

HOUSE BILL 469

F2, I4

0lr0754
CF 0lr0755

By: **Delegates Hettleman, Acevero, Bridges, Crosby, Forbes, J. Lewis, Lopez, McIntosh, Metzgar, Solomon, Valentino-Smith, Wells, and P. Young**

Introduced and read first time: January 24, 2020

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Institutions of Postsecondary Education – Disorderly School Closures**

3 FOR the purpose of authorizing the Secretary of Higher Education to require certain
4 institutions of postsecondary education to refund all tuition and fees to certain
5 students under certain circumstances; authorizing the Secretary to file an injunction
6 under certain circumstances; establishing that an institution that closes programs
7 in a certain manner is in violation of a certain agreement; requiring certain students
8 to be reimbursed for certain tuition and fees under certain circumstances; requiring
9 certain institutions to provide the Commission with a certain school closure plan;
10 requiring a certain agreement to contain certain provisions; establishing that certain
11 actions be considered as unfair, abusive, or deceptive trade practices; requiring
12 certain institutions to file certain records with the Commission before discontinuing
13 academic or administrative operation; prohibiting a certain obligation from being
14 discharged in bankruptcy; requiring that certain records filed with the Commission
15 present certain financial information; requiring certain records to be accompanied
16 by an affidavit on behalf of certain individuals; authorizing the Commission to issue
17 a replacement transcript to a certain student under certain circumstances; requiring
18 a certain replacement transcript to be signed by a certain individual and contain
19 certain information; requiring that a certain institution accept a certain replacement
20 transcript as an official transcript; authorizing a certain institution or a certain
21 program to accept a certain transcript; requiring the Commission to adopt certain
22 regulations; specifying the contents of the Education Trust Fund; defining certain
23 terms; making the provisions of this Act severable; and generally relating to
24 disorderly closures of institutions of postsecondary education.

25 BY renumbering

26 Article – Education

27 Section 11–203(e)

28 to be Section 11–203(f)

29 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2018 Replacement Volume and 2019 Supplement)

2 BY repealing and reenacting, with amendments,
3 Article – Commercial Law
4 Section 13–301(14)(xxxii)
5 Annotated Code of Maryland
6 (2013 Replacement Volume and 2019 Supplement)

7 BY repealing and reenacting, without amendments,
8 Article – Commercial Law
9 Section 13–301(14)(xxxiii)
10 Annotated Code of Maryland
11 (2013 Replacement Volume and 2019 Supplement)

12 BY adding to
13 Article – Commercial Law
14 Section 13–301(14)(xxxiv)
15 Annotated Code of Maryland
16 (2013 Replacement Volume and 2019 Supplement)

17 BY repealing and reenacting, with amendments,
18 Article – Education
19 Section 11–107 and 11–401
20 Annotated Code of Maryland
21 (2018 Replacement Volume and 2019 Supplement)

22 BY adding to
23 Article – Education
24 Section 11–203(e) and 11–210
25 Annotated Code of Maryland
26 (2018 Replacement Volume and 2019 Supplement)

27 BY repealing and reenacting, with amendments,
28 Article – State Government
29 Section 9–1A–30
30 Annotated Code of Maryland
31 (2014 Replacement Volume and 2019 Supplement)

32 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
33 That Section(s) 11–203(e) of Article – Education of the Annotated Code of Maryland be
34 renumbered to be Section(s) 11–203(f).

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

37 **Article – Commercial Law**

1 13–301.

2 Unfair, abusive, or deceptive trade practices include any:

3 (14) Violation of a provision of:

4 (xxxii) The federal Military Lending Act; [or]

5 (xxxiii) The federal Servicemembers Civil Relief Act; or

6 **(XXXIV) § 11–210 OF THE EDUCATION ARTICLE; OR**

7 **Article – Education**

8 11–107.

9 (a) The Commission may authorize the Secretary, acting through the Attorney
10 General, to seek an injunction or other judicial remedy for any violation of this title or of
11 the rules and regulations adopted under this title.

12 (b) (1) If an institution of postsecondary education is required to have a
13 certificate of approval from the Commission and is operating without a certificate of
14 approval, the Secretary may:

15 (i) Issue an order to cease and desist;

16 (ii) Issue a notice of violation and impose a penalty of up to \$5,000;

17 and

18 (iii) Acting through the Attorney General, seek an injunction or other
19 judicial remedy.

