



The State University
of New York

Office of the Chancellor

State University Plaza
Albany, New York 12246

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MEMORANDUM

June 21, 2017

TO: Members of the Board of Trustees

FROM: Nancy L. Zimpher, Chancellor

SUBJECT: Amendments to 8 NYCRR Part 302.1(b): State-operated Tuition Schedule

Action Requested

This resolution authorizes the filing of an emergency rulemaking and the publication of a Notice of Proposed Rulemaking to revise the 2017/18 tuition schedule for State-operated campuses. The new rates will take effect commencing with the fall 2017 semester.

Resolution

I recommend that the Board of Trustees adopt the following resolution:

Whereas section 355(2)(h) of NYS Education Law provides the Board of Trustees the authority to regulate tuition charges where no other provision is otherwise provided; and

Whereas engagement with representatives of pertinent campuses and analysis of available data indicate that: non-resident undergraduate tuition should be increased by 2.0 percent (\$470) at the University at Buffalo and Stony Brook University while remaining flat on a year-to-year basis at the University at Albany and Binghamton University; and non-resident undergraduate associate degree tuition should be increased by 2.9 percent (\$320) at the College of Technology at Morrisville; and

Whereas changes to tuition rates for graduate and professional degree programs in certain categories are supported by campuses, market research, and analysis; and

Whereas Part JJJ of Chapter 59 of the Laws of 2017 provides the Board of Trustees with authority to increase the rate of resident undergraduate tuition at State-operated campuses by a maximum of \$200 over the amount charged the prior year for the years 2017/18 through 2020/21; and

Whereas changes proposed by the Board of Trustees for the 2017/18 year for resident undergraduate rates are done with full understanding of the need for the revenue so generated to support the educational needs of SUNY students and that the tuition costs of nearly half of SUNY resident undergraduate students are \$0 due to the combination of the State's Tuition Assistance Program (TAP), SUNY Supplemental TAP, and the federal Pell program, and the number of students who pay no tuition will only grow due to the inclusion of the Excelsior Scholarship Program in the 2017/18 Enacted State Budget; and

Whereas Chapter 437 of the laws of 2015 authorized the Board of Trustees to establish a new category of tuition for non-resident students enrolled in distance learning courses, which – following analysis and review in partnership with professionals from both campuses and System Administration – has been expanded beyond distance learning courses leading to undergraduate degrees to include distance learning courses leading to a graduate, Masters of Business Administration, Masters of Social Work, or Doctor of Nursing Practice degree at all State-operated campuses; and

Whereas “non-resident” has been defined by a working group comprised of campus and System Administration professionals as a student enrolled in a State University of New York State-operated campus who a) for a given term is enrolled exclusively in online distance learning course(s); and b) has not had an address within the borders of New York State at any point between July 1st and June 30th of a given State-operated campus fiscal year; and

Whereas campuses will determine whether a student meets the “non-resident” requirements by requiring documentation,

as needed, to demonstrate compliance and to ensure that this definition is narrowly tailored to online-only, non-resident students with no physical presence in New York in accordance with subparagraph 4 of paragraph h of subdivision 2 of section 355 of the Education Law, provided, however, that for the 2017/18 academic year and the 2017/18 academic year only, State-operated campuses may request permission from the Chancellor, or designee, to limit the offering of this rate to eligible non-resident students to only those who are matriculated in an exclusively online educational program comprised entirely of distance learning courses. Such limitation will be permissible for only the 2017/18 academic year and is intended to allow the State-operated campus the time required to properly align their student tracking systems with the intent of the law; and

Whereas “distance learning” is defined as education that uses certain technologies to deliver instruction to students who are separated from the instructor and to support regular and substantive interaction between the students and the instructor; and

Whereas market research, analysis of distance learning courses offered by SUNY and comparable institutions, and discussions with campuses suggest that SUNY’s distance learning rates for undergraduate associate, baccalaureate, graduate, Masters of Business Administration, Masters of Social Work, and Doctor of Nursing Practice degrees, offered at all campuses, should be set at 1.2 times the resident rate to provide the State University an appropriate balance between competitiveness and revenue generation; and

