

**A003-0607**

10 AN ACT CONCERNING

20 **Community College Funding**

30 FOR the purpose of increasing community college funding.

40 BY repealing, and reenacting, with amendments,  
50 Article - Education  
60 Section 16-202(E), 16-203(a), and 16-305  
70 Annotated Code of Maryland 2006

80 SECTION 1: BE IT ENACTED BY THE MARYLAND STUDENT LEGISLATURE, That  
90 the Laws of Maryland read as follows:

100 **16-202. Regional community colleges**

110 (a) *Establishment.*-

120 (1) Two or more counties may agree to establish a region and to support a regional  
130 community college.

140 (2) The Commission may authorize a regional community college for the region.

150 (b) *"Board of trustees" defined; composition.*-

160 (1) In this subsection, "county board of community college trustees" means:

170 (i) The board of community college trustees, if any; or

180 (ii) The county board of education in any county that does not have a board of  
190 community college trustees.

200 (2) Except as otherwise provided in this subsection, the county boards of community  
210 college trustees for each county in a region constitute the board of regional community  
220 college trustees.

230 (3) If the counties in a region have different numbers of members on their county board  
240 of community college trustees, each county board of community college trustees shall  
250 elect, to serve as regional community college trustees, the number of its members equal  
260 to the number of members on the smallest board of community college trustees in the  
270 region.

280 (4) A board of regional community college trustees:

290 (i) May not have more than 12 members; and

300 (ii) Shall have an equal number of members from each county in the region.

310 (5) If requested to do so by a county government, the Governor shall appoint the regional  
320 community college trustees from that county.

330 (6) The county superintendent of each county in the region is, ex officio, a member of the  
340 board of regional community college trustees, and shall attend meetings but may not  
350 vote.

360 (7) Each board of regional community college trustees shall:

370 (i) Elect one of its members as its chairman;

380 (ii) Designate the president of the regional community college as its secretary-  
390 treasurer; and

400 (iii) Determine the time and place of its meetings and may adopt rules for the  
410 conduct of its meetings.

420 (IV) CREATE DEVELOPMENTAL PROGRAMS AT COMMUNITY  
430 COLLEGES, INCLUDING:

440 (A) SCIENCES

450 (I) STUDENTS MUST BE TESTED TO SEE WHAT THEIR  
460 SCIENCE APTITUDE IS BETWEEN 8<sup>TH</sup> GRADE AND  
470 COLLEGE LEVEL.

480 (A) THE COURSES WILL BE IN THE

- 490 FOLLOWING ORDER STARTING AT 8<sup>TH</sup>  
500 GRADE LEVEL GOING TO COLLEGE LEVEL  
510 BEING 101.  
520 (I) PSY/CHM/BIO/PSC 080-MIDDLE  
530 SCHOOL SCIENCE  
540 (II) PSY/CHM/BIO/PSC 090-9<sup>TH</sup> GRADE  
550 SCIENCE  
560 (III) PSY/CHM/BIO/PSC 091-10<sup>TH</sup>  
570 GRADE SCIENCE  
580 (IV) PSY/CHM/BIO/PSC 092-11<sup>TH</sup>  
590 GRADE SCIENCE  
600 (V) PSY/CHM/BIO/PSC 093-12<sup>TH</sup> GRADE  
610 SCIENCE
- 620 (B) MATHEMATICS  
630 (I) STUDENTS MUST BE TESTED TO SEE WHAT THEIR  
640 MATHEMATICS APTITUDE IS BETWEEN 8<sup>TH</sup> GRADE  
650 AND COLLEGE LEVEL.  
660 (A) THE COURSES WILL BE IN THE  
670 FOLLOWING ORDER STARTING AT 8<sup>TH</sup>  
680 GRADE LEVEL GOING TO COLLEGE LEVEL  
690 BEING 101.  
700 (I) MAT 080-MIDDLE SCHOOL  
710 MATHEMATICS  
720 (II) MAT 090-9<sup>TH</sup> GRADE  
730 MATHEMATICS  
740 (III) MAT 091-10<sup>TH</sup> GRADE  
750 MATHEMATICS  
760 (IV) MAT 092-11<sup>TH</sup> GRADE  
770 MATHEMATICS  
780 (V) MAT 093-12<sup>TH</sup> GRADE  
790 MATHEMATICS
- 800 (C) ENGLISH  
810 (I) STUDENTS MUST BE TESTED TO SEE WHAT THEIR  
820 ENGLISH APTITUDE IS BETWEEN 8<sup>TH</sup> GRADE AND  
830 COLLEGE LEVEL.  
840 (A) THE COURSES WILL BE IN THE  
850 FOLLOWING ORDER STARTING AT 8<sup>TH</sup>  
860 GRADE LEVEL GOING TO COLLEGE LEVEL  
870 BEING 101.  
880 (I) ENG 080-MIDDLE SCHOOL  
890 ENGLISH  
900 (II) ENG 090-9<sup>TH</sup> GRADE ENGLISH  
910 (III) ENG 091-10<sup>TH</sup> GRADE ENGLISH  
920 (IV) ENG 092-11<sup>TH</sup> GRADE ENGLISH  
930 (V) ENG 093-12<sup>TH</sup> GRADE ENGLISH
- 940 (c) *Selection of board by Governor.*- Any board of regional community college trustees  
950 established under subsection (b) of this section may request the Governor to appoint a new board.  
960 (d) *Appointment.*-  
970 (1) After a request is made, the Governor, with the advice and consent of the Senate, shall  
980 appoint seven individuals to the new board.  
990 (2) The initial members shall be appointed as provided in [§ 16-101 of this](#) title.

