

SENATE BILL 603

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2000 Regular Session
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By: **Senators Middleton, Hoffman, Neall, and Hogan Hogan, Ruben, McFadden, Munson, and Van Hollen**

Introduced and read first time: February 4, 2000
Assigned to: Budget and Taxation and Economic and Environmental Affairs
Reassigned: Economic and Environmental Affairs and Budget and Taxation,
February 10, 2000

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: March 28, 2000

CHAPTER _____

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 operating funds for each regional higher education center administered by the
7 University System of Maryland to be included in the appropriation of the
8 System office as a separate line item in the budget; requiring the Maryland
9 Higher Education Commission to review, negotiate, and approve certain mission
10 statements for certain regional higher education centers; establishing the
11 purposes and responsibilities of regional higher education centers; establishing
12 the roles and responsibilities of the Commission in coordinating regional higher
13 education centers; establishing the duties and responsibilities for ~~the executive~~
14 ~~director and~~ the governing body of each regional higher education center;
15 authorizing the University System of Maryland to establish certain new centers
16 under certain circumstances; requiring the Board of Governors of the Southern
17 Maryland Higher Education Center to submit a certain mission statement to the
18 Commission; requiring the Director of the Southern Maryland Higher Education
19 Center to develop, submit to the Board of Governors, and update a certain
20 mission statement under certain circumstances; defining certain terms; and
21 generally relating to regional higher education centers in Maryland.

22 BY repealing and reenacting, with amendments,
23 Article - Education
24 Section 10-101, 10-203, 10-207, 10-212, 11-105, 11-302, 11-303, 12-104(f),

1 12-106(a), 24-304, and 24-305
2 Annotated Code of Maryland
3 (1999 Replacement Volume)

4 BY adding to
5 Article - Education
6 Section 10-212
7 Annotated Code of Maryland
8 (1999 Replacement Volume)

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

11 **Article - Education**

12 10-101.

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

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

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

16 (d) "Governing board" means:

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

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

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

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

21 (e) "Governing body" means:

22 (1) A governing board;

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

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

25 (4) THE GOVERNING ENTITY OF A REGIONAL HIGHER EDUCATION
26 CENTER.

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

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

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

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

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

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

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

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

18 (2) Morgan State University; and

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

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

22 (1) INCLUDES PARTICIPATION BY TWO OR MORE INSTITUTIONS OF
23 HIGHER EDUCATION IN THE STATE;

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

25 (3) OFFERS MULTIPLE DEGREE LEVELS; AND

26 (4) IS EITHER AFFILIATED WITH AN INSTITUTION OF HIGHER
27 EDUCATION OR IS ESTABLISHED BY STATUTE.

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

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

1 10-203.

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

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

7 (c) Funding proposals for public senior higher education institutions shall
8 include:

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

11 (2) Special initiative funding:

12 (i) For academic programs at historically African American
13 colleges and universities; and

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

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

17 (D) (1) FUNDING PROPOSALS FOR REGIONAL HIGHER EDUCATION CENTERS
18 MAY INCLUDE:

19 ~~(+)~~ (I) ONGOING OPERATING SUPPORT TO PROVIDE ACCESS TO
20 AFFORDABLE POSTSECONDARY EDUCATION IN UNSERVED AND UNDERSERVED
21 AREAS OF THE STATE;

22 ~~(=)~~ (II) INCENTIVE FUNDING TO PROMOTE COLLABORATION AMONG
23 THE INSTITUTIONS OF HIGHER EDUCATION AND REGIONAL HIGHER EDUCATION
24 CENTERS; AND

25 ~~(=)~~ (III) CAPITAL FUNDING TO SUPPORT CONSTRUCTION, OPERATION,
26 AND MAINTENANCE OF A PHYSICAL PLANT CONSISTENT WITH THE APPROVED
27 MISSION STATEMENT OF THE CENTER.

28 (2) OPERATING FUNDS FOR EACH REGIONAL HIGHER EDUCATION
29 CENTER THAT IS ADMINISTERED BY THE UNIVERSITY SYSTEM OF MARYLAND SHALL
30 BE INCLUDED IN THE APPROPRIATION OF THE SYSTEM OFFICE AS A SEPARATE LINE
31 ITEM IN THE GOVERNOR'S OPERATING BUDGET.

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

1 10-207.

2 The Maryland Higher Education Commission shall:

3 (1) Advise the Governor and General Assembly on statewide higher
4 education policy;

5 (2) Conduct statewide planning for higher education;

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

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

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

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

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

18 (8) Administer statewide programs of student financial assistance for
19 higher education.

