



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB3360

by Rep. Michael W. Tryon

SYNOPSIS AS INTRODUCED:

New Act

Creates the University Student Fee Act. Provides that all students enrolled in college credit programs at State universities shall be charged fees, except students who are exempt from fees or students whose fees are waived. Provides that, beginning on July 1, 2014, the resident undergraduate tuition for lower-level and upper-level coursework at a State university shall be \$103.32 per credit hour. Provides that, beginning with the 2016 fiscal year and each fiscal year thereafter, the resident undergraduate tuition per credit hour shall increase at the beginning of each fall semester at a rate equal to inflation. Allows the Board of Higher Education or the Board's designee to establish tuition for graduate and professional programs and out-of-State fees for all programs. Sets forth provisions concerning flexible tuition policies, the establishment of fees, fee proposals, a tuition differential, and rules.

LRB098 03855 NHT 33872 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the
5 University Student Fee Act.

6 Section 5. Definitions. In this Act:

7 "Board" means the Board of Higher Education.

8 "University" means the University of Illinois, Southern
9 Illinois University, Chicago State University, Eastern
10 Illinois University, Governors State University, Illinois
11 State University, Northeastern Illinois University, Northern
12 Illinois University, Western Illinois University, and any
13 other public universities now or hereafter established or
14 authorized by the General Assembly.

15 Section 10. Application.

16 (a) This Act applies notwithstanding any other provision of
17 law to the contrary.

18 (b) This Act applies to students enrolled in college credit
19 programs at State universities.

20 Section 15. Fees required to be charged; resident
21 undergraduate tuition rate.

1 (a) All students shall be charged fees, except students who
2 are exempt from fees or students whose fees are waived.

3 (b) Beginning on July 1, 2014, the resident undergraduate
4 tuition for lower-level and upper-level coursework shall be
5 \$103.32 per credit hour.

6 (c) Beginning with the 2016 fiscal year and each fiscal
7 year thereafter, the resident undergraduate tuition per credit
8 hour shall increase at the beginning of each fall semester at a
9 rate equal to inflation. The Department of Labor shall report
10 the rate of inflation to the President of the Senate, the
11 Speaker of the House of Representatives, the Governor, and the
12 Board each year prior to March 1. For purposes of this
13 subsection (c), the rate of inflation shall be defined as the
14 rate of the 12-month percentage change in the Consumer Price
15 Index for All Urban Consumers, U.S. City Average, All Items, or
16 successor reports as reported by the United States Department
17 of Labor, Bureau of Labor Statistics, or its successor for
18 December of the previous year. In the event the percentage
19 change is negative, the resident undergraduate tuition shall
20 remain at the same level as the prior fiscal year.

21 Section 20. Tuition for graduate and professional
22 programs; out-of-State fees. The Board or the Board's designee
23 may establish tuition for graduate and professional programs
24 and out-of-State fees for all programs. Except as otherwise
25 provided in this Section, the sum of tuition and out-of-State

1 fees assessed to nonresident students must be sufficient to
2 offset the full instructional cost of serving such students.
3 However, adjustments to out-of-State fees or tuition for
4 graduate programs and professional programs may not exceed 15%
5 in any year.

6 Section 25. Flexible tuition policies. The Board may
7 consider and approve flexible tuition policies as requested by
8 a university's board of trustees, in accordance with the
9 provisions of Section 35 of this Act, only to the extent such
10 policies are in alignment with the mission of the university
11 and do not increase the State's fiscal liability or
12 obligations.

13 Section 30. Establishment of fees.

14 (a) The sum of the activity and service, health, and
15 athletic fees a student is required to pay to register for a
16 course shall not exceed 40% of the tuition established under
17 this Act. No university shall be required to lower any fee in
18 effect on the effective date of this Act in order to comply
19 with this Section. Within the 40% cap, universities may not
20 increase the aggregate sum of activity and service, health, and
21 athletic fees more than 5% per year or the same percentage
22 increase in tuition authorized under subsection (c) of Section
23 15 of this Act, whichever is greater, unless specifically
24 authorized by law. A university may increase its athletic fee

1 to defray the costs associated with changing National
2 Collegiate Athletic Association divisions. Any such increase
3 in the athletic fee may exceed both the 40% cap and the 5% cap
4 imposed by this subsection (a). Any such increase must be
5 approved by the athletic fee committee in the process outlined
6 in subsection (j) of this Section and may not exceed \$2 per
7 credit hour. That portion of any increase in an athletic fee
8 pursuant to this Section that causes the sum of the activity
9 and service, health, and athletic fees to exceed the 40% cap or
10 the annual increase in such fees to exceed the 5% cap shall not
11 be included in calculating the amount a student receives from a
12 scholarship from the Illinois Student Assistance Commission.

