

By: Ellis

S.B. No. 104

A BILL TO BE ENTITLED

1 AN ACT

2 relating to a limitation on the amount of tuition charged by public
3 institutions of higher education.

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

5 SECTION 1. Subchapter B, Chapter 54, Education Code, is
6 amended by adding Section 54.0514 to read as follows:

7 Sec. 54.0514. LIMITATION ON TOTAL AMOUNT OF TUITION. (a)

8 In this section, "tuition" includes:

9 (1) tuition for which the rates are prescribed by this
10 chapter; and

11 (2) tuition charged by an institution of higher
12 education under Section 54.0513 or another law authorizing an
13 institution to establish tuition rates.

14 (b) The total amount of tuition charged by an institution of
15 higher education to a student for an academic year may not exceed
16 the total amount of tuition that the institution would have charged
17 under this chapter to a similarly situated student for the
18 2008-2009 academic year. For purposes of this subsection, students
19 are similarly situated if they share the same residency status,
20 degree program, course load, course level, tuition exemption
21 status, and other circumstances affecting the tuition charged to
22 the student. This subsection does not ensure that the total amount
23 of tuition charged to an individual student does not increase based
24 on a change in the student's residency status, degree program,

1 course load, course level, tuition exemption status, or other
2 circumstance affecting the tuition charged to the student.

3 SECTION 2. Sections 54.0513(a) and (b), Education Code, are
4 amended to read as follows:

5 (a) In addition to amounts that a governing board of an
6 institution of higher education is authorized to charge as tuition
7 under the other provisions of this chapter, the governing board[~~7~~
8 ~~under the terms the governing board considers appropriate,~~] may
9 charge any student an amount designated as tuition not to exceed the
10 amount that enables the institution to comply with Section 54.0514
11 that the governing board considers necessary for the effective
12 operation of the institution.

13 (b) Subject to the limit provided by Subsection (a) on the
14 amount designated as tuition charged under this section, a [A]
15 governing board may set a different tuition rate under this section
16 for each program and course level offered by each institution of
17 higher education[~~. A governing board may set a different tuition~~
18 ~~rate~~] as the governing board considers appropriate to increase
19 graduation rates, encourage efficient use of facilities, [~~or~~]
20 enhance employee performance, or further another legitimate
21 purpose of the institution.

22 SECTION 3. Sections 54.0515(e) and (f), Education Code, are
23 amended to read as follows:

24 (e) It is the legislature's intent that each institution of
25 higher education[~~, as a condition to tuition deregulation under~~
26 ~~Section 54.0513,~~] reasonably implement the following:

27 (1) each institution shall make satisfactory progress

1 towards the goals provided in its master plan for higher education
2 and in "Closing the Gaps," the state's master plan for higher
3 education; and

4 (2) each institution shall meet acceptable
5 performance criteria, including measures such as graduation rates,
6 retention rates, enrollment growth, educational quality, efforts
7 to enhance minority participation, opportunities for financial
8 aid, and affordability.

9 (f) The committee shall:

10 (1) meet at the call of either chair;

11 (2) monitor and regularly report to the legislature on
12 each institution of higher education's compliance with the
13 requirements of Subsection (e); and

14 (3) receive and review information concerning the
15 affordability and accessibility of higher education~~[, including~~
16 ~~the impact of tuition deregulation]~~.

17 SECTION 4. This Act applies beginning with tuition charged
18 by public institutions of higher education for the 2009-2010
19 academic year. Tuition charged by an institution of higher
20 education in an academic year before that academic year is covered
21 by the law in effect before the effective date of this Act, and the
22 former law is continued in effect for that purpose.

23 SECTION 5. This Act takes effect immediately if it receives
24 a vote of two-thirds of all the members elected to each house, as
25 provided by Section 39, Article III, Texas Constitution. If this
26 Act does not receive the vote necessary for immediate effect, this
27 Act takes effect September 1, 2009.