

SENATE No. 574

The Commonwealth of Massachusetts

PRESENTED BY:

Stanley C. Rosenberg

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act supporting access and excellence in public higher education.

PETITION OF:

NAME:

Stanley C. Rosenberg

DISTRICT/ADDRESS:

Hampshire, Franklin and Worcester

SENATE No. 574

By Mr. Rosenberg, a petition (accompanied by bill, Senate, No. 574) of Stanley C. Rosenberg for legislation to support access and excellence in public higher education. Higher Education.

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

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. Section 18B of chapter 6 of the General Laws, as appearing in the
2 2004 Official Edition, is hereby amended by striking out, in lines 3 to 7, inclusive, the words “all
3 boards of trustees of community and state universities, and the University of Massachusetts other
4 than the student and alumni trustees elected pursuant to section twenty-one of chapter fifteen A,
5 and in the case of the university, pursuant to section one A of chapter seventy-five”

6 SECTION 2. Subsection (b) of said section 18B of said chapter 6 of the
7 General Laws, as so appearing, is hereby amended by inserting after the first sentence the
8 following sentence: - 1 member of the council shall be appointed by the president of the senate, 1
9 member of the council shall be appointed by the minority leader of the senate, 1 member of the
10 council shall be appointed by the speaker of the house of representatives and 1 member of the
11 council shall be appointed by the minority leader of the house of representatives.

12 SECTION 3. Said section 18B of said chapter 6, as so appearing, is hereby
13 further amended by inserting after the word “governor”, in line 14, the following words: - or by

the president of the senate or the speaker of the house of representatives if a vacancy occurs in a position held by a member appointed by the president or the speaker.

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

(d) The council shall widely publicize its mission, responsibilities, contact information, by-laws governing the conduct of its affairs, descriptions of the responsibilities and duties and criteria for selection of the members of the board of education, and the board of higher education, and any vacancies on such boards, including, but not limited to, through the commonwealth's website. Whenever a vacancy occurs or is expected to occur on the board of education or the board of higher education the governor shall notify the council.

The governor shall advertise vacancies on the board of education and the board of higher education at least 3 months prior to the expiration of the term in order to broaden and deepen the pool of qualified candidates for such boards. The council shall submit to the governor a nominee who, in the judgment of the council, is qualified and willing to serve as a member or trustee. The governor may appoint the nominee whose name is forwarded to him by the council. The appointment shall be made within 90 days of the submission of the names by the nominating council. In the case of appointments to the board of higher education, if an appointment is not made within the 90-day period, the board of higher education shall make an interim appointment for up to 1 year. If the governor does not act before the end of the 1-year period, the board of higher education shall make an appointment for the full board term.

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

Section 18C. (a) There shall be a public higher education trustees nominating council to advise the governor with respect to appointments to all the boards of trustees of community colleges and state universities, and the University of Massachusetts other than the student and alumni trustees elected under section 21 of chapter 15A, and in the case of the university, pursuant to section 1A of chapter 75. The council shall consist of the chair of the board of higher education, who shall serve as chair of the committee, 1 member to be appointed by the president of the senate, 1 member to be appointed by the minority leader of the senate, 1 member to be appointed by the speaker of the house of representatives, 1 member to be appointed by the minority leader of the house of representatives, 2 members to be appointed by the governor, 1 member to be appointed by the president of the University of Massachusetts, 1 member to be appointed by the state university presidents, 1 member appointed by the community college presidents and 2 additional members of the board of higher education to be appointed by the board. If a vacancy occurs in a position held by a member of the council, the respective appointing authority shall appoint a new member. Whenever a vacancy occurs or is expected to occur on a board of trustees of any state university, community college, or the university, the president of said university or college, or in the case of the university, the chancellor of said campus shall notify the council. The council shall advertise vacancies on the boards of trustees of the state universities, community colleges, and the university at least 3 months before the expiration of the term in order to broaden and deepen the pool of qualified candidates for such boards. The council shall submit to the governor a nominee who, in the judgment of the council, is qualified and willing to serve as a trustee. The governor may appoint

the nominee whose name is forwarded to him/her by the council. The appointment shall be made within 90 days of the submission of a name by the council. If the entire process is not completed within the 90-day period, then the board of higher education shall make an interim appointment for up to 1 years. If the governor does not act before the end of the 1 year period, the board of higher education shall make an appointment for the full board of trustee term.

(b) The council shall adopt and make public by-laws for the conduct of its affairs, and criteria for membership on the boards of trustees. The council shall widely publicize its mission, responsibilities, contact information, by-laws for the conduct of its affairs, description of the responsibilities and duties of trustees, criteria for membership on boards of trustees, and any vacancies on such boards including, but not limited to, through the commonwealth's website. The board of higher education shall provide resources to the council to assist in fulfilling its mission and responsibilities. All records and deliberations with respect to persons under consideration as nominees or prospective nominees shall be held in confidence by the council, but shall be available to the governor and the governor's representatives. Members of the council may be reimbursed for all expenses reasonably incurred in the performance of their duties.

(c) In considering candidates, the council shall seek persons of the highest quality who, by merit, experience, knowledge, skills, temperament, ability, integrity, sound judgment and proven leadership will provide sound policy direction and oversight for the applicable state university or community college. Candidates shall be evaluated according to law and without regard to race, religion, sex, age, national or ethnic origin, sexual orientation or political affiliation. No member of the council shall be considered for appointment to any board while a member of the council.

