

HOUSE No. 1188

By Mr. Murphy of Lowell, petition of Kevin J. Murphy and others relative to higher education in public institutions of the Commonwealth. Higher Education.

The Commonwealth of Massachusetts

PETITION OF:

| | |
|---------------------------|------------------------|
| Kevin J. Murphy | Tom Sannicandro |
| Harold P. Naughton, Jr. | Cleon H. Turner |
| Lida E. Harkins | Alice K. Wolf |
| Cory Atkins | Gale D. Candaras |
| Thomas P. Kennedy | Lewis G. Evangelidis |
| Christopher J. Donelan | Mary E. Grant |
| Alice Hanlon Peisch | Stephen L. DiNatale |
| William Smitty Pignatelli | Kevin G. Honan |
| Stephen R. Canessa | Louis L. Kafka |
| John P. Fresolo | Jennifer L. Flanagan |
| Thomas A. Golden, Jr. | James B. Eldridge |
| Robert S. Hargraves | Steven M. Walsh |
| Peter V. Kocot | Anne M. Gobi |
| Barbara A. L'Italien | Angelo J. Puppolo, Jr. |
| David Paul Linsky | Jennifer M. Callahan |
| David M. Nangle | Donald F. Humason, Jr. |
| Douglas W. Petersen | John D. Keenan |
| Robert L. Rice, Jr. | Antonio F. D. Cabral |
| Pam Richardson | Jeffrey Sánchez |
| Michael F. Rush | Theodore C. Speliotis |

In the Year Two Thousand and Seven.

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. Subsection (a) of section 18B of chapter 6 of the
2 General Laws, as appearing in the 2004 Official Edition, is hereby
3 amended by striking out, in lines 3 through 7, inclusive, the words
4 “all boards of trustees of community colleges, state colleges, and
5 the University of Massachusetts other than the student and alumni
6 trustees elected pursuant to section twenty-one of chapter fifteen

7 A, and in the case of the university, pursuant to section one A of
8 chapter seventy-five”, and inserting in place thereof the following
9 words:— the University of Massachusetts, other than the student
10 and alumni trustees elected pursuant to section 1A of chapter 75.

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

1 SECTION 3. Said subsection (b) of section 18B of said
2 chapter 6, as so appearing, is hereby further amended by inserting
3 after the word “governor”, in line 14, the following words:— , or
4 by the president of the senate, the minority leader of the senate,
5 the speaker of the house of representatives, or the minority leader
6 of the house of representatives if a vacancy occurs in a position
7 held by a member appointed under their respective appointing
8 authority.

1 SECTION 4. Said section 18B of said chapter 6, as so
2 appearing, is hereby amended by striking out subsections (d) and
3 (e) and inserting in place thereof the following subsections:—
4 (d) The council shall widely publicize its mission, responsibili-
5 ties, contact information, by-laws governing the conduct of its
6 affairs, descriptions of the responsibilities and duties and criteria
7 for selection of the members of the board of education, the board
8 of higher education, and the board of trustees for the university of
9 Massachusetts, and any vacancies on such boards, including, but
10 not limited to, through the state's website. Whenever a vacancy
11 occurs or is expected to occur on the board of education, the board
12 of higher education, or on the board of trustees of the university of
13 Massachusetts, the governor shall notify the council. The council

14 shall advertise vacancies on the board of education, the board of
15 higher education, and the board of trustees of the university of
16 Massachusetts at least 3 months before a term expires in order to
17 broaden and deepen the pool of qualified candidates for such
18 boards. The council shall submit to the governor a list of persons
19 who, in the judgment of the council, are qualified and willing to
20 serve as a member or trustee. The list shall include at least twice
21 as many names as there are vacant positions. The governor may
22 appoint any person whose name is forwarded to him by the
23 council or he may ask the nominating council to submit different
24 nominees. Should the governor request different nominees, the
25 council may not resubmit the same nominees.

26 The appointment shall be made within 90 days of the submis-
27 sion of the names by the nominating council. In the case of
28 appointments to the board of higher education, if an appointment
29 is not made within the 90-day period the board of higher educa-
30 tion shall make an interim appointment for up to 1 year. If the
31 governor does not act before the end of said 1-year period, the
32 board of higher education shall make an interim appointment for
33 the full board term.

34 (e) In considering candidates, the council shall seek persons of
35 the highest quality who, by merit, experience, knowledge, skills,
36 temperament, ability, integrity, sound judgment and proven lead-
37 ership will provide sound policy direction and oversight for the
38 commonwealth's educational system and its community colleges,
39 state colleges, and the University of Massachusetts. Candidates
40 shall be evaluated according to law and without regard to race,
41 religion, sex, age, national or ethnic origin, sexual orientation or
42 political affiliation. There shall be persons from diverse cultural,
43 racial, social, geographic and ethnic backgrounds on the council.
44 No member of the council may be considered for appointment to
45 any board while a member of the council.

46 The criteria used by the council to determine membership on
47 the board of higher education and the board of trustees of the uni-
48 versity of Massachusetts shall include, but need not be limited to,
49 the following:

50 (1) experience with complex organizations, including, but not
51 limited to, an understanding of how to interpret the financial con-
52 ditions of such organizations;

- 53 (2) an ability to recognize the distinction between management
54 and governance;
- 55 (3) a record of particular interest in public higher education that
56 presumes a deep understanding of its critical role in a diverse
57 society;
- 58 (4) intelligence, wisdom, breadth of vision, record of indepen-
59 dent judgment, an inquiring mind and an ability to speak articu-
60 latedly and succinctly;
- 61 (5) a capacity to function within a collegial group as a team
62 member and to be a good follower as well as a leader;
- 63 (6) a record of accomplishment in one's life and career or pro-
64 fession;
- 65 (7) a record of understanding of the importance of advocacy
66 and philanthropy in ensuring institutional vitality, responsiveness,
67 and progress in meeting private and public needs;
- 68 (8) the time and energy required to be a conscientious and
69 attentive board member;
- 70 (9) willingness to forego partisan political activity in board of
71 higher education or board of trustees service that could prove
72 detrimental to the board's reputation, and, in the case of members
73 of the board of trustees of the university, the institution's reputa-
74 tion, as fundamentally nonpartisan enterprises; and
- 75 (10) an ability to consistently sustain a total institutional per-
76 spective in one's work on the board of higher education or the
77 board of trustees, without allegiance to anything except the broad
78 public good.

1 SECTION 5. Said chapter 6 is hereby further amended by
2 inserting after said section 18B, as so appearing, the following
3 section:—

4 Section 18C. (a) There shall be a public higher education
5 trustees nominating council to advise the governor with respect to
6 appointments to all the boards of trustees of community colleges
7 and state colleges, other than the student and alumni trustees
8 elected under section 21 of chapter 15A. The council shall con-
9 sist of 1 member to be appointed by and serve at the pleasure of
10 the president of the senate, 1 member to be appointed by and
11 serve at the pleasure of the minority leader of the senate,
12 1 member to be appointed by and serve at the pleasure of the

13 speaker of the house of representatives, 1 member to be appointed
14 by and serve at the pleasure of minority leader of the house of rep-
15 resentatives, and 7 members to be appointed by and serve at the
16 pleasure of the governor at least 1 of whom shall have graduated
17 from a state college in the commonwealth, and at least 1 of whom
18 shall have graduated from a community college in the common-
19 wealth. In selecting members for the council, the respective
20 appointing authorities shall consult with academic, business, civic
21 and labor leaders. If a vacancy occurs in a position held by a
22 member of the council, the respective appointing authority shall
23 appoint a new member. Whenever a vacancy occurs or is
24 expected to occur on a board of trustees of any community college
25 or state college, the governor shall notify the council. The council
26 shall submit to the governor a list of persons who, in the judgment
27 of the council, are qualified and willing to serve as a trustee. The
28 list shall include at least twice as many names as there are vacant
29 positions. The governor may appoint any person whose name is
30 forwarded to him by the council or he may ask the nominating
31 council to submit different nominees. Should the governor
32 request different nominees, the council may not resubmit the same
33 nominees. The appointment shall be made within 90 days of the
34 submission of the names by the council. If the process is not com-
35 pleted within the 90-day period, then the board of higher educa-
36 tion shall make an interim appointment for up to 1 year. If the
37 governor does not act before the end of said 1 year period, the
38 board of higher education shall make an interim appointment for
39 the full board of trustee term.