20 10-212.

21 (A) REGIONAL HIGHER EDUCATION CENTERS IN THE STATE ARE IMPORTANT
22 EDUCATIONAL RESOURCES AND ARE VITAL TO THE DELIVERY OF POSTSECONDARY
23 EDUCATION IN THE STATE.

24 (B) A REGIONAL HIGHER EDUCATION CENTER SHALL:

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

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

29 (3) ENCOURAGE PARTICIPATION BY INSTITUTIONS OF HIGHER
30 EDUCATION FOR THE BENEFIT OF STUDENTS AND SERVE THE NEEDS OF, AND
31 PROVIDE PROGRAMS TO, ELEMENTARY AND SECONDARY SCHOOLS, BUSINESS AND
32 INDUSTRY, AND GOVERNMENTAL AGENCIES.

33 [10-212.] 10-213.

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

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

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

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

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

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

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

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

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

26 11-105.

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

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

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

36 1. The present and future needs for postsecondary education
37 and research throughout the State;

1 ~~[(7)]~~ (8) The Commission may distribute strategic incentive funds to an
 2 institution of higher education OR A REGIONAL HIGHER EDUCATION CENTER to
 3 encourage attainment of the goals and priorities set forth in the State Plan for Higher
 4 Education.

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

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

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

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

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

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

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

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

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

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

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

24 (D) ~~(1)~~ WITH RESPECT TO THE REGIONAL HIGHER EDUCATION CENTERS,
 25 THE COMMISSION:

26 ~~(+)~~ ~~(I)~~ MAY REQUIRE SUBMISSION OF STRATEGIC PLANS IN
 27 ACCORDANCE WITH GUIDELINES ADOPTED BY THE COMMISSION;

28 ~~(=)~~ ~~(II)~~ MAY PROVIDE GRANTS TO REGIONAL HIGHER EDUCATION
 29 CENTERS FOR ONGOING OPERATING EXPENSES AND LEASE PAYMENTS IF
 30 CONSISTENT WITH THE STATE PLAN FOR HIGHER EDUCATION AND THE APPROVED
 31 MISSION STATEMENTS OF THE REGIONAL HIGHER EDUCATION CENTERS;

32 ~~(=)~~ ~~(III)~~ SHALL ADMINISTER PROGRAMS OF STATE SUPPORT AND
 33 FINANCIAL ASSISTANCE FOR THE REGIONAL HIGHER EDUCATION CENTERS;

1 (4) (IV) SHALL ASSURE THAT COURSES AND PROGRAMS OFFERED ARE
2 WITHIN THE SCOPE OF THE APPROVED MISSIONS OF THE REGIONAL HIGHER
3 EDUCATION CENTERS; AND

4 (5) (V) ~~EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,~~
5 SHALL ASSURE THAT STATE FUNDS FOR THE REGIONAL HIGHER EDUCATION
6 CENTERS ARE SPENT PRUDENTLY AND IN ACCORDANCE WITH STATE GUIDELINES.

7 (2) WITH RESPECT TO THE REGIONAL HIGHER EDUCATION CENTERS
8 ADMINISTERED BY THE UNIVERSITY SYSTEM OF MARYLAND, THE UNIVERSITY
9 SYSTEM OF MARYLAND SHALL ASSURE THAT STATE FUNDS FOR THE REGIONAL
10 HIGHER EDUCATION CENTERS ARE SPENT PRUDENTLY AND IN ACCORDANCE WITH
11 STATE GUIDELINES.

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

14 (2) The Commission is the State approving agency for purposes of
15 implementing educational benefit programs administered by the Veterans
16 Administration.

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

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

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

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

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

29 (iv) Requiring reports from each governing board concerning
30 progress toward equal opportunity in all activities and programs under its
31 jurisdiction; and