20 (2) In imposing a penalty under this subsection, the Secretary shall
21 consider:

22 (i) The seriousness of the violation;

23 (ii) The harm caused by the violation;

24 (iii) The good faith of the institution and any corrective actions taken;

25 (iv) Any history of previous violations; and

26 (v) Other pertinent circumstances.

27 (c) For any institution of postsecondary education required to have Commission
28 approval before offering a program, if the institution offers an unapproved program, the

1 Secretary may require the institution to refund all tuition and fees paid by students who
2 enrolled in the program, and may revoke the certificate of approval of any institution that
3 fails to make a required refund within the time specified by the Secretary.

4 **(D) IF AN INSTITUTION OF POSTSECONDARY EDUCATION DOES NOT FILE**
5 **ALL ESSENTIAL RECORDS OF THE ACADEMIC ACHIEVEMENT OF A FORMER STUDENT**
6 **WITH THE COMMISSION IN ACCORDANCE WITH § 11-401 OF THIS TITLE, THE**
7 **SECRETARY MAY:**

8 **(1) REQUIRE THE INSTITUTION TO REFUND ALL TUITION AND FEES**
9 **PAID BY THE FORMER STUDENT WHOSE RECORDS WERE NOT FILED IN ACCORDANCE**
10 **WITH § 11-401 OF THIS TITLE; OR**

11 **(2) SEEK AN INJUNCTION IN ACCORDANCE WITH SUBSECTION (A) OF**
12 **THIS SECTION.**

13 **[(d)] (E)** The remedies provided in this section are in addition to any other
14 remedies provided by law.

15 11-203.

16 **(E) (1) AN INSTITUTION THAT CLOSSES ONE OR MORE PROGRAMS IN A**
17 **MANNER THAT IS A DISORDERLY CLOSURE AS DEFINED IN § 11-210 OF THIS**
18 **SUBTITLE IS IN VIOLATION OF THE ENROLLMENT AGREEMENT OR OTHER CONTRACT**
19 **WITH A STUDENT ENROLLED AT THE TIME OF THE CLOSURE.**

20 **(2) (I) A MARYLAND STUDENT ENROLLED IN AN INSTITUTION**
21 **WITHIN 120 DAYS BEFORE THE DATE OF THE DISORDERLY CLOSURE SHALL BE**
22 **ENTITLED TO REIMBURSEMENT FROM THE PERFORMANCE BOND OR IRREVOCABLE**
23 **LETTER OF CREDIT OF ALL NON-TITLE IV TUITION AND FEES PAID TO THE**
24 **INSTITUTION.**

25 **(II) REIMBURSEMENT MADE UNDER SUBPARAGRAPH (I) OF**
26 **THIS PARAGRAPH SHALL BE ISSUED TO ALL MARYLAND STUDENTS, INCLUDING**
27 **THOSE WHO TRANSFER TO ANOTHER INSTITUTION.**

28 **(3) THE COMMISSION SHALL ADOPT REGULATIONS TO CARRY OUT**
29 **THE PROVISIONS OF THIS SUBSECTION.**

30 11-210.

31 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
32 **INDICATED.**

1 **(2) “CLOSING INSTITUTION” MEANS A PRIVATE CAREER SCHOOL OR**
2 **AN INSTITUTION OF POSTSECONDARY EDUCATION THAT CLOSSES AT LEAST ONE**
3 **PROGRAM IN A MANNER THAT IS A DISORDERLY CLOSURE.**

4 **(3) “DISORDERLY CLOSURE” MEANS THE CESSATION OF**
5 **EDUCATIONAL INSTRUCTION, AS DETERMINED BY THE COMMISSION, OF A PROGRAM**
6 **IN WHICH:**

7 **(I) A MARYLAND STUDENT IS UNABLE TO COMPLETE THE**
8 **PROGRAM PRIOR TO THE CESSATION OF EDUCATIONAL INSTRUCTION; AND**

9 **(II) THE INSTITUTION DID NOT ENTER INTO AT LEAST ONE**
10 **SCHOOL-TO-SCHOOL TEACH-OUT AGREEMENT.**

11 **(4) “ELIGIBLE TRANSFER INSTITUTION” MEANS A PRIVATE CAREER**
12 **SCHOOL OR AN INSTITUTION OF POSTSECONDARY EDUCATION THAT:**

