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By: **Senators Middleton, Hoffman, Neall, and Hogan**  
Introduced and read first time: February 4, 2000  
Assigned to: Budget and Taxation and Economic and Environmental Affairs

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A BILL ENTITLED

1 AN ACT concerning

2 **Higher Education - Regional Higher Education Centers**

3 FOR the purpose of revising the Maryland Charter for Higher Education to include  
4 regional higher education centers; authorizing the funding proposals for  
5 regional higher education centers to include certain items; requiring the  
6 Maryland Higher Education Commission to review, negotiate, and approve  
7 certain mission statements for certain regional higher education centers;  
8 establishing the purposes and responsibilities of regional higher education  
9 centers; establishing the roles and responsibilities of the Commission in  
10 coordinating regional higher education centers; establishing the duties and  
11 responsibilities for the executive director and the governing body of each  
12 regional higher education center; authorizing the University System of  
13 Maryland to establish certain new centers under certain circumstances;  
14 requiring the Board of Governors of the Southern Maryland Higher Education  
15 Center to submit a certain mission statement to the Commission; requiring the  
16 Director of the Southern Maryland Higher Education Center to develop, submit  
17 to the Board of Governors, and update a certain mission statement under  
18 certain circumstances; defining certain terms; and generally relating to regional  
19 higher education centers in Maryland.

20 BY repealing and reenacting, with amendments,  
21 Article - Education  
22 Section 10-101, 10-203, 10-207, 10-212, 11-105, 11-302, 11-303, 12-104(f),  
23 12-106(a), 24-304, and 24-305  
24 Annotated Code of Maryland  
25 (1999 Replacement Volume)

26 BY adding to  
27 Article - Education  
28 Section 10-212  
29 Annotated Code of Maryland  
30 (1999 Replacement Volume)

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

3 **Article - Education**

4 10-101.

5 (a) In this division the following words have the meanings indicated.

6 (b) "Commission" means the Maryland Higher Education Commission.

7 (c) "Charter" means the Maryland Charter for Higher Education.

8 (d) "Governing board" means:

9 (1) The Board of Regents of the University System of Maryland;

10 (2) The Board of Regents of Morgan State University;

11 (3) The Board of Trustees of St. Mary's College of Maryland; and

12 (4) The Board of Trustees of Baltimore City Community College.

13 (e) "Governing body" means:

14 (1) A governing board;

15 (2) A board of trustees of a community college; [or]

16 (3) The governing entity of nonpublic institutions of higher education; OR

17 (4) THE GOVERNING ENTITY OF A REGIONAL HIGHER EDUCATION  
18 CENTER.

19 (f) (1) "Institution of postsecondary education" means a school or other  
20 institution that offers an educational program in the State for individuals who are at  
21 least 16 years old and who have graduated from or left elementary or secondary  
22 school.

23 (2) "Institution of postsecondary education" does not include:

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

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

28 (g) "Institution of higher education" means an institution of postsecondary  
29 education that generally limits enrollment to graduates of secondary schools, and  
30 awards degrees at either the associate, baccalaureate, or graduate level.

1 (h) "Private career school" means a privately owned and privately operated  
2 institution of postsecondary education other than an institution of higher education  
3 that furnishes or offers to furnish programs, whether or not requiring a payment of  
4 tuition or fee, for the purpose of training, retraining, or upgrading individuals for  
5 gainful employment as skilled or semiskilled workers or technicians in recognized  
6 occupations or in new and emerging occupations.

7 (i) "Program" or "educational program" means an organized course  
8 of study that leads to the award of a certificate, diploma, or degree.

9 (j) "Public senior higher education institution" means:

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

11 (2) Morgan State University; and

12 (3) St. Mary's College of Maryland.

13 (K) "REGIONAL HIGHER EDUCATION CENTER" MEANS A HIGHER EDUCATION  
14 FACILITY IN THE STATE THAT:

15 (1) INCLUDES PARTICIPATION BY TWO OR MORE INSTITUTIONS IN THE  
16 STATE;

17 (2) CONSISTS OF AN ARRAY OF PROGRAM OFFERINGS;

18 (3) OFFERS MULTIPLE DEGREE LEVELS; AND

19 (4) IS EITHER AFFILIATED WITH AN INSTITUTION OR IS ESTABLISHED  
20 BY STATUTE.

21 [(k)] (L) "Secretary" means the Secretary of Higher Education.

22 [(l)] (M) "State Plan for Higher Education" means the plan for postsecondary  
23 education and research required to be developed by the Maryland Higher Education  
24 Commission under § 11-105(b) of this article.

25 10-203.

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

29 (b) Funding policies shall allocate State resources efficiently while providing  
30 incentives for quality and institutional diversity.

