

# SENATE BILL 446

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CF HB 469

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By: **Senators Pinsky, Elfreth, Ellis, Kagan, Lam, Sydnor, Washington, and Young**  
Introduced and read first time: January 27, 2020  
Assigned to: Education, Health, and Environmental Affairs

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## A BILL ENTITLED

1 AN ACT concerning

2 **Institutions of Postsecondary Education – Disorderly School Closures**

3 FOR the purpose of authorizing the Secretary of Higher Education to require certain  
4 institutions of postsecondary education to refund all tuition and fees to certain  
5 students under certain circumstances; authorizing the Secretary to file an injunction  
6 under certain circumstances; establishing that an institution that closes programs  
7 in a certain manner is in violation of a certain agreement; requiring certain students  
8 to be reimbursed for certain tuition and fees under certain circumstances; requiring  
9 certain institutions to provide the Commission with a certain school closure plan;  
10 requiring a certain agreement to contain certain provisions; establishing that certain  
11 actions be considered as unfair, abusive, or deceptive trade practices; requiring  
12 certain institutions to file certain records with the Commission before discontinuing  
13 academic or administrative operation; prohibiting a certain obligation from being  
14 discharged in bankruptcy; requiring that certain records filed with the Commission  
15 present certain financial information; requiring certain records to be accompanied  
16 by an affidavit on behalf of certain individuals; authorizing the Commission to issue  
17 a replacement transcript to a certain student under certain circumstances; requiring  
18 a certain replacement transcript to be signed by a certain individual and contain  
19 certain information; requiring that a certain institution accept a certain replacement  
20 transcript as an official transcript; authorizing a certain institution or a certain  
21 program to accept a certain transcript; requiring the Commission to adopt certain  
22 regulations; specifying the contents of the Education Trust Fund; defining certain  
23 terms; making the provisions of this Act severable; and generally relating to  
24 disorderly closures of institutions of postsecondary education.

25 BY renumbering

26 Article – Education

27 Section 11–203(e)

28 to be Section 11–203(f)

29 Annotated Code of Maryland

30 (2018 Replacement Volume and 2019 Supplement)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 BY repealing and reenacting, with amendments,  
2 Article – Commercial Law  
3 Section 13–301(14)(xxxii)  
4 Annotated Code of Maryland  
5 (2013 Replacement Volume and 2019 Supplement)
- 6 BY repealing and reenacting, without amendments,  
7 Article – Commercial Law  
8 Section 13–301(14)(xxxiii)  
9 Annotated Code of Maryland  
10 (2013 Replacement Volume and 2019 Supplement)
- 11 BY adding to  
12 Article – Commercial Law  
13 Section 13–301(14)(xxxiv)  
14 Annotated Code of Maryland  
15 (2013 Replacement Volume and 2019 Supplement)
- 16 BY repealing and reenacting, with amendments,  
17 Article – Education  
18 Section 11–107 and 11–401  
19 Annotated Code of Maryland  
20 (2018 Replacement Volume and 2019 Supplement)
- 21 BY adding to  
22 Article – Education  
23 Section 11–203(e) and 11–210  
24 Annotated Code of Maryland  
25 (2018 Replacement Volume and 2019 Supplement)
- 26 BY repealing and reenacting, with amendments,  
27 Article – State Government  
28 Section 9–1A–30  
29 Annotated Code of Maryland  
30 (2014 Replacement Volume and 2019 Supplement)
- 31 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
32 That Section(s) 11–203(e) of Article – Education of the Annotated Code of Maryland be  
33 renumbered to be Section(s) 11–203(f).
- 34 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read  
35 as follows:
- 36 **Article – Commercial Law**
- 37 13–301.

1 Unfair, abusive, or deceptive trade practices include any:

2 (14) Violation of a provision of:

3 (xxxii) The federal Military Lending Act; [or]

4 (xxxiii) The federal Servicemembers Civil Relief Act; or

5 **(XXXIV) § 11–210 OF THE EDUCATION ARTICLE; OR**

6 **Article – Education**

7 11–107.

8 (a) The Commission may authorize the Secretary, acting through the Attorney  
9 General, to seek an injunction or other judicial remedy for any violation of this title or of  
10 the rules and regulations adopted under this title.

11 (b) (1) If an institution of postsecondary education is required to have a  
12 certificate of approval from the Commission and is operating without a certificate of  
13 approval, the Secretary may:

14 (i) Issue an order to cease and desist;

15 (ii) Issue a notice of violation and impose a penalty of up to \$5,000;

16 and

17 (iii) Acting through the Attorney General, seek an injunction or other  
18 judicial remedy.