Whereas the revenue generated by the proposed tuition rates form the basis of the campus revenue projections included in the 2017/18 financial plan for State-operated campuses, statutory campuses, and University-wide programs; and

Whereas adoption on an immediate basis of the above-referenced tuition increases effective with the fall 2017 semester is necessary in order for the State University to maintain program quality and access and to give appropriate notice of the increases to students, their families and financial aid providers; now, therefore, be it

Resolved that the Chancellor, or designee, be, and hereby is, authorized and directed to prepare, in accordance with the provisions of the State Administrative Procedure Act, a Notice of Emergency Adoption and Proposed Rulemaking with respect to amendments to section 302.1(b) of Title 8 of the Official Compilation of Codes, Rules and Regulations of the State of New York, to read as follows (brackets denote old material to be deleted; underlining denotes new material to be added).

Section 302.1. Tuition and fees at State-operated units of State University.

* * * * *

(b) Tuition charges as listed in the following table for categories of students, terms and programs, and as modified, amplified or explained in footnotes 1 through [11]12 are effective with the 201[6]7 fall term and thereafter.

		Charge per Semester		Charge per Semester credit hour ¹ Special Students	
		New York State residents	Out-of-State residents	New York State residents	Out-of-State residents
(1)	Students enrolled in degree-granting undergraduate programs leading to an associate degree and non-degree granting programs of at least one regular academic term in duration which have been approved as eligible for Tuition Assistance Program Awards	[\$3,235] <u>\$3,335</u>	\$8,160	[\$270] <u>\$278</u>	\$680
		<u>\$3,235</u> ²	\$4,870 ^{[2]3}	[\$270] <u>\$278</u> ⁹	\$406 ^{[2]3}
			\$5,420 ^{[3]4}		\$452 ^{[3]4}
			\$5,430 ^{[4]5}		\$453 ^{[4]5}
			[\$5,500] <u>\$5,660</u> ⁶		[\$458] <u>\$472</u> ⁶
			\$8,160 ^{[6]7}		\$680 ^{[6]7}
			[\$3,880] <u>\$4,000</u> ⁸		[\$323] <u>\$333</u> ⁸
			[\$270] <u>\$278</u> ⁹		
(2)	Students enrolled in degree-granting undergraduate programs leading to a baccalaureate degree and non-degree granting programs of at least one regular	[\$3,235] <u>\$3,335</u>	\$8,160	[\$270] <u>\$278</u>	\$680
		<u>\$3,235</u> ²	[\$3,880] <u>\$4,000</u> ⁸		[\$323] <u>\$333</u> ⁸
			[\$11,855] <u>\$12,090</u> ¹⁰		[\$988] <u>\$1,008</u> ¹⁰