31 (c) Funding proposals for public senior higher education institutions shall  
32 include:

33 (1) Base funding in accordance with the role and mission of the  
34 institution, as approved by the Maryland Higher Education Commission;

1 (2) Special initiative funding:

2 (i) For academic programs at historically African American  
3 colleges and universities; and

4 (ii) For the reward of academic innovation and enhancement; and

5 (3) Capital funding to support construction, operation, and maintenance  
6 of a physical plant that is consistent with each institution's mission.

7 (D) FUNDING PROPOSALS FOR REGIONAL HIGHER EDUCATION CENTERS MAY  
8 INCLUDE:

9 (1) ONGOING OPERATING SUPPORT TO PROVIDE ACCESS TO  
10 AFFORDABLE POSTSECONDARY EDUCATION IN UNSERVED AND UNDERSERVED  
11 AREAS OF THE STATE;

12 (2) INCENTIVE FUNDING TO PROMOTE COLLABORATION AMONG THE  
13 INSTITUTIONS AND REGIONAL HIGHER EDUCATION CENTERS; AND

14 (3) CAPITAL FUNDING TO SUPPORT CONSTRUCTION, OPERATION, AND  
15 MAINTENANCE OF A PHYSICAL PLANT CONSISTENT WITH THE APPROVED MISSION  
16 STATEMENT OF THE CENTER.

17 [(d)] (E) Student financial aid programs should be developed in order to  
18 provide reasonable access to the appropriate academic programs for individuals who  
19 exhibit financial need, who are educationally disadvantaged, or who exhibit special  
20 merit.

21 10-207.

22 The Maryland Higher Education Commission shall:

23 (1) Advise the Governor and General Assembly on statewide higher  
24 education policy;

25 (2) Conduct statewide planning for higher education;

26 (3) Coordinate and arbitrate among different segments of higher  
27 education in the State;

28 (4) Review, negotiate as necessary, and grant final approval of mission  
29 statements for each public institution of higher education AND EACH REGIONAL  
30 HIGHER EDUCATION CENTER THAT REQUESTS OR RECEIVES STATE FUNDING;

31 (5) Assess the adequacy of operating and capital funding for public  
32 higher education and establish operating funding guidelines based on comparison  
33 with peer institutions and on other relevant criteria;

34 (6) Establish and maintain a higher education information system for  
35 planning, coordination, and evaluation purposes;

1 (7) Coordinate the State's program of performance accountability  
2 reporting for public institutions of higher education; and

3 (8) Administer statewide programs of student financial assistance for  
4 higher education.

5 10-212.

6 (A) REGIONAL HIGHER EDUCATION CENTERS IN THE STATE ARE IMPORTANT  
7 EDUCATIONAL RESOURCES AND ARE VITAL TO THE DELIVERY OF POSTSECONDARY  
8 EDUCATION IN THE STATE.

9 (B) A REGIONAL HIGHER EDUCATION CENTER SHALL:

10 (1) PROVIDE ACCESS TO AFFORDABLE HIGHER EDUCATION PROGRAMS  
11 TO CITIZENS IN UNSERVED OR UNDERSERVED AREAS OF THE STATE;

12 (2) RESPOND TO THE NEEDS OF BUSINESSES AND INDUSTRIES IN THE  
13 AREAS IN WHICH THEY SERVE; AND

14 (3) ENCOURAGE PARTICIPATION BY INSTITUTIONS FOR THE BENEFIT  
15 OF STUDENTS AND SERVE THE NEEDS OF, AND PROVIDE PROGRAMS TO,  
16 ELEMENTARY AND SECONDARY SCHOOLS, BUSINESS AND INDUSTRY, AND  
17 GOVERNMENTAL AGENCIES.

18 [10-212.] 10-213.

19 (a) (1) In this section the following words have the meanings indicated.

20 (2) "Business entity" means a person that conducts or operates a trade or  
21 business in the State.

22 (3) "Partnerships Program" means the Higher Education/Business  
23 Partnerships Program established under this section.

24 (b) (1) In order to improve the accessibility of businesses to resources of the  
25 public senior higher education institutions of the State, the University System of  
26 Maryland, Morgan State University, and St. Mary's College, under the direction of the  
27 Governor and in consultation with the Department of Business and Economic  
28 Development, shall develop and implement a Higher Education/Business  
29 Partnerships Program.

30 (2) The goals of the Partnerships Program shall be to provide  
31 opportunities for businesses to better utilize resources that the public senior higher  
32 education institutions of the State have to offer and to foster continuing links between  
33 the institutions and the business community throughout the State.

34 (c) Under the Partnerships Program, the public senior higher education  
35 institutions of the State shall enter into agreements with business entities for  
36 cooperative arrangements for any one or more of the following activities:

1 (1) Employment of a graduate student in an eligible work-study job by a  
2 business entity in a business sector that is related to the student's field of study and  
3 is consistent with the strategic economic development goals established for the State  
4 with specific eligibility criteria determined by the institution and the Department of  
5 Business and Economic Development;

6 (2) Sponsored research administered by the institution; and

7 (3) Sponsorship by the business entity of business-specific training  
8 developed or conducted by the faculty of the institution.

