

# SENATE BILL 809

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By: **Senators Rosapepe, Britt, Brochin, Colburn, Conway, Currie, DeGrange, Della, Dyson, Exum, Forehand, Frosh, Garagiola, Gladden, Jones, Kelley, Klausmeier, Kramer, Madaleno, McFadden, Middleton, Muse, Peters, Pinsky, Pugh, Raskin, Robey, Stone, and Zirkin**

Introduced and read first time: February 16, 2007

Assigned to: Rules

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## A BILL ENTITLED

1 AN ACT concerning

2 **Tuition Cap and College Opportunity Act of 2007**

3 FOR the purpose of requiring the State to provide certain General Fund support for  
4 the University System of Maryland and Morgan State University; requiring the  
5 Maryland Higher Education Commission to calculate, on or before a certain  
6 date each year, the funding guideline for the constituent institutions of the  
7 University System of Maryland and for Morgan State University; requiring the  
8 Governor to include in the annual budget submission for certain fiscal years a  
9 certain amount of State General Fund support for the University System of  
10 Maryland and Morgan State University; requiring the Board of Regents of the  
11 University System of Maryland to submit a biannual report beginning on a  
12 certain date regarding certain policies and procedures; limiting, to no more than  
13 a certain percent for certain academic years, the amount of the annual increase  
14 in tuition that may be charged each academic year to a resident undergraduate  
15 student at certain public senior higher education institutions in Maryland;  
16 providing that a certain tuition limitation only applies if certain institutions  
17 receive a certain General Fund appropriation; declaring the intent of the  
18 General Assembly; defining certain terms; and generally relating to State  
19 support for and tuition at public senior higher education institutions in  
20 Maryland.

21 BY repealing and reenacting, with amendments,  
22 Article – Education

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 10–101  
2 Annotated Code of Maryland  
3 (2006 Replacement Volume)

4 BY repealing and reenacting, without amendments,  
5 Article – Education  
6 Section 10–203(a)  
7 Annotated Code of Maryland  
8 (2006 Replacement Volume)

9 BY adding to  
10 Article – Education  
11 Section 11–108, 12–117, and 15–106.6  
12 Annotated Code of Maryland  
13 (2006 Replacement Volume)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
15 MARYLAND, That the Laws of Maryland read as follows:

16 **Article – Education**

17 10–101.

- 18 (a) In this division the following words have the meanings indicated.
- 19 (b) “Charter” means the Maryland Charter for Higher Education.
- 20 (c) “Commission” means the Maryland Higher Education Commission.
- 21 (d) “Governing board” means:
- 22 (1) The Board of Regents of the University System of Maryland;
- 23 (2) The Board of Regents of Morgan State University;
- 24 (3) The Board of Trustees of St. Mary’s College of Maryland; and
- 25 (4) The Board of Trustees of Baltimore City Community College.
- 26 (e) “Governing body” means:
- 27 (1) A governing board;

- 1           (2)    A board of trustees of a community college;
- 2           (3)    The governing entity of nonpublic institutions of higher education;
- 3    or
- 4           (4)    The governing entity of a regional higher education center.

5           (f)    “Institution of higher education” means an institution of postsecondary  
6 education that generally limits enrollment to graduates of secondary schools, and  
7 awards degrees at either the associate, baccalaureate, or graduate level.

8           (g)    (1)    “Institution of postsecondary education” means a school or other  
9 institution that offers an educational program in the State for individuals who are at  
10 least 16 years old and who have graduated from or left elementary or secondary  
11 school.

12           (2)    “Institution of postsecondary education” does not include:

13                   (i)    Any adult education, evening high school, or high school  
14 equivalence program conducted by a public school system of the State; or

15                   (ii)   Any apprenticeship or on-the-job training program subject  
16 to approval by the Apprenticeship and Training Council.

17           (h)    “Private career school” means a privately owned and privately operated  
18 institution of postsecondary education other than an institution of higher education  
19 that furnishes or offers to furnish programs, whether or not requiring a payment of  
20 tuition or fee, for the purpose of training, retraining, or upgrading individuals for  
21 gainful employment as skilled or semiskilled workers or technicians in recognized  
22 occupations or in new and emerging occupations.

23           (i)    “Program” or “educational program” means an organized course of study  
24 that leads to the award of a certificate, diploma, or degree.

25           (j)    “Public senior higher education institution” means:

26                   (1)    The constituent institutions of the University System of Maryland;

27                   (2)    Morgan State University; and

28                   (3)    St. Mary’s College of Maryland.

1 (k) “Regional higher education center” means a higher education facility in  
2 the State that:

3 (1) Is operated by a public institution of higher education in the State  
4 or a nonpublic institution of higher education operating under a charter granted by  
5 the General Assembly and includes participation by two or more institutions of higher  
6 education in the State;

7 (2) Consists of an array of program offerings from institutions of  
8 higher education approved to operate in the State by the Commission or by an act of  
9 the General Assembly that specifically satisfies the criteria set forth in § 10–212(b) of  
10 this title;

11 (3) Offers multiple degree levels; and

12 (4) Is either approved by the Commission to operate in the State or is  
13 established by statute.

