

REFERENCE TITLE: **university students; minimum tuition contribution**

State of Arizona
House of Representatives
Fiftieth Legislature
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2012

HB 2675

Introduced by

Representatives Kavanagh, Seel, Stevens, Senator Barto: Representatives Ash, Crandell, Fann, Farnsworth, Fillmore, Goodale, Gowan, Harper, Jones, Judd, McLain, Mesnard, Pierce, Proud, Robson, Ugenti, Urie, Yee, Senators Gray, Murphy

AN ACT

AMENDING SECTION 15-1626, ARIZONA REVISED STATUTES; AMENDING TITLE 15, CHAPTER 13, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 15-1626.01; RELATING TO UNIVERSITIES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 15-1626, Arizona Revised Statutes, is amended to
3 read:

4 15-1626. General administrative powers and duties of board

5 A. The board shall:

6 1. Have and exercise the powers necessary for the effective governance
7 and administration of the institutions under its control. To that end, the
8 board may adopt, and authorize each university to adopt, such regulations,
9 policies, rules or measures as are deemed necessary and may delegate in
10 writing to its committees, to its university presidents, or their designees,
11 or to other entities under its control, any part of its authority for the
12 administration and governance of such institutions, including those powers
13 enumerated in section 15-1625, subsection B, paragraphs 2 and 4, paragraphs
14 3, 4, 8, 9, 11 and 12 of this subsection and subsection B of this section.
15 Any delegation of authority may be rescinded by the board at any time in
16 whole or in part.

17 2. Appoint and employ and determine the compensation of presidents
18 with such power and authority and for such purposes in connection with the
19 operation of the institutions as the board deems necessary.

20 3. Appoint and employ and determine the compensation of
21 vice-presidents, deans, professors, instructors, lecturers, fellows and such
22 other officers and employees with such power and authority and for such
23 purposes in connection with the operation of the institutions as the board
24 deems necessary, or delegate its authority pursuant to paragraph 1 of this
25 subsection.

26 4. Remove any officer or employee when the interests of education in
27 this state so require in accordance with its personnel rules and policies.

28 5. SUBJECT TO SECTION 15-1626.01, fix tuitions and fees to be charged
29 and differentiate the tuitions and fees between institutions and between
30 residents, nonresidents, undergraduate students, graduate students, students
31 from foreign countries and students who have earned credit hours in excess of
32 the credit hour threshold. For the purposes of this paragraph, the
33 undergraduate credit hour threshold is one hundred forty-five hours for
34 students who attend a university under the jurisdiction of the board. The
35 undergraduate credit hour threshold shall be based on the actual full-time
36 equivalent student enrollment counted on the forty-fifth day of every fall
37 and spring semester, divided by two, and any budget adjustment based on
38 student enrollment shall occur in the fiscal year following the actual full-
39 time equivalent student enrollment count. The undergraduate credit hour
40 threshold shall not apply to degree programs that require credit hours above
41 the credit hour threshold, credits earned in the pursuit of up to two
42 baccalaureate degrees, credits earned in the pursuit of up to two state
43 regulated licensures or certificates, credits earned in the pursuit of
44 teaching certification, credits transferred from a private institution of
45 higher education, credits transferred from an institution of higher education

1 in another state, credits earned at another institution of higher education
2 but that are not accepted as transfer credits at the university where the
3 student is currently enrolled and credits earned by students who enroll at a
4 university under the jurisdiction of the board more than twenty-four months
5 after the end of that student's previous enrollment at a public institution
6 of higher education in this state. On or before October 15 of each year, the
7 board shall report to the joint legislative budget committee the number of
8 students who were enrolled at universities under the jurisdiction of the
9 board during the previous fiscal year who met or exceeded the undergraduate
10 credit hour threshold prescribed in this paragraph. The amount of tuition,
11 registration fees and other revenues included in the operating budget for the
12 university adopted by the board as prescribed in paragraph 13 of this
13 subsection shall be deposited, pursuant to sections 35-146 and 35-147. All
14 other tuition and fee revenue shall be retained by each university for
15 expenditure as approved by the board, except that the universities shall not
16 use any tuition or fee revenue to fund or support an alumni association.

17 6. Except as provided in subsection I of this section, adopt rules to
18 govern its tuition and fee setting process that provide for the following:

19 (a) At least one public hearing at each university as an opportunity
20 for students and members of the public to comment on any proposed increase in
21 tuition or fees.

22 (b) Publication of the notice of public hearing at least ten days
23 prior to the hearing in a newspaper of general circulation in Maricopa
24 county, Coconino county and Pima county. The notice shall include the date,
25 time and location of the public hearing.

26 (c) Public disclosure by each university of any proposed increases in
27 tuition or fees at least ten days prior to the public hearing.

28 (d) Final board action on changes in tuition or fees shall be taken by
29 roll call vote.

30 The procedural requirements of subdivisions (a), (b), (c) and (d) of this
31 paragraph apply only to those changes in tuition or fees that require board
32 approval.