13 (b) This Section does not prohibit a university from
14 increasing or assessing optional fees related to specific
15 activities if payment of such fees is not required as a part of
16 registration for courses.

17 (c) A university may implement a differential out-of-State
18 fee, in accordance with rules developed by the Board, for the
19 following:

20 (1) A student from another state that borders the
21 service area of the university.

22 (2) A graduate student who has been determined to be a
23 nonresident for tuition purposes and has a 0.25 full-time
24 equivalent appointment or greater as a graduate assistant,
25 graduate research assistant, graduate teaching assistant,
26 graduate research associate, or graduate teaching

1 associate.

2 (3) A graduate student who has been determined to be a
3 nonresident for tuition purposes and is receiving a full
4 fellowship.

5 (d) Students who are enrolled in programs in medical
6 sciences are considered graduate students for the purpose of
7 enrollment and student fees.

8 (e) A university's board of trustees is authorized to
9 collect for financial aid purposes an amount not to exceed 5%
10 of the tuition and out-of-State fees. The revenues from fees
11 are to remain at each campus and replace existing financial aid
12 fees. Such funds shall be disbursed to students as quickly as
13 possible. A minimum of 75% of funds from the student financial
14 aid fee shall be used to provide financial aid based on
15 absolute need. The Illinois Student Assistance Commission
16 shall develop criteria for making financial aid awards. Each
17 university shall report annually to the Illinois Student
18 Assistance Commission and the Board on the revenue collected
19 pursuant to this subsection (e), the amount carried forward,
20 the criteria used to make awards, the amount and number of
21 awards for each criterion, and a delineation of the
22 distribution of such awards. The report shall include an
23 assessment by category of the financial need of every student
24 who receives an award, regardless of the purpose for which the
25 award is received. Awards that are based on financial need
26 shall be distributed in accordance with a nationally recognized

1 system of need analysis approved by the Board. An award for
2 academic merit shall require a minimum overall grade point
3 average of 3.0 on a 4.0 scale or the equivalent for both
4 initial receipt of the award and renewal of the award.

5 (f) The capital improvement fee is established at \$2.44 per
6 credit hour per semester. The building fee is established at
7 \$2.32 per credit hour per semester.

8 (g) Each university's board of trustees is authorized to
9 establish separate activity and service, health, and athletic
10 fees. When duly established, the fees shall be collected as
11 component parts of tuition and fees and shall be retained by
12 the university and paid into the separate activity and service,
13 health, and athletic funds. Notwithstanding any other
14 provision of law to the contrary, a university may transfer
15 revenues derived from the fees authorized pursuant to this
16 subsection (g) to a direct-support organization of the
17 university to be used only for the purpose of paying and
18 securing debt on projects approved by the Board and pursuant to
19 a written agreement approved by the Board. The amount
20 transferred may not exceed the amount authorized for annual
21 debt service.

22 (h) Each university's board of trustees shall establish a
23 student activity and service fee for the main campus of the
24 university. The university's board of trustees may also
25 establish a student activity and service fee for any branch
26 campus or center. Any subsequent increase in the activity and

1 service fee must be recommended by an activity and service fee
2 committee, at least one-half of whom are students appointed by
3 the student body president. The remainder of the committee
4 shall be appointed by the university president. A chairperson,
5 appointed jointly by the university president and the student
6 body president, shall vote only in the case of a tie. The
7 recommendations of the committee shall take effect only after
8 approval by the university president, after consultation with
9 the student body president, with final approval by the
10 university's board of trustees. An increase in the activity and
11 service fee may occur only once each fiscal year and must be
12 implemented beginning with the fall term. The Board is
13 responsible for adopting the rules and timetables necessary to
14 implement this fee.

