

Department of Legislative Services
2018 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 252

(Senator Conway, *et al.*)

Budget and Taxation

Historically Black Institutions - State Funding - Blount-Rawlings-Britt HBI Comparability Program

This bill establishes the Blount-Rawlings-Britt HBI Comparability Program to provide supplemental State funding to historically black colleges and universities (HBCUs, also sometimes called HBIs) in order to ensure that they are comparable and competitive with other public four-year institutions of higher education in Maryland. The Governor must include funds in the annual State operating and capital budgets as determined by calculations specified in the bill. The Maryland Higher Education Commission (MHEC) must implement and administer the program through the distribution of funds to HBCUs and the collection of data from HBCUs on the use of the funds distributed to them. **The bill takes effect July 1, 2018.**

Fiscal Summary

State Effect: General fund expenditures increase by an estimated \$3.1 million in FY 2019 increasing to \$52.4 million by FY 2023. Future year general fund expenditure estimates reflect inflation and additional mandated funding provisions beginning in FY 2020. Although not reflected below, higher education revenues and expenditures increase by corresponding amounts. The bill does not alter general obligation (GO) bond expenditures overall, but the allocation of GO bonds is affected. **This bill establishes mandated appropriations beginning in FY 2020.**

(\$ in millions)	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	3.1	44.5	47.1	50.5	52.4
Net Effect	(\$3.1)	(\$44.5)	(\$47.1)	(\$50.5)	(\$52.4)

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: The additional operating funds that must be provided to HBCUs through the Blount-Rawlings-Britt HBI Comparability Program are calculated by:

- beginning in fiscal 2019, increasing the annual recurring State appropriation for each HBCU by not less than the average increase in the Governor's allowance for the public four-year traditionally white institutions (TWIs) of similar Carnegie classifications;
- maintaining fiscal 2019 enhancement funding of \$4.9 million and increasing the amount each year by the Higher Education Price Index (HEPI) beginning in fiscal 2020;
- beginning in fiscal 2020, providing \$500 per full-time equivalent student for financial aid to be awarded to eligible students at HBCUs and increasing the amount annually by HEPI;
- beginning in fiscal 2020, providing funding to meet specific staffing goals identified in the bill; and
- providing HBCUs with at least 35% of the capital improvement resources that are allocated to institutions of higher education, excluding the University of Maryland Medical System and independent colleges and universities beginning in fiscal 2020.

Funds for the Blount-Rawlings-Britt HBI Comparability Program must be included in MHEC's budget for distribution to HBCUs. The funds are in addition to the funds provided for HBCUs in the State budget in the prior fiscal year.

Current Law: Funding for public four-year institutions of higher education is discretionary. It is the intent of the General Assembly that, barring unforeseen economic conditions, the Governor include in the annual budget submission an amount of general fund State support for higher education equal to or greater than the amount appropriated in the prior fiscal year.

MHEC is responsible for developing a program of desegregation and equal educational opportunity, including developing an enhancement plan for HBCUs. In addition, MHEC is responsible for making recommendations concerning needed resources for achieving goals and objectives established for HBCUs.

Background:

U.S. Office for Civil Rights

In 1969, the U.S. Office for Civil Rights (OCR) required Maryland, along with nine other states, to submit for approval by OCR a plan to remove all vestiges of its formerly segregated system of higher education. OCR asserted that Maryland and the other states had a responsibility to overcome past segregative practices and that it would not be enough to simply maintain nondiscriminatory admissions policies if the student racial demographic at an institution was still reflective of the formerly *de jure* racial identification of that institution.

Over the course of the next 30 years, Maryland submitted and resubmitted various plans to OCR in order to enhance its public HBCUs. In December 2000, the State and OCR entered into a partnership agreement that included a commitment from the State to further enhance its four HBCUs and to improve higher education opportunities for African American students. This partnership agreement expired on December 31, 2005, and on June 19, 2006, Maryland submitted a final report on the Partnership Agreement Commitments to OCR. OCR acknowledged receipt of that 2006 report in 2008, but the State has not yet been released from its obligations under the agreement. Five other states (Florida, Ohio, Oklahoma, Pennsylvania, and Texas) also continue to be subject to monitoring by OCR in this regard.

The OCR partnership agreement also included additional operating funding and capital funding for HBCUs. The State's HBCUs have continued to receive \$4.9 million in general funds annually for OCR enhancement funding through MHEC since the OCR partnership agreement expired at the end of 2005. Beginning in fiscal 2019, at the request of the legislative budget committees, the funds were permanently moved into the base budgets of each HBCU.