19 (2) In imposing a penalty under this subsection, the Secretary shall  
20 consider:

21 (i) The seriousness of the violation;

22 (ii) The harm caused by the violation;

23 (iii) The good faith of the institution and any corrective actions taken;

24 (iv) Any history of previous violations; and

25 (v) Other pertinent circumstances.

26 (c) For any institution of postsecondary education required to have Commission  
27 approval before offering a program, if the institution offers an unapproved program, the  
28 Secretary may require the institution to refund all tuition and fees paid by students who

1 enrolled in the program, and may revoke the certificate of approval of any institution that  
2 fails to make a required refund within the time specified by the Secretary.

3 **(D) IF AN INSTITUTION OF POSTSECONDARY EDUCATION DOES NOT FILE**  
4 **ALL ESSENTIAL RECORDS OF THE ACADEMIC ACHIEVEMENT OF A FORMER STUDENT**  
5 **WITH THE COMMISSION IN ACCORDANCE WITH § 11-401 OF THIS TITLE, THE**  
6 **SECRETARY MAY:**

7 **(1) REQUIRE THE INSTITUTION TO REFUND ALL TUITION AND FEES**  
8 **PAID BY THE FORMER STUDENT WHOSE RECORDS WERE NOT FILED IN ACCORDANCE**  
9 **WITH § 11-401 OF THIS TITLE; OR**

10 **(2) SEEK AN INJUNCTION IN ACCORDANCE WITH SUBSECTION (A) OF**  
11 **THIS SECTION.**

12 **[(d)] (E)** The remedies provided in this section are in addition to any other  
13 remedies provided by law.

14 11-203.

15 **(E) (1) AN INSTITUTION THAT CLOSSES ONE OR MORE PROGRAMS IN A**  
16 **MANNER THAT IS A DISORDERLY CLOSURE AS DEFINED IN § 11-210 OF THIS**  
17 **SUBTITLE IS IN VIOLATION OF THE ENROLLMENT AGREEMENT OR OTHER CONTRACT**  
18 **WITH A STUDENT ENROLLED AT THE TIME OF THE CLOSURE.**

19 **(2) (I) A MARYLAND STUDENT ENROLLED IN AN INSTITUTION**  
20 **WITHIN 120 DAYS BEFORE THE DATE OF THE DISORDERLY CLOSURE SHALL BE**  
21 **ENTITLED TO REIMBURSEMENT FROM THE PERFORMANCE BOND OR IRREVOCABLE**  
22 **LETTER OF CREDIT OF ALL NON-TITLE IV TUITION AND FEES PAID TO THE**  
23 **INSTITUTION.**

24 **(II) REIMBURSEMENT MADE UNDER SUBPARAGRAPH (I) OF**  
25 **THIS PARAGRAPH SHALL BE ISSUED TO ALL MARYLAND STUDENTS, INCLUDING**  
26 **THOSE WHO TRANSFER TO ANOTHER INSTITUTION.**

27 **(3) THE COMMISSION SHALL ADOPT REGULATIONS TO CARRY OUT**  
28 **THE PROVISIONS OF THIS SUBSECTION.**

29 11-210.

30 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**  
31 **INDICATED.**

32 **(2) "CLOSING INSTITUTION" MEANS A PRIVATE CAREER SCHOOL OR**

1 AN INSTITUTION OF POSTSECONDARY EDUCATION THAT CLOSES AT LEAST ONE  
2 PROGRAM IN A MANNER THAT IS A DISORDERLY CLOSURE.

3 (3) "DISORDERLY CLOSURE" MEANS THE CESSATION OF  
4 EDUCATIONAL INSTRUCTION, AS DETERMINED BY THE COMMISSION, OF A PROGRAM  
5 IN WHICH:

6 (I) A MARYLAND STUDENT IS UNABLE TO COMPLETE THE  
7 PROGRAM PRIOR TO THE CESSATION OF EDUCATIONAL INSTRUCTION; AND

8 (II) THE INSTITUTION DID NOT ENTER INTO AT LEAST ONE  
9 SCHOOL-TO-SCHOOL TEACH-OUT AGREEMENT.

