

SENATE No. 00574

The Commonwealth of Massachusetts

PRESENTED BY:

Stanley C. Rosenberg

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act supporting access and excellence in public higher education.

PETITION OF:

NAME:

Stanley C. Rosenberg

DISTRICT/ADDRESS:

Hampshire and Franklin

SENATE No. 00574

By Mr. Rosenberg, petition (accompanied by bill, Senate, No. 574) of Rosenberg for legislation to support access and excellence in public higher education [Joint Committee on Higher Education].

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act supporting access and excellence in public higher education.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 18B of chapter 6 of the General Laws, as appearing in the 2004
2 Official Edition, is hereby amended by striking out, in lines 3 to 7, inclusive, the words “all
3 boards of trustees of community and state universities, and the University of Massachusetts other
4 than the student and alumni trustees elected pursuant to section twenty-one of chapter fifteen A,
5 and in the case of the university, pursuant to section one A of chapter seventy-five”

6 SECTION 2. Subsection (b) of said section 18B of said chapter 6 of the General Laws,
7 as so appearing, is hereby amended by inserting after the first sentence the following sentence: -
8 1 member of the council shall be appointed by the president of the senate, 1 member of the
9 council shall be appointed by the minority leader of the senate, 1 member of the council shall be
10 appointed by the speaker of the house of representatives and 1 member of the council shall be
11 appointed by the minority leader of the house of representatives.

12 SECTION 3. Said section 18B of said chapter 6, as so appearing, is hereby further
13 amended by inserting after the word “governor”, in line 14, the following words: - or by the
14 president of the senate or the speaker of the house of representatives if a vacancy occurs in a
15 position held by a member appointed by the president or the speaker.

16 SECTION 4. Said section 18B of said chapter 6, as so appearing, is hereby further
17 amended by striking out subsection (d) and inserting in place thereof the following subsection: -

18 (d) The council shall widely publicize its mission, responsibilities, contact information,
19 by-laws governing the conduct of its affairs, descriptions of the responsibilities and duties and
20 criteria for selection of the members of the board of education, and the board of higher
21 education, and any vacancies on such boards, including, but not limited to, through the
22 commonwealth’s website. Whenever a vacancy occurs or is expected to occur on the board of
23 education or the board of higher education the governor shall notify the council.

24 The governor shall advertise vacancies on the board of education and the board of
25 higher education at least 3 months prior to the expiration of the term in order to broaden and
26 deepen the pool of qualified candidates for such boards. The council shall submit to the
27 governor a nominee who, in the judgment of the council, is qualified and willing to serve as a
28 member or trustee. The governor may appoint the nominee whose name is forwarded to him by
29 the council. The appointment shall be made within 90 days of the submission of the names by
30 the nominating council. In the case of appointments to the board of higher education, if an
31 appointment is not made within the 90-day period, the board of higher education shall make an
32 interim appointment for up to 1 year. If the governor does not act before the end of the 1-year
33 period, the board of higher education shall make an appointment for the full board term.

34 SECTION 5. Said chapter 6 is hereby amended by inserting after said section 18B, as
35 so appearing, the following new section: -

36 Section 18C. (a) There shall be a public higher education trustees nominating council
37 to advise the governor with respect to appointments to all the boards of trustees of community
38 colleges and state universities, and the University of Massachusetts other than the student and
39 alumni trustees elected under section 21 of chapter 15A, and in the case of the university,
40 pursuant to section 1A of chapter 75. The council shall consist of the chair of the board of higher
41 education, who shall serve as chair of the committee, 1 member to be appointed by the president
42 of the senate, 1 member to be appointed by the minority leader of the senate, 1 member to be
43 appointed by the speaker of the house of representatives, 1 member to be appointed by the
44 minority leader of the house of representatives, 2 members to be appointed by the governor, 1
45 member to be appointed by the president of the University of Massachusetts, 1 member to be
46 appointed by the state university presidents, 1 member appointed by the community college
47 presidents and 2 additional members of the board of higher education to be appointed by the
48 board. If a vacancy occurs in a position held by a member of the council, the respective
49 appointing authority shall appoint a new member. Whenever a vacancy occurs or is expected to
50 occur on a board of trustees of any state university, community college, or the university, the
51 president of said university or college, or in the case of the university, the chancellor of said
52 campus shall notify the council. The council shall advertise vacancies on the boards of trustees
53 of the state universities, community colleges, and the university at least 3 months before the
54 expiration of the term in order to broaden and deepen the pool of qualified candidates for such
55 boards. The council shall submit to the governor a nominee who, in the judgment of the council,
56 is qualified and willing to serve as a trustee. The governor may appoint the nominee whose

57 name is forwarded to him/her by the council. The appointment shall be made within 90 days of
58 the submission of a name by the council. If the entire process is not completed within the 90-day
59 period, then the board of higher education shall make an interim appointment for up to 1 years.
60 If the governor does not act before the end of the 1 year period, the board of higher education
61 shall make an appointment for the full board of trustee term.

62 (b) The council shall adopt and make public by-laws for the conduct of its affairs, and
63 criteria for membership on the boards of trustees. The council shall widely publicize its mission,
64 responsibilities, contact information, by-laws for the conduct of its affairs, description of the
65 responsibilities and duties of trustees, criteria for membership on boards of trustees, and any
66 vacancies on such boards including, but not limited to, through the commonwealth's website.
67 The board of higher education shall provide resources to the council to assist in fulfilling its
68 mission and responsibilities. All records and deliberations with respect to persons under
69 consideration as nominees or prospective nominees shall be held in confidence by the council,
70 but shall be available to the governor and the governor's representatives. Members of the
71 council may be reimbursed for all expenses reasonably incurred in the performance of their
72 duties.

73 (c) In considering candidates, the council shall seek persons of the highest quality who,
74 by merit, experience, knowledge, skills, temperament, ability, integrity, sound judgment and
75 proven leadership will provide sound policy direction and oversight for the applicable state
76 university or community college. Candidates shall be evaluated according to law and without
77 regard to race, religion, sex, age, national or ethnic origin, sexual orientation or political
78 affiliation. No member of the council shall be considered for appointment to any board while a
79 member of the council.

