

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Kevin J. Murphy

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:	DISTRICT/ADDRESS:
Kevin J. Murphy	18th Middlesex

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

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 General Laws, as appearing in the
2 2004 Official Edition, is hereby amended by striking out, in lines 3 through 7, inclusive, the words “all
3 boards of trustees of community colleges, state colleges, and the University of Massachusetts other
4 than the student and alumni trustees elected pursuant to section twenty-one of chapter fifteen A, and
5 in the case of the university, pursuant to section one A of chapter seventy-five”, and inserting in place
6 thereof the following words: - the University of Massachusetts, other than the student and alumni
7 trustees elected pursuant to section 1A of chapter 75.

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

13 speaker of the house of representatives, and one member of the council shall be appointed by and
14 serve at the pleasure of the minority leader of the house of representatives.

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

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

22 (d) The council shall widely publicize its mission, responsibilities, contact information, by-laws governing
23 the conduct of its affairs, descriptions of the responsibilities and duties and criteria for selection of the
24 members of the board of elementary and secondary education, the board of higher education, and the
25 board of trustees for the university of Massachusetts, and any vacancies on such boards, including, but
26 not limited to, through the state’s website. Whenever a vacancy occurs or is expected to occur on the
27 board of elementary and secondary education, the board of higher education, or on the board of
28 trustees of the university of Massachusetts, the governor shall notify the council. The council shall
29 advertise vacancies on the board of elementary and secondary education, the board of higher
30 education, and the board of trustees of the university of Massachusetts at least 3 months before a term
31 expires in order to broaden and deepen the pool of qualified candidates for such boards. The council
32 shall submit to the governor a list of persons who, in the judgment of the council, are qualified and
33 willing to serve as a member or trustee. The list shall include at least twice as many names as there are
34 vacant positions. The governor may appoint any person whose name is forwarded to him by the council

35 or he may ask the nominating council to submit different nominees. Should the governor request
36 different nominees, the council may not resubmit the same nominees.

37 The appointment shall be made within 90 days of the submission of the names by the nominating
38 council. In the case of appointments to the board of higher education, if an appointment is not
39 made within the 90-day period the board of higher education shall make an interim appointment
40 for up to 1 year. If the governor does not act before the end of said 1-year period, the board of
41 higher education shall make an interim appointment for the full board term.

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

50 The criteria used by the council to determine membership on the board of higher education and
51 the board of trustees of the university of Massachusetts shall include, but need not be limited to,
52 the following:

53 (1) experience with complex organizations, including, but not limited to, an understanding
54 of how to interpret the financial conditions of such organizations;

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

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

58 (4) intelligence, wisdom, breadth of vision, record of independent judgment, an inquiring
59 mind and an ability to speak articulately and succinctly;

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

62 (6) a record of accomplishment in one's life and career or profession;

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

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

66 (9) willingness to forego partisan political activity in board of higher education or board of
67 trustees service that could prove detrimental to the board's reputation, and, in the case of
68 members of the board of trustees of the university, the institution's reputation, as fundamentally
69 nonpartisan enterprises; and

70 (10) an ability to consistently sustain a total institutional perspective in one's work on the
71 board of higher education or the board of trustees, without allegiance to anything except the
72 broad public good.

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

75 Section 18C. (a) There shall be a public higher education trustees nominating council to advise the
76 governor with respect to appointments to all the boards of trustees of community colleges and state
77 colleges, other than the student and alumni trustees elected under section 21 of chapter 15A. The
78 council shall consist of 1 member to be appointed by and serve at the pleasure of the president of the
79 senate, 1 member to be appointed by and serve at the pleasure of the minority leader of the senate, 1
80 member to be appointed by and serve at the pleasure of the speaker of the house of representatives, 1
81 member to be appointed by and serve at the pleasure of minority leader of the house of
82 representatives, and 7 members to be appointed by and serve at the pleasure of the governor at least 1
83 of whom shall have graduated from a state college in the commonwealth, and at least 1 of whom shall
84 have graduated from a community college in the commonwealth. In selecting members for the council,
85 the respective appointing authorities shall consult with academic, business, civic and labor leaders. If a
86 vacancy occurs in a position held by a member of the council, the respective appointing authority shall
87 appoint a new member. Whenever a vacancy occurs or is expected to occur on a board of trustees of
88 any community college or state college, the governor shall notify the council. The council shall submit to
89 the governor a list of persons who, in the judgment of the council, are qualified and willing to serve as a
90 trustee. The list shall include at least twice as many names as there are vacant positions. The governor
91 may appoint any person whose name is forwarded to him by the council or he may ask the nominating
92 council to submit different nominees. Should the governor request different nominees, the council may
93 not resubmit the same nominees. The appointment shall be made within 90 days of the submission of
94 the names by the council. If the process is not completed within the 90-day period, then the board of
95 higher education shall make an interim appointment for up to 1 year. If the governor does not act
96 before the end of said 1 year period, the board of higher education shall make an interim appointment
97 for the full board of trustee term.

98 (b) The council shall annually select one of its members to serve as the chair of the council. The
99 council shall adopt and make public by-laws for the conduct of its affairs, and criteria for
100 membership on said boards of trustees. The council shall widely publicize its mission,
101 responsibilities, contact information, by-laws for the conduct of its affairs, description of the
102 responsibilities and duties of trustees, criteria for membership on boards of trustees, and any
103 vacancies on such boards, including, but not limited to, through the state's website. The board of
104 higher education shall provide assistance to the council in fulfilling its mission and
105 responsibilities. All records and deliberations with respect to persons under consideration as
106 nominees or prospective nominees shall be held in confidence by the council, but shall be
107 available to the governor and the governor's representatives. Members of the council may be
108 reimbursed by the governor for all expenses reasonably incurred in the performance of their
109 duties.

110 (c) In considering candidates, the council shall seek persons of the highest quality who, by merit,
111 experience, knowledge, skills, temperament, ability, integrity, sound judgment and proven
112 leadership will provide sound policy direction and oversight for the applicable state college or
113 community college. The presidents of the state and community colleges may recommend
114 candidates for their respective boards of trustees to the council. Candidates shall be evaluated
115 according to law and without regard to race, religion, sex, age, national or ethnic origin, sexual
116 orientation or political affiliation. No member of the council may be considered for appointment
117 to any board while a member of the council.