9 11-105.

10 (a) In addition to any other powers granted and duties imposed by this title  
11 and subject to any restrictions imposed by law, the Commission has the powers and  
12 duties set forth in this section.

13 (b) (1) The Commission shall coordinate the overall growth and  
14 development of postsecondary education in the State.

15 (2) (i) In consultation with the governing boards and agencies  
16 concerned with postsecondary education in the State, the Commission shall develop  
17 and periodically update an overall plan consistent with the Charter, known as the  
18 State Plan for Higher Education, that shall identify:

19 1. The present and future needs for postsecondary education  
20 and research throughout the State;

21 2. The present and future capabilities of the different  
22 institutions and segments of postsecondary education in the State; and

23 3. The long-range and short-range objectives and priorities  
24 for postsecondary education and methods and guidelines for achieving and  
25 maintaining them.

26 (ii) The Commission shall ensure that the State Plan for Higher  
27 Education complies with the State's equal educational opportunity obligations under  
28 State and federal law, including Title VI of the Civil Rights Act.

29 (iii) In developing the State Plan for Higher Education, the  
30 Commission shall incorporate the goals and priorities for higher education identified  
31 in this Division III and, for the University System of Maryland, including those  
32 identified in §§ 10-209 and 12-106 of this article.

33 (3) (i) The Commission shall submit to the Governor and, subject to §  
34 2-1246 of the State Government Article, to the General Assembly a biennial review of  
35 the plan by July 1, 1995 and by July 1 of each alternate year thereafter.

36 (ii) The biennial review shall include a report on the status and  
37 needs of postsecondary education in the State.

1 (4) In accordance with Subtitle 3 of this title, the Commission shall  
2 review, negotiate as necessary, and approve the appropriate role, function, and  
3 mission of each public institution of postsecondary education in the State.

4 (5) (i) With respect to the College Park campus of the University of  
5 Maryland, the Commission shall direct the Board of Regents of the University of  
6 Maryland to develop and implement a plan for the enhancement of that campus as  
7 the State's flagship campus with programs and faculty nationally and internationally  
8 recognized for excellence in research and the advancement of knowledge.

9 (ii) With respect to the constituent institutions of the University  
10 System of Maryland in the Baltimore region, the Commission shall direct the Board of  
11 Regents of the University of Maryland to maintain and enhance a coordinated Higher  
12 Education Center for Research and Graduate and Professional Study in the Baltimore  
13 area.

14 (iii) With respect to Morgan State University, the Commission shall  
15 direct the Board of Regents of Morgan State University to develop and implement a  
16 plan for the enhancement of that institution as the State's public urban university  
17 with the appropriate programs, faculty, and facilities.

18 (6) The Commission has statewide coordinating responsibility for the  
19 community colleges and shall establish general policies for their operation.

20 (7) THE COMMISSION HAS STATEWIDE COORDINATING RESPONSIBILITY  
21 FOR REGIONAL HIGHER EDUCATION CENTERS.

22 [(7)] (8) The Commission may distribute strategic incentive funds to an  
23 institution of higher education OR A REGIONAL HIGHER EDUCATION CENTER to  
24 encourage attainment of the goals and priorities set forth in the State Plan for Higher  
25 Education.

26 (c) With respect to the community colleges, the Commission:

27 (1) May provide grants-in-aid for the planning of new community  
28 colleges and new programs in existing community colleges;

29 (2) Shall administer programs of State support and financial assistance  
30 for the community colleges;

31 (3) Shall assist and represent the community colleges in seeking and  
32 administering federal moneys available to them;

33 (4) May designate any community college instructional program as a  
34 statewide or regional program;

35 (5) Shall assure that courses and programs offered are within the scope  
36 of the mission of the community colleges;

1 (6) Shall assure that State funds for community colleges are spent  
2 prudently and in accordance with State guidelines;

3 (7) Shall provide centralized data processing assistance; and

4 (8) Shall coordinate relationships between the community colleges, the  
5 State and county public school systems, and the private high schools to:

6 (i) Facilitate cooperation among them in the guidance and  
7 admission of students to the community colleges; and

8 (ii) Arrange for the most advantageous use of facilities.