80 SECTION 6. Section 1 of chapter 15A of the General Laws, as so appearing, is hereby
81 amended by striking out the third paragraph and inserting in place thereof the following 2
82 paragraphs: -

83 It is hereby further declared that by maintaining a high quality system of public colleges and
84 universities, the commonwealth moves toward achieving the following goals: -

85 (a) to provide all its citizens regardless of economic means with the opportunity to
86 participate in high quality postsecondary academic and educational programs to assist in their
87 personal betterment and growth, as well as that of the entire citizenry, and to ensure that public
88 higher education remains affordable for all citizens of the commonwealth;

89 (b) to improve student access, academic achievement and graduation rates at public
90 institutions of higher education and to promote diversity at such institutions;

91 (c) to contribute to the existing base of research and knowledge in areas of general
92 and special interest, for the benefit of the communities, the commonwealth and beyond, to
93 provide policy research addressing the needs of the commonwealth and local communities and,
94 in the case of the University of Massachusetts, to pursue theoretical and applied research,
95 development, scholarship and creative activities that strengthen innovation at all stages and
96 contribute to the well-being of the citizens of the commonwealth and beyond;

97 (d) to reinforce the critical importance of higher education to the future of the
98 economic growth and development of the commonwealth in a global economy and, by so doing,
99 prepare its citizens to constitute a capable, adaptable and innovative workforce to meet the
100 economic needs of the commonwealth at all levels, as well as their own economic security, and

101 to respond to the needs of the workplace, as defined in consultation with business, industry and
102 labor;

103 (e) to reinforce the critical importance of higher education to the strength of our
104 democracy by preparing an informed and engaged citizenry, one that acquires the knowledge and
105 skills needed to become politically involved and then participates actively in their community,
106 commonwealth and country;

107 (f) to provide opportunities for lifelong learning and for a seamless system of
108 education at all levels to encourage citizens of all ages to increase their knowledge and skills;

109 (g) to support pre-kindergarten through grade 12 education programs including, but
110 not limited to, the preparation of high quality teachers and administrators for pre-kindergarten
111 through grade 12 schools;

112 (h) to promote collaboration among public institutions of higher education on a
113 statewide and regional basis and with the private sector

114 (i) to ensure that the board of higher education and public institutions of higher
115 education are responsible for the effective management and stewardship of public funds and are
116 accountable to the public and the general court in their use of funds to advance educational
117 priorities and to achieve and demonstrate positive educational outcomes;

118 (j) to ensure the cost-efficient use of resources at each public institution of higher
119 education and across all institutions and to manage campuses as efficiently as possible including,
120 but not limited to, the formation of statewide and regional collaborations and partnerships in

121 management and academic programming that increase efficiency and quality in our public higher
122 education system; and

123 (k) to utilize technology to enhance teaching and learning and to increase the capacity
124 to serve all the citizens of the commonwealth seeking postsecondary education.

125 It is hereby further declared to be the policy of commonwealth to ensure that each
126 community college, each state university, and the University of Massachusetts has at its disposal
127 adequate funds to provide, foster and support high quality institutions of public higher education
128 that serve the interests of the commonwealth and its citizens in the manner described in this
129 section. For that purpose, it is hereby further declared to be the policy of the commonwealth to
130 make annually to each community college, each state university, and the University of
131 Massachusetts appropriations which, with all other unrestricted funds that are available, in the
132 case of each, for expenditure in the conduct of its affairs and the support of its mission, are
133 sufficient to fully fund its operating requirements at the level proscribed by the funding formulas
134 developed under section 15B. Such appropriations shall be considered the commonwealth's
135 annual full funding obligations with respect to the operating requirements of the institutions as
136 referred to in this chapter. It is hereby further declared to be the policy of the commonwealth to
137 provide adequate funds to each community college, each state university, and the University of
138 Massachusetts for the repair, renovation, construction, reconstruction, improvement, demolition,
139 expansion, acquisition, furnishing or equipping of buildings, structures, facilities and other
140 infrastructure including, but not limited to, technology infrastructure, necessary to maintain high
141 quality institutions of public higher education.

142 SECTION 7. Said section 15A is hereby further amended by striking out section 2, as
143 so appearing, and inserting in place thereof the following section: -

144 Section 2. There shall be an advisory committee on education policy, hereinafter
145 referred to as “the committee”. The committee shall be composed of the following: the
146 commissioner of early education and care; the chair of the board of early education and care; the
147 commissioner of education; the chair of the board of education; the chancellor of higher
148 education; the chair of the board of higher education; the minority leader of the senate or a
149 designee; the minority leader of the house of representatives or a designee; the house and senate
150 chairs of the joint committee on education; the house and senate chairs of the joint committee on
151 higher education; the house and senate chairs of the joint committee on labor and workforce
152 development; the president of the University of Massachusetts; and 8 members appointed by the
153 governor, of which 1 shall be a president of a state university, 1 shall be a president of a
154 community college, 4 shall be representatives from the pre-kindergarten through grade 12 public
155 education system, 1 shall be a representative from the business community and 1 shall be a
156 representative of organized labor. The committee shall serve as an advisory body to the board of
157 early education and care, the board of education and the board of higher education. It shall have
158 the following duties and powers:

159 (a) to study and report on issues common to public early childhood, elementary,
160 secondary and vocational-technical schools, adult basic education, higher education and lifelong
161 learning;

162 (b) to serve as a forum for discussion between the lay boards responsible for
163 overseeing public education at all levels and those involved in the future of public education;

164 (c) to serve as a public forum for discussion of general education goals at all levels;

165 (d) to develop goals for a coordinated system from early childhood through higher
166 education at the university level and lifelong learning and make recommendations to appropriate
167 boards or groups relative to those goals;

168 (e) to build public support and understanding of education at all levels;

169 (f) to encourage and facilitate partnerships between public early childhood,
170 elementary, secondary, and vocational-technical schools with institutions of higher learning and
171 to promote collaboration among public higher education institutions;

172 (g) to articulate, through study and discussions, the vital connection between high
173 quality public education at all levels and the future economic growth and development in the
174 commonwealth and the well-being of its citizens;

175 (h) to encourage and facilitate partnerships between public schools, institutions of
176 higher education, businesses and workforce development entities to improve the delivery of
177 educational and workforce development services;

178 (i) to articulate goals for accountability and high standards of quality for the entire
179 system of education, in consultation with parents, students, educators, business representatives,
180 community officials and the public at large;

181 (j) to review and provide general advice to the board of early education and care, the
182 board of education and the board of higher education on budget recommendations including, but
183 not limited to, operating budgets and capital outlay programs;

184 (k) to advise the governor, the joint committee on education and the joint committee
185 on higher education on any issue within the committee's purview; and

186 (l) to encourage contributions and grants to schools and public institutions of higher
187 education from businesses, foundations and any other viable and appropriate funding source.