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

120 (1) experience with complex organizations, including, but not limited to, an understanding
121 of how to interpret the financial conditions of such organizations;

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

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

125 (4) intelligence, wisdom, breadth of vision, record of independent judgment, inquiring
126 mind and an ability to speak articulately and succinctly;

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

129 (6) a record of accomplishment in one's life and career or profession;

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

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

133 (9) willingness to forego partisan political activity in trustee service that could prove
134 detrimental to the board's or the institution's reputation as a fundamentally nonpartisan
135 enterprises; and

136 (10) an ability to consistently sustain a total institutional perspective in one's work on the
137 board, without allegiance to anything except the broad public good.

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

141 SECTION 6. Section 1 of chapter 15A of the General Laws, as most recently amended by
142 chapter 27 of the acts of 2008, is hereby amended by striking out the second paragraph and
143 inserting in place thereof the following 2 paragraphs:-

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

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

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

152 (c) to contribute to the existing base of research and knowledge in areas of general and special
153 interest, for the benefit of our communities, our commonwealth and beyond, to provide policy
154 research addressing the needs of the commonwealth and local communities, and in the case of
155 the university of Massachusetts, to pursue theoretical and applied research, development,
156 scholarship and creative activities that strengthen innovation at all stages and contribute to the
157 well-being of the citizens of the commonwealth and beyond;

158 (d) to reinforce the critical importance of higher education to the future of the economic
159 growth and development of the commonwealth in a global economy, and, by so doing, prepare
160 its citizens to constitute a capable, adaptable and innovative workforce to meet the economic
161 needs of the commonwealth at all levels, as well as their own economic security, and to respond
162 to the needs of the workplace, as defined in consultation with business, industry and labor;

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

165 (f) to support pre- kindergarten through grade 12 education programs, including, but not
166 limited to, the preparation of high quality teachers and administrators for pre-kindergarten
167 through grade 12 schools;

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

170 (h) to ensure that the board of higher education and public higher education institutions are
171 responsible for the effective management and stewardship of public funds and are accountable to
172 the public and the general court in their use of funds to advance educational priorities and to
173 achieve and demonstrate positive educational outcomes;

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

179 (j) to utilize technology to enhance teaching and learning and to increase the capacity of
180 public higher education institutions to serve all the citizens of the commonwealth seeking
181 postsecondary education.

182 It is hereby declared to be the policy of the commonwealth to assure that each community
183 college, each state college and the university of Massachusetts has at its disposal adequate funds
184 to provide, foster and support high quality institutions of public higher education that serve the
185 interests of the commonwealth and its citizens in the manner described in this section. For that
186 purpose, it is hereby further declared to be the policy of the commonwealth to make annually to
187 each community college, to each state college and to the university of Massachusetts
188 appropriations which, with all other unrestricted funds that are available, in the case of each, for
189 expenditure in the conduct of its affairs and the support of its mission, are sufficient to fully fund
190 its operating requirements at the level prescribed by the funding formulas developed under
191 section 15B. Such appropriations shall be considered the commonwealth's annual full funding
192 obligations with respect to the operating requirements of the institutions as referred to in this
193 chapter. It is hereby further declared to be the policy of the commonwealth to provide adequate
194 funds to each community college, state college, and the university of Massachusetts for capital
195 needs including the repair, renovation, construction, reconstruction, improvement, demolition,
196 expansion, acquisition, furnishing, or equipping of buildings, structures, facilities and other
197 infrastructure, including, but not limited to technology infrastructure, necessary to maintain high
198 quality institutions of higher education.

199 SECTION 7. Said chapter 15A of the General Laws is hereby amended inserting after section 1,
200 the following new section:-

201 Section 2. There shall be an advisory committee on education policy, hereinafter called the
202 committee. The committee shall be composed of the following: the secretary of education, the
203 commissioner of early education and care; the chairman of the board of early education and care;
204 the commissioner of elementary and secondary education; the chairman of the board of
205 elementary and secondary education; the commissioner of higher education; the chairman of the
206 board of higher education; the president of the university of Massachusetts; the house chairman
207 of the joint committee on education; the senate chairman of the joint committee on education; the
208 house chairman of the joint committee on higher education; the senate chairman of the joint
209 committee on higher education; 1 member appointed by and serving at the pleasure of the
210 minority leader of the senate; 1 member appointed by and serving at the pleasure of the minority
211 leader of the house of representatives; and 8 members appointed by and serving at the pleasure of
212 the governor, 1 of whom shall be a president of a state college, 1 of whom shall be a president of
213 a community college, 4 of whom shall be representatives from the state's pre- kindergarten
214 through grade 12 public education system, 1 of whom shall be a representative from the
215 business community, and 1 of whom shall be a representative from organized labor. The
216 committee shall serve as an advisory body to the board of early education and care, the board of
217 elementary and secondary education, and the board of higher education. It shall have the
218 following powers and duties:

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

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

224 (c) to serve as a public forum for discussion of general education goals at all levels for the
225 commonwealth;

226 (d) to develop goals for a coordinated system from early childhood through higher education
227 at the university level and lifelong learning, and make recommendations to appropriate boards or
228 groups relative to such;

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

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

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

236 (h) to encourage and facilitate partnerships between and among public schools, higher
237 education institutions, businesses, and workforce development entities to improve the delivery of
238 educational and workforce development services;

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

242 (j) to review and provide general advice to the secretary of education, the board of early
243 education and care, the board of elementary and secondary education, and the board of higher
244 education on budget recommendations, including, but not limited to, operating budgets and
245 capital outlay recommendations;

246 (k) to advise the governor, secretary of education, the joint committee on education, and the
247 joint committee on higher education relative to any issue within its purview; and

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

250 The committee may utilize subcommittees of the full committee to accomplish any of the duties
251 required of it. Nothing in this section shall be construed to grant the committee any authority
252 vested in the secretary of education, the board of early education and care, the board of
253 elementary and secondary education, or the board of higher education.