15 The student activity and service fees shall be expended for
16 lawful purposes to benefit the student body in general. This
17 shall include, but shall not be limited to, student
18 publications and grants to duly recognized student
19 organizations, the membership of which is open to all students
20 at the university without regard to race, sex, or religion. The
21 funds may not benefit activities for which an admission fee is
22 charged to students, except for student government
23 association-sponsored concerts. The allocation and expenditure
24 of the funds shall be determined by the student government
25 association of the university, except that the president of the
26 university may veto any line item or portion thereof within the

1 budget when submitted by the student government association's
2 legislative body. The university president shall have 15 school
3 days from the date of presentation of the budget to act on the
4 allocation and expenditure recommendations, which shall be
5 deemed approved if no action is taken within the 15 school
6 days. If any line item or portion thereof within the budget is
7 vetoed, the student government association's legislative body
8 shall, within 15 school days, make new budget recommendations
9 for expenditure of the vetoed portion of the funds. If the
10 university president vetoes any line item or portion thereof
11 within the new budget revisions, the university president may
12 reallocate by line item that vetoed portion to bond obligations
13 guaranteed by activity and service fees. Unexpended funds and
14 undisbursed funds remaining at the end of a fiscal year shall
15 be carried over and remain in the student activity and service
16 fund and be available for allocation and expenditure during the
17 next fiscal year.

18 (i) Each university's board of trustees shall establish a
19 student health fee for the main campus of the university. The
20 university's board of trustees may also establish a student
21 health fee for any branch campus or center. Any subsequent
22 increase in the health fee must be recommended by a health
23 committee, at least one-half of whom are students appointed by
24 the student body president. The remainder of the committee
25 shall be appointed by the university president. A chairperson,
26 appointed jointly by the university president and the student

1 body president, shall vote only in the case of a tie. The
2 recommendations of the committee shall take effect only after
3 approval by the university president, after consultation with
4 the student body president, with final approval by the
5 university's board of trustees. An increase in the health fee
6 may occur only once each fiscal year and must be implemented
7 beginning with the fall term. The Board is responsible for
8 adopting the rules and timetables necessary to implement this
9 fee.

10 (j) Each university's board of trustees shall establish a
11 separate athletic fee for the main campus of the university.
12 The university's board of trustees may also establish a
13 separate athletic fee for any branch campus or center. Any
14 subsequent increase in the athletic fee must be recommended by
15 an athletic fee committee, at least one-half of whom are
16 students appointed by the student body president. The remainder
17 of the committee shall be appointed by the university
18 president. A chairperson, appointed jointly by the university
19 president and the student body president, shall vote only in
20 the case of a tie. The recommendations of the committee shall
21 take effect only after approval by the university president,
22 after consultation with the student body president, with final
23 approval by the university's board of trustees. An increase in
24 the athletic fee may occur only once each fiscal year and must
25 be implemented beginning with the fall term. The Board is
26 responsible for adopting the rules and timetables necessary to

1 implement this fee.

2 (k) Each university's board of trustees may establish a
3 technology fee of up to 5% of the tuition per credit hour. The
4 revenue from this fee shall be used to enhance instructional
5 technology resources for students and faculty.

6 (l) Except as otherwise provided in Section 35 of this Act,
7 each university's board of trustees is authorized to establish
8 the following fees:

9 (1) A nonrefundable application fee in an amount not to
10 exceed \$30.

11 (2) An orientation fee in an amount not to exceed \$35.

12 (3) A fee for security, access, or identification
13 cards. The annual fee for such a card may not exceed \$10
14 per card. The maximum amount charged for a replacement card
15 may not exceed \$15.

16 (4) Registration fees for audit and zero-hours
17 registration; a service charge, which may not exceed \$15,
18 for the payment of tuition and fees in installments; and a
19 late-registration fee in an amount not less than \$50 nor
20 more than \$100 to be imposed on students who fail to
21 initiate registration during the regular registration
22 period.

23 (5) A late-payment fee in an amount not less than \$50
24 nor more than \$100 to be imposed on students who fail to
25 pay or fail to make appropriate arrangements to pay (by
26 means of installment payment, deferment, or third-party

1 billing) tuition by the deadline set by each university.
2 Each university may adopt specific procedures or policies
3 for waiving the late-payment fee for minor underpayments.

4 (6) Fees for transcripts and diploma replacement, not
5 to exceed \$10 per item.

6 (7) A nonrefundable admissions deposit for
7 undergraduate, graduate, and professional degree programs
8 in an amount not to exceed \$200. The admissions deposit
9 shall be imposed at the time of an applicant's acceptance
10 to the university and shall be applied toward tuition upon
11 enrollment. If the applicant does not enroll in the
12 university, the admissions deposit shall be deposited in an
13 auxiliary account of the university and used to expand
14 financial assistance, scholarships, and student academic
15 and career counseling services at the university. The Board
16 shall adopt a policy that provides for the waiver of such
17 admissions deposit on the basis of financial hardship.