40 (b) The council shall annually select one of its members to
41 serve as the chair of the council. The council shall adopt and
42 make public by-laws for the conduct of its affairs, and criteria for
43 membership on said boards of trustees. The council shall widely
44 publicize its mission, responsibilities, contact information, by-
45 laws for the conduct of its affairs, description of the responsibili-
46 ties and duties of trustees, criteria for membership on boards of
47 trustees, and any vacancies on such boards, including, but not lim-
48 ited to, through the state's website. The board of higher education
49 shall provide assistance to the council in fulfilling its mission and
50 responsibilities. All records and deliberations with respect to per-
51 sons under consideration as nominees or prospective nominees

52 shall be held in confidence by the council, but shall be available to
53 the governor and the governor's representatives. Members of the
54 council may be reimbursed by the governor for all expenses rea-
55 sonably incurred in the performance of their duties.

56 (c) In considering candidates, the council shall seek persons of
57 the highest quality who, by merit, experience, knowledge, skills,
58 temperament, ability, integrity, sound judgment and proven lead-
59 ership will provide sound policy direction and oversight for the
60 applicable state college or community college. The presidents of
61 the state and community colleges may recommend candidates for
62 their respective boards of trustees to the council. Candidates shall
63 be evaluated according to law and without regard to race, religion,
64 sex, age, national or ethnic origin, sexual orientation or political
65 affiliation. No member of the council may be considered for
66 appointment to any board while a member of the council.

67 (d) The criteria used to determine membership on boards of
68 trustees shall include, but need not be limited to, the following:

69 (1) experience with complex organizations, including, but not
70 limited to, an understanding of how to interpret the financial con-
71 ditions of such organizations;

72 (2) an ability to recognize the distinction between management
73 and governance;

74 (3) a record of particular interest in public higher education that
75 presumes a deep understanding of its critical role in a diverse
76 society;

77 (4) intelligence, wisdom, breadth of vision, record of indepen-
78 dent judgment, inquiring mind and an ability to speak articulately
79 and succinctly;

80 (5) a capacity to function within a collegial group as a team
81 member and to be a good follower as well as a leader;

82 (6) a record of accomplishment in one's life and career or pro-
83 fession;

84 (7) a record of understanding of the importance of advocacy
85 and philanthropy in ensuring institutional vitality, responsiveness,
86 and progress in meeting private and public needs;

87 (8) the time and energy required to be a conscientious and
88 attentive board member;

89 (9) willingness to forego partisan political activity in trustee
90 service that could prove detrimental to the board's or the institu-
91 tion's reputation as a fundamentally nonpartisan enterprises; and

92 (10) an ability to consistently sustain a total institutional per-
93 spective in one's work on the board, without allegiance to any-
94 thing except the broad public good.

95 (e) The council shall advertise vacancies on the boards of
96 trustees at least 3 months before a term expires in order to
97 broaden and deepen the pool of qualified candidates for trustee
98 positions. Such advertisement shall at a minimum be conducted
99 on a regional and local basis.

1 SECTION 6. Section 1 of chapter 15A of the General Laws, as
2 so appearing, is hereby amended by striking out the second para-
3 graph and inserting in place thereof the following 2 paragraphs:—

4 It is hereby further declared that by maintaining a high quality
5 system of public colleges and universities the commonwealth
6 moves toward achieving the following goals:

7 (a) to provide all its citizens regardless of economic means with
8 the opportunity to participate in high quality postsecondary acad-
9 emic and educational programs to assist in their personal better-
10 ment and growth, as well as that of the entire citizenry, and to
11 ensure that public higher education remains affordable for all citi-
12 zens of the commonwealth;

13 (b) to improve student access, academic achievement, and grad-
14 uation rates at public higher education institutions, and to promote
15 diversity at such institutions;

16 (c) to contribute to the existing base of research and knowledge
17 in areas of general and special interest, for the benefit of our com-
18 munities, our commonwealth and beyond, to provide policy
19 research addressing the needs of the commonwealth and local
20 communities, and in the case of the university of Massachusetts,
21 to pursue theoretical and applied research, development, scholar-
22 ship and creative activities that strengthen innovation at all stages
23 and contribute to the well-being of the citizens of the common-
24 wealth and beyond;

25 (d) to reinforce the critical importance of higher education to
26 the future of the economic growth and development of the com-
27 monwealth in a global economy, and, by so doing, prepare its citi-
28 zens to constitute a capable, adaptable and innovative workforce
29 to meet the economic needs of the commonwealth at all levels, as
30 well as their own economic security, and to respond to the needs

31 of the workplace, as defined in consultation with business,
32 industry and labor;

33 (e) to provide opportunities for lifelong learning and for a
34 seamless system of education at all levels to encourage citizens of
35 all ages to increase their knowledge and skills;

36 (f) to support pre- kindergarten through grade 12 education pro-
37 grams, including, but not limited to, the preparation of high
38 quality teachers and administrators for pre-kindergarten through
39 grade 12 schools;

40 (g) to promote collaboration among public higher education
41 institutions on a statewide and regional basis and with the private
42 sector;

43 (h) to ensure that the board of higher education and public
44 higher education institutions are responsible for the effective man-
45 agement and stewardship of public funds and are accountable to
46 the public and the general court in their use of funds to advance
47 educational priorities and to achieve and demonstrate positive
48 educational outcomes;

49 (i) to ensure the cost-efficient use of resources at each public
50 higher education institution and across all institutions and to
51 manage campuses as efficiently as possible, including, but not
52 limited to, by forming statewide and regional collaborations and
53 partnerships in management and academic programming that
54 increase efficiency and quality in our public higher education
55 system; and

56 (j) to utilize technology to enhance teaching and learning and to
57 increase the capacity of public higher education institutions to
58 serve all the citizens of the commonwealth seeking postsecondary
59 education.

60 It is hereby declared to be the policy of the commonwealth to
61 assure that each community college, each state college and the
62 university of Massachusetts has at its disposal adequate funds to
63 provide, foster and support high quality institutions of public
64 higher education that serve the interests of the commonwealth and
65 its citizens in the manner described in this section. For that pur-
66 pose, it is hereby further declared to be the policy of the common-
67 wealth to make annually to each community college, to each state
68 college and to the university of Massachusetts appropriations
69 which, with all other unrestricted funds that are available, in the

70 case of each, for expenditure in the conduct of its affairs and the
71 support of its mission, are sufficient to fully fund its operating
72 requirements at the level prescribed by the funding formulas
73 developed under section 15B. Such appropriations shall be con-
74 sidered the commonwealth's annual full funding obligations with
75 respect to the operating requirements of the institutions as referred
76 to in this chapter. It is hereby further declared to be the policy of
77 the commonwealth to provide adequate funds to each community
78 college, state college, and the university of Massachusetts for cap-
79 ital needs including the repair, renovation, construction, recon-
80 struction, improvement, demolition, expansion, acquisition,
81 furnishing, or equipping of buildings, structures, facilities and
82 other infrastructure, including, but not limited to technology infra-
83 structure, necessary to maintain high quality institutions of higher
84 education.

