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By: **Delegates Madaleno, Barkley, Bobo, Bronrott, Doory, Dumais, Franchot, Frush, Goldwater, Gutierrez, Healey, Hubbard, Hurson, Kaiser, King, Lee, Mandel, McIntosh, Menes, Moe, Montgomery, Murray, Niemann, Petzold, Stern, and F. Turner**

Introduced and read first time: February 11, 2005

Assigned to: Appropriations

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A BILL ENTITLED

1 AN ACT concerning

2 **Access to Quality in Higher Education Act of 2005**

3 FOR the purpose of requiring the Governor to include in the annual budget  
4 submission for a certain fiscal year a certain amount of general fund State  
5 support for certain public senior higher education institutions; requiring the  
6 Governor to include in the annual budget submission for certain fiscal years for  
7 certain public senior higher education institutions an increase in the amount of  
8 general fund State support of a certain percentage per certain full-time  
9 equivalent resident student; requiring certain appropriations in a certain fiscal  
10 year be made to certain public senior higher education institutions under  
11 certain circumstances; providing that certain funding may not supplant certain  
12 funding to certain public senior higher education institutions; requiring the  
13 Board of Regents of the University System of Maryland to submit a biannual  
14 report beginning on a certain date regarding certain policies and procedures;  
15 prohibiting certain governing boards of certain public senior higher education  
16 institutions from implementing a tuition rate for a certain academic year  
17 greater than a certain amount; limiting, to no more than a certain percent for  
18 certain academic years, the amount of the annual increase in tuition that may  
19 be charged each academic year to a resident undergraduate student at certain  
20 public senior higher education institutions in Maryland; providing that a certain  
21 tuition limitation only applies if the general fund appropriation for certain  
22 public senior higher education institutions in a certain fiscal year has increased  
23 a certain amount over the preceding fiscal year; declaring the intent of the  
24 General Assembly; defining certain terms; and generally relating to State  
25 support for and tuition at public senior higher education institutions in  
26 Maryland.

27 BY repealing and reenacting, with amendments,  
28 Article - Education  
29 Section 10-101  
30 Annotated Code of Maryland  
31 (2004 Replacement Volume and 2004 Supplement)

1 BY adding to  
2 Article - Education  
3 Section 11-105(i)(6), (7), and (8), 12-114, and 15-106.5  
4 Annotated Code of Maryland  
5 (2004 Replacement Volume and 2004 Supplement)

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

8 **Article - Education**

9 10-101.

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

11 (b) "Charter" means the Maryland Charter for Higher Education.

12 (c) "Commission" means the Maryland Higher Education Commission.

13 (d) "Governing board" means:

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

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

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

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

18 (e) "Governing body" means:

19 (1) A governing board;

20 (2) A board of trustees of a community college;

21 (3) The governing entity of nonpublic institutions of higher education; or

22 (4) The governing entity of a regional higher education center.

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

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

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

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

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

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

15 (2) Morgan State University; and

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

17 (K) "RESIDENT STUDENT" MEANS A STUDENT CLASSIFIED AS "IN STATE" FOR  
18 THE PURPOSES OF TUITION IN ACCORDANCE WITH THE POLICY OR REGULATION OF  
19 THE GOVERNING BOARD OF THE PUBLIC SENIOR HIGHER EDUCATION INSTITUTION  
20 IN WHICH THE STUDENT IS ENROLLED.

21 [(k)] (L) "Regional higher education center" means a higher education facility  
22 in the State that:

23 (1) Includes participation by two or more institutions of higher education  
24 in the State;

25 (2) Consists of an array of program offerings;

26 (3) Offers multiple degree levels; and

27 (4) Is either affiliated with an institution of higher education or is  
28 established by statute.

29 [(l)] (M) "Secretary" means the Secretary of Higher Education.

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

1 11-105.

2 (i) (6) (I) THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET  
3 SUBMISSION FOR FISCAL YEAR 2007 AN AMOUNT OF GENERAL FUND STATE SUPPORT  
4 EQUAL TO AT LEAST THE FOLLOWING AMOUNTS:

5 1. UNIVERSITY OF SYSTEM MARYLAND ..... \$919,815,056

6 2. MORGAN STATE UNIVERSITY ..... 56,749,665

7 (II) BEGINNING IN FISCAL YEAR 2008 AND EACH FISCAL YEAR  
8 THEREAFTER, THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET  
9 SUBMISSION FOR MORGAN STATE UNIVERSITY AND THE CONSTITUENT  
10 INSTITUTIONS OF THE UNIVERSITY SYSTEM OF MARYLAND AN INCREASE IN THE  
11 AMOUNT OF GENERAL FUND SUPPORT OVER THE PREVIOUS FISCAL YEAR OF AT  
12 LEAST 5 PERCENT PER FULL-TIME EQUIVALENT RESIDENT STUDENT BASED ON THE  
13 REQUEST YEAR PROJECTED ENROLLMENTS.

14 (7) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH,  
15 APPROPRIATIONS SHALL BE MADE TO BRING THE TOTAL APPROPRIATION FOR  
16 FISCAL 2006 TO A LEVEL EQUAL TO:

17 1. \$863,963,359 TO THE UNIVERSITY SYSTEM OF MARYLAND;

18 AND

19 2. \$53,039,757 TO MORGAN STATE UNIVERSITY.

20 (II) SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL TAKE EFFECT  
21 ON:

22 1. ENACTMENT OF A SUPPLEMENTARY APPROPRIATION  
23 BILL THAT INCLUDES A FUNDING SOURCE; OR

24 2. THE GOVERNOR INCLUDING FUNDS IN A SUPPLEMENTAL  
25 BUDGET TO COVER THE APPROPRIATION.

