

HOUSE BILL 789

F2, F1

9lr3083
CF SB 861

By: **Delegates Bohanan, Bartlett, Conway, and Olszewski**

Introduced and read first time: February 11, 2009

Assigned to: Appropriations and Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Higher Education Funding Model for Maryland Act of 2009**

3 FOR the purpose of setting certain funding, tuition, performance, and financial aid
4 goals for Maryland's higher education system; repealing the requirement that
5 certain scholarship awards supplement certain education benefits; repealing
6 certain State funding goals; requiring certain funding proposals for certain
7 regional higher education centers to be calculated using a certain funding
8 strategy; providing that a program should be developed that promises to cover a
9 certain percent of financial need for certain students; requiring the Maryland
10 Higher Education Commission to develop and update certain accountability
11 measures and benchmarks and to provide the information in a certain format;
12 requiring the Commission to perform a certain analysis prior to the
13 establishment of certain additional higher education centers; authorizing
14 institutions of higher education and the Commission to propose certain projects;
15 requiring the Commission to evaluate certain project proposals; requiring the
16 Commission to conduct certain annual assessments measuring progress toward
17 meeting certain performance and funding goals; requiring certain institutions of
18 higher education to provide certain information under certain circumstances;
19 requiring certain institutions to provide a 10-year capital improvement plan
20 that contains certain information; requiring the Commission to establish a
21 certain committee to review certain reporting requirements; modifying the
22 program approval process for certain programs; exempting certain members of
23 the Maryland National Guard from paying nonresident tuition at public
24 institutions of higher education; reauthorizing the Higher Education
25 Investment Fund; expanding the authorized uses of the Higher Education
26 Investment Fund; establishing a Tuition Stabilization Trust Account in the
27 Higher Education Investment Fund; requiring certain funds to be transferred to
28 the Trust Account under certain circumstances; limiting the authorized use of
29 funds in the Trust Account; authorizing certain institutions to develop certain
30 pilot 4-year fixed-rate tuition plans for resident undergraduate students;
31 requiring certain institutions to establish a policy for maintaining certain

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 capital assets; requiring the Commission to appoint a certain panel of
2 individuals to outline certain programs and services and to make certain
3 recommendations for supplemental funding for certain institutions; requiring
4 the graduation rate to be used as the primary indicator of undergraduate
5 student performance at certain institutions; requiring certain institutions with
6 doctoral level programs to develop certain strategic plans; requiring the
7 Commission to review and approve certain strategic plans; requiring certain
8 institutions to identify certain doctoral programs for certain targeted efforts;
9 requiring the Commission to appoint a certain panel of individuals to make a
10 determination of certain support and capacity needed for targeted programs;
11 requiring the Governor to appoint a certain panel of advisors to assess progress
12 made toward the comparability and competitiveness of certain institutions;
13 establishing a certain program for students with financial need; requiring the
14 Office of Student Financial Assistance to develop a graduated scale for award
15 amounts of a certain scholarship based on certain criteria; increasing the award
16 amount for a certain scholarship; altering the eligibility requirements for
17 certain scholarships and tuition benefits for Maryland National Guard
18 members; increasing the number of awards of a certain scholarship under
19 certain circumstances; modifying the eligibility requirements of certain
20 scholarship programs; repealing the termination date for certain provisions
21 related to the Dual Enrollment Grant Program; renaming the Dual Enrollment
22 Grant Program as the Early College Access Grant Program; requesting the
23 Department of Budget and Management to study the creation of a capital
24 funding category for research space; requiring the Commission to consider
25 adopting regulations modifying the Guaranteed Access Grant for certain
26 students and to consider developing a single application for certain financial aid
27 programs; requiring the Commission to develop a methodology for estimating
28 certain costs for certain capital needs; requiring the Commission to consider
29 developing a private donation incentive program for facility renewal needs of
30 certain institutions; requiring the Commission to establish a group to examine
31 and recommend best practices for certain higher education centers; requiring
32 the Commission to work with the Governor's Workforce Investment Board to
33 conduct certain studies of employer perceptions; requiring certain institutions to
34 review certain capital priorities and to ensure the alignment with certain
35 institution needs; requesting the Governor to accelerate capital funding for
36 certain institutions and to fund certain other capital projects as planned;
37 stating certain intent regarding certain funding for certain programs; requiring
38 the State Department of Education and the P-20 Leadership Council to
39 establish a certain statewide primary and secondary curriculum and to develop
40 a common definition of college readiness; establishing the Task Force on
41 Linking Public PreK-12 and Higher Education Data; providing for the
42 membership of the Task Force; requiring the Task Force to make certain
43 recommendations; requiring certain reports to the Governor and the General
44 Assembly on or before certain dates; requiring certain reports to certain
45 agencies on or before certain dates; altering certain definitions; defining certain
46 terms; specifying the distribution of certain corporate income tax revenues;
47 providing for the termination of certain provisions of this Act; and generally
48 relating to the Higher Education Funding Model for Maryland.

- 1 BY repealing
2 Article – Education
3 Section 18–604(d)
4 Annotated Code of Maryland
5 (2008 Replacement Volume)
- 6 BY renumbering
7 Article – Education
8 Section 18–604(e), (f), (g), (h), (i), (j), and (k), respectively
9 to be Section 18–604(d), (e), (f), (g), (h), (i), and (j), respectively
10 Annotated Code of Maryland
11 (2008 Replacement Volume)
- 12 BY repealing and reenacting, with amendments,
13 Article – Education
14 Section 10–203, 11–105(b), (f)(1), (h), and (i), 11–206.1(b)(1) and (2), (c) and (e),
15 15–106.4, 15–106.6, 18–304, 18–601(a), 18–604(c), 18–1101, 18–1102(a)
16 through (c), 18–1103, 18–1106; 18–14A–01 through 18–14A–03 to be
17 under the amended subtitle “Subtitle 14A. Early College Access Grant
18 Program”; and 18–1502(b)
19 Annotated Code of Maryland
20 (2008 Replacement Volume)
- 21 BY repealing and reenacting, without amendments,
22 Article – Education
23 Section 11–105(a), 18–604(b), and 18–1502(a)
24 Annotated Code of Maryland
25 (2008 Replacement Volume)
- 26 BY adding to
27 Article – Education
28 Section 11–106(c), 15–106.7, 15–112 through 15–115, and 18–303.2
29 Annotated Code of Maryland
30 (2008 Replacement Volume)
- 31 BY repealing and reenacting, without amendments,
32 Article – Public Safety
33 Section 13–405(a)
34 Annotated Code of Maryland
35 (2003 Volume and 2008 Supplement)
- 36 BY repealing and reenacting, with amendments,
37 Article – Public Safety
38 Section 13–405(b)
39 Annotated Code of Maryland
40 (2003 Volume and 2008 Supplement)

1 BY repealing and reenacting, with amendments,
2 Article – Tax – General
3 Section 2–613.1
4 Annotated Code of Maryland
5 (2004 Replacement Volume and 2008 Supplement)

6 BY repealing and reenacting, with amendments,
7 Chapter 296 of the Acts of the General Assembly of 2007
8 Section 3

9 BY repealing and reenacting, with amendments,
10 Chapter 297 of the Acts of the General Assembly of 2007
11 Section 3

12 Preamble

13 WHEREAS, The Commission to Develop the Maryland Model for Funding
14 Higher Education was charged with developing an effective statewide framework for
15 higher education funding to establish a consistent and stable funding mechanism
16 while promoting policies to achieve national eminence; and

17 WHEREAS, The Commission to Develop the Maryland Model for Funding
18 Higher Education was also charged with reviewing and making recommendations
19 relating to the appropriate level of funding for the State’s public historically African
20 American institutions to ensure that they are comparable and competitive with other
21 public institutions; and

22 WHEREAS, The Commission to Develop the Maryland Model for Funding
23 Higher Education found that Maryland must be able to prosper in the global
24 knowledge economy if it is to continue to provide a quality standard of living for its
25 citizens and in order to achieve and maintain national eminence and be globally
26 competitive, Maryland institutions must significantly increase the number of citizens
27 with a college degree; and

28 WHEREAS, The Commission to Develop the Maryland Model for Funding
29 Higher Education found that the quality of life of every citizen in Maryland will be
30 fundamentally impacted by our collective ability to create knowledge through
31 discovery, translate that knowledge into goods and services through
32 leading–edge innovation, and be first to the marketplace with those goods and services
33 through extraordinary entrepreneurship; and

34 WHEREAS, The Commission to Develop the Maryland Model for Funding
35 Higher Education found that academic facilities ought to enhance the teaching and
36 research activities and not detract from them and that having adequate facilities at
37 Maryland’s institutions of higher education will greatly impact our competitiveness
38 with other states and, in turn, ensure the State’s economic health; and

1 WHEREAS, The Commission to Develop the Maryland Model for Funding
2 Higher Education found that, while Maryland ranks favorably with the average of
3 other states in many economic and education metrics, the low-income residents of our
4 State are greatly underserved and further, the fastest growing segments of Maryland's
5 population disproportionately represented within this underserved group; and

6 WHEREAS, The Commission to Develop the Maryland Model for Funding
7 Higher Education recommends a model for funding higher education that addresses
8 the economic and demographic challenges facing Maryland founded on the principle of
9 providing a high quality and affordable education to every citizen of Maryland who
10 seeks the opportunity, which will require relatively high State investment in higher
11 education, moderate tuition, and relatively high financial aid; and

12 WHEREAS, The Commission to Develop the Maryland Model for Funding
13 Higher Education recommends that there should be a coherent, goal-driven system of
14 accountability as a means of examining the State's return on dollars invested in higher
15 education and ensuring an efficient, cost-effective higher education system in
16 Maryland; now, therefore,

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
18 MARYLAND, That Section(s) 18-604(d) of Article – Education of the Annotated Code
19 of Maryland be repealed.