1 SECTION 7. Said chapter 15A of the General Laws is hereby
2 amended by striking out section 2, as so appearing, and inserting
3 in place thereof the following section:—

4 Section 2. There shall be an advisory committee on education
5 policy, hereinafter called the committee. The committee shall be
6 composed of the following: the commissioner of early education
7 and care; the chairman of the board of early education and care;
8 the commissioner of education; the chairman of the board of edu-
9 cation; the chancellor of higher education; the chairman of the
10 board of higher education; the president of the university of
11 Massachusetts; the house chairman of the joint committee on edu-
12 cation; the senate chairman of the joint committee on education;
13 the house chairman of the joint committee on higher education;
14 the senate chairman of the joint committee on higher education;
15 1 member appointed by and serving at the pleasure of the minority
16 leader of the senate; 1 member appointed by and serving at the
17 pleasure of the minority leader of the house of representatives;
18 and 8 members appointed by and serving at the pleasure of the
19 governor, 1 of whom shall be a president of a state college, 1 of
20 whom shall be a president of a community college, 4 of whom
21 shall be representatives from the state's pre- kindergarten through
22 grade 12 public education system, 1 of whom shall be a represen-
23 tative from the business community, and 1 of whom shall be a rep-

24 resentative from organized labor. The committee shall serve as an
25 advisory body to the board of early education and care, the board
26 of education, and the board of higher education. It shall have the
27 following powers and duties:

28 (a) to study and report on issues common to public early child-
29 hood, elementary, secondary, or vocational-technical schools,
30 adult basic education, higher education and lifelong learning;

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

35 (c) to serve as a public forum for discussion of general educa-
36 tion goals at all levels for the commonwealth;

37 (d) to develop goals for a coordinated system from early child-
38 hood through higher education at the university level and lifelong
39 learning, and make recommendations to appropriate boards or
40 groups relative to such;

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

43 (f) to encourage and facilitate partnerships between and among
44 public early childhood, elementary, secondary, and vocational-
45 technical schools with institutions of higher learning, and to pro-
46 mote collaboration among public higher education institutions;

47 (g) to articulate, through study and discussions, the vital con-
48 nection between high quality public education at all levels and the
49 future economic growth and development in the commonwealth
50 and the well-being of its citizens;

51 (h) to encourage and facilitate partnerships between and among
52 public schools, higher education institutions, businesses, and
53 workforce development entities to improve the delivery of educa-
54 tional and workforce development services;

55 (i) to articulate goals for accountability and high standards of
56 quality for the entire system of education in the commonwealth, in
57 consultation with parents, students, educators, business represen-
58 tatives, community officials and the public at-large;

59 (j) to review and provide general advice to the board of early
60 education and care, the board of education, and the board of
61 higher education on budget recommendations, including, but not
62 limited to, operating budgets and capital outlay recommendations;

63 (k) to advise the governor, the joint committee on education,
64 and the joint committee on higher education relative to any issue
65 within its purview; and

66 (l) to encourage contributions and grants to schools and public
67 higher education institutions from businesses, foundations, or any
68 other viable and appropriate funding source.

69 The committee may utilize subcommittees of the full committee
70 to accomplish any of the duties required of it. Nothing in this
71 section shall be construed to grant the committee any authority
72 vested in the board of early education and care, the board of edu-
73 cation, or the board of higher education.

74 The committee, at least once every 2 years, shall elect 1 of its
75 members to serve as the chair of the committee. The committee
76 shall meet at least 4 times annually, and at other times at the call
77 of the chair, or the chairman of the board of early education and
78 care, or the chairman of the board of education, or the chairman of
79 the board of higher education, or a majority of the members of the
80 committee. The committee shall meet at least once annually with
81 the board of early education and care, the board of education, and
82 the board of higher education.

83 A member of the committee shall not be found to be in viola-
84 tion of section 6 of chapter 268A for conduct which involves his
85 participation, as a member of the committee, in a particular matter
86 before the committee which may affect the financial interest of a
87 public school or district or institution of public higher education
88 with which he is affiliated; provided, however, that said member,
89 his immediate family or partner, has no personal and direct finan-
90 cial interest in said particular matter; and provided, further, that
91 such affiliation is disclosed to the committee and recorded in any
92 minutes of the committee.

1 SECTION 8. Section 7 of said chapter 15A, as so appearing, is
2 hereby amended by striking out, in line 36, the words “education,
3 arts and humanities”, and inserting in place thereof the following
4 words:— higher education.

1 SECTION 9. Subsection (e) of section 7A of said chapter 15A,
2 as so appearing, is hereby amended by striking out, in line 47, the
3 words “education, arts and humanities” and inserting in place
4 thereof the following words:— higher education.

1 SECTION 10. Said section 7A of said chapter 15A, as so
2 appearing, is hereby amended by striking out, in line 89, the
3 words “and the general court” and inserting in place thereof the
4 following words:— through the joint committee on higher educa-
5 tion to the general court.

1 SECTION 11. Said section 7A of said chapter 15A, as so
2 appearing is hereby further amended by adding the following sub-
3 section:—

4 (k) The systems developed under this section by the board of
5 higher education or the board of trustees of the university of
6 Massachusetts shall evaluate the mission-related activities under-
7 taken and the progress made at each institution of public higher
8 education in advancing the goals set forth in section 1.

1 SECTION 12. Section 9 of said chapter 15A, as so appearing,
2 is hereby amended by striking out, in line 20, the words “educa-
3 tion, arts and humanities” and inserting in place thereof the
4 following words:— higher education.

1 SECTION 13. Said section 9 of said chapter 15A, as so
2 appearing, is hereby amended by striking out, in lines 21 and 22,
3 the words “education, arts and humanities” and inserting in place
4 thereof the following words:— higher education.

1 SECTION 14. Said section 9 of said chapter 15A, as so
2 appearing, is hereby further amended by inserting after the word
3 “finance”, in line 44, the following words:— and the joint com-
4 mittee on higher education.

1 SECTION 15. Said section 9 of said chapter 15A, as so
2 appearing, is hereby further amended by inserting after the word
3 “secretaries”, in lines 45 and 46, the following words:— and the
4 joint committee on higher education.

1 SECTION 16. Said section 9 of said chapter 15A, as so
2 appearing, is hereby further amended by striking out clause (i).

1 SECTION 17. Said section 9 of said chapter 15A, as so
2 appearing, is hereby further amended by adding the following
3 2 clauses:— ; (hh) at least once annually appear before the joint
4 committee on higher education to provide a detailed report on
5 public higher education in the commonwealth; (ii) establish the
6 position of workforce coordinator at the board to work with the
7 state and community colleges, the university of Massachusetts,
8 other higher education institutions, local, state or federal agencies,
9 non-profit and community based entities, and business, industry
10 and labor in efforts to meet the commonwealth's workforce needs.
11 The job of the coordinator shall include working with the state
12 and community college presidents and deans, as well as business
13 and industry, adult basic education and community-based organi-
14 zations to develop or improve certificate and degree programs in
15 high-skill, high-demand areas, and other areas of future employ-
16 ment requiring postsecondary education.

1 SECTION 18. Said section 9 of said chapter 15A, as so
2 appearing, is hereby further amended by striking out the third
3 paragraph.

1 SECTION 19. Section 9B of said chapter 15A, as so appearing,
2 is hereby amended by striking out, in lines 8 and 9, the words
3 "education, arts and humanities" and inserting in place thereof the
4 following words:— higher education.

1 SECTION 20. Section 15B of said chapter 15A, as so
2 appearing, is hereby amended by striking out the first 4 para-
3 graphs and inserting in place thereof the following 4 para-
4 graphs:—
5 Each board of trustees of a state or community college shall
6 annually submit to the board of higher education a budget request
7 for the ordinary maintenance of its institution. The request shall
8 include the aggregate salary of all officers and employees of the
9 institution and all revenues therefrom and any other information
10 as the board of higher education may require or as provided in
11 section 3 of chapter 29. Each board of trustees shall make
12 requests to the board under said chapter 29. Each institution shall
13 make its request in conformity with and for the purpose of

14 securing funding for the institution consistent with the require-
15 ments of the funding formula developed under this section.
16 Copies of such budget requests shall be forwarded to the senate
17 and house committees on ways and means, and the joint com-
18 mittee on higher education.

19 The board of trustees of the university of Massachusetts shall
20 annually submit to the board of higher education a budget request
21 for the ordinary maintenance of its institution. The request shall
22 include the aggregate salary of all its officers and employees and
23 all revenues therefrom and any other information as the board of
24 higher education may require or as provided in section 3 of
25 chapter 29. The board of trustees shall make its request to the
26 board under said chapter 29. The board of trustees shall make its
27 request in conformity with and for the purpose of securing
28 funding consistent with the requirements of the funding formula
29 developed pursuant to this section. Copies of such budget
30 requests shall be forwarded to the senate and house committees on
31 ways and means, and the joint committee on higher education.

