

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 HOUSE BILL 2892

By: Moore

4  
5 AS INTRODUCED

6 An Act relating to higher education; amending 70 O.S.  
7 2001, Section 3218.8, as last amended by Section 1,  
8 Chapter 53, O.S.L. 2008 (70 O.S. Supp. 2009, Section  
9 3218.8), which relates to establishment of tuition  
10 and mandatory fees; clarifying statutory language;  
11 specifying certain limitation on resident tuition and  
12 mandatory fees; providing an effective date; and  
13 declaring an emergency.

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

15 SECTION 1. AMENDATORY 70 O.S. 2001, Section 3218.8, as  
16 last amended by Section 1, Chapter 53, O.S.L. 2008 (70 O.S. Supp.  
17 2009, Section 3218.8), is amended to read as follows:

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

1           1. At the comprehensive universities the combined average of  
2 the resident tuition and mandatory fees established for any school  
3 year for the nonguaranteed rate, as determined by the State Regents,  
4 shall remain less than the combined average of the resident tuition  
5 and fees at the state-supported institutions of higher education  
6 that are members of the Big Twelve Conference on ~~the effective date~~  
7 ~~of this act~~ March 28, 2003. The combined average of the nonresident  
8 tuition and mandatory fees, as determined by the State Regents,  
9 shall remain less than one hundred five percent (105%) of the  
10 combined average of the nonresident tuition and fees at the state-  
11 supported institutions of higher education that are members of the  
12 Big Twelve Conference on ~~the effective date of this act~~ March 28,  
13 2003.

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

1 type state-supported institutions of higher education in states  
2 determined by the State Regents that include, but are not limited  
3 to, those adjacent to Oklahoma.

4 3. In addition to the limitations provided in this subsection,  
5 any annual increase to resident tuition and mandatory fees  
6 established pursuant to this subsection shall be limited to the rate  
7 of inflation, as measured by the Consumer Price Index for All Urban  
8 Consumers for the most recent complete year, as determined by the  
9 United States Bureau of Labor Statistics.

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

1 addition, when determining the guaranteed tuition rates as provided  
2 for in subsection D of this section, the Regents shall consider the  
3 anticipated revenue needs during the four-year period of the  
4 guarantee.

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

8 D. 1. Beginning with the 2008-2009 academic year, each  
9 comprehensive and regional institution within The Oklahoma State  
10 System of Higher Education shall offer to resident students  
11 enrolling for the first time as a full-time undergraduate a tuition  
12 rate that will be guaranteed for a period of not less than four (4)  
13 consecutive academic years as provided for in this subsection.  
14 Students shall have the option to participate or not participate in  
15 the guaranteed tuition rate program and shall indicate their  
16 election at the time of enrollment. Each institution shall provide  
17 students 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 institution in  
5 the state after the 2007-2008 academic year, the amount of  
6 undergraduate resident tuition charged to the student for four (4)  
7 consecutive academic years at a comprehensive and regional  
8 institution shall not exceed the amount that the student was charged  
9 at the time of first enrollment, nor shall it exceed one hundred  
10 fifteen percent (115%) of the nonguaranteed undergraduate tuition  
11 rate charged to resident students enrolling for the first time as  
12 undergraduate students at the same institution for the same academic  
13 year.

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

20        4. If a student who has elected to participate in the  
21 guaranteed tuition rate program is a member of the United States  
22 Armed Forces including the Army and Air National Guard, the Army,  
23 Navy, Air Force, Marine Corps, and Coast Guard Reserves, or any  
24 other component of the Armed Forces, and when ordered by the proper

1 authority to active or inactive duty or service is required to  
2 withdraw from an institution for military or other national defense  
3 emergencies, the amount of resident tuition the student is required  
4 to pay upon reentering the institution shall not exceed the amount  
5 the student was charged at the time of withdrawal.

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

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

22 7. A student who elects to participate in the guaranteed  
23 tuition rate program shall maintain full-time enrollment during the  
24 guaranteed four-year period. For purposes of this subsection, full-

1 time enrollment shall be the number of credit hours as determined by  
2 the State Regents for Higher Education to be full-time enrollment  
3 for each institution.

4 SECTION 2. This act shall become effective July 1, 2010.

5 SECTION 3. It being immediately necessary for the preservation  
6 of the public peace, health and safety, an emergency is hereby  
7 declared to exist, by reason whereof this act shall take effect and  
8 be in full force from and after its passage and approval.

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