

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Simon Cataldo

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 to advance fairness, integrity, and excellence in higher education admissions.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Simon Cataldo</i>	<i>14th Middlesex</i>	<i>1/8/2025</i>

HOUSE No.

[Pin Slip]

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 3760 OF 2023-2024.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Fourth General Court
(2025-2026)**

An Act to advance fairness, integrity, and excellence in higher education admissions.

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. Chapter 15A of the General Laws is hereby amended by inserting after
2 section 5A the following section:-

3 Section 5B. (a) For the purposes of this section, the following terms shall, unless the
4 context clearly requires otherwise, have the following meanings:

5 “Early action”, an admissions plan that allows a student to apply at an earlier
6 stage of the admissions process and receive an expedited admissions decision but does not
7 require the student to pledge to attend the institution upon receiving a decision of admittance.

8 “Early decision”, an admissions plan that allows a student to apply at an earlier
9 stage of the admissions process, receive an expedited admissions decision, and absent

10 extenuating circumstances, requires the student to pledge to attend the institution upon receiving
11 a decision of admittance.

12 “Endowment”, a fund or collection of funds that supports the operation of a
13 higher education institution, and that is not wholly expendable by the institution on a current
14 basis under the terms of the applicable gift instrument or as per the intent of the donor, trustee or
15 board of directors of the higher education institution or related foundation.

16 “Higher education institution”, a public or private certificate- or degree-granting
17 college, junior college or university, as authorized by the board of higher education pursuant to
18 section 9.

19 “Legacy”, a candidate for admission to a higher education institution with a
20 relative who attended or attends that higher education institution.

21 (b) Annually, not later than December 31, all 4-year, degree-granting higher
22 education institutions shall transmit to the office of the attorney general and the department of
23 higher education the following information annually:

24 (i) an averment as to whether the institution executed in the prior year an
25 admissions preference or special policy for: (1) legacy applicants; (2) students related to any
26 past, current or prospective donor; (3) students who apply early decision; and (4) students who
27 apply early action;

28 (ii) the percentage of first year, full-time students enrolled at the higher education
29 institution in the previous academic year who are members of the following separately
30 disaggregated subgroups:

- 31 (1) students that receive a maximum federal Pell Grant;
- 32 (2) students that receive a less than maximum federal Pell Grant;
- 33 (3) students that receive a federal subsidized Stafford Loan but not a federal Pell
34 Grant;
- 35 (4) students who are a legacy, with separate disaggregated reporting within by
36 major racial subgroup, receipt of a maximum federal Pell Grant and receipt of a less than
37 maximum federal Pell Grant;
- 38 (5) students admitted as per an early decision policy, with separate disaggregated
39 reporting within by major racial subgroup, receipt of a maximum federal Pell Grant and receipt
40 of a less than maximum federal Pell Grant;
- 41 (6) students admitted as per an early action policy, with separate disaggregated
42 reporting within by major racial subgroup, receipt of a maximum federal Pell Grant and receipt
43 of a less than maximum federal Pell Grant; and
- 44 (7) students admitted to the institution through regular decision, with separate
45 disaggregated reporting within by major racial subgroup, receipt of a maximum federal Pell
46 Grant and receipt of a less than maximum federal Pell Grant;
- 47 (iii) the number of student applicants identified as having legacy status and their
48 admission rate, as well as the percentage of admitted legacy students among all admitted
49 students, and their enrollment rate;
- 50 (iv) the number of student applicants who apply early decision and early action,
51 and admission rate of each; and

52 (v) public service fee amounts contributed by each higher education institution
53 per annum to the Higher Education Opportunity Trust Fund, established in section 35TTT of
54 chapter 10.

55 (c) The office of the attorney general and the department of higher education shall
56 make the information received pursuant to subsection (b) publicly available, disaggregated by
57 higher education institution.

58 (d) No higher education institution shall as a matter of written or unwritten policy,
59 absent paying a public service fee in an amount consistent with the provisions of subsection (e):

60 (i) consider legacy status as a factor in admitting a student applicant;

61 (ii) consider a student applicant's relationship to a past, current or prospective
62 donor to the higher education institution as a factor in admitting a student applicant; or

63 (iii) carry out an early decision plan.

