

By: Shapiro

S.B. No. 164

A BILL TO BE ENTITLED

AN ACT

relating to a fixed academic cost option for resident undergraduate students at 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 54.017 to read as follows:

Sec. 54.017. STABILIZATION OF TOTAL ACADEMIC COSTS; STUDENT OPTION. (a) In this section:

(1) "Academic fees":

(A) includes mandatory academic fees and any other academic-related general fees and course fees, including fees for laboratories, field trips, access to Internet or multimedia service, equipment replacement, and instructional technology; and

(B) does not include optional fees charged to a student for voluntary services or a fee approved by students of the institution in a referendum held at the institution for that purpose.

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

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

(4) "Tuition" includes:

(A) tuition for which the rates are prescribed by this chapter; and

1           (B) tuition charged by a general academic  
2 teaching institution under Section 54.0513 or another law  
3 authorizing a general academic teaching institution to establish  
4 tuition rates.

5           (b) The governing board of a general academic teaching  
6 institution shall offer an eligible student the option to pay  
7 tuition and academic fees as provided by this section.

8           (c) This section applies only to an undergraduate student  
9 who:

10           (1) enrolls at a general academic teaching  
11 institution;

12           (2) after satisfying the requirement of Subdivision  
13 (1), remains continuously enrolled at a general academic teaching  
14 institution, except as provided under rules adopted under  
15 Subsection (j);

16           (3) at all times while the student is enrolled at a  
17 general academic teaching institution, is a resident of this state  
18 for purposes of Subchapter B or is otherwise entitled to pay tuition  
19 and fees at the rate provided for residents of this state; and

20           (4) elects to pay tuition and academic fees under this  
21 section.

22           (d) Except as provided by Subsection (h) or by rules adopted  
23 under Subsection (j), this section applies only to the amount of  
24 tuition and academic fees charged under this chapter to a student as  
25 follows:

26           (1) for a student enrolled in a four-year degree  
27 program, on or before the fourth anniversary of the date the student

1 first enrolls in a general academic teaching institution;

2 (2) for a student enrolled in a degree program of any  
3 other length, not later than the end of the standard completion  
4 period for that program, as established by the general academic  
5 teaching institution awarding the degree; or

6 (3) notwithstanding Subdivisions (1) and (2), if the  
7 student is a transfer student, not later than the end of the period  
8 established by the general academic teaching institution for the  
9 completion of the student's degree program based on the academic  
10 credit the student receives from the transfer of courses.

11 (e) Notwithstanding any other provision of this chapter but  
12 subject to the applicability provisions of this section, a general  
13 academic teaching institution may not charge to a student for any  
14 course in which the student enrolls after the student's freshman  
15 year tuition at a rate that exceeds the rate in effect for that  
16 course during the student's freshman year or, for a course that was  
17 not offered during the student's freshman year, a rate that exceeds  
18 the rate in effect for an equivalent course during the student's  
19 freshman year.

20 (f) Notwithstanding any other provision of this chapter but  
21 subject to the applicability provisions of this section, if a  
22 student transfers to a general academic teaching institution from  
23 another institution of higher education and the student has  
24 remained continuously enrolled in an institution of higher  
25 education beginning with the student's freshman year, the general  
26 academic teaching institution to which the student transfers may  
27 not charge to the student for any course in which the student

1 enrolls after the student's freshman year tuition at a rate that  
2 exceeds the rate in effect for that course at the receiving  
3 institution during the student's freshman year or, for a course  
4 that was not offered at the receiving institution during the  
5 student's freshman year, a rate that exceeds the rate in effect for  
6 an equivalent course at the receiving institution during the  
7 student's freshman year.

8 (g) Notwithstanding any other provision of this chapter, in  
9 any semester or other academic term in which the amount of tuition  
10 that a general academic teaching institution may charge to a  
11 student is limited by Subsection (e) or (f), the institution may not  
12 charge to the student an academic fee in an amount that exceeds the  
13 amount of the fee that the institution would have charged to the  
14 student in the student's freshman year, regardless of whether the  
15 student was enrolled in that institution in the student's freshman  
16 year. For an academic fee that was not charged in the student's  
17 freshman year, after the fee is initially charged, the institution  
18 may not increase the amount of the fee charged to the student in any  
19 subsequent semester or other term to which this subsection applies.

20 (h) Notwithstanding any other provision of this chapter  
21 other than Section 54.014, after the applicable period prescribed  
22 by Subsection (d), a general academic teaching institution may not  
23 charge to a student to whom this section applies:

24 (1) tuition for any course at a rate that exceeds the  
25 rate the institution charges for the same or a similar course to a  
26 student who enrolls as a first-time resident freshman in the same  
27 academic year; or

1           (2) an academic fee in an amount that exceeds the  
2 amount of the fee the institution charges to a first-time resident  
3 freshman student enrolled in the same degree program and with the  
4 same course load in the same semester or other academic term.

5           (i) In consultation with general academic teaching  
6 institutions, the coordinating board shall adopt any rules  
7 necessary to administer this section, including:

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

11           (2) rules consistent with Subsection (f) that:

12           (A) provide for determining tuition rates for  
13 students who transfer between institutions of higher education; and

14           (B) prescribe the types of documentation a  
15 transfer student must submit to establish eligibility under that  
16 subsection; and

17           (3) rules as described by Subsection (j) to allow  
18 students to suspend their enrollment or giving students additional  
19 time to complete their degree programs.

20           (j) The coordinating board shall adopt rules to allow a  
21 student to pay tuition at the rates provided by Subsection (e) or  
22 (f), as applicable, and to pay academic fees in the amounts provided  
23 by Subsection (g) if the student satisfies the other requirements  
24 of this section but, solely as a result of a hardship or other good  
25 cause shown, is unable to remain continuously enrolled at a general  
26 academic teaching institution as required by Subsection (c)(2) or  
27 other institution of higher education as required by Subsection

1 (f), or to complete the student's degree program within the  
2 applicable period prescribed by Subsection (d). For purposes of  
3 this subsection, a hardship or other good cause shown includes a  
4 showing of:

5 (1) a severe illness or other debilitating condition  
6 that affects the student's ability to satisfy the requirement of  
7 Subsection (c)(2), (d), or (f); or

8 (2) the student's responsibility for the care of a  
9 sick, injured, or needy person if the provision of care limits the  
10 student's ability to satisfy the requirement of Subsection (c)(2),  
11 (d), or (f).

12 (k) This section does not apply to a student who enters an  
13 institution of higher education for the first time before the 2011  
14 fall semester. This subsection expires January 1, 2017.

15 SECTION 2. The Texas Higher Education Coordinating Board  
16 shall adopt the rules required by Section 54.017, Education Code,  
17 as added by this Act, as soon as practicable after this Act takes  
18 effect. For that purpose, the coordinating board may adopt the  
19 initial rules in the manner provided by law for emergency rules.

20 SECTION 3. This Act takes effect immediately if it receives  
21 a vote of two-thirds of all the members elected to each house, as  
22 provided by Section 39, Article III, Texas Constitution. If this  
23 Act does not receive the vote necessary for immediate effect, this  
24 Act takes effect September 1, 2011.