26 (8) FUNDING DISTRIBUTED UNDER THIS SUBSECTION MAY NOT BE  
27 USED TO SUPPLANT FUNDING OTHERWISE DISTRIBUTED IN ACCORDANCE WITH THE  
28 STATE'S PARTNERSHIP AGREEMENT WITH THE UNITED STATES DEPARTMENT OF  
29 EDUCATION, OFFICE OF CIVIL RIGHTS TO:

30 (I) BOWIE STATE UNIVERSITY;

31 (II) COPPIN STATE COLLEGE;

32 (III) MORGAN STATE UNIVERSITY; OR

33 (IV) UNIVERSITY OF MARYLAND EASTERN SHORE.

1 12-114.

2 (A) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE UNIVERSITY  
3 SYSTEM OF MARYLAND IMPROVE ITS EFFECTIVENESS AND EFFICIENCY AND  
4 REDUCE ITS COST STRUCTURE BY BECOMING THE NATIONAL LEADER IN  
5 TRANSFORMING THE BUSINESS MODEL OF PUBLIC HIGHER EDUCATION TO PROVIDE  
6 WORLD CLASS EDUCATION, RESEARCH, AND PUBLIC SERVICE AT BELOW AVERAGE  
7 COSTS.

8 (B) ON OR BEFORE NOVEMBER 1, 2005, AND ON NOVEMBER 1 EVERY SECOND  
9 YEAR THEREAFTER, THE BOARD OF REGENTS SHALL SUBMIT, IN ACCORDANCE WITH  
10 § 2-1246 OF THE STATE GOVERNMENT ARTICLE, A REPORT ON THE POLICIES AND  
11 PROCEDURES IT HAS IMPLEMENTED IN ACCORDANCE WITH SUBSECTION (A) OF THIS  
12 SECTION TO THE HOUSE APPROPRIATIONS COMMITTEE AND WAYS AND MEANS  
13 COMMITTEE AND THE SENATE BUDGET AND TAXATION COMMITTEE AND  
14 EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEES OF THE  
15 GENERAL ASSEMBLY.

16 15-106.5.

17 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
18 INDICATED.

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

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

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

29 (II) "TUITION" DOES NOT INCLUDE:

30 1. FEES DEDICATED TO SUPPORT AUXILIARY ENTERPRISES  
31 AND OTHER SELF-FUNDED ACTIVITIES OF A PUBLIC SENIOR HIGHER EDUCATION  
32 INSTITUTION; OR

33 2. A FEE REQUIRED ONLY FOR ENROLLMENT IN A SPECIFIC  
34 DEGREE PROGRAM, FIELD OF STUDY, OR COURSE WHEN THAT FEE IS NOT REQUIRED  
35 OF UNDERGRADUATE RESIDENT STUDENTS AT THE PUBLIC SENIOR HIGHER  
36 EDUCATION INSTITUTION FOR ENROLLMENT IN OTHER DEGREE PROGRAMS, FIELDS  
37 OF STUDY, OR COURSES.

1 (B) FOR THE ACADEMIC YEAR BEGINNING IN THE FALL OF 2005, A GOVERNING  
2 BOARD MAY NOT APPROVE AND A PUBLIC SENIOR HIGHER EDUCATION INSTITUTION  
3 MAY NOT IMPLEMENT A TUITION GREATER THAN THE SUM OF:

4 (1) THE TUITION CHARGED IN THE FALL OF 2002; AND

5 (2) 80 PERCENT OF THE INCREASE IN TUITION BETWEEN THE FALL OF  
6 2002 AND THE FALL OF 2004.

7 (C) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, FOR THE  
8 ACADEMIC YEAR BEGINNING IN THE FALL OF 2006, AND EACH ACADEMIC YEAR  
9 THROUGH THE FALL OF 2015, A GOVERNING BOARD MAY NOT APPROVE, AND  
10 MORGAN STATE UNIVERSITY OR A CONSTITUENT INSTITUTION OF THE UNIVERSITY  
11 SYSTEM OF MARYLAND MAY NOT IMPOSE, AN INCREASE IN THE TUITION CHARGED  
12 FOR AN ACADEMIC YEAR TO A RESIDENT UNDERGRADUATE STUDENT AT THE  
13 INSTITUTION THAT EXCEEDS 4 PERCENT OF THE AMOUNT CHARGED FOR TUITION AT  
14 THE INSTITUTION THE PRECEDING ACADEMIC YEAR.

15 (2) THE TUITION LIMITATION IN PARAGRAPH (1) OF THIS SUBSECTION  
16 ONLY APPLIES IF THE GENERAL FUND APPROPRIATION FOR MORGAN STATE  
17 UNIVERSITY AND THE CONSTITUENT INSTITUTIONS OF THE UNIVERSITY SYSTEM OF  
18 MARYLAND IN THE CURRENT FISCAL YEAR HAS INCREASED AT LEAST 5 PERCENT  
19 OVER THE APPROPRIATION FOR THE PRECEDING FISCAL YEAR IN ACCORDANCE  
20 WITH § 11-105(I)(6) OF THIS ARTICLE.

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

28 SECTION 3. AND BE IT FURTHER ENACTED, That it is the intent of the  
29 General Assembly that the State should set a goal of 90% of the funding guidelines to  
30 be continued beyond 2013 in order to maintain the level of investment needed for  
31 quality and to hold spending below the average of comparable universities to  
32 encourage efficiency.

33 SECTION 4. AND BE IT FURTHER ENACTED, That it is the intent of the  
34 General Assembly to continue to support Maryland's historically black institutions in  
35 accordance with the agreement reached between the State of Maryland and the  
36 United States Department of Education, Office of Civil Rights in December 2000.

37 SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take effect  
38 July 1, 2005.