13 **(I) 1. HAS A CERTIFICATE OF APPROVAL FROM THE**
14 **COMMISSION IN ACCORDANCE WITH § 11-202 OF THIS SUBTITLE;**

15 **2. IS REGISTERED WITH THE COMMISSION IN**
16 **ACCORDANCE WITH § 11-202.2 OF THIS SUBTITLE; OR**

17 **3. IS EXEMPT FROM REGISTERING WITH THE**
18 **COMMISSION IN ACCORDANCE WITH § 11-202.2 OF THIS SUBTITLE;**

19 **(II) IS IN GOOD STANDING WITH ITS ACCREDITOR AND, IF**
20 **APPLICABLE, ITS LICENSING BODY;**

21 **(III) IF APPLICABLE, HAS COHORT LOAN DEFAULT RATES, AS**
22 **MOST RECENTLY REPORTED BY THE U.S. DEPARTMENT OF EDUCATION, THAT ARE**
23 **LESS THAN OR EQUAL TO THE COHORT LOAN DEFAULT RATES OF THE CLOSING**
24 **INSTITUTION;**

25 **(IV) IS NOT CURRENTLY UNDER FINANCIAL AID RESTRICTIONS**
26 **BY THE U.S. DEPARTMENT OF EDUCATION; AND**

27 **(V) WITHIN THE PREVIOUS 5 YEARS:**

28 **1. HAS NOT ENTERED INTO ANY SETTLEMENT**
29 **AGREEMENTS RELATED TO A CONSUMER PROTECTION LAW WITH A LAW**
30 **ENFORCEMENT AGENCY; AND**

1 2. HAS NOT HAD ANY JUDGMENTS RELATED TO A
2 CONSUMER PROTECTION LAW ENTERED AGAINST IT IN FAVOR OF A LAW
3 ENFORCEMENT AGENCY.

4 (5) “FULLY ONLINE DISTANCE EDUCATION PROGRAM IN THE STATE”
5 HAS THE MEANING STATED IN § 11-202.2 OF THIS SUBTITLE.

6 (6) “INSTITUTIONAL DEBT” MEANS:

7 (I) THE AMOUNT OUTSTANDING ON ANY CREDIT, INCLUDING
8 UNPAID CHARGES, EXTENDED BY OR ON BEHALF OF THE INSTITUTION THAT A
9 STUDENT IS OBLIGATED TO REPAY, WHETHER THE AMOUNT HAS BEEN REDUCED TO
10 JUDGMENT OR THE INSTITUTION CLASSIFIES IT AS A LOAN; OR

11 (II) A NONFEDERAL LOAN OR DEBT AGREEMENT THAT IS
12 ISSUED EXPRESSLY FOR POSTSECONDARY EDUCATION EXPENSES AND THAT IS
13 GUARANTEED BY:

14 1. A PRIVATE CAREER SCHOOL;

15 2. AN INSTITUTION OF POSTSECONDARY EDUCATION;

16 OR

17 3. A PRIVATE EDUCATIONAL LENDER THAT IS
18 AFFILIATED WITH A PRIVATE CAREER SCHOOL OR AN INSTITUTION OF
19 POSTSECONDARY EDUCATION.

20 (7) “INSTITUTIONAL FINANCIAL AID AGREEMENT” MEANS ANY
21 CONTRACT, PROMISSORY NOTE, PART OF AN ENROLLMENT AGREEMENT, OR OTHER
22 AGREEMENT IN WHICH A STUDENT AGREES TO PAY AN INSTITUTIONAL DEBT.

23 (B) THIS SECTION APPLIES TO A PRIVATE CAREER SCHOOL OR AN
24 INSTITUTION OF POSTSECONDARY EDUCATION, AS DEFINED IN § 10-101 OF THIS
25 ARTICLE, THAT:

26 (1) OPERATES IN THE STATE; OR

27 (2) ENROLLS AT LEAST 25 STUDENTS IN A FULLY ONLINE DISTANCE
28 EDUCATION PROGRAM IN THE STATE AND THAT HAS TOTAL TUITION REVENUE FROM
29 MARYLAND STUDENTS GREATER THAN \$100,000 IN THE IMMEDIATELY PRECEDING
30 ACADEMIC YEAR.