32 Each board of trustees of the higher education system shall pre-
33 pare their budget requests in accordance with a funding formula.
34 The board of higher education shall develop the formulas for the
35 institutions within the state and community college segments in
36 consultation with the boards of trustees of the state and commu-
37 nity colleges. Formulas shall include factors relating to the costs
38 of instruction, academic, institutional and student services sup-
39 port, and physical plant operation and maintenance based on
40 appropriate national standards and comparable peer institutions
41 with similar missions. Peer institutions shall be identified in con-
42 sultation with the presidents of the state and community colleges.
43 The university trustees shall develop funding formulas for the uni-
44 versity in consultation with president of the university and campus
45 administrations. Formulas shall include factors relating to the
46 costs of instruction, research, public service, academic, institu-
47 tional and student services support, physical plant operations and
48 maintenance, and financial aid based on appropriate national stan-
49 dards and comparable peer institutions with similar missions.
50 Peer institutions shall be identified in consultation with president
51 of the university and the chancellors of each university campus.
52 All funding formulas under this section shall be periodically

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

56 Within 90 days of the effective date of any general appropria-
57 tions act, the board of trustees of the university of Massachusetts
58 shall report to the joint committee on higher education and the
59 house and senate committees on ways and means the allocation to
60 each campus of the university and the president's office of any
61 appropriations or other funds received by the university.

1 SECTION 21. Said section 15B of said chapter 15A, as so
2 appearing, is hereby amended by striking out, in lines 33 and 34,
3 the words “education, arts and humanities” and inserting in place
4 thereof the following words:— higher education.

1 SECTION 22. Said section 15B of said chapter 15A, as so
2 appearing, is hereby further amended by striking out, in line 62,
3 the words “education, arts and humanities” and inserting in place
4 thereof the words:— higher education.

1 SECTION 23. Said chapter 15A is hereby further amended by
2 striking out section 15F, as so appearing, and inserting in place
3 thereof the following section:—

4 Section 15F. It is hereby declared to be the policy of the com-
5 monwealth to encourage public community college training
6 opportunities in order to promote workforce development, mini-
7 mize the shortage of skilled workers and raise economic opportu-
8 nity through a matching incentive grant program to be known as
9 the community college workforce training incentive program.
10 Subject to appropriation, the board of higher education shall
11 establish guidelines for the distribution of community college
12 workforce training incentive grants. The guidelines shall provide:
13 (i) allowable incentive grant awards which shall not exceed \$200
14 for every \$1,000 in eligible revenues; and (ii) minimum require-
15 ments for the level of vocationally-oriented instruction which
16 shall be provided by incentive grant recipients in the fiscal year in
17 which the grant is awarded. Each community college which is eli-
18 gible for grant awards in a fiscal year shall, subject to appropria-
19 tion, receive not less than \$50,000 from the total amount

20 appropriated for the incentive program to fund the salary of a
21 workforce training coordinator at each campus. For the purposes
22 of this section, “eligible revenues” shall mean revenues received
23 by a community college for any of the following purposes: tuition
24 and fees paid by students enrolled in vocationally-oriented
25 courses; tuition and fees paid by Massachusetts employers on
26 behalf of employees enrolled in vocationally-oriented courses;
27 and revenues from service contracts with Massachusetts
28 employers to provide vocationally-oriented training. Revenues
29 from contracts with public agencies, public grants or private gifts
30 shall not be eligible revenues for the purposes of this section.
31 Incentive grants shall be expended for the following purposes: to
32 expand vocationally-oriented course offerings; to expand voca-
33 tionally-oriented instruction provided through contracts with
34 Massachusetts employers; and to otherwise promote vocationally-
35 oriented instruction. Each community college shall annually, not
36 later than December 31, report to the board of higher education,
37 the joint committee on higher education, and the house and senate
38 committees on ways and means on the level of vocationally-ori-
39 ented instruction provided in the preceding fiscal year and the
40 anticipated level of such instruction in the current fiscal year. The
41 report shall detail enrollment levels, revenues received, sources of
42 revenues, the number of service contracts established with Massa-
43 chusetts employers and such other information as the board of
44 higher education may require.

1 SECTION 24. Section 16 of said chapter 15A, as so appearing,
2 is hereby amended by striking out, in line 129, the words “educa-
3 tion, arts and humanities” and inserting in place thereof the
4 following words:— higher education.

1 SECTION 25. Section 19 of said chapter 15A, as so appearing,
2 is hereby amended by striking out, in lines 7 and 8, the words
3 “specific categories of students designated by the council which
4 may include”.

1 SECTION 26. The second paragraph of said section 19 of said
2 chapter 15A, as so appearing, is hereby further amended by
3 striking out clause (iii).

1 SECTION 27. Said section 19 of said chapter 15A, as so
2 appearing, is hereby further amended by inserting after the second
3 paragraph the following paragraph:—

4 The commonwealth shall bear the cost of providing any
5 waivers granted under this section.

1 SECTION 28. Said section 19 of chapter 15A, as so
2 appearing, is hereby further amended by striking out, in lines 22,
3 23, and 26 the words “education, arts and humanities” and
4 inserting in place thereof the following words:— higher educa-
5 tion.

1 SECTION 29. The first paragraph of section 22 of said
2 chapter 15A, as so appearing, is hereby amended by striking out
3 clause (b) and inserting in place thereof the following clause:—

4 (b) the boards of trustees of each state and community college
5 annually shall provide a copy of its audited financial statements to
6 the joint committee on higher education and the house and senate
7 committees on ways and means detailing expenditures and rev-
8 enues, including, but not limited to any trust funds;.

1 SECTION 30. Said section 22 of said chapter 15A, as so
2 appearing, is hereby further amended by striking out, in line 51,
3 the words “education, arts and humanities” and inserting in place
4 thereof the following words:— higher education.

1 SECTION 31. Said section 22 of said chapter 15A, as so
2 appearing, is hereby further amended by inserting after the first
3 paragraph the following 5 paragraphs:—

4 The board of trustees of each state and community college shall
5 fix and establish tuition and fee rates for each such institution. In-
6 state tuition and fee rates for the institution shall preserve afford-
7 ability for residents of the commonwealth. Except as provided in
8 section 9 or in the case of students participating in the New Eng-
9 land Regional Student Program, out-of-state tuition and fee rates
10 at least shall equal 100 per cent of the costs of the student's educa-
11 tion.

12 Notwithstanding any general or special law to the contrary, if
13 the commonwealth is meeting its annual full funding obligation

14 with respect to the operating requirements of the institution and
15 providing adequate funds for the capital needs of the institution as
16 set forth in section 1, the board of trustees shall not increase in-
17 state tuition or mandatory fees for that year. If the common-
18 wealth's appropriation for the institution is equal to or greater than
19 the previous fiscal year but less than its annual full funding oblig-
20 ation with respect to the operating requirements of the institution,
21 the rate of any increase in in-state tuition and mandatory fees shall
22 not exceed the rate of increase in the higher education price index.
23 If any institution encounters extraordinary circumstances, it may
24 request a higher rate of increase than that otherwise permitted by
25 this paragraph within parameters and procedures set by the board
26 of higher education and upon the approval of the board of higher
27 education.

28 In so far as practicable, the final tuition and fee rates shall be
29 established for the subsequent academic year not later than 15
30 days before the deadline for submission of state or federal finan-
31 cial aid applications by students attending institutions of higher
32 education set forth in section 5.

33 All tuition and fees received by a state or community college
34 shall be retained by the board of trustees of the institution in a
35 revolving trust fund and shall be expended as the board of trustees
36 may direct for the operation and support of the institution. Any
37 balance in the trust fund at the end of a fiscal year shall continue
38 to be held in the trust fund, shall remain available for expenditure
39 in subsequent fiscal years and shall not revert to the General
40 Fund. All such trust funds shall be subject to audit by the state
41 auditor.