188 The committee may utilize subcommittees of the full committee to accomplish any of the duties
189 required of it. Nothing in this section shall be construed to grant the committee any authority
190 vested in the board of early education and care, the board of education or the board of higher
191 education.

192 The committee, at least once every 2 years, shall elect 1 of its members to serve as the
193 chair of the committee. The committee shall meet at least 4 times annually and at other times at
194 the call of the chair or a majority of the members of the committee. The committee shall meet at
195 least once annually with the board of early education and care, the board of education and the
196 board of higher education.

197 A member of the committee shall not be in violation of section 6 of chapter 268A for
198 conduct which involves the members participation in a particular matter before the committee
199 which may affect the financial interest of a public school or district or institution of public higher
200 education with which the member is affiliated, provided that the member, or member's
201 immediate family has no personal and direct financial interest in the particular matter; and
202 provided further, that any such affiliation shall be disclosed to the committee and recorded in the
203 minutes of the committee.

204 SECTION 8. (a) Section 7 of chapter 15A, as so appearing, is hereby amended by
205 striking out, in line 36, the words “education, arts and humanities”, and inserting in place thereof
206 the following words: - higher education.

207 (b) Section 7A of said chapter 15A, as so appearing, is hereby amended by striking out,
208 in line 47, the words “education, arts and humanities”, and inserting in place thereof the
209 following:- higher education.

210 (c) Said section 7A of said chapter 15A, as so appearing, is hereby further amended by
211 striking out, in line 89, the word “and” and inserting in place thereof the following: - through the
212 joint committee on higher education to.

213 (d) Section 9 of said chapter 15A, as so appearing, is hereby amended by striking out,
214 in line 20, the words “education, arts and humanities” and inserting in place thereof the
215 following: - higher education

216 (e) Said section 9 of said chapter 15A, as so appearing, is hereby amended by striking
217 out, in lines 21 and 22, the words “education, arts and humanities” and inserting in place thereof
218 the following: - higher education.

219 (f) Said section 9 of said chapter 15A, as so appearing, is hereby further amended by
220 inserting after the word “finance”, in line 44, the following: - and the joint committee on higher
221 education.

222 (g) Said section 9 of said chapter 15A, as so appearing, is hereby further amended by
223 inserting after the word “secretaries”, in lines 45 and 46, the following: - and the joint committee
224 on higher education.

225 (h) Section 9B of said chapter 15A, as so appearing, is hereby further amended by
226 striking out, in lines 8 and 9, the words “education, arts and humanities” and inserting in place
227 thereof the following: - higher education.

228 (i) Section 15B of said chapter 15A, as so appearing, is hereby amended by striking
229 out, in lines 33 and 34, and in line 62, the words “education, arts and humanities” and inserting
230 in place thereof, in each instance, the following: - higher education.

231 (j) Section 16 of said chapter 15A, as so appearing, is hereby amended by striking out,
232 in 129, the words “education, arts and humanities” and inserting in place thereof the following: -
233 higher education.

234 (k) Section 19 of chapter 15A, as so appearing, is hereby amended by striking out, in
235 lines 22 and 23 and in line 26 the words “education, arts and humanities” and inserting in place
236 thereof, in each instance, the following: - higher education.

237 (l) Section 22 of said chapter 15A, as so appearing, is hereby amended by striking out,
238 in line 51, the words “education, arts and humanities” and inserting in place thereof the
239 following: - higher education.

240 SECTION 9. Said section 7A of said chapter 15A, as so appearing, is hereby further
241 amended by adding the following new subsection: -

242 (k) The systems developed under this section by the board of higher education or the
243 board of trustees of the University of Massachusetts shall evaluate the mission-related activities
244 undertaken and the progress made at each institution of public higher education in advancing the
245 goals set forth in section 1 of chapter 15A.

246 SECTION 10. Said section 9 of said chapter 15A, as so appearing, is hereby further
247 amended by inserting after clause (gg) the following 2 clauses: - (hh) at least once annually
248 appear before the joint committee on higher education to provide a detailed report on public
249 higher education in the commonwealth; (ii) establish the position of workforce development
250 coordinator at the board to work with the state universities, community colleges, and the
251 University of Massachusetts, other higher education institutions, local, state or federal agencies,
252 non-profit and community-based entities and business, industry and labor in efforts to identify
253 and meet the commonwealth's workforce requirements. The position of coordinator shall
254 include working with the state university and community college presidents and deans, as well as
255 business and industry, adult basic education and community-based organizations to develop or
256 improve certificate and degree programs in high-skill/high-demand areas and other areas of
257 future employment requiring post-secondary education.

258 SECTION 11. Section 15B of said chapter 15A, as so appearing, is hereby amended by
259 striking out the first 4 paragraphs and inserting in place thereof the following 4 paragraphs: -

260 Each board of trustees of a state university or community college shall annually submit
261 to the board of higher education a budget request for the ordinary maintenance of its institution.
262 The request shall include the aggregate salary of all officers and employees of the institution and
263 all revenues therefrom and any other information as the board of higher education may require or
264 as provided in section 3 of chapter 29. Each board of trustees shall make requests to the board
265 under said chapter 29. Each institution shall make its request in conformity with and for the
266 purpose of securing funding for the institution consistent with the requirements of the funding
267 formula developed under this section. Copies of such budget requests shall be forwarded to the
268 senate and house committees on ways and means and the joint committee on higher education.