10 (4) "ELIGIBLE TRANSFER INSTITUTION" MEANS A PRIVATE CAREER  
11 SCHOOL OR AN INSTITUTION OF POSTSECONDARY EDUCATION THAT:

12 (I) 1. HAS A CERTIFICATE OF APPROVAL FROM THE  
13 COMMISSION IN ACCORDANCE WITH § 11-202 OF THIS SUBTITLE;

14 2. IS REGISTERED WITH THE COMMISSION IN  
15 ACCORDANCE WITH § 11-202.2 OF THIS SUBTITLE; OR

16 3. IS EXEMPT FROM REGISTERING WITH THE  
17 COMMISSION IN ACCORDANCE WITH § 11-202.2 OF THIS SUBTITLE;

18 (II) IS IN GOOD STANDING WITH ITS ACCREDITOR AND, IF  
19 APPLICABLE, ITS LICENSING BODY;

20 (III) IF APPLICABLE, HAS COHORT LOAN DEFAULT RATES, AS  
21 MOST RECENTLY REPORTED BY THE U.S. DEPARTMENT OF EDUCATION, THAT ARE  
22 LESS THAN OR EQUAL TO THE COHORT LOAN DEFAULT RATES OF THE CLOSING  
23 INSTITUTION;

24 (IV) IS NOT CURRENTLY UNDER FINANCIAL AID RESTRICTIONS  
25 BY THE U.S. DEPARTMENT OF EDUCATION; AND

26 (V) WITHIN THE PREVIOUS 5 YEARS:

27 1. HAS NOT ENTERED INTO ANY SETTLEMENT  
28 AGREEMENTS RELATED TO A CONSUMER PROTECTION LAW WITH A LAW  
29 ENFORCEMENT AGENCY; AND

30 2. HAS NOT HAD ANY JUDGMENTS RELATED TO A

1 CONSUMER PROTECTION LAW ENTERED AGAINST IT IN FAVOR OF A LAW  
2 ENFORCEMENT AGENCY.

3 (5) "FULLY ONLINE DISTANCE EDUCATION PROGRAM IN THE STATE"  
4 HAS THE MEANING STATED IN § 11-202.2 OF THIS SUBTITLE.

5 (6) "INSTITUTIONAL DEBT" MEANS:

6 (I) THE AMOUNT OUTSTANDING ON ANY CREDIT, INCLUDING  
7 UNPAID CHARGES, EXTENDED BY OR ON BEHALF OF THE INSTITUTION THAT A  
8 STUDENT IS OBLIGATED TO REPAY, WHETHER THE AMOUNT HAS BEEN REDUCED TO  
9 JUDGMENT OR THE INSTITUTION CLASSIFIES IT AS A LOAN; OR

10 (II) A NONFEDERAL LOAN OR DEBT AGREEMENT THAT IS  
11 ISSUED EXPRESSLY FOR POSTSECONDARY EDUCATION EXPENSES AND THAT IS  
12 GUARANTEED BY:

13 1. A PRIVATE CAREER SCHOOL;

14 2. AN INSTITUTION OF POSTSECONDARY EDUCATION;

15 OR

16 3. A PRIVATE EDUCATIONAL LENDER THAT IS  
17 AFFILIATED WITH A PRIVATE CAREER SCHOOL OR AN INSTITUTION OF  
18 POSTSECONDARY EDUCATION.

19 (7) "INSTITUTIONAL FINANCIAL AID AGREEMENT" MEANS ANY  
20 CONTRACT, PROMISSORY NOTE, PART OF AN ENROLLMENT AGREEMENT, OR OTHER  
21 AGREEMENT IN WHICH A STUDENT AGREES TO PAY AN INSTITUTIONAL DEBT.

22 (B) THIS SECTION APPLIES TO A PRIVATE CAREER SCHOOL OR AN  
23 INSTITUTION OF POSTSECONDARY EDUCATION, AS DEFINED IN § 10-101 OF THIS  
24 ARTICLE, THAT:

25 (1) OPERATES IN THE STATE; OR

26 (2) ENROLLS AT LEAST 25 STUDENTS IN A FULLY ONLINE DISTANCE  
27 EDUCATION PROGRAM IN THE STATE AND THAT HAS TOTAL TUITION REVENUE FROM  
28 MARYLAND STUDENTS GREATER THAN \$100,000 IN THE IMMEDIATELY PRECEDING  
29 ACADEMIC YEAR.