20 SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 18-604(e), (f),
21 (g), (h), (i), (j), and (k), respectively, of Article – Education of the Annotated Code of
22 Maryland be renumbered to be Section(s) 18-604(d), (e), (f), (g), (h), (i), and (j),
23 respectively.

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

26 **Article – Education**

27 10-203.

28 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE
29 MEANINGS INDICATED.

30 (2) “COMPARABLE INSTITUTIONS” MEANS A GROUP OF PEER
31 INSTITUTIONS HAVING SIMILAR ACADEMIC SCOPE, COMPARABLE SIZE, AND A
32 SIMILAR STUDENT FINANCIAL PROFILE.

33 (3) “COMPETITOR STATES” MEANS STATES WITH WHICH
34 MARYLAND PRINCIPALLY COMPETES FOR EMPLOYERS, AS DETERMINED BY THE
35 MARYLAND HIGHER EDUCATION COMMISSION IN CONSULTATION WITH THE
36 DEPARTMENT OF BUSINESS AND ECONOMIC DEVELOPMENT.

1 **(B) (1) (I) THE OVERARCHING GOAL OF THE STATE IS THAT BY**
2 **2020:**

3 **1. MARYLAND HIGHER EDUCATION FUNDING**
4 **SHOULD REACH A LEVEL OF HIGH STATE INVESTMENT, MODERATE TUITION,**
5 **AND HIGH FINANCIAL AID; AND**

6 **2. MARYLAND HIGHER EDUCATION INSTITUTIONS**
7 **SHOULD REACH A LEVEL OF HIGH PERFORMANCE.**

8 **(II) IN ACCORDANCE WITH § 11-105(H) OF THIS ARTICLE,**
9 **PROGRESS TOWARD MEETING THE GOAL SET FORTH IN SUBPARAGRAPH (I) OF**
10 **THIS PARAGRAPH SHALL BE ASSESSED ANNUALLY.**

11 **(2) THE GOAL OF THE STATE SET FORTH IN PARAGRAPH (1) OF**
12 **THIS SUBSECTION SHALL BE ACHIEVED BY THE FOLLOWING FUNDING GOALS:**

13 **[(a)] (I) 1. [It is the goal of the State that public] PUBLIC senior**
14 **higher education institutions SHOULD be funded at 100 percent of funding guidelines**
15 **developed by the Maryland Higher Education Commission THAT SHOULD BE SET AT**
16 **THE 75TH PERCENTILE OF FUNDING PER STUDENT OF A GROUP OF**
17 **COMPARABLE INSTITUTIONS LOCATED IN COMPETITOR STATES; AND**

18 **2. STATE FUNDING OF PUBLIC HISTORICALLY**
19 **AFRICAN AMERICAN COLLEGES AND UNIVERSITIES SHOULD BE SET AT THE**
20 **80TH PERCENTILE OF FUNDING PER STUDENT OF A GROUP OF COMPARABLE**
21 **INSTITUTIONS LOCATED IN COMPETITOR STATES;**

22 **(II) 1. GROSS IN-STATE TUITION AND FEES AT PUBLIC**
23 **INSTITUTIONS OF HIGHER EDUCATION SHOULD BE SET AT OR BELOW THE 50TH**
24 **PERCENTILE OF COMPARABLE INSTITUTIONS LOCATED IN COMPETITOR**
25 **STATES; AND**

26 **2. INCREASES IN TUITION AND FEES IN ANY GIVEN**
27 **YEAR SHOULD BE LIMITED TO A PERCENT NOT TO EXCEED THE INCREASE IN**
28 **THE 3-YEAR ROLLING AVERAGE OF THE STATE'S MEDIAN FAMILY INCOME; AND**

29 **(III) STATE NEED-BASED FINANCIAL AID PER FULL-TIME**
30 **EQUIVALENT STUDENT SHOULD BE SET AT THE 75TH PERCENTILE OF FUNDING**
31 **IN THE COMPETITOR STATES.**

32 **[(b)] (C) Funding policies shall allocate State resources efficiently while**
33 **providing incentives for quality and institutional diversity.**

1 [(c)] (D) Funding proposals for public senior higher education institutions
2 shall include:

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

5 (2) Special initiative funding:

6 (i) For academic programs at **PUBLIC** historically African
7 American colleges and universities; and

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

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

12 [(d)] (E) (1) Funding proposals for regional higher education centers may
13 include:

14 (i) Ongoing operating support to provide access to affordable
15 postsecondary education in unserved and underserved areas of the State;

16 (ii) Incentive funding to promote collaboration among the
17 institutions of higher education and regional higher education centers; and

18 (iii) Capital funding to support construction, operation, and
19 maintenance of a physical plant consistent with the approved mission statement of the
20 center.

21 (2) Operating funds for each regional higher education center that is
22 administered by the University System of Maryland shall be included in the
23 appropriation of the system office as a separate line item in the Governor's operating
24 budget.

25 **(3) EXCEPT FOR THE REGIONAL HIGHER EDUCATION CENTERS**
26 **ADMINISTERED BY THE UNIVERSITY SYSTEM OF MARYLAND, FUNDING**
27 **PROPOSALS FOR REGIONAL HIGHER EDUCATION CENTERS SHALL BE**
28 **CALCULATED USING THE FUNDING STRATEGY DEVELOPED BY THE MARYLAND**
29 **HIGHER EDUCATION COMMISSION.**

30 [(e)] (F) (1) Student financial aid programs should be developed in order
31 to provide reasonable access to the appropriate academic programs for individuals who
32 exhibit financial need, who are educationally disadvantaged, or who exhibit special
33 merit.

1 **(2) A PROGRAM SHOULD BE DEVELOPED THAT PROMISES TO**
2 **COVER 100 PERCENT OF COLLEGE EXPENSES FOR STUDENTS WITH THE**
3 **GREATEST FINANCIAL NEED, AS DETERMINED BY THE COMMISSION, WHO**
4 **COMPLETE A COLLEGE PREPARATORY CURRICULUM IN HIGH SCHOOL AND**
5 **AGREE TO COMPLETE AN UNDERGRADUATE PROGRAM IN 2 OR 4 YEARS AS**
6 **SPECIFIED IN § 18-303.2 OF THIS ARTICLE.**

7 11-105.

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

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

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

17 1. The present and future needs for postsecondary
18 education and research throughout the State;

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

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

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

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

31 **(IV) 1. THE COMMISSION SHALL DEVELOP STATEWIDE**
32 **HIGHER EDUCATION ACCOUNTABILITY MEASURES AND BENCHMARKS THAT**
33 **REFLECT THE GOALS IN THE STATE PLAN FOR HIGHER EDUCATION AND THE**
34 **FUNDING GOALS OF § 10-203(B) OF THIS ARTICLE.**

35 **2. INFORMATION ABOUT THE MEASURES AND THE**
36 **STATE'S PROGRESS TOWARDS THE BENCHMARKS SHALL BE PROVIDED IN AN**

1 ONLINE FORMAT THAT IS EASILY ACCESSIBLE AND UNDERSTOOD AND THAT
2 SHALL BE KNOWN AS THE MARYLAND RETURN ON INVESTMENT IN HIGHER
3 EDUCATION.

4 **3. THE COMMISSION SHALL UPDATE THE**
5 **INFORMATION REQUIRED UNDER SUBSUBPARAGRAPH 2 OF THIS**
6 **SUBPARAGRAPH AT LEAST ANNUALLY.**

7 (3) (i) The Commission shall submit to the Governor and, subject
8 to § 2-1246 of the State Government Article, to the General Assembly a quadrennial
9 review of the plan by July 1, 2008 and by July 1 of each fourth year thereafter.

10 (ii) The quadrennial review shall include a report on the status
11 and needs of postsecondary education in the State.

12 (4) In the year immediately following the quadrennial review of the
13 State Plan for Higher Education and in accordance with Subtitle 3 of this title, the
14 Commission shall review, negotiate as necessary, and approve the appropriate role,
15 function, and mission of each public institution of postsecondary education in the
16 State.

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

22 (ii) With respect to the constituent institutions of the University
23 System of Maryland in the Baltimore region, the Commission shall direct the Board of
24 Regents of the University of Maryland to maintain and enhance a coordinated Higher
25 Education Center for Research and Graduate and Professional Study in the Baltimore
26 area.

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

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

33 (7) (I) [The] **SUBJECT TO THE LIMITATION IN SUBPARAGRAPH**
34 **(II) OF THIS PARAGRAPH,** THE Commission has authority to approve regional higher
35 education centers to operate in the State and has statewide coordinating responsibility
36 for regional higher education centers.

1 **(II) BEFORE THE APPROVAL OF ADDITIONAL REGIONAL**
2 **HIGHER EDUCATION CENTERS TO OPERATE IN THE STATE, THE COMMISSION**
3 **SHALL PERFORM AN ANALYSIS TO DETERMINE THE EDUCATIONAL NEEDS OF**
4 **THE AREA IN WHICH THE ADDITIONAL REGIONAL HIGHER EDUCATION CENTER**
5 **WOULD BE ESTABLISHED AND SHALL INCLUDE:**

6 **1. AN EXAMINATION OF THE ROLE THAT THE**
7 **REGIONAL HIGHER EDUCATION CENTER WILL PLAY IN MEETING THE**
8 **EDUCATIONAL NEEDS OF THE AREA;**

9 **2. AN EXAMINATION OF WHETHER THE**
10 **EDUCATIONAL NEEDS ARE BEING MET THROUGH EXISTING MEANS; AND**

11 **3. IF SOME OF THE EDUCATIONAL NEEDS ARE NOT**
12 **BEING MET, WHETHER A REGIONAL HIGHER EDUCATION CENTER IS THE BEST**
13 **WAY TO MEET THE NEEDS.**

14 (8) (I) The Commission may distribute strategic incentive funds to
15 an institution of higher education or a regional higher education center to encourage
16 attainment of the goals and priorities set forth in the State Plan for Higher Education.

