

# SENATE BILL 675

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SB 725/11 – B&T & EHE

2lr2317

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By: **Senators Rosapepe, Colburn, Frosh, Madaleno, Montgomery, and Raskin**

Introduced and read first time: February 3, 2012

Assigned to: Budget and Taxation and Education, Health, and Environmental Affairs

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## A BILL ENTITLED

1 AN ACT concerning

2 **Tuition Cap and College Opportunity Act of 2012**

3 FOR the purpose of requiring the Maryland Higher Education Commission to appoint  
4 a certain group to assess and report annually on meeting certain goals so that  
5 certain institutions are comparable and competitive; requiring the Commission  
6 to assess annually the State's and an institution's progress toward certain goals  
7 and to display the progress in an online format; requiring the Commission to  
8 update periodically certain information for certain purposes; requiring the State  
9 to provide certain General Fund support for the University System of Maryland  
10 and Morgan State University; requiring the State to set certain funding at  
11 certain levels as compared to a group of peer institutions in certain states;  
12 limiting the annual increase in tuition and fees that may be charged each  
13 academic year for certain students under certain circumstances; requiring the  
14 Governor to include in the annual budget submission for certain fiscal years a  
15 certain amount of State General Fund support for the University System of  
16 Maryland and Morgan State University; requiring additional State funds to be  
17 used for certain priorities; requiring the Governor to include in the annual  
18 budget submission supplemental funding to certain institutions to be used for  
19 certain purposes; requiring performance accountability plans to include  
20 graduation rates as the primary indicator of performance for certain  
21 institutions; requiring the Board of Regents of the University System of  
22 Maryland to submit a biannual report beginning on a certain date regarding  
23 certain policies and procedures; authorizing a governing board to develop a pilot  
24 tuition plan for certain purposes, subject to certain restrictions; requiring the  
25 Commission to develop and implement a graduated scale for certain grants  
26 based on certain criteria; modifying a certain award amount for a certain  
27 scholarship program; requiring the Commission to modify certain grants based  
28 on certain criteria; declaring the intent of the General Assembly; requiring  
29 certain reports to be submitted to the General Assembly on or before certain  
30 dates; defining certain terms; and generally relating to State support for higher  
31 education institutions and tuition at those institutions in Maryland.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY repealing and reenacting, without amendments,  
2 Article – Education  
3 Section 10–203(a) and 15–106.6(b)(1) and (c)(1)  
4 Annotated Code of Maryland  
5 (2008 Replacement Volume and 2011 Supplement)

6 BY repealing and reenacting, with amendments,  
7 Article – Education  
8 Section 11–105(f)(1) and (h), 11–305, 15–106.6(c)(2), and 18–304(a) and (b)(1)  
9 Annotated Code of Maryland  
10 (2008 Replacement Volume and 2011 Supplement)

11 BY adding to  
12 Article – Education  
13 Section 11–108, 12–117, and 15–106.9  
14 Annotated Code of Maryland  
15 (2008 Replacement Volume and 2011 Supplement)

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

18 **Article – Education**

19 10–203.

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

23 11–105.

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

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

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

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

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

4 (v) **APPOINTING A GROUP OF INDEPENDENT ADVISERS TO**  
5 **ASSESS AND REPORT ANNUALLY TO THE COMMISSION ON THE PROGRESS OF**  
6 **THE STATE AND THE HISTORICALLY AFRICAN AMERICAN COLLEGES AND**  
7 **UNIVERSITIES ON MEETING THE GOALS TO ENSURE COMPARABILITY AND**  
8 **COMPETITIVENESS OF THE HISTORICALLY AFRICAN AMERICAN COLLEGES AND**  
9 **UNIVERSITIES; AND**

10 [(v)] (vi) Reporting ANNUALLY to the Governor and, subject to  
11 § 2-1246 of the State Government Article, the General Assembly regarding the  
12 progress of compliance with desegregation and equal education opportunity plans  
13 **BASED ON THE REPORT FROM THE GROUP OF INDEPENDENT ADVISERS TO THE**  
14 **COMMISSION.**

15 (h) The Commission:

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

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

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

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

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

31 (6) **ON OR BEFORE DECEMBER 1 OF EACH YEAR, SHALL CONDUCT**  
32 **ASSESSMENTS FOR EACH INSTITUTION OF HIGHER EDUCATION AND FOR THE**  
33 **STATE IN THE AGGREGATE THAT SHALL:**