30 (C) (1) (I) IN ADDITION TO ANY OTHER REQUIREMENT OF THIS TITLE,  
31 AN INSTITUTION IDENTIFIED IN SUBSECTION (B) OF THIS SECTION SHALL PROVIDE

1 TO THE COMMISSION A CLOSE-OUT PLAN.

2 (II) A CLOSE-OUT PLAN PROVIDED UNDER THIS PARAGRAPH  
3 SHALL BE UPDATED AS REQUIRED BY THE COMMISSION.

4 (2) A CLOSE-OUT PLAN UNDER THIS SUBSECTION SHALL INCLUDE  
5 ANY INFORMATION REQUIRED BY THE COMMISSION AND SHALL STATE THAT:

6 (I) THE INSTITUTION WILL MAKE ALL REASONABLE EFFORTS  
7 TO ENSURE THAT ANY CLOSURE OF A PROGRAM THAT ENROLLS MARYLAND  
8 STUDENTS IS NOT A DISORDERLY CLOSURE;

9 (II) UNLESS EXEMPTED BY THE COMMISSION, THE CHIEF  
10 EXECUTIVE OFFICER AND THE MEMBERS OF THE GOVERNING BODY OF THE  
11 INSTITUTION WERE NEVER IN AN EXECUTIVE POSITION OR A MEMBER OF A  
12 GOVERNING BODY OF AN INSTITUTION IN WHICH A DISORDERLY CLOSURE  
13 OCCURRED;

14 (III) IF THE INSTITUTION IS A FOR-PROFIT INSTITUTION OF  
15 HIGHER EDUCATION AS DEFINED IN § 10-101 OF THIS ARTICLE, THE CHIEF  
16 EXECUTIVE OFFICER AND THE MEMBERS OF THE GOVERNING BODY AGREE TO BE  
17 JOINTLY AND SEVERALLY PERSONALLY LIABLE FOR AN AMOUNT DETERMINED BY  
18 THE COMMISSION, PAYABLE TO THE EDUCATION TRUST FUND ESTABLISHED  
19 UNDER § 9-1A-30 OF THE STATE GOVERNMENT ARTICLE, NOT TO EXCEED \$1,000  
20 FOR EACH MARYLAND STUDENT WHO WAS ENROLLED AT THE TIME OF THE  
21 DISORDERLY CLOSURE; AND

22 (IV) ANY INSTITUTIONAL FINANCIAL AID AGREEMENT OFFERED  
23 TO A MARYLAND STUDENT SHALL CONTAIN LANGUAGE STATING THAT, IN THE  
24 EVENT OF A DISORDERLY CLOSURE, THE INSTITUTIONAL DEBT IS VOID AND MAY NOT  
25 BE RECOVERED, COLLECTED, OR ENFORCED.

26 (3) A SCHOOL-TO-SCHOOL TEACH-OUT AGREEMENT SHALL:

27 (I) BE ARRANGED BY THE CLOSING INSTITUTION;

28 (II) BE BETWEEN AN ELIGIBLE TRANSFER INSTITUTION, THE  
29 CLOSING INSTITUTION, AND THE COMMISSION; AND

30 (III) UNLESS WAIVED FOR GOOD CAUSE BY THE COMMISSION,  
31 SPECIFY THAT THE ELIGIBLE TRANSFER INSTITUTION:

32 1. IF THE CLOSING INSTITUTION HAS A PHYSICAL

1 PRESENCE IN THE STATE, IS LOCATED WITHIN A REASONABLE DISTANCE OF THE  
2 CLOSING INSTITUTION;

3 2. SHALL ACCEPT THE TRANSFER OF ALL COMPLETED  
4 CREDITS FROM STUDENTS AFFECTED BY THE DISORDERLY CLOSURE;

5 3. SHALL ALLOW A MARYLAND STUDENT AFFECTED BY  
6 THE DISORDERLY CLOSURE TO COMPLETE THE STUDENT'S PROGRAM WITH  
7 SUBSTANTIALLY THE SAME NUMBER OF CREDIT HOURS AS WAS REQUIRED BY THE  
8 INSTITUTION OPERATING THE CLOSING PROGRAM; AND

9 4. MAY NOT CHARGE A MARYLAND STUDENT TUITION  
10 OR FEES IN EXCESS OF THE LESSER OF:

11 A. THE REMAINING AMOUNT THAT A MARYLAND  
12 STUDENT AFFECTED BY THE DISORDERLY CLOSURE WOULD HAVE PAID TO THE  
13 CLOSING INSTITUTION TO COMPLETE THE PROGRAM; OR

14 B. THE TRANSFER INSTITUTION'S APPLICABLE TUITION  
15 AND FEES; AND

16 (IV) SPECIFY THAT, ON REQUEST BY A MARYLAND STUDENT  
17 AFFECTED BY THE DISORDERLY CLOSURE, THE CLOSING INSTITUTION SHALL  
18 PROVIDE A COMPLETE ACADEMIC RECORD AND AN OFFICIAL TRANSCRIPT TO THE  
19 MARYLAND STUDENT AT NO COST TO THE MARYLAND STUDENT OR THE STATE.