269 The board of trustees of the University of Massachusetts shall annually submit to the
270 board of higher education a budget request for the ordinary maintenance of its institution. The
271 request shall include the aggregate salary of all its officers and employees and all revenues
272 therefrom and any other information as the board of higher education may require or as provided
273 in section 3 of chapter 29. The board of trustees shall make its request in conformity with and
274 for the purpose of securing funding consistent with the requirements of the funding formula
275 developed pursuant to this section. Copies of such budget requests shall be forwarded to the
276 senate and house committees on ways and means and the joint committee on higher education.

277 Each board of trustees of the higher education system shall prepare its budget requests
278 in accordance with a funding formula. The board of higher education shall develop the formulas
279 for the institutions within the state university and community college segments in consultation
280 with the boards of trustees of the state universities and community colleges. Formulas shall
281 include factors relating to the costs of instruction, academic, institutional and student services
282 support, and physical plant operation and maintenance based on appropriate national standards
283 and comparable peer institutions with similar missions. Peer institutions shall be identified in
284 consultation with the presidents of state universities and community colleges. The university
285 trustees shall develop funding formulas for the university in consultation with the president of
286 the university and campus administrations. Formulas shall include factors relating to the costs of
287 instruction, research, public service, academic, institutional and student services support,
288 physical plant operations and maintenance, and financial aid based on appropriate national
289 standards and comparable peer institutions with similar missions. Peer institutions shall be
290 identified in consultation with the president of the university and the chancellors of each
291 university campus. All funding formulas under this section shall be periodically reviewed and

292 revised as needed, and shall be submitted to the joint committee on higher education and the
293 senate and house committees on ways and means for review and comment.

294 Within 90 days of the effective date of any general appropriations act, the board of
295 trustees of the University of Massachusetts shall report to the joint committee on higher
296 education and the senate and house committees on ways and means the allocation to each
297 campus of the university and the president's office of any appropriations or other funds received
298 by the university.

299 SECTION 12. Said chapter 15A is hereby further amended by striking out sections
300 15E and 15F, as so appearing, and inserting in place thereof the following 2 sections: -

301 Section 15E. (a) It is hereby declared to be the policy of the commonwealth to encourage private
302 fundraising by the state university and public colleges and to assist such fundraising through a
303 matching program to be known as the public higher education endowment incentive and capital
304 outlay program which shall not result in direct or indirect reductions in the commonwealth's
305 appropriations to such institutions for operations or for capital support.

306 (b) Subject to appropriation, the commonwealth shall contribute funds to each
307 institution's recognized foundation in an amount necessary to match private contributions in the
308 current fiscal year to the institutions or a foundation's endowment or capital outlay program
309 based on the following matching formula. The commonwealth's contribution shall be equal to
310 \$1 for every \$2, or \$1 for such greater number of dollars as may be established by the board of
311 higher education, privately contributed to the university's board of trustees or a foundation,
312 provided that the maximum total contributions from the commonwealth shall be \$50,000,000; \$1
313 for every \$2, or \$1 for such greater number of dollars as may be established by the board of

314 higher education, privately contributed to each state university's board of trustees or foundation,
315 provided that the maximum total contributions from the commonwealth shall be \$5,000,000 for
316 each institution; \$1 for every \$2, or \$1 for such greater number of dollars as may be established
317 by the board of higher education, privately contributed to each community college's board of
318 trustees or foundation, provided that the maximum total contributions from the commonwealth
319 shall be \$2,000,000 for each institution.

320 (c) Private contributions to the endowment or capital outlay program for purposes of
321 these matching grant programs shall be limited to donations to an endowment for academic
322 purposes including, but not limited to, scholarships and endowed chairs or contributions to a
323 capital outlay program in support of academic facility construction and maintenance approved by
324 the appropriate board of trustees.

325 (d) The program shall terminate for the university when its foundation has received
326 \$50,000,000 in appropriated matching funds according to the formula prescribed in subsection
327 (b) or on July 1, 2016, whichever is sooner. The program shall terminate for any state university
328 when its foundation has received \$5,000,000 in appropriated matching funds according to the
329 formula prescribed above or on July 1, 2016, whichever is sooner. The program shall terminate
330 for any community college when its foundation has received \$2,000,000 in appropriated
331 matching funds according to the formula prescribed above or on July 1, 2016, whichever is
332 sooner.

333 (e) For each institution, the program shall be administered by its foundation, as defined
334 in section 37, in accordance with procedures established by the board of trustees and filed with
335 the senate and house committees on ways and means, the joint committee on higher education

336 and the secretary of administration and finance no later than 30 days from the time of adoption.
337 Any further amendments to the procedures shall also be filed within 30 days of adoption with the
338 house and senate committees on ways and means, the joint committee on higher education and
339 the secretary of administration and finance. The procedures shall include a method for each
340 board of trustees to certify to the senate and house committees on ways and means, the joint
341 committee on higher education and the secretary of administration and finance the actual amount
342 received in private contributions to the endowment or capital outlay program in each fiscal year.
343 The procedures shall also include safeguards for protecting the anonymity of donors who
344 indicate their desire not to be identified. For the state university, the procedures shall also
345 provide that the allocation of all matching funds from the commonwealth shall be subject to prior
346 approval by the president of the university.

347 Section 15F. It is hereby declared to be the policy of the commonwealth to encourage
348 public community college training opportunities in order to promote workforce development,
349 minimize the shortage of skilled workers and raise economic opportunity through a matching
350 incentive grant program to be known as the community college workforce training incentive
351 program. Subject to appropriation, the board of higher education shall establish guidelines for
352 the distribution of community college workforce training incentive grants.

