

By: Aycock

H.B. No. 335

A BILL TO BE ENTITLED

AN ACT

relating to stabilizing the amount of tuition charged to certain residents of this state by general academic teaching institutions.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 54, Education Code, is amended by adding Section 54.016 to read as follows:

Sec. 54.016. TUITION STABILIZATION. (a) In this section:

(1) "Consumer price index" means the consumer price index for all urban consumers, for all items and all regions of the United States, as published by the United States Department of Labor, Bureau of Labor Statistics, or a successor national index of the change in consumer prices.

(2) "Coordinating board" means the Texas Higher Education Coordinating Board.

(3) "General academic teaching institution" has the meaning assigned by Section 61.003.

(b) This section applies only to a student who:

(1) enrolls at a general academic teaching institution as a first-time freshman;

(2) after satisfying the requirement of Subdivision (1), remains continuously enrolled at a general academic teaching institution until graduation, except as provided under rules adopted under Subsection (g); and

(3) at all times while the student is enrolled at a

1 general academic teaching institution, is a resident of this state
2 for purposes of Subchapter B or is otherwise entitled to pay tuition
3 and fees at the rate provided for residents of this state.

4 (c) Except as provided under rules adopted under Subsection
5 (g), this section applies only to the amount of tuition charged
6 under this chapter to a student as follows:

7 (1) for a student enrolled in a four-year degree
8 program, on or before the fourth anniversary of the date the student
9 first enrolls in a general academic teaching institution; or

10 (2) for a student enrolled in a degree program of any
11 other length, not later than the end of the standard completion
12 period for that program, as established by the general academic
13 teaching institution awarding the degree.

14 (d) Notwithstanding any other provision of this chapter but
15 subject to the applicability provisions of this section, a general
16 academic teaching institution may not charge to a student for any
17 course in which the student enrolls after the student's freshman
18 year tuition at a rate that exceeds the rate in effect for that
19 course during the student's freshman year or, for a course that was
20 not offered during the student's freshman year, at a rate that
21 exceeds the rate in effect for an equivalent course during the
22 student's freshman year, except that the institution may adjust
23 that rate for each academic year after the student's freshman year
24 to reflect any average annual percentage increase, expressed in
25 decimal form rounded to the nearest thousandth, in the consumer
26 price index during the most recent 48-month period preceding that
27 academic year for which the information is available when the

1 tuition rates are set.

2 (e) Notwithstanding any other provision of this chapter but
3 subject to the applicability provisions of this section, if a
4 student transfers from one general academic teaching institution to
5 another, the institution to which the student transfers may not
6 charge to the student for any course in which the student enrolls
7 after the student's freshman year tuition at a rate that exceeds the
8 rate in effect for that course at the receiving institution during
9 the student's freshman year or, for a course that was not offered at
10 the receiving institution during the student's freshman year, at a
11 rate that exceeds the rate in effect for an equivalent course at the
12 receiving institution during the student's freshman year, except
13 that the institution may adjust that rate for each academic year
14 after the student's freshman year to reflect any average annual
15 percentage increase, expressed in decimal form rounded to the
16 nearest thousandth, in the consumer price index during the most
17 recent 48-month period preceding that academic year for which the
18 information is available when the tuition rates are set.

19 (f) In consultation with general academic teaching
20 institutions, the coordinating board shall adopt any rules
21 necessary to administer this section, including:

22 (1) rules relating to the equivalency of courses
23 offered during a student's freshman year and courses in which the
24 student enrolls after the student's freshman year;

25 (2) rules consistent with Subsection (e) that:

26 (A) provide for determining tuition rates for
27 students who transfer among general academic teaching

1 institutions; and

2 (B) prescribe the types of documentation a
3 transfer student must submit to establish eligibility under that
4 subsection; and

5 (3) rules as described by Subsection (g) allowing
6 students to suspend their enrollment or giving students additional
7 time to complete their degree programs.

8 (g) The coordinating board shall adopt rules to allow a
9 student to pay tuition rates as provided by Subsection (d) or (e),
10 as applicable, if the student satisfies the other requirements of
11 this section but, solely as a result of a hardship or other good
12 cause shown, is unable to remain continuously enrolled at a general
13 academic teaching institution as required by Subsection (b)(2) or
14 to complete the student's degree program before the applicable date
15 described by Subsection (c). For purposes of this subsection, a
16 hardship or other good cause shown includes a showing of:

17 (1) a severe illness or other debilitating condition
18 that affects the student's ability to satisfy the requirement of
19 Subsection (b)(2) or (c); or

20 (2) the student's responsibility for the care of a
21 sick, injured, or needy person if the provision of care affects the
22 student's ability to satisfy the requirement of Subsection (b)(2)
23 or (c).

24 (h) This section does not apply to a student who enters a
25 general academic teaching institution for the first time before the
26 2009 fall semester. This subsection expires January 1, 2015.

27 SECTION 2. The Texas Higher Education Coordinating Board

1 shall adopt rules for the administration of Section 54.016,
2 Education Code, as added by this Act, as soon as practicable after
3 this Act takes effect. For that purpose, the coordinating board may
4 adopt the initial rules in the manner provided by law for emergency
5 rules.

6 SECTION 3. This Act takes effect immediately if it receives
7 a vote of two-thirds of all the members elected to each house, as
8 provided by Section 39, Article III, Texas Constitution. If this
9 Act does not receive the vote necessary for immediate effect, this
10 Act takes effect September 1, 2009.