1000 **16-203. Allocation among counties of support of regional community colleges**

- 1010 (a) *Appropriation for current expenses.*- The Commission shall determine and certify the  
1020 amount that each county that supports a regional community college shall pay as its share

1030 of the "county share" required by [§ 16-305 of this](#) title. The amount shall be determined  
1040 by applying to the total county share the ratio that the number of ~~full-time equivalent~~  
1050 students from the county who attend the regional community college bears to the total  
1060 number of full-time students who attend the regional community college from all  
1070 counties that support the regional community college.  
1080 (b) *Borrowing.*- Each county that supports a regional community college shall bear as its  
1090 share of any borrowing for the regional community college the amount that results from  
1100 applying to the total amount of the borrowing the ratio that the county's population, as  
1110 determined by the Department of Health and Mental Hygiene, bears to the total  
1120 population of all the counties that support the regional community college.

1130 **16-305. Computation of State and county aid to community colleges**

1140 (a) *In general.*- The formula used for the distribution of funds to the community colleges  
1150 in the State shall be known as the ~~Senator John A. Cade Funding Formula~~ JESSMICH  
1160 FUNDING FORMULA.

1170 (b) *Definitions.*-

- 1180 (1) In this section the following words have the meanings indicated.  
1190 (2) "Assessed valuation of real property" means assessed valuation of real  
1200 property as determined for purposes of the State aid calculated under [§ 5-202 of](#)  
1210 [this](#) article.  
1220 (3) "Board" means:  
1230 (i) In a county that has 1 or more community colleges, the board of  
1240 community college trustees for the county; or  
1250 (ii) Where 2 or more counties establish a region to support a regional  
1260 community college, the board of regional community college trustees.  
1270 (4) "Community college" means a community college established under this title  
1280 but does not include Baltimore City Community College.  
1290 (5) "County share" means the total amount of money for operating funds to be  
1300 provided each fiscal year to a board by the county that supports the community  
1310 college or colleges or, in the case of a regional community college, the total  
1320 amount of money for operating funds to be provided each fiscal year to the  
1330 board by all counties that support the regional community college.  
1340 (6) "Direct grants" means the sum of the following components of the State  
1350 share:  
1360 (i) Fixed costs;  
1370 (ii) Marginal costs; and  
1380 (iii) Size factor.  
1390 (7) ~~"Full-time equivalent student" is the quotient of the number of student credit~~  
1400 ~~hours produced in the fiscal year 2 years prior to the fiscal year for which the~~  
1410 ~~State share is calculated divided by 30, as certified by the Maryland Higher~~  
1420 ~~Education Commission.~~  
1430 (8) "Population" means population as determined for purposes of calculating the  
1440 State share of the library program using the definition in [§ 23-501 of this](#) article.  
1450 (9) "Region" means the counties supporting a regional community college  
1460 established under Subtitle 2 of this title.  
1470 (10) "Small community college" means:  
1480 (i) Allegany College of Maryland;  
1490 (ii) Garrett Community College;  
1500 (iii) Hagerstown Community College;  
1510 (iv) Carroll Community College;  
1520 (v) Cecil Community College;  
1530 (vi) Chesapeake College; or  
1540 (vii) Wor-Wic Community College.  
1550 (11) "State share" means the amount of money for community college operating  
1560 funds to be provided each fiscal year to a board by the State.