SECTION 6. Section 1 of chapter 15A of the General Laws, as so appearing, is hereby amended by striking out the third paragraph and inserting in place thereof the following 2 paragraphs: -

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

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

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

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

(d) to reinforce the critical importance of higher education to the future of the economic growth and development of the commonwealth in a global economy and, by so doing, prepare its citizens to constitute a capable, adaptable and innovative workforce to meet the economic needs of the commonwealth at all levels, as well as their own economic security, and

102 to respond to the needs of the workplace, as defined in consultation with business, industry and
103 labor;

104 (e) to reinforce the critical importance of higher education to the strength of
105 our democracy by preparing an informed and engaged citizenry, one that acquires the knowledge
106 and skills needed to become politically involved and then participates actively in their
107 community, commonwealth and country;

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

110 (g) to support pre-kindergarten through grade 12 education programs
111 including, but not limited to, the preparation of high quality teachers and administrators for pre-
112 kindergarten through grade 12 schools;

113 (h) to promote collaboration among public institutions of higher education on
114 a statewide and regional basis and with the private sector

115 (i) to ensure that the board of higher education and public institutions of
116 higher education are responsible for the effective management and stewardship of public funds
117 and are accountable to the public and the general court in their use of funds to advance
118 educational priorities and to achieve and demonstrate positive educational outcomes;

119 (j) to ensure the cost-efficient use of resources at each public institution of
120 higher education and across all institutions and to manage campuses as efficiently as possible
121 including, but not limited to, the formation of statewide and regional collaborations and

partnerships in management and academic programming that increase efficiency and quality in our public higher education system; and

(k) to utilize technology to enhance teaching and learning and to increase the capacity to serve all the citizens of the commonwealth seeking postsecondary education.

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

SECTION 7. Said section 15A is hereby further amended by striking out section 2, as so appearing, and inserting in place thereof the following section: -

Section 2. There shall be an advisory committee on education policy, hereinafter referred to as “the committee”. The committee shall be composed of the following: the commissioner of early education and care; the chair of the board of early education and care; the commissioner of education; the chair of the board of education; the chancellor of higher education; the chair of the board of higher education; the minority leader of the senate or a designee; the minority leader of the house of representatives or a designee; the house and senate chairs of the joint committee on education; the house and senate chairs of the joint committee on higher education; the house and senate chairs of the joint committee on labor and workforce development; the president of the University of Massachusetts; and 8 members appointed by the governor, of which 1 shall be a president of a state university, 1 shall be a president of a community college, 4 shall be representatives from the pre-kindergarten through grade 12 public education system, 1 shall be a representative from the business community and 1 shall be a representative of organized labor. The committee shall serve as an advisory body to the board of early education and care, the board of education and the board of higher education. It shall have the following duties and powers:

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

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

165 (c) to serve as a public forum for discussion of general education goals at all
166 levels;

167 (d) to develop goals for a coordinated system from early childhood through
168 higher education at the university level and lifelong learning and make recommendations to
169 appropriate boards or groups relative to those goals;

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

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

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

177 (h) to encourage and facilitate partnerships between public schools,
178 institutions of higher education, businesses and workforce development entities to improve the
179 delivery of educational and workforce development services;

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

183 (j) to review and provide general advice to the board of early education and
184 care, the board of education and the board of higher education on budget recommendations
185 including, but not limited to, operating budgets and capital outlay programs;

(k) to advise the governor, the joint committee on education and the joint committee on higher education on any issue within the committee's purview; and

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

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

The committee, at least once every 2 years, shall elect 1 of its members to serve as the chair of the committee. The committee shall meet at least 4 times annually and at other times at the call of the chair or a majority of the members of the committee. The committee shall meet at least once annually with the board of early education and care, the board of education and the board of higher education.

A member of the committee shall not be in violation of section 6 of chapter 268A for conduct which involves the members participation in a particular matter before the committee which may affect the financial interest of a public school or district or institution of public higher education with which the member is affiliated, provided that the member, or member's immediate family has no personal and direct financial interest in the particular matter; and provided further, that any such affiliation shall be disclosed to the committee and recorded in the minutes of the committee.

207 SECTION 8. (a) Section 7 of chapter 15A, as so appearing, is hereby amended
208 by striking out, in line 36, the words “education, arts and humanities”, and inserting in place
209 thereof the following words: - higher education.

210 (b) Section 7A of said chapter 15A, as so appearing, is hereby amended by
211 striking out, in line 47, the words “education, arts and humanities”, and inserting in place thereof
212 the following:- higher education.

213 (c) Said section 7A of said chapter 15A, as so appearing, is hereby further
214 amended by striking out, in line 89, the word “and” and inserting in place thereof the following: -
215 through the joint committee on higher education to.

216 (d) Section 9 of said chapter 15A, as so appearing, is hereby amended by
217 striking out, in line 20, the words “education, arts and humanities” and inserting in place thereof
218 the following: - higher education

219 (e) Said section 9 of said chapter 15A, as so appearing, is hereby amended by
220 striking out, in lines 21 and 22, the words “education, arts and humanities” and inserting in place
221 thereof the following: - higher education.

222 (f) Said section 9 of said chapter 15A, as so appearing, is hereby further
223 amended by inserting after the word “finance”, in line 44, the following: - and the joint
224 committee on higher education.