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

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

- 1 (i) Designate a division or office to coordinate and monitor the
2 equal opportunity activities of public institutions of higher education in the State;
- 3 (ii) Require the governing boards of public institutions of higher
4 education to submit plans, reports, and data, in the format and using such forms as
5 the Commission prescribes; and
- 6 (iii) Evaluate the effectiveness of institutional efforts and methods.
- 7 [(f)] (G) The Commission shall:
- 8 (1) Administer State funds for nonpublic institutions of higher education
9 in the State; and
- 10 (2) Assure that the purposes for which these funds were appropriated
11 are achieved.
- 12 [(g)] (H) The Commission:
- 13 (1) May secure, compile, and evaluate information on any matter within
14 its authority, in the format it requires, from any person, agency, REGIONAL HIGHER
15 EDUCATION CENTER, or institution subject to its authority;
- 16 (2) May engage in research, data compilation, and publication of reports
17 concerning postsecondary education in the State;
- 18 (3) Through its representatives, may visit at any reasonable times and
19 make reasonable inspections of any institution of postsecondary education OR
20 REGIONAL HIGHER EDUCATION CENTER subject to its authority;
- 21 (4) In consultation with the segments of higher education, shall develop
22 guidelines to assess the adequacy of operating and capital funding based on
23 comparisons with institutions designated as peer institutions and other appropriate
24 factors; and
- 25 (5) In consultation with the Department of Budget and Management,
26 annually shall make recommendations consistent with the Charter and the plan
27 under subsection (b) of this section on the appropriate level of funding for higher
28 education.
- 29 [(h)] (I) (1) On or before a date set by the Commission, each of the following
30 governing boards and agencies shall submit to the Commission its annual operating
31 budget requests and proposals for capital projects, by constituent institutions AND
32 AFFILIATED REGIONAL HIGHER EDUCATION CENTERS for the next fiscal year:
- 33 (i) The Board of Regents of the University System of Maryland;
- 34 (ii) The Board of Regents of Morgan State University;
- 35 (iii) The Board of Trustees of St. Mary's College of Maryland;

1 (iv) The State Advisory Council for Title I of the Higher Education
2 Act of 1965;

3 (v) The Board of Trustees of Baltimore City Community College;
4 [and]

5 (vi) The Board of the Maryland Higher Education Investment
6 Program; AND

7 (VII) THE GOVERNING BODY OF EACH REGIONAL HIGHER
8 EDUCATION CENTER.

9 (2) In consultation with the Department of Budget and Management, the
10 Commission shall present to the Governor, on or before a date set by the Governor,
11 and simultaneously submit a copy to the General Assembly, a consolidated operating
12 and capital budget for higher education that includes the operating and capital
13 budget requests of the governing boards and institutions listed in paragraph (1) of
14 this subsection, the operating budget request of the Commission, a report on the
15 current funding of the adopted sets of peer institutions, and recommendations
16 regarding the funding of higher education.

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

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

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

27 (4) In submitting recommendations pursuant to paragraph (2) of this
28 subsection, the Commission shall comment on the overall level of funding for higher
29 education in order to achieve the goals established in the State Plan for Higher
30 Education, and may comment regarding funding priorities among segments of higher
31 education and, within public senior higher education, among institutions. In
32 reviewing the various budgets and submitting recommendations thereon, the
33 Commission:

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

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

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

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

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

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

9 1. The University System of Maryland;

10 2. Morgan State University;

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

12 4. All funding for the Maryland Higher Education
13 Commission, including the funding of:

14 A. The Joseph A. Sellinger Program;

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

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

17 and

18 D. All scholarship and grant programs administered by the
19 Commission; and

20 5. Baltimore City Community College.

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

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

29 1. 12.5 percent in fiscal year 2000;

30 2. 13.5 percent in fiscal year 2001;

31 3. 14.5 percent in fiscal year 2002;

32 4. 15 percent in fiscal year 2003; and

1 5. 15.5 percent in fiscal year 2004.

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

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

10 (3) (i) Whenever a county desires, or whenever the counties that
11 support a regional community college desire, to participate in the financial assistance
12 provided by the State for the general public junior or community college and regional
13 community college construction program, the jurisdiction or jurisdictions shall file
14 with the Commission a petition and such information as the Commission requires,
15 together with a complete proposal for each project for which financial assistance is
16 desired.

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

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

23 (5) The Board of Public Works shall approve each grant and shall certify
24 the amount of the grant to the Treasurer and the Comptroller. The Comptroller shall
25 issue a warrant to the Treasurer to pay the grant to or on behalf of the petitioning
26 jurisdiction or jurisdictions, when needed, for design and construction or the
27 acquisition of real property or interests in land. The decision of the Board of Public
28 Works shall be in such form as the Board deems advisable and shall be final and
29 conclusive.

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

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

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

36 1. A percentage equal to that percentage of the expenditure
37 for basic current expenses that the State pays to the petitioning jurisdiction under §
38 5-202(b) of this article up to a maximum of 70 percent; or

39 2. 50 percent.

