

**SENATE . . . . . No. 1089**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Eric P. Lesser*

*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 adoption of the accompanying bill:

An Act relative to community college tuition.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Eric P. Lesser</i>	<i>First Hampden and Hampshire</i>	
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>1/28/2019</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>	<i>1/29/2019</i>
<i>Bud L. Williams</i>	<i>11th Hampden</i>	<i>1/30/2019</i>
<i>José F. Tosado</i>	<i>9th Hampden</i>	<i>1/30/2019</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>	<i>2/12/2019</i>

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By Mr. Lesser, a petition (accompanied by bill, Senate, No. 1089) of Eric P. Lesser, Jason M. Lewis, Brian M. Ashe, Bud L. Williams and other members of the General Court for legislation relative to community college tuition. Labor and Workforce Development.

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**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninety-First General Court  
(2019-2020)**  
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An Act relative to community college tuition.

*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. Chapter 15A of the general laws, as so appearing in the 2016 edition, is  
2 hereby amended by adding after section 15G the following section:-

3 Section 15H. Massachusetts Workforce Opportunity Scholarship

4 (a) Definitions. As used in this section, the following words shall have the following  
5 meanings:

6 “Continuous enrollment”, a student shall continue coursework from semester to semester.

7 “Eligible postsecondary institution”, includes: Berkshire Community College, Bristol  
8 Community College, Bunker Hill Community College, Cape Cod Community College,  
9 Greenfield Community College, Holyoke Community College, Massachusetts Bay Community  
10 College, Massasoit Community College, Middlesex Community College, Mount Wachusett  
11 Community College, Northern Essex Community College, North Shore Community College,

12 Quinsigamond Community College, Roxbury Community College and Springfield Technical  
13 Community College.

14 “Full-time student”, a student who is enrolled in a minimum of twelve semester hours.

15 “Gift aid”, any public or private scholarship awarded to a student before applying for and  
16 aside from the Massachusetts Workforce Opportunity Scholarship.

17 “OSFA”, the Massachusetts Office of Student Financial Assistance.

18 (b) The OSFA shall administer the Massachusetts Workforce Opportunity Scholarship  
19 program for students seeking an associate's degree, certificate or diploma from an eligible  
20 postsecondary institution under the following terms and conditions:

21 (1) To be eligible for the scholarship a student shall be admitted to, and enrolled full-time  
22 in, an eligible postsecondary program within five years following graduation, not including time  
23 spent in the United States Armed Forces, from an eligible high school in Massachusetts, or  
24 completion of high school as a Massachusetts home school student, or obtaining a GED® or  
25 HiSET® diploma. Enrollment exceptions may be made for extenuating circumstances as  
26 provided in rules and regulations promulgated by the OSFA;

27 (2) Students applying for the scholarship shall complete the Massachusetts Workforce  
28 Opportunity Scholarship application for their initial year of enrollment in accordance with the  
29 schedule determined by the OSFA. Students shall complete the free application for federal  
30 student aid each academic year in which they seek to receive the Massachusetts Workforce  
31 Opportunity Scholarship;

32 (3) To continue to receive a Massachusetts Workforce Opportunity Scholarship at an  
33 eligible two-year or four-year postsecondary institution, a student shall maintain a minimum  
34 cumulative grade point average of 2.0 as set forth in the rules promulgated by the OSFA;

35 (4) Scholarship recipients shall participate in mentoring and community service programs  
36 under rules and regulations promulgated by the OSFA. The OSFA shall develop the selection  
37 and renewal criteria for students and shall have the authority to work with outside organizations  
38 to develop the most effective means for delivering the scholarships. In selecting outside  
39 organizations for participation in the Massachusetts Workforce Opportunity Scholarship  
40 program, the OSFA shall give preference to locally established entities that meet designated  
41 standards specified by the program's promulgated rules and regulations;

42 (5) A Massachusetts Workforce Opportunity Scholarship at a Massachusetts public two-  
43 year postsecondary institution shall be the cost of tuition and mandatory fees at the eligible  
44 postsecondary institution attended less all other gift aid. Gift aid shall be credited first to the  
45 student's tuition and mandatory fees;

46 (6) Except for a medical or personal leave of absence, as approved by an eligible  
47 postsecondary institution, a Massachusetts Workforce Opportunity Scholarship student shall  
48 maintain continuous enrollment at an eligible postsecondary institution. A Massachusetts  
49 Workforce Opportunity Scholarship student who has an approved medical or personal leave of  
50 absence from an eligible postsecondary institution may continue to receive the scholarship upon  
51 resuming the student's education at an eligible postsecondary institution so long as the student  
52 continues to meet all applicable eligibility requirements. The sum of all approved leaves of  
53 absence shall not exceed six months;

54 (7) A student shall be eligible for the Massachusetts Workforce Opportunity Scholarship  
55 until the occurrence of the first of the following events:

56 (i) The student has earned a diploma or associate's degree; or

57 (ii) The sum of the number of years the student attended a postsecondary  
58 institution, exclusive of approved leaves of absence, equals two and one-half years from the date  
59 of the student's initial enrollment at an eligible postsecondary institution.

60 (c) The OSFA and the Massachusetts Department of Higher Education shall provide  
61 assistance to the general court by researching and analyzing data concerning the scholarship  
62 program created under this part, including, but not limited to, student success and scholarship  
63 retention. The OSFA shall report its findings annually to the education committee of the senate  
64 and the joint education committee of the Senate and House of Representatives by March 15.