9 (D) WITH RESPECT TO THE REGIONAL HIGHER EDUCATION CENTERS, THE  
10 COMMISSION:

11 (1) MAY REQUIRE SUBMISSION OF STRATEGIC PLANS IN ACCORDANCE  
12 WITH GUIDELINES ADOPTED BY THE COMMISSION;

13 (2) MAY PROVIDE GRANTS TO REGIONAL HIGHER EDUCATION CENTERS  
14 FOR ONGOING OPERATING EXPENSES AND LEASE PAYMENTS IF CONSISTENT WITH  
15 THE STATE PLAN FOR HIGHER EDUCATION AND THE APPROVED MISSION  
16 STATEMENTS OF THE REGIONAL HIGHER EDUCATION CENTERS;

17 (3) SHALL ADMINISTER PROGRAMS OF STATE SUPPORT AND FINANCIAL  
18 ASSISTANCE FOR THE REGIONAL HIGHER EDUCATION CENTERS;

19 (4) SHALL ASSURE THAT COURSES AND PROGRAMS OFFERED ARE  
20 WITHIN THE SCOPE OF THE APPROVED MISSIONS OF THE REGIONAL HIGHER  
21 EDUCATION CENTERS; AND

22 (5) SHALL ASSURE THAT STATE FUNDS FOR THE REGIONAL HIGHER  
23 EDUCATION CENTERS ARE SPENT PRUDENTLY AND IN ACCORDANCE WITH STATE  
24 GUIDELINES.

25 [(d)] (E) (1) The Commission is the State Postsecondary Education  
26 Commission under Title XII of the Higher Education Act of 1965.

27 (2) The Commission is the State approving agency for purposes of  
28 implementing educational benefit programs administered by the Veterans  
29 Administration.

30 (3) The Commission is responsible for receiving and allocating federal  
31 funds which, under federal law or regulation, must be allocated among segments by a  
32 statewide authority.

33 [(e)] (F) (1) The Commission is responsible for:

34 (i) Developing a program of desegregation and equal educational  
35 opportunity, including developing an enhancement plan, for historically African  
36 American colleges and universities;



1 (ii) Monitoring the progress made under, and assuring compliance  
2 with, the goals, measures, and commitments contained in the desegregation and  
3 equal education opportunity plan;

4 (iii) Making recommendations concerning needed resources for  
5 achieving the goals and objectives under this subsection;

6 (iv) Requiring reports from each governing board concerning  
7 progress toward equal opportunity in all activities and programs under its  
8 jurisdiction; and

9 (v) Reporting to the Governor and, subject to § 2-1246 of the State  
10 Government Article, the General Assembly regarding the progress of compliance with  
11 desegregation and equal education opportunity plans.

12 (2) In carrying out its responsibilities under this subsection, the  
13 Commission may:

14 (i) Designate a division or office to coordinate and monitor the  
15 equal opportunity activities of public institutions of higher education in the State;

16 (ii) Require the governing boards of public institutions of higher  
17 education to submit plans, reports, and data, in the format and using such forms as  
18 the Commission prescribes; and

19 (iii) Evaluate the effectiveness of institutional efforts and methods.

20 [(f)] (G) The Commission shall:

21 (1) Administer State funds for nonpublic institutions of higher education  
22 in the State; and

23 (2) Assure that the purposes for which these funds were appropriated  
24 are achieved.

25 [(g)] (H) The Commission:

26 (1) May secure, compile, and evaluate information on any matter within  
27 its authority, in the format it requires, from any person, agency, CENTER, or  
28 institution subject to its authority;

29 (2) May engage in research, data compilation, and publication of reports  
30 concerning postsecondary education in the State;

31 (3) Through its representatives, may visit at any reasonable times and  
32 make reasonable inspections of any institution of postsecondary education OR  
33 REGIONAL HIGHER EDUCATION CENTER subject to its authority;

34 (4) In consultation with the segments of higher education, shall develop  
35 guidelines to assess the adequacy of operating and capital funding based on

1 comparisons with institutions designated as peer institutions and other appropriate  
2 factors; and

3 (5) In consultation with the Department of Budget and Management,  
4 annually shall make recommendations consistent with the Charter and the plan  
5 under subsection (b) of this section on the appropriate level of funding for higher  
6 education.

7 [(h)] (I) (1) On or before a date set by the Commission, each of the following  
8 governing boards and agencies shall submit to the Commission its annual operating  
9 budget requests and proposals for capital projects, by constituent institutions AND  
10 CENTERS for the next fiscal year:

- 11 (i) The Board of Regents of the University System of Maryland;
- 12 (ii) The Board of Regents of Morgan State University;
- 13 (iii) The Board of Trustees of St. Mary's College of Maryland;
- 14 (iv) The State Advisory Council for Title I of the Higher Education  
15 Act of 1965;
- 16 (v) The Board of Trustees of Baltimore City Community College;  
17 [and]
- 18 (vi) The Board of the Maryland Higher Education Investment  
19 Program; AND

20 (VII) THE GOVERNING BODY OF EACH REGIONAL HIGHER  
21 EDUCATION CENTER.

22 (2) In consultation with the Department of Budget and Management, the  
23 Commission shall present to the Governor, on or before a date set by the Governor,  
24 and simultaneously submit a copy to the General Assembly, a consolidated operating  
25 and capital budget for higher education that includes the operating and capital  
26 budget requests of the governing boards and institutions listed in paragraph (1) of  
27 this subsection, the operating budget request of the Commission, a report on the  
28 current funding of the adopted sets of peer institutions, and recommendations  
29 regarding the funding of higher education.