17 **(II) INSTITUTIONS OF HIGHER EDUCATION AND THE**
18 **COMMISSION MAY PROPOSE PROJECTS THAT SUPPORT THE ATTAINMENT OF**
19 **STATE GOALS OR INSTITUTIONAL MISSIONS AND THE COMMISSION, SUPPORTED**
20 **BY A GROUP OF INDEPENDENT ADVISERS AS NECESSARY, SHALL SELECT**
21 **PROJECTS FROM AMONG THE PROPOSALS TO RECEIVE FUNDING UNDER §**
22 **15-106.6(B)(9)(V) OF THIS ARTICLE.**

23 (f) (1) The Commission is responsible for:

24 (i) Developing a program of desegregation and equal
25 educational opportunity, including developing an enhancement plan, for **PUBLIC**
26 historically African American colleges and universities;

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

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

32 (iv) Requiring reports from each governing board concerning
33 progress toward equal opportunity in all activities and programs under its jurisdiction;
34 [and]

1 (v) APPOINTING A PANEL OF EXPERTS AND
2 REPRESENTATIVES FROM PUBLIC HISTORICALLY AFRICAN AMERICAN
3 COLLEGES AND UNIVERSITIES TO OUTLINE PROGRAMS AND SERVICES AND
4 RECOMMEND AN AMOUNT OF SUPPLEMENTAL FUNDING FOR THE PUBLIC
5 HISTORICALLY AFRICAN AMERICAN COLLEGES AND UNIVERSITIES, IN
6 ACCORDANCE WITH § 15-113 OF THIS ARTICLE;

7 (vi) REVIEWING AND APPROVING THE STRATEGIC PLANS
8 DEVELOPED UNDER § 15-114 OF THIS ARTICLE PRIOR TO IMPLEMENTATION BY
9 THE PUBLIC HISTORICALLY AFRICAN AMERICAN COLLEGES AND UNIVERSITIES;
10 AND

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

14 (h) The Commission:

15 (1) May secure, compile, and evaluate information on any matter
16 within its authority, in the format it requires, from any person, agency, regional
17 higher education center, or institution subject to its authority;

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

20 (3) Through its representatives, may visit at any reasonable times and
21 make reasonable inspections of any institution of postsecondary education or regional
22 higher education center subject to its authority;

23 (4) In consultation with the segments of higher education, shall
24 develop guidelines to assess the adequacy of operating and capital funding based on
25 comparisons with institutions designated as peer institutions and other appropriate
26 factors; [and]

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

30 (6) SHALL CONDUCT ANNUAL ASSESSMENTS FOR EACH
31 INSTITUTION OF HIGHER EDUCATION AND FOR THE STATE IN THE AGGREGATE,
32 WHICH SHALL:

33 (i) MEASURE THE PROGRESS TOWARD MEETING THE
34 FUNDING GOALS SET FORTH IN § 10-203(B) OF THIS ARTICLE;

1 **(II) MEASURE THE PERFORMANCE OF INSTITUTIONS OF**
2 **HIGHER EDUCATION; AND**

3 **(III) SHOW THE PROGRESS MADE TOWARD THE GOALS IN AN**
4 **ONLINE FORMAT THAT IS EASILY ACCESSIBLE AND UNDERSTOOD; AND**

5 **(7) SHALL UPDATE PERIODICALLY THE COMPETITOR STATES**
6 **USED TO DETERMINE THE FUNDING GOALS IN § 10-203(B) OF THIS ARTICLE.**

7 (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 affiliated regional higher education 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
15 Education Act of 1965;

16 (v) The Board of Trustees of Baltimore City Community
17 College;

18 (vi) The Board of the Maryland Higher Education Investment
19 Program; and

20 (vii) The governing body of each regional higher education center.

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

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

32 (i) **1.** Review proposals for capital projects and
33 improvements proposed by the public institutions of higher education in this State, by

1 the Maryland Independent College and University Association, and by the regional
2 higher education centers; and

3 **2. REQUIRE A NONPUBLIC INSTITUTION OF HIGHER**
4 **EDUCATION THAT PROPOSES A CAPITAL PROJECT FOR STATE FUNDING THAT IS**
5 **PRIMARILY RELATED TO FACILITY RENEWAL IMPROVEMENTS TO REPORT TO**
6 **THE COMMISSION THE FACILITY RENEWAL POLICY AND BUDGET PRACTICES OF**
7 **THE INSTITUTION;**

8 (ii) Develop and submit to the Governor and the General
9 Assembly recommendations as to these projects, which shall be consistent with the
10 State Plan for Higher Education provided for in this section; AND

11 **(III) REQUIRE THE PUBLIC INSTITUTIONS OF HIGHER**
12 **EDUCATION IN THE STATE TO MAINTAIN AND, BY SEPTEMBER 1 OF EACH YEAR,**
13 **SUBMIT TO THE COMMISSION, THE GOVERNOR AND, IN ACCORDANCE WITH §**
14 **2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY A**
15 **10-YEAR PLAN THAT:**

16 **1. IDENTIFIES THE CAPITAL NEEDS OF EACH**
17 **INSTITUTION BY PROJECT;**

18 **2. IDENTIFIES FUNDING SOURCES TO MEET THE**
19 **CAPITAL NEEDS BASED ON THE ASSUMPTION THAT STATE CAPITAL FUNDING**
20 **WILL CONTINUE AT PRESENT LEVELS, ADJUSTED FOR INFLATION; AND**

21 **3. IDENTIFIES ALTERNATIVE CAPITAL FUNDING**
22 **SOURCES ON THE ASSUMPTION THAT THE CAPITAL NEEDS OF INSTITUTIONS OF**
23 **HIGHER EDUCATION EXCEED THE STATE'S ABILITIES TO FUND ALL PROJECTS.**

24 (4) In submitting recommendations pursuant to paragraph (2) of this
25 subsection, the Commission shall comment on the overall level of funding for higher
26 education in order to achieve the goals established in the State Plan for Higher
27 Education AND THE FUNDING GOALS SET FORTH IN § 10-203(B) OF THIS
28 ARTICLE, and may comment regarding funding priorities among segments of higher
29 education and, within public senior higher education, among institutions. In reviewing
30 the various budgets and submitting recommendations thereon, the Commission:

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

34 (ii) As to the funding priority of any institution, may comment
35 only 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
2 Regents of the University System of Maryland and the Board of Regents of Morgan
3 State University:

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

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

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

10 1. The University System of Maryland;

11 2. Morgan State University;

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

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

15 A. The Joseph A. Sellinger Program;

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

17 C. Fringe benefits provided under aid to community
18 colleges; and

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

21 5. Baltimore City Community College.

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

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

30 1. 12.5 percent in fiscal year 2000;

31 2. 13.5 percent in fiscal year 2001;

- 1 3. 14.5 percent in fiscal year 2002;
2 4. 15 percent in fiscal year 2003; and
3 5. 15.5 percent in fiscal year 2004.]

4 11-106.

5 **(C) (1) THE COMMISSION SHALL ESTABLISH A DATA MANAGEMENT**
6 **COMMITTEE TO CONDUCT A THOROUGH REVIEW OF HIGHER EDUCATION**
7 **REPORTING REQUIREMENTS WITH THE GOAL OF REDUCING THE NUMBER OF**
8 **REQUIRED REPORTS TO A MINIMUM.**

9 **(2) THE COMMITTEE SHOULD:**

10 **(I) IDENTIFY AND ELIMINATE OVERLAPPING, REDUNDANT,**
11 **OR OBSOLETE REPORTS WITHOUT COMPROMISING THE QUALITY OF**
12 **INFORMATION RECEIVED BY THE STATE;**

13 **(II) STANDARDIZE DEFINITIONS OF COMMONLY REPORTED**
14 **DATA;**

15 **(III) REVIEW ISSUES ASSOCIATED WITH THE SCHEDULE OF**
16 **REPORTS WITH THE GOAL OF STREAMLINING WORK PROCESSES AND DUE DATES**
17 **SO THAT THE REPORTS DO NOT UNREASONABLY ADD TO AN INSTITUTION'S**
18 **WORKLOAD;**

19 **(IV) DEVELOP RECOMMENDATIONS FOR THE ELIMINATION**
20 **OR MODIFICATION OF REPORTING REQUIREMENTS;**

21 **(V) REPORT TO THE COMMISSION, THE GOVERNOR,**
22 **APPROPRIATE STATE AGENCIES, AND, IN ACCORDANCE WITH § 2-1246 OF THE**
23 **STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY, REGARDING THE**
24 **FINDINGS AND RECOMMENDATIONS OF THE GROUP; AND**

25 **(VI) CONDUCT A REVIEW EVERY 3 YEARS TO ENSURE**
26 **CONTINUED EFFICIENCY IN REPORTING REQUIREMENTS.**

27 11-206.1.

28 (b) (1) A president of a public institution of higher education may propose
29 to establish a new program or abolish an existing program if the action:

30 (i) Is consistent with the institution's adopted mission
31 statement under Subtitle 3 of this title; and

1 (ii) Can be implemented **AND SUSTAINED** within the existing
2 program resources of the institution.

3 (2) A president of a nonpublic institution of higher education may
4 propose to establish a new program if the action:

5 (i) Is consistent with the mission statement published in the
6 official catalog of the nonpublic institution; and

7 (ii) Can be implemented **AND SUSTAINED** within the existing
8 resources of the institution.

9 (c) The governing board of a public institution of higher education shall:

10 (1) Review the actions taken under subsection (b) of this section;

11 (2) Ensure that any new program proposed to be established by a
12 president:

13 (i) Is consistent with the institution's approved mission
14 statement under Subtitle 3 of this title;

15 (ii) Meets a regional or statewide need consistent with the
16 Maryland State Plan for [Postsecondary] **HIGHER** Education;

17 (iii) Meets criteria for the quality of new programs, developed in
18 consultation with the Commission; and

19 (iv) Can be implemented **AND SUSTAINED** within the existing
20 program resources of the institution, verified by a process established in consultation
21 with the Commission.