31 (C) (1) (I) IN ADDITION TO ANY OTHER REQUIREMENT OF THIS TITLE,

1 AN INSTITUTION IDENTIFIED IN SUBSECTION (B) OF THIS SECTION SHALL PROVIDE
2 TO THE COMMISSION A CLOSE-OUT PLAN.

3 (II) A CLOSE-OUT PLAN PROVIDED UNDER THIS PARAGRAPH
4 SHALL BE UPDATED AS REQUIRED BY THE COMMISSION.

5 (2) A CLOSE-OUT PLAN UNDER THIS SUBSECTION SHALL INCLUDE
6 ANY INFORMATION REQUIRED BY THE COMMISSION AND SHALL STATE THAT:

7 (I) THE INSTITUTION WILL MAKE ALL REASONABLE EFFORTS
8 TO ENSURE THAT ANY CLOSURE OF A PROGRAM THAT ENROLLS MARYLAND
9 STUDENTS IS NOT A DISORDERLY CLOSURE;

10 (II) UNLESS EXEMPTED BY THE COMMISSION, THE CHIEF
11 EXECUTIVE OFFICER AND THE MEMBERS OF THE GOVERNING BODY OF THE
12 INSTITUTION WERE NEVER IN AN EXECUTIVE POSITION OR A MEMBER OF A
13 GOVERNING BODY OF AN INSTITUTION IN WHICH A DISORDERLY CLOSURE
14 OCCURRED;

15 (III) IF THE INSTITUTION IS A FOR-PROFIT INSTITUTION OF
16 HIGHER EDUCATION AS DEFINED IN § 10-101 OF THIS ARTICLE, THE CHIEF
17 EXECUTIVE OFFICER AND THE MEMBERS OF THE GOVERNING BODY AGREE TO BE
18 JOINTLY AND SEVERALLY PERSONALLY LIABLE FOR AN AMOUNT DETERMINED BY
19 THE COMMISSION, PAYABLE TO THE EDUCATION TRUST FUND ESTABLISHED
20 UNDER § 9-1A-30 OF THE STATE GOVERNMENT ARTICLE, NOT TO EXCEED \$1,000
21 FOR EACH MARYLAND STUDENT WHO WAS ENROLLED AT THE TIME OF THE
22 DISORDERLY CLOSURE; AND

23 (IV) ANY INSTITUTIONAL FINANCIAL AID AGREEMENT OFFERED
24 TO A MARYLAND STUDENT SHALL CONTAIN LANGUAGE STATING THAT, IN THE
25 EVENT OF A DISORDERLY CLOSURE, THE INSTITUTIONAL DEBT IS VOID AND MAY NOT
26 BE RECOVERED, COLLECTED, OR ENFORCED.

27 (3) A SCHOOL-TO-SCHOOL TEACH-OUT AGREEMENT SHALL:

28 (I) BE ARRANGED BY THE CLOSING INSTITUTION;

29 (II) BE BETWEEN AN ELIGIBLE TRANSFER INSTITUTION, THE
30 CLOSING INSTITUTION, AND THE COMMISSION; AND

31 (III) UNLESS WAIVED FOR GOOD CAUSE BY THE COMMISSION,
32 SPECIFY THAT THE ELIGIBLE TRANSFER INSTITUTION:

1 1. **IF THE CLOSING INSTITUTION HAS A PHYSICAL**
2 **PRESENCE IN THE STATE, IS LOCATED WITHIN A REASONABLE DISTANCE OF THE**
3 **CLOSING INSTITUTION;**

4 2. **SHALL ACCEPT THE TRANSFER OF ALL COMPLETED**
5 **CREDITS FROM STUDENTS AFFECTED BY THE DISORDERLY CLOSURE;**

6 3. **SHALL ALLOW A MARYLAND STUDENT AFFECTED BY**
7 **THE DISORDERLY CLOSURE TO COMPLETE THE STUDENT'S PROGRAM WITH**
8 **SUBSTANTIALLY THE SAME NUMBER OF CREDIT HOURS AS WAS REQUIRED BY THE**
9 **INSTITUTION OPERATING THE CLOSING PROGRAM; AND**

10 4. **MAY NOT CHARGE A MARYLAND STUDENT TUITION**
11 **OR FEES IN EXCESS OF THE LESSER OF:**

12 A. **THE REMAINING AMOUNT THAT A MARYLAND**
13 **STUDENT AFFECTED BY THE DISORDERLY CLOSURE WOULD HAVE PAID TO THE**
14 **CLOSING INSTITUTION TO COMPLETE THE PROGRAM; OR**

