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**SUBSTITUTE SENATE BILL 5835**

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**State of Washington**

**63rd Legislature**

**2013 Regular Session**

**By** Senate Higher Education (originally sponsored by Senators Tom and Bailey)

READ FIRST TIME 02/22/13.

1       AN ACT Relating to differential tuition; reenacting and amending  
2 RCW 28B.15.067; providing an effective date; and declaring an  
3 emergency.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5       **Sec. 1.** RCW 28B.15.067 and 2012 2nd sp.s. c 7 s 914 and 2012 c 228  
6 s 6 are each reenacted and amended to read as follows:

7       (1) Tuition fees shall be established under the provisions of this  
8 chapter.

9       (2) Beginning in the 2011-12 academic year, reductions or increases  
10 in full-time tuition fees shall be as provided in the omnibus  
11 appropriations act for resident undergraduate students at community and  
12 technical colleges. The governing boards of the state universities,  
13 regional universities, and The Evergreen State College; and the state  
14 board for community and technical colleges may reduce or increase full-  
15 time tuition fees for all students other than resident undergraduates,  
16 including nonresident students, summer school students, and students in  
17 other self-supporting degree programs. Percentage increases in full-  
18 time tuition may exceed the fiscal growth factor. Except during the

1 2011-2013 fiscal biennium, the state board for community and technical  
2 colleges may pilot or institute differential tuition models. The board  
3 may define scale, scope, and rationale for the models.

4 (3)(a) Beginning with the 2011-12 academic year and through the end  
5 of the 2014-15 academic year, the governing boards of the state  
6 universities, the regional universities, and The Evergreen State  
7 College may reduce or increase full-time tuition fees for all students,  
8 including summer school students and students in other self-supporting  
9 degree programs. Percentage increases in full-time tuition fees may  
10 exceed the fiscal growth factor. Reductions or increases may be made  
11 for all or portions of an institution's programs, campuses, courses, or  
12 students; however, during the ((2011-2013)) 2013-2015 fiscal biennium,  
13 reductions or increases in tuition must be uniform among resident  
14 undergraduate students. Beginning with the 2013-2015 fiscal biennium,  
15 an increase that applies to only a portion of an institution's resident  
16 undergraduate programs, campuses, courses, or students shall not be in  
17 an amount that results in an increase in the tuition unit payout value  
18 under chapter 28B.95 RCW, the advanced college tuition payment program.

19 (b) Prior to reducing or increasing tuition for each academic year,  
20 the governing boards of the state universities, the regional  
21 universities, and The Evergreen State College shall consult with  
22 existing student associations or organizations with student  
23 undergraduate and graduate representatives regarding the impacts of  
24 potential tuition increases. Each governing board shall make public  
25 its proposal for tuition and fee increases twenty-one days before the  
26 governing board of the institution considers adoption and allow  
27 opportunity for public comment. However, the requirement to make  
28 public a proposal for tuition and fee increases twenty-one days before  
29 the governing board considers adoption shall not apply if the omnibus  
30 appropriations act has not passed the legislature by May 15th.  
31 Governing boards shall be required to provide data regarding the  
32 percentage of students receiving financial aid, the sources of aid, and  
33 the percentage of total costs of attendance paid for by aid.

34 (c) Prior to reducing or increasing tuition for each academic year,  
35 the state board for community and technical college system shall  
36 consult with existing student associations or organizations with  
37 undergraduate student representation regarding the impacts of potential  
38 tuition increases. The state board for community and technical

1 colleges shall provide data regarding the percentage of students  
2 receiving financial aid, the sources of aid, and the percentage of  
3 total costs of attendance paid for by aid.

4 (4) Beginning with the 2015-16 academic year through the 2018-19  
5 academic year, the governing boards of the state universities, regional  
6 universities, and The Evergreen State College may set tuition for  
7 resident undergraduates as follows:

8 (a) If state funding for a college or university falls below the  
9 state funding provided in the operating budget for fiscal year 2011,  
10 the governing board may increase tuition up to the limits set in (d) of  
11 this subsection, reduce enrollments, or both;

12 (b) If state funding for a college or university is at least at the  
13 level of state funding provided in the operating budget for fiscal year  
14 2011, the governing board may increase tuition up to the limits set in  
15 (d) of this subsection and shall continue to at least maintain the  
16 actual enrollment levels for fiscal year 2011 or increase enrollments  
17 as required in the omnibus appropriations act;

18 (c) If state funding is increased so that combined with resident  
19 undergraduate tuition the sixtieth percentile of the total per-student  
20 funding at similar public institutions of higher education in the  
21 global challenge states under RCW 28B.15.068 is exceeded, the governing  
22 board shall decrease tuition by the amount needed for the total per-  
23 student funding to be at the sixtieth percentile under RCW 28B.15.068;  
24 and

25 (d) The amount of tuition set by the governing board for an  
26 institution under this subsection (4) may not exceed the sixtieth  
27 percentile of the resident undergraduate tuition of similar public  
28 institutions of higher education in the global challenge states.

29 (5) The tuition fees established under this chapter shall not apply  
30 to high school students enrolling in participating institutions of  
31 higher education under RCW 28A.600.300 through 28A.600.400.

32 (6) The tuition fees established under this chapter shall not apply  
33 to eligible students enrolling in a dropout reengagement program  
34 through an interlocal agreement between a school district and a  
35 community or technical college under RCW 28A.175.100 through  
36 28A.175.110.

37 (7) The tuition fees established under this chapter shall not apply

1 to eligible students enrolling in a community or technical college  
2 participating in the pilot program under RCW 28B.50.534 for the purpose  
3 of obtaining a high school diploma.

4 (8) Beginning in the 2019-20 academic year, reductions or increases  
5 in full-time tuition fees for resident undergraduates at four-year  
6 institutions of higher education shall be as provided in the omnibus  
7 appropriations act.

8 (9) The legislative advisory committee to the committee on advanced  
9 tuition payment established in RCW 28B.95.170 shall:

10 (a) Review the impact of differential tuition rates on the funded  
11 status and future unit price of the Washington advanced college tuition  
12 payment program; and

13 (b) No later than January 14, 2013, make a recommendation to the  
14 appropriate policy and fiscal committees of the legislature regarding  
15 how differential tuition should be addressed in order to maintain the  
16 ongoing solvency of the Washington advanced college tuition payment  
17 program.

18 NEW SECTION. **Sec. 2.** This act is necessary for the immediate  
19 preservation of the public peace, health, or safety, or support of the  
20 state government and its existing public institutions, and takes effect  
21 July 1, 2013.

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