33 7. Pursuant to section 35-115, submit a budget request for each
34 institution under its jurisdiction that includes the estimated tuition and
35 fee revenue available to support the programs of the institution as described
36 in the budget request. The estimated available tuition and fee revenue shall
37 be based on the tuition and registration fee rates in effect at the time the
38 budget request is submitted with adjustments for projected changes in
39 enrollment as provided by the board.

40 8. Establish curriculums and designate courses at the several
41 institutions that in its judgment will best serve the interests of this
42 state.

43 9. Award such degrees and diplomas on the completion of such courses
44 and curriculum requirements as it deems appropriate.

1 10. Prescribe qualifications for admission of all students to the
2 universities. The board shall establish policies for guaranteed admission
3 that assure fair and equitable access to students in this state from public,
4 private and charter schools and homeschools. For the purpose of determining
5 the qualifications of honorably discharged veterans, veterans are those
6 persons who served in the armed forces for a minimum of two years and who
7 were previously enrolled at a university or community college in this state.
8 No prior failing grades received by the veteran at the university or
9 community college in this state may be considered.

10 11. Adopt any energy conservation standards promulgated by the
11 department of administration for the construction of new buildings.

12 12. Employ for such time and purposes as the board requires attorneys
13 whose compensation shall be fixed and paid by the board. Litigation to which
14 the board is a party and for which self-insurance is not provided may be
15 compromised or settled at the direction of the board.

16 13. Adopt annually an operating budget for each university equal to the
17 sum of appropriated general fund monies and the amount of tuition,
18 registration fees and other revenues approved by the board and allocated to
19 each university operating budget.

20 14. In consultation with the state board of education and other
21 education groups, develop and implement a program to award honors
22 endorsements to be affixed to the high school diplomas of qualifying high
23 school pupils and to be included in the transcripts of pupils who are awarded
24 endorsements. The board shall develop application procedures and testing
25 criteria and adopt testing instruments and procedures to administer the
26 program. In order to receive an honors endorsement, a pupil must demonstrate
27 an extraordinary level of knowledge, skill and competency as measured by the
28 testing instruments adopted by the board in mathematics, English, science and
29 social studies. Additional subjects may be added at the determination of the
30 board. The program is voluntary for pupils.

31 15. Require the publisher of each literary and nonliterary textbook
32 used in the universities of this state to furnish computer software in a
33 standardized format when software becomes available for nonliterary textbooks
34 to the Arizona board of regents from which braille versions of the textbooks
35 may be produced.

36 16. Require universities that provide a degree in education to require
37 courses that are necessary to obtain a provisional structured English
38 immersion endorsement as prescribed by the state board of education.

39 17. Acquire United States flags for each classroom that are
40 manufactured in the United States and that are at least two feet by three
41 feet and hardware to appropriately display the United States flags, acquire a
42 legible copy of the Constitution of the United States and the Bill of Rights,
43 display the flags in each classroom in accordance with title 4 of the United
44 States Code and display a legible copy of the Constitution of the United
45 States and the Bill of Rights adjacent to the flag.

1 18. To facilitate the transfer of military personnel and their
2 dependents to and from the public schools of this state, pursue, in
3 cooperation with the state board of education, reciprocity agreements with
4 other states concerning the transfer credits for military personnel and their
5 dependents. A reciprocity agreement entered into pursuant to this paragraph
6 shall:

7 (a) Address procedures for each of the following:

8 (i) The transfer of student records.

9 (ii) Awarding credit for completed course work.

10 (iii) Permitting a student to satisfy the graduation requirements
11 prescribed in section 15-701.01 through the successful performance on
12 comparable exit-level assessment instruments administered in another state.

13 (b) Include appropriate criteria developed by the state board of
14 education and the Arizona board of regents.

15 19. Require a university to publicly post notices of all of its
16 employment openings, including the title and description, instructions for
17 applying and relevant contact information.

18 20. In consultation with the community college districts in this state,
19 develop and implement common equivalencies for specific levels of achievement
20 on advanced placement examinations and international baccalaureate
21 examinations in order to award commensurate postsecondary academic credits at
22 community colleges and public universities in this state.

23 21. On or before August 1 of each year, report to the joint legislative
24 budget committee the graduation rate by university campus during the previous
25 fiscal year. The board shall also report the retention rate by university
26 campus and by class, as determined by date of entry during the previous
27 fiscal year.

28 B. The board shall adopt personnel rules. All nonacademic employees
29 of the universities are subject to these rules except for university
30 presidents, university vice-presidents, university deans, legal counsel and
31 administrative officers. The personnel rules shall be similar to the
32 personnel rules under section 41-783. The rules shall include provisions for
33 listing available positions with the department of economic security,
34 competitive employment processes for applicants, probationary status for new
35 nonacademic employees, nonprobationary status on successful completion of
36 probation and due process protections of nonprobationary employees after
37 discharge. The board shall provide notice of proposed rule adoption and an
38 opportunity for public comment on all personnel rules proposed for adoption.

39 C. In conjunction with the auditor general, the board shall develop a
40 uniform accounting and reporting system, which shall be reviewed by the joint
41 legislative budget committee before final adoption by the board. The board
42 shall require each university to comply with the uniform accounting and
43 reporting system.