20 (D) IT SHALL BE AN UNFAIR, ABUSIVE, OR DECEPTIVE TRADE PRACTICE AS  
21 DEFINED IN § 13-301 OF THE COMMERCIAL LAW ARTICLE FOR ANY INSTITUTION,  
22 PERSON, OR ENTITY TO COLLECT ON A MARYLAND STUDENT'S INSTITUTIONAL DEBT  
23 IF:

24 (1) THE INSTITUTIONAL FINANCIAL AID AGREEMENT DOES NOT  
25 CONTAIN THE LANGUAGE REQUIRED UNDER SUBSECTION (C)(2)(IV) OF THIS  
26 SECTION; OR

27 (2) AN INSTITUTION COLLECTS ON AN INSTITUTIONAL DEBT OF A  
28 MARYLAND STUDENT WHO ATTENDED A PROGRAM IN WHICH A DISORDERLY  
29 CLOSURE OCCURRED.

30 (E) THE COMMISSION SHALL ADOPT REGULATIONS TO CARRY OUT THE  
31 PROVISIONS OF THIS SECTION.



1 (a) (1) Before any institution of postsecondary education operating in this  
2 State discontinues **ACADEMIC OR ADMINISTRATIVE** operation, [its chief administrative  
3 officer] **THE INSTITUTION** shall file with the Commission the original or legible copies of  
4 all essential records of the academic achievements of all former students of the institution.

5 (2) **THE OBLIGATION OF AN INSTITUTION UNDER PARAGRAPH (1) OF**  
6 **THIS SUBSECTION MAY NOT BE DISCHARGED IN BANKRUPTCY.**

7 (b) (1) The records shall present, as separate documents:

8 [(1)] (I) The **OFFICIAL** academic [record] **TRANSCRIPT** of each former  
9 student; [and

10 (2)] (II) Any other academic information usually required by institutions  
11 of postsecondary education when considering students for transfer or advanced study; **AND**

12 (III) **IF REQUESTED BY THE COMMISSION, THE FINANCIAL AID**  
13 **AND FINANCIAL ACCOUNT INFORMATION OF EACH FORMER STUDENT.**

14 (2) **THE RECORDS SHALL BE ACCOMPANIED BY AN AFFIDAVIT AS TO**  
15 **THE ACCURACY AND COMPLETENESS OF THE RECORDS ON BEHALF OF THE**  
16 **INSTITUTION'S:**

17 (I) **BOARD OF TRUSTEES;**

18 (II) **BURSAR;**

19 (III) **CHIEF ADMINISTRATIVE OFFICER;**

20 (IV) **CHIEF EXECUTIVE OFFICER;**

21 (V) **CHIEF FINANCIAL OFFICER; OR**

22 (VI) **REGISTRAR.**

23 (c) The Commission shall maintain a permanent file of all records filed with it  
24 under this section.

25 (D) (1) **IF A STUDENT WHO ATTENDED AN INSTITUTION THAT CLOSED IN**  
26 **ACCORDANCE WITH THIS TITLE REQUESTS A COPY OF THE STUDENT'S OFFICIAL**  
27 **ACADEMIC TRANSCRIPT FROM THE COMMISSION AND THE COMMISSION**  
28 **DETERMINES THAT THE REQUESTED TRANSCRIPT IS MISSING, INCOMPLETE, OR IN**  
29 **A FORMAT INACCESSIBLE TO THE STUDENT, THE COMMISSION MAY ISSUE A**  
30 **REPLACEMENT TRANSCRIPT FOR THE STUDENT BASED SOLELY ON THE MOST**

1 RECENT INFORMATION PROVIDED BY THE INSTITUTION THAT THE STUDENT  
2 ATTENDED.

3 (2) A REPLACEMENT TRANSCRIPT ISSUED IN ACCORDANCE WITH  
4 PARAGRAPH (1) OF THIS SUBSECTION SHALL:

5 (I) BE SIGNED BY A DESIGNEE OF THE SECRETARY OF HIGHER  
6 EDUCATION;

7 (II) CONTAIN AN EXPLANATION OF THE CLOSURE OF THE  
8 INSTITUTION; AND

9 (III) CONTAIN AN EXPLANATION OF THE SOURCE OF ALL  
10 INFORMATION CONTAINED IN THE REPLACEMENT TRANSCRIPT.