353 The guidelines shall provide: (i) allowable incentive grant awards which shall not
354 exceed \$200 for every \$1,000 in eligible revenues; and (ii) minimum requirements for the level
355 of vocationally-oriented instruction which shall be provided by incentive grant recipients in the
356 fiscal year in which the grant is awarded. Each community college which is eligible for grant
357 awards in a fiscal year shall, subject to appropriation, receive not less than \$50,000 from the total
358 amount appropriated for the incentive program to fund the salary of a workforce training

359 coordinator at each campus. For the purposes of this section, “eligible revenues” shall mean
360 revenues received by a community college for any of the following purposes: tuition and fees
361 paid by students enrolled in vocationally-oriented courses; tuition and fees paid by
362 Massachusetts employers on behalf of employees enrolled in vocationally-oriented course; and
363 revenues from service contracts with Massachusetts employers to provide vocationally-oriented
364 training. Revenues from contracts with public agencies, public grants or private gifts shall not be
365 eligible revenues for the purposes of this section. Incentive grants shall be expended for the
366 following purposes: to expand vocationally-oriented course offerings; to expand vocationally-
367 oriented instruction provided through contracts with Massachusetts employers; and to otherwise
368 promote vocationally-oriented instruction. Each community college shall annually, not later than
369 December 31, report to the board of higher education, the joint committee on higher education
370 and the senate and house committees on ways and means on the level of vocationally-oriented
371 instruction provided in the proceeding fiscal year and the anticipated level of such instruction in
372 the current fiscal year. The report shall detail enrollment levels, revenues received, sources of
373 revenues, the number of service contracts established with Massachusetts employers and such
374 other information as the board of higher education may require.

375 SECTION 13. Section 19 of chapter 15A, as so appearing, is hereby amended by
376 striking out, in line 8 the words “designated by the council”.

377 SECTION 14. Said section 19 of said chapter 15A, as so appearing, is hereby amended
378 by striking out clause (iii).

379 SECTION 15. Said section 19 of said chapter 15A is hereby further amended by
380 inserting after the second paragraph, as amended by section 3 of chapter 6 of the acts of 2005,

381 the following paragraph: - The commonwealth shall not impose any new waivers without
382 corresponding appropriations sufficient to cover the cost of said waivers. This shall also apply to
383 the John and Abigail Adams scholarship program.

384 SECTION 16. Section 22 of chapter 15A, as so appearing, is hereby amended by
385 striking out clause (b) and inserting in place thereof the following clause: - (b) the boards of
386 trustees of each state university and community college shall annually provide a copy of its
387 audited financial statements to the joint committee on higher education and the senate and house
388 committees on ways and means detailing expenditures and revenues including, but not limited to,
389 any and all trust funds;.

390 SECTION 17. (a) Section 9 of chapter 15A, as so appearing, is hereby amended by
391 striking out clause (i)

392 (b) Section 1A of chapter 75 of the General Laws, as so appearing, is hereby amended
393 by striking out clause (b)

394 (c) Said section 1A of said chapter 75, as so appearing, is hereby further amended by
395 striking out clause (p) and inserting in place thereof the following clause: - (p) fix and establish
396 tuition rates and fees of each university campus and retain the tuition and fees in accordance with
397 this section.

398 (d) Section 9 of chapter 15A, as so appearing, is hereby amended by striking out the
399 third paragraph.

400 (e) Section 22 of chapter 15A, as so appearing, is hereby amended by inserting, after
401 the first paragraph, the following: -

402 The board of trustees of each state university and community college shall fix and
403 establish tuition and fee rates for each such institution. In-state tuition and fee rates for the
404 institution shall preserve affordability for residents of the commonwealth. Except as provided in
405 section 9, or in the case of students participating in the New England Regional Student Program,
406 out-of-state tuition and fee rates shall equal at least 100% of the costs of the student's education.

407 Notwithstanding any general or special law to the contrary, unless the state
408 appropriation is less than the previous fiscal years appropriation, the rate of increase for in-state
409 tuition and general fees shall not exceed the 3-year average of the Consumer Price Index for
410 Massachusetts (CPI). Each college may request a higher rate of increase within parameters and
411 procedures set by the board of higher education, in conjunction with the presidents of the state
412 universities, community colleges, and the president of the University of Massachusetts and upon
413 the approval of the board of higher education. In determining approval, the board shall take into
414 consideration the overall well-being of the institution, the quality of the academic programs and
415 the additional financial burden on the student population of the institution. Should the state
416 appropriation be less than the previous fiscal year appropriation, the institutions shall utilize 25%
417 of the combined total of their unrestricted reserve funds and the student charges stabilization
418 fund, established in this act. Should their funding, after utilization of these funds and increasing
419 in-state tuition and fees by the 3-year average of the CPI, still fall below the previous fiscal
420 year's appropriation, the institutions may increase in-state tuition and fees above the 3-year
421 average of the CPI to attain the funding level of the previous fiscal year's appropriation. Insofar
422 as is practicable, the final tuition rates and general fees shall be established for the subsequent
423 academic year no later than 15 days prior to the deadline for submission of state and federal

424 financial aid applications by students attending institutions of higher education as set forth in
425 section 5.

426 All tuition and fees received by a state or community college shall be retained by the
427 board of trustees of the institution in a revolving trust fund and shall be expended as the board of
428 trustees may direct for the operation and support of the institution. Any balance in the trust fund
429 at the end of a fiscal year shall continue to be held in the trust fund, shall remain available for
430 expenditure in subsequent fiscal years and shall not revert to the General Fund. All such trust
431 funds shall be subject to audit by the state auditor.

432 For employees of a state or community college who are paid from tuition retained
433 under this section, fringe benefits and any collective bargaining increased shall be funded as if
434 those employee's salaries were supported by state appropriations.

435 Notwithstanding the provisions of this section, the board of trustees of a state university or
436 community college may fix and establish a tuition rate and charges reduction for residents of
437 bordering states to not less than 1 ½ times the institution's in-state tuition and fee rates, if it
438 determines that the institution is below enrollment capacity and the projected cost to the
439 institution and the commonwealth of the reduction would be minimal when taking into account
440 the projected enrollment growth associated with such adjustment. The board of trustees shall
441 seek reciprocal arrangements from bordering states where no such tuition reduction is available
442 for residents of Massachusetts.

443 (f) Section 1A of chapter 75, as so appearing, is hereby amended by inserting after the
444 fifth paragraph the following: -

445 The board of trustees shall fix and establish tuition and fee rates for each university campus. In-
446 state tuition and fee rates shall preserve affordability for residents of the commonwealth. Except
447 as provided in section 9 of chapter 15A or in the case of students participating in the New
448 England Regional Student Program, out-of-state tuition and fee rates shall equal at least 100% of
449 the costs of the student's education.

