

Amend CSSB 778 (senate committee printing) as follows:

(1) In SECTION 1 of the bill, on page 2, lines 22 through 60, strike added Sections 54.05131(d), (e), (f), and (g), Education Code, and substitute the following:

(d) The coordinating board in consultation with the Legislative Budget Board shall determine whether an institution has achieved the applicable target levels for purposes of Subsections (f) and (g). Using the negotiated rulemaking procedures under Chapter 2008, Government Code, the coordinating board by rule shall establish the process by which an institution's achievement on a performance measure is submitted to and verified by the coordinating board.

(e) The coordinating board shall notify the governing board of an institution as soon as practicable after the coordinating board determines that Subsection (f) or (g) applies to the tuition charged by the institution for an academic year and of the limitation prescribed by the applicable subsection on the amount of tuition that may be charged by the institution for that academic year.

(f) This subsection applies to tuition charged for an academic year by an institution to which this section applies only if the institution did not achieve, in the most recent state fiscal year preceding that academic year for which information is available, a majority of the target levels assigned to the performance measures included in the General Appropriations Act as applicable to the institution for that state fiscal year. For an academic year in which this subsection applies to the tuition charged by an institution, unless the institution has been granted an exception under Subsection (j) for that year, the amount of tuition the governing board of the institution charges under Section 54.0513 to a student for that academic year may not exceed the total amount of tuition that the governing board would have charged under that section to a similarly situated student in the preceding academic year, as that amount is adjusted for each academic year for inflation as determined under Subsection (i). The governing board may not increase the amount of tuition charged under this subsection to a student more than once in any academic

year.

(g) This subsection applies to tuition charged for an academic year by an institution to which this section applies only if the institution achieved, in the most recent state fiscal year preceding that academic year for which information is available, a majority of the target levels assigned to the performance measures included in the General Appropriations Act as applicable to the institution for that state fiscal year. For an academic year in which this subsection applies to the tuition charged by an institution, the amount of tuition the governing board of the institution charges under Section 54.0513 to a student for that academic year may not exceed by more than five percent the total amount of tuition that the governing board would have charged under that section to a similarly situated student in the preceding academic year, as that amount is adjusted for each academic year for inflation as determined under Subsection (i). The governing board may not increase the amount of tuition charged under this subsection to a student more than once in any academic year.

(h) For purposes of this section:

(1) an institution is considered to have achieved a target level assigned to a performance measure if the institution has achieved at least 98 percent of the target level; and

(2) students are similarly situated if they share the same residency status, degree program, course load, course level, tuition exemption status, and other circumstances affecting the tuition charged to the student.

(2) In SECTION 1 of the bill, in added Section 54.05131(h), Education Code (page 2, line 61), strike "h" and substitute "i".

(3) In SECTION 1 of the bill, in added Section 54.05131(i), Education Code (page 3, line 2), strike "i" and substitute "j".

(4) In SECTION 1 of the bill, in added Section 54.05131(i), Education Code (page 3, line 4), strike "this section" and substitute "Subsection (f)".

(5) In SECTION 1 of the bill, in added Section 54.05131(i), Education Code (page 3, line 5), strike "this section" and substitute "that subsection".

(6) In SECTION 1 of the bill, following the period at the end of added Section 54.05131(i), Education Code (page 3, line 8), add the following: "Subsection (g) applies to an institution that is granted an exception under this subsection."