A coalition of former and current HBCU students has sued MHEC and the State for violating the OCR agreement and federal equal opportunity law. The case, being heard in federal District Court, has not yet reached a conclusion.

Commission to Develop the Maryland Model for Funding Higher Education

The Commission to Develop the Maryland Model for Funding Higher Education was established by the Tuition Affordability Act of 2006 (Chapters 57 and 58). The commission was charged with developing an effective statewide framework for higher education funding, making recommendations relating to the establishment of a consistent and stable funding mechanism to ensure accessibility and affordability while at the same time promoting policies to achieve national eminence at all of Maryland's public

institutions of higher education, and making recommendations relating to the appropriate level of funding for the State's four HBCUs to ensure that they are comparable and competitive with other public institutions. The commission submitted its final report in December 2008.

Study Panel on Historically Black Institutions

The commission appointed a panel of experts to study the funding needs of HBCUs to ensure that they are comparable and competitive with other public institutions. The State committed to this effort in its 2006 response to OCR following the 2005 expiration of the partnership agreement. In this response, the State indicated that it had met the agreement's commitments and expressed its intent to develop measurable indicators of parity among HBCUs and TWIs. The Panel on the Comparability and Competitiveness of Historically Black Institutions in Maryland (HBI Study Panel) submitted a final report to the commission in November 2008, which the commission's final report largely endorsed.

Among other things, the HBI Study Panel concluded that HBCUs need a different level of capacity due to their dual mission to provide regular collegiate programs in addition to developmental education for students who otherwise might not go to college. The panel recommended that HBCUs receive appropriate funding to raise graduation rates to be comparable to TWIs. To determine the funding needed to achieve this goal, the panel recommended that MHEC coordinate a group of HBCUs and experts to outline the programs and services required to ensure that underprepared students graduate. The commission recommended that a supplement be provided to HBCUs above the funding provided by the Higher Education Funding Model for Maryland in recognition of the effort demanded of HBCUs. Preliminary estimates suggest that \$3.0 million to \$4.0 million in annual funding at each institution is needed to support underprepared students and improve graduation rates, about \$1,428 per student. This estimate will be refined and adjusted as additional data is collected. The panel also recommended additional need-based aid to increase affordability for low-income students, which would disproportionately affect students attending HBCUs. In addition, the panel found that the facilities at HBCUs lag behind those at TWIs and recommended that the State accelerate funding for HBCU capital priorities.

Historically Black Colleges and Universities Funding

The Governor's proposed fiscal 2019 budget includes \$232.9 million in general funds and Higher Education Investment Funds for HBCUs. The proposed *Capital Improvement Program* (CIP) includes a total of \$48.2 million for projects at HBCUs in fiscal 2019. The funding is summarized in **Exhibit 1**.

Exhibit 1
Governor’s Proposed Budget for Historically Black Colleges and Universities
Fiscal 2019
(\$ in Thousands)

	<u>Operating</u>	<u>Capital</u>	<u>Total</u>
Bowie State University	\$45,585	-	\$45,585
Coppin State University	47,005	\$1,634	48,639
Morgan State University	96,653	46,521	143,174
University of Maryland Eastern Shore	43,700	-	43,700
Total	\$232,943	\$48,155	\$281,098

Source: Fiscal 2019 Budget Books; Department of Legislative Services

Higher Education Price Index and State Appropriations

HEPI is an inflation index that tracks the main cost drivers of higher education, which it identifies as professional salaries and fringe benefits, contracted services for such tasks as data processing and communication, library acquisitions, and utilities. HEPI, in comparison to the average growth in State appropriations for institutions of similar Carnegie classifications, is shown in **Exhibit 2** for fiscal 2013 through 2017.

Exhibit 2
Average Annual Increase in State Appropriations Compared to HEPI
Fiscal 2013-2017

	<u>FY 2013</u>	<u>FY 2014</u>	<u>FY 2015</u>	<u>FY 2016</u>	<u>FY 2017</u>
HEPI	1.6%	3.0%	2.1%	1.8%	3.7%
HBCU Master’s Programs	0.8%	6.6%	4.6%	4.3%	6.6%
HBCU Doctoral Programs	0.9%	7.3%	5.9%	3.6%	8.1%
TWI Master’s Programs	1.1%	4.8%	6.2%	6.3%	6.4%
TWI Doctoral Programs	0.6%	5.1%	6.4%	3.9%	6.2%

HEPI: Higher Education Price Index
HBCU: Historically Black College or University
TWI: Traditionally White Institution

Source: Common Fund; Department of Legislative Services

Exhibit 3 shows the *projected* HEPI and the *projected* change in State appropriations for HBCUs and TWIs of similar Carnegie classifications for fiscal 2019 through 2023. The projected HEPI is the rolling three-year average of the actual HEPI from fiscal 2015 through 2017. The projected State appropriations are based on HEPI and MHEC’s projected rate of enrollment growth at each campus for each year, plus any statutory or mandated funding increases (*e.g.*, Chapter 25 of 2016 that mandated additional funding for several public four-year institutions).