22 (e) Within 30 days of receipt of a notice of an institution's intent to establish
23 a new program in accordance with subsection (b) of this section, the Commission may
24 file, or the institutions of higher education in the State may file with the Commission,
25 an objection to implementation of a proposed program provided the objection is based
26 on:

27 (1) Inconsistency of the proposed program with the institution's
28 approved mission for a public institution of higher education [and] **OR** the mission
29 statement published in the official catalog of a nonpublic institution of higher
30 education;

31 (2) Not meeting a regional or statewide need consistent with the
32 Maryland State Plan for [Postsecondary] **HIGHER** Education;

1 (3) Unreasonable program duplication which would cause
2 demonstrable harm to another institution; or

3 (4) Violation of the State's equal educational opportunity obligations
4 under State and federal law.

5 15-106.4.

6 (a) This section applies to the following individuals:

7 (1) An active duty member of the United States armed forces;

8 (2) The spouse of an active duty member of the United States armed
9 forces;

10 (3) A financially dependent child of an active duty member of the
11 United States armed forces; [or]

12 (4) An honorably discharged veteran of the United States armed
13 forces; **OR**

14 (5) **A MEMBER OF THE NATIONAL GUARD AS DEFINED IN §**
15 **13-405(A)(3) OF THE PUBLIC SAFETY ARTICLE.**

16 (b) Notwithstanding any other provision of this article, [beginning with the
17 2004 fall semester,] an individual described in subsection (a) of this section who
18 registers as an entering student in a public institution of higher education in the State
19 is exempt from paying nonresident tuition at a public institution of higher education
20 in this State if:

21 (1) The active duty member referred to in subsection (a) of this
22 section:

23 (i) Is stationed in this State;

24 (ii) Resides in this State; or

25 (iii) Is domiciled in this State; [or]

26 (2) The honorably discharged veteran presents the following
27 documentation within 1 year after the veteran's discharge:

28 (i) Evidence that the veteran attended a public or private
29 secondary school in this State for at least 3 years; and

1 (ii) Documentation that the veteran graduated from a public or
2 private secondary school in this State or received the equivalent of a high school
3 diploma in this State; **OR**

4 **(3) THE NATIONAL GUARD MEMBER DESCRIBED IN SUBSECTION**
5 **(A)(5) OF THIS SECTION IS A MEMBER OF THE MARYLAND NATIONAL GUARD.**

6 (c) Notwithstanding any other provision of this article, [beginning with the
7 2004 fall semester,] a spouse or financially dependent child of an active duty member
8 who enrolls as an entering student in a public institution of higher education and is
9 exempt from paying nonresident tuition under subsection (b) of this section shall
10 continue to be exempt from paying nonresident tuition if:

11 (1) The active duty member no longer meets the requirements of
12 subsection (b)(1) of this section; and

13 (2) The spouse or financially dependent child remains continuously
14 enrolled at the public institution of higher education.

15 (d) The Commission shall adopt regulations in accordance with Title 10,
16 Subtitle 1 of the State Government Article to implement the provisions of this section.

17 15-106.6.

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

19 (2) "Fund" means the Higher Education Investment Fund.

20 **(3) "PUBLIC SENIOR HIGHER EDUCATION INSTITUTION AND**
21 **INSTITUTE" MEANS THE CONSTITUENT INSTITUTIONS AND RESEARCH**
22 **INSTITUTES OF THE UNIVERSITY SYSTEM OF MARYLAND, MORGAN STATE**
23 **UNIVERSITY, AND ST. MARY'S COLLEGE OF MARYLAND.**

24 **(4) "TRUST ACCOUNT" MEANS THE TUITION STABILIZATION**
25 **TRUST ACCOUNT.**

26 **[(3)] (5)** "Tuition" means the charges and fees approved by the
27 governing board of a public senior higher education institution which are required of
28 all undergraduate resident students by the institution as a condition of enrollment
29 regardless of the student's degree program, field of study, or selected courses.

30 (b) (1) There is a Higher Education Investment Fund.

31 (2) The purpose of the Fund is to:

32 (i) Invest in public higher education and workforce
33 development; and

- 1 (ii) Keep tuition affordable for Maryland students and families.
- 2 (3) The Fund is a special, nonlapsing fund that is not subject to §
3 7–302 of the State Finance and Procurement Article.
- 4 (4) The Treasurer shall hold the Fund and the Comptroller shall
5 account for the Fund.
- 6 (5) The proceeds of the Fund shall be invested and reinvested.
- 7 (6) Any investment earnings shall be paid into the Fund.
- 8 (7) The Fund consists of:
- 9 (i) Money appropriated in the State budget for the Fund; and
- 10 (ii) Any other money from any other source accepted for the
11 benefit of the Fund.
- 12 (8) The Commission shall administer the Fund.
- 13 (9) Money in the Fund may be expended only:
- 14 (i) To supplement General Fund appropriations to public senior
15 higher education institutions;
- 16 (ii) For public senior higher education capital projects;
- 17 (iii) For workforce development initiatives administered by the
18 Commission; [and]
- 19 (iv) For initiatives to address higher education needs related to
20 the United States Department of Defense Base Realignment and Closure process; **AND**
- 21 **(V) FOR DISTRIBUTION TO INSTITUTIONS OF HIGHER**
22 **EDUCATION FOR PROJECTS THAT MEET IMPORTANT STATE OR INSTITUTIONAL**
23 **GOALS AS PROVIDED UNDER § 11–105(B)(8)(II) OF THIS ARTICLE.**
- 24 (10) Expenditures from the Fund may be made only in accordance with
25 an appropriation approved by the General Assembly in the annual State budget.
- 26 **(C) (1) WITHIN THE FUND THERE IS A TUITION STABILIZATION**
27 **TRUST ACCOUNT.**

1 (2) (I) THE TRUST ACCOUNT IS ESTABLISHED TO RETAIN
2 REVENUES FOR STABILIZING TUITION COSTS FOR RESIDENT UNDERGRADUATE
3 STUDENTS.

4 (II) 1. IN YEARS OF INCREASING CORPORATE TAX
5 REVENUES THAT ARE ALLOCATED TO THE FUND UNDER § 2-613.1 OF THE TAX -
6 GENERAL ARTICLE, FUNDS SHOULD BE DEPOSITED INTO THE TRUST ACCOUNT;
7 AND

8 2. IN YEARS OF DECREASING REVENUES AVAILABLE
9 TO FUND PUBLIC SENIOR HIGHER EDUCATION INSTITUTIONS AND INSTITUTES,
10 FUNDS IN THE TRUST ACCOUNT SHALL BE USED ONLY TO STABILIZE TUITION.

11 (3) THE TRUST ACCOUNT CONSISTS OF:

12 (I) MONEY APPROPRIATED IN THE STATE BUDGET FOR
13 THE TRUST ACCOUNT; AND

14 (II) ANY OTHER MONEY FROM ANY OTHER SOURCE
15 ACCEPTED FOR THE BENEFIT OF THE TRUST ACCOUNT.

16 (4) A BALANCE OF BETWEEN 1 PERCENT AND 5 PERCENT OF
17 TOTAL TUITION REVENUES RECEIVED BY PUBLIC SENIOR HIGHER EDUCATION
18 INSTITUTIONS IN THE PRIOR FISCAL YEAR SHOULD BE MAINTAINED IN THE
19 TRUST ACCOUNT.

20 (5) MONEY IN THE TRUST ACCOUNT MAY BE EXPENDED ONLY TO
21 SUPPLEMENT GENERAL FUND APPROPRIATIONS TO PUBLIC SENIOR HIGHER
22 EDUCATION INSTITUTIONS AND INSTITUTES FOR THE PURPOSE OF STABILIZING
23 TUITION COSTS OF RESIDENT UNDERGRADUATE STUDENTS.

24 **15-106.7.**

25 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE
26 MEANINGS INDICATED.

27 (2) "ACADEMIC YEAR" HAS THE MEANING STATED IN § 15-106.5
28 OF THIS SUBTITLE.

29 (3) "GOVERNING BOARD" MEANS:

30 (I) THE BOARD OF REGENTS OF THE UNIVERSITY SYSTEM
31 OF MARYLAND;

1 (II) THE BOARD OF REGENTS OF MORGAN STATE
2 UNIVERSITY; AND

3 (III) THE BOARD OF TRUSTEES OF ST. MARY'S COLLEGE OF
4 MARYLAND.

5 (4) "PUBLIC SENIOR HIGHER EDUCATION INSTITUTION" HAS THE
6 MEANING STATED IN § 10-101 OF THIS ARTICLE.

7 (5) "TUITION" HAS THE MEANING STATED IN § 15-106.5 OF THIS
8 SUBTITLE.

9 (B) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A GOVERNING
10 BOARD MAY DEVELOP A PILOT 4-YEAR FIXED-RATE TUITION PLAN FOR
11 RESIDENT UNDERGRADUATE STUDENTS AT A PUBLIC SENIOR HIGHER
12 EDUCATION INSTITUTION.

13 (C) THE PURPOSE OF THE PILOT 4-YEAR FIXED-RATE TUITION PLAN IS
14 TO ENSURE THAT A RESIDENT UNDERGRADUATE STUDENT WHO ENROLLS IN
15 THE PUBLIC SENIOR HIGHER EDUCATION INSTITUTION IS CHARGED A
16 FIXED-RATE OF TUITION FOR 4 ACADEMIC YEARS.

17 (D) BEFORE THE IMPLEMENTATION OF A PILOT 4-YEAR FIXED-RATE
18 TUITION PLAN BY A GOVERNING BOARD, THE GOVERNING BOARD SHALL SUBMIT
19 THE PLAN TO THE COMMISSION FOR REVIEW AND APPROVAL.

20 15-112.