18 (8) A fee for miscellaneous health-related charges for
19 services provided at cost by the university health center
20 that are not covered by the health fee set under subsection
21 (i) of this Section.

22 (9) Materials and supplies fees to offset the cost of
23 materials or supplies that are consumed in the course of
24 the student's instructional activities, excluding the cost
25 of equipment replacement, repairs, and maintenance.

26 (10) Housing rental rates and miscellaneous housing

1 charges for services provided by the university at the
2 request of the student.

3 (11) A charge representing the reasonable cost of
4 efforts to collect payment of overdue accounts.

5 (12) A service charge on university loans in lieu of
6 interest and administrative handling charges.

7 (13) A fee for off-campus course offerings when the
8 location results in specific, identifiable, increased
9 costs to the university.

10 (14) Library fees and fines, including charges for
11 damaged and lost library materials, overdue reserve
12 library books, interlibrary loans, and literature
13 searches.

14 (15) Fees relating to duplicating, photocopying,
15 binding, and microfilming; copyright services; and
16 standardized testing. These fees may be charged only to
17 those who receive the services.

18 (16) Fees and fines relating to the use, late return,
19 and loss and damage of facilities and equipment.

20 (17) A returned-check fee for unpaid checks returned to
21 the university.

22 (18) Traffic and parking fines, charges for parking
23 decals, and transportation access fees.

24 (19) A fee for child care and services offered by the
25 university.

26 (20) A transient student fee that may not exceed \$5 per

1 distance learning course for accepting a transient student
2 and processing the transient student's admissions
3 application.

4 With the exception of housing rental rates and except as
5 otherwise provided, fees assessed pursuant to items (8) through
6 (19) of this subsection (1) shall be based on reasonable costs
7 of services.

8 The Board shall adopt rules and timetables necessary to
9 implement the fees and fines authorized under this subsection
10 (1). The fees assessed under this subsection (1) may be used
11 for debt.

12 Section 35. Fee proposals.

13 (a) The Board may approve the following:

14 (1) A proposal from a university's board of trustees to
15 establish a new student fee that is not specifically
16 authorized by this Act.

17 (2) A proposal from a university's board of trustees to
18 increase the current cap for an existing fee authorized
19 pursuant to items (1) through (7) of subsection (1) of
20 Section 30 of this Act.

21 (3) A proposal from a university's board of trustees to
22 implement flexible tuition policies, such as undergraduate
23 or graduate block tuition, a block tuition differential, or
24 market tuition rates for graduate-level online courses or
25 graduate-level courses offered through a university's

1 continuing education program. A block tuition policy for
2 resident undergraduate students or undergraduate-level
3 courses shall be based on the per-credit-hour
4 undergraduate tuition established under Section 15 of this
5 Act. A block tuition policy for nonresident undergraduate
6 students shall be based on the per-credit-hour
7 undergraduate tuition and out-of-State fee established
8 under Section 15 of this Act. Flexible tuition policies,
9 including block tuition, may not increase this State's
10 fiscal liability or obligation.

11 (b) A proposal developed pursuant to subsection (a) of this
12 Section shall be submitted in accordance with guidelines
13 established by the Board. Approval by the Board of such a
14 proposal must be made in accordance with the provisions of this
15 Section.

16 (c) In reviewing a proposal to establish a new fee under
17 subdivision (1) of subsection (a) of this Section, the Board
18 shall consider the following:

19 (1) The purpose to be served or accomplished by the new
20 fee.

21 (2) Whether there is a demonstrable, student-based
22 need for the new fee that is not currently being met
23 through existing university services, operations, or
24 another fee.

25 (3) Whether the financial impact on students is
26 warranted in light of other charges assessed to students

1 for tuition and associated fees.

2 (4) Whether any restrictions, limitations, or
3 conditions should be placed on the use of the fee.

4 (5) Whether there are outcome measures to indicate if
5 the purpose for which the fee was established is
6 accomplished.

7 (d) In reviewing a proposal to increase or exceed the
8 current cap for an existing fee under subdivision (2) of
9 subsection (a) of this Section, the Board shall consider the
10 following:

11 (1) The services or operations currently being funded
12 by the fee.

