

SB 542 In-state tuition; limitation on eligibility

Summary

In-state tuition; limitation on eligibility. Provides that students entitled to in-state tuition will be assessed a surcharge upon satisfactorily completing 125% of credit hours needed to obtain a degree in the student's chosen program. The surcharge will be an amount calculated to equal 100% of the average cost of the student's education at the relevant institution less tuition and mandatory educational and general fee charges assessed to a student meeting Virginia domiciliary status who has not exceeded 125 % of such credit hours. Certain courses and credit hours are excluded from the calculation of the 125% of the credit hours needed to satisfy the degree requirements for the "credit hour threshold," e.g., remedial courses and credits obtained through advanced placement or international baccalaureate programs or dual enrollment while in high school. A waiver of the surcharge may be granted by the relevant institution, in accordance with the guidelines and criteria established by the State Council of Higher Education for Virginia (SCHEV). Waiver criteria may include, but need not be limited to, illness or disability or active service in the armed forces of the United States. A second enactment clause requires SCHEV to revise its guidelines for determining in-state tuition charges, which are not subject to the Administrative Process Act, to include these requirements by July 1, 2006, including, but not limited to, notice to students who may be or may become subject to the surcharge and determinations of extenuating circumstances.

New Code language – effective July 1, 2006

E. After August 1, 2006, for students who enroll at a public, baccalaureate degree-granting, institution of higher education in Virginia and who have established Virginia domicile and eligibility for in-state tuition in compliance with this section, the entitlement to in-state tuition shall be modified to require the assessment of a surcharge, as defined herein, for each semester that the student continues to be enrolled after such student has completed 125% of the credit hours needed to satisfy the degree requirements for a specified undergraduate program, hereinafter referred to as the "credit hour threshold."

In calculating the 125% credit hour threshold, the following courses and credit hours shall be excluded: (i) remedial courses; (ii) transfer credits from another college or university that do not meet degree requirements for general education courses or the student's chosen program of study; (iii) advanced placement or international baccalaureate credits that were obtained while in high school or another secondary school program; and (iv) dual enrollment, college-level credits obtained by the student prior to receiving a high school diploma.

The relevant public institution of higher education may waive the surcharge assessment for students who exceed the 125% credit hour threshold in accordance with the guidelines and criteria established by the State Council of Higher Education for Virginia. Waiver criteria may include, but shall not be limited to, illness or disability and active service in the armed forces of the United States.

For the purpose of this subsection, "surcharge" shall mean an amount calculated to equal 100% of the average cost of the student's education at the relevant institution less tuition and mandatory educational and general fee charges assessed to a student meeting Virginia domiciliary status who has not exceeded the 125% credit hour threshold.

2. That, upon the passage of this provision and pursuant to subsection B of § 23-7.4:3, the State Council of Higher Education shall revise its guidelines for determining in-state tuition charges, which are not subject to the Administrative Process Act, to incorporate subsection E of § 23-7.4 by July 1, 2006, including, but not limited to, notice to students who may be or may become subject to the surcharge and guidelines and criteria for granting waivers of the surcharge.

Changes required to the Domicile Guidelines

Part I, 8 VAC 40-120-10 – Add the following definitions:

"Surcharge" means an amount calculated to equal 100 percent of the average cost of education at the relevant institution less tuition and mandatory educational and general fee charges assessed to a student meeting Virginia domiciliary status who has not exceeded the 125 percent credit hour threshold. SCHEV calculates the average cost through the base adequacy guidelines adopted, and periodically amended, by the Joint Subcommittee Studying Higher Education Funding Policies. The average cost is published in the SCHEV full cost report annually.

"Credit hour threshold" means the minimum credit hours required to complete a student's declared degree program or combination of degree programs multiplied by 125 percent. For example, if a degree program requires a minimum of 120 credit hours, the credit hour threshold is 120 multiplied by 125 percent for a total of 150 credit hours. If a double major requires a minimum of 140 credit hours, the credit hour threshold would be 175 total credit hours.

