

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 695
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Dyson” and substitute “Dyson, and Ferguson”; in line 5, strike “prohibiting” and substitute “clarifying that”; in the same line, after “person” insert “is prohibited”; in line 8, strike “a certain guaranty fund” and substitute “certain guaranty funds”; in line 9, after “purposes;” insert “providing that certain guaranty funds are continuing, nonlapsing funds not subject to certain provisions of law; prohibiting unspent portions of the funds from being transferred or reverted to the General Fund; prohibiting certain State money from being used to support the funds;”; in line 10, strike the first “the” and substitute “a certain”; strike beginning with “authorizing” in line 11 down through “circumstances” in line 13 and substitute “requiring certain institutions of higher education to notify certain students that certain programs have not been recommended for implementation by the Commission under certain circumstances”; in line 16, after “activity;” insert “authorizing the Commission to require certain reports and data from certain institutions of higher education; prohibiting the Commission from requiring reports on certain matters that concern certain information, data, or documents; authorizing the board of trustees of a community college to submit a request for proposals for the offering of a certain degree program to certain institutions of higher education under certain circumstances; requiring a certain institution of higher education to seek the approval of the Commission before offering a certain degree program; specifying the institutions of higher education at which certain students may use certain financial assistance; requiring certain institutions of higher education to transfer certain information to the Maryland Longitudinal Data System in accordance with certain plans; altering the membership of the Governor’s P-20 Leadership Council of Maryland; requiring the Commission to consider incorporating certain institutions of higher education into a certain goal;”; in line 17, after “changes;” insert “providing for”

(Over)

the effective date of this Act; providing for the termination of certain provisions of this Act;; in line 26, strike “11-203(d)” and substitute “11-203(b) and (d)”; in line 27, strike “11-205,”; in line 28, strike “11-402,”; and in the same line, strike “16-108(a)” and substitute “16-108(a) and (c)”.

On page 2, in line 2, strike “and”; in the same line, after “24-707(b)” insert “, and 24-801(c)(11)”; in line 7, after “11-402.1” insert “, 11-407, and 24-707(c)”; and after line 9, insert:

“BY repealing and reenacting, with amendments,

Article – Education

Section 11-203(d)(3)(ii) and 18-103

Annotated Code of Maryland

(2008 Replacement Volume and 2010 Supplement)

(As enacted by Section 1 of this Act)”.

AMENDMENT NO. 2

On page 6, after line 18, insert:

“(b) [Any] SUBJECT TO SUBSECTION (D)(3)(II)2 OF THIS SECTION, ANY bond or guarantee required under this section shall be in the form and amount the Secretary requires.”;

in line 20, after “of” insert “TWO SEPARATE”; in line 24, after “The” insert “PRIVATE CAREER SCHOOL”; in the same line, strike the brackets; in the same line, strike “FUNDS”; strike beginning with “FOR” in line 25 down through “OR” in line 26; and after line 31, insert:

“(II) THE FOR-PROFIT INSTITUTION OF HIGHER EDUCATION FUND SHALL BE USED TO REIMBURSE ANY STUDENT AT A FOR-PROFIT INSTITUTION OF HIGHER EDUCATION WHO IS ENTITLED TO A REFUND OF

TUITION AND FEES BECAUSE THE INSTITUTION HAS FAILED TO PERFORM FAITHFULLY ANY AGREEMENT OR CONTRACT WITH THE STUDENT OR FAILED TO COMPLY WITH ANY PROVISION OF THIS ARTICLE.

(III) 1. THE FUNDS SHALL BE CONTINUING, NONLAPSING FUNDS, NOT SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

2. ANY UNSPENT PORTIONS OF THE FUNDS MAY NOT BE TRANSFERRED OR REVERT TO THE GENERAL FUND OF THE STATE, BUT SHALL REMAIN IN THE FUNDS TO BE USED FOR THE PURPOSES SPECIFIED IN THIS SUBSECTION.

3. NO OTHER STATE MONEY MAY BE USED TO SUPPORT THE FUNDS.”.

On page 7, in line 1, strike “(ii)” and substitute “(IV)”; in line 6, after “the” insert “APPROPRIATE”; in line 15, after “the” insert “APPROPRIATE”; in the same line, strike the brackets; in the same line, strike “FUNDS”; and in line 17, after “school” insert “, RESPECTIVELY,”.