44 D. The board may employ legal assistance in procuring loans for the
45 institutions from the United States government. Fees or compensation paid

1 for such legal assistance shall not be a claim on the general fund of this
2 state but shall be paid from funds of the institutions.

3 E. The board shall approve or disapprove any contract or agreement
4 entered into by the university of Arizona hospital with the Arizona health
5 facilities authority.

6 F. The board may adopt policies that authorize the institutions under
7 its jurisdiction to enter into employment contracts with nontenured employees
8 for periods of more than one year but not more than five years. The policies
9 shall prescribe limitations on the authority of the institutions to enter
10 into employment contracts for periods of more than one year but not more than
11 five years, including the requirement that the board approve the contracts.

12 G. The board may adopt a plan or plans for employee benefits that
13 allow for participation in a cafeteria plan that meets the requirements of
14 the United States internal revenue code of 1986.

15 H. The board may establish a program for the exchange of students
16 between the universities under the jurisdiction of the board and colleges and
17 universities located in the state of Sonora, Mexico. Notwithstanding
18 subsection A, paragraph 5 of this section, the program may provide for
19 in-state tuition at the universities under the jurisdiction of the board for
20 fifty Sonoran students in exchange for similar tuition provisions for up to
21 fifty Arizona students enrolled or seeking enrollment in Sonoran colleges or
22 universities. The board may direct the universities to work in conjunction
23 with the Arizona-Mexico commission to coordinate recruitment and admissions
24 activities.

25 I. Subsection A, paragraph 6, subdivisions (a), (b), (c) and (d) of
26 this section do not apply to fee increases that are set by individual
27 universities and that do not require approval by the Arizona board of regents
28 before the fee increase becomes effective.

29 Sec. 2. Title 15, chapter 13, article 2, Arizona Revised Statutes, is
30 amended by adding section 15-1626.01, to read:

31 15-1626.01. Tuition payments; student contribution; exceptions

32 A. THE AMOUNT OF TUITION FIXED BY THE BOARD PURSUANT TO SECTION
33 15-1626 SHALL COMPLY WITH THE FOLLOWING REQUIREMENTS:

34 1. EXCEPT AS PROVIDED IN SUBSECTION B OF THIS SECTION, EACH STUDENT
35 WHO IS A FULL-TIME STUDENT ENROLLED AT A UNIVERSITY UNDER THE JURISDICTION OF
36 THE ARIZONA BOARD OF REGENTS IN FISCAL YEAR 2012-2013 SHALL PERSONALLY
37 CONTRIBUTE AT LEAST TWO THOUSAND DOLLARS DURING THE ACADEMIC YEAR FOR
38 TUITION. A STUDENT MAY NOT USE ANY OTHER SOURCE OF PUBLIC OR PRIVATE
39 FUNDING, INCLUDING GRANTS, GIFTS, SCHOLARSHIPS OR TUITION BENEFITS OR OTHER
40 TYPES OF FUNDING ADMINISTERED BY OR THROUGH A UNIVERSITY OR AN AFFILIATE OF A
41 UNIVERSITY, TO REDUCE OR ELIMINATE THAT STUDENT'S CONTRIBUTION UNDER THIS
42 PARAGRAPH.

43 2. THE CONTRIBUTION PRESCRIBED IN PARAGRAPH 1 OF THIS SUBSECTION SHALL
44 BE PRORATED FOR PART-TIME STUDENTS.

1 3. IN FISCAL YEAR 2013-2014 AND EACH FISCAL YEAR THEREAFTER, THE BOARD
2 SHALL ANNUALLY ADJUST THE AMOUNT OF STUDENT CONTRIBUTIONS UNDER PARAGRAPH 1
3 OF THIS SUBSECTION TO BE PROPORTIONAL FOR THAT FISCAL YEAR TO THE RATIO OF A
4 TWO THOUSAND DOLLAR CONTRIBUTION TO THE TUITION AMOUNT FOR RESIDENTS OF THIS
5 STATE FOR FISCAL YEAR 2012-2013.

6 B. SUBSECTION A OF THIS SECTION DOES NOT APPLY TO STUDENTS WHO EITHER:

7 1. ARE AWARDED AN ATHLETIC SCHOLARSHIP AND REMAIN IN GOOD STANDING
8 WITH THE NATIONAL ORGANIZATION THAT OVERSEES COLLEGIATE ATHLETICS.

9 2. RECEIVE A GRANT, AWARD OR SCHOLARSHIP THAT IS BASED SOLELY ON
10 ACADEMIC MERIT OR SOLELY ON A SPECIAL APTITUDE, TALENT OR ABILITY FROM A
11 COMPETITIVE NATIONAL PROGRAM. THIS EXCEPTION SHALL BE LIMITED TO NO MORE
12 THAN FIVE PER CENT OF THE STUDENTS WHO ENROLL FOR THE FIRST TIME AS
13 UNDERGRADUATES AT EACH UNIVERSITY.