34 (i) **MEASURE THE PROGRESS TOWARD MEETING THE**  
35 **FUNDING GOALS SET FORTH IN § 11-108 OF THIS SUBTITLE;**

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 LIST OF COMPETITOR**  
6 **STATES USED TO DETERMINE THE FUNDING GOALS IN § 11-108 OF THIS**  
7 **SUBTITLE.**

8 **11-108.**

9           **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE**  
10 **MEANINGS INDICATED.**

11                   **(2) “COMPARABLE INSTITUTIONS” MEANS A GROUP OF PEER**  
12 **INSTITUTIONS HAVING SIMILAR ACADEMIC SCOPE, COMPARABLE SIZE, AND A**  
13 **SIMILAR STUDENT FINANCIAL PROFILE.**

14                   **(3) “COMPETITOR STATES” MEANS STATES WITH WHICH**  
15 **MARYLAND PRINCIPALLY COMPETES FOR EMPLOYERS, AS DETERMINED BY THE**  
16 **MARYLAND HIGHER EDUCATION COMMISSION IN CONSULTATION WITH THE**  
17 **DEPARTMENT OF BUSINESS AND ECONOMIC DEVELOPMENT.**

18                   **(4) “PUBLIC SENIOR HIGHER EDUCATION INSTITUTIONS” MEANS:**

19                   **(i) THE CONSTITUENT INSTITUTIONS OF THE UNIVERSITY**  
20 **SYSTEM OF MARYLAND; AND**

21                   **(ii) MORGAN STATE UNIVERSITY.**

22           **(B) SUBJECT TO THE PROVISIONS OF THIS SECTION, THE STATE SHALL**  
23 **PROVIDE GENERAL FUND SUPPORT FOR THE UNIVERSITY SYSTEM OF**  
24 **MARYLAND AND MORGAN STATE UNIVERSITY TO ACHIEVE 100% OF THE**  
25 **FUNDING GUIDELINES DEVELOPED BY THE COMMISSION.**

26           **(C) (1) BY 2023, MARYLAND HIGHER EDUCATION FUNDING SHALL**  
27 **REACH A LEVEL OF HIGH STATE INVESTMENT AND MODERATE TUITION, AND**  
28 **PROGRESS TOWARD MEETING THESE GOALS SHALL BE ASSESSED ANNUALLY IN**  
29 **ACCORDANCE WITH § 11-105(H)(6) OF THIS SUBTITLE.**

1           **(2) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS**  
2 **PARAGRAPH, THE STATE SHALL SET STATE FUNDING OF THE PUBLIC SENIOR**  
3 **HIGHER EDUCATION INSTITUTIONS AT THE 75TH PERCENTILE OF FUNDING PER**  
4 **STUDENT AT COMPARABLE INSTITUTIONS LOCATED IN COMPETITOR STATES.**

5           **(II) THE STATE SHALL SET STATE FUNDING OF PUBLIC**  
6 **HISTORICALLY AFRICAN AMERICAN COLLEGES AND UNIVERSITIES AT THE 80TH**  
7 **PERCENTILE OF FUNDING PER STUDENT AT COMPARABLE INSTITUTIONS**  
8 **LOCATED IN COMPETITOR STATES.**

9           **(3) (I) THE STATE SHALL SET GROSS IN-STATE TUITION AND**  
10 **FEES AT PUBLIC SENIOR HIGHER EDUCATION INSTITUTIONS AT OR BELOW THE**  
11 **50TH PERCENTILE OF GROSS TUITION AND FEES AT COMPARABLE**  
12 **INSTITUTIONS LOCATED IN COMPETITOR STATES.**

13           **(II) EXCEPT AS PROVIDED IN SUBPARAGRAPH (III) OF THIS**  
14 **PARAGRAPH, THE STATE SHALL LIMIT INCREASES IN RESIDENT**  
15 **UNDERGRADUATE TUITION AND FEES IN ANY GIVEN YEAR TO THE INCREASE IN**  
16 **THE 3-YEAR ROLLING AVERAGE OF THE STATE'S MEDIAN FAMILY INCOME.**

17           **(III) THE TUITION AND FEE LIMITATION IN SUBPARAGRAPH**  
18 **(II) OF THIS PARAGRAPH APPLIES ONLY IF:**

19                   **1. THE PUBLIC SENIOR HIGHER EDUCATION**  
20 **INSTITUTIONS HAVE RECEIVED A GENERAL FUND APPROPRIATION THAT MEETS**  
21 **THE REQUIREMENTS OF THIS SECTION; AND**

