

SENATE No. 01981

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven.

Text of amendment (334) offered by Mr. Rosenberg to the pending Senate Ways and Means amendment (Senate, No. 3) to the House Bill making appropriations for the fiscal year 2012 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements

Tuition Retention Local Option

Messrs. Rosenberg, Knapik and Downing moved that the bill be amended by inserting after Section____, the following new Section:-

SECTION____: SECTION ____. Section 9 of chapter 15A of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by striking out clause (i) and inserting in place thereof the following clause:-

(i) review and approve student charges of the state universities and community colleges, pursuant to section 42.

SECTION ____. Section 22 of said chapter 15A, as so appearing, is hereby amended by striking out clause (b) and inserting in place thereof the following clause:-

(b) establish all student charges, under the process set forth in section 42, as applicable. The student charges shall include fines and penalties collected pursuant to the enforcement of traffic and parking rules and regulations. The rules and regulations shall be enforced by persons in the employ of the institution who throughout the property of the institution shall have the powers of police officers, except as to the service of civil

process; provided that the foregoing shall not authorize any action in contravention of the requirements of Section 1 of Article LXIII of the Amendments to the Constitution;

SECTION _____. Said chapter 15A of the General Laws, is hereby further amended by adding the following section:-

Section 42. (a) This section shall apply only to those campuses for which the local board of trustees has approved by majority vote to accept this section.

(b) The board of trustees of each state university and community college shall, for each academic year beginning on or after July 1, 2012, fix and establish student charges for each such university or college, subject to the requirements of this section. In-state student charges shall preserve affordability for residents of the commonwealth. Out-of-state student charges shall appropriately balance the financial needs of the college with the need to be competitive with peer institutions regionally. In setting student charges each state university and community college shall also consider factors including, but not limited to, the following: actual appropriations received; the Consumer Price Index; the Higher Education Price Index; tuition and fee rates at peer institutions; collective bargaining costs; funding from the commonwealth measured with reference to the funding formula established under section 15B; and making progress towards ensuring that fees constitute no more than 25 per cent of student charges. To the extent practicable, final student charges shall be established for each academic year not later than March 1 of the calendar year in which the rates shall take effect.

For the purposes of this section, “student charges” shall include tuition and fees that are charged to students generally for attendance at a state university or community college, but shall not include any fee or other charge established by such college that is specific to a particular course, program or activity, and shall not include any rates, rents, charges or fees set by the Massachusetts State College Building Authority.

(c) Beginning with the 2012-2013 academic year, each state university and community college shall submit a 5-year student charges plan to the board of higher education for the board’s approval. The plan shall contain the annual student charges the university or college expects to approve for the university’s or college’s state-supported programs, under subsection (b), for a period of no fewer than 5 academic years. The plan also shall include but not be limited to budget and enrollment projections for each year, projections for in-state and out-of-state enrollments for each year, consideration of segmental missions, and plans to ensure continuing access to the institution by residents of the commonwealth and to maintain and increase access for underrepresented student groups. The board of higher education, in considering whether to approve a plan, shall consider but not be limited to considering the same factors the campuses must consider in setting student charges under this section. For the first 5 years the board may also

consider, to the extent practicable, any steps taken in the plan to ensure that fees constitute no more than 25 percent of student charges. For the second 5 years and each plan submitted thereafter, the board shall consider the progress made toward ensuring that fees constitute no more than 25 per cent of student charges. Within 120 days of the submission of a plan, the board of higher education shall either approve the plan or return it to the university or college with suggested changes. The approval shall require a 2/3 vote of the board of higher education. If the board of higher education does not vote on a plan within 120 days of its submission, the plan shall be considered approved. A copy of the plan shall be provided to the joint committee on higher education and to the house and senate committees on ways and means at the time the plan is submitted to the board of higher education.

(d) If, following the approval of a state university's or community college's plan under subsection (c), the board of trustees of such university or college approves, for any academic year, student charges that are greater than 105 per cent of the student charges approved in such university's or college's plan, the university or college shall submit such greater rate to the board of higher education for its approval, as part of an amended student charges plan. The amended plan shall describe in detail the reasons why the university's or college's student charges are greater than the expected student charges, and provide revised or updated information on budget and enrollment projections for each year, projections for in-state and out-of-state enrollments for each year, consideration of segmental missions and plans to ensure continuing access to the institution by residents of the commonwealth and to maintain and increase access for underrepresented student groups, as necessary. Within 60 days of the submission of a revised plan, the board of higher education shall either approve the plan or return it to the university or college with suggested changes. The approval shall require a 2/3 vote of the board of higher education. If the board of higher education does not vote on a plan within 60 days of its submission, the plan shall be considered approved. A copy of the revised plan shall be provided to the joint committee on higher education and to the house and senate committees on ways and means at the time the plan is submitted to the board of higher education.

(e) A state university, community college or the board of higher education may, at its discretion, request that a plan approved under subsections(c) or (d) be re-examined and modified, in accordance with procedures established by the board of higher education. Any resulting modification shall be concurred with by the board of trustees of the affected university or college and by a 2/3 vote of the board of higher education.

(f) In implementing the requirements of subsection (c), the board of higher education shall review the plans of each state university and community college for the academic year beginning on or after July 1, 2012. For subsequent academic years, the board shall develop procedures to provide for the review of state university and

community college plans on a staggered basis, such that the board may review a smaller number of plans each year. These procedures may include provisions requiring a state university or community college to submit an updated plan before the approval period of such university's or college's initial plan has expired, in order to accommodate a staggered schedule.

(g) All student charges received by the board of trustees of a state university or community college under this section shall be retained by the board of trustees of that institution in a revolving trust fund or funds and shall be expended as the board of trustees may direct for the operation and support of the institution. Any balance in a trust fund at the end of a fiscal year shall continue to be held in the trust fund, shall remain available for expenditure in subsequent fiscal years and shall not revert to the General Fund. All such trust funds shall be subject to audit by the state auditor.