42 For employees of a state college or community college who are
43 paid from tuition retained under this section, fringe benefits and
44 any collective bargaining increases shall be funded as if those
45 employees' salaries were supported by state appropriations.

46 Notwithstanding the provisions of this section to the contrary,
47 the board of trustees of a community or state college may fix and
48 establish a tuition rate and charges reduction for residents of bor-
49 dering states to not less than 1 and 1/2 times the institution's in-
50 state tuition and fee rates, if it determines that the institution is
51 below enrollment capacity and the projected cost to the institution
52 and the commonwealth of the reduction would be minimal when

53 taking into account the projected enrollment growth associated
54 with such adjustment. The board of trustees shall seek reciprocal
55 arrangements from bordering states where no such tuition reduc-
56 tion is available for residents of Massachusetts.

1 SECTION 32. Said chapter 15A is hereby amended by adding
2 the following 4 sections:—

3 Section 42. (a) Notwithstanding any general or special law to
4 the contrary, each community college, each state college and the
5 university of Massachusetts shall create at the institution a reserve
6 fund, hereinafter referred to as the “student charges stabilization
7 fund”, for their respective institution. There shall be deposited
8 annually into the student charges stabilization fund of each institu-
9 tion the following: (1) any moneys which, within 60 days after the
10 end of a fiscal year, the institution certifies to the state comptroller
11 are moneys that were appropriated to the institution for that fiscal
12 year and that were not expended during, and remain unencum-
13 bered for expenditure in respect of, that fiscal year; provided, that
14 notwithstanding any general or special law to the contrary, all
15 such moneys shall remain available for expenditure, without fur-
16 ther appropriation, in subsequent fiscal years and shall not revert
17 to the General Fund; and provided, further that the state comp-
18 troller shall transfer any such moneys remaining in the state trea-
19 sury to the institution within 30 days of receipt of the institution's
20 certification; (2) moneys that are appropriated to an institution
21 which are required by the legislature to be deposited into the insti-
22 tution's student charges stabilization fund; and (3) other moneys
23 that an institution may elect to deposit into its student charges sta-
24 bilization fund, including student tuition and fee revenue. Student
25 charges stabilization fund moneys shall be deposited in an interest
26 bearing account credited to its respective institution.

27 (b) If the commonwealth meets its annual full funding obliga-
28 tions with respect to the operating requirements of the institution
29 as set forth in section 1, each institution shall deposit 5 per cent of
30 any growth in state appropriation and tuition and fees from the
31 prior year into their student charges stabilization fund.

32 (c) The board of trustees at each community college, state col-
33 lege and the university may, in a fiscal year and upon vote of the
34 board, expend moneys in its student charges stabilization fund

35 whenever in any such year the moneys made available to it, do not
36 meet the commonwealth's annual full funding obligations with
37 respect to the operating requirements of the institution as set forth
38 in section 1. Among the uses as the boards of trustees of each
39 state or community college or the university of Massachusetts
40 shall direct for the operation and support of the institution, the
41 moneys shall first be used to reduce the need for increases in
42 tuition and mandatory fees and to mitigate such increases should
43 they become necessary.

44 Section 43. The board of higher education, in conjunction with
45 the state and community colleges, shall establish and administer
46 mandated training and orientation sessions for newly appointed
47 trustees of the state and community colleges, and the board of
48 higher education. The board of trustees of the university of
49 Massachusetts shall establish and administer such sessions for
50 newly appointed trustees of the university.

51 Section 44. The board of higher education shall establish an
52 advisory committee on workforce development whose member-
53 ship shall consist of the following: the workforce coordinator of
54 the board, who shall chair the committee, the director of work-
55 force development, or his designee, the secretary of economic
56 development, or his designee, the director of the Commonwealth
57 Corporation, or his designee, a representative appointed by and to
58 serve at the pleasure of the state workforce investment board, a
59 representative appointed by and to serve at the pleasure of the
60 Massachusetts Workforce Board Association, the chairs of the
61 state and community colleges presidents' councils, or their
62 designees, and a representative from the university of Massachu-
63 setts appointed by and to serve at the pleasure of the president of
64 the university. The advisory committee shall advise and assist the
65 board on workforce development issues and efforts. The com-
66 mittee shall periodically conduct and analyze labor-market
67 studies, including, but not limited to, those referred to in
68 clause (c) of section 9, in order to identify labor-market trends in
69 the commonwealth. The committee shall make the results of its
70 studies and analyses available to the members of the board, the
71 board of trustees and president of each public institution of higher
72 education, and the joint committee on higher education.

73 Section 45. There shall be a program to be administered by the
74 board for the purpose of providing grants to students who have
75 successfully completed the federal Gaining Early Awareness and
76 Readiness for Undergraduate Programs (GEAR UP), set forth in
77 20 U.S.C. 1070a-21 et seq., and any regulations promulgated for
78 the program, who are domiciled in the commonwealth and have
79 graduated from a Massachusetts high school and have been
80 accepted at an approved public or independent college, university,
81 or school of nursing, or any other approved institution of higher
82 education furnishing a program of higher education located in
83 Massachusetts or in a state with a reciprocal agreement with
84 Massachusetts. The program shall provide grants to eligible stu-
85 dents equal to the student's so-called Federal Pell Grant received
86 from the federal government, not to exceed the cost of attendance.
87 Payment shall be made by the board directly to the institution.
88 The grant shall be renewable for each academic undergraduate
89 year; provided that the student is in good academic standing, not
90 on academic probation, and still has financial need as determined
91 by the board. Funds for the implementation, maintenance and
92 administration of the program shall come from those authorized
93 under section 2000 of chapter 29.

1 SECTION 32A. Chapter 29 of the General Laws is hereby
2 amended by adding the following section:—

3 Section 2000. There shall be established and set up on the
4 books of the commonwealth a separate fund to be known as the
5 GEAR UP Fund, the funds of which shall be expended by the
6 board of higher education, without further appropriation, for the
7 purpose of assisting low income students who are domiciled in the
8 commonwealth and are Massachusetts high school graduates and
9 have successfully completed the Gaining Early Awareness and
10 Readiness for Undergraduate Programs (GEAR UP), set forth in
11 20 U.S.C. 1070a-21 et seq., and any regulations promulgated pur-
12 suant thereto, and who have been accepted for admission to an
13 approved public or independent college, university, or school of
14 nursing, or any other approved institution of higher education fur-
15 nishing a program of higher education located in Massachusetts or
16 in a state with a reciprocal agreement with Massachusetts. The
17 fund shall be administered in accordance with the provisions of

18 section 46 of chapter 15A. There shall be credited to the fund
19 revenues and other financing sources directed to the fund by
20 appropriation and matching funds from the United States depart-
21 ment of education.

1 SECTION 33. The fifth paragraph of section 1A of chapter 75
2 of the General Laws, as appearing in the 2004 Official Edition, is
3 hereby amended by striking out clause (b).

1 SECTION 34. Said section 1A of said chapter 75, as so
2 appearing, is hereby amended by inserting after the word “univer-
3 sity”, in line 74, the following words:— and enter into leases of
4 real property without the prior approval of the division of capital
5 asset management.

1 SECTION 35. Said fifth paragraph of said section 1A of said
2 chapter 75, as so appearing, is hereby further amended by striking
3 out clause (p) and inserting in place thereof the following
4 clause:— (p) to fix and establish tuition rates and fees of each uni-
5 versity campus and to retain the tuition and fees in accordance
6 with this section.

1 SECTION 36. Said section 1A of said chapter 75, as so
2 appearing, is hereby further amended by inserting after the fifth
3 paragraph the following 5 paragraphs:—

4 The board of trustees shall fix and establish tuition and fee rates
5 for each university campus. In-state tuition and fee rates shall
6 preserve affordability for residents of the commonwealth. Except
7 as provided in section 9 of chapter 15A or in the case of students
8 participating in the New England Regional Student Program, out-
9 of-state tuition and fee rates at least shall equal 100 per cent of the
10 costs of the student’s education.