21 (A) (1) A PUBLIC INSTITUTION OF HIGHER EDUCATION SHALL
22 ESTABLISH A POLICY THAT THE INSTITUTION PROVIDE, IN THE ANNUAL
23 OPERATING BUDGET, FOR THE MAINTENANCE OF THE INSTITUTION'S
24 STATE-SUPPORTED CAPITAL ASSETS.

25 (2) AS PART OF A POLICY ESTABLISHED UNDER PARAGRAPH (1)
26 OF THIS SUBSECTION, THE INSTITUTIONS SHALL CONSIDER SETTING A GOAL TO
27 BUDGET AND SPEND 2 PERCENT OF THE REPLACEMENT VALUE OF THE
28 INSTITUTION'S STATE-SUPPORTED CAPITAL ASSETS FOR FACILITY RENEWAL
29 OR DEFERRED MAINTENANCE PROJECTS.

30 (B) PUBLIC INSTITUTIONS OF HIGHER EDUCATION SHALL REPORT
31 ANNUALLY TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE
32 STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY ON THE GOAL AND
33 THE PROGRESS OF ACHIEVING THE GOAL ESTABLISHED UNDER SUBSECTION (A)
34 OF THIS SECTION.

1 **15-113.**

2 (A) THIS SECTION APPLIES ONLY TO PUBLIC HISTORICALLY AFRICAN
3 AMERICAN COLLEGES AND UNIVERSITIES.

4 (B) (1) THE COMMISSION SHALL APPOINT A PANEL OF EXPERTS AND
5 REPRESENTATIVES FROM PUBLIC HISTORICALLY AFRICAN AMERICAN
6 COLLEGES AND UNIVERSITIES TO ACCOMPLISH THE OBJECTIVES LISTED IN
7 THIS SECTION.

8 (2) THE PANEL SHALL CONSIST OF:

9 (I) ONE REPRESENTATIVE FROM EACH PUBLIC
10 HISTORICALLY AFRICAN AMERICAN COLLEGE AND UNIVERSITY IN THE STATE;

11 (II) ONE REPRESENTATIVE FROM THE COMMISSION; AND

12 (III) TWO INDIVIDUALS WITH AT LEAST 5 YEARS OF
13 EXPERIENCE IN DEVELOPING SUCCESSFUL ACADEMIC AND STUDENT SUPPORT
14 PROGRAMS AT HIGHER EDUCATION INSTITUTIONS, APPOINTED BY THE
15 SECRETARY OF HIGHER EDUCATION.

16 (C) (1) THE PANEL SHALL OUTLINE THE PROGRAMS AND SERVICES
17 NEEDED AT PUBLIC HISTORICALLY AFRICAN AMERICAN COLLEGES AND
18 UNIVERSITIES TO ENSURE THAT UNDERGRADUATE STUDENTS WHO ARE
19 LESS PREPARED FOR COLLEGE GRADUATE.

20 (2) THE PRIMARY FOCUS OF THE PROGRAMS AND SERVICES
21 SHOULD BE ON BEST PRACTICES THAT HAVE SHOWN SUCCESS IN PROMOTING
22 ACADEMIC ACHIEVEMENT AND SHOULD TARGET THE IMPROVEMENT OF
23 LEARNING SKILLS, INCLUDING READING, WRITING, AND MATHEMATICS.

24 (3) THE PROGRAMS AND SERVICES SHOULD BE COMPREHENSIVE
25 AND SHOULD BE PLANNED USING CRITERIA FOR ACADEMIC ACHIEVEMENT THAT
26 ARE SHARED BY ALL THE PUBLIC HISTORICALLY AFRICAN AMERICAN
27 COLLEGES AND UNIVERSITIES IN THE STATE.

28 (4) THE PANEL SHALL PERIODICALLY REVIEW AND UPDATE THE
29 OUTLINE OF PROGRAMS AND SERVICES NEEDED AT PUBLIC HISTORICALLY
30 AFRICAN AMERICAN COLLEGES AND UNIVERSITIES TO ENSURE THAT
31 UNDERGRADUATE STUDENTS WHO ARE LESS PREPARED FOR COLLEGE
32 EVENTUALLY GRADUATE.

1 (D) (1) IN RECOGNITION OF THE CONSIDERABLE REMEDIATION
2 EFFORT AND CONTINUING STUDENT SUPPORT DEMANDED OF PUBLIC
3 HISTORICALLY AFRICAN AMERICAN COLLEGES AND UNIVERSITIES AT THE
4 UNDERGRADUATE LEVEL, THE PANEL SHALL RECOMMEND AN AMOUNT OF
5 SUPPLEMENTAL FUNDING THAT SHOULD BE PROVIDED TO THE PUBLIC
6 HISTORICALLY AFRICAN AMERICAN COLLEGES AND UNIVERSITIES IN THE
7 STATE.

8 (2) IF SUPPLEMENTAL FUNDING IS PROVIDED, THE FUNDING
9 SHALL BE SPENT ONLY FOR STRATEGIES AND INITIATIVES THAT HAVE PROVEN
10 TO BE BEST PRACTICES IN IMPROVING GRADUATION RATES.

11 (3) THE SUPPLEMENTAL FUNDING SHALL REPLACE THE
12 EXISTING ACCESS AND SUCCESS PROGRAM FUNDING.

13 (E) GRADUATION RATE SHALL BE DESIGNATED AS THE PRIMARY
14 INDICATOR OF UNDERGRADUATE STUDENT PERFORMANCE AT THE PUBLIC
15 HISTORICALLY AFRICAN AMERICAN COLLEGES AND UNIVERSITIES.

16 (F) (1) IF A PUBLIC HISTORICALLY AFRICAN AMERICAN COLLEGE OR
17 UNIVERSITY RECEIVES SUPPLEMENTAL FUNDING DEVELOPED UNDER THIS
18 SECTION, THE INSTITUTION SHALL PROVIDE MEASURABLE GOALS TO BE
19 ACHIEVED THROUGH THE SUPPLEMENTAL FUNDING.

20 (2) THE GOALS IN PARAGRAPH (1) OF THIS SUBSECTION SHALL
21 INCLUDE GRADUATION RATE AND RESULTS SHALL BE REPORTED.

22 15-114.

23 (A) THIS SECTION APPLIES ONLY TO PUBLIC HISTORICALLY AFRICAN
24 AMERICAN COLLEGES AND UNIVERSITIES.

25 (B) (1) EACH PUBLIC HISTORICALLY AFRICAN AMERICAN COLLEGE
26 AND UNIVERSITY WITH DOCTORAL LEVEL PROGRAMS SHALL DEVELOP A
27 DETAILED STRATEGIC PLAN DESIGNED TO IMPROVE ITS UNIVERSITY-WIDE
28 INFRASTRUCTURE TO MAKE IT COMPARABLE TO THAT OF A QUALITY DOCTORAL
29 INSTITUTION.

30 (2) THE DETAILED STRATEGIC PLAN SHALL INCLUDE:

31 (I) AN UPDATED FACILITIES PLAN WITH TIME TABLES FOR
32 THE CONSTRUCTION OF NEW AND RENOVATED FACILITIES; AND

1 (II) A PROPOSAL TO ADDRESS ADMINISTRATIVE,
2 OPERATIONAL, AND OTHER RESOURCES NECESSARY TO SUPPORT SPECIFIC
3 DOCTORAL PROGRAMS.

4 (3) (I) EACH PUBLIC HISTORICALLY AFRICAN AMERICAN
5 COLLEGE AND UNIVERSITY SHALL SUBMIT ITS STRATEGIC PLAN TO ITS
6 GOVERNING BOARD FOR REVIEW AND APPROVAL.

7 (II) AFTER APPROVAL BY THE INSTITUTION'S GOVERNING
8 BOARD, THE INSTITUTION SHALL SUBMIT THE STRATEGIC PLAN TO THE
9 COMMISSION FOR REVIEW AND APPROVAL IN ACCORDANCE WITH § 11-105(F)
10 OF THIS ARTICLE.

11 (C) (1) EACH PUBLIC HISTORICALLY AFRICAN AMERICAN COLLEGE
12 AND UNIVERSITY, IN CONSULTATION WITH THE MARYLAND HIGHER
13 EDUCATION COMMISSION, SHALL IDENTIFY SEVERAL OF ITS EXISTING
14 DOCTORAL PROGRAMS FOR A TARGETED DEVELOPMENT EFFORT.

15 (2) (I) THE COMMISSION SHALL APPOINT A SMALL PANEL OF
16 EXPERTS TO DETERMINE THE THRESHOLD SUPPORT AND CAPACITY NEEDED
17 FOR EACH OF THE TARGETED PROGRAMS SELECTED UNDER PARAGRAPH (1) OF
18 THIS SUBSECTION.

19 (II) THE PANEL SHALL SPECIFY THE CAPACITY NEEDED TO
20 ENABLE COMPETITIVE RESULTS IN EACH OF THE TARGETED PROGRAMS.

21 (III) THE PANEL SHALL ESTABLISH OUTCOME GOALS FOR
22 DEGREE PRODUCTION AND RESEARCH AND DEVELOPMENT FUNDING, IF
23 APPROPRIATE, BY FIELD.

24 (3) (I) ANY STATE FUNDING RECEIVED FOR DOCTORAL
25 PROGRAMS SHALL BE DIRECTED TO THE TARGETED PROGRAMS IDENTIFIED
26 UNDER PARAGRAPH (1) OF THIS SUBSECTION.

27 (II) THE INSTITUTIONS RECEIVING THE FUNDS FOR THE
28 TARGETED PROGRAMS SHALL BE ACCOUNTABLE TO THE COMMISSION FOR
29 EXPECTED RESULTS.