254 The committee, at least once every 2 years, shall elect 1 of its members to serve as the chair of
255 the committee. The committee shall meet at least 4 times annually, and at other times at the call
256 of the chair, or the secretary of education, the chairman of the board of early education and care,
257 or the chairman of the board of elementary and secondary education, or the chairman of the
258 board of higher education, or a majority of the members of the committee. The committee shall

259 meet at least once annually with the board of early education and care, the board of elementary
260 and secondary education, and the board of higher education.

261 A member of the committee shall not be found to be in violation of section 6 of chapter 268A for
262 conduct which involves his participation, as a member of the committee, in a particular matter
263 before the committee which may affect the financial interest of a public school or district or
264 institution of public higher education with which he is affiliated; provided, however, that said
265 member, his immediate family or partner, has no personal and direct financial interest in said
266 particular matter; and provided, further, that such affiliation is disclosed to the committee and
267 recorded in any minutes of the committee.

268 SECTION 8. Section 7 of said chapter 15A is hereby amended by striking out the words
269 “education, arts and humanities”, and inserting in place thereof the following words:- higher
270 education.

271 SECTION 9. Subsection (e) of section 7A of said chapter 15A is hereby amended by striking
272 out the words “education, arts and humanities” and inserting in place thereof the following
273 words:- higher education.

274 SECTION 10. Said section 7A of said chapter 15A is hereby amended by striking out the
275 words “and the general court” and inserting in place thereof the following words:- through the
276 joint committee on higher education to the general court.

277 SECTION 11. Said section 7A of said chapter 15A is hereby further amended by adding the
278 following subsection:-

279 (k) The systems developed under this section by the board of higher education or the board of
280 trustees of the university of Massachusetts shall evaluate the mission-related activities
281 undertaken and the progress made at each institution of public higher education in advancing the
282 goals set forth in section 1.

283 SECTION 12. Section 9 of said chapter 15A is hereby amended by striking out, in line 20, the
284 words “education, arts and humanities” and inserting in place thereof the following words:-
285 higher education.

286 SECTION 13. Said section 9 of said chapter 15A is hereby amended by striking out the words
287 “education, arts and humanities” and inserting in place thereof the following words:- higher
288 education.

289 SECTION 14. Said section 9 of said chapter 15A is hereby further amended by inserting after
290 the word “finance” the following words:- and the joint committee on higher education.

291 SECTION 15. Said section 9 of said chapter 15A is hereby further amended by inserting after
292 the word “secretaries” the following words:- and the joint committee on higher education.

293 SECTION 16. Said section 9 of said chapter 15A is hereby further amended by striking out
294 clause (i).

295 SECTION 17. Said section 9 of said chapter 15A is hereby further amended by adding the
296 following 2 clauses: - ; (hh) at least once annually appear before the joint committee on higher
297 education to provide a detailed report on public higher education in the commonwealth; (ii)
298 establish the position of workforce coordinator at the board to work with the state and

299 community colleges, the university of Massachusetts, other higher education institutions, local,
300 state or federal agencies, non-profit and community based entities, and business, industry and
301 labor in efforts to meet the commonwealth's workforce needs. The job of the coordinator shall
302 include working with the state and community college presidents and deans, as well as business
303 and industry, adult basic education and community-based organizations to develop or improve
304 certificate and degree programs in high-skill, high-demand areas, and other areas of future
305 employment requiring postsecondary education.

306 SECTION 18. Said section 9 of said chapter 15A is hereby further amended by striking out the
307 third paragraph.

308 SECTION 19. Section 9B of said chapter 15A, as so appearing, is hereby amended by striking
309 out the words "education, arts and humanities" and inserting in place thereof the following
310 words:- higher education.

311 SECTION 20. Section 15B of said chapter 15A is hereby amended by striking out the first 4
312 paragraphs and inserting in place thereof the following 4 paragraphs:-

313 Each board of trustees of a state or community college shall annually submit to the secretary and
314 the board of higher education a budget request for the ordinary maintenance of its institution.
315 The request shall include the aggregate salary of all officers and employees of the institution and
316 all revenues therefrom and any other information as the board of higher education may require or
317 as provided in section 3 of chapter 29. Each board of trustees shall make requests to the
318 secretary and the board under said chapter 29. Each institution shall make its request in
319 conformity with and for the purpose of securing funding for the institution consistent with the

320 requirements of the funding formula developed under this section. Copies of such budget
321 requests shall be forwarded to the senate and house committees on ways and means, and the joint
322 committee on higher education.

323 The board of trustees of the university of Massachusetts shall annually submit to the secretary
324 and the board of higher education a budget request for the ordinary maintenance of its institution.

325 The request shall include the aggregate salary of all its officers and employees and all revenues
326 therefrom and any other information as the secretary and the board of higher education may
327 require or as provided in section 3 of chapter 29. The board of trustees shall make its request to
328 the board under said chapter 29. The board of trustees shall make its request in conformity with
329 and for the purpose of securing funding consistent with the requirements of the funding formula
330 developed pursuant to this section. Copies of such budget requests shall be forwarded to the
331 senate and house committees on ways and means, and the joint committee on higher education.

332 Each board of trustees of the higher education system shall prepare their budget requests in
333 accordance with a funding formula. The board of higher education shall develop the formulas
334 for the institutions within the state and community college segments in consultation with the
335 boards of trustees of the state and community colleges and the secretary. Formulas shall include
336 factors relating to the costs of instruction, academic, institutional and student services support,
337 and physical plant operation and maintenance based on appropriate national standards and
338 comparable peer institutions with similar missions. Peer institutions shall be identified in
339 consultation with the presidents of the state and community colleges. The university trustees
340 shall develop funding formulas for the university in consultation with president of the university
341 and campus administrations and the secretary. Formulas shall include factors relating to the

342 costs of instruction, research, public service, academic, institutional and student services support,
343 physical plant operations and maintenance, and financial aid based on appropriate national
344 standards and comparable peer institutions with similar missions. Peer institutions shall be
345 identified in consultation with president of the university and the chancellors of each university
346 campus. All funding formulas under this section shall be periodically reviewed and revised as
347 needed, and shall be submitted to the joint committee on higher education and the house and
348 senate committees on ways and means for review and comment.

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

353 SECTION 21. Said chapter 15A is hereby further amended by striking out section 15F, as so
354 appearing, and inserting in place thereof the following section:-

355 Section 15F. It is hereby declared to be the policy of the commonwealth to encourage public
356 community college training opportunities in order to promote workforce development, minimize
357 the shortage of skilled workers and raise economic opportunity through a matching incentive
358 grant program to be known as the community college workforce training incentive program.