450 Notwithstanding any general or special law to the contrary, unless the state
451 appropriation is less than the previous fiscal years appropriation, the rate of increase for in-state
452 tuition and general fees shall not exceed the 3-year average of the Consumer Price Index for
453 Massachusetts (CPI). Each college may request a higher rate of increase within parameters and
454 procedures set by the board of higher education, in conjunction with the presidents of the state
455 universities, community colleges, and the president of the University of Massachusetts and upon
456 the approval of the board of higher education. In determining approval, the board shall take into
457 consideration the overall well-being of the institution, the quality of the academic programs and
458 the additional financial burden on the student population of the institution. Should the state
459 appropriation be less than the previous fiscal year appropriation, the institutions shall utilize 25%
460 of the combined total of their unrestricted reserve funds and the student charges stabilization
461 fund, established in this act. Should their funding, after utilization of these funds and increasing
462 in-state tuition and fees by the 3-year average of the CPI, still fall below the previous fiscal
463 year's appropriation, the institutions may increase in-state tuition and fees above the 3-year
464 average of the CPI to attain the funding level of the previous fiscal year's appropriation. Insofar
465 as is practicable, the final tuition rates and general fees shall be established for the subsequent
466 academic year no later than 15 days prior to the deadline for submission of state and federal
467 financial aid applications by students attending institutions of higher education as set forth in

468 section 5. All tuition and fees received by a state or community college shall be retained by the
469 board of trustees of the institution in a revolving trust fund and shall be expended as the board of
470 trustees may direct for the operation and support of the institution. Any balance in the trust fund
471 at the end of a fiscal year shall continue to be held in the trust fund, shall remain available for
472 expenditure in subsequent fiscal years and shall not revert to the General Fund. All such trust
473 funds shall be subject to audit by the state auditor.

474 For employees of the university who are paid from tuition retained under this section,
475 fringe benefits and any collective bargaining increases shall be funded as if those employee's
476 salaries were supported by state appropriations.

477 Notwithstanding the provisions of this section, the board of trustees of each university campus
478 may fix and establish a tuition rate and charges reduction for residents of bordering states to not
479 less than 1 ½ times the institution's in-state tuition and fee rates, if it determines that the
480 institution is below enrollment capacity and the projected cost to the institution and the
481 commonwealth of the reduction would be minimal when taking into account the projected
482 enrollment growth associated with such adjustment. The board of trustees shall see reciprocal
483 arrangements from bordering states where no such tuition reduction is available for residents of
484 Massachusetts.

485 (g) Said chapter 15A is hereby amended by adding, after section 41, the following new
486 section: -

487 Section 42. (a) Notwithstanding any general or special law to the contrary, each community
488 college, each state university and the University of Massachusetts shall create at the institution a
489 reserve fund, hereinafter referred to as the "student charges stabilization fund," for their

490 respective institution. There shall be deposited annually into the student charges stabilization
491 fund of each institution the following: (1) any moneys which, within 60 days after the end of a
492 fiscal year, the institution certifies to the state comptroller are moneys that were appropriated to
493 the institution for that fiscal year and were not expended during, and remain unencumbered for
494 expenditure in respect of, that fiscal year; provided, that notwithstanding any general or special
495 law to the contrary, all such moneys shall remain available for expenditure, without further
496 appropriation, in subsequent fiscal years and shall not revert to the General Fund; and provided
497 further that the state comptroller shall transfer any such moneys remaining in the state treasury to
498 the institution within 30 days of receipt of the institution's certification; (2) moneys that are
499 appropriated to an institution which are required by the legislature to be deposited into the
500 institution's student charges stabilization fund; and (3) other moneys that an institution may elect
501 to deposit into its student charges stabilization fund, including student tuition and fee revenue.
502 Monies contained within the student charges stabilization fund shall be deposited in an interest-
503 bearing account credited to its respective institution.

504 (b) Each institution shall deposit 5% of any growth in state appropriation and tuition
505 and fees revenue from the prior year into their student charges stabilization fund.

506 (c) The board of trustees at each college and university may, in a fiscal year and upon
507 the vote of the board, expend money in its student charges stabilization fund whenever in any
508 such year the moneys made available to it do not meet the commonwealth's annual full funding
509 obligations with respect to the operating requirements of the institution as set forth in section 1.
510 Among the uses the boards of trustees of each state university, community college and the
511 university shall direct for the operation and support of the institution, the moneys shall first be

512 used to reduce the need for increases in tuition and mandatory fees and to mitigate increases
513 should they become necessary.

514 SECTION 18. Said chapter 15A is hereby amended by adding, after section 42 the
515 following new section: -

516 Section 43. The board of higher education, in conjunction with the universities and community
517 colleges, shall establish and administer mandatory training and orientation sessions for newly
518 appointed trustees of the state universities, community colleges and the board of higher
519 education. The board of trustees of the university shall establish and administer such sessions for
520 newly appointed trustees of the university.

521 SECTION 19. Said chapter 15A is hereby further amended by adding, after section 43,
522 the following new section: -

523 Section 44. The board of higher education shall establish an advisory committee on workforce
524 development whose membership shall consist of the following: the workforce coordinator of the
525 board, who shall chair the committee, the director of workforce development or a designee, the
526 secretary of economic development, or a designee, the director of the Commonwealth
527 Corporation, or a designee, a representative of the state workforce investment board, a
528 representative of the Massachusetts Workforce Board Association, the chairs of the state
529 university and community colleges presidents' council or their designees, and the president of
530 the University of Massachusetts, or a designee. The advisory committee shall advise and assist
531 the board on workforce development issues and efforts. The committee shall periodically
532 conduct and analyze labor-market studies including, but not limited to, those referred to in clause
533 (c) of the first paragraph of section 9, in order to identify labor-market trends in the

534 commonwealth. The committee shall make the results of its studies and analyses available to the
535 members of the board, the board of trustees and president of each public institution of higher
536 education and the joint committee on higher education.