Under Part II, add Article IV dealing with limitation of in-state tuition benefit:

8 VAC 40-120-145. Limitation of in-state tuition benefit.

- A. After August 1, 2006, for students who enroll at a public, baccalaureate degree-granting, institution of higher education in Virginia and who have established Virginia domicile, the entitlement to in-state tuition shall be modified to require the assessment of a surcharge for semesters exceeding 125 percent of degree requirements for a baccalaureate program.*
- 1. For degree seeking students, all courses taken for credit are included in the calculation, whether they specifically satisfy degree requirements or not, subject to the following conditions.*
 - a. When determining which credit hours to include in the calculation, the institution shall implement the principles used to evaluate Satisfactory Academic Progress quantitative standards in compliance with Section 668 of the Federal Compilation of Student Financial Aid Regulations;*
 - b. Excluded credits. In calculating the 125 percent credit hour threshold, the following courses and credit hours shall be excluded:*
 - 1) Remedial courses;*
 - 2) Transfer credits from another Virginia public college or university that do not meet degree requirements for general education courses or the student's chosen program of study;*
 - 3) Transfer credits from a non Virginia public college or university;*
 - 4) Advanced placement or international baccalaureate credits that were obtained while in high school or another secondary school program; and*
 - 5) Dual enrollment, college-level credits obtained by the student prior to receiving a high school diploma.*

2. *The surcharge shall be assessed for each term that the student continues to be enrolled after such student has completed 125 percent of the credit hours needed to satisfy the degree requirements for a specified undergraduate program.*
 - a. *The surcharge is applicable for all enrolled courses beginning with the term after the credit hour threshold has been reached.*
 - b. *If the student is in a 120-hour program and has completed 145 credit hours, there remains just five hours before meeting the credit hour threshold of 150 credit hours. However, if the student enrolls in more than five credit hours, the entire term is still charged at the standard in-state tuition rate because the student had not met the threshold prior to that term.*

B. Notice to students.

1. *The institution shall notify students of the 125 percent restriction on in-state tuition no later than the initial enrollment into a degree program. Such notification may be in the college catalog, institution website, or within the in-state tuition notification letter and shall include a general description of the restriction.*
2. *In addition, the institution shall provide direct notification to all students upon completion of 100 percent of the required credit hours for the declared degree program. Notification must be made directly to the student and may include electronic mail or regular mail and must include a description of the restriction, credits that are excluded, and description of the appeals process.*

C. Waiver of the surcharge. Waivers involving circumstances not otherwise outlined in these guidelines shall be reviewed by SCHEV staff. The institution may waive the surcharge assessment for students who exceed the 125 percent credit hour threshold due to extenuating circumstances. The institution shall review all requests for waivers on a term-by-term basis. Waiver criteria that may be approved by the institution include:

1. *Circumstances affecting student performance or completion of a term.*
 - a. *Illness or disability,*
 - b. *Death or long-term disability of an immediate family member, person providing financial support, or dependent,*
 - c. *Involuntary loss of student employment resulting in withdrawal from a term,*
 - d. *Active or reserve service in the armed forces of the United States or other state or national military mobilization,*
 - e. *Other state or national emergency, and*
 - f. *Service in AmeriCorps or Peace Corps.*
2. *Academic program decisions requiring additional courses.*
 - a. *Double-majors. The credit hour threshold is calculated based on the minimum hours required in order to complete a declared double-major as recognized by the institution. The double-major must have been declared by no later than the academic year prior to the term in which the student exceeds the credit hour threshold.*
 - b. *Change of majors. Except in cases where the institution requires the change of major, this provision for a waiver is only applicable for a student's initial change of major - multiple changes by the student are not grounds for a waiver – and the change of major must have been declared by no later than the academic year prior to the term in which the student exceeds the credit hour threshold.*
 - c. *Second degree. The credit hour threshold is calculated based on the number of credit hours required to complete the second degree program. Credit hours from*

the first degree program that do not apply to degree requirements or electives of the second degree are excluded from the calculation.