359 Subject to appropriation, the board of higher education shall establish guidelines for the
360 distribution of community college workforce training incentive grants. The guidelines shall
361 provide: (i) allowable incentive grant awards which shall not exceed \$200 for every \$1,000 in
362 eligible revenues; and (ii) minimum requirements for the level of vocationally-oriented
363 instruction which shall be provided by incentive grant recipients in the fiscal year in which the

364 grant is awarded. Each community college which is eligible for grant awards in a fiscal year
365 shall, subject to appropriation, receive not less than \$50,000 from the total amount appropriated
366 for the incentive program to fund the salary of a workforce training coordinator at each campus.
367 For the purposes of this section, “eligible revenues” shall mean revenues received by a
368 community college for any of the following purposes: tuition and fees paid by students enrolled
369 in vocationally-oriented courses; tuition and fees paid by Massachusetts employers on behalf of
370 employees enrolled in vocationally-oriented courses; and revenues from service contracts with
371 Massachusetts employers to provide vocationally-oriented training. Revenues from contracts
372 with public agencies, public grants or private gifts shall not be eligible revenues for the purposes
373 of this section. Incentive grants shall be expended for the following purposes: to expand
374 vocationally-oriented course offerings; to expand vocationally-oriented instruction provided
375 through contracts with Massachusetts employers; and to otherwise promote vocationally-oriented
376 instruction. Each community college shall annually, not later than December 31, report to the
377 board of higher education, the joint committee on higher education, and the house and senate
378 committees on ways and means on the level of vocationally-oriented instruction provided in the
379 preceding fiscal year and the anticipated level of such instruction in the current fiscal year. The
380 report shall detail enrollment levels, revenues received, sources of revenues, the number of
381 service contracts established with Massachusetts employers and such other information as the
382 board of higher education may require.

383 SECTION 22. Section 16 of said chapter 15A is hereby amended by striking out, in line 129, the
384 words “education, arts and humanities” and inserting in place thereof the following words:-
385 higher education.

386 SECTION 23. Section 19 of said chapter 15A is hereby amended by striking out, in lines 7 and
387 8, the words “specific categories of students designated by the council which may include”.

388 SECTION 24. The second paragraph of said section 19 of said chapter 15A is hereby further
389 amended by striking out clause (iii).

390 SECTION 25. Said section 19 of said chapter 15A is hereby further amended by inserting after
391 the second paragraph the following paragraph:-

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

393 SECTION 26. Said section 19 of chapter 15A is hereby further amended by striking out, in
394 lines 22, 23, and 26 the words “education, arts and humanities” and inserting in place thereof the
395 following words:- higher education.

396 SECTION 27. The first paragraph of section 22 of said chapter 15A is hereby amended by
397 striking out clause (b) and inserting in place thereof the following clause:- (b) the boards of
398 trustees of each state and community college annually shall provide a copy of its audited
399 financial statements to the joint committee on higher education and the house and senate
400 committees on ways and means detailing expenditures and revenues, including, but not limited to
401 any trust funds;.

402 SECTION 28. Said section 22 of said chapter 15A is hereby further amended by inserting after
403 the first paragraph the following 5 paragraphs:-

404 The board of trustees of each state and community college shall fix and establish tuition and fee
405 rates for each such institution. In-state tuition and fee rates for the institution shall preserve

406 affordability for residents of the commonwealth. Except as provided in section 9 or in the case
407 of students participating in the New England Regional Student Program, out-of-state tuition and
408 fee rates at least shall equal 100 per cent of the costs of the student's education.

409 Notwithstanding any general or special law to the contrary, if the commonwealth is meeting its
410 annual full funding obligation with respect to the operating requirements of the institution and
411 providing adequate funds for the capital needs of the institution as set forth in section 1, the
412 board of trustees shall not increase in-state tuition or mandatory fees for that year. If the
413 commonwealth's appropriation for the institution is equal to or greater than the previous fiscal
414 year but less than its annual full funding obligation with respect to the operating requirements of
415 the institution, the rate of any increase in in-state tuition and mandatory fees shall not exceed the
416 rate of increase in the higher education price index. If any institution encounters extraordinary
417 circumstances, it may request a higher rate of increase than that otherwise permitted by this
418 paragraph within parameters and procedures set by the board of higher education and upon the
419 approval of the board of higher education.

420 In so far as practicable, the final tuition and fee rates shall be established for the subsequent
421 academic year not later than 15 days before the deadline for submission of state or federal
422 financial aid applications by students attending institutions of higher education set forth in
423 section 5.

424 All tuition and fees received by a state or community college shall be retained by the board of
425 trustees of the institution in a revolving trust fund and shall be expended as the board of trustees
426 may direct for the operation and support of the institution. Any balance in the trust fund at the
427 end of a fiscal year shall continue to be held in the trust fund, shall remain available for

428 expenditure in subsequent fiscal years and shall not revert to the General Fund. All such trust
429 funds shall be subject to audit by the state auditor.

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

433 Notwithstanding the provisions of this section to the contrary, the board of trustees of a
434 community or state college may fix and establish a tuition rate and charges reduction for
435 residents of bordering states to not less than 1 and 1/2 times the institution's in-state tuition and
436 fee rates, if it determines that the institution is below enrollment capacity and the projected cost
437 to the institution and the commonwealth of the reduction would be minimal when taking into
438 account the projected enrollment growth associated with such adjustment. The board of trustees
439 shall seek reciprocal arrangements from bordering states where no such tuition reduction is
440 available for residents of Massachusetts.