		Charge per Semester		Charge per Semester credit hour ¹ Special Students	
		New York State residents	Out-of-State residents	New York State residents	Out-of-State residents
	academic term in duration which have been approved as eligible for Tuition Assistance Program Awards		\$10,775 ^[10] ¹¹ [\$4,855 ¹¹] <u>\$5,005¹²</u>		\$898 ^[10] ¹¹ [\$405 ¹¹] <u>\$417¹²</u>
(3)	Students enrolled in graduate programs (other than Masters of Business Administration, Architecture, Social Work or Physician Assistant) leading to a Master's, Doctor's or equivalent degree	\$5,435	\$11,105 \$6,520 ⁸ \$8,155 ^[11] ¹²	\$453	\$925 \$543 ⁸ \$680 ^[11] ¹²
(4)	Students enrolled in a graduate program leading to a Masters of Business Administration (MBA)	[\$7,205] <u>\$7,350</u>	\$12,195 \$8,820 ⁸	[\$600] <u>\$613</u>	\$1,016 \$735 ⁸
(5)	Students enrolled in a graduate program leading to a Masters of Architecture	[\$6,690] <u>\$6,890</u>	[\$11,550] <u>\$11,895</u>	[\$558] <u>\$574</u>	[\$963] <u>\$991</u>
(6)	Students enrolled in a graduate program leading to a Masters of Social Work	[\$6,475] <u>\$6,540</u>	\$11,105 \$7,850 ⁸	[\$540] <u>\$545</u>	\$925 \$654 ⁸
(7)	Students enrolled in the professional program of pharmacy	[\$12,570] <u>\$12,920</u>	[\$23,365] <u>\$18,225</u>	[\$1,048] <u>\$1,077</u>	[\$1,947] <u>\$1,519</u>
(8)	Students enrolled in the professional program of law	\$12,705	[\$21,340] <u>\$14,750</u>	\$1,059	[\$1,778] <u>\$1,229</u>
(9)	Students enrolled in the professional program of medicine	[\$20,080] <u>\$20,885</u>	\$32,580	[\$1,673] <u>\$1,740</u>	\$2,715
(10)	Students enrolled in the professional program of dentistry	[\$17,220] <u>\$17,565</u>	\$31,475	[\$1,435] <u>1,464</u>	\$2,623
(11)	Students enrolled in the professional programs of physical therapy	\$12,195	[\$20,465] <u>\$15,350</u>	\$1,016	[\$1,705] <u>\$1,279</u>
(12)	Students enrolled in the professional program of optometry	[\$13,650] <u>\$14,195</u>	[\$24,340] <u>\$24,825</u>	[\$1,138] <u>1,183</u>	[\$2,028] <u>\$2,069</u>

		Charge per Semester		Charge per Semester credit hour ¹ Special Students	
		New York State residents	Out-of-State residents	New York State residents	Out-of-State residents
(13)	Students enrolled in the professional program of physician assistant	[\$7,010] <u>\$7,360</u>	\$14,695	[\$584] <u>\$613</u>	\$1,225
(14)	Students enrolled in the professional programs of doctor of nursing practice	\$12,195	[\$21,440] <u>\$16,080</u> <u>\$14,635⁸</u>	\$1,016	[\$1,787] <u>\$1,340</u> <u>\$1,220⁸</u>

¹ The Chancellor shall determine the equivalent of a credit hour.

² In accordance with Part HHH of Chapter 59 of the Laws of 2017, students who are both eligible for, and recipients of, an Excelsior Scholarship from the State of New York are to be charged the resident undergraduate rate of tuition approved by the Board of Trustees in the 2016/17 academic year.

^[2]³ In accordance with Chapter 309 of the Laws of 1996, and enabling action by the Board of Trustees, the Colleges of Technology at Alfred, Canton, Cobleskill, Delhi, and Morrisville are authorized to charge a lower rate for non-resident students enrolled in degree-granting programs leading to an associate degree or in non-degree granting programs. This reduced rate does not apply to those students enrolled in degree-granting programs leading to a baccalaureate degree. Alfred is authorized to charge the rate noted effective with the fall 201~~6~~7 term.

^[3]⁴ In accordance with Chapter 309 of the Laws of 1996, and enabling action by the Board of Trustees, the Colleges of Technology at Alfred, Canton, Cobleskill, Delhi, and Morrisville are authorized to charge a lower rate for non-resident students enrolled in degree-granting programs leading to an associate degree or in non-degree granting programs. This reduced rate does not apply to those students enrolled in degree-granting programs leading to a baccalaureate degree. Delhi is authorized to charge the rate noted effective with the fall 201~~6~~7 term.

^[4]⁵ In accordance with Chapter 309 of the Laws of 1996, and enabling action by the Board of Trustees, the Colleges of Technology at Alfred, Canton, Cobleskill, Delhi, and Morrisville are authorized to charge a lower rate for non-resident students enrolled in degree-granting programs leading to an associate degree or in non-degree granting programs. This reduced rate does not apply to those students enrolled in degree-granting programs leading to a baccalaureate degree. Canton is authorized to charge the rate noted effective with the fall 201~~6~~7 term.