AMENDMENT NO. 3

On pages 8 and 9, strike in their entirety the lines beginning with line 7 on page 8 through line 9 on page 9, inclusive.

AMENDMENT NO. 4

On page 9, in line 26, strike “With” and substitute “EXCEPT AS PROVIDED IN § 16-108(C) OF THIS ARTICLE, WITH”; in the same line, after “NONPROFIT” insert “OR FOR-PROFIT”; and strike beginning with “FOR” in line 29 down through “OR” in line 30.

On page 10, strike beginning with the comma in line 2 down through the comma in line 3; strike in their entirety lines 5 through 8, inclusive; after line 8, insert:

“(5) (I) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, AND SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, A PROGRAM THAT HAS NOT RECEIVED A POSITIVE RECOMMENDATION BY THE COMMISSION MAY BE IMPLEMENTED BY:

1. SUBJECT TO THE PROVISIONS OF § 17-105 OF THIS ARTICLE, A PRIVATE NONPROFIT INSTITUTION OF HIGHER EDUCATION; OR

2. A FOR-PROFIT INSTITUTION OF HIGHER EDUCATION.

(II) IF A PRIVATE NONPROFIT OR FOR-PROFIT INSTITUTION OF HIGHER EDUCATION IMPLEMENTS A PROPOSAL DESPITE THE RECOMMENDATION FROM THE COMMISSION THAT A PROGRAM NOT BE IMPLEMENTED, THE INSTITUTION SHALL NOTIFY BOTH PROSPECTIVE STUDENTS OF THE PROGRAM AND ENROLLED STUDENTS IN THE PROGRAM THAT THE PROGRAM HAS NOT BEEN RECOMMENDED FOR IMPLEMENTATION BY THE COMMISSION.”;

in line 16, after “NONPROFIT” insert “**AND FOR-PROFIT**”; strike beginning with “that” in line 16 down through “funds” in line 17; and strike beginning with “means” in line 24 down through “article” in line 25 and substitute “**HAS THE MEANING STATED IN § 10-101(K) OF THIS ARTICLE**”.

AMENDMENT NO. 5

On page 12, strike in their entirety lines 1 through 32, inclusive.

AMENDMENT NO. 6

On page 13, after line 5, insert:

“11-407.

(A) THE COMMISSION MAY REQUIRE REASONABLE ANNUAL REPORTS AND DATA FROM A FOR-PROFIT INSTITUTION OF HIGHER EDUCATION AS THE COMMISSION GENERALLY REQUIRES OF OTHER INSTITUTIONS OF HIGHER EDUCATION.

(B) THE COMMISSION MAY NOT REQUIRE A FOR-PROFIT INSTITUTION OF HIGHER EDUCATION TO REPORT TO THE COMMISSION ON MATTERS THAT CONCERN INFORMATION, DATA, OR DOCUMENTS, HOWEVER STYLED, THAT ARE PROPRIETARY TO THE INSTITUTION OR THAT CONSTITUTE A TRADE SECRET.”;

in line 8, strike “Council of Maryland’s K-16 Partnership” and substitute “GOVERNOR’S P-20 LEADERSHIP COUNCIL OF MARYLAND”; and after line 25, insert:

“(c) (1) The board of trustees may submit the request for proposals to out-of-state senior higher education institutions AND FOR-PROFIT INSTITUTIONS OF HIGHER EDUCATION if none of the senior higher education institutions in the State submit an acceptable response to the request for proposals submitted under subsection (a) of this section.

(2) [Before] NOTWITHSTANDING § 11-206(B)(2)(II) OF THIS ARTICLE, BEFORE offering a degree program that is the subject of the request for proposals, an out-of-state senior higher education institution OR FOR-PROFIT

(Over)

INSTITUTION OF HIGHER EDUCATION shall seek the approval of the Commission under Title 11, Subtitle 2 of this article.

AMENDMENT NO. 7

On page 14, in line 15, strike “A” and substitute “**EXCEPT AS OTHERWISE PROVIDED IN SUBTITLES 4, 5, AND 12 OF THIS TITLE, A**”; in line 16, after “used” insert “**ONLY**”; and in the same line, strike “any” and substitute “**A**”.

