

ENROLLED HOUSE
BILL NO. 3397

By: Cargill and Shumate of the
House

and

Coffee of the Senate

An Act relating to higher education; amending 70 O.S. 2001, Section 3218.8, as last amended by Section 1, Chapter 368, O.S.L. 2007 (70 O.S. Supp. 2007, Section 3218.8), which relates to higher education tuition; deleting guaranteed rate from regional average limitation; deleting guaranteed tuition rate for students enrolled at a two-year institution; clarifying types of military service; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 70 O.S. 2001, Section 3218.8, as last amended by Section 1, Chapter 368, O.S.L. 2007 (70 O.S. Supp. 2007, Section 3218.8), is amended to read as follows:

Section 3218.8 A. Subject to the provisions of subsection D of this section, the Oklahoma State Regents for Higher Education are authorized to establish undergraduate resident tuition, nonresident tuition and mandatory fees, which students shall pay as a condition of enrollment, except as otherwise provided by law. The process for establishing tuition and mandatory fees shall incorporate the provisions of Section 3218.14 of this title.

1. At the comprehensive universities the combined average of the resident tuition and mandatory fees established for any school year for either the ~~guaranteed or~~ nonguaranteed rate, as determined by the State Regents, shall remain less than the combined average of the resident tuition and fees at the state-supported institutions of

higher education that are members of the Big Twelve Conference on the effective date of this act. The combined average of the nonresident tuition and mandatory fees, as determined by the State Regents, shall remain less than one hundred five percent (105%) of the combined average of the nonresident tuition and fees at the state-supported institutions of higher education that are members of the Big Twelve Conference on the effective date of this act.

2. At the regional universities and two-year colleges the combined average of the resident tuition and mandatory fees established for any school year for either the ~~guaranteed or~~ nonguaranteed rate, as determined by the State Regents, shall remain less than the combined average of the resident tuition and mandatory fees at like-type state-supported institutions of higher education in states determined by the State Regents that include, but are not limited to, those adjacent to Oklahoma. The combined average of the nonresident tuition and mandatory fees, as determined by the State Regents, shall remain less than one hundred five percent (105%) of the combined average of the nonresident tuition and fees at like-type state-supported institutions of higher education in states determined by the State Regents that include, but are not limited to, those adjacent to Oklahoma.

B. In its deliberation on the establishment of resident tuition rates for undergraduate and graduate education, the Oklahoma State Regents for Higher Education shall balance the affordability of public higher education with the provision of available, diverse and high-quality learning opportunities. In this endeavor the State Regents shall give consideration to the level of state appropriations, the state economy, the per capita income and cost of living, the college-going and college-retention rates, and the availability of financial aid in Oklahoma. For any increase in the tuition rates, the State Regents shall demonstrate a reasonable effort to effect a proportionate increase in the availability of need-based student financial aid. Need-based financial aid shall include, but shall not be limited to, awards for the Oklahoma Higher Learning Access Program, Oklahoma Tuition Aid Grants, federal need-based financial aid and tuition waivers, and private donations. In addition, when determining the guaranteed tuition rates as provided for in subsection D of this section, the Regents shall consider the anticipated revenue needs during the four-year ~~or two-year~~ period of the guarantee.

C. Students permitted to audit courses shall pay the same resident tuition and nonresident tuition as required of students who enroll for course credit.

D. 1. Beginning with the 2008-2009 academic year, each comprehensive and regional institution within The Oklahoma State System of Higher Education shall offer to resident students enrolling for the first time as a full-time undergraduate a tuition rate that will be guaranteed for a period of not less than four (4) consecutive academic years at ~~the comprehensive and regional institutions and for not less than two (2) consecutive years at the two-year institutions~~ as provided for in this subsection. Students shall have the option to participate or not participate in the guaranteed tuition rate program and shall indicate their election at the time of enrollment. Each institution shall provide students with the following information prior to enrollment:

- a. the annual tuition rate charged and the percentage increase for the previous four (4) academic years, and
- b. the annual tuition and percentage increase that the nonguaranteed tuition rate would have to increase to equal or exceed the guaranteed tuition rate for the succeeding four (4) academic years.

2. Except as otherwise provided for in this subsection, for a student who elects to participate in the guaranteed tuition rate program, who is a resident of the state, and who enrolls for the first time as a full-time undergraduate student at an institution in the state after the 2007-2008 academic year, the amount of undergraduate resident tuition charged to the student for four (4) consecutive academic years at a comprehensive and regional institution ~~or for two (2) consecutive academic years at a two-year institution~~ shall not exceed the amount that the student was charged at the time of first enrollment, nor shall it exceed one hundred fifteen percent (115%) of the nonguaranteed undergraduate tuition rate charged to resident students enrolling for the first time as undergraduate students at the same institution for the same academic year.

3. If the normal time of completion for an undergraduate program is more than four (4) years, as determined by the institution, the amount of resident tuition charged to students in that program who have elected to participate in the guaranteed

tuition rate program shall not increase during the normal completion period of the program.

4. If a student who has elected to participate in the guaranteed tuition rate program is a member of the United States Armed Forces including the Army and Air National Guard, the Army, Navy, Air Force, Marine Corps, and Coast Guard Reserves, or any other component of the Armed Forces, and when ordered by the proper authority to active or inactive duty or service is required to withdraw from an institution for military or other national defense emergencies, the amount of resident tuition the student is required to pay upon reentering the institution shall not exceed the amount the student was charged at the time of withdrawal.

5. If a student who has elected to participate in the guaranteed tuition rate program transfers to another institution or transfers from a constituent agency of ~~a comprehensive~~ an institution to another constituent agency or the ~~comprehensive~~ institution after initial enrollment, the student shall be charged the amount of resident tuition charged to other students enrolling for the first time at that institution or constituent agency.

6. If a student who has elected to participate in the guaranteed tuition rate program changes majors or transfers to another campus of the same institution after initial enrollment, the tuition charged to the student shall equal the amount the student would have been charged had the student been admitted to the changed major or enrolled at the new campus when the student first enrolled. This paragraph shall not apply if a student transfers from a constituent agency of ~~a comprehensive~~ an institution to another constituent agency ~~or~~ of the comprehensive institution.

7. A student who elects to participate in the guaranteed tuition rate program shall maintain full-time enrollment during the guaranteed four-year ~~or two-year~~ period. For purposes of this subsection, full-time enrollment shall be the number of credit hours as determined by the State Regents for Higher Education to be full-time enrollment for each institution.

SECTION 2. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the House of Representatives the 12th day of March, 2008.

Presiding Officer of the House of
Representatives

Passed the Senate the 14th day of April, 2008.

Presiding Officer of the Senate