetts Teachers Association, in consultation with the Massachusetts Federation of  
747 Teachers, 1 of whom shall be a faculty member at the university of Massachusetts, 1 of whom  
748 shall be a faculty member at a state college, and 1 of whom shall be a faculty member at a  
749 community college. The commission shall submit a report and its recommendations, if any,  
750 together with any drafts of legislation necessary to carry such recommendations into effect, by  
751 filing the same with the joint committee on higher education on or before December 30, 2009.

752 SECTION 52. The joint committee on higher education shall review and study the  
753 composition of the board of higher education and the boards of trustees of the state and  
754 community colleges and the university of Massachusetts to make recommendations for any  
755 statutory changes that would make the boards more representative and more effective. The study  
756 shall also include any additional recommendations for criteria for membership to such boards.

757 SECTION 53. Notwithstanding any provision of this act to the contrary, the  
758 Massachusetts College of Art and Design shall be governed by sections 633 and 634 of chapter  
759 26 of the acts of 2003, as amended by section 242 of the acts of 2004; and the Massachusetts  
760 Maritime Academy shall be governed by sections 160 and 163 of chapter 352 of the acts of 2004.

761

762 SECTION 54. (a) Notwithstanding any general or special law to the contrary, the  
763 commonwealth shall address the underfunding of the operating requirements of its public  
764 institutions of higher education as quickly as possible and by providing funding to all of them in  
765 full compliance with the commonwealth's annual full funding obligations with respect to the

766 operating requirements of the institutions as set forth in section 1 of chapter 15A of the General  
767 Laws, as amended by this act, not later than during and for fiscal year 2017. In furtherance  
768 thereof, the commonwealth shall provide to all the institutions funding for and during the fiscal  
769 years commencing after June 30, 2009 and before July 1, 2016, in amounts that reduce the  
770 existing underfunding as measured against the funding formulas and that reduce the relative  
771 underfunding of institutions whose underfunding is, when so measured, greater than the  
772 underfunding of other institutions. The funding formulas to be used in fulfilling the purposes of  
773 this section shall be the funding formulas developed under section 15B of said chapter 15A, as  
774 amended by this act.

775 (b) The factors to be used in formulas developed under section 15B of chapter 15A of the  
776 General Laws for state and community colleges shall be those used by the board of higher  
777 education as of July 1, 2008. The factors to be used in formulas developed under said section  
778 15B for the university of Massachusetts shall be those used by the board of trustees of the  
779 university as of July 1, 2008.

780 (c) The board of trustees of the university of Massachusetts shall ensure that by fiscal  
781 year 2017, if the legislature and the governor have provided full funding of the formula  
782 developed under section 15B of chapter 15A of the General Laws for the university, the budget  
783 of each campus shall be fully funded.

784 SECTION 55. Subject to appropriation, in addition to the amounts provided for the  
785 ordinary maintenance of the state and community colleges in lines items 7109-0100, 7110-0100,  
786 7112-0100, 7113-0100, 7114-0100, 7115-0100, 7116-0100, 7117-0100, 7118-0100, 7502-0100,  
787 7503-0100, 7504-0100, 7505-0100, 7506-0100, 7507-0100, 7508-0100, 7509-0100, 7510-0100,

788 7511-0100, 7512-0100, 7514-0100, 7515-0100, 7516-0100, 7518-0100 in the general  
789 appropriations act for fiscal year 2009, the total amount of such appropriations shall be increased  
790 as follows: in fiscal year 2010 such appropriations shall be increased by \$36,860,515, in fiscal  
791 year 2011 the appropriations shall be increased by an additional \$37,229,120, in fiscal year 2012  
792 the appropriations shall be increased by an additional \$37,787,557, in fiscal year 2013 the  
793 appropriations shall be increased by an additional \$38,354,370, in fiscal year 2014 the  
794 appropriations shall be increased by an additional \$39,121,458, in fiscal year 2015 the  
795 appropriations shall be increased by an additional \$39,903,887, and in fiscal year 2016 the  
796 appropriations shall be increased by an additional \$40,701,964. The dollar amounts specified in  
797 this paragraph shall be adjusted for inflation, increases in enrollment, collective bargaining  
798 increases, increases in unrestricted revenues, and increases in fringe benefits paid by the state.

799           Subject to appropriation, in addition to the amount provided for the ordinary maintenance  
800 of the university of Massachusetts in line 7100-0200 in the general appropriations act for fiscal  
801 year 2009, such amount shall be increased as follows: in fiscal year 2010 the appropriation shall  
802 be increased by \$44,762,661, in fiscal year 2011 the appropriation shall be increased by an  
803 additional \$44,762,661, in fiscal year 2012 the appropriation shall be increased by an additional  
804 \$44,762,661, in fiscal year 2013 the appropriation shall be increased by an additional  
805 \$44,762,661, in fiscal year 2014 the appropriation shall be increased by an additional  
806 \$44,762,661, in fiscal year 2015 the appropriation shall be increased by an additional  
807 \$44,762,661, and in fiscal year 2016 the appropriation shall be increased by an additional  
808 \$44,762,661. The dollar amounts specified in this paragraph shall be adjusted for inflation,  
809 increases in enrollment, collective bargaining increases, increases in unrestricted revenues, and  
810 increases in fringe benefits paid by the state.