30 **15-115.**

31 (A) THE GOVERNOR SHALL APPOINT A GROUP OF INDEPENDENT
32 ADVISORS TO ASSESS THE PROGRESS OF THE STATE AND THE PUBLIC
33 HISTORICALLY AFRICAN AMERICAN COLLEGES AND UNIVERSITIES ON MEETING

1 THE GOALS TO ENSURE COMPARABILITY AND COMPETITIVENESS OF THE
2 PUBLIC HISTORICALLY AFRICAN AMERICAN COLLEGES AND UNIVERSITIES.

3 (B) ON OR BEFORE DECEMBER 31 OF EACH YEAR, THE GROUP OF
4 INDEPENDENT ADVISORS SHALL REPORT TO THE GOVERNOR, THE
5 COMMISSION, AND THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1246
6 OF THE STATE GOVERNMENT ARTICLE, ON THE PROGRESS OF THE STATE AND
7 THE PUBLIC HISTORICALLY AFRICAN AMERICAN COLLEGES AND UNIVERSITIES
8 ON MEETING THE GOALS TO ENSURE COMPARABILITY AND COMPETITIVENESS
9 OF THE PUBLIC HISTORICALLY AFRICAN AMERICAN COLLEGES AND
10 UNIVERSITIES.

11 18-303.2.

12 (A) THERE IS A PROGRAM TO BE KNOWN AS MARYLAND'S PROMISE
13 THAT PROMISES TO COVER 100 PERCENT OF COLLEGE EXPENSES FOR
14 STUDENTS WITH THE GREATEST FINANCIAL NEED WHO AGREE TO COMPLETE AN
15 ASSOCIATE DEGREE PROGRAM IN 2 YEARS OR A BACCALAUREATE DEGREE
16 PROGRAM IN 4 YEARS.

17 (B) THE COMMISSION, IN PARTNERSHIP WITH INSTITUTIONS OF
18 HIGHER EDUCATION IN THE STATE, SHALL ADMINISTER THE VOLUNTARY
19 PROGRAM.

20 (C) THE COMMISSION SHALL DEVELOP CRITERIA TO DETERMINE THE
21 FINANCIAL NEED OF A STUDENT WHO QUALIFIES FOR THE PROGRAM,
22 BEGINNING WITH A STUDENT WHO QUALIFIES FOR A GUARANTEED ACCESS
23 GRANT UNDER THIS SUBTITLE.

24 (D) TO QUALIFY FOR THE PROGRAM, A STUDENT MUST:

25 (1) SATISFACTORILY COMPLETE A COLLEGE PREPARATORY
26 CURRICULUM;

27 (2) ENROLL IN A 2- OR 4-YEAR INSTITUTION OF HIGHER
28 EDUCATION FOR THE FIRST TIME WITHIN 1 YEAR OF HIGH SCHOOL
29 GRADUATION;

30 (3) AGREE TO COMPLETE A BACCALAUREATE PROGRAM IN 4
31 YEARS OR AN ASSOCIATE DEGREE PROGRAM IN 2 YEARS;

32 (4) BE ACCEPTED AT AN INSTITUTION OF HIGHER EDUCATION IN
33 THE STATE THAT IS PARTICIPATING IN THE PROGRAM; AND

1 **(5) COMPLETE A FREE APPLICATION FOR FEDERAL STUDENT AID**
2 **TO BE CONSIDERED FOR ALL FEDERAL, STATE, AND INSTITUTIONAL**
3 **NEED-BASED FINANCIAL AID FOR WHICH THE STUDENT IS ELIGIBLE.**

4 **(E) THE COMMISSION AND PARTICIPATING INSTITUTIONS OF HIGHER**
5 **EDUCATION SHOULD MAXIMIZE FINANCIAL AID AVAILABLE FROM ALL SOURCES,**
6 **INCLUDING GOVERNMENT, HIGHER EDUCATION INSTITUTIONS, AND PRIVATE**
7 **AND NONPROFIT ORGANIZATIONS, AS APPLICABLE, IN DEVELOPING FINANCIAL**
8 **AID PACKAGES FOR PARTICIPATING STUDENTS.**

9 **(F) AS A CONDITION OF PARTICIPATING IN THE PROGRAM, AN**
10 **INSTITUTION OF HIGHER EDUCATION MUST AGREE TO COVER 100 PERCENT OF**
11 **A PARTICIPATING STUDENT'S REMAINING FINANCIAL NEED WITHOUT UTILIZING**
12 **STUDENT LOANS.**

13 **(G) THE COMMISSION SHALL ADOPT REGULATIONS OR GUIDELINES TO**
14 **IMPLEMENT THE PROGRAM.**

15 18-304.

16 (a) (1) Except as provided in § 18-307 of this subtitle, the Office shall
17 determine the amount of each Delegate Howard P. Rawlings Educational Excellence
18 Award based on the financial need of the applicant.

19 (2) In determining the amount of financial need, the Office shall
20 consider regional cost-of-living differences.

21 (3) In determining the percent of financial need used to calculate an
22 award for a community college student receiving a Delegate Howard P. Rawlings
23 Educational Excellence Award, the Commission shall use the following percentages:

24 (i) For fiscal year 2007, not less than 55%; and

25 (ii) For fiscal year 2008 and each fiscal year thereafter, not less
26 than 60%.

27 **(4) IN DETERMINING THE AMOUNT OF AN AWARD, THE OFFICE**
28 **SHALL DEVELOP A GRADUATED SCALE BASED ON THE STUDENT'S FINANCIAL**
29 **NEED.**

30 (b) (1) Except as provided in paragraph (2) of this subsection, a Delegate
31 Howard P. Rawlings Educational Excellence Award may be awarded in \$100
32 increments and the award for a single year may not be less than \$400 or more than
33 ~~[\$3,000]~~ **\$6,000.**

1 (2) (i) All applicants who fulfill the requirements established in §
2 18-303(a) and (b) of this subtitle shall receive a Guaranteed Access Grant.

3 (ii) The amount of a Guaranteed Access Grant shall be equal to
4 100 percent of the student's financial need as determined by the Office, not to exceed
5 the equivalent annual expenses of a full-time resident undergraduate at the 4-year
6 public institution of higher education within the University System of Maryland, other
7 than the University of Maryland University College and University of Maryland,
8 Baltimore, with the highest annual expenses for a full-time resident undergraduate.

9 18-601.

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

11 (2) “Disabled public safety employee” means a State or local public
12 safety employee who sustains an injury in the line of duty that:

13 (i) Precludes the individual from continuing to serve or be
14 employed as a State or local public safety employee; and

15 (ii) In the case of a volunteer member of a fire department or
16 ambulance or rescue company or squad, precludes the member from continuing to be
17 employed in the nonpublic safety occupation in which the member is engaged at the
18 time of the injury.

19 (3) “Surviving spouse” means a person who has not remarried.

20 (4) “State or local public safety employee” means a person who is:

21 (i) A career or volunteer member of a:

22 1. Fire department;

23 2. Ambulance company or squad; or

24 3. Rescue company or squad;

25 (ii) A law enforcement officer;

26 (iii) A correctional officer; or

27 (iv) A member of the Maryland National Guard [who was a
28 resident of this State] at the time of death.

29 (5) “Victim of the September 11, 2001 terrorist attacks” means a
30 Maryland resident who was killed as a result of the attacks on the World Trade Center

1 in New York City, the attack on the Pentagon in Virginia, or the crash of United
2 Airlines Flight 93 in Pennsylvania.

3 18-604.

4 (b) There is a Veterans of the Afghanistan and Iraq Conflicts Scholarship.

5 (c) An individual may apply to the Office for a scholarship under this section
6 if the individual:

7 (1) (I) Is a resident of Maryland; **OR**

8 (II) **IS A CURRENT MEMBER OF THE MARYLAND NATIONAL**
9 **GUARD REGARDLESS OF THE PERSON'S STATE OF RESIDENCY;**

10 (2) (i) Is accepted for admission or enrolled in the regular
11 undergraduate **OR GRADUATE** program at an eligible institution; or

12 (ii) Is accepted for admission or enrolled in a 2-year terminal
13 certificate program in which the course work is acceptable for transfer credit for an
14 accredited baccalaureate program in an eligible institution; and

15 (3) (i) 1. Is a veteran, as defined under § 9-901 of the State
16 Government Article, who served in the Afghanistan or Iraq conflict;

17 2. Is an active duty member of the armed forces who
18 served in the Afghanistan or Iraq conflict; or

19 3. Is a member of a reserve component of the armed
20 forces of the United States or the Maryland National Guard who was activated as a
21 result of the Afghanistan or Iraq conflict described in subsection (a) of this section; or

22 (ii) Is a son, daughter, or spouse of:

23 1. A veteran or active duty member of the armed forces
24 who is serving or has served in the Afghanistan or Iraq conflict; or

25 2. A member of the reserve or Maryland National Guard
26 who was activated as a result of the Afghanistan or Iraq conflict described in
27 subsection (a) of this section.

28 18-1101.

29 (A) There is a Distinguished Scholar Program of **AT LEAST 350 AND NO**
30 **MORE THAN 700** scholarships to be awarded by the Office to residents of the State in
31 the manner provided in this subtitle for use at postsecondary institutions of higher
32 education in the State.

1 **(B) THE NUMBER OF SCHOLARSHIPS AWARDED OVER 350 SHALL BE AS**
2 **PROVIDED IN THE STATE BUDGET.**

3 18-1102.

4 (a) The Office shall annually select [the 350] **AT LEAST 350 AND NO MORE**
5 **THAN 700** secondary school students who have the greatest potential for academic
6 success in higher education as determined by criteria established by the Office and
7 offer a scholarship to each of these students to be used at any Maryland postsecondary
8 institution of the student's choice, if the student meets the following qualifications:

9 (1) Qualifies academically as follows:

10 (i) Has a secondary school transcript indicating an overall
11 academic grade point average of at least 3.7 on a 4.0 scale or its equivalent grade point
12 average;

13 (ii) Is a finalist of the National Merit Scholarship Program or
14 the Achievement Scholarship Program administered by the National Merit
15 Scholarship Corporation; or

16 (iii) Has a superior creative talent or skill in art, music, dance,
17 or the theater, as determined by an audition or portfolio review process established by
18 the Office;

19 (2) Has matriculated at a postsecondary educational institution in the
20 State; and

21 (3) Qualifies as a Maryland resident.