225 (g) Said section 9 of said chapter 15A, as so appearing, is hereby further
226 amended by inserting after the word “secretaries”, in lines 45 and 46, the following: - and the
227 joint committee on higher education.

228 (h) Section 9B of said chapter 15A, as so appearing, is hereby further amended
229 by striking out, in lines 8 and 9, the words “education, arts and humanities” and inserting in place
230 thereof the following: - higher education.

231 (i) Section 15B of said chapter 15A, as so appearing, is hereby amended by
232 striking out, in lines 33 and 34, and in line 62, the words “education, arts and humanities” and
233 inserting in place thereof, in each instance, the following: - higher education.

234 (j) Section 16 of said chapter 15A, as so appearing, is hereby amended by
235 striking out, in 129, the words “education, arts and humanities” and inserting in place thereof the
236 following: - higher education.

237 (k) Section 19 of chapter 15A, as so appearing, is hereby amended by striking
238 out, in lines 22 and 23 and in line 26 the words “education, arts and humanities” and inserting in
239 place thereof, in each instance, the following: - higher education.

240 (l) Section 22 of said chapter 15A, as so appearing, is hereby amended by
241 striking out, in line 51, the words “education, arts and humanities” and inserting in place thereof
242 the following: - higher education.

243 SECTION 9. Said section 7A of said chapter 15A, as so appearing, is hereby
244 further amended by adding the following new subsection: -

245 (k) The systems developed under this section by the board of higher education
246 or the board of trustees of the University of Massachusetts shall evaluate the mission-related
247 activities undertaken and the progress made at each institution of public higher education in
248 advancing the goals set forth in section 1 of chapter 15A.

249 SECTION 10. Said section 9 of said chapter 15A, as so appearing, is hereby
250 further amended by inserting after clause (gg) the following 2 clauses: - (hh) at least once
251 annually appear before the joint committee on higher education to provide a detailed report on
252 public higher education in the commonwealth; (ii) establish the position of workforce
253 development coordinator at the board to work with the state universities, community colleges,
254 and the University of Massachusetts, other higher education institutions, local, state or federal
255 agencies, non-profit and community-based entities and business, industry and labor in efforts to
256 identify and meet the commonwealth's workforce requirements. The position of coordinator
257 shall include working with the state university and community college presidents and deans, as
258 well as business and industry, adult basic education and community-based organizations to
259 develop or improve certificate and degree programs in high-skill/high-demand areas and other
260 areas of future employment requiring post-secondary education.

261 SECTION 11. Section 15B of said chapter 15A, as so appearing, is hereby
262 amended by striking out the first 4 paragraphs and inserting in place thereof the following 4
263 paragraphs: -

264 Each board of trustees of a state university or community college shall annually
265 submit to the board of higher education a budget request for the ordinary maintenance of its
266 institution. The request shall include the aggregate salary of all officers and employees of the
267 institution and all revenues therefrom and any other information as the board of higher education
268 may require or as provided in section 3 of chapter 29. Each board of trustees shall make requests
269 to the board under said chapter 29. Each institution shall make its request in conformity with and
270 for the purpose of securing funding for the institution consistent with the requirements of the
271 funding formula developed under this section. Copies of such budget requests shall be

forwarded to the senate and house committees on ways and means and the joint committee on higher education.

The board of trustees of the University of Massachusetts shall annually submit to the board of higher education a budget request for the ordinary maintenance of its institution. The request shall include the aggregate salary of all its officers and employees and all revenues therefrom and any other information as the board of higher education may require or as provided in section 3 of chapter 29. The board of trustees shall make its request in conformity with and for the purpose of securing funding consistent with the requirements of the funding formula developed pursuant to this section. Copies of such budget requests shall be forwarded to the senate and house committees on ways and means and the joint committee on higher education.

Each board of trustees of the higher education system shall prepare its budget requests in accordance with a funding formula. The board of higher education shall develop the formulas for the institutions within the state university and community college segments in consultation with the boards of trustees of the state universities and community colleges. Formulas shall include factors relating to the costs of instruction, academic, institutional and student services support, and physical plant operation and maintenance based on appropriate national standards and comparable peer institutions with similar missions. Peer institutions shall be identified in consultation with the presidents of state universities and community colleges. The university trustees shall develop funding formulas for the university in consultation with the president of the university and campus administrations. Formulas shall include factors relating to the costs of instruction, research, public service, academic, institutional and student services support, physical plant operations and maintenance, and financial aid based on appropriate national standards and comparable peer institutions with similar missions. Peer institutions shall

be identified in consultation with the president of the university and the chancellors of each university campus. All funding formulas under this section shall be periodically reviewed and revised as needed, and shall be submitted to the joint committee on higher education and the senate and house committees on ways and means for review and comment.

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

SECTION 12. Said chapter 15A is hereby further amended by striking out sections 15E and 15F, as so appearing, and inserting in place thereof the following 2 sections: -

Section 15E. (a) It is hereby declared to be the policy of the commonwealth to encourage private fundraising by the state university and public colleges and to assist such fundraising through a matching program to be known as the public higher education endowment incentive and capital outlay program which shall not result in direct or indirect reductions in the commonwealth's appropriations to such institutions for operations or for capital support.

