

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 SENATE BILL 2023

By: Crutchfield

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6 AS INTRODUCED

7 An Act relating to higher education; amending 70 O.S.
8 2001, Section 3218.8, as last amended by Section 1,
9 Chapter 368, O.S.L. 2007 (70 O.S. Supp. 2007, Section
10 3218.8), which relates to undergraduate tuition and
11 fees; modifying limitations for guaranteed tuition
12 rate program; removing requirement for two-year
13 institutions to offer guaranteed tuition rate;
14 specifying certain military service provisions;
15 authorizing adjustment in guaranteed tuition rates if
16 certain appropriation does not increase by certain
17 amount; providing an effective date; and declaring an
18 emergency.

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24 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

1 establishing tuition and mandatory fees shall incorporate the
2 provisions of Section 3218.14 of this title.

3 1. At the comprehensive universities the combined average of
4 the resident tuition and mandatory fees established for any school
5 year for ~~either the guaranteed or~~ nonguaranteed rate, as determined
6 by the State Regents, shall remain less than one hundred five
7 percent (105%) of the combined average of the resident tuition and
8 fees at the state-supported institutions of higher education that
9 are members of the Big Twelve Conference on the effective date of
10 this act. The combined average of the nonresident tuition and
11 mandatory fees, as determined by the State Regents, shall remain
12 less than one hundred five percent (105%) of the combined average of
13 the nonresident tuition and fees at the state-supported institutions
14 of higher education that are members of the Big Twelve Conference on
15 the effective date of this act.

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

1 mandatory fees, as determined by the State Regents, shall remain
2 less than one hundred five percent (105%) of the combined average of
3 the nonresident tuition and fees at like-type state-supported
4 institutions of higher education in states determined by the State
5 Regents that include, but are not limited to, those adjacent to
6 Oklahoma.

7 B. In its deliberation on the establishment of resident tuition
8 rates for undergraduate and graduate education, the Oklahoma State
9 Regents for Higher Education shall balance the affordability of
10 public higher education with the provision of available, diverse and
11 high-quality learning opportunities. In this endeavor the State
12 Regents shall give consideration to the level of state
13 appropriations, the state economy, the per capita income and cost of
14 living, the college-going and college-retention rates, and the
15 availability of financial aid in Oklahoma. For any increase in the
16 tuition rates, the State Regents shall demonstrate a reasonable
17 effort to effect a proportionate increase in the availability of
18 need-based student financial aid. Need-based financial aid shall
19 include, but shall not be limited to, awards for the Oklahoma Higher
20 Learning Access Program, Oklahoma Tuition Aid Grants, federal need-
21 based financial aid and tuition waivers, and private donations. In
22 addition, when determining the guaranteed tuition rates as provided
23 for in subsection D of this section, the Regents shall consider the

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1 anticipated revenue needs during the four-year or two-year period of
2 the guarantee.

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

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

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

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1 2. Except as otherwise provided for in this subsection, for a
2 student who elects to participate in the guaranteed tuition rate
3 program, who is a resident of the state, and who enrolls for the
4 first time as a full-time undergraduate student at ~~an~~ a
5 comprehensive or regional institution in the state after the 2007-
6 2008 academic year, the amount of undergraduate resident tuition
7 charged to the student for four (4) consecutive academic years ~~at a~~
8 ~~comprehensive and regional institution or for two (2) consecutive~~
9 ~~academic years at a two-year institution~~ shall not exceed the amount
10 that the student was charged at the time of first enrollment, ~~nor~~
11 ~~shall it exceed one hundred fifteen percent (115%) of the~~
12 ~~nonguaranteed undergraduate tuition rate charged to resident~~
13 ~~students enrolling for the first time as undergraduate students at~~
14 ~~the same institution for the same academic year~~ and shall remain
15 less than one hundred fifteen percent (115%) of the limitation on
16 resident tuition and mandatory fees established in subsection A of
17 this section for students who do not elect to participate in the
18 guaranteed tuition rate program.

19 3. If the normal time of completion for an undergraduate
20 program is more than four (4) years, as determined by the
21 institution, the amount of resident tuition charged to students in
22 that program who have elected to participate in the guaranteed
23 tuition rate program shall not increase during the normal completion
24 period of the program.

1 4. If a student who has elected to participate in the
2 guaranteed tuition rate program is a member, either officer or
3 enlisted, of the United States military, to include the Army and Air
4 National Guard and the Army, Navy, Air Force, Marine Corps, and
5 Coast Guard Reserves, or any other component of the Armed Forces of
6 the United States, and, when ordered by the proper authority to
7 active or inactive duty or service is required to withdraw from an
8 institution for military or other national defense emergencies, the
9 amount of resident tuition the student is required to pay upon
10 reentering the institution shall not exceed the amount the student
11 was charged at the time of withdrawal. Provided further, that the
12 student re-enrolls at the same institution within one semester
13 following the time the student is able to obtain orders relieving
14 the individual from the active duty, inactive duty or service that
15 required withdrawal.

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

23 6. If a student who has elected to participate in the
24 guaranteed tuition rate program changes majors or transfers to

1 another campus of the same institution after initial enrollment, the
2 tuition charged to the student shall equal the amount the student
3 would have been charged had the student been admitted to the changed
4 major or enrolled at the new campus when the student first enrolled.
5 This paragraph shall not apply if a student transfers from a
6 constituent agency of a comprehensive institution to another
7 constituent agency or the comprehensive institution.

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

14 8. If for any fiscal year, the amount appropriated by the
15 Legislature to the State Regents for Higher Education pursuant to
16 the provisions of Article XIII-A of the Oklahoma Constitution for
17 the education and general operating budgets of the institutions is
18 not at least five percent (5%) more than the amount appropriated for
19 that purpose for the previous fiscal year, each institution may
20 elect to adjust the guaranteed tuition rates for students
21 participating in the program.

22 SECTION 2. This act shall become effective July 1, 2008.

23 SECTION 3. It being immediately necessary for the preservation
24 of the public peace, health and safety, an emergency is hereby

1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.

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