11 Notwithstanding any general or special law to the contrary, if
12 the commonwealth is meeting its annual full funding obligation
13 with respect to the operating requirements of the institution and
14 providing adequate funds for capital needs of the institution as set
15 forth in section 1, the board of trustees shall not increase in-state
16 tuition and mandatory fees for that year. If the commonwealth’s
17 appropriation for the institution is equal to or greater than the pre-

18 vious fiscal year but less than its annual full funding obligation
19 with respect to the operating requirements of the institution, the
20 rate of any increase in in-state tuition and mandatory fees shall not
21 exceed the rate of increase in the higher education price index. If
22 any campus of the university encounters extraordinary circum-
23 stances, the board of trustees may adopt a higher rate of increase
24 than that otherwise permitted by this paragraph within parameters
25 and procedures set by the board of higher education.

26 In so far as practicable, the final tuition and fee rates shall be
27 established for the subsequent academic year not later than 15
28 days before the deadline for submission of state or federal finan-
29 cial aid applications by students attending institutions of higher
30 education as set forth in section 5 of chapter 15A.

31 All tuition and fees received by each university campus shall be
32 retained by the board of trustees in a revolving trust fund and shall
33 be expended as the board of trustees may direct for the operation
34 and support of each university campus. Any balance in the trust
35 fund at the end of a fiscal year shall continue to be held in the
36 trust fund, shall remain available for expenditure in subsequent
37 fiscal years and shall not revert to the General Fund. All such
38 trust funds shall be subject to audit by the state auditor.

39 For employees of the university who are paid from tuition
40 retained under this section, fringe benefits and any collective bar-
41 gaining increases shall be funded as if those employees' salaries
42 were supported by state appropriations.

43 Notwithstanding the provisions of this section to the contrary,
44 the board of trustees of the university may fix and establish a
45 tuition rate and charges reduction for residents of bordering states
46 to not less than 1 and 1/2 times the institution's in-state tuition and
47 fee rates, if it determines that the institution is below enrollment
48 capacity and the projected cost to the institution and the common-
49 wealth of the reduction would be minimal when taking into
50 account the projected enrollment growth associated with such
51 adjustment. The board of trustees shall seek reciprocal arrange-
52 ments from bordering states where no such tuition reduction is
53 available for residents of Massachusetts.

1 SECTION 37. Section 10 of said chapter 75, as so appearing,
2 is hereby amended by striking out the first sentence and in

3 inserting in place thereof the following 2 sentences:— The
4 trustees shall prepare and submit annually to the governor and,
5 through the joint committee on higher education, to the general
6 court a complete financial report setting forth the expenditures
7 and revenues, including, but not limited to any trust funds, of the
8 university on a campus-by-campus basis and on a university-wide
9 basis. The report may be in the form of annual audited financial
10 statements prepared by the university if such audited financial
11 statements provide the aforementioned detail.

1 SECTION 38. Section 2E of chapter 90 of the General Laws,
2 as so appearing, is hereby amended by adding the following sub-
3 section:—

4 (d) Notwithstanding the provisions of section 2F to the con-
5 trary, the registrar shall furnish, upon application, to the owners of
6 private passenger motor vehicles, distinctive registration plates
7 which shall display on their face a design indicating support for
8 public higher education and the words “Support Public Higher
9 Education”. The registration plates shall be designed in consulta-
10 tion with the presidents of the state’s public higher education
11 institutions and the board of higher education. There shall be a
12 fee of not less than \$40 for the plates in addition to the established
13 registration fee for private passenger motor vehicles, such fee
14 being payable at the time of registration of the vehicle and at each
15 renewal thereof.

16 There is hereby established and set up on the books of the com-
17 monwealth a separate fund to be known as the Public Higher Edu-
18 cation Registration Plate Trust Fund, the funds of which shall be
19 expended, without further appropriation, by the board of higher
20 education for scholarships and grants to students in need of finan-
21 cial assistance at public higher education institutions in the state.
22 There shall be credited to the fund the portion of the total fee
23 remaining after the deduction of costs directly attributable to the
24 issuance of registration plates under this subsection. Any money
25 remaining in the fund at the end of a fiscal year shall remain avail-
26 able for expenditure in subsequent fiscal years and shall not revert
27 to the General Fund.

1 SECTION 39. Section 1 of chapter 703 of the acts of 1963, as
2 most recently amended by section 1 of chapter 290 of the acts of
3 1998, is hereby amended by striking out paragraph (b) and
4 inserting in place thereof the following paragraph:—

5 (b) “Trustees”, the board of higher education established by
6 section 4 of chapter 15A of the General Laws or, if the board shall
7 be abolished, the board, body or commission succeeding to the
8 principal functions thereof or to which powers given by said
9 chapter 15A with respect to public institutions of higher education
10 shall be given by law.

1 SECTION 40. Paragraph (e) of said section 1 of said
2 chapter 703 is hereby amended by inserting after the words
3 “demolition or removal of any buildings or structures” the
4 following:— , including, but not limited to, buildings or structures
5 owned by the commonwealth.

1 SECTION 41. The second paragraph of section 2 of said
2 chapter 703, as most recently amended by section 4 of chapter 800
3 of the acts of 1985, is hereby amended by striking out the seventh
4 and eighth sentences.

1 SECTION 42. Said section 2 of said chapter 703 is hereby fur-
2 ther amended by striking out the last paragraph and inserting in
3 place thereof the following paragraph:—
4 Chapter 268A of the General Laws shall apply to all members,
5 officers and employees of the Authority.

1 SECTION 43. Section 4 of said chapter 703, as most recently
2 amended by section 116 of chapter 653 of the acts of 1989, is
3 hereby amended by striking out paragraph (n) and inserting in
4 place thereof the following paragraph:—
5 (n) To invest any funds held by it pending disbursement in such
6 investments as may be lawful for fiduciaries in the common-
7 wealth.

1 SECTION 44. Section 7 of said chapter 703, as most recently
2 amended by section 3 of chapter 290 of the acts of 1998, is hereby
3 further amended by striking out the figure “\$500,000,000” and
4 inserting in place thereof the following figure:— “\$800,000,000”.

1 SECTION 45. The second sentence of the fourth paragraph of
2 said section 7 of said chapter 703 is hereby amended by striking
3 out the words “but not”.

1 SECTION 46. The first sentence of the fourth paragraph of
2 section 9 of said chapter 703 is hereby amended by striking out
3 the word “university” and inserting in place thereof the following
4 words:— state college.

1 SECTION 47. The first paragraph of section 18A of said
2 chapter 703, as inserted by section 5 of chapter 290 of the acts of
3 1998, is hereby amended by striking out the first 3 sentences and
4 inserting in place thereof the following 2 sentences:— To provide
5 for the expenses of the Authority and for the payment of indebted-
6 ness incurred by it in carrying out the provisions of this act, the
7 trustees may, in the name and on behalf of the commonwealth, in
8 connection with any financing or refunding provided by the
9 Authority, or in connection with any transfer to the Authority of
10 buildings or other property under section 5, transfer or pledge that
11 they will periodically transfer to the Authority, or any other state
12 college affiliate under the terms permitting further transfer or
13 pledge to the Authority, (i) any part or all of any non-appropriated
14 funds or revenues legally available to a state college, including,
15 without limitation, tuition, fees and other charges, and (ii) any part
16 or all of any funds made available for expenditure by or on behalf
17 of a state college pursuant to appropriation made by the general
18 court or otherwise for expenditure by the trustees, provided, how-
19 ever, that if amounts described in clause (i) have been pledged as
20 security for financing, such amounts shall be exhausted before
21 amounts described in clause (ii) shall be available for such pur-
22 pose and provided, further, that amounts described in clause (ii)
23 may be used only to prevent default by the Authority in connec-
24 tion with indebtedness incurred by the Authority on behalf of the
25 applicable state college. The trustees may contract with the
26 Authority or any other state college affiliate to permit further
27 transfer or pledge of such amounts by the Authority to a trustee
28 under a trust agreement entered into by the Authority, but, in the

29 case of any funds expected to be available for expenditure by the
30 trustees pursuant to subsequent appropriation or other spending
31 authorization by the general court, the trustees may only pledge
32 that they will so transfer such funds subject to such subsequent
33 appropriation or other spending authorization.