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(12) "Student credit hours" means student credit hours or contact hours which are eligible, under the regulations issued by the Maryland Higher Education Commission, for inclusion in State funding calculations.

(13) "Total State operating fund" means the sum of community college State appropriations for direct grants.

(c) *Computation; distribution of funds.*-

(1) (i) The total State operating fund per ~~full-time equivalent~~ student to the community colleges for each fiscal year as requested by the Governor shall be:

1. In each of fiscal years 2003 and 2004, not less than an amount equal to ~~23.1~~ 50% of the State's General Fund appropriation per ~~full-time equivalent~~ student to the 4-year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the previous fiscal year;
2. In fiscal year 2005, not less than an amount equal to ~~24~~ 50% of the State's General Fund appropriation per ~~full-time equivalent~~ student to the 4-year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the previous fiscal year; and
3. In fiscal year 2006 and each fiscal year thereafter, not less than an amount equal to ~~25~~ 50% of the State's General Fund appropriation per ~~full-time equivalent~~ student to the 4-year public institutions of higher education in the State, as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the previous fiscal year.

(ii) For purposes of this subsection, the State's General Fund appropriation per ~~full-time equivalent~~ student to the 4-year public institutions of higher education in the State for the previous fiscal year shall reflect any amendments or reductions to the appropriation for the previous fiscal year.

(2) The State share shall be distributed to each board and shall be limited by the provisions of subsection (d) of this section.

(3) Subject to subsection (d) of this section, the total State share for each board shall be the sum of:

- (i) The fixed costs component;
- (ii) The marginal costs component;
- (iii) The size factor component; and
- (iv) A hold harmless component.

(4) (i) The funds available for the fixed costs component shall be a set percentage of the year's total State operating fund as follows:

1. For fiscal year 1998, 36% of total funding;
2. For fiscal year 1999, 37% of total funding; and
3. For fiscal year 2000 and each fiscal year thereafter, ~~38~~ 50% of total funding.

(ii) The funds available for the fixed costs component shall be divided and distributed to the community colleges in the same proportion in which the direct grants were distributed in the prior fiscal year.

(5) (i) For each board, the marginal costs component shall be the product of the dollar amount per full-time equivalent student multiplied by the number of full-time equivalent students at the board's community college or colleges.

(ii) The dollar amount per ~~full-time equivalent~~ student shall be

2130 calculated by dividing 60% of the total State operating fund for the  
2140 fiscal year by the total number of ~~full-time equivalent~~ students at  
2150 community colleges statewide.

2160 (iii) In determining the marginal costs component for a board, the  
2170 number of full-time equivalent students at all campuses and colleges  
2180 operated by the board shall be added together.

2190 (6) (i) The size factor component shall be a set percentage of the year's  
2200 total State operating fund as follows:  
2210 1. For fiscal year 1998, 4% of total funding;  
2220 2. For fiscal year 1999, 3% of total funding; and  
2230 3. For fiscal year 2000 and each fiscal year thereafter,  $\geq$  25%  
2240 of total funding.

2250 (ii) The funds available for the size factor component shall be divided  
2260 and distributed equally to each board that operates a community college  
2270 or colleges at which the total number of ~~full-time equivalent~~ students is  
2280 ~~less~~ GREATER than or equal to 80% of the statewide median.

2290 (iii) In determining the eligibility of a board for a size factor  
2300 component, the number of ~~full-time equivalent~~ students at all campuses  
2310 and colleges operated by the board shall be added together.

2320 (7) (i) A board shall be eligible for a hold harmless component beginning  
2330 in fiscal year 1998 if the sum of the board's fixed costs, marginal costs,  
2340 and size factor components for the fiscal year is less than the board's  
2350 total State share in the prior fiscal year.

2360 (ii) The hold harmless component amount shall be determined by  
2370 subtracting the sum of an eligible board's fixed costs, marginal costs,  
2380 and size factor components for the fiscal year from the board's total  
2390 State share for the prior fiscal year.

2400 (8) Any employer Social Security contributions required by federal law for any  
2410 employee of a board of community college trustees shall remain the obligation  
2420 of the employer.

2430 (9) The State contribution to retirement and fringe benefit costs is not included  
2440 in the calculations of amounts under this subsection.