441 SECTION 29. Said chapter 15A is hereby amended by adding the following 4 sections:-

442 Section 42. (a) Notwithstanding any general or special law to the contrary, each community
443 college, each state college and the university of Massachusetts shall create at the institution a
444 reserve fund, hereinafter referred to as the "student charges stabilization fund", for their
445 respective institution. There shall be deposited annually into the student charges stabilization
446 fund of each institution the following: (1) any moneys which, within 60 days after the end of a
447 fiscal year, the institution certifies to the state comptroller are moneys that were appropriated to
448 the institution for that fiscal year and that were not expended during, and remain unencumbered

449 for expenditure in respect of, that fiscal year; provided, that notwithstanding any general or
450 special law to the contrary, all such moneys shall remain available for expenditure, without
451 further appropriation, in subsequent fiscal years and shall not revert to the General Fund; and
452 provided, further that the state comptroller shall transfer any such moneys remaining in the state
453 treasury to the institution within 30 days of receipt of the institution's certification; (2) moneys
454 that are appropriated to an institution which are required by the legislature to be deposited into
455 the institution's student charges stabilization fund; and (3) other moneys that an institution may
456 elect to deposit into its student charges stabilization fund, including student tuition and fee
457 revenue. Student charges stabilization fund moneys shall be deposited in an interest bearing
458 account credited to its respective institution.

459 (b) If the commonwealth meets its annual full funding obligations with respect to the operating
460 requirements of the institution as set forth in section 1, each institution shall deposit 5 per cent of
461 any growth in state appropriation and tuition and fees from the prior year into their student
462 charges stabilization fund.

463 (c) The board of trustees at each community college, state college and the university may, in a
464 fiscal year and upon vote of the board, expend moneys in its student charges stabilization fund
465 whenever in any such year the moneys made available to it, do not meet the commonwealth's
466 annual full funding obligations with respect to the operating requirements of the institution as set
467 forth in section 1. Among the uses as the boards of trustees of each state or community college
468 or the university of Massachusetts shall direct for the operation and support of the institution, the
469 moneys shall first be used to reduce the need for increases in tuition and mandatory fees and to
470 mitigate such increases should they become necessary.

471 Section 43. The board of higher education, in conjunction with the state and community
472 colleges, shall establish and administer mandated training and orientation sessions for newly
473 appointed trustees of the state and community colleges, and the board of higher education. The
474 board of trustees of the university of Massachusetts shall establish and administer such sessions
475 for newly appointed trustees of the university.

476 Section 44. The board of higher education shall establish an advisory committee on workforce
477 development whose membership shall consist of the following: the workforce coordinator of the
478 board, who shall chair the committee, the director of workforce development, or his designee, the
479 secretary of economic development, or his designee, the director of the Commonwealth
480 Corporation, or his designee, a representative appointed by and to serve at the pleasure of the
481 state workforce investment board, a representative appointed by and to serve at the pleasure of
482 the Massachusetts Workforce Board Association, the chairs of the state and community colleges
483 presidents' councils, or their designees, and a representative from the university of
484 Massachusetts appointed by and to serve at the pleasure of the president of the university. The
485 advisory committee shall advise and assist the board on workforce development issues and
486 efforts. The committee shall periodically conduct and analyze labor-market studies, including,
487 but not limited to, those referred to in clause (c) of section 9, in order to identify labor-market
488 trends in the commonwealth. The committee shall make the results of its studies and analyses
489 available to the members of the board, the board of trustees and president of each public
490 institution of higher education, and the joint committee on higher education.

491 Section 45. There shall be a program to be administered by the board for the purpose of
492 providing grants to students who have successfully completed the federal Gaining Early

493 Awareness and Readiness for Undergraduate Programs (GEAR UP), set forth in 20 U.S.C.
494 1070a-21 et seq., and any regulations promulgated for the program, who are domiciled in the
495 commonwealth and have graduated from a Massachusetts high school and have been accepted at
496 an approved public or independent college, university, or school of nursing, or any other
497 approved institution of higher education furnishing a program of higher education located in
498 Massachusetts or in a state with a reciprocal agreement with Massachusetts. The program shall
499 provide grants to eligible students equal to the student's so-called Federal Pell Grant received
500 from the federal government, not to exceed the cost of attendance. Payment shall be made by the
501 board directly to the institution. The grant shall be renewable for each academic undergraduate
502 year; provided that the student is in good academic standing, not on academic probation, and still
503 has financial need as determined by the board. Funds for the implementation, maintenance and
504 administration of the program shall come from those authorized under section 2000 of chapter
505 29.

506 SECTION 30. Chapter 29 of the General Laws is hereby amended by adding the following
507 section: -

508 Section 2000. There shall be established and set up on the books of the commonwealth a
509 separate fund to be known as the GEAR UP Fund, the funds of which shall be expended by the
510 board of higher education, without further appropriation, for the purpose of assisting low income
511 students who are domiciled in the commonwealth and are Massachusetts high school graduates
512 and have successfully completed the Gaining Early Awareness and Readiness for Undergraduate
513 Programs (GEAR UP), set forth in 20 U.S.C. 1070a-21 et seq., and any regulations promulgated
514 pursuant thereto, and who have been accepted for admission to an approved public or

515 independent college, university, or school of nursing, or any other approved institution of higher
516 education furnishing a program of higher education located in Massachusetts or in a state with a
517 reciprocal agreement with Massachusetts. The fund shall be administered in accordance with the
518 provisions of section 46 of chapter 15A. There shall be credited to the fund revenues and other
519 financing sources directed to the fund by appropriation and matching funds from the United
520 States department of education.

521 SECTION 31. The fifth paragraph of section 1A of chapter 75 of the General Laws, most
522 recently amended by chapter 27 of the acts of 2008, is hereby amended by striking out clause (b).

523 SECTION 32. Said section 1A of said chapter 75 is hereby amended by inserting after the word
524 “university”, in line 74, the following words:- and enter into leases of real property without the
525 prior approval of the division of capital asset management.

526 SECTION 33. Said fifth paragraph of said section 1A of said chapter 75 is hereby further
527 amended by striking out clause (p) and inserting in place thereof the following clause:- (p) to fix
528 and establish tuition rates and fees of each university campus and to retain the tuition and fees in
529 accordance with this section.

530 SECTION 34. Said section 1A of said chapter 75 is hereby further amended by inserting after
531 the fifth paragraph the following 5 paragraphs: -

532 The board of trustees shall fix and establish tuition and fee rates for each university campus. In-
533 state tuition and fee rates shall preserve affordability for residents of the commonwealth. Except
534 as provided in section 9 of chapter 15A or in the case of students participating in the New

535 England Regional Student Program, out-of-state tuition and fee rates at least shall equal 100 per
536 cent of the costs of the student's education.

