

Accompanying the first recommendation of the Higher Education Coordinating Council (House, No. 130). Education, Arts and Humanities.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-Four.

AN ACT RELATIVE TO STUDENT CHARGES IN MASSACHUSETTS PUBLIC HIGHER EDUCATION.

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

1 SECTION 1. Section nine of chapter 15A of the General Laws
2 as most recently amended by section 3 of chapter 69 of the Acts
3 of 1992 is further amended by striking out subsection (i) and
4 replacing it with the following new subsection: —
5 (i) develop a rational and equitable statewide tuition plan for
6 the public institutions of higher education listed in section five
7 which shall take into account per student educational costs, all
8 student charges, and the need to maximize student access to higher
9 education regardless of the student's financial circumstances. The
10 council shall establish guidelines governing implementation of
11 said plan which shall be followed by each board of trustees. Said
12 guidelines shall be filed with the committees on ways and means
13 and the joint committee on education. Said guidelines shall
14 include definitions of charges and whether said charges shall be
15 classified as tuition or fees provided that fees as defined by said
16 guidelines shall not exceed twenty-five percent of total student
17 charges. Said guidelines shall establish a tuition range in
18 accordance with the plan. Each board of trustees shall establish
19 tuition rates for each institution within said ranges provided that
20 the council shall establish the guidelines in such a manner as to
21 enable the board of trustees to establish tuition rates for the
22 academic year on or before the preceding May thirty-first.

1 SECTION 2. Chapter 15A of the General Laws as amended
2 is hereby further amended by adding the following new section
3 after section 9:

4 Section 9A. Monies received by a board of trustees of a public
5 college or university from application fees and tuition charges
6 imposed pursuant to the tuition plan established by the higher
7 education coordinating council shall be deemed funds received on
8 account of said college or university and shall at the time of
9 collection be impressed with a trust and dedicated exclusively to
10 the benefit of students at the college or university as determined
11 by the board of trustees in the manner provided herein.

12 Said monies shall be credited on the books of the common-
13 wealth at the institution from which monies originated in a
14 separate fund to be known as the "Tuition Retention Trust Fund."

15 All sums in the Tuition Retention Trust Fund shall be dedicated
16 through the state treasurer as trustee to the board of trustees of
17 the institution from which the monies originated and shall be
18 disbursed in accordance with annual spending plans prepared by
19 the board of trustees and approved by the higher education
20 coordinating council pursuant to guidelines prepared by said
21 council. Each spending plan shall provide for disbursements and
22 shall be limited to expenditures for the operation, administration,
23 and maintenance of said institution. The council's guidelines may
24 limit or require expenditures in certain categories including
25 personnel, capital and financial aid.

26 All collections of said funds and all expenditures from said
27 funds shall be subject to guidelines prepared by the council and
28 subject to audit by the executive office of education. Expenditures
29 from said funds shall be reported on the Massachusetts
30 Management Account and Reporting System. Any balance in the
31 trust fund at the close of the fiscal year shall be available for
32 expenditure in subsequent fiscal years and shall not revert to the
33 General Fund.

1 SECTION 3. Section 22 of chapter 15A of the General Laws,
2 as most recently amended by chapter 142 of the Acts of 1991, is
3 hereby amended by adding at the end of the first paragraph the
4 following subsection: —

5 (p) establish tuition rates for said institution, provided that said
6 rates are within the range established by the council pursuant to
7 section nine and provided further that tuition for the academic
8 year shall be established on or before the preceding May thirty-
9 first.

1 SECTION 4. Section 1A of chapter 75 of the General Laws as
2 inserted by chapter 142 of the Acts of 1991, is hereby amended
3 by striking out “The board shall submit recommendations for fee
4 guidelines to the council.” from subsection (b) of the fifth
5 paragraph.

1 SECTION 5. Said section 1A is hereby further amended by
2 striking out subsection (p) in the fifth paragraph and replacing
3 it with the following new subsection: —

4 (p) establish tuition rates for the University provided that said
5 rates are within the ranges established by the council pursuant to
6 section nine of chapter 15A and provided further that tuition for
7 the academic year shall be established on or before the preceding
8 May thirty-first.

1 SECTION 6. Section forty-six of chapter one hundred and
2 forty-two of the Acts of nineteen hundred and ninety-one, as
3 amended by section thirteen of chapter sixty-nine of the Acts of
4 nineteen hundred and ninety-two, is hereby repealed. (St. 1991,
5 c. 142, s. 46 St. 1992, c. 69 s. 13).

1 SECTION 7. Section one hundred and nineteen of chapter one
2 hundred and thirty-three of the Acts of nineteen hundred and
3 ninety-two is hereby repealed. (St. 1992, c. 133, s. 119.)

1 SECTION 8. The provisions of this act shall become effective
2 on passage.