^[5]⁶ In accordance with Chapter 309 of the Laws of 1996, and enabling action by the Board of Trustees, the Colleges of Technology at Alfred, Canton, Cobleskill, Delhi, and Morrisville are authorized to charge a lower rate for non-resident students enrolled in degree-granting programs leading to an associate degree or in non-degree granting programs. This

reduced rate does not apply to those students enrolled in degree-granting programs leading to a baccalaureate degree. Morrisville is authorized to charge the rate noted effective with the fall 201[6]7 term.

[6]7 In accordance with Chapter 309 of the Laws of 1996, and enabling action by the Board of Trustees, the Colleges of Technology at Alfred, Canton, Cobleskill, Delhi, and Morrisville are authorized to charge a lower rate for non-resident students enrolled in degree-granting programs leading to an associate degree or in non-degree granting programs. This reduced rate does not apply to those students enrolled in degree-granting programs leading to a baccalaureate degree. Cobleskill is authorized to charge the rate noted effective with the fall 201[6]7 term.

[7]8 In accordance with Chapter 437 of the laws of 2015, the Board of Trustees is authorized to establish a new category of tuition for non-resident students enrolled in distance learning courses at SUNY.

[8]9 In accordance with Chapter 309 of the Laws of 1996, and enabling action by the Board of Trustees, the Colleges of Technology at Alfred, Canton, Cobleskill, Delhi, and Morrisville are authorized to charge this lower rate for special students (part-time) enrolled in degree-granting programs leading to an associate degree or in non-degree granting programs, and taking classes at off-campus locations or during the summer or winter intercessions. This reduced rate does not apply to those students enrolled in degree-granting programs leading to a baccalaureate degree.

[9]10 In accordance with Chapter 54 of the laws of 2016, the University Centers at Buffalo and Stony Brook are authorized to charge this rate for non-resident undergraduate students.

[10]11 In accordance with Chapter 54 of the laws of 2016, the University Centers at Binghamton and Albany are authorized to charge this rate for non-resident undergraduate students.

[11]12 As authorized by the Board of Trustees (2010-081), Maritime College is authorized to charge up to this rate for non-resident students from states and commonwealths considered to be in-region (Alabama, Connecticut, Delaware, Florida, Georgia, Louisiana, Mississippi, Maryland, New Jersey, North Carolina, Pennsylvania, Puerto Rico, Rhode Island, South Carolina, Virginia, and Washington D.C.).

Background

This resolution authorizes emergency and proposed rulemaking to change the SUNY tuition schedule effective for the fall 2017 semester.

The tuition rates were last changed effective fall 2016. This action will initiate the rulemaking process in accordance with the State Administrative Procedure Act. Rulemaking is required since the tuition schedule is contained in regulation. Final adoption of the new rates will occur after a 45 day public

comment period in the New York State Register and the adoption by the Board of Trustees of a resolution authorizing final rulemaking.

Increases in resident undergraduate rates for students at the 28 applicable State-operated campuses are done in accordance with Part JJJ of Chapter 59 of the Laws of 2017 which provides the Board of Trustees with authority to raise these rates by a maximum of \$200 on a year-to-year basis from fiscal year 2017/18 to 2020/21.

Legislation in effect since 1996 allows for the colleges of technology to adopt different rates for non-resident students enrolled in associate degree and non-degree granting programs. Rates for certain graduate and professional programs are being increased or decreased based on market analysis and requests submitted by the campuses.

The non-resident distance learning tuition category is expanded for the fall 2017 semester, following additional flexibility provided by the legislation passed in 2015. Distance learning interaction may be synchronous (student and instructor are in communication at the same time), or asynchronous, or a combination of the two. The technologies may include the Internet; audio conferencing; or one-way and two-way transmissions through open broadcast, closed circuit, cable, microwave, broadband lines, fiber optics, satellite, or wireless communications devices.

The proposed annual rate changes are more fully described in the following table.