64 (e) (1) A higher education institution that violates a provision of this section shall
65 pay a public service fee to the Trust established in section 2 of a sum calculated according to the
66 following schedule:

67 (i) 0.01 per cent of its endowment for any offending higher education institution
68 with an endowment per student of less than \$50,000, as reported in the higher education
69 institution's most recent annual report;

70 (ii) 0.05 per cent of its endowment for any offending higher education institution
71 with an endowment per student of greater than \$50,000 but less than \$500,000, as reported in the
72 higher education institution's most recent annual report;

73 (iii) 0.1 per cent of its endowment for any offending higher education institution
74 with an endowment per student of greater than \$500,000 but less than \$1,000,000, as reported in
75 the higher education institution's most recent annual report;

76 (iv) 0.15 per cent of its endowment for any offending higher education institution
77 with an endowment per student of greater than \$1,000,000 but less than \$2,000,000, as reported
78 in the higher education institution's most recent annual report;

79 (v) 0.2 per cent of endowment for any offending higher education institution with
80 an endowment per student of greater than \$2,000,000, as reported in the higher education
81 institution's most recent annual report.

82 (2) No offending higher education institution with endowment assets in excess of
83 \$1.5 billion shall pay a public service fee of less than \$1 million. No college with endowment
84 assets in excess of \$2 billion shall pay a public service fee of less than \$2 million.

85 (3) Where a higher education institution is part of a university, the calculations
86 required by paragraph (1) shall be based on the endowment of the university and associated
87 endowment funds.

88 (f) (1) The attorney general shall establish procedures and promulgate regulations
89 to carry out the provisions of this section. The attorney general may investigate compliance by
90 individual higher education institutions and assess public service fee amounts for non-
91 compliance in accordance with subsection (e).

92 (2) The attorney general shall provide written notice to any higher education
93 institution that fails to timely comply with the established reporting requirements of subsection

94 (b). The attorney general shall notify higher education institutions that failure to respond within 2
95 weeks of the written notice without just cause may result in the assessment of the public service
96 fee in subsection (e).

97 (3) No higher education institution shall pay a public service fee in excess of the
98 applicable amount in the schedule in subsection (e) in any 1 calendar year.

99 (4) All monies collected pursuant to this section shall be deposited in the Higher
100 Educational Opportunity Trust Fund, established in section 35TTT of chapter 10.

101 SECTION 2. Chapter 10 of the General Laws is hereby amended by inserting
102 after section 35SSS the following section:-

103 Section 35TTT. (a) There shall be established and set up on the books of the
104 commonwealth a Higher Education Opportunity Trust Fund, for the purposes of supporting
105 certificate and degree attainment at the commonwealth's public community college segment and
106 state university segment of the system of public institutions of higher education, as defined in
107 section 5 of chapter 15A. The fund shall be administered by the executive office of education, as
108 directed by the fund board of trustees established in subsection (b) and in consultation with the
109 department of higher education. No expenditure from the fund shall cause the fund to be in
110 deficiency at the close of a fiscal year. Monies not expended at the end of each fiscal year shall
111 remain in the fund and shall not revert to the General Fund. The fund shall not be subject to
112 appropriation.

113 (b) The fund shall be managed by a board of trustees, which shall have general
114 supervision of the trust and shall direct all expenditures from the fund to the community college
115 and state university segments within the commonwealth system of public institutions of higher

116 education, as defined in section 5 of chapter 15A, in its discretion. The full duties and obligations
117 of the board shall be set forth in a declaration of trust to be adopted by the board. The board of
118 trustees shall consist of 7 voting trustees, including: (i) the commissioner of the department of
119 higher education or a designee; (ii) the commissioner of the department of elementary and
120 secondary education or a designee, and (iii) 5 additional voting trustees to be appointed by the
121 governor, including: 1 person with demonstrated expertise in elementary and secondary
122 education, 1 person with demonstrated expertise in higher education, 1 person with demonstrated
123 expertise in representing the education workforce as a leader in a labor organization, 1 person
124 who is an employee of a Massachusetts community college, as defined in section 10 of chapter
125 15A, and 1 person who is an employee of a private higher education institution subject to
126 subsection (e) of section 5B of chapter 15A. The appointed voting trustees shall serve for terms
127 of 2 years. Trustees shall be eligible for reappointment. The voting trustees shall elect 1 of the
128 trustees to serve as the chair. There shall be 6 non-voting trustees, 2 of whom shall be appointed
129 by the senate president, 1 of whom shall be appointed by the minority leader of the senate, 2 of
130 whom shall be appointed by the speaker of the house of representatives and 1 of whom shall be
131 appointed by the minority leader of the house of representatives.

132 SECTION 3. This act shall take effect on July 1, 2026.