1 SECTION 48. Section 2 of chapter 139 of the acts of 2006 is
2 hereby amended by inserting after item 7061-9404 the following
3 item:—

| | | |
|-----------|--|-----------|
| 7061-9602 | For the purpose of establishing, in conjunction with the board of higher education, a matching grant program to increase the success and college readiness of underserved and non-traditional students from elementary school through higher education and to facilitate the transition from high school to higher education for such students; provided, that the department shall establish partnerships with organizations, including, but not limited to, the Massachusetts Educational Financing Authority, and the Commonwealth Corporation to assist in carrying out such program; provided, that the department shall submit any rules, regulations, proposals and initiatives that it develops for such program to the joint committee on education, the joint committee on higher education and the joint committee on labor and workforce development not later than December 31, 2007; and provided further, that the funds appropriated herein shall remain available for expenditure until June 30, 2008 | 1,000,000 |
|-----------|--|-----------|

1 SECTION 49. Item 7066-0000 of said section 2 of said chapter
2 139 is hereby amended by adding the following words:— ; and
3 provided further, that the funds appropriated herein shall remain
4 available for expenditure until June 30, 2008.

1 SECTION 50. Said item 7066-0000 of said section 2 of said
2 chapter 139 is hereby further amended by striking out the figure
3 “\$2,753,819” and inserting in place thereof the following
4 figure:— \$3,373,569.

1 SECTION 51. Said section 2 of said chapter 139 is hereby fur-
2 ther amended by inserting after item 7066-0000 the following 4
3 items:—

| | | |
|-----------|--|------------|
| 7066-0001 | For payments to state public higher education institutions for the dual enrollment program, so-called; provided, that public higher education institutions may offer courses in high schools if the number of students are sufficient in addition to courses offered at the institutions or on-line; and provided, that the funds appropriated herein shall remain available for expenditure until June 30, 2008 | 2,000,000 |
| 7066-0002 | For a funding pool to be administered by the board of higher education to provide seed funding for the purposes of assisting in expanding existing programs or developing new programs at public higher education institutions that are in high demand occupations and have long waiting lists, including, but not limited to, nursing; to establish a statewide curriculum, in consultation with the board of early education and care, to train early childhood educators to fulfill the demands made by the new early education and care initiative; to assist in developing and maintaining regional teaching and recruitment advancement centers to attract new teachers from traditional and nontraditional backgrounds; and to assist in developing a pilot program in courses needed for high demand occupations through Mass Colleges On-Line, so-called; provided, that the funds appropriated herein shall remain available for expenditure until June 30, 2008 | 3,000,000 |
| 7066-0003 | For a loan forgiveness program to be administered by the board of higher education for eligible persons who have completed certificate or degree programs in high-demand, lower-paying occupations, including, but not limited to, early education and care workers, human services workers, as regularly determined by the board's advisory committee on workforce development, inserted by this act; provided, that the funds appropriated herein shall remain available for expenditure until June 30, 2008 | 8,000,000 |
| 7066-0004 | For the GEAR UP program established pursuant to section 46 of chapter 15A of the General Laws, as inserted by this act; provided, that the funds appropriated herein shall be deposited in the GEAR UP Fund, as inserted by this act ... | 2,000,000 |
| 7066-0015 | For the purpose of implementing section 15E of chapter 15A of the General Laws to encourage private fundraising by the commonwealth's public institutions of higher education for the endowment incentive and capital outlay contribution program of said institutions; provided, that the funds appropriated herein shall remain available for expenditure until June 30, 2008 | 13,000,000 |

1 SECTION 52. Item 7070-0065 of said section 2 of said
2 chapter 139 is hereby amended by adding the following words:— ;
3 and provided further, that the funds appropriated herein shall
4 remain available for expenditure until June 30, 2008.

1 SECTION 53. Said item 7070-0065 of said section 2 of said
 2 chapter 139 is hereby further amended by striking out the figure
 3 “\$89,867,706” and inserting in place thereof the following
 4 figure:— \$99,867,706.

1 SECTION 54. Said section 2 of said chapter 139 is hereby fur-
 2 ther amended by inserting after item 7100-0200 the following
 3 item:—

| | | |
|------------|---|-----------|
| 7100- 0201 | For matching funds for endowed professorships in the fields of science and technology; provided, that such funds shall be matched on the basis of \$1 for every \$2 or more in private contributions; provided, that the funds appropriated herein shall remain available for expenditure until June 30, 2008 | 5,000,000 |
|------------|---|-----------|

1 SECTION 55. The board of higher education, in conjunction
 2 with the chief executive officer of each community college and
 3 state college, shall prepare an enrollment plan for each institution
 4 that identifies the scope and nature of needed capacity and that
 5 passes through the funding formula developed under section 15B
 6 of chapter 15A of the General Laws, and shall, on or before
 7 December 31, 2007, transmit the same to the governor and the
 8 joint committee on higher education. The board of trustees of the
 9 university of Massachusetts, in conjunction with the president and
 10 the chancellor of each campus, shall prepare an enrollment plan
 11 for the university that identifies the scope and nature of needed
 12 capacity that passes through the funding formula developed under
 13 section 15B of chapter 15A of the General Laws, and shall, on or
 14 before December 31, 2007, transmit the same to the governor, the
 15 board of higher education, and the joint committee on higher edu-
 16 cation. Enrollment plans shall include, but need not be limited to,
 17 students seeking to enter postsecondary education upon graduation
 18 from high school, as well as students seeking to enter postsec-
 19 ondary education later in life.

1 SECTION 56. (a) The board of higher education, in consulta-
 2 tion with the boards of trustees of the state and community col-
 3 leges, shall periodically assess the capacity of those institutions to
 4 provide programs of education and training of a kind needed to
 5 develop transferable skills and to meet the commonwealth's work-

6 force needs. To the extent that the capacity is insufficient, the
7 boards of trustees of the state and community colleges may
8 expand existing programs, develop new ones, or curtail existing
9 ones for the purpose of providing programs of education and
10 training of a kind needed to develop transferable skills and to
11 meet market demand. Program revisions shall not impinge upon,
12 or cause the reduction of, core academic course offerings the insti-
13 tutions. Nothing herein shall be deemed to contravene the provi-
14 sions of clauses (a) and (b) of section 9 of chapter 15A of the
15 General Laws.

16 (b) The board of trustees of the university of Massachusetts, in
17 consultation with the board of higher education, shall periodically
18 assess the capacity of the university to provide programs of educa-
19 tion and training of a kind needed to develop transferable skills
20 and to meet the commonwealth's workforce needs. To the extent
21 that the capacity is insufficient, the board of trustees may expand
22 existing programs, develop new ones, or curtail existing ones for
23 the purpose of providing programs of education and training of a
24 kind needed to develop transferable skills and to meet market
25 demand. Program revisions shall not impinge upon, or cause the
26 reduction of, core academic course offerings at the institution.
27 Nothing herein shall be deemed to contravene the provisions of
28 clauses (a) and (b) of section 9 of chapter 15A of the General
29 Laws.

30 (c) The board of higher education, in consultation with the
31 boards of trustees of the community colleges, the department of
32 workforce development, and the Commonwealth Corporation,
33 shall develop statewide standards of training and encourage both
34 statewide and regional collaborations for training persons to enter
35 high-demand, high-skill occupations in targeted industries. In
36 doing so, the board of higher education may, in accordance with
37 subsection (a), support at the community colleges the establish-
38 ment of new associate degree programs and certificate programs
39 that are designed to teach transferable skills and the skills needed
40 for high-demand, high-skill occupations and to prepare persons
41 for employment in the targeted industries. Nothing herein shall be
42 deemed to contravene the provisions of clauses (a) and (b) of
43 section 9 of chapter 15A of the General Laws.

