



MEMORANDUM

June 20, 2019

TO: Members of the Board of Trustees

FROM: Kristina M. Johnson, Chancellor

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

Action Requested

This resolution authorizes the filing of an emergency rulemaking and the publication of a Notice of Proposed Rulemaking to revise the 2019/20 tuition schedule for State-operated campuses. The new rates will take effect commencing with the fall 2019 semester.

Resolution

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

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

Whereas System Administration has engaged with campus representatives and reviewed applicable data; and

Whereas this review and engagement has produced a recommendation that rates charged to students attending a State-operated campus of the State University of New York be adjusted as follows from approved 2018/19 levels: non-resident undergraduate baccalaureate tuition should be increased by 0.8 percent (\$200) at the University at Buffalo and Stony Brook University; increased by 3.9 percent (\$950) at the University at Albany and Binghamton University; and increased by 1.9 percent (\$330) at all other campuses; and non-resident undergraduate associate degree tuition should be increased by 2.8 percent (\$300) at the College of Technology at Alfred; increased by 1.9

percent (\$330) at the College of Technology at Cobleskill; increased by two (2) percent (\$230) at the College of Technology at Morrisville; increased by 1.3 percent (\$140) at the College of Technology at Canton; and increased by 1.9 percent (\$330) at all other campuses offering the standard non-resident associate tuition rate; 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 the fiscal situation currently facing the state-operated campuses requires an increase to the level allowed by such; and

Whereas the proposed increases to resident undergraduate tuition rates for the 2019/20 year for are needed to support the educational needs of SUNY students; and

Whereas the tuition costs of approximately half of SUNY's resident undergraduate students are zero due to the combination of the state's Tuition Assistance Program ("TAP"), SUNY Supplemental TAP, the federal Pell program, and the Excelsior Scholarship Program; 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 including distance learning courses leading to an undergraduate, graduate, Masters of Business Administration, Masters of Social Work, or Doctor of Nursing Practice degree at all state-operated campuses; and

Whereas for purposes of distance learning courses only, "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 for purposes of distance learning courses only, 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 State in accordance subparagraph 4 of paragraph h of subdivision 2 of NYS Education Law section 355(2)(h)(4); and

Whereas “distance learning” is defined as education that uses technology 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 tuition rates for 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 tuition rate to provide the State University an appropriate balance between competitiveness and revenue generation; and

Whereas the revenue generated by the proposed tuition rates forms the basis of the campus revenue projections included in the 2019/20 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 2019 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 12 are effective with the 201[8]9 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	[\$3,435] <u>\$3,535</u> \$3,235 ²	[\$8,325] <u>\$8,490</u> [\$5,370 ³] <u>\$5,520³</u> \$5,420 ⁴ [\$5,430 ⁵] <u>\$5,500⁵</u> [\$5,660 ⁶] <u>\$5,775⁶</u> [\$8,325 ⁷] <u>\$8,490⁷</u> [\$4,120 ⁸] <u>\$4,240⁸</u>	[\$286] <u>\$295</u>	[\$694] <u>\$708</u> [\$448 ³] <u>\$460³</u> \$452 ⁴ [\$453 ⁵] <u>\$458⁵</u> [\$472 ⁶] <u>\$481⁶</u> [\$694 ⁷] <u>\$708⁷</u> [\$343 ⁸] <u>\$353⁸</u> [\$286 ⁹] <u>\$295⁹</u>
(2)	Students enrolled in degree-granting undergraduate programs leading to a baccalaureate 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	[\$3,435] <u>\$3,535</u> \$3,235 ²	[\$8,325] <u>\$8,490</u> [\$4,120 ⁸] <u>\$4,240⁸</u> [\$12,270 ¹⁰] <u>\$12,370¹⁰</u> [\$11,855 ¹¹] <u>\$12,330¹¹</u> [\$5,155 ¹²] <u>\$5,305¹²</u>	[\$286] <u>\$295</u>	[\$694] <u>\$708</u> [\$343 ⁸] <u>\$353⁸</u> [\$1,023 ¹⁰] <u>\$1,031¹⁰</u> [\$988 ¹¹] <u>\$1,028¹¹</u> [\$430 ¹²] <u>\$442¹²</u>
(3)	Students enrolled in graduate programs (other than Masters of Business Administration, Architecture, Social Work or Physician's Assistant) leading to a Master's, Doctor's or equivalent degree	[\$5,545] <u>\$5,655</u>	[\$11,325] <u>\$11,550</u> [\$6,655 ⁸] <u>\$6,785⁸</u> [\$8,320 ¹²] <u>\$8,485¹²</u>	[\$462] <u>\$471</u>	[\$944] <u>\$963</u> [\$555 ⁸] <u>\$565⁸</u> [\$693 ¹²] <u>\$707¹²</u>
(4)	Students enrolled in a graduate program leading to a Doctorate of Audiology	[\$5,600] <u>\$5,170</u>	[\$11,440] <u>\$11,670</u>	[\$467] <u>\$476</u>	[\$953] <u>\$973</u>
(5)	Students enrolled in a graduate program leading to a Masters of Business Administration (MBA)	[\$7,425] <u>\$7,500</u>	\$12,195 [\$8,910 ⁸] <u>\$9,000⁸</u>	[\$619] <u>\$625</u>	\$1,016 [\$743 ⁸] <u>\$750⁸</u>

(6)	Students enrolled in a graduate program leading to a Masters of Architecture	[\$7,095] <u>\$7,310</u>	[\$12,250] <u>\$12,620</u>	[\$591] <u>\$609</u>	[\$1,021] <u>\$1,052</u>
(7)	Students enrolled in a graduate program leading to a Masters of Social Work	\$6,540	\$11,105 \$7,850 ⁸	\$545	\$925 \$654 ⁸
(8)	Students enrolled in a graduate program leading to a Doctorate of Social Work	<u>\$9,600</u>	<u>\$12,600</u>	<u>\$800</u>	<u>\$1,050</u>
(9)	Students enrolled in a graduate program leading to a Masters of Health Administration	<u>\$6,985</u>	<u>\$11,550</u>	<u>\