

By: Swanson

H.B. No. 1232

A BILL TO BE ENTITLED

1 AN ACT

2 relating to a limitation on the amount of tuition, fees, and other
3 charges charged to students by public institutions of higher
4 education.

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

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

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

9 In this section, "tuition" includes:

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

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

15 (b) The total amount of tuition charged by an institution of
16 higher education to a student for an academic year may not exceed an
17 amount equal to the total amount of tuition that the institution
18 would have charged under this chapter to a similarly situated
19 student for the 2015-2016 academic year. For purposes of this
20 subsection, students are similarly situated if they share the same
21 residency status, degree program, course load, course level,
22 tuition exemption status, and other circumstances affecting the
23 tuition charged to the student. This subsection does not ensure
24 that the total amount of tuition charged to an individual student

1 does not increase based on a change in the student's residency
2 status, degree program, course load, course level, tuition
3 exemption status, or other circumstance affecting the tuition
4 charged to the student.

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

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

15 (b) Subject to the limit provided by Subsection (a) on the
16 amount designated as tuition charged under this section, a [A]
17 governing board may set a different tuition rate under this section
18 for each program and course level offered by each institution of
19 higher education[~~7~~ ~~A governing board may set a different tuition~~
20 ~~rate~~] as the governing board considers appropriate to increase
21 graduation rates, encourage efficient use of facilities, or enhance
22 employee performance.

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

25 (e) It is the legislature's intent that each institution of
26 higher education[~~7~~ ~~as a condition to tuition deregulation under~~
27 ~~Section 54.0513,~~] reasonably implement the following:

1 (1) each institution shall make satisfactory progress
2 towards the goals provided in its master plan for higher education
3 and in "Closing the Gaps," the state's master plan for higher
4 education, or a successor state master plan; and

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

10 (f) The committee shall:

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

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

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

18 SECTION 4. The heading to Chapter 54, Education Code, is
19 amended to read as follows:

20 CHAPTER 54. TUITION, ~~[AND]~~ FEES, AND OTHER STUDENT CHARGES

21 SECTION 5. The heading to Subchapter E, Chapter 54,
22 Education Code, is amended to read as follows:

23 SUBCHAPTER E. OTHER FEES, ~~[AND]~~ DEPOSITS, OR CHARGES

24 SECTION 6. Subchapter E, Chapter 54, Education Code, is
25 amended by adding Sections 54.5001 and 54.5002 to read as follows:

26 Sec. 54.5001. LIMITATIONS ON FEE AMOUNTS.

27 (a) Notwithstanding any other provision of this subchapter or

1 other law, in any academic year, the governing board of an
2 institution of higher education may not charge a fee under this
3 subchapter in an amount that is greater than the amount of the fee
4 charged by the institution in the 2015-2016 academic year.

5 (b) The limitation provided by this section applies to a fee
6 even if an increase in the amount of the fee is approved by a vote of
7 the students, student government, or student fee advisory committee
8 of the institution of higher education.

9 Sec. 54.5002. LIMITATIONS ON AMOUNT OF CERTAIN CHARGES.
10 Notwithstanding any other law, an institution of higher education
11 may not charge to a student for on-campus housing, parking, or
12 meals, or for any other on-campus good or service the charge for
13 which is set by the institution, an amount that is greater than the
14 amount the institution would have charged for that good or service
15 during the 2015-2016 academic year, unless the institution
16 demonstrates that the increase is justified by an increase in
17 underlying costs for the good or service, such as labor or supply
18 costs, as demonstrated by an increase in the consumer price index,
19 as defined by Section 341.201, Finance Code, and certified by the
20 Legislative Budget Board.

21 SECTION 7. This Act applies beginning with tuition, fees,
22 and other charges charged by public institutions of higher
23 education for the 2018 fall semester. Tuition, fees, and other
24 charges charged by an institution of higher education in an
25 academic period before that semester are covered by the law in
26 effect before the effective date of this Act, and the former law is
27 continued in effect for that purpose.

1 SECTION 8. This Act takes effect September 1, 2017.