537 Notwithstanding any general or special law to the contrary, if the commonwealth is meeting its
538 annual full funding obligation with respect to the operating requirements of the institution and
539 providing adequate funds for capital needs of the institution as set forth in section 1, the board of
540 trustees shall not increase in-state tuition and mandatory fees for that year. If the
541 commonwealth's appropriation for the institution is equal to or greater than the previous fiscal
542 year but less than its annual full funding obligation with respect to the operating requirements of
543 the institution, the rate of any increase in in-state tuition and mandatory fees shall not exceed the
544 rate of increase in the higher education price index. If any campus of the university encounters
545 extraordinary circumstances, the board of trustees may adopt a higher rate of increase than that
546 otherwise permitted by this paragraph within parameters and procedures set by the board of
547 higher education.

548 In so far as practicable, the final tuition and fee rates shall be established for the subsequent
549 academic year not later than 15 days before the deadline for submission of state or federal
550 financial aid applications by students attending institutions of higher education as set forth in
551 section 5 of chapter 15A.

552 All tuition and fees received by each university campus shall be retained by the board of trustees
553 in a revolving trust fund and shall be expended as the board of trustees may direct for the
554 operation and support of each university campus. Any balance in the trust fund at the end of a
555 fiscal year shall continue to be held in the trust fund, shall remain available for expenditure in

556 subsequent fiscal years and shall not revert to the General Fund. All such trust funds shall be
557 subject to audit by the state auditor.

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

561 Notwithstanding the provisions of this section to the contrary, the board of trustees of the
562 university may fix and establish a tuition rate and charges reduction for residents of bordering
563 states to not less than 1 and 1/2 times the institution's in-state tuition and fee rates, if it
564 determines that the institution is below enrollment capacity and the projected cost to the
565 institution and the commonwealth of the reduction would be minimal when taking into account
566 the projected enrollment growth associated with such adjustment. The board of trustees shall
567 seek reciprocal arrangements from bordering states where no such tuition reduction is available
568 for residents of Massachusetts.

569 SECTION 35. Section 10 of said chapter 75 is hereby amended by striking out the first sentence
570 and in inserting in place thereof the following 2 sentences:- The trustees shall prepare and
571 submit annually to the governor and, through the joint committee on higher education, to the
572 general court a complete financial report setting forth the expenditures and revenues, including,
573 but not limited to any trust funds, of the university on a campus-by-campus basis and on a
574 university-wide basis. The report may be in the form of annual audited financial statements
575 prepared by the university if such audited financial statements provide the aforementioned detail.

576 SECTION 36. Section 2E of chapter 90 of the General Laws is hereby amended by adding the
577 following subsection: -

578 (d) Notwithstanding the provisions of section 2F to the contrary, the registrar shall furnish, upon
579 application, to the owners of private passenger motor vehicles, distinctive registration plates
580 which shall display on their face a design indicating support for public higher education and the
581 words "Support Public Higher Education". The registration plates shall be designed in
582 consultation with the presidents of the state's public higher education institutions and the board
583 of higher education. There shall be a fee of not less than \$40 for the plates in addition to the
584 established registration fee for private passenger motor vehicles, such fee being payable at the
585 time of registration of the vehicle and at each renewal thereof.

586 There is hereby established and set up on the books of the commonwealth a separate fund to be
587 known as the Public Higher Education Registration Plate Trust Fund, the funds of which shall be
588 expended, without further appropriation, by the board of higher education for scholarships and
589 grants to students in need of financial assistance at public higher education institutions in the
590 state. There shall be credited to the fund the portion of the total fee remaining after the
591 deduction of costs directly attributable to the issuance of registration plates under this subsection.
592 Any money remaining in the fund at the end of a fiscal year shall remain available for
593 expenditure in subsequent fiscal years and shall not revert to the General Fund.

594 SECTION 37. Section 2 of chapter 182 of the acts of 2008 is hereby amended by inserting after
595 item 7061-9404 the following item:-

596 7061-9602 For the purpose of establishing, in conjunction with the board of higher education, a
597 matching grant program to increase the success and college readiness of underserved and
598 nontraditional students from elementary school through higher education and to facilitate the
599 transition from high school to higher education for such students; provided, that the department
600 shall establish partnerships with organizations, including, but not limited to, the Massachusetts
601 Educational Financing Authority, and the Commonwealth Corporation to assist in carrying out
602 such program; provided, that the department shall submit any rules, regulations, proposals and
603 initiatives that it develops for such program to the joint committee on education, the joint
604 committee on higher education and the joint committee on labor and workforce development not
605 later than December 31, 2009; and provided further, that the funds appropriated herein shall
606 remain available for expenditure until June 30, 2010 1,000,000

607 SECTION 38. Item 7066-0000 of said section 2 of said chapter 182 is hereby amended by
608 adding the following words:- ; and provided further, that the funds appropriated herein shall
609 remain available for expenditure until June 30, 2010.

610 SECTION 39. Said item 7066-0000 of said section 2 of said chapter 182 is hereby further
611 amended by striking out the figure “\$2,262,898” and inserting in place thereof the following
612 figure:- \$2,882,898.

613 SECTION 40. Said section 2 of said chapter 182 is hereby further amended by inserting after
614 item 7066-0000 the following 3 items:-

615 7066-0002 For a funding pool to be administered by the board of higher education to provide
616 seed funding for the purposes of assisting in expanding existing programs or developing new

617 programs at public higher education institutions that are in high demand occupations and have
618 long waiting lists, including, but not limited to, nursing; to establish a statewide curriculum, in
619 consultation with the board of early education and care, to train early childhood educators to
620 fulfill the demands made by the new early education and care initiative; to assist in developing
621 and maintaining regional teaching and recruitment advancement centers to attract new teachers
622 from traditional and nontraditional backgrounds; and to assist in developing a pilot program in
623 courses needed for high demand occupations through Mass Colleges On-Line, so-called;
624 provided, that the funds appropriated herein shall remain available for expenditure until June 30,
625 2010.....3,000,000

626 7066-0003 For a grant program to be administered by the board of higher education for eligible
627 persons who have completed certificate or degree programs in high-demand, lower-paying
628 occupations, including, but not limited to, early education and care workers, human services
629 workers, social workers as regularly determined by the board's advisory committee on workforce
630 development, inserted by this act; provided, that the funds appropriated herein shall remain
631 available for expenditure until June 30, 2010 8,000,000

632 7066-0004 For the GEAR UP program established pursuant to section 46 of chapter 15A of the
633 General Laws, as inserted by this act; provided, that the funds appropriated herein shall be
634 deposited in the GEAR UP Fund, as inserted by this act 2,000,000

635 7066-0015 For the purpose of implementing section 15E of chapter 15A of the General Laws to
636 encourage private fundraising by the commonwealth's public institutions of higher education for
637 the endowment incentive and capital outlay contribution program of said institutions; provided,

638 that the funds appropriated herein shall remain available for expenditure until June 30, 2010
639 13,000,000

640 SECTION 41. Item 7070-0065 of said section 2 of said chapter 182 is hereby amended by
641 adding the following words:- ; and provided further, that the funds appropriated herein shall
642 remain available for expenditure until June 30, 2010.