30 (3) In cooperation with the Department of Budget and Management, and  
31 without affecting the authority or responsibility of the Department under the State  
32 Finance and Procurement Article, the Commission shall:

- 33 (i) Review proposals for capital projects and improvements  
34 proposed by the public institutions of higher education in this State, [and] by the  
35 Maryland Independent College and University Association, AND BY THE REGIONAL  
36 HIGHER EDUCATION CENTERS; and

1 (ii) Develop and submit to the Governor and the General Assembly  
2 recommendations as to these projects, which shall be consistent with the State Plan  
3 for Higher Education provided for in this section.

4 (4) In submitting recommendations pursuant to paragraph (2) of this  
5 subsection, the Commission shall comment on the overall level of funding for higher  
6 education in order to achieve the goals established in the State Plan for Higher  
7 Education, and may comment regarding funding priorities among segments of higher  
8 education and, within public senior higher education, among institutions. In  
9 reviewing the various budgets and submitting recommendations thereon, the  
10 Commission:

11 (i) May not require, of any segment or institution, a detailed  
12 budget presentation that tends to duplicate other presentations required in the  
13 budget process;

14 (ii) As to the funding priority of any institution, may comment only  
15 on the entity as a whole and not on any separate unit of the institution; and

16 (iii) As to the operating and capital budgets of the Board of Regents  
17 of the University System of Maryland:

18 1. May review and comment only within the broad context of  
19 the State Plan for Higher Education; and

20 2. May not recommend against a budget item approved by  
21 the Board of Regents unless the item is clearly inconsistent with the State Plan for  
22 Higher Education.

23 (5) (i) In this paragraph, "higher education" means:

24 1. The University System of Maryland;

25 2. Morgan State University;

26 3. St. Mary's College of Maryland;

27 4. All funding for the Maryland Higher Education  
28 Commission, including the funding of:

29 A. The Joseph A. Sellinger Program;

30 B. The Senator John A. Cade Funding Formula;

31 C. Fringe benefits provided under aid to community colleges;

32 and

33 D. All scholarship and grant programs administered by the  
34 Commission; and

35 5. Baltimore City Community College.

1 (ii) It is the intent of the General Assembly that, barring  
2 unforeseen economic conditions, the Governor shall include in the annual budget  
3 submission for fiscal year 2000 and each year thereafter, an amount of General Fund  
4 State support for higher education equal to or greater than the amount appropriated  
5 in the prior year.

6 (iii) It is the goal of the State that General Fund and capital State  
7 support for higher education be funded annually in amounts that are no less than the  
8 following percentages of total General Fund State revenues:

- 9 1. 12.5 percent in fiscal year 2000;
- 10 2. 13.5 percent in fiscal year 2001;
- 11 3. 14.5 percent in fiscal year 2002;
- 12 4. 15 percent in fiscal year 2003; and
- 13 5. 15.5 percent in fiscal year 2004.

14 [(i)] (J) (1) In this subsection "community college" includes the Carroll  
15 County Community College and the Calvert County and St. Mary's County branch  
16 campuses of the College of Southern Maryland established under the authority  
17 granted by § 16-103(1) of this article, and does not include the Baltimore City  
18 Community College.

19 (2) The Commission shall administer the general public junior or  
20 community college and regional community college construction program in  
21 accordance with this section and regulations approved by the Board of Public Works.

22 (3) (i) Whenever a county desires, or whenever the counties that  
23 support a regional community college desire, to participate in the financial assistance  
24 provided by the State for the general public junior or community college and regional  
25 community college construction program, the jurisdiction or jurisdictions shall file  
26 with the Commission a petition and such information as the Commission requires,  
27 together with a complete proposal for each project for which financial assistance is  
28 desired.

29 (ii) The Commission shall submit to the Department of Budget and  
30 Management a copy of each petition and project proposal.

31 (4) On receipt of the recommendations of the Department of Budget and  
32 Management on each petition and project proposal, the Commission shall make a  
33 written report to the Board of Public Works describing the request or requests for  
34 financial assistance received and recommending a disposition for each request.

35 (5) The Board of Public Works shall approve each grant and shall certify  
36 the amount of the grant to the Treasurer and the Comptroller. The Comptroller shall  
37 issue a warrant to the Treasurer to pay the grant to or on behalf of the petitioning  
38 jurisdiction or jurisdictions, when needed, for design and construction or the

1 acquisition of real property or interests in land. The decision of the Board of Public  
2 Works shall be in such form as the Board deems advisable and shall be final and  
3 conclusive.

4 (6) The amount of the grant shall be a percentage of total design and  
5 construction costs, including site acquisition and development costs, as follows:

6 (i) For a regional community college established under § 16-202 of  
7 this article, 75 percent; or

8 (ii) For a public junior or community college that is not a regional  
9 community college, the greater of:

10 1. A percentage equal to that percentage of the expenditure  
11 for basic current expenses that the State pays to the petitioning jurisdiction under §  
12 5-202(b) of this article up to a maximum of 70 percent; or

13 2. 50 percent.

