

STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

SENATE BILL 1388

By: Garvin

AS INTRODUCED

An Act relating to higher education; amending 70 O.S. 2021, Section 3218.2, which relates to the setting of tuition and fees; requiring certain institutions to post certain report online by certain date; requiring certain institutions to post certain rates online upon certain approval; requiring institutions to post certain fees and their purposes online; amending 70 O.S. 2021, Section 3218.8, which relates to undergraduate tuition and fees; removing language directing the tuition and fee rates of certain institutions to remain less than certain average amounts; amending 70 O.S. 2021, Section 3218.9, which relates to tuition and fees for graduate and professional programs; removing language directing the tuition and fee rates to remain less than certain average amount; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 70 O.S. 2021, Section 3218.2, is amended to read as follows:

Section 3218.2. A. Resident tuition, nonresident tuition, and other fees to be required of students receiving instruction or other academic services provided by institutions of The Oklahoma State System of Higher Education shall be established by the Oklahoma State Regents for Higher Education with due regard for the

1 provisions of Section 3218.14 of this title within limits prescribed
2 by the Legislature. Nothing in this act shall be construed as
3 limiting or prohibiting the requirement of payment for goods or
4 services provided by auxiliary enterprises operated by or in
5 conjunction with institutions of The Oklahoma State System of Higher
6 Education and authorized by the Oklahoma State Regents for Higher
7 Education.

8 B. By January 1 of each year, the Oklahoma State Regents for
9 Higher Education shall submit a report to the Governor, the
10 President Pro Tempore of the Senate, the Speaker of the House of
11 Representatives, and the minority floor leaders and education
12 committee chairs of both houses of the ~~Oklahoma~~ Legislature. The
13 annual report shall include the following information:

14 1. Actions taken in regard to and the schedule of tuition and
15 fees approved for The Oklahoma State System of Higher Education for
16 the current academic year;

17 2. Data on the impact of any tuition or fee increases on the
18 ability of students to meet the costs of attendance, enrollment
19 patterns, and availability of financial aid;

20 3. The budget prepared by the State Regents setting out in
21 detail the necessary expenses of the State Regents for the next
22 fiscal year;

23 4. The budget requests or proposals submitted by each
24 institution to the State Regents for the next fiscal year;

1 5. The funding formula or allotment system used by the State
2 Regents to allocate money to each institution, including a
3 description of the functional goals of the formula or system for
4 distributing funds to each institution;

5 6. A calculation of any differences in the budget requests
6 amounts for each institution and the actual amounts allocated to
7 each institution, including an explanation for any differences; and

8 7. Any other data considered relevant by the State Regents.

9 C. By January 1 of each year, each institution of The Oklahoma
10 State System of Higher Education shall submit a report to the
11 Governor, the President Pro Tempore of the Senate, the Speaker of
12 the House of Representatives, and the minority floor leaders and
13 education committee chairs of both houses of the ~~Oklahoma~~
14 Legislature. The annual report shall include the following
15 information:

16 1. A copy of reports submitted to the State Regents which
17 itemizes the tuition and fees for each institution by campus or
18 location; and

19 2. The total budget of each institution for the previous fiscal
20 year including the amount of revenue received from tuition and fees
21 and other sources and expenses for each campus or location.

22 D. 1. By January 1 of each year, each institution within The
23 Oklahoma State System of Higher Education shall post on its website
24 the annual report required by subsection C of this section.

1 2. Upon approval of resident tuition, nonresident tuition, and
2 fee rates by the Oklahoma State Regents for Higher Education for an
3 academic year, each institution shall post on its website the
4 tuition and fee rates for each institution by campus or location.

5 3. Each institution shall also post on its website a list of
6 every fee for which an undergraduate, graduate, resident, or
7 nonresident student is to be charged for the academic year and the
8 purpose for which the fee is charged.

9 SECTION 2. AMENDATORY 70 O.S. 2021, Section 3218.8, is
10 amended to read as follows:

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

18 ~~1. At the comprehensive universities the combined average of~~
19 ~~the resident tuition and mandatory fees established for any school~~
20 ~~year for the nonguaranteed rate, as determined by the State Regents,~~
21 ~~shall remain less than the combined average of the resident tuition~~
22 ~~and fees at the state-supported institutions of higher education~~
23 ~~that are members of the Big Twelve Conference on the effective date~~
24 ~~of this act. 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 the state-supported institutions~~
4 ~~of higher education that are members of the Big Twelve Conference on~~
5 ~~the effective date of this act.~~

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

20 B. In its deliberation on the establishment of resident tuition
21 rates for undergraduate and graduate education, the Oklahoma State
22 Regents for Higher Education shall balance the affordability of
23 public higher education with the provision of available, diverse,
24 and high-quality learning opportunities. In this endeavor the State

1 Regents shall give consideration to the level of state
2 appropriations, the state economy, the per capita income and cost of
3 living, the college-going and college-retention rates, and the
4 availability of financial aid in Oklahoma. For any increase in the
5 tuition rates, the State Regents shall demonstrate a reasonable
6 effort to effect a proportionate increase in the availability of
7 need-based student financial aid. Need-based financial aid shall
8 include, but shall not be limited to, awards for the Oklahoma Higher
9 Learning Access Program, Oklahoma Tuition Aid Grants, federal need-
10 based financial aid and tuition waivers, and private donations. In
11 addition, when determining the guaranteed tuition rates as provided
12 for in subsection D of this section, the Regents shall consider the
13 anticipated revenue needs during the four-year period of the
14 guarantee.

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

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

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

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

23 3. If the normal time of completion for an undergraduate
24 program is more than four (4) years, as determined by the

1 institution, the amount of resident tuition charged to students in
2 that program who have elected to participate in the guaranteed
3 tuition rate program shall not increase during the normal completion
4 period of the program.

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

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

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

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

13 SECTION 3. AMENDATORY 70 O.S. 2021, Section 3218.9, is
14 amended to read as follows:

15 Section 3218.9. The Oklahoma State Regents for Higher Education
16 are authorized to establish resident tuition, nonresident tuition,
17 and mandatory fees for graduate and professional courses and
18 programs ~~which shall remain less than the combined average of such~~
19 ~~tuition and fees for like type graduate and professional courses and~~
20 ~~programs of comparable quality and standing at state-supported~~
21 ~~institutions of higher education as determined by the State Regents.~~
22 Professional courses and programs include, but are not limited to,
23 law, medicine, veterinary medicine, optometry, pharmacy, and
24 dentistry.

1 SECTION 4. This act shall become effective July 1, 2022.

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