643 SECTION 42. Said item 7070-0065 of said section 2 of said chapter 182 is hereby further
644 amended by striking out the figure “\$100,125,856” and inserting in place thereof the following
645 figure:- \$110,125,856.

646 SECTION 43. Said section 2 of said chapter 182 is hereby further amended by inserting after
647 item 7100-0200 the following item:-

648 7100- 0201 For matching funds for endowed professorships in the fields of science
649 and technology; provided, that such funds shall be matched on the basis of \$1 for every \$2 or
650 more in private contributions; provided, that the funds appropriated herein shall remain available
651 for expenditure until June 30, 2010 5,000,000

652 SECTION 44. The board of higher education, in conjunction with the chief executive officer of
653 each community college and state college, shall prepare an enrollment plan for each institution
654 that identifies the scope and nature of needed capacity and that passes through the funding
655 formula developed under section 15B of chapter 15A of the General Laws, and shall, on or
656 before December 31, 2010, transmit the same to the governor and the joint committee on higher
657 education. The board of trustees of the university of Massachusetts, in conjunction with the
658 president and the chancellor of each campus, shall prepare an enrollment plan for the university

659 that identifies the scope and nature of needed capacity that passes through the funding formula
660 developed under section 15B of chapter 15A of the General Laws, and shall, on or before
661 December 31, 2010, transmit the same to the governor, the board of higher education, and the
662 joint committee on higher education. Enrollment plans shall include, but need not be limited
663 to, students seeking to enter postsecondary education upon graduation from high school, as well
664 as students seeking to enter postsecondary education later in life.

665 SECTION 45. (a) The board of higher education, in consultation with the boards of trustees of
666 the state and community colleges, shall periodically assess the capacity of those institutions to
667 provide programs of education and training of a kind needed to develop transferable skills and to
668 meet the commonwealth's workforce needs. To the extent that the capacity is insufficient, the
669 boards of trustees of the state and community colleges may expand existing programs, develop
670 new ones, or curtail existing ones for the purpose of providing programs of education and
671 training of a kind needed to develop transferable skills and to meet market demand. Program
672 revisions shall not impinge upon, or cause the reduction of, core academic course offerings the
673 institutions. Nothing herein shall be deemed to contravene the provisions of clauses (a) and (b)
674 of section 9 of chapter 15A of the General Laws.

675 (b) The board of trustees of the university of Massachusetts, in consultation with the board of
676 higher education, shall periodically assess the capacity of the university to provide programs of
677 education and training of a kind needed to develop transferable skills and to meet the
678 commonwealth's workforce needs. To the extent that the capacity is insufficient, the board of
679 trustees may expand existing programs, develop new ones, or curtail existing ones for the
680 purpose of providing programs of education and training of a kind needed to develop transferable

681 skills and to meet market demand. Program revisions shall not impinge upon, or cause the
682 reduction of, core academic course offerings at the institution. Nothing herein shall be deemed
683 to contravene the provisions of clauses (a) and (b) of section 9 of chapter 15A of the General
684 Laws.

685 (c) The board of higher education, in consultation with the boards of trustees of the community
686 colleges, the department of workforce development, and the Commonwealth Corporation, shall
687 develop statewide standards of training and encourage both statewide and regional collaborations
688 for training persons to enter high-demand, high-skill occupations in targeted industries. In doing
689 so, the board of higher education may, in accordance with subsection (a), support at the
690 community colleges the establishment of new associate degree programs and certificate
691 programs that are designed to teach transferable skills and the skills needed for high-demand,
692 high-skill occupations and to prepare persons for employment in the targeted industries. Nothing
693 herein shall be deemed to contravene the provisions of clauses (a) and (b) of section 9 of chapter
694 15A of the General Laws.

695 SECTION 46. Notwithstanding any general or special law to the contrary, the board of trustees
696 of each community college shall endeavor to use a portion of increased funding provided to
697 those institutions by the general court, to expand, in such manner as each board of trustees deems
698 appropriate, support services in academic and occupational advising, remedial learning, English
699 as a second language and other transitional services designed to facilitate the transition of
700 students from high school to higher education and to increase their chance of success in
701 completing higher education.

702 SECTION 47. Notwithstanding any general or special law to the contrary, the Massachusetts
703 Educational Financing Authority shall develop and implement a plan to expand its UPlan in
704 order to encourage greater participation by persons of low and moderate income.

705 SECTION 48. Notwithstanding any general or special law to the contrary, the department of
706 workforce development shall modify its regulations to ensure community and state college
707 eligibility for all workforce-related funding programs and initiatives and to give state and
708 community college presidents and university chancellors voting membership on regional
709 employment boards.

710 SECTION 49. The university of Massachusetts, in collaboration with the executive office of
711 economic affairs and private sector business and industry leaders, shall create a 5-year strategic
712 plan to address its research and development capacity and potential by focusing on strategic
713 opportunity areas in ways that will provide the greatest economic benefits to the commonwealth.
714 The university shall submit the plan to the joint committee on higher education, the joint
715 committee on economic development and emerging technologies, and the senate and house
716 committees on ways and means on or before December 1, 2009.