14 (7) The Commission shall adopt regulations in accordance with Title 10,  
15 Subtitle 1 of the State Government Article concerning the administration of the  
16 general public junior or community college and regional community college  
17 construction program.

18 [(j)] (K) Subject to the provisions in Subtitle 2 of this title, the Commission  
19 may:

20 (1) Review any educational program offered at a public or nonpublic  
21 institution of postsecondary education in the State that receives State funds; and

22 (2) Establish guidelines relating to matters of general educational policy.

23 [(k)] (L) Subject to the provisions of Title 18 of this article, the Commission  
24 shall administer the various scholarship, grant-in-aid, and tuition assistance  
25 programs established by law.

26 [(l)] (M) (1) Subject to paragraph (2) of this subsection, the Commission  
27 shall administer existing programs for interstate and regional cooperation, including  
28 reciprocity agreements on matters that affect postsecondary education, and may  
29 propose such new programs as it deems appropriate to the educational needs of the  
30 State.

31 (2) (i) This paragraph shall apply only to a public institution of higher  
32 education.

33 (ii) In order to provide higher educational opportunities at  
34 minimum cost to students and the State, the Commission is authorized to participate  
35 in the Southern Regional Education Board Interstate Agreement, also known as the  
36 Academic Common Market, to provide an opportunity for qualified nonresident

1 students to enroll in selected programs and curricula on a resident tuition and fee  
2 charge basis.

3 (iii) Notwithstanding any other provision of this article, the  
4 Commission is specifically authorized to create guidelines for the waiver of the  
5 collection of nonresident tuition and fee charges for students from other states that  
6 are enrolled in programs and curricula approved by the Commission as part of a  
7 regional or interstate agreement.

8 (iv) Before participating in any interstate agreement under this  
9 subsection, the Commission shall consult with:

- 10 1. The Board of Regents of the University System of  
11 Maryland;
- 12 2. The Board of Regents of Morgan State University;
- 13 3. The Board of Trustees of St. Mary's College of Maryland;  
14 and
- 15 4. The affected community colleges.

16 (v) Any interstate reciprocal agreement entered into by the  
17 Commission involving the states of Pennsylvania and West Virginia shall supersede  
18 the provisions of § 16-310 of this article to the extent that the provisions of § 16-310  
19 of this article are inconsistent with the reciprocal interstate agreement.

20 [(m)] (N) Subject to the provisions of § 11-401 of this title, the Commission  
21 shall serve as the repository for records of defunct institutions of postsecondary  
22 education.

23 [(n)] (O) Subject to the provisions of § 11-203 of this title, the Commission  
24 may require bonds or other financial guaranties from institutions of postsecondary  
25 education seeking certification or recertification to operate in the State.

26 [(o)] (P) Subject to the provisions of § 11-402 of this title, the Commission  
27 shall regulate the solicitation of students by institutions of postsecondary education.

28 [(p)] (Q) The Commission shall recommend to the Governor and General  
29 Assembly appropriate revisions to the Charter.

30 [(q)] (R) The Commission shall arbitrate to resolve differences among the  
31 segments of higher education in the State.

32 [(r)] (S) The Commission shall establish and maintain a higher education  
33 information system for planning, coordination, and evaluation purposes.

34 [(s)] (T) The Commission may adopt any rule or regulation necessary to carry  
35 out its powers and duties.

1 [(t)] (U) The Commission shall perform any other duty delegated to it in  
2 accordance with law.

3 11-302.

4 (a) (1) The president of each public institution of higher education is  
5 responsible for developing a mission statement.

6 (2) The president shall submit the mission statement to the institution's  
7 governing board.

8 (3) Upon the direction of the governing board, the president shall update  
9 the mission statement at least every 4 years.

10 (b) (1) The governing board:

11 (i) Shall review the mission statement and may require the  
12 president to prepare a revised mission statement;

13 (ii) May adopt the mission statement as submitted or with  
14 amendments; and

15 (iii) Shall submit the statement to the Commission.

16 (2) (i) In the case of constituent institutions of the University System  
17 of Maryland, the Chancellor of the University System of Maryland shall review the  
18 statement prior to its consideration by the Board of Regents and make  
19 recommendations.

20 (ii) Before adopting the mission statements, the Board of Regents  
21 shall review the statements individually and on a systemwide basis to assure that:

22 1. They are consistent with the Charter and the systemwide  
23 plan; and

24 2. They will promote the efficient and effective use of the  
25 institution's and System's resources.

26 (iii) The Board shall consolidate the statements into an adopted  
27 systemwide statement.

28 (C) (1) THE EXECUTIVE DIRECTOR OF EACH REGIONAL HIGHER EDUCATION  
29 CENTER SHALL:

30 (I) DEVELOP A MISSION STATEMENT;

31 (II) SUBMIT THE MISSION STATEMENT TO THE GOVERNING BODY  
32 OF THE CENTER; AND

33 (III) UPON DIRECTION OF THE GOVERNING BODY, UPDATE THE  
34 MISSION STATEMENT EVERY 4 YEARS.