22                   **2. THE BOARD OF PUBLIC WORKS DOES NOT**  
23 **REDUCE FUNDING FOR THE PUBLIC SENIOR HIGHER EDUCATION INSTITUTIONS.**

24           **(D) (1) FOR EACH OF FISCAL YEARS 2015 THROUGH 2022, THE**  
25 **GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL AT LEAST THE**  
26 **AMOUNT OF GENERAL FUND OF THE STATE SUPPORT NECESSARY FOR THE**  
27 **CONSTITUENT INSTITUTIONS OF THE UNIVERSITY SYSTEM OF MARYLAND IN**  
28 **TOTAL TO ACHIEVE:**

29                   **(I) 70% OF THE FUNDING GUIDELINE FOR FISCAL YEAR**  
30 **2015;**

31                   **(II) 74% OF THE FUNDING GUIDELINE FOR FISCAL YEAR**  
32 **2016;**

- 1                   **(III) 77% OF THE FUNDING GUIDELINE FOR FISCAL YEAR**  
2 **2017;**
- 3                   **(IV) 81% OF THE FUNDING GUIDELINE FOR FISCAL YEAR**  
4 **2018;**
- 5                   **(V) 85% OF THE FUNDING GUIDELINE FOR FISCAL YEAR**  
6 **2019;**
- 7                   **(VI) 89% OF THE FUNDING GUIDELINE FOR FISCAL YEAR**  
8 **2020;**
- 9                   **(VII) 93% OF THE FUNDING GUIDELINE FOR FISCAL YEAR**  
10 **2021; AND**
- 11                   **(VIII) 97% OF THE FUNDING GUIDELINE FOR FISCAL YEAR**  
12 **2022.**

13                   **(2) FOR EACH OF FISCAL YEARS 2015 THROUGH 2022, THE**  
14 **GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL AT LEAST THE**  
15 **AMOUNT OF GENERAL FUND OF THE STATE SUPPORT NECESSARY FOR**  
16 **MORGAN STATE UNIVERSITY TO ACHIEVE:**

- 17                   **(I) 78% OF THE FUNDING GUIDELINE FOR FISCAL YEAR**  
18 **2015;**
- 19                   **(II) 81% OF THE FUNDING GUIDELINE FOR FISCAL YEAR**  
20 **2016;**
- 21                   **(III) 84% OF THE FUNDING GUIDELINE FOR FISCAL YEAR**  
22 **2017;**
- 23                   **(IV) 87% OF THE FUNDING GUIDELINE FOR FISCAL YEAR**  
24 **2018;**
- 25                   **(V) 90% OF THE FUNDING GUIDELINE FOR FISCAL YEAR**  
26 **2019;**
- 27                   **(VI) 93% OF THE FUNDING GUIDELINE FOR FISCAL YEAR**  
28 **2020;**
- 29                   **(VII) 96% OF THE FUNDING GUIDELINE FOR FISCAL YEAR**  
30 **2021; AND**

1                   **(VIII) 99% OF THE FUNDING GUIDELINE FOR FISCAL YEAR**  
2 **2022.**

3                   **(3) FOR FISCAL YEAR 2023 AND EACH FISCAL YEAR THEREAFTER,**  
4 **THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL AT LEAST THE**  
5 **AMOUNT OF GENERAL FUND OF THE STATE SUPPORT NECESSARY FOR THE**  
6 **PUBLIC SENIOR HIGHER EDUCATION INSTITUTIONS TO ACHIEVE 100% OF THE**  
7 **FUNDING GUIDELINE.**

8                   **(E) UNDERGRADUATE EDUCATION CAPACITY AT HISTORICALLY**  
9 **AFRICAN AMERICAN COLLEGES AND UNIVERSITIES SHALL BE THE FIRST**  
10 **PRIORITY FOR ADDITIONAL STATE FUNDING PROVIDED UNDER THE FUNDING**  
11 **GUIDELINES.**

