

By: Blanco

S.B. No. 167

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 (a-1) This section does not apply to tuition charged by an
15 institution of higher education for an academic period before the
16 2022-2023 academic year. This subsection expires January 1, 2023.

17 (b) The total amount of tuition charged by an institution of
18 higher education to a student for an academic year may not exceed
19 the total amount of tuition that the institution would have charged
20 under this chapter to a similarly situated student for the
21 2021-2022 academic year. For purposes of this subsection, students
22 are similarly situated if they share the same residency status,
23 degree program, course load, course level, tuition exemption
24 status, and other circumstances affecting the tuition charged to

1 students. This subsection does not ensure that the total amount of
2 tuition charged to an individual student does not increase based on
3 a change in the student's residency status, degree program, course
4 load, course level, tuition exemption status, or other circumstance
5 affecting the tuition charged to the student.

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

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

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

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

26 (e) It is the legislature's intent that each institution of
27 higher education[~~, as a condition to tuition deregulation under~~

1 ~~Section 54.0513,~~] reasonably implement the following:

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

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

11 (f) The committee shall:

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

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

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

19 SECTION 4. This Act applies beginning with tuition charged
20 by public institutions of higher education for the 2022 fall
21 semester. Tuition charged by an institution of higher education in
22 an academic period before that semester is covered by the law in
23 effect before the effective date of this Act, and the former law is
24 continued in effect for that purpose.

25 SECTION 5. This Act takes effect January 1, 2022.