(b) Subject to appropriation, the commonwealth shall contribute funds to each institution's recognized foundation in an amount necessary to match private contributions in the current fiscal year to the institutions or a foundation's endowment or capital outlay program based on the following matching formula. The commonwealth's contribution shall be equal to \$1 for every \$2, or \$1 for such greater number of dollars as may be established by the board of higher education, privately contributed to the university's board of trustees or a foundation,

317 provided that the maximum total contributions from the commonwealth shall be \$50,000,000; \$1
318 for every \$2, or \$1 for such greater number of dollars as may be established by the board of
319 higher education, privately contributed to each state university's board of trustees or foundation,
320 provided that the maximum total contributions from the commonwealth shall be \$5,000,000 for
321 each institution; \$1 for every \$2, or \$1 for such greater number of dollars as may be established
322 by the board of higher education, privately contributed to each community college's board of
323 trustees or foundation, provided that the maximum total contributions from the commonwealth
324 shall be \$2,000,000 for each institution.

325 (c) Private contributions to the endowment or capital outlay program for
326 purposes of these matching grant programs shall be limited to donations to an endowment for
327 academic purposes including, but not limited to, scholarships and endowed chairs or
328 contributions to a capital outlay program in support of academic facility construction and
329 maintenance approved by the appropriate board of trustees.

330 (d) The program shall terminate for the university when its foundation has
331 received \$50,000,000 in appropriated matching funds according to the formula prescribed in
332 subsection (b) or on July 1, 2016, whichever is sooner. The program shall terminate for any state
333 university when its foundation has received \$5,000,000 in appropriated matching funds
334 according to the formula prescribed above or on July 1, 2016, whichever is sooner. The program
335 shall terminate for any community college when its foundation has received \$2,000,000 in
336 appropriated matching funds according to the formula prescribed above or on July 1, 2016,
337 whichever is sooner.

(e) For each institution, the program shall be administered by its foundation, as defined in section 37, in accordance with procedures established by the board of trustees and filed with the senate and house committees on ways and means, the joint committee on higher education and the secretary of administration and finance no later than 30 days from the time of adoption. Any further amendments to the procedures shall also be filed within 30 days of adoption with the house and senate committees on ways and means, the joint committee on higher education and the secretary of administration and finance. The procedures shall include a method for each board of trustees to certify to the senate and house committees on ways and means, the joint committee on higher education and the secretary of administration and finance the actual amount received in private contributions to the endowment or capital outlay program in each fiscal year. The procedures shall also include safeguards for protecting the anonymity of donors who indicate their desire not to be identified. For the state university, the procedures shall also provide that the allocation of all matching funds from the commonwealth shall be subject to prior approval by the president of the university.

Section 15F. It is hereby declared to be the policy of the commonwealth to encourage public community college training opportunities in order to promote workforce development, minimize the shortage of skilled workers and raise economic opportunity through a matching incentive grant program to be known as the community college workforce training incentive program. Subject to appropriation, the board of higher education shall establish guidelines for the distribution of community college workforce training incentive grants.

The guidelines shall provide: (i) allowable incentive grant awards which shall not exceed \$200 for every \$1,000 in eligible revenues; and (ii) minimum requirements for the level of vocationally-oriented instruction which shall be provided by incentive grant recipients in

the fiscal year in which the grant is awarded. Each community college which is eligible for grant awards in a fiscal year shall, subject to appropriation, receive not less than \$50,000 from the total amount appropriated for the incentive program to fund the salary of a workforce training coordinator at each campus. For the purposes of this section, “eligible revenues” shall mean revenues received by a community college for any of the following purposes: tuition and fees paid by students enrolled in vocationally-oriented courses; tuition and fees paid by Massachusetts employers on behalf of employees enrolled in vocationally-oriented course; and revenues from service contracts with Massachusetts employers to provide vocationally-oriented training. Revenues from contracts with public agencies, public grants or private gifts shall not be eligible revenues for the purposes of this section. Incentive grants shall be expended for the following purposes: to expand vocationally-oriented course offerings; to expand vocationally-oriented instruction provided through contracts with Massachusetts employers; and to otherwise promote vocationally-oriented instruction. Each community college shall annually, not later than December 31, report to the board of higher education, the joint committee on higher education and the senate and house committees on ways and means on the level of vocationally-oriented instruction provided in the proceeding fiscal year and the anticipated level of such instruction in the current fiscal year. The report shall detail enrollment levels, revenues received, sources of revenues, the number of service contracts established with Massachusetts employers and such other information as the board of higher education may require.

SECTION 13. Section 19 of chapter 15A, as so appearing, is hereby amended by striking out, in line 8 the words “designated by the council”.

SECTION 14. Said section 19 of said chapter 15A, as so appearing, is hereby amended by striking out clause (iii).

384 SECTION 15. Said section 19 of said chapter 15A is hereby further amended
385 by inserting after the second paragraph, as amended by section 3 of chapter 6 of the acts of 2005,
386 the following paragraph: - The commonwealth shall not impose any new waivers without
387 corresponding appropriations sufficient to cover the cost of said waivers. This shall also apply to
388 the John and Abigail Adams scholarship program.

389 SECTION 16. Section 22 of chapter 15A, as so appearing, is hereby amended
390 by striking out clause (b) and inserting in place thereof the following clause: - (b) the boards of
391 trustees of each state university and community college shall annually provide a copy of its
392 audited financial statements to the joint committee on higher education and the senate and house
393 committees on ways and means detailing expenditures and revenues including, but not limited to,
394 any and all trust funds;.