11 (E) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A  
12 REPLACEMENT TRANSCRIPT ISSUED IN ACCORDANCE WITH THIS SECTION SHALL BE  
13 ACCEPTED AS AN OFFICIAL TRANSCRIPT BY:

14 (I) ANY INSTITUTION OF POSTSECONDARY EDUCATION  
15 OPERATING IN THE STATE; AND

16 (II) ANY INSTITUTION REGISTERED TO PROVIDE A FULLY  
17 ONLINE DISTANCE EDUCATION PROGRAM IN THE STATE.

18 (2) FOR PURPOSES OF STUDENT TRANSFER, AN INSTITUTION OF  
19 POSTSECONDARY EDUCATION OR A FULLY ONLINE DISTANCE EDUCATION PROGRAM  
20 IN THE STATE MAY CONSIDER, INSTEAD OF OR IN ADDITION TO A REPLACEMENT  
21 TRANSCRIPT, AN UNOFFICIAL TRANSCRIPT OR OTHER TRANSCRIPT INFORMATION  
22 PROVIDED BY THE STUDENT THAT THE RECEIVING INSTITUTION OR PROGRAM  
23 DEEMS RELEVANT.

24 (F) (1) THE COMMISSION SHALL ADOPT REGULATIONS NECESSARY TO  
25 CARRY OUT THE PROVISIONS OF THIS SECTION.

26 (2) THE REGULATIONS ADOPTED IN ACCORDANCE WITH THIS  
27 SUBSECTION SHALL INCLUDE:

28 (I) A SPECIFICATION OF THE MANNER AND FORMAT IN WHICH  
29 STUDENT RECORDS ARE TO BE FILED WITH THE COMMISSION; AND

30 (II) A DESCRIPTION OF THE CIRCUMSTANCES UNDER WHICH AN  
31 INSTITUTION OF POSTSECONDARY EDUCATION OR A FULLY ONLINE DISTANCE

1 EDUCATION PROGRAM IN THE STATE MAY DISCONTINUE ACADEMIC OR  
2 ADMINISTRATIVE OPERATION.

3 **Article – State Government**

4 9–1A–30.

5 (a) There is an Education Trust Fund which is a special, nonlapsing fund that is  
6 not subject to § 7–302 of the State Finance and Procurement Article.

7 (b) (1) There shall be credited to the Education Trust Fund all proceeds  
8 allocated to the Fund under § 9–1A–27 of this subtitle **AND ALL JUDGMENTS PAID TO**  
9 **THE FUND UNDER § 11–210 OF THE EDUCATION ARTICLE.**

10 (2) Money in the Education Trust Fund shall be invested and reinvested  
11 by the Treasurer, and interest and earnings shall accrue to the Fund.

12 (c) Money in the Education Trust Fund shall be used to:

13 (1) provide funding for public elementary and secondary education,  
14 through continuation of the funding and formulas established under the programs  
15 commonly known as the Bridge to Excellence in Public Schools Act, first enacted by Chapter  
16 288 of the Acts of the General Assembly of 2002, including the funding for regional  
17 differences in the cost of education under § 5–202(f) of the Education Article;

18 (2) provide funds to construct public school buildings and provide public  
19 school capital improvements in accordance with Title 5, Subtitle 3 of the Education Article;

20 (3) provide funds for capital projects at community colleges and public  
21 senior higher education institutions; and

22 (4) provide funds to expand public early childhood education programs in  
23 the State.

24 (d) Expenditures from the Education Trust Fund shall be made each fiscal year  
25 in accordance with the State budget.

26 SECTION 3. AND BE IT FURTHER ENACTED, That, if any provision of this Act or  
27 the application thereof to any person or circumstance is held invalid for any reason in a  
28 court of competent jurisdiction, the invalidity does not affect other provisions or any other  
29 application of this Act that can be given effect without the invalid provision or application,  
30 and for this purpose the provisions of this Act are declared severable.

31 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
32 1, 2020.