537 SECTION 20. (a) Said chapter 15A is hereby amended by adding, after Section 44 the
538 following new section: -

539 Section 45. There is hereby established a program to be administered by the board for the
540 purposes of providing grants to students who have successfully completed the federal Gaining
541 Early Awareness and Readiness for Undergraduate Program (GEAR-UP), set forth in 20 U.S.C.
542 1070a-21 et seq., and in any regulations promulgated for the program, who are domiciled in the
543 commonwealth and have graduated from a Massachusetts high school and have been accepted at
544 an approved public or independent college, university or school of nursing or any other approved
545 institution of higher education furnishing a program of higher education located in the
546 commonwealth or in a state with a reciprocal agreement with the commonwealth. The program
547 shall provide grants to eligible students equal to the student Federal Pell Grant received from the
548 federal government, not to exceed the cost of attendance. Payment shall be made by the board
549 directly to the institution. The grant shall be renewable for each academic undergraduate year,
550 provided that the student is in good academic standing, not on academic probation, and still has
551 financial need as determined by the board. Funds for the implementation, maintenance and
552 administration of the program shall come from those authorized under section 2000 of chapter
553 29.

554 (b) Chapter 29 of the General Laws is hereby amended by adding, after section 2NNN
555 the following new section: -

556 Section 2000. There shall be established and set up on the books of the commonwealth a
557 separate fund to be known as the GEAR-UP Fund, the funds of which shall be expended by the
558 board of higher education, without further appropriation, for the purpose of assisting low-income
559 students who are domiciled in the commonwealth and are Massachusetts high school graduates
560 and have successfully completed the Gaining Early Awareness and Readiness for Undergraduate
561 Programs (GEAR UP), set forth in 20 U.S.C. 1070a-21 et seq., and in any regulations
562 promulgated pursuant thereto and who have been accepted for admission to an approved public
563 or independent college, university or school of nursing or any other approved institution of
564 higher education furnishing a program of higher education located in the commonwealth or in a
565 state with a reciprocal agreement with the commonwealth. The fund shall be administered in
566 accordance with section 46 of chapter 15A. There shall be credited to the fund revenues and
567 other financing sources directed to the fund by appropriation and matching funds from the
568 United States Department of Education.

569 SECTION 21. Said section 1A of chapter 75, as so appearing, is hereby amended by
570 inserting after the word “university” in line 74, the following: - and enter into leases of real
571 property without the prior approval of the division of capital asset management and maintenance.

572 SECTION 22. Section 10 of said chapter 75, as so appearing, is hereby amended
573 by striking out the first sentence and inserting in place thereof the following: - The trustees shall
574 prepare and submit annually to the governor and, through the joint committee on higher
575 education, to the general court a complete financial report setting forth the expenditures and
576 revenues including, but not limited to any trust funds of the university on a campus-by-campus
577 basis and on a university-wide basis. The report may be in the form of annual audited financial

578 statements prepared by the university if such audited financial statements provide the
579 aforementioned detail.

580 SECTION 23. (a) Section 17B of chapter 180 of the General Laws, as so appearing, is
581 hereby amended by inserting after the word “fund” in lines 5 and 12, each time it appears, the
582 following: - or to scholarship or other fundraising initiatives that benefit a public institution of
583 higher education, its affiliates and foundations as defined in section 5 of chapter 15A.

584 (b) Said chapter 180 is hereby further amended by inserting after section 17M the
585 following section: -

586 Section 17N. Deductions on payroll schedules may be made from the salary of any university
587 employee of an amount which the employee may specify in writing to the payroll office of the
588 campus where the employee is employed for payment of certain university-sponsored activities.
589 Said deductions may be rescinded by the employee by providing 60 days notice in writing of
590 such withdrawal to the payroll office where the employee is employed. The treasurer of the
591 university shall deduct from the salary of the employee the amount of authorized deductions as
592 may be certified to him on the payroll and transmit said sum so deducted to the recipient
593 specified by the employee.

594 SECTION 24. In the case of the state universities and community colleges, the board
595 of higher education, in conjunction with the presidents of each state university and community
596 college, and in the case of the University of Massachusetts, the board of trustees, in conjunction
597 with the president of the university, shall prepare an enrollment plan for each institution that
598 identifies the scope and nature of needed capacity and that passes through the funding formula
599 developed under section 15B of chapter 15A of the General Laws and shall, on or before

600 December 31, 2012, transmit the same to the governor, the board of higher education and the
601 joint committee on higher education. Enrollment plans shall include, but need not be limited to,
602 students seeking to enter postsecondary education upon graduation from high school, as well as
603 students seeking to enter postsecondary education later in life.

604 SECTION 25. (a) The board of higher education, in consultation with the boards of
605 trustees of the state universities and community colleges, shall periodically assess the capacity of
606 those institutions to provide programs of education and training of a kind needed to develop
607 transferable skills and to meet the commonwealth's workforce needs. To the extent that the
608 capacity is insufficient, the boards of trustees of the state universities and community colleges
609 may expand or curtail existing ones or develop new ones for the purpose of providing programs
610 of education and training of a kind needed to develop transferable skills and to meet market
611 demand with the approval of the board of higher education. Program revisions shall not impinge
612 upon, or cause the reduction of, core academic course offerings at the institutions. Nothing in
613 this subsection shall be deemed to contravene clauses (a) and (b) of the first paragraph of section
614 9 of chapter 15A of the General Laws.

615 (b) The board of trustees of the University of Massachusetts, in consultation with the
616 board of higher education, shall periodically assess the capacity of the university to provide
617 programs of education and training of a kind needed to develop transferable skills and to meet
618 the commonwealth's workforce needs. To the extent that the capacity is insufficient, the board
619 of trustees may expand or curtail existing programs or develop new ones for the purpose of
620 providing programs of education and training of a kind needed to develop transferable skills and
621 to meet market demand. Program revisions shall not impinge upon, or cause the reduction of,
622 core academic course offerings at the institution. Nothing in this subsection shall be deemed to

623 contravene clauses (a) and (b) of the first paragraph of section 9 of chapter 15A of the General
624 Laws.

625 (c) The board of higher education, in consultation with the boards of the community
626 colleges, the department of workforce development, and the Commonwealth Corporation, shall
627 develop statewide standards of training and encourage both statewide and regional collaborations
628 for training persons to enter high-demand, high-skill occupations with targeted industries. In
629 doing so, the board of higher education may, in accordance with subsection (a), support at the
630 community colleges the establishment of new associate degree and certificate programs that are
631 designed to teach transferable skills and the skills needed for high-demand, high-skill
632 occupations and to prepare persons for employment in the targeted industries. Nothing in this
633 subsection shall be deemed to contravene clauses (a) and (b) of the first paragraph of section 9 of
634 chapter 15A of the General Laws.