1 (2) THE GOVERNING BODY OF EACH REGIONAL HIGHER EDUCATION  
2 CENTER:

3 (I) SHALL REVIEW THE MISSION STATEMENT AND MAY REQUIRE  
4 THE EXECUTIVE DIRECTOR TO PREPARE A REVISED MISSION STATEMENT;

5 (II) MAY ADOPT THE MISSION STATEMENT AS SUBMITTED OR WITH  
6 AMENDMENT; AND

7 (III) SHALL SUBMIT THE STATEMENT TO THE COMMISSION.

8 [(c)] (D) (1) The Commission shall review the mission statement to  
9 determine whether the mission statement is consistent with the State Plan for Higher  
10 Education.

11 (2) The mission statement shall be deemed approved within 30 days of  
12 receipt unless the Commission finds the statement is not consistent with the State  
13 Plan for Higher Education.

14 (3) (i) If the Commission finds that the statement is not consistent  
15 with the State Plan for Higher Education, the Commission shall return the statement  
16 together with its objections that include the specific areas of inconsistency with the  
17 State Plan for Higher Education to the governing board.

18 (ii) The governing board and the institution president shall  
19 negotiate with the Commission and amend the statement or prepare a new  
20 statement.

21 11-303.

22 (a) The Commission, with the assistance of the presidents of the institutions  
23 required to develop mission statements under this subtitle, shall establish and  
24 periodically update the format of mission statements OF THE INSTITUTIONS OF  
25 HIGHER EDUCATION to include specific short and long-range goals and measurable  
26 objectives to be achieved through the implementation of the institution's performance  
27 accountability plan as required under § 11-304 of this subtitle.

28 (b) The mission statements developed by the presidents of the constituent  
29 institutions of the University System of Maryland shall include information  
30 necessary to meet the requirements of the program development and review process  
31 established under § 11-206.1 of this title.

32 (C) THE COMMISSION, WITH THE ASSISTANCE OF THE EXECUTIVE DIRECTORS  
33 FOR THE REGIONAL HIGHER EDUCATION CENTERS REQUIRED TO DEVELOP MISSION  
34 STATEMENTS UNDER THIS SUBTITLE, SHALL ESTABLISH AND PERIODICALLY  
35 UPDATE THE FORMAT OF MISSION STATEMENTS TO INCLUDE SPECIFIC SHORT AND  
36 LONG-RANGE GOALS AND MEASURABLE OBJECTIVES CONSISTENT WITH THE  
37 POLICIES AND GUIDELINES OF THE COMMISSION.



1 12-104.

2 (f) (1) The Board may establish new institutions, CENTERS, and branches  
3 subject to:

4 (i) The concurrence of the Maryland Higher Education  
5 Commission; and

6 (ii) The approval of the Governor and the General Assembly.

7 (2) Without the approval of the Governor and the General Assembly, the  
8 Board may not change the name of any constituent institution.

9 (3) Subject to the approval of the Governor and the General Assembly,  
10 the Board may merge, consolidate, or close any constituent institution.

11 (4) In its discretion, the Board may establish, merge, consolidate, or close  
12 any center or institute.

13 12-106.

14 (a) (1) In consultation with the presidents of the constituent institutions,  
15 the Chancellor shall develop an overall plan that:

16 (i) Is consistent with the State Plan for Higher Education in  
17 accordance with the Charter and with the constituent institutions' approved mission  
18 statements;

19 (ii) Sets forth both long-range and short-range goals, objectives,  
20 and priorities for postsecondary education, research, and service provided by the  
21 University System of Maryland and methods and guidelines for achieving and  
22 maintaining them;

23 (iii) Incorporates the following priorities:

24 1. A. Enhance the mission of the University of Maryland,  
25 College Park as the State's flagship campus with programs and faculty nationally and  
26 internationally recognized for excellence in research and the advancement of  
27 knowledge;

28 B. Admit to the campus freshmen who have academic  
29 profiles that suggest exceptional ability;

30 C. Provide access to the upper division undergraduate level  
31 of the campus for students who have excelled in completing lower division study; and

32 D. Provide the campus with the level of operating funding  
33 and facilities necessary to place it among the upper echelon of its peer institutions;

34 2. Maintain and enhance an academic health center and a  
35 coordinated Higher Education Center for Research and Graduate and Professional

1 Study in the Baltimore area, comprised of the University of Maryland, Baltimore and  
2 the University of Maryland Baltimore County, with a focus on science and technology;

3 3. Enhance and support high quality undergraduate, teacher  
4 preparation, and masters programs at the regional comprehensive institutions,  
5 recognizing and supporting the unique mission of each of these institutions;

6 4. Support Towson University as the largest comprehensive  
7 institution;

8 5. Enhance the historically African American institutions  
9 and recognize the role of the University of Maryland Eastern Shore as the State's  
10 1890 land grant institution;

11 6. Encourage and enhance, including the use of technology,  
12 REGIONAL higher education centers, such as the Shady Grove Center in Montgomery  
13 County, as points of collaboration and access for underserved areas of the State; and

14 7. Recognize and promote the unique potential of the  
15 University of Maryland University College to be a national and global leader in the  
16 new international marketplace of electronic and continuing education; and

17 (iv) Incorporates the goals and duties of the University System of  
18 Maryland identified in §§ 10-209 and 12-107 of this article.