395 SECTION 17. (a) Section 9 of chapter 15A, as so appearing, is hereby amended
396 by striking out clause (i)

397 (b) Section 1A of chapter 75 of the General Laws, as so appearing, is hereby
398 amended by striking out clause (b)

399 (c) Said section 1A of said chapter 75, as so appearing, is hereby further
400 amended by striking out clause (p) and inserting in place thereof the following clause: - (p) fix
401 and establish tuition rates and fees of each university campus and retain the tuition and fees in
402 accordance with this section.

403 (d) Section 9 of chapter 15A, as so appearing, is hereby amended by striking
404 out the third paragraph.

(e) Section 22 of chapter 15A, as so appearing, is hereby amended by inserting,
after the first paragraph, the following: -

The board of trustees of each state university and community college shall fix
and establish tuition and fee rates for each such institution. In-state tuition and fee rates for the
institution shall preserve affordability for residents of the commonwealth. Except as provided in
section 9, or in the case of students participating in the New England Regional Student Program,
out-of-state tuition and fee rates shall equal at least 100% of the costs of the student's education.

Notwithstanding any general or special law to the contrary, unless the state
appropriation is less than the previous fiscal years appropriation, the rate of increase for in-state
tuition and general fees shall not exceed the 3-year average of the Consumer Price Index for
Massachusetts (CPI). Each college may request a higher rate of increase within parameters and
procedures set by the board of higher education, in conjunction with the presidents of the state
universities, community colleges, and the president of the University of Massachusetts and upon
the approval of the board of higher education. In determining approval, the board shall take into
consideration the overall well-being of the institution, the quality of the academic programs and
the additional financial burden on the student population of the institution. Should the state
appropriation be less than the previous fiscal year appropriation, the institutions shall utilize 25%
of the combined total of their unrestricted reserve funds and the student charges stabilization
fund, established in this act. Should their funding, after utilization of these funds and increasing
in-state tuition and fees by the 3-year average of the CPI, still fall below the previous fiscal
year's appropriation, the institutions may increase in-state tuition and fees above the 3-year
average of the CPI to attain the funding level of the previous fiscal year's appropriation. Insofar
as is practicable, the final tuition rates and general fees shall be established for the subsequent

academic year no later than 15 days prior to the deadline for submission of state and federal financial aid applications by students attending institutions of higher education as set forth in section 5.

All tuition and fees received by a state or community college shall be retained by the board of trustees of the institution in a revolving trust fund and shall be expended as the board of trustees may direct for the operation and support of the institution. Any balance in the trust fund at the end of a fiscal year shall continue to be held in the trust fund, shall remain available for expenditure in subsequent fiscal years and shall not revert to the General Fund. All such trust funds shall be subject to audit by the state auditor.

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

Notwithstanding the provisions of this section, the board of trustees of a state university or community college may fix and establish a tuition rate and charges reduction for residents of bordering states to not less than 1 ½ times the institution's in-state tuition and fee rates, if it determines that the institution is below enrollment capacity and the projected cost to the institution and the commonwealth of the reduction would be minimal when taking into account the projected enrollment growth associated with such adjustment. The board of trustees shall seek reciprocal arrangements from bordering states where no such tuition reduction is available for residents of Massachusetts.

(f) Section 1A of chapter 75, as so appearing, is hereby amended by inserting after the fifth paragraph the following: -

450 The board of trustees shall fix and establish tuition and fee rates for each university
451 campus. In-state tuition and fee rates shall preserve affordability for residents of the
452 commonwealth. Except as provided in section 9 of chapter 15A or in the case of students
453 participating in the New England Regional Student Program, out-of-state tuition and fee rates
454 shall equal at least 100% of the costs of the student's education.

455 Notwithstanding any general or special law to the contrary, unless the state
456 appropriation is less than the previous fiscal years appropriation, the rate of increase for in-state
457 tuition and general fees shall not exceed the 3-year average of the Consumer Price Index for
458 Massachusetts (CPI). Each college may request a higher rate of increase within parameters and
459 procedures set by the board of higher education, in conjunction with the presidents of the state
460 universities, community colleges, and the president of the University of Massachusetts and upon
461 the approval of the board of higher education. In determining approval, the board shall take into
462 consideration the overall well-being of the institution, the quality of the academic programs and
463 the additional financial burden on the student population of the institution. Should the state
464 appropriation be less than the previous fiscal year appropriation, the institutions shall utilize 25%
465 of the combined total of their unrestricted reserve funds and the student charges stabilization
466 fund, established in this act. Should their funding, after utilization of these funds and increasing
467 in-state tuition and fees by the 3-year average of the CPI, still fall below the previous fiscal
468 year's appropriation, the institutions may increase in-state tuition and fees above the 3-year
469 average of the CPI to attain the funding level of the previous fiscal year's appropriation. Insofar
470 as is practicable, the final tuition rates and general fees shall be established for the subsequent
471 academic year no later than 15 days prior to the deadline for submission of state and federal
472 financial aid applications by students attending institutions of higher education as set forth in

section 5. All tuition and fees received by a state or community college shall be retained by the board of trustees of the institution in a revolving trust fund and shall be expended as the board of trustees may direct for the operation and support of the institution. Any balance in the trust fund at the end of a fiscal year shall continue to be held in the trust fund, shall remain available for expenditure in subsequent fiscal years and shall not revert to the General Fund. All such trust funds shall be subject to audit by the state auditor.