13 (2) Whether those services or operations can be
14 performed more efficiently to alleviate the need for any
15 increase.

16 (3) The additional or enhanced services or operations
17 to be funded by the increase.

18 (4) Whether any alternative resources are available to
19 meet the need.

20 (5) Whether the financial impact on students is
21 warranted in light of other charges assessed to students
22 for tuition and associated fees.

23 (e) In reviewing a proposal to implement a flexible tuition
24 policy under subdivision (3) of subsection (a) of this Section,
25 the Board shall consider the following:

26 (1) Whether the proposed tuition flexibility policy is

1 aligned with the mission of the university.

2 (2) Whether the proposed tuition flexibility policy
3 increases this State's fiscal liabilities or obligations,
4 and, if so, the proposal shall be denied.

5 (3) Whether any restrictions, limitations, or
6 conditions should be placed on the policy.

7 (4) How the proposed tuition flexibility policy will be
8 implemented to honor the advance payment contracts of
9 students who are beneficiaries of prepaid tuition
10 contracts.

11 (f) The Board shall submit an annual report to the
12 President of the Senate, the Speaker of the House of
13 Representatives, and the Governor summarizing the proposals
14 received by the Board during the preceding year and actions
15 taken by the Board in response to such proposals. The Board
16 shall also include in the annual report the following
17 information for each fee established pursuant to subdivision
18 (1) of subsection (a) of this Section:

19 (1) The amount of the fee.

20 (2) The total revenues generated by the fee.

21 (3) Detailed expenditures of the revenues generated by
22 the fee.

23 (g) The aggregate sum of any fees established pursuant to
24 subdivision (1) of subsection (a) of this Section that a
25 student is required to pay to register for a course shall not
26 exceed 10% of tuition.

1 (h) The revenues generated by a fee established pursuant to
2 subdivision (1) of subsection (a) of this Section may not be
3 transferred to an auxiliary enterprise or a direct-support
4 organization and may not be used for the purpose of paying or
5 securing debt.

6 (i) If the Board approves a university's proposal to
7 establish a fee pursuant to subdivision (1) of subsection (a)
8 of this Section, a fee committee shall be established at the
9 university to make recommendations to the university president
10 and the university's board of trustees regarding how the
11 revenue from the fee is to be spent and any subsequent changes
12 to the fee. At least one-half of the committee must be students
13 appointed by the student body president. The remainder of the
14 committee shall be appointed by the university president. A
15 chairperson, appointed jointly by the university president and
16 the student body president, shall vote only in the case of a
17 tie.

18 (j) An increase to an existing fee or a fee established
19 pursuant to subdivision (1) of subsection (a) of this Section
20 may occur no more than once each fiscal year and must be
21 implemented beginning with the fall term.

22 Section 40. Tuition differential.

23 (a) Each university's board of trustees may establish a
24 tuition differential for undergraduate courses upon receipt of
25 approval from the Board. The tuition differential shall promote

1 improvements in the quality of undergraduate education and
2 shall provide financial aid to undergraduate students who
3 exhibit financial need.

4 (b) Seventy percent of the revenues from the tuition
5 differential shall be expended for purposes of undergraduate
6 education. Such expenditures may include, but are not limited
7 to, increasing course offerings, improving graduation rates,
8 increasing the percentage of undergraduate students who are
9 taught by faculty, decreasing student-faculty ratios,
10 providing salary increases for faculty who have a history of
11 excellent teaching in undergraduate courses, improving the
12 efficiency of the delivery of undergraduate education through
13 academic advisement and counseling, and reducing the
14 percentage of students who graduate with excess hours. This
15 expenditure for undergraduate education may not be used to pay
16 the salaries of graduate teaching assistants. Except as
17 otherwise provided in this Section, the remaining 30% of the
18 revenues from the tuition differential or the equivalent amount
19 of revenue from private sources shall be expended to provide
20 financial aid to undergraduate students who exhibit financial
21 need, including students who are scholarship recipients, to
22 meet the cost of university attendance. This expenditure for
23 need-based financial aid shall not supplant the amount of
24 need-based aid provided to undergraduate students in the
25 preceding fiscal year from financial aid fee revenues, from the
26 direct appropriation for financial assistance provided to

1 universities, or from private sources. If the entire tuition
2 and fee costs of resident students who have applied for and
3 received Pell Grant funds have been met and the university has
4 excess funds remaining from the 30% of the revenues from the
5 tuition differential required to be used to assist students who
6 exhibit financial need, the university may expend the excess
7 portion in the same manner as required for the other 70% of the
8 tuition differential revenues.