15 B. **THE TRANSFER INSTITUTION'S APPLICABLE TUITION**
16 **AND FEES; AND**

17 (IV) **SPECIFY THAT, ON REQUEST BY A MARYLAND STUDENT**
18 **AFFECTED BY THE DISORDERLY CLOSURE, THE CLOSING INSTITUTION SHALL**
19 **PROVIDE A COMPLETE ACADEMIC RECORD AND AN OFFICIAL TRANSCRIPT TO THE**
20 **MARYLAND STUDENT AT NO COST TO THE MARYLAND STUDENT OR THE STATE.**

21 (D) **IT SHALL BE AN UNFAIR, ABUSIVE, OR DECEPTIVE TRADE PRACTICE AS**
22 **DEFINED IN § 13-301 OF THE COMMERCIAL LAW ARTICLE FOR ANY INSTITUTION,**
23 **PERSON, OR ENTITY TO COLLECT ON A MARYLAND STUDENT'S INSTITUTIONAL DEBT**
24 **IF:**

25 (1) **THE INSTITUTIONAL FINANCIAL AID AGREEMENT DOES NOT**
26 **CONTAIN THE LANGUAGE REQUIRED UNDER SUBSECTION (C)(2)(IV) OF THIS**
27 **SECTION; OR**

28 (2) **AN INSTITUTION COLLECTS ON AN INSTITUTIONAL DEBT OF A**
29 **MARYLAND STUDENT WHO ATTENDED A PROGRAM IN WHICH A DISORDERLY**
30 **CLOSURE OCCURRED.**

31 (E) **THE COMMISSION SHALL ADOPT REGULATIONS TO CARRY OUT THE**
32 **PROVISIONS OF THIS SECTION.**

1 11-401.

2 (a) (1) Before any institution of postsecondary education operating in this
3 State discontinues **ACADEMIC OR ADMINISTRATIVE** operation, [its chief administrative
4 officer] **THE INSTITUTION** shall file with the Commission the original or legible copies of
5 all essential records of the academic achievements of all former students of the institution.

6 (2) **THE OBLIGATION OF AN INSTITUTION UNDER PARAGRAPH (1) OF**
7 **THIS SUBSECTION MAY NOT BE DISCHARGED IN BANKRUPTCY.**

8 (b) (1) The records shall present, as separate documents:

9 [(1)] (I) The **OFFICIAL** academic [record] **TRANSCRIPT** of each former
10 student; [and

11 (2)] (II) Any other academic information usually required by institutions
12 of postsecondary education when considering students for transfer or advanced study; **AND**

13 (III) **IF REQUESTED BY THE COMMISSION, THE FINANCIAL AID**
14 **AND FINANCIAL ACCOUNT INFORMATION OF EACH FORMER STUDENT.**

15 (2) **THE RECORDS SHALL BE ACCOMPANIED BY AN AFFIDAVIT AS TO**
16 **THE ACCURACY AND COMPLETENESS OF THE RECORDS ON BEHALF OF THE**
17 **INSTITUTION'S:**

18 (I) **BOARD OF TRUSTEES;**

19 (II) **BURSAR;**

20 (III) **CHIEF ADMINISTRATIVE OFFICER;**

21 (IV) **CHIEF EXECUTIVE OFFICER;**

22 (V) **CHIEF FINANCIAL OFFICER; OR**

23 (VI) **REGISTRAR.**

24 (c) The Commission shall maintain a permanent file of all records filed with it
25 under this section.

26 (D) (1) **IF A STUDENT WHO ATTENDED AN INSTITUTION THAT CLOSED IN**
27 **ACCORDANCE WITH THIS TITLE REQUESTS A COPY OF THE STUDENT'S OFFICIAL**
28 **ACADEMIC TRANSCRIPT FROM THE COMMISSION AND THE COMMISSION**
29 **DETERMINES THAT THE REQUESTED TRANSCRIPT IS MISSING, INCOMPLETE, OR IN**

1 A FORMAT INACCESSIBLE TO THE STUDENT, THE COMMISSION MAY ISSUE A
2 REPLACEMENT TRANSCRIPT FOR THE STUDENT BASED SOLELY ON THE MOST
3 RECENT INFORMATION PROVIDED BY THE INSTITUTION THAT THE STUDENT
4 ATTENDED.