22 (b) (1) At least 150 of the 350 awards shall be granted to superior
23 academic achievers whose secondary school transcripts indicate after the first
24 semester of the junior year an overall academic grade point average of at least 3.7 on a
25 4.0 scale, or its equivalent grade point average.

26 (2) At least 2 **AWARD** recipients who meet the qualifications specified
27 under this section shall be selected from each county of the State.

28 **(3) ADDITIONAL AWARDS UNDER PARAGRAPHS (1) AND (2) OF**
29 **THIS SUBSECTION MAY BE PROPORTIONALLY INCREASED IF ADDITIONAL STATE**
30 **FUNDING IS PROVIDED IN THE ANNUAL BUDGET SUCH THAT MORE THAN 350**
31 **AWARDS ARE MADE UNDER § 18-1101 OF THIS SUBTITLE.**

32 (c) (1) (i) Subject to [subparagraph (ii)] **SUBPARAGRAPHS (II) AND**
33 **(III)** of this paragraph, the scholarship award shall be [in the amount of \$3,000] **AT**

1 LEAST \$3,000 AND MAY NOT EXCEED \$6,000 for use in the next ensuing academic
2 year.

3 (II) SUBJECT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH,
4 FUNDS FOR ANY SCHOLARSHIP AWARD AMOUNT OF MORE THAN \$3,000 SHALL
5 BE AS PROVIDED IN THE ANNUAL BUDGET OF THE COMMISSION BY THE
6 GOVERNOR.

7 [(ii)] (III) A recipient's award may not exceed the cost of
8 attendance at the institution, including:

9 1. The tuition and fees applicable to the student; and

10 2. The institution's estimate of other expenses
11 reasonably related to cost of attendance at that institution, including, without
12 limitation, the cost of room and board, transportation, books, and supplies.

13 (2) If it is accepted by the eligible student, each award shall be
14 renewable, on an annual basis, for a maximum of 3 years subsequent to the original
15 award if the recipient:

16 (i) Remains a resident of the State;

17 (ii) Attends an accredited postsecondary institution in the State;

18 (iii) Is enrolled as a full-time undergraduate student; and

19 (iv) 1. [Maintains a 3.0 grade] **SUBJECT TO**
20 **SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH, MAINTAINS AT LEAST A 3.3**
21 **GRADE POINT** average on an academic year basis or, failing to do so, provides
22 evidence, satisfactory to the Secretary, of extenuating circumstances of extreme
23 personal hardship.

24 **2. FOR A STUDENT WHO HAS RECEIVED AN**
25 **ORIGINAL AWARD BEFORE THE FALL 2009 SEMESTER, MAINTAINS AT LEAST A**
26 **3.0 GRADE POINT AVERAGE ON AN ACADEMIC YEAR BASIS OR, FAILING TO DO**
27 **SO, PROVIDES EVIDENCE, SATISFACTORY TO THE SECRETARY, OF EXTENUATING**
28 **CIRCUMSTANCES OF EXTREME PERSONAL HARDSHIP.**

29 18-1103.

30 The Office shall annually select a number of alternate scholarship awards under
31 this subtitle. In the event the annual number of awards is not made, as provided in §
32 18-1101 of this subtitle, the Office may make an award from the alternate list as
33 necessary to assure that **AT LEAST 350 AND NO MORE THAN 700** awards are made
34 annually.

1 18-1106.

2 (a) There is a Distinguished Scholar Program for Community College
3 Transfer Students to be awarded by the Office to residents of the State in the manner
4 provided in this section for use at 4-year institutions of higher education in the State.

5 (b) The Office shall annually select the community college students who have
6 the greatest potential for academic success in higher education as determined by
7 criteria established by the Office and offer a scholarship to each of these students to be
8 used at any Maryland 4-year institution of higher education of the student's choice, if
9 the student meets the following qualifications:

10 (1) Has a community college transcript indicating an overall academic
11 grade point average of at least 3.0 on a 4.0 scale or its equivalent grade point average;

12 (2) Has completed at least 60 credit hours or an associate degree
13 program at a community college in the State;

14 (3) Qualifies as a Maryland resident;

15 (4) Applies **FOR** the scholarship within 1 year of completing the
16 required credit hours or an associate degree program; and

17 (5) Attends the 4-year institution of higher education as a full-time
18 student.

19 (c) The Office shall award scholarships under this section to recipients who
20 have attended community colleges from across the State.

21 (d) (1) **[The] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE**
22 **scholarship award shall be [in the amount of \$3,000] AT LEAST \$3,000 AND MAY**
23 **NOT EXCEED \$6,000** per academic year.

24 **(2) FUNDS FOR ANY SCHOLARSHIP AWARD AMOUNT OF MORE**
25 **THAN \$3,000 SHALL BE AS PROVIDED IN THE ANNUAL BUDGET OF THE**
26 **COMMISSION BY THE GOVERNOR.**

27 **[(2)] (3)** Each award shall be renewable for a maximum of 1 year
28 subsequent to the original award if the recipient:

29 (i) Continues to meet the qualifications specified in subsection
30 (b) of this section; and

31 (ii) **1. [Maintains a 3.0] SUBJECT TO SUBSUBPARAGRAPH**
32 **2 OF THIS SUBPARAGRAPH, MAINTAINS AT LEAST A 3.3** grade point average on an
33 academic year basis.

1 **2. FOR A STUDENT WHO HAS RECEIVED AN**
2 **ORIGINAL AWARD PRIOR TO THE FALL 2009 SEMESTER, MAINTAINS AT LEAST A**
3 **3.0 GRADE POINT AVERAGE ON AN ACADEMIC YEAR BASIS.**

4 (e) An award granted under this subtitle may be used for:

5 (1) Tuition and mandatory fees;

6 (2) Room and board; and

7 (3) Books and supplies.

8 (f) This scholarship award is in addition to any other State scholarships that
9 are available to the student.

10 Subtitle 14A. [Dual Enrollment] **EARLY COLLEGE ACCESS** Grant Program.

11 18-14A-01.

12 (a) In this section, “dually enrolled student” means a student who is dually
13 enrolled in:

14 (1) A secondary school in the State; and

15 (2) An institution of higher education in the State.

16 (b) In cooperation with institutions of higher education in the State, the
17 Commission shall establish and administer a grant program for dually enrolled
18 students.

19 (c) A recipient of [a dual enrollment] **AN EARLY COLLEGE ACCESS** grant
20 shall:

21 (1) Be a resident of the State;

22 (2) Be a dually enrolled student; and

23 (3) Demonstrate financial need according to criteria established by the
24 Commission.

25 (d) For courses completed under the program, a recipient of [a dual
26 enrollment] **AN EARLY COLLEGE ACCESS** grant is not required to receive credit from
27 a secondary school and an institution of higher education at the same time.

28 18-14A-02.

1 (a) Funds for the [Dual Enrollment] **EARLY COLLEGE ACCESS** Grant
2 Program shall be allocated by the Commission to an institution of higher education
3 based on the number of dually enrolled students receiving credit for courses completed
4 at the institution.

5 (b) Funds for the [Dual Enrollment] **EARLY COLLEGE ACCESS** Grant
6 Program shall be as provided in the annual budget of the Commission by the
7 Governor.

8 18-14A-03.

9 The Commission shall:

10 (1) Establish guidelines for the awarding of [dual enrollment] **EARLY**
11 **COLLEGE ACCESS** grants to dually enrolled students; and

12 (2) Adopt any other guidelines or regulations necessary for the
13 administration of this subtitle.

14 18-1502.

15 (a) There is a program of loan assistance repayment known as the Janet L.
16 Hoffman Loan Assistance Repayment Program in the State.

17 (b) Subject to the provisions of subsection (c) of this section, the Office of
18 Student Financial Assistance shall assist in the repayment of the amount of any
19 higher education loan owed by an individual who:

20 (1) (i) Receives a graduate, professional, or undergraduate degree
21 from:

22 1. A college or university [in the State of Maryland];

23 2. A school of medicine; or

24 3. A school of law; or

25 (ii) Receives a Resident Teacher Certificate (RTC) from the
26 Department after completing an alternative teaching preparation program approved
27 by the State Superintendent;

28 (2) Obtains eligible employment;

29 (3) Receives an income that is less than the maximum eligible total
30 income levels established by the Office, including any additional sources of income;
31 and

1 (4) Satisfies any other criteria established by the Office.

2 **Article – Public Safety**

3 13–405.

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

5 (2) “Institution” means:

6 (i) any campus of the University System of Maryland, any
7 community college established under Title 16 of the Education Article, Morgan State
8 University, or St. Mary’s College;

9 (ii) any private institution of higher education that grants a
10 member a tuition waiver of at least 50%;

11 (iii) any public postsecondary vocational–technical or trade
12 school; or

13 (iv) any private postsecondary vocational–technical or trade
14 school that grants a member a tuition waiver of at least 50%.

15 (3) “Member” means an individual who:

16 (i) is regularly enlisted in the National Guard; or

17 (ii) holds a commission in the National Guard as:

18 1. an officer in the grade of major or below; or

19 2. a warrant officer.

20 (4) (i) “Tuition” means the basic instructional charge for
21 undergraduate credit courses and related fees at an institution.

22 (ii) “Tuition” does not include charges for self–supporting
23 programs.

24 (b) To the extent that funds are provided in the State budget, the
25 Department may provide assistance equal to 50% of the cost of in–State tuition for any
26 regularly scheduled undergraduate **OR GRADUATE** credit course, vocational–technical
27 course, or trade course for any active member attending an institution who is certified
28 as eligible by the Adjutant General.