14 (L) **“RESIDENT STUDENT” MEANS A STUDENT CLASSIFIED AS**  
15 **“IN-STATE” FOR THE PURPOSES OF TUITION IN ACCORDANCE WITH THE POLICY**  
16 **OR REGULATION OF THE GOVERNING BOARD OF THE PUBLIC SENIOR HIGHER**  
17 **EDUCATION INSTITUTION IN WHICH THE STUDENT IS ENROLLED.**

18 [(1)] (M) “Secretary” means the Secretary of Higher Education.

19 [(m)] (N) “State Plan for Higher Education” means the plan for  
20 postsecondary education and research required to be developed by the Maryland  
21 Higher Education Commission under § 11–105(b) of this article.

22 10–203.

23 (a) It is the goal of the State that public senior higher education institutions  
24 be funded at 100 percent of funding guidelines developed by the Maryland Higher  
25 Education Commission.

26 **11–108.**

27 (A) **SUBJECT TO THE PROVISIONS OF THIS SECTION, THE STATE SHALL**  
28 **PROVIDE GENERAL FUND SUPPORT FOR THE UNIVERSITY SYSTEM OF**  
29 **MARYLAND AND MORGAN STATE UNIVERSITY TO ACHIEVE 100% OF THE**  
30 **FUNDING GUIDELINES DEVELOPED BY THE COMMISSION.**

1           **(B) ON OR BEFORE AUGUST 1 OF EACH YEAR, THE COMMISSION SHALL**  
2 **CALCULATE THE FUNDING GUIDELINE FOR:**

3                   **(1) THE CONSTITUENT INSTITUTIONS OF THE UNIVERSITY**  
4 **SYSTEM OF MARYLAND; AND**

5                   **(2) MORGAN STATE UNIVERSITY.**

6           **(C) (1) FOR EACH OF FISCAL YEARS 2009 THROUGH 2013, THE**  
7 **GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL AT LEAST THE**  
8 **AMOUNT OF STATE GENERAL FUND SUPPORT NECESSARY FOR THE**  
9 **CONSTITUENT INSTITUTIONS OF THE UNIVERSITY SYSTEM OF MARYLAND IN**  
10 **TOTAL TO ACHIEVE:**

11                   **(I) 82% OF THE FUNDING GUIDELINE FOR FISCAL YEAR**  
12 **2009;**

13                   **(II) 86% OF THE FUNDING GUIDELINE FOR FISCAL YEAR**  
14 **2010;**

15                   **(III) 90% OF THE FUNDING GUIDELINE FOR FISCAL YEAR**  
16 **2011;**

17                   **(IV) 93% OF THE FUNDING GUIDELINE FOR FISCAL YEAR**  
18 **2012; AND**

19                   **(V) 97% OF THE FUNDING GUIDELINE FOR FISCAL YEAR**  
20 **2013.**

21           **(2) FOR EACH OF FISCAL YEARS 2009 THROUGH 2013, THE**  
22 **GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL AT LEAST THE**  
23 **AMOUNT OF STATE GENERAL FUND SUPPORT NECESSARY FOR MORGAN STATE**  
24 **UNIVERSITY TO ACHIEVE:**

25                   **(I) 95% OF THE FUNDING GUIDELINE FOR FISCAL YEAR**  
26 **2009;**

27                   **(II) 96% OF THE FUNDING GUIDELINE FOR FISCAL YEAR**  
28 **2010;**

1                   (III) **97% OF THE FUNDING GUIDELINE FOR FISCAL YEAR**  
2 **2011;**

3                   (IV) **98% OF THE FUNDING GUIDELINE FOR FISCAL YEAR**  
4 **2012; AND**

5                   (V) **99% OF THE FUNDING GUIDELINE FOR FISCAL YEAR**  
6 **2013.**

7           (D) **FOR FISCAL YEAR 2014 AND EACH FISCAL YEAR THEREAFTER, THE**  
8 **GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL AT LEAST:**

9                   (1) **THE AMOUNT OF STATE GENERAL FUND SUPPORT**  
10 **NECESSARY FOR THE CONSTITUENT INSTITUTIONS OF THE UNIVERSITY SYSTEM**  
11 **OF MARYLAND IN TOTAL TO ACHIEVE 100% OF THE FUNDING GUIDELINE; AND**

12                   (2) **THE AMOUNT OF STATE GENERAL FUND SUPPORT**  
13 **NECESSARY FOR MORGAN STATE UNIVERSITY TO ACHIEVE 100% OF THE**  
14 **FUNDING GUIDELINE.**

15 **12-117.**

16           (A) **IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE**  
17 **UNIVERSITY SYSTEM OF MARYLAND IMPROVE ITS EFFECTIVENESS AND**  
18 **EFFICIENCY AND REDUCE ITS COST STRUCTURE BY BECOMING THE NATIONAL**  
19 **LEADER IN TRANSFORMING THE BUSINESS MODEL OF PUBLIC HIGHER**  
20 **EDUCATION TO PROVIDE WORLD-CLASS EDUCATION, RESEARCH, AND PUBLIC**  
21 **SERVICE AT BELOW AVERAGE COSTS.**