AMENDMENT NO. 8

On page 16, strike beginning with the bracket in line 10 down through “private” in line 11, and substitute “**PRIVATE**”; after line 13, insert:

“(C) FOR-PROFIT AND PRIVATE NONPROFIT INSTITUTIONS OF HIGHER EDUCATION SHALL TRANSFER STUDENT-LEVEL ENROLLMENT DATA, DEGREE DATA, AND FINANCIAL AID DATA FOR ALL MARYLAND RESIDENTS TO THE MARYLAND LONGITUDINAL DATA SYSTEM IN ACCORDANCE WITH THE DATA SECURITY AND SAFEGUARDING PLAN DEVELOPED UNDER § 24-704(G)(6) OF THIS SUBTITLE.

24-801.

(c) The Council shall consist of the following members:

(11) The following members appointed by the Governor:

(i) A member of the State Board of Education;

(ii) A representative of local superintendents of education;

(iii) A representative of local boards of education;

(iv) Two members of employee organizations that represent elementary and secondary school personnel in the State;

(v) A representative of elementary and secondary school principals;

(vi) Two representatives of nonpublic elementary and secondary schools;

(vii) An expert in early childhood education;

(viii) An expert in career and technology education;

(ix) Two representatives of community colleges;

(x) Two representatives of independent colleges or universities;

(xi) A representative of public institutions of higher education outside the University System of Maryland;

(xii) A representative of college or university deans who has responsibility for a science, technology, engineering, and math (STEM) discipline;

(xiii) Four representatives of the University System of Maryland;

(XIV) A REPRESENTATIVE OF A FOR-PROFIT INSTITUTION OF HIGHER EDUCATION;

~~[(xiv)]~~ **(XV) Three representatives of the business community; and**

~~[(xv)]~~ **(XVI) Six additional members with experience and knowledge that will benefit the work of the Council.**

(Over)

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article - Education

11-203.

(d) (3) (ii) 1. [The] SUBJECT TO SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH, THE Commission shall determine the amount of the fee based on the probable amount of money needed for the funds for each fiscal year. If the moneys in the guaranty funds are insufficient to satisfy duly authorized claims, the participating institutions may be reassessed and shall pay the additional amounts required.

2. THE AMOUNT OF THE ANNUAL FEE CHARGED TO A FOR-PROFIT INSTITUTION OF HIGHER EDUCATION MAY NOT EXCEED 0.0025 OF ALL GROSS TUITION, OR \$30,000, WHICHEVER IS LESS.

SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article - Education

18-103.

(A) IN THIS TITLE, “IN-STATE INSTITUTION OF HIGHER EDUCATION” MEANS A DEGREE-GRANTING INSTITUTION WHOSE PRIMARY CAMPUS IS LOCATED IN MARYLAND AND WHOSE AUTHORITY TO GRANT DEGREES IS CONFERRED BY MARYLAND.

(B) [Except as otherwise provided in Subtitles 4, 5, and 12 of this title, a] A scholarship, grant, loan, or other student financial assistance awarded by the Office may be used only at [a public or private nonprofit] AN IN-STATE institution of higher education [in this State] that possesses a certificate of approval from the Commission.

SECTION 4. AND BE IT FURTHER ENACTED, That, in order to assist the State in reaching the goal that 55% of adults in Maryland will have an associate's or bachelor's degree by 2025, the Maryland Higher Education Commission should consider incorporating for-profit and out-of-state institutions awarding degrees in Maryland into the goal.

SECTION 5. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect on July 1, 2011. It shall remain effective for a period of 2 years and, at the end of June 30, 2013, with no further action required by the General Assembly, Section 2 of this Act shall be abrogated and of no further force and effect.

SECTION 6. AND BE IT FURTHER ENACTED, That Section 3 of this Act shall take effect on July 1, 2011. It shall remain effective for a period of 5 years and, at the end of June 30, 2016, with no further action required by the General Assembly, Section 3 of this Act shall be abrogated and of no further force and effect.”;

in line 14, after “That” insert “, except as provided in Sections 5 and 6 of this Act,”; and in line 15, strike “October” and substitute “June”.