5 (2) A REPLACEMENT TRANSCRIPT ISSUED IN ACCORDANCE WITH
6 PARAGRAPH (1) OF THIS SUBSECTION SHALL:

7 (I) BE SIGNED BY A DESIGNEE OF THE SECRETARY OF HIGHER
8 EDUCATION;

9 (II) CONTAIN AN EXPLANATION OF THE CLOSURE OF THE
10 INSTITUTION; AND

11 (III) CONTAIN AN EXPLANATION OF THE SOURCE OF ALL
12 INFORMATION CONTAINED IN THE REPLACEMENT TRANSCRIPT.

13 (E) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A
14 REPLACEMENT TRANSCRIPT ISSUED IN ACCORDANCE WITH THIS SECTION SHALL BE
15 ACCEPTED AS AN OFFICIAL TRANSCRIPT BY:

16 (I) ANY INSTITUTION OF POSTSECONDARY EDUCATION
17 OPERATING IN THE STATE; AND

18 (II) ANY INSTITUTION REGISTERED TO PROVIDE A FULLY
19 ONLINE DISTANCE EDUCATION PROGRAM IN THE STATE.

20 (2) FOR PURPOSES OF STUDENT TRANSFER, AN INSTITUTION OF
21 POSTSECONDARY EDUCATION OR A FULLY ONLINE DISTANCE EDUCATION PROGRAM
22 IN THE STATE MAY CONSIDER, INSTEAD OF OR IN ADDITION TO A REPLACEMENT
23 TRANSCRIPT, AN UNOFFICIAL TRANSCRIPT OR OTHER TRANSCRIPT INFORMATION
24 PROVIDED BY THE STUDENT THAT THE RECEIVING INSTITUTION OR PROGRAM
25 DEEMS RELEVANT.

26 (F) (1) THE COMMISSION SHALL ADOPT REGULATIONS NECESSARY TO
27 CARRY OUT THE PROVISIONS OF THIS SECTION.

28 (2) THE REGULATIONS ADOPTED IN ACCORDANCE WITH THIS
29 SUBSECTION SHALL INCLUDE:

30 (I) A SPECIFICATION OF THE MANNER AND FORMAT IN WHICH
31 STUDENT RECORDS ARE TO BE FILED WITH THE COMMISSION; AND

1 **(II) A DESCRIPTION OF THE CIRCUMSTANCES UNDER WHICH AN**
2 **INSTITUTION OF POSTSECONDARY EDUCATION OR A FULLY ONLINE DISTANCE**
3 **EDUCATION PROGRAM IN THE STATE MAY DISCONTINUE ACADEMIC OR**
4 **ADMINISTRATIVE OPERATION.**

5 **Article – State Government**

6 9–1A–30.

7 (a) There is an Education Trust Fund which is a special, nonlapsing fund that is
8 not subject to § 7–302 of the State Finance and Procurement Article.

9 (b) (1) There shall be credited to the Education Trust Fund all proceeds
10 allocated to the Fund under § 9–1A–27 of this subtitle **AND ALL JUDGMENTS PAID TO**
11 **THE FUND UNDER § 11–210 OF THE EDUCATION ARTICLE.**

12 (2) Money in the Education Trust Fund shall be invested and reinvested
13 by the Treasurer, and interest and earnings shall accrue to the Fund.

14 (c) Money in the Education Trust Fund shall be used to:

15 (1) provide funding for public elementary and secondary education,
16 through continuation of the funding and formulas established under the programs
17 commonly known as the Bridge to Excellence in Public Schools Act, first enacted by Chapter
18 288 of the Acts of the General Assembly of 2002, including the funding for regional
19 differences in the cost of education under § 5–202(f) of the Education Article;

20 (2) provide funds to construct public school buildings and provide public
21 school capital improvements in accordance with Title 5, Subtitle 3 of the Education Article;

22 (3) provide funds for capital projects at community colleges and public
23 senior higher education institutions; and

24 (4) provide funds to expand public early childhood education programs in
25 the State.

26 (d) Expenditures from the Education Trust Fund shall be made each fiscal year
27 in accordance with the State budget.

28 SECTION 3. AND BE IT FURTHER ENACTED, That, if any provision of this Act or
29 the application thereof to any person or circumstance is held invalid for any reason in a
30 court of competent jurisdiction, the invalidity does not affect other provisions or any other
31 application of this Act that can be given effect without the invalid provision or application,
32 and for this purpose the provisions of this Act are declared severable.

33 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect July

1 1, 2020.