12                   **(F) (1) IN RECOGNITION OF THE CONSIDERABLE REMEDIATION**  
13 **EFFORT AND CONTINUING STUDENT SUPPORT DEMANDED OF HISTORICALLY**  
14 **AFRICAN AMERICAN COLLEGES AND UNIVERSITIES AT THE UNDERGRADUATE**  
15 **LEVEL, THE GOVERNOR SHALL PROVIDE AN AMOUNT OF SUPPLEMENTAL**  
16 **FUNDING TO THE HISTORICALLY AFRICAN AMERICAN COLLEGES AND**  
17 **UNIVERSITIES IN THE ANNUAL BUDGET BILL.**

18                   **(2) THE FUNDING SHALL BE SPENT ONLY FOR REMEDIATION**  
19 **EFFORTS AND FOR STRATEGIES AND INITIATIVES THAT HAVE PROVEN TO BE**  
20 **BEST PRACTICES IN IMPROVING GRADUATION RATES.**

21                   **(3) THE SUPPLEMENTAL FUNDING SHALL REPLACE THE ACCESS**  
22 **AND SUCCESS PROGRAM.**

23 11-305.

24                   Performance accountability plans developed under this subtitle shall:

25                   (1) Be based on the institutional mission statement and shall include  
26 a statement of the outcomes which each institution expects to achieve;

27                   (2) Include multiyear studies which shall include quantifiable indices  
28 of student academic performance and development including graduation and retention  
29 rates and the results of academic program reviews;

30                   (3) Identify institutional performance objectives appropriate to the  
31 mission of the institution in addition to those related to student learning and include  
32 reports based on regional and professional accreditation and certification;

1           (4) In the case of public senior higher education institutions, designate  
2 a set of peer institutions to which the institution's performance will be compared;  
3 [and]

4           (5) Make provision for improvements, as needed, as a result of the  
5 performance accountability report; AND

6           **(6) IN THE CASE OF HISTORICALLY AFRICAN AMERICAN**  
7 **COLLEGES AND UNIVERSITIES:**

8                   **(I) DESIGNATE GRADUATION RATE AS THE PRIMARY**  
9 **INDICATOR OF PERFORMANCE; AND**

10                   **(II) IF THE INSTITUTION RECEIVES SUPPLEMENTAL**  
11 **FUNDING DEVELOPED UNDER § 11-108(F) OF THIS TITLE, PROVIDE**  
12 **MEASURABLE GOALS, INCLUDING GRADUATION RATES, AND REPORT RESULTS**  
13 **AGAINST THOSE GOALS.**

14 **12-117.**

15           **(A) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE**  
16 **UNIVERSITY SYSTEM OF MARYLAND IMPROVE ITS EFFECTIVENESS AND**  
17 **EFFICIENCY AND REDUCE ITS COST STRUCTURE BY BECOMING THE NATIONAL**  
18 **LEADER IN TRANSFORMING THE BUSINESS MODEL OF PUBLIC HIGHER**  
19 **EDUCATION TO PROVIDE WORLD-CLASS EDUCATION, RESEARCH, AND PUBLIC**  
20 **SERVICE AT BELOW-AVERAGE COSTS.**

21           **(B) ON OR BEFORE NOVEMBER 1, 2012, AND ON NOVEMBER 1 EVERY**  
22 **SECOND YEAR THEREAFTER, THE BOARD OF REGENTS SHALL SUBMIT, IN**  
23 **ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, A REPORT**  
24 **ON THE POLICIES AND PROCEDURES IT HAS IMPLEMENTED IN ACCORDANCE**  
25 **WITH SUBSECTION (A) OF THIS SECTION TO THE HOUSE APPROPRIATIONS**  
26 **COMMITTEE, THE HOUSE WAYS AND MEANS COMMITTEE, THE SENATE**  
27 **BUDGET AND TAXATION COMMITTEE, AND THE SENATE EDUCATION, HEALTH,**  
28 **AND ENVIRONMENTAL AFFAIRS COMMITTEE OF THE GENERAL ASSEMBLY.**

29 **15-106.6.**

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

31           (c) (1) Within the Fund there is a Tuition Stabilization Trust Account.

32                   (2) (i) The Trust Account is established to retain revenues for  
33 stabilizing tuition costs for resident undergraduate students.



1 (ii) In years of increasing corporate tax revenues that are  
2 allocated to the Fund under § 2-613.1 of the Tax – General Article, funds shall be  
3 deposited into the Trust Account.

4 (iii) Funds in the Trust Account shall be used only to stabilize  
5 tuition at public senior higher education institutions.