19 (2) The Board shall review, modify, as necessary, and approve the overall  
20 plan.

21 (3) By July 1 of each year, the Board shall submit to the Maryland  
22 Higher Education Commission, to the Governor and, subject to § 2-1246 of the State  
23 Government Article, to the General Assembly an annual review of the plan.

24 24-304.

25 (a) In addition to the other powers expressly granted and duties imposed by  
26 this title, and subject to the authority of the Commission, the Board has only the  
27 powers and duties set forth in this section.

28 (b) The Board shall:

29 (1) Exercise general control over the Center;

30 (2) Keep separate records and minutes; and

31 (3) Adopt reasonable rules, regulations, or bylaws to carry out the  
32 provisions of this subtitle.

33 (c) The Board may fix the salaries and terms of employment of the Director  
34 and other employees of the Center.

1 (d) The Board may purchase, lease, or otherwise acquire any property it  
2 considers necessary for the operation of the Center, with the approval of the St.  
3 Mary's County Board of County Commissioners.

4 (e) (1) The Board may sell, lease, or otherwise dispose of Center assets or  
5 property, with the approval of the St. Mary's County Board of County Commissioners.

6 (2) The Director of the Center or the chair of the Board may execute a  
7 conveyance or other legal document under an appropriate resolution of the Board.

8 (f) The Board shall ensure that all academic programs and policies of the  
9 Center are in compliance with the policies of and approved by the Commission.

10 (G) THE BOARD SHALL SUBMIT AN ADOPTED MISSION STATEMENT TO THE  
11 COMMISSION SUBJECT TO THE POLICIES AND GUIDELINES OF THE COMMISSION.

12 [(g)] (H) The Board may enter into contracts or other agreements with any  
13 institution of higher education for the provision of upper division undergraduate and  
14 graduate programs to meet the higher education needs of Southern Maryland, subject  
15 to the approval of the Commission.

16 [(h)] (I) The Board may apply, accept, and expend any gift, appropriation, or  
17 grant from the State, county, or federal government or any other person.

18 [(i)] (J) (1) The Board shall ensure that the tuition and fees charged to  
19 students by any participating institutions are reasonable.

20 (2) The Board may also charge reasonable fees to cover the overhead  
21 costs associated with providing these programs.

22 [(j)] (K) The Board may sue and be sued.

23 [(k)] (L) The Board may make agreements with the federal, State, or county  
24 governments or any other person, if it considers the agreement advisable for the  
25 operation of the Center.

26 [(l)] (M) The Board may adopt a corporate seal.

27 [(m)] (N) In addition to other reports that may be required by the Commission,  
28 the Board shall:

29 (1) Keep records that are consistent with sound business practices and  
30 accounting records using generally accepted accounting principles;

31 (2) Cause an audit by an independent certified public accountant to be  
32 made of the accounts and transactions of the Center at the conclusion of each fiscal  
33 year; and

34 (3) For any State moneys, be subject to an audit by the Office of  
35 Legislative Audits, in accordance with §§ 2-1220 through 2-1227 of the State  
36 Government Article.

1 [(n)] (O) The Board shall enter into an agreement with St. Mary's County to  
2 establish guidelines for the use and operation of the Center.

3 24-305.

4 (a) The Board shall appoint a Director of the Center.

5 (b) The Director shall:

6 (1) Report directly to the Board;

7 (2) Recommend the appointment by the Board of employees necessary  
8 for the efficient administration of the Center;

9 (3) Recommend the discharge of employees for good cause and in  
10 accordance with applicable laws and policies;

11 (4) Be responsible to the Board for the conduct of the Center and for its  
12 administration and supervision;

13 (5) Attend all meetings of the Board, except those involving the  
14 Director's personal position; [and]

15 (6) SUBJECT TO THE POLICIES AND GUIDELINES OF THE COMMISSION:

16 (I) DEVELOP A MISSION STATEMENT;

17 (II) SUBMIT THE MISSION STATEMENT TO THE BOARD OF  
18 GOVERNORS OF THE CENTER; AND

19 (III) UPON THE DIRECTION OF THE BOARD OF GOVERNORS, UPDATE  
20 THE MISSION STATEMENT EVERY 4 YEARS; AND

21 [(6)] (7) Perform other duties as assigned by the Board.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
23 July 1, 2000.