717 SECTION 50. Notwithstanding any general or special law to the contrary, the board of higher
718 education shall adopt guidelines defining “extraordinary circumstances” and setting the
719 parameters and procedures required by sections 28 and 34 of this act, within 3 months of the
720 effective date of this act. The guidelines shall be developed in conjunction with the presidents of
721 the state and community colleges and the president of the university of Massachusetts. A copy
722 of the guidelines shall be filed with the house and senate committees on ways and means and the
723 joint committee on higher education.

724 SECTION 51. There shall be a special commission to investigate and study the feasibility of
725 eliminating the provisions of section 26 of chapter 15A of the General Laws relating to summer
726 and evening courses and programs conducted at public higher education institutions being
727 conducted at no expense to the commonwealth. The study shall include, but not be limited to,
728 the cost to the commonwealth of the change. The commission shall consist of the house and
729 senate chairs of the joint committee on higher education, who shall serve as co-chairs of the
730 commission, 1 member appointed by the minority leader of the senate, 1 member appointed by
731 the minority leader of the house of representatives, the president of the university of
732 Massachusetts, 2 presidents of state colleges appointed by the president of the senate, 2
733 presidents of community colleges appointed by the speaker of the house of representatives, 2
734 members of the board of higher education appointed by the board, and 3 members appointed by
735 the Massachusetts Teachers Association, in consultation with the Massachusetts Federation of
736 Teachers, 1 of whom shall be a faculty member at the university of Massachusetts, 1 of whom
737 shall be a faculty member at a state college, and 1 of whom shall be a faculty member at a
738 community college. The commission shall submit a report and its recommendations, if any,
739 together with any drafts of legislation necessary to carry such recommendations into effect, by
740 filing the same with the joint committee on higher education on or before December 30, 2009.

741 SECTION 52. The joint committee on higher education shall review and study the composition
742 of the board of higher education and the boards of trustees of the state and community colleges
743 and the university of Massachusetts to make recommendations for any statutory changes that
744 would make the boards more representative and more effective. The study shall also include any
745 additional recommendations for criteria for membership to such boards.

746 SECTION 53. Notwithstanding any provision of this act to the contrary, the Massachusetts
747 College of Art and Design shall be governed by sections 633 and 634 of chapter 26 of the acts of
748 2003, as amended by section 242 of the acts of 2004; and the Massachusetts Maritime Academy
749 shall be governed by sections 160 and 163 of chapter 352 of the acts of 2004.

750 SECTION 54. (a) Notwithstanding any general or special law to the contrary, the
751 commonwealth shall address the underfunding of the operating requirements of its public
752 institutions of higher education as quickly as possible and by providing funding to all of them in
753 full compliance with the commonwealth's annual full funding obligations with respect to the
754 operating requirements of the institutions as set forth in section 1 of chapter 15A of the General
755 Laws, as amended by this act, not later than during and for fiscal year 2017. In furtherance
756 thereof, the commonwealth shall provide to all the institutions funding for and during the fiscal
757 years commencing after June 30, 2009 and before July 1, 2016, in amounts that reduce the
758 existing underfunding as measured against the funding formulas and that reduce the relative
759 underfunding of institutions whose underfunding is, when so measured, greater than the
760 underfunding of other institutions. The funding formulas to be used in fulfilling the purposes of
761 this section shall be the funding formulas developed under section 15B of said chapter 15A, as
762 amended by this act.

763 (b) The factors to be used in formulas developed under section 15B of chapter 15A of the
764 General Laws for state and community colleges shall be those used by the board of higher
765 education as of July 1, 2008. The factors to be used in formulas developed under said section
766 15B for the university of Massachusetts shall be those used by the board of trustees of the
767 university as of July 1, 2008.

768 (c) The board of trustees of the university of Massachusetts shall ensure that by fiscal year 2017,
769 if the legislature and the governor have provided full funding of the formula developed under
770 section 15B of chapter 15A of the General Laws for the university, the budget of each campus
771 shall be fully funded.

772 SECTION 55. Subject to appropriation, in addition to the amounts provided for the ordinary
773 maintenance of the state and community colleges in lines items 7109-0100, 7110-0100, 7112-
774 0100, 7113-0100, 7114-0100, 7115-0100, 7116-0100, 7117-0100, 7118-0100, 7502-0100, 7503-
775 0100, 7504-0100, 7505-0100, 7506-0100, 7507-0100, 7508-0100, 7509-0100, 7510-0100, 7511-
776 0100, 7512-0100, 7514-0100, 7515-0100, 7516-0100, 7518-0100 in the general appropriations
777 act for fiscal year 2009, the total amount of such appropriations shall be increased as follows: in
778 fiscal year 2010 such appropriations shall be increased by \$36,860,515, in fiscal year 2011 the
779 appropriations shall be increased by an additional \$37,229,120, in fiscal year 2012 the
780 appropriations shall be increased by an additional \$37,787,557, in fiscal year 2013 the
781 appropriations shall be increased by an additional \$38,354,370, in fiscal year 2014 the
782 appropriations shall be increased by an additional \$39,121,458, in fiscal year 2015 the
783 appropriations shall be increased by an additional \$39,903,887, and in fiscal year 2016 the
784 appropriations shall be increased by an additional \$40,701,964. The dollar amounts specified in
785 this paragraph shall be adjusted for inflation, increases in enrollment, collective bargaining
786 increases, increases in unrestricted revenues, and increases in fringe benefits paid by the state.

787 Subject to appropriation, in addition to the amount provided for the ordinary maintenance of the
788 university of Massachusetts in line 7100-0200 in the general appropriations act for fiscal year
789 2009, such amount shall be increased as follows: in fiscal year 2010 the appropriation shall be

790 increased by \$44,762,661, in fiscal year 2011 the appropriation shall be increased by an
791 additional \$44,762,661, in fiscal year 2012 the appropriation shall be increased by an additional
792 \$44,762,661, in fiscal year 2013 the appropriation shall be increased by an additional
793 \$44,762,661, in fiscal year 2014 the appropriation shall be increased by an additional
794 \$44,762,661, in fiscal year 2015 the appropriation shall be increased by an additional
795 \$44,762,661, and in fiscal year 2016 the appropriation shall be increased by an additional
796 \$44,762,661. The dollar amounts specified in this paragraph shall be adjusted for inflation,
797 increases in enrollment, collective bargaining increases, increases in unrestricted revenues, and
798 increases in fringe benefits paid by the state.

799

800