Exhibit 3
Projected Average Annual Change in State Appropriations and Projected HEPI
Fiscal 2019-2023

	<u>FY 2019</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>
HEPI	2.5%	2.5%	2.5%	2.5%	2.5%
HBCU Master’s Programs	1.2%	4.0%	4.0%	4.2%	5.2%
HBCU Doctoral Programs	0.9%	3.9%	9.8%	3.8%	3.9%
TWI Master's Programs	1.1%	4.1%	4.1%	4.2%	5.2%
TWI Doctoral Programs	2.0%	5.4%	5.2%	5.2%	4.2%

HEPI: Higher Education Price Index
HBCU: Historically Black College or University
TWI: Traditionally White Institution

Note: Fiscal 2019 reflects the allowance in the Governor’s proposed budget.

Source: Department of Legislative Services, Fiscal 2019 Budget Books

State Expenditures: General fund expenditures increase by an estimated \$3.1 million in fiscal 2019 to fund the Blount-Rawlings-Britt HBI Comparability Program. This amount reflects only the required increase in State appropriations to HBCUs. The State appropriation category of mandated funding increases by approximately \$10.5 million in fiscal 2023 compared to current law, as shown in **Exhibit 4**.

Beginning in fiscal 2020, additional general fund expenditures for HBCUs are mandated by the bill. Exhibit 4 shows the estimated annual impact of each category of operating funding for HBCUs established under the Blount-Rawlings-Britt HBI Comparability Program. By fiscal 2023, the additional general fund costs are estimated at \$52.4 million in total.

Exhibit 4
Estimated Funding Increases for Historically Black Colleges and Universities
Fiscal 2019-2023
(\$ in Thousands)

<u>Category</u>	<u>FY 2019</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>
State Appropriations	\$3,136	\$5,942	\$7,444	\$9,811	\$10,475
HBI Enhancement	0	124	251	382	516
Financial Aid	0	9,002	9,265	9,552	9,928
Student/Faculty Ratio	0	5,599	5,803	5,920	6,134
Contractual Faculty	0	14,265	14,551	14,842	15,139
Contractual Staff	0	9,607	9,799	9,995	10,195
Total	\$3,136	\$44,540	\$47,114	\$50,501	\$52,386

HBI: Historically Black College or University
Note: Numbers may not sum to total due to rounding.

Source: Department of Legislative Services

Beginning in fiscal 2019, the \$4.9 million in enhancement funding was permanently added to the base funding of the HBCUs. However, because the bill specifies that all of the additional funding is provided to MHEC for distribution to HBCUs, it is assumed that none of the added support impacts the State formulas that determine the annual funding levels for Baltimore City Community College, local community colleges, and independent institutions of higher education.

In addition to the general fund spending, capital funding for HBCUs may increase by an estimated \$53.4 million in fiscal 2020 to ensure that HBCUs receive at least 35% of the capital funds supporting public institutions of higher education according to the proposed fiscal 2019 CIP. For fiscal 2021 through 2023, capital funding for HBCUs needs to increase over the CIP as follows to reach the 35% requirement established in the bill: \$18.3 million in fiscal 2021; \$27.2 million in fiscal 2022; and \$18.9 million in fiscal 2023. It is assumed that the increased capital funding requires a redistribution of GO bond expenditures for higher education in the CIP in each year, but it does not increase the overall amount of GO bond authorizations in any year.

Additional Information

Prior Introductions: SB 712 of 2017 received a hearing in the Senate Budget and Taxation Committee, but no further action was taken. HB 892 of 2009 received a hearing in the House Appropriations Committee, but no further action was taken by the committee. SB 544 of 2009 and SB 867 of 2008 received hearings in the Senate Budget and Taxation Committee, but no further action was taken by the committee on either bill.

Cross File: HB 450 (Delegate Mosby, *et al.*) - Appropriations.

Information Source(s): Maryland Higher Education Commission; Institute of Education Sciences; Department of Legislative Services

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