1 SECTION 57. Notwithstanding any general or special law to
2 the contrary, the board of trustees of each community college shall
3 endeavor to use a portion of increased funding provided to those
4 institutions by the general court, to expand, in such manner as
5 each board of trustees deems appropriate, support services in aca-
6 demic and occupational advising, remedial learning, English as a
7 second language and other transitional services designed to facili-
8 tate the transition of students from high school to higher education
9 and to increase their chance of success in completing higher edu-
10 cation.

1 SECTION 58. Notwithstanding any general or special law to
2 the contrary, the Massachusetts Educational Financing Authority
3 shall develop and implement a plan to expand its UPlan in order
4 to encourage greater participation by persons of low and moderate
5 income.

1 SECTION 59. Notwithstanding any general or special law to
2 the contrary, the department of workforce development shall
3 modify its regulations to ensure community and state college eli-
4 gibility for all workforce-related funding programs and initiatives
5 and to give state and community college presidents and university
6 chancellors voting membership on regional employment boards.

1 SECTION 60. The university of Massachusetts, in collabora-
2 tion with the executive office of economic affairs and private
3 sector business and industry leaders, shall create a 5-year strategic
4 plan to address its research and development capacity and poten-
5 tial by focusing on strategic opportunity areas in ways that will
6 provide the greatest economic benefits to the commonwealth. The
7 university shall submit the plan to the joint committee on higher
8 education, the joint committee on economic development and
9 emerging technologies, and the senate and house committees on
10 ways and means on or before December 1, 2007.

1 SECTION 61. Notwithstanding any general or special law to
2 the contrary, the board of higher education shall adopt guidelines
3 defining “extraordinary circumstances” and setting the parameters
4 and procedures required by sections 31 and 36 of this act, within 3

5 months of the effective date of this act. The guidelines shall be
6 developed in conjunction with the presidents of the state and com-
7 munity colleges and the president of the university of Massachu-
8 setts. A copy of the guidelines shall be filed with the house and
9 senate committees on ways and means and the joint committee on
10 higher education.

1 SECTION 62. There shall be a special commission to investi-
2 gate and study the feasibility of eliminating the provisions of
3 section 26 of chapter 15A of the General Laws relating to summer
4 and evening courses and programs conducted at public higher
5 education institutions being conducted at no expense to the com-
6 monwealth. The study shall include, but not be limited to, the
7 cost to the commonwealth of the change. The commission shall
8 consist of the house and senate chairs of the joint committee on
9 higher education, who shall serve as co-chairs of the commission,
10 1 member appointed by the minority leader of the senate,
11 1 member appointed by the minority leader of the house of repre-
12 sentatives, the president of the university of Massachusetts,
13 2 presidents of state colleges appointed by the president of the
14 senate, 2 presidents of community colleges appointed by the
15 speaker of the house of representatives, 2 members of the board of
16 higher education appointed by the board, and 3 members
17 appointed by the Massachusetts Teachers Association, in consulta-
18 tion with the Massachusetts Federation of Teachers, 1 of whom
19 shall be a faculty member at the university of Massachusetts, 1 of
20 whom shall be a faculty member at a state college, and 1 of whom
21 shall be a faculty member at a community college. The commis-
22 sion shall submit a report and its recommendations, if any,
23 together with any drafts of legislation necessary to carry such rec-
24 ommendations into effect, by filing the same with the joint com-
25 mittee on higher education on or before December 30, 2007.

1 SECTION 63. The joint committee on higher education shall
2 review and study the composition of the board of higher education
3 and the boards of trustees of the state and community colleges and
4 the university of Massachusetts to make recommendations for any
5 statutory changes that would make the boards more representative
6 and more effective. The study shall also include any additional
7 recommendations for criteria for membership to such boards.

1 SECTION 64. Notwithstanding this act to the contrary, the
2 Massachusetts College of Art shall be governed by sections 633
3 and 634 of chapter 26 of the acts of 2003, as amended by
4 section 242 of the acts of 2004, through fiscal year 2010; and the
5 Massachusetts Maritime Academy shall be governed by sections
6 160 and 163 of chapter 352 of the acts of 2004 through fiscal year
7 2010.

1 SECTION 65. (a) Notwithstanding any general or special law
2 to the contrary, the commonwealth shall address the underfunding
3 of the operating requirements of its public institutions of higher
4 education as quickly as possible and by providing funding to all of
5 them in full compliance with the commonwealth's annual full
6 funding obligations with respect to the operating requirements of
7 the institutions as set forth in section 1 of chapter 15A of the
8 General Laws, as amended by this act, not later than during and
9 for fiscal year 2014. In furtherance thereof, the commonwealth
10 shall provide to all the institutions funding for and during the
11 fiscal years commencing after June 30, 2007 and before July 1,
12 2014, in amounts that reduce the existing underfunding as mea-
13 sured against the funding formulas and that reduce the relative
14 underfunding of institutions whose underfunding is, when so mea-
15 sured, greater than the underfunding of other institutions. The
16 funding formulas to be used in fulfilling the purposes of this
17 section shall be the funding formulas developed under section 15B
18 of said chapter 15A, as amended by this act.

19 (b) The factors to be used in formulas developed under
20 section 15B of chapter 15A of the General Laws for state and
21 community colleges shall be those used by the board of higher
22 education as of July 1, 2006. The factors to be used in formulas
23 developed under said section 15B for the university of Massachu-
24 setts shall be those used by the board of trustees of the university
25 as of July 1, 2006.

26 (c) The board of trustees of the university of Massachusetts
27 shall ensure that by fiscal year 2014, if the legislature and the
28 governor have provided full funding of the formula developed
29 under section 15B of chapter 15A of the General Laws for the uni-
30 versity, the budget of each campus shall be fully funded.

1 SECTION 66. Subject to appropriation, in addition to the
2 amounts provided for the ordinary maintenance of the state and
3 community colleges in line items 7109-0100, 7110-0100, 7112-
4 0100, 7113-0100, 7114-0100, 7115-0100, 7116-0100, 7117-0100,
5 7118-0100, 7502-0100, 7503-0100, 7504-0100, 7505-0100, 7506-
6 0100, 7507-0100, 7508-0100, 7509-0100, 7510-0100, 7511-0100,
7 7512-0100, 7514-0100, 7515-0100, 7516-0100, 7518-0100 in the
8 general appropriations act for fiscal year 2007, the total amount of
9 such appropriations shall be increased as follows: in fiscal year
10 2008 such appropriations shall be increased by \$31,244,000, in
11 fiscal year 2009 the appropriations shall be increased by an addi-
12 tional \$28,081,000, in fiscal year 2010 the appropriations shall be
13 increased by an additional \$26,249,000, in fiscal year 2011 the
14 appropriations shall be increased by an additional \$24,109,000, in
15 fiscal year 2012 the appropriations shall be increased by an addi-
16 tional \$21,487,000, in fiscal year 2013 the appropriations shall be
17 increased by an additional \$17,983,000, and in fiscal year 2014
18 the appropriations shall be increased by an additional
19 \$12,117,000. The dollar amounts specified in this paragraph shall
20 be adjusted for inflation, increases in enrollment, collective bar-
21 gaining increases, increases in unrestricted revenues, and
22 increases in fringe benefits paid by the state.

23 Subject to appropriation, in addition to the amount provided for
24 the ordinary maintenance of the university of Massachusetts in
25 line 7100-0200 in the general appropriations act for fiscal year
26 2007, such amount shall be increased as follows: in fiscal year
27 2008 the appropriation shall be increased by \$25,802,568, in fiscal
28 year 2009 the appropriation shall be increased by an additional
29 \$25,802,568, in fiscal year 2010 the appropriation shall be
30 increased by an additional \$25,802,568 in fiscal year 2011 the
31 appropriation shall be increased by an additional \$25,802,568, in
32 fiscal year 2012 the appropriation shall be increased by an addi-
33 tional \$25,802,568, in fiscal year 2013 the appropriation shall be
34 increased by an additional \$25,802,568, and in fiscal year 2014
35 the appropriation shall be increased by an additional \$25,802,568.
36 The dollar amounts specified in this paragraph shall be adjusted
37 for inflation, increases in enrollment, collective bargaining
38 increases, increases in unrestricted revenues, and increases in
39 fringe benefits paid by the state.