9 (c) Each tuition differential is subject to the following
10 conditions:

11 (1) The tuition differential may be assessed on one or
12 more undergraduate courses or on all undergraduate courses
13 at a university.

14 (2) The tuition differential may vary by course or
15 courses, by campus or center location, and by institution.
16 Each university's board of trustees shall strive to
17 maintain and increase enrollment in degree programs
18 related to mathematics, science, high technology, and
19 other State or regional high-need fields when establishing
20 tuition differentials by course.

21 (3) For each university, the aggregate sum of tuition
22 and the tuition differential may not be increased by more
23 than 15% of the total charged for the aggregate sum of
24 these fees in the preceding fiscal year.

25 (4) The aggregate sum of undergraduate tuition and fees
26 per credit hour, including the tuition differential, may

1 not exceed the national average of undergraduate tuition
2 and fees at 4-year, degree-granting, public, postsecondary
3 educational institutions.

4 (5) Beneficiaries having prepaid tuition contracts
5 that are in effect on January 1, 2014 and which remain in
6 effect are exempt from the payment of the tuition
7 differential.

8 (6) The tuition differential may not be charged to any
9 student who was in attendance at the university before
10 January 1, 2014 and who maintains continuous enrollment.

11 (7) Subject to approval by the Board, the tuition
12 differential authorized pursuant to this Section may take
13 effect with the 2014 fall term.

14 (d) A university's board of trustees may submit a proposal
15 to the Board to implement a tuition differential for one or
16 more undergraduate courses. At a minimum, the proposal shall do
17 the following:

18 (1) Identify the course or courses for which the
19 tuition differential will be assessed.

20 (2) Indicate the amount that will be assessed for each
21 tuition differential proposed.

22 (3) Indicate the purpose of the tuition differential.

23 (4) Indicate how the revenues from the tuition
24 differential will be used.

25 (5) Indicate how the university will monitor the
26 success of the tuition differential in achieving the

1 purpose for which the tuition differential is being
2 assessed.

3 (e) The Board shall review each proposal and advise the
4 university's board of trustees of approval of the proposal, the
5 need for additional information or revision to the proposal, or
6 denial of the proposal. The Board shall establish a process for
7 any university to revise a proposal or appeal a decision of the
8 Board.

9 (f) The Board shall submit a report to the President of the
10 Senate, the Speaker of the House of Representatives, and the
11 Governor describing the implementation of the provisions of
12 this Section no later than January 1, 2015 and no later than
13 January 1 each year thereafter. The report shall summarize
14 proposals received by the Board during the preceding fiscal
15 year and actions taken by the Board in response to such
16 proposals. In addition, the report shall provide the following
17 information for each university that has been approved by the
18 Board to assess a tuition differential:

19 (1) The course or courses for which the tuition
20 differential was assessed and the amount assessed.

21 (2) The total revenues generated by the tuition
22 differential.

23 (3) Detailed expenditures of the revenues generated by
24 the tuition differential.

25 (4) Changes in retention rates, graduation rates, the
26 percentage of students graduating with more than 110% of

1 the hours required for graduation, passage rates on
2 licensure examinations, the number of undergraduate course
3 offerings, the percentage of undergraduate students who
4 are taught by faculty, student-faculty ratios, and the
5 average salaries of faculty who teach undergraduate
6 courses.

7 (g) No university shall be required to lower any tuition
8 differential that was approved by the Board and in effect prior
9 to January 1, 2014 in order to comply with the provisions of
10 this Section.

11 Section 45. Distance learning course fee.

12 (a) A University may assess a student who enrolls in a
13 distance learning course a per-credit-hour distance learning
14 course fee. For purposes of assessing this fee, a distance
15 learning course is a course in which at least 80% of the direct
16 instruction of the course is delivered using some form of
17 technology when the student and instructor are separated by
18 time or space or both.

19 (b) The amount of the distance learning course fee may not
20 exceed the additional costs of the services provided that are
21 attributable to the development and delivery of the distance
22 learning course. If the distance learning course fee is
23 assessed by a university, the university may not assess
24 duplicative fees to cover the additional costs.

1 Section 50. Authorized fees only. A university may not
2 charge any fee except as specifically authorized by law.

3 Section 90. Rules. The Board shall adopt rules to
4 implement the provisions of this Act.