6 [(iv) It is the goal of the State that any increase in resident  
7 undergraduate tuition and academic fees at public senior institutions of higher  
8 education in any given year should be limited to a percent not to exceed the increase in  
9 the 3-year rolling average of the State’s median family income.]

10 **15-106.9.**

11 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE  
12 MEANINGS INDICATED.

13 (2) “ACADEMIC YEAR” HAS THE MEANING STATED IN § 15-106.5  
14 OF THIS SUBTITLE.

15 (3) “GOVERNING BOARD” MEANS:

16 (I) THE BOARD OF REGENTS OF THE UNIVERSITY SYSTEM  
17 OF MARYLAND;

18 (II) THE BOARD OF REGENTS OF MORGAN STATE  
19 UNIVERSITY; AND

20 (III) THE BOARD OF TRUSTEES OF ST. MARY’S COLLEGE OF  
21 MARYLAND.

22 (4) “PUBLIC SENIOR HIGHER EDUCATION INSTITUTION” HAS THE  
23 MEANING STATED IN § 10-101 OF THIS ARTICLE.

24 (5) “TUITION” HAS THE MEANING STATED IN § 15-106.5 OF THIS  
25 SUBTITLE.

26 (B) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A GOVERNING  
27 BOARD MAY DEVELOP A PILOT LONG-TERM TUITION PLAN FOR A PUBLIC  
28 SENIOR HIGHER EDUCATION INSTITUTION.

29 (C) THE PURPOSE OF THE PILOT LONG-TERM TUITION PLAN IS TO  
30 ENSURE THAT THE FOLLOWING INDIVIDUALS ARE INFORMED OF THE TUITION

1 THAT WILL BE CHARGED FOR 4 ACADEMIC YEARS OF ENROLLMENT AT A PUBLIC  
2 SENIOR HIGHER EDUCATION INSTITUTION:

3 (1) A RESIDENT UNDERGRADUATE STUDENT WHO ENROLLS IN  
4 THE PUBLIC SENIOR HIGHER EDUCATION INSTITUTION; AND

5 (2) AN INDIVIDUAL WHO APPLIES FOR ADMISSION TO THE PUBLIC  
6 SENIOR HIGHER EDUCATION INSTITUTION.

7 (D) BEFORE THE IMPLEMENTATION OF A PILOT LONG-TERM TUITION  
8 PLAN BY A GOVERNING BOARD, THE GOVERNING BOARD SHALL SUBMIT THE  
9 PLAN TO THE COMMISSION FOR REVIEW AND APPROVAL.

10 18-304.

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

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

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

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

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

22 (4) IN DETERMINING THE AMOUNT OF AN AWARD, THE OFFICE  
23 SHALL DEVELOP A GRADUATED SCALE BASED ON THE STUDENT'S FINANCIAL  
24 NEED.

25 (b) (1) Except as provided in paragraph (2) of this subsection, a Delegate  
26 Howard P. Rawlings Educational Excellence Award may be awarded in \$100  
27 increments and the award for a single year may not be less than \$400 or more than  
28 ~~[\$3,000]~~ **\$6,000**.

29 SECTION 2. AND BE IT FURTHER ENACTED, That the Maryland Higher  
30 Education Commission shall modify the Guaranteed Access Grant under Title 18,  
31 Subtitle 3 of the Education Article so that 100% of need is met for students with family  
32 incomes of up to 150% of the federal poverty level and that smaller grants are made to  
33 students with family incomes between 150% and 200% of the federal poverty level.

1           SECTION 3. AND BE IT FURTHER ENACTED, That it is the intent of the  
2 General Assembly to move the sum of the General Fund of the State appropriation  
3 and tuition for institutions in the University System of Maryland, on a per student  
4 basis, to at least the average of their peer institutions as determined by the Maryland  
5 Higher Education Commission, in order to be consistent with Chapter 246 of the Acts  
6 of the General Assembly of 1988, which formed the University System of Maryland,  
7 and with Chapter 515 of the Acts of the General Assembly of 1999, also known as the  
8 Larson Commission Act.

9           SECTION 4. AND BE IT FURTHER ENACTED, That it is the intent of the  
10 General Assembly to continue to support the State's historically African American  
11 institutions in accordance with the agreement reached between the State of Maryland  
12 and the United States Department of Education, Office of Civil Rights in December  
13 2000.

14           SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take effect  
15 July 1, 2012.