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

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

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

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

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

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

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

20 (ii) In order to provide higher educational opportunities at
21 minimum cost to students and the State, the Commission is authorized to participate
22 in the Southern Regional Education Board Interstate Agreement, also known as the
23 Academic Common Market, to provide an opportunity for qualified nonresident
24 students to enroll in selected programs and curricula on a resident tuition and fee
25 charge basis.

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

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

- 33 1. The Board of Regents of the University System of
34 Maryland;
- 35 2. The Board of Regents of Morgan State University;
- 36 3. The Board of Trustees of St. Mary's College of Maryland;
- 37 and

1 4. The affected community colleges.

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

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

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

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

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

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

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

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

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

24 11-302.

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

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

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

31 (b) (1) The governing board:

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

34 (ii) May adopt the mission statement as submitted or with
35 amendments; and

1 (iii) Shall submit the statement to the Commission.
 2 (2) (i) In the case of constituent institutions of the University System
 3 of Maryland, the Chancellor of the University System of Maryland shall review the
 4 statement prior to its consideration by the Board of Regents and make
 5 recommendations.

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

8 1. They are consistent with the Charter and the systemwide
 9 plan; and

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

12 (iii) The Board shall consolidate the statements into an adopted
 13 systemwide statement.

14 (C) (1) ~~THE EXECUTIVE DIRECTOR OF EACH REGIONAL HIGHER EDUCATION~~
 15 CENTER SHALL:

16 (I) DEVELOP A MISSION STATEMENT;

17 (II) SUBMIT THE MISSION STATEMENT TO THE GOVERNING BODY
 18 OF THE CENTER; AND

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

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

23 (I) SHALL REVIEW THE MISSION STATEMENT AND MAY REQUIRE
 24 ~~THE EXECUTIVE DIRECTOR TO PREPARE~~ THE PREPARATION OF A REVISED MISSION
 25 STATEMENT;

26 (II) MAY ADOPT THE MISSION STATEMENT AS SUBMITTED OR WITH
 27 AMENDMENT; AND

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

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

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

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

5 (ii) The governing board and the institution president shall
6 negotiate with the Commission and amend the statement or prepare a new
7 statement.

8 11-303.

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

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

19 (C) THE COMMISSION, WITH THE ASSISTANCE OF ~~THE EXECUTIVE DIRECTORS~~
20 ~~FOR~~ THE REGIONAL HIGHER EDUCATION CENTERS REQUIRED TO DEVELOP MISSION
21 STATEMENTS UNDER THIS SUBTITLE, SHALL ESTABLISH AND PERIODICALLY
22 UPDATE THE FORMAT OF MISSION STATEMENTS TO INCLUDE SPECIFIC SHORT AND
23 LONG-RANGE GOALS AND MEASURABLE OBJECTIVES CONSISTENT WITH THE
24 POLICIES AND GUIDELINES OF THE COMMISSION.

25 12-104.

26 (f) (1) The Board may establish new institutions, REGIONAL HIGHER
27 EDUCATION CENTERS, and branches subject to:

28 (i) The concurrence of the Maryland Higher Education
29 Commission; and

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

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

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

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

1 12-106.

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

4 (i) Is consistent with the State Plan for Higher Education in
5 accordance with the Charter and with the constituent institutions' approved mission
6 statements;

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

11 (iii) Incorporates the following priorities:

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

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

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

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

22 2. Maintain and enhance an academic health center and a
23 coordinated Higher Education Center for Research and Graduate and Professional
24 Study in the Baltimore area, comprised of the University of Maryland, Baltimore and
25 the University of Maryland Baltimore County, with a focus on science and technology;

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

29 4. Support Towson University as the largest comprehensive
30 institution;

31 5. Enhance the historically African American institutions
32 and recognize the role of the University of Maryland Eastern Shore as the State's
33 1890 land grant institution;

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

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

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

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

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

11 24-304.

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

15 (b) The Board shall:

16 (1) Exercise general control over the Center;

17 (2) Keep separate records and minutes; and

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

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

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

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

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

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

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

33 [(g)] (H) The Board may enter into contracts or other agreements with any
34 institution of higher education for the provision of upper division undergraduate and

1 graduate programs to meet the higher education needs of Southern Maryland, subject
2 to the approval of the Commission.

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

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

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

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

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

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

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

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

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

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

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

26 24-305.

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

28 (b) The Director shall:

29 (1) Report directly to the Board;

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

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

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

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

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

6 (I) DEVELOP A MISSION STATEMENT;

7 (II) SUBMIT THE MISSION STATEMENT TO THE BOARD OF
8 GOVERNORS OF THE CENTER; AND

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

11 [(6)] (7) Perform other duties as assigned by the Board.

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