635 SECTION 26. Notwithstanding any general or special law to the contrary, the board of
636 trustees of each community college shall endeavor to use a portion of increased funding provided
637 to those institutions by the general court, to expand, in such manner as each board of trustees
638 deems appropriate, support services in academic and occupational advising, remedial learning,
639 English as a second language and other transitional services designed to facilitate the transition
640 of students from high school to higher education and to increase their chance of success in
641 completing higher education.

642 SECTION 27. Notwithstanding any general or special law to the contrary, the
643 Massachusetts Education Financing Authority shall develop and implement a plan to expand its
644 UPlan in order to encourage greater participation by persons of low and moderate income.

645 SECTION 28. Notwithstanding any general or special law to the contrary, the
646 department of workforce development shall modify its regulations to ensure community college
647 and state university eligibility for all workforce-related funding programs and initiatives and to
648 give state university and community college presidents and university chancellors voting
649 membership on regional employment boards.

650 SECTION 29. The University of Massachusetts, in collaboration with the executive
651 office of economic affairs and private sector business and industry leaders, shall create a 5-year
652 strategic plan to address its research and development capacity and potential by focusing on
653 strategic opportunity areas in ways that will provide the greatest economic benefits to the
654 commonwealth. The university shall submit the plan to the joint committee on higher education,
655 the joint committee on economic development and emerging technologies, and the senate and
656 house committees on ways and means not later than December 1, 2012.

657 SECTION 30. There shall be a special commission to investigate and study the
658 feasibility of repealing section 26 of chapter 15A of the General Laws relating to summer and
659 evening courses and programs conducted at public higher education institutions being conducted
660 at no expense to the commonwealth. The study shall include, but not be limited to, the cost to
661 the commonwealth of the change. The commission shall consist of the senate and house chairs
662 of the joint committee on higher education, who shall serve as co-chairs of the commission, the
663 minority leader of the senate or a designee, the minority leader of the house of representatives, or
664 a designee, the president of the University of Massachusetts, 2 presidents of state universities
665 appointed by the president of the senate, 2 presidents of community colleges appointed by the
666 speaker of the house of representatives, 2 members of the board of higher education, appointed
667 by the chair of the board of higher education, and 3 members to be appointed by the

668 Massachusetts Teacher's Association, in consultation with the Massachusetts Federation of
669 Teachers, 1 of whom shall be a faculty member at the University of Massachusetts, 1 of whom
670 shall be a faculty member at a state university, and 1 of whom shall be a faculty member at a
671 community college. The commission shall submit a report and its recommendations, if any,
672 together with any drafts of legislation necessary to carry such recommendations into effect, by
673 filing the same with the joint committee on higher education not later than June 30, 20012.

674 SECTION 31. The joint committee on higher education shall review and study the
675 composition of the board of higher education, the boards of trustees of the state universities and
676 community colleges and administrative structure of the University of Massachusetts to make
677 recommendations for any statutory changes that would better represent the interests of the
678 commonwealth. Further, said study shall include any additional recommendations for criteria for
679 membership to such boards.

680 SECTION 32. There is hereby created a commission to study and evaluate the current
681 and future availability of medical service professionals in the commonwealth in comparison to
682 the relevant demand for these professionals currently and for the next 10 years. Said commission
683 shall consist of the secretary of administration and finance, or a designee, the secretary of health
684 and human services, or a designee, the director of the office of consumer affairs and business
685 regulation, or a designee, a representative of the Massachusetts Hospital Association, a
686 representative of the Massachusetts Nurses Association, the chancellor of the University of
687 Massachusetts medical school or a designee, the president of the Massachusetts College of
688 Pharmacy or a designee, the director of workforce development, or a designee, a representative
689 of the American Red Cross, and 5 members appointed by the governor, 1 of whom must
690 represent commercial insurers in the commonwealth, 1 of whom shall be a member of the

691 Massachusetts Association of Health Plans, 1 of whom shall represent teaching hospitals in the
692 commonwealth, and 2 of whom shall represent private institutions of higher learning. The study
693 shall include, but not be limited to, the availability of medical service professionals as described
694 above, strategies for recruitment and retention and the use of strategies for reduced tuition or
695 tuition forgiveness. The results of the study, together with any legislative recommendations and
696 cost estimates, shall be submitted to the clerks of the senate and house of representatives, the
697 senate and house committees on ways and means and the joint committee on higher education
698 not later than 10 months following the passage of this act.

699 SECTION 33. (a) Notwithstanding any general or special law to the contrary, the
700 commonwealth shall address the underfunding of the operating requirements of its public
701 institutions of higher education as quickly as possible and by providing funding to all of them in
702 full compliance with the commonwealth's annual full funding obligations with respect to the
703 operating requirements of the institutions as set forth in section 1 of chapter 15A of the General
704 Laws not later than fiscal year 2018. In furtherance thereof, the commonwealth shall provide to
705 all the institutions funding for and during the fiscal years commencing after June 30, 2011 and
706 before July 1, 2018, in amounts that reduce the existing underfunding as measured against the
707 funding formulas and that reduce the relative underfunding of institutions whose underfunding
708 is, when so measured, greater than the underfunding of other institutions. The funding formulas
709 to be used in fulfilling the purposes of this section shall be the funding formulas developed under
710 section 15B of chapter 15A.

711 (b) The factors to be used in formulas developed under section 15B of chapter 15A of
712 the General Laws for state universities and community colleges shall be those used by the board
713 of higher education. The factors to be used in formulas developed under said section 15B of said

714 chapter 15A for the University of Massachusetts shall be those used by the board of trustees of
715 the university.

716 (c) The board of trustees of the University of Massachusetts shall ensure that by fiscal
717 year 2018, if the legislature and the governor have provided full funding of the formula
718 developed under section 15B of chapter 15A of the General Laws for the university, the budget
719 of each campus shall be fully funded.