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

Notwithstanding the provisions of this section, the board of trustees of each university campus may fix and establish a tuition rate and charges reduction for residents of bordering states to not less than 1 ½ times the institution's in-state tuition and fee rates, if it determines that the institution is below enrollment capacity and the projected cost to the institution and the commonwealth of the reduction would be minimal when taking into account the projected enrollment growth associated with such adjustment. The board of trustees shall see reciprocal arrangements from bordering states where no such tuition reduction is available for residents of Massachusetts.

(g) Said chapter 15A is hereby amended by adding, after section 41, the following new section: -

Section 42. (a) Notwithstanding any general or special law to the contrary, each community college, each state university and the University of Massachusetts shall create at the institution a reserve fund, hereinafter referred to as the "student charges stabilization fund," for

495 their respective institution. There shall be deposited annually into the student charges
496 stabilization fund of each institution the following: (1) any moneys which, within 60 days after
497 the end of a fiscal year, the institution certifies to the state comptroller are moneys that were
498 appropriated to the institution for that fiscal year and were not expended during, and remain
499 unencumbered for expenditure in respect of, that fiscal year; provided, that notwithstanding any
500 general or special law to the contrary, all such moneys shall remain available for expenditure,
501 without further appropriation, in subsequent fiscal years and shall not revert to the General Fund;
502 and provided further that the state comptroller shall transfer any such moneys remaining in the
503 state treasury to the institution within 30 days of receipt of the institution's certification; (2)
504 moneys that are appropriated to an institution which are required by the legislature to be
505 deposited into the institution's student charges stabilization fund; and (3) other moneys that an
506 institution may elect to deposit into its student charges stabilization fund, including student
507 tuition and fee revenue. Monies contained within the student charges stabilization fund shall be
508 deposited in an interest-bearing account credited to its respective institution.

509 (b) Each institution shall deposit 5% of any growth in state appropriation and
510 tuition and fees revenue from the prior year into their student charges stabilization fund.

511 (c) The board of trustees at each college and university may, in a fiscal year and
512 upon the vote of the board, expend money in its student charges stabilization fund whenever in
513 any such year the moneys made available to it do not meet the commonwealth's annual full
514 funding obligations with respect to the operating requirements of the institution as set forth in
515 section 1. Among the uses the boards of trustees of each state university, community college and
516 the university shall direct for the operation and support of the institution, the moneys shall first

517 be used to reduce the need for increases in tuition and mandatory fees and to mitigate increases
518 should they become necessary.

519 SECTION 18. Said chapter 15A is hereby amended by adding, after section 42
520 the following new section: -

521 Section 43. The board of higher education, in conjunction with the universities and
522 community colleges, shall establish and administer mandatory training and orientation sessions
523 for newly appointed trustees of the state universities, community colleges and the board of
524 higher education. The board of trustees of the university shall establish and administer such
525 sessions for newly appointed trustees of the university.

526 SECTION 19. Said chapter 15A is hereby further amended by adding, after
527 section 43, the following new section: -

528 Section 44. The board of higher education shall establish an advisory committee on
529 workforce development whose membership shall consist of the following: the workforce
530 coordinator of the board, who shall chair the committee, the director of workforce development
531 or a designee, the secretary of economic development, or a designee, the director of the
532 Commonwealth Corporation, or a designee, a representative of the state workforce investment
533 board, a representative of the Massachusetts Workforce Board Association, the chairs of the state
534 university and community colleges presidents' council or their designees, and the president of
535 the University of Massachusetts, or a designee. The advisory committee shall advise and assist
536 the board on workforce development issues and efforts. The committee shall periodically
537 conduct and analyze labor-market studies including, but not limited to, those referred to in clause
538 (c) of the first paragraph of section 9, in order to identify labor-market trends in the

commonwealth. The committee shall make the results of its studies and analyses available to the members of the board, the board of trustees and president of each public institution of higher education and the joint committee on higher education.

SECTION 20. (a) Said chapter 15A is hereby amended by adding, after Section 44 the following new section: -

Section 45. There is hereby established a program to be administered by the board for the purposes of providing grants to students who have successfully completed the federal Gaining Early Awareness and Readiness for Undergraduate Program (GEAR-UP), set forth in 20 U.S.C. 1070a-21 et seq., and in any regulations promulgated for the program, who are domiciled in the commonwealth and have graduated from a Massachusetts high school and have been accepted at an approved public or independent college, university or school of nursing or any other approved institution of higher education furnishing a program of higher education located in the commonwealth or in a state with a reciprocal agreement with the commonwealth. The program shall provide grants to eligible students equal to the student Federal Pell Grant received from the federal government, not to exceed the cost of attendance. Payment shall be made by the board directly to the institution. The grant shall be renewable for each academic undergraduate year, provided that the student is in good academic standing, not on academic probation, and still has financial need as determined by the board. Funds for the implementation, maintenance and administration of the program shall come from those authorized under section 2000 of chapter 29.