22           (B) **ON OR BEFORE NOVEMBER 1, 2008, AND ON NOVEMBER 1 EVERY**  
23 **SECOND YEAR THEREAFTER, THE BOARD OF REGENTS SHALL SUBMIT, IN**  
24 **ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, A REPORT**  
25 **ON THE POLICIES AND PROCEDURES IT HAS IMPLEMENTED IN ACCORDANCE**  
26 **WITH SUBSECTION (A) OF THIS SECTION TO THE HOUSE APPROPRIATIONS**  
27 **COMMITTEE AND WAYS AND MEANS COMMITTEE AND THE SENATE BUDGET**  
28 **AND TAXATION COMMITTEE AND EDUCATION, HEALTH, AND ENVIRONMENTAL**  
29 **AFFAIRS COMMITTEE OF THE GENERAL ASSEMBLY.**

1 **15-106.6.**

2 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE  
3 MEANINGS INDICATED.

4 (2) "ACADEMIC YEAR" MEANS THE PERIOD COMMENCING WITH  
5 THE FALL SEMESTER AND CONTINUING THROUGH THE IMMEDIATELY  
6 FOLLOWING SUMMER SESSION AT A PUBLIC SENIOR HIGHER EDUCATION  
7 INSTITUTION.

8 (3) "GOVERNING BOARD" HAS THE MEANING STATED IN §  
9 10-101(D)(1) AND (2) OF THIS ARTICLE.

10 (4) (I) "TUITION" MEANS THE CHARGES AND FEES APPROVED  
11 BY THE GOVERNING BOARD OF A PUBLIC SENIOR HIGHER EDUCATION  
12 INSTITUTION WHICH ARE REQUIRED OF ALL UNDERGRADUATE RESIDENT  
13 STUDENTS BY THE INSTITUTION AS A CONDITION OF ENROLLMENT REGARDLESS  
14 OF THE STUDENT'S DEGREE PROGRAM, FIELD OF STUDY, OR SELECTED  
15 COURSES.

16 (II) "TUITION" DOES NOT INCLUDE:

17 1. FEES DEDICATED TO SUPPORT AUXILIARY  
18 ENTERPRISES AND OTHER SELF-FUNDED ACTIVITIES OF A PUBLIC SENIOR  
19 HIGHER EDUCATION INSTITUTION; OR

20 2. A FEE REQUIRED ONLY FOR ENROLLMENT IN A  
21 SPECIFIC DEGREE PROGRAM, FIELD OF STUDY, OR COURSE WHEN THAT FEE IS  
22 NOT REQUIRED OF UNDERGRADUATE RESIDENT STUDENTS AT THE PUBLIC  
23 SENIOR HIGHER EDUCATION INSTITUTION FOR ENROLLMENT IN OTHER DEGREE  
24 PROGRAMS, FIELDS OF STUDY, OR COURSES.

25 (B) (1) FOR THE ACADEMIC YEAR BEGINNING IN THE FALL OF 2008, A  
26 GOVERNING BOARD MAY NOT APPROVE, AND A CONSTITUENT INSTITUTION OF  
27 THE UNIVERSITY SYSTEM OF MARYLAND AND MORGAN STATE UNIVERSITY  
28 MAY NOT IMPOSE, AN INCREASE IN THE TUITION CHARGED FOR AN ACADEMIC  
29 YEAR TO A RESIDENT UNDERGRADUATE STUDENT AT THE INSTITUTION THAT  
30 EXCEEDS 4% OF THE AMOUNT CHARGED FOR TUITION AT THE INSTITUTION THE  
31 PRECEDING ACADEMIC YEAR.

1           **(2) THE TUITION LIMITATION IN PARAGRAPH (1) OF THIS**  
2 **SUBSECTION ONLY APPLIES IF THE CONSTITUENT INSTITUTIONS OF THE**  
3 **UNIVERSITY SYSTEM OF MARYLAND AND MORGAN STATE UNIVERSITY HAVE**  
4 **RECEIVED A GENERAL FUND APPROPRIATION MEETING THE REQUIREMENTS**  
5 **OF § 11-108 OF THIS TITLE.**

6           SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the  
7 General Assembly to move the sum of the State General Fund appropriation and  
8 tuition for institutions in the University System of Maryland, on a per student basis,  
9 to at least the average of their peer institutions as determined by the Maryland  
10 Higher Education Commission, in order to be consistent with Chapter 246 of the Acts  
11 of 1988, which formed the University System of Maryland, and with Chapter 515 of  
12 the Acts of 1999, also known as the Larson Commission Act.

13           SECTION 3. AND BE IT FURTHER ENACTED, That it is the intent of the  
14 General Assembly to continue to support Maryland's historically black institutions in  
15 accordance with the agreement reached between the State of Maryland and the United  
16 States Department of Education, Office of Civil Rights in December 2000.

17           SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect  
18 July 1, 2007.