65 (d) The Auditor of the Commonwealth shall review and study the Massachusetts  
66 Workforce Opportunity Scholarship program to determine the effectiveness of the program. The  
67 study shall be done in the third year of the program and every four years thereafter. The auditor  
68 shall report the findings and conclusions of the study to the President of the Senate and the  
69 Speaker of the House of Representatives, and the members of the joint education committee of  
70 the Senate and the House of Representatives.

71 (e) The OSFA board of directors shall appoint a special advisory committee comprised of  
72 representatives from existing college access programs in the state. The committee shall take steps  
73 necessary to eliminate barriers to access to scholarships and hold mentoring organizations to the  
74 highest standard in serving the students receiving the scholarship. Members of the committee  
75 shall serve without compensation.

76 (f) The OSFA is authorized to promulgate rules to effectuate the purposes of this act,  
77 including the determination of student eligibility and for the distribution of funds appropriated  
78 for scholarships under the program. Such rules shall include adjustments to scholarship amounts  
79 and student eligibility in the event that net proceeds from the trust account established under this  
80 section are insufficient to fund fully the Massachusetts Workforce Opportunity Scholarship  
81 program.

82 SECTION 2. Chapter 10 of the Massachusetts General Laws, as appearing in the 2016  
83 General Edition, is hereby amended by adding the following section after Section 35DDD:

84 Section 35EEE: Massachusetts Workforce Opportunity Scholarship endowment fund

85 (a) The Massachusetts Workforce Opportunity Scholarship endowment fund shall be  
86 established and funded under the following terms and conditions:

87 (1) This fund shall be an irrevocable trust that the state treasurer shall administer. The  
88 attorney general and reporter shall approve the terms of the trust instrument. The trust shall  
89 consist of the Massachusetts Workforce Opportunity endowment account and the Massachusetts  
90 Workforce Opportunity Scholarship special reserve account;

91 (2) The trustees of the trust shall be as follows: the governor, or a member of the  
92 governor's cabinet or a cabinet level staff member who is designated by the governor; the state  
93 treasurer; the state auditor; the commissioner of higher education; the secretary of administration  
94 and finance; the chair of the ways and means committee of the house of representatives; the chair  
95 of the ways and means committee of the senate; and one member appointed by the governor who  
96 shall serve at the pleasure of the governor;

97 (b) The state treasurer shall serve as the chair of the trustees and shall preside over all  
98 meetings and proceedings of the trustees;

99 (c) The trust may invest in any security or investment in which the Massachusetts State  
100 Board of Retirement is permitted to invest; provided, that investments by the trust shall be  
101 governed by the investment policies and guidelines adopted by the trustees of the trust in  
102 accordance with the provisions of this part. The state treasurer shall be responsible for the  
103 investment and reinvestment of trust funds in accordance with the policies and guidelines  
104 established by the trustees;

105 (d) The initial deposit shall constitute the principal of the trust. Subsequent transfers to  
106 the trust and trust income, as defined in this section, shall not increase, or constitute an addition  
107 to, the principal of the trust, but shall be placed in the Massachusetts Workforce Opportunity  
108 Scholarship special reserve account provided in subsection (g);

109 (e) The principal of the trust shall not be expended for any purpose. Trust income shall be  
110 expended only to fund the Massachusetts Workforce Opportunity Scholarship program and pay  
111 expenses incurred in administering and investing the trust assets. Trust income means the income  
112 from the trust's investment portfolio from whatever source derived, including, but not limited to,  
113 interest, dividends, and realized capital gains or losses;

114 (f) Any trust income not allocated or distributed to the beneficiaries of the Massachusetts  
115 Workforce Opportunity Scholarship program shall be maintained in a special reserve account  
116 and may be subject to future allocations and distributions in accordance with this section;

117 (g) Any funds transferred for the Massachusetts Workforce Opportunity Scholarship  
118 program, including matching funds or future appropriations made by the general assembly, shall

119 be placed in the scholarship's special reserve account of the trust. Unexpended funds remaining  
120 in the trust in any fiscal year, whether principal or funds in the Massachusetts Workforce  
121 Opportunity Scholarship special reserve account shall not revert to the general fund;

122 (h) The funds transferred to this trust may be commingled with, co-invested with, and  
123 invested or reinvested with other assets transferred to the trust. All or a portion of the trust may  
124 be invested, reinvested and co-invested with other funds, not a part of the trust, which are held by  
125 the state treasurer, including, but not limited to, assets of the Massachusetts State Retirement  
126 Board. The state treasurer shall account for such trust funds in one or more separate accounts in  
127 accordance with this section and other law;

128 (i) Notwithstanding any provision of the law to the contrary, all funds placed in the  
129 Massachusetts Workforce Opportunity Scholarship special reserve account shall be available for  
130 allocation and distribution as authorized herein only to the extent that funds are available in the  
131 Massachusetts Workforce Opportunity Scholarship special reserve account, and the state shall  
132 not be liable for any amount in excess of such sum. All requests for withdrawals for the payment  
133 of program funding that are presented to the state treasurer shall be used only to fund the  
134 Massachusetts Workforce Opportunity Scholarship program. Such requests for withdrawals  
135 shall not be commingled with requests for withdrawals presented to the state treasurer for any  
136 other purpose, and the individual or entity requesting the withdrawal of funds shall attest to the  
137 same upon presentation of the request for withdrawal to the state treasurer; and

138 (j) The provisions of the irrevocable trust are provided in this section, but the trust shall  
139 not include the provisions contained in other subsections of this act, which shall be subject to  
140 amendment by legislative enactment.