(b) Chapter 29 of the General Laws is hereby amended by adding, after section 2NNN the following new section: -

Section 2000. There shall be established and set up on the books of the commonwealth a separate fund to be known as the GEAR-UP Fund, the funds of which shall be expended by the board of higher education, without further appropriation, for the purpose of assisting low-income students who are domiciled in the commonwealth and are Massachusetts high school graduates and have successfully completed the Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR UP), set forth in 20 U.S.C. 1070a-21 et seq., and in any regulations promulgated pursuant thereto and who have been accepted for admission to an approved public or independent college, university or school of nursing or any other approved institution of higher education furnishing a program of higher education located in the commonwealth or in a state with a reciprocal agreement with the commonwealth. The fund shall be administered in accordance with section 46 of chapter 15A. There shall be credited to the fund revenues and other financing sources directed to the fund by appropriation and matching funds from the United States Department of Education.

SECTION 21. Said section 1A of chapter 75, as so appearing, is hereby amended by inserting after the word "university" in line 74, the following: - and enter into leases of real property without the prior approval of the division of capital asset management and maintenance.

SECTION 22. Section 10 of said chapter 75, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following: - The trustees shall prepare and submit annually to the governor and, through the joint committee on higher education, to the general court a complete financial report setting forth the expenditures and revenues including, but not limited to any trust funds of the university on a campus-by-campus basis and on a university-wide basis. The report may be in the form of annual audited

584 financial statements prepared by the university if such audited financial statements provide the
585 aforementioned detail.

586 SECTION 23. (a) Section 17B of chapter 180 of the General Laws, as so
587 appearing, is hereby amended by inserting after the word “fund” in lines 5 and 12, each time it
588 appears, the following: - or to scholarship or other fundraising initiatives that benefit a public
589 institution of higher education, its affiliates and foundations as defined in section 5 of chapter
590 15A.

591 (b) Said chapter 180 is hereby further amended by inserting after section 17M
592 the following section: -

593 Section 17N. Deductions on payroll schedules may be made from the salary of any
594 university employee of an amount which the employee may specify in writing to the payroll
595 office of the campus where the employee is employed for payment of certain university-
596 sponsored activities. Said deductions may be rescinded by the employee by providing 60 days
597 notice in writing of such withdrawal to the payroll office where the employee is employed. The
598 treasurer of the university shall deduct from the salary of the employee the amount of authorized
599 deductions as may be certified to him on the payroll and transmit said sum so deducted to the
600 recipient specified by the employee.

601 SECTION 24. In the case of the state universities and community colleges, the
602 board of higher education, in conjunction with the presidents of each state university and
603 community college, and in the case of the University of Massachusetts, the board of trustees, in
604 conjunction with the president of the university, shall prepare an enrollment plan for each
605 institution that identifies the scope and nature of needed capacity and that passes through the

funding formula developed under section 15B of chapter 15A of the General Laws and shall, on or before December 31, 2012, transmit the same to the governor, the board of higher education and the joint committee on higher education. Enrollment plans shall include, but need not be limited to, students seeking to enter postsecondary education upon graduation from high school, as well as students seeking to enter postsecondary education later in life.

SECTION 25. (a) The board of higher education, in consultation with the boards of trustees of the state universities and community colleges, shall periodically assess the capacity of those institutions to provide programs of education and training of a kind needed to develop transferable skills and to meet the commonwealth's workforce needs. To the extent that the capacity is insufficient, the boards of trustees of the state universities and community colleges may expand or curtail existing ones or develop new ones for the purpose of providing programs of education and training of a kind needed to develop transferable skills and to meet market demand with the approval of the board of higher education. Program revisions shall not impinge upon, or cause the reduction of, core academic course offerings at the institutions. Nothing in this subsection shall be deemed to contravene clauses (a) and (b) of the first paragraph of section 9 of chapter 15A of the General Laws.

(b) The board of trustees of the University of Massachusetts, in consultation with the board of higher education, shall periodically assess the capacity of the university to provide programs of education and training of a kind needed to develop transferable skills and to meet the commonwealth's workforce needs. To the extent that the capacity is insufficient, the board of trustees may expand or curtail existing programs or develop new ones for the purpose of providing programs of education and training of a kind needed to develop transferable skills and to meet market demand. Program revisions shall not impinge upon, or cause the reduction of,

core academic course offerings at the institution. Nothing in this subsection shall be deemed to contravene clauses (a) and (b) of the first paragraph of section 9 of chapter 15A of the General Laws.

(c) The board of higher education, in consultation with the boards of the community colleges, the department of workforce development, and the Commonwealth Corporation, shall develop statewide standards of training and encourage both statewide and regional collaborations for training persons to enter high-demand, high-skill occupations with targeted industries. In doing so, the board of higher education may, in accordance with subsection (a), support at the community colleges the establishment of new associate degree and certificate programs that are designed to teach transferable skills and the skills needed for high-demand, high-skill occupations and to prepare persons for employment in the targeted industries. Nothing in this subsection shall be deemed to contravene clauses (a) and (b) of the first paragraph of section 9 of chapter 15A of the General Laws.

SECTION 26. Notwithstanding any general or special law to the contrary, the board of trustees of each community college shall endeavor to use a portion of increased funding provided to those institutions by the general court, to expand, in such manner as each board of trustees deems appropriate, support services in academic and occupational advising, remedial learning, English as a second language and other transitional services designed to facilitate the transition of students from high school to higher education and to increase their chance of success in completing higher education.