Residency	Rate Type	2016/17 Rate	2017/18 Rate	Change		% of Enrollment	% of Revenue
				\$	%		
Resident	Associate	6,470	6,670	200	3.1%	3.70%	2.65%
	Associate (Excelsior)	6,470	6,470	-	0.0%	0.70%	0.48%
	Undergraduate	6,470	6,670	200	3.1%	65.46%	46.86%
	Undergraduate (Excelsior)	6,470	6,470	-	0.0%	8.56%	5.95%
	Graduate	10,870	10,870	-	0.0%	6.89%	8.05%
	Master of Business Administration	14,410	14,700	290	2.0%	0.54%	0.86%
	Master of Social Work	12,950	13,080	130	1.0%	0.68%	0.96%
	Master of Architecture	13,380	13,780	400	3.0%	0.05%	0.07%
	Physicians Assistant	14,020	14,720	700	5.0%	0.12%	0.18%
	Law	25,410	25,410	-	0.0%	0.20%	0.55%
	Pharmacy	25,140	25,840	700	2.8%	0.28%	0.79%
	Medicine	40,160	41,770	1,610	4.0%	1.20%	5.39%
	Dentistry	34,440	35,130	690	2.0%	0.26%	0.97%
	Optometry	27,300	28,390	1,090	4.0%	0.16%	0.47%
	Physical Therapy	24,390	24,390	-	0.0%	0.27%	0.70%
Nursing Practice	24,390	24,390	-	0.0%	0.11%	0.28%	
Non-Resident	Ugrad @ UB/Stony Brook	23,710	24,180	470	2.0%	3.01%	7.83%
	Ugrad @ Albany/Binghamton	21,550	21,550	-	0.0%	1.54%	3.56%
	Undergraduate @ Comp/Tech	16,320	16,320	-	0.0%	2.33%	4.09%
	Associates	16,320	16,320	-	0.0%	0.00%	0.00%
	Associates @ Alfred	9,740	9,740	-	0.0%	0.04%	0.04%
	Associates @ Delhi	10,840	10,840	-	0.0%	0.03%	0.04%
	Associates @ Canton	10,860	10,860	-	0.0%	0.03%	0.03%
	Associates @ Morrisville	11,000	11,320	320	2.9%	0.08%	0.09%
	Associates @ Cobleskill	16,320	16,320	-	0.0%	0.04%	0.06%
	Graduate-Masters	22,210	22,210	-	0.0%	2.95%	7.03%
	Master of Business Administration	24,390	24,390	-	0.0%	0.15%	0.40%
	Master of Social Work	22,210	22,210	-	0.0%	0.02%	0.05%
	Master of Architecture	23,100	23,790	690	3.0%	0.01%	0.03%
	Physicians Assistant	29,390	29,390	-	0.0%	0.01%	0.04%
	Law	42,680	29,500	(13,180)	-30.9%	0.02%	0.05%
	Pharmacy	46,730	36,450	(10,280)	-22.0%	0.01%	0.05%
	Medicine	65,160	65,160	-	0.0%	0.07%	0.47%
	Dentistry	62,950	62,950	-	0.0%	0.03%	0.22%
	Optometry	48,680	49,650	970	2.0%	0.04%	0.20%
	Physical Therapy	40,930	30,700	(10,230)	-25.0%	0.01%	0.05%
Nursing Practice	42,880	32,160	(10,720)	-25.0%	0.00%	0.01%	
Ugrad @ Maritime (In-Region Current)	8,090	8,340	250	3.1%	0.00%	0.00%	
Ugrad @ Maritime (In-Region New)	9,710	10,010	300	3.1%	0.19%	0.20%	
Grad @ Maritime (In-Region Current)	13,590	13,590	-	0.0%	0.00%	0.00%	
Grad @ Maritime (In-Region New)	16,310	16,310	-	0.0%	0.02%	0.03%	
Online	Associates	7,760	8,000	240	3.1%	0.01%	0.01%
	Undergraduate	7,760	8,000	240	3.1%	0.17%	0.14%
	Graduate-Masters	22,210	13,040	(9,170)	-41.3%	0.03%	0.05%
	Master of Business Administration	24,390	17,640	(6,750)	-27.7%	0.00%	0.01%
	Master of Social Work	22,210	15,700	(6,510)	-29.3%	0.00%	0.00%
	Nursing Practice	42,880	29,270	(13,610)	-31.7%	0.00%	0.00%
Total		N/A	N/A	N/A	N/A	100.0%	100.0%