2450 (d) *Increase in the State share of support.*- In each fiscal year, in order for a board to  
2460 receive an increase in the State share of support, the county share, in the aggregate, that  
2470 supports the community college or colleges shall equal or exceed the aggregate amount  
2480 of operating fund appropriations made to the board by the county or all of the counties  
2490 supporting the college in the previous fiscal year.

2500 (e) *Grant for English for Speakers of Other Languages program.*-

2510 (1) (i) Beginning in fiscal year 1996, a grant in the amount provided in  
2520 paragraph (2) of this subsection shall be distributed to each board in  
2530 order to provide instruction and services to students enrolled in an  
2540 English for Speakers of Other Languages ("ESOL") program

2550 (ii) To qualify for a grant under this subsection, each participant in the  
2560 program shall be a student:  
2570 1. Born outside of the United States or whose native language  
2580 is not English;  
2590 2. Who comes from an environment where a language other  
2600 than English is dominant; or  
2610 3. Who is an American Indian or Alaskan native and comes  
2620 from an environment where a language other than English has  
2630 had a significant impact on the student's level of English  
2640 language proficiency.

2650 (2) (i) Subject to the provisions of subparagraph (ii) of this paragraph, the  
2660 amount of the grant shall be \$800 times the number of qualified full-  
2670 time equivalent students who are enrolled in a county ESOL program  
2680 and at the community college.

2690 (ii) 1. The total amount of the grants under this paragraph may ~~not~~  
2700 exceed \$2,500,000 for any fiscal year  
2710 2. If, for any fiscal year, the total amount of the grants  
2720 calculated under subparagraph (i) of this paragraph would  
2730 exceed \$2,500,000, then each grant shall be prorated by the  
2740 amount necessary to reduce the total amount of the grants to  
2750 \$2,500,000.  
2760 (3) (i) If the amount that is appropriated to a board under  
2770 this subsection for any fiscal year is more than the  
2780 actual cost of providing ESOL programs to students  
2790 enrolled at the community college in that county or  
2800 region, the excess funds shall be paid back to the  
2810 State and credited to the General Fund of the State.  
2820 (ii) A board may not transfer State funds received  
2830 under this subsection to any other program or  
2840 category.  
2850 (4) Subject to the provisions of paragraph (2) of this  
2860 subsection, for any fiscal year in which the State appropriation  
2870 is insufficient to fully fund all grants eligible under this  
2880 section, the Governor shall include in the budget bill for the  
2890 following fiscal year a deficiency appropriation to fund all  
2900 unfunded grants.

2910 (f) *Unrestricted grant.-*

2920 (1) Beginning in fiscal year 2003, unrestricted grants in the amounts specified in  
2930 paragraphs (2) and (3) of this subsection shall be distributed to the board of each  
2940 small community college.

2950 (2) Subject to paragraph (4) of this subsection, the unrestricted grants shall be  
2960 distributed as follows:

- 2970 (i) \$500,000 to Allegany College of Maryland;
- 2980 (ii) \$500,000 to Garrett College;
- 2990 (iii) \$500,000 to Hagerstown Community College;
- 3000 (iv) \$250,000 to Carroll Community College;
- 3010 (v) \$250,000 to Cecil Community College;
- 3020 (vi) \$250,000 to Chesapeake College; and
- 3030 (vii) \$250,000 to Wor-Wic Community College.

3040 (3) In addition to the amounts specified in paragraph (2) of this subsection, the  
3050 boards of Allegany College of Maryland and Garrett College, PRINCE  
3060 GEORGE'S COMMUNITY COLLEGE shall receive the following unrestricted  
3070 grants:

- 3080 (i) \$360,000 to Allegany College of Maryland; and,
- 3090 (ii) \$240,000 to Garrett College; AND,
- 3100 (III) \$240,000 TO PRINCE GEORGE'S COMMUNITY COLLEGE.

3110 (4) The grant amounts specified in paragraph (2) of this subsection shall increase  
3120 in fiscal year 2004 and each fiscal year thereafter by the same percentage as the  
3130 percentage increase in funding per full-time equivalent student to the 4-year  
3140 public institutions of higher education in the State, as designated by the  
3150 Commission for the purpose of administering the Joseph A. Sellinger Program  
3160 under Title 17 of this article in that fiscal year.

3170 SECTION 2: AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2007.

3180 **MANDATES:** Robert L. Ehrlich, Governor of Maryland  
3190 Michael Steele, Lieutenant Governor of Maryland  
3200 Thomas V. Mike Miller, Jr., President of the Senate  
3210 Mike E. Busch, Speaker of the House of Delegates

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