29 **Article – Tax – General**

1 2-613.1.

2 After making the distribution required under § 2-613 of this subtitle[:

3 (1)], of the remaining income tax revenue from corporations, the
4 Comptroller shall distribute:

5 [(i) for fiscal year 2008 only:

6 1. \$16,000,000 to the Higher Education Investment
7 Fund established under § 15-106.6 of the Education Article; and

8 2. the amount by which 15.15% of the remaining income
9 tax revenue from corporations exceeds \$16,000,000 to the General Fund; and

10 (ii) for fiscal year 2009 only:

11 1.] (1) 6% to the Higher Education Investment Fund
12 established under § 15-106.6 of the Education Article; and

13 [2.] (2) 9.15% to the General Fund[; and

14 (2) for fiscal year 2010 and subsequent fiscal years, the Comptroller
15 shall distribute 15.15% of the remaining income tax revenue from corporations to the
16 General Fund of the State].

17 **Chapter 296 of the Acts of 2007**

18 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 June 1, 2007. [It shall remain effective for a period 2 years and 1 month and, at the
20 end of June 30, 2009, with no further action required by the General Assembly, this
21 Act shall be abrogated and of no further force and effect.]

22 **Chapter 297 of the Acts of 2007**

23 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 June 1, 2007. [It shall remain effective for a period 2 years and 1 month and, at the
25 end of June 30, 2009, with no further action required by the General Assembly, this
26 Act shall be abrogated and of no further force and effect.]

27 SECTION 4. AND BE IT FURTHER ENACTED, That public institutions of
28 higher education that offer tuition benefits to Maryland National Guard students
29 should consider offering those same tuition benefits to Maryland National Guard
30 students who are enrolled in credit courses of any degree level and who are members
31 of the Maryland National Guard regardless of the person's state of residency.

1 SECTION 5. AND BE IT FURTHER ENACTED, That the Department of
2 Budget and Management is requested to examine the feasibility of and the mechanism
3 for creating a separate capital funding category for university academic research
4 space. The Department is requested to report its findings and recommendations to the
5 Maryland Higher Education Commission, the Governor, and, subject to § 2-1246 of
6 the State Government Article, the General Assembly by June 1, 2010.

7 SECTION 6. AND BE IT FURTHER ENACTED, That the Maryland Higher
8 Education Commission shall:

9 (a) Consider adopting regulations that modify the Guaranteed Access Grant
10 under Title 18, Subtitle 3 of the Education Article so that 100 percent of need is met
11 for students with family incomes of up to 150 percent of the federal poverty level and
12 that smaller grants are made to students with family incomes between 150 percent
13 and 200 percent of the federal poverty level;

14 (b) Consider developing a single application for students seeking State
15 financial aid assistance, including need-based aid programs, merit-based aid
16 programs, and workforce-based aid programs;

17 (c) Develop a methodology to estimate the cost of eliminating academic space
18 deficiencies at institutions of higher education. The Commission shall collaborate with
19 the Department of Budget and Management, the Department of Legislative Services,
20 and representatives of higher education institutions as necessary to develop this
21 methodology. By December 31, 2009, the Commission shall report to the Governor,
22 appropriate State agencies, and, subject to § 2-1246 of the State Government Article,
23 the General Assembly regarding the methodology that has been developed;

24 (d) Consider developing a program through which the State provides a
25 portion of funds to be allocated to a specific capital improvement project or facility
26 renewal project at an institution of higher education if the institution of higher
27 education provides the remaining portion of funds from private donations to the
28 institution;

29 (e) Establish a group to examine and recommend best practices of regional
30 higher education centers in the State that each center should adopt in order to provide
31 an opportunity for participation for all partners at the centers and to provide an
32 incentive for programs to be offered at the centers; and

33 (f) Work with the Governor's Workforce Investment Board to conduct
34 annual, statewide studies of employer perceptions and recommendations regarding the
35 preparation of graduates for employment.

36 SECTION 7. AND BE IT FURTHER ENACTED, That the historically African
37 American colleges and universities in the State shall review their capital priorities
38 and ensure that they are aligned with the undergraduate, graduate, and

1 university-wide infrastructure needs of the institution, once the needs have been
2 identified in accordance with § 11–105 and § 15–113 of the Education Article.

3 SECTION 8. AND BE IT FURTHER ENACTED, That the Governor is
4 requested to accelerate the funding for capital projects at public historically African
5 American colleges and universities in the State, particularly those projects that build
6 university-wide infrastructure related to the comparability and competitiveness of the
7 institutions. The Governor is also requested to increase the funding for capital
8 projects of the public institutions of higher education as planned in the fiscal year
9 2009 to fiscal year 2013 Capital Improvement Program.

10 SECTION 9. AND BE IT FURTHER ENACTED, That it is the intent of the
11 General Assembly that any new State funding for doctoral programs at any public
12 institution of higher education be targeted and monitored and that the institution
13 shall be held accountable to the Maryland Higher Education Commission for
14 expenditures and specific anticipated outcomes.

15 SECTION 10. AND BE IT FURTHER ENACTED, That the Maryland State
16 Department of Education, the Maryland Higher Education Commission, and the P–20
17 Leadership Council should:

18 (a) Establish a statewide primary and secondary curriculum that is aligned
19 with global workforce and academic standards. The curriculum should have a strong
20 emphasis on science, technology, engineering, and mathematics (STEM), provide a
21 seamless transfer into postsecondary education; and include a definition of standards
22 for reading, writing, mathematics, and science; and

23 (b) Develop a common definition and measurement of college readiness so
24 that regardless of which school or college students attend in the State, students are
25 aware of, and encouraged to take, the courses they need at the secondary level to be
26 prepared for college level work.

27 SECTION 11. AND BE IT FURTHER ENACTED, That:

28 (a) There is a Task Force on Linking Public PreK–12 and Higher Education
29 Data.

30 (b) The Task Force consists of the following members:

31 (1) the State Superintendent of Schools, or the Superintendent's
32 designee;

33 (2) the Secretary of Higher Education, or the Secretary's designee;

34 (3) the Chancellor of the University System of Maryland, or the
35 Chancellor's designee;

1 (4) the Executive Director of the Maryland Association of Community
2 Colleges, or the Executive Director's designee;

3 (5) the President of the Maryland Independent College and University
4 Association, or the President's designee;

5 (6) one representative from the Governor's Office, appointed by the
6 Governor;

7 (7) two members of the P-20 Leadership Council representing public
8 K-12 education and public higher education institutions, respectively, appointed by
9 the P-20 Leadership Council; and

10 (8) one past member of the Board of Directors of the Maryland
11 Chamber of Commerce who served on the Commission to Develop the Maryland Model
12 for Funding Higher Education.

13 (c) The past member of the Board of Directors of the Maryland Chamber of
14 Commerce who served on the Commission to Develop the Maryland Model for Funding
15 Higher Education shall serve as chair of the Task Force.

16 (d) The P-20 Leadership Council shall provide staff for the Task Force.

17 (e) A member of the Task Force:

18 (1) may not receive compensation as a member of the Task Force; but

19 (2) is entitled to reimbursement for expenses under the Standard
20 State Travel Regulations, as provided in the State budget.

21 (f) The Task Force shall:

22 (1) develop a plan for linking public postsecondary institutional data
23 with PreK-12 data at the student level, which shall include:

24 (i) identifying the necessary elements for the establishment of a
25 successful partnership between the PreK-12 and higher education segments for data
26 sharing and management and how that arrangement will be overseen;

27 (ii) identifying the most effective approaches to use for linking
28 student identification between PreK-12 and higher education in both the short- and
29 long-term, with particular focus on the utility of the state-assigned student
30 identification (SASID) as the preferred mechanism for linking the systems in the
31 long-term;

32 (iii) developing a proposed implementation plan that includes a
33 prioritized schedule of activities relating to building the linkage and developing
34 useful analyses from the data that could be shared in the first 5 years of

1 implementation, a timetable, and a schedule of anticipated costs for implementation
2 and annual operations;

3 (iv) identifying likely sources of funding of this plan, including
4 federal funds, and including, to the degree possible, consideration of any likely
5 savings in the State's current expenditures that could result, such as remedial
6 education expenditures;

7 (v) exploring and highlighting ways Maryland's agencies and
8 institutions can make maximum use of the linked data system to address critical
9 statewide educational accountability needs, including proposals for additional
10 linkages or combined assessment and reporting systems in the future as the benefits
11 of a longitudinal data system and its effectiveness becomes more established; and

12 (vi) consideration of lessons learned from other states that are
13 effectively creating State Educational Longitudinal Data Systems, including
14 consideration of the continuity that exists within Maryland's current data systems
15 and ensuring that data integrity and continuity is preserved; and

16 (2) make recommendations regarding a plan for linking public
17 postsecondary institutional data with PreK-12 data at the student level.

18 (g) On or before December 31, 2009, the Task Force shall report its
19 recommendations to the Governor and, in accordance with § 2-1246 of the State
20 Government Article, the General Assembly.

21 SECTION 12. AND BE IT FURTHER ENACTED, That, notwithstanding the
22 provisions of Section 12 of Chapter 3 of the Acts of the General Assembly of the 2007
23 Special Session, for fiscal year 2010 and subsequent fiscal years, the distribution of the
24 income tax revenue from corporations under § 2-613.1 through 2-615 of the Tax -
25 General Article shall be made based on receipts of income tax revenue from
26 corporations and without regard to the taxable years for which revenues are received.

27 SECTION 13. AND BE IT FURTHER ENACTED, That Section 11 of this Act
28 shall take effect June 1, 2009. It shall remain effective for a period of 1 year and, at
29 the end of May 31, 2010, with no further action required by the General Assembly,
30 this Act shall be abrogated and of no further force and effect.

31 SECTION 14. AND BE IT FURTHER ENACTED, That, except as provided in
32 Section 13 of this Act, this Act shall take effect June 1, 2009.