649 SECTION 27. Notwithstanding any general or special law to the contrary, the
650 Massachusetts Education Financing Authority shall develop and implement a plan to expand its
651 UPlan in order to encourage greater participation by persons of low and moderate income.

652 SECTION 28. Notwithstanding any general or special law to the contrary, the
653 department of workforce development shall modify its regulations to ensure community college
654 and state university eligibility for all workforce-related funding programs and initiatives and to
655 give state university and community college presidents and university chancellors voting
656 membership on regional employment boards.

657 SECTION 29. The University of Massachusetts, in collaboration with the
658 executive office of economic affairs and private sector business and industry leaders, shall create
659 a 5-year strategic plan to address its research and development capacity and potential by focusing
660 on strategic opportunity areas in ways that will provide the greatest economic benefits to the
661 commonwealth. The university shall submit the plan to the joint committee on higher education,
662 the joint committee on economic development and emerging technologies, and the senate and
663 house committees on ways and means not later than December 1, 2012.

664 SECTION 30. There shall be a special commission to investigate and study the
665 feasibility of repealing section 26 of chapter 15A of the General Laws relating to summer and
666 evening courses and programs conducted at public higher education institutions being conducted
667 at no expense to the commonwealth. The study shall include, but not be limited to, the cost to
668 the commonwealth of the change. The commission shall consist of the senate and house chairs
669 of the joint committee on higher education, who shall serve as co-chairs of the commission, the
670 minority leader of the senate or a designee, the minority leader of the house of representatives, or

671 a designee, the president of the University of Massachusetts, 2 presidents of state universities
672 appointed by the president of the senate, 2 presidents of community colleges appointed by the
673 speaker of the house of representatives, 2 members of the board of higher education, appointed
674 by the chair of the board of higher education, and 3 members to be appointed by the
675 Massachusetts Teacher's Association, in consultation with the Massachusetts Federation of
676 Teachers, 1 of whom shall be a faculty member at the University of Massachusetts, 1 of whom
677 shall be a faculty member at a state university, and 1 of whom shall be a faculty member at a
678 community college. The commission shall submit a report and its recommendations, if any,
679 together with any drafts of legislation necessary to carry such recommendations into effect, by
680 filing the same with the joint committee on higher education not later than June 30, 20012.

681 SECTION 31. The joint committee on higher education shall review and study
682 the composition of the board of higher education, the boards of trustees of the state universities
683 and community colleges and administrative structure of the University of Massachusetts to make
684 recommendations for any statutory changes that would better represent the interests of the
685 commonwealth. Further, said study shall include any additional recommendations for criteria for
686 membership to such boards.

687 SECTION 32. There is hereby created a commission to study and evaluate the
688 current and future availability of medical service professionals in the commonwealth in
689 comparison to the relevant demand for these professionals currently and for the next 10 years.
690 Said commission shall consist of the secretary of administration and finance, or a designee, the
691 secretary of health and human services, or a designee, the director of the office of consumer
692 affairs and business regulation, or a designee, a representative of the Massachusetts Hospital
693 Association, a representative of the Massachusetts Nurses Association, the chancellor of the

University of Massachusetts medical school or a designee, the president of the Massachusetts College of Pharmacy or a designee, the director of workforce development, or a designee, a representative of the American Red Cross, and 5 members appointed by the governor, 1 of whom must represent commercial insurers in the commonwealth, 1 of whom shall be a member of the Massachusetts Association of Health Plans, 1 of whom shall represent teaching hospitals in the commonwealth, and 2 of whom shall represent private institutions of higher learning. The study shall include, but not be limited to, the availability of medical service professionals as described above, strategies for recruitment and retention and the use of strategies for reduced tuition or tuition forgiveness. The results of the study, together with any legislative recommendations and cost estimates, shall be submitted to the clerks of the senate and house of representatives, the senate and house committees on ways and means and the joint committee on higher education not later than 10 months following the passage of this act.

SECTION 33. (a) Notwithstanding any general or special law to the contrary, the commonwealth shall address the underfunding of the operating requirements of its public institutions of higher education as quickly as possible and by providing funding to all of them in full compliance with the commonwealth's annual full funding obligations with respect to the operating requirements of the institutions as set forth in section 1 of chapter 15A of the General Laws not later than fiscal year 2018. In furtherance thereof, the commonwealth shall provide to all the institutions funding for and during the fiscal years commencing after June 30, 2011 and before July 1, 2018, in amounts that reduce the existing underfunding as measured against the funding formulas and that reduce the relative underfunding of institutions whose underfunding is, when so measured, greater than the underfunding of other institutions. The funding formulas

716 to be used in fulfilling the purposes of this section shall be the funding formulas developed under
717 section 15B of chapter 15A.

718 (b) The factors to be used in formulas developed under section 15B of chapter
719 15A of the General Laws for state universities and community colleges shall be those used by the
720 board of higher education. The factors to be used in formulas developed under said section 15B
721 of said chapter 15A for the University of Massachusetts shall be those used by the board of
722 trustees of the university.

723 (c) The board of trustees of the University of Massachusetts shall ensure that by
724 fiscal year 2018, if the legislature and the governor have provided full funding of the formula
725 developed under section 15B of chapter 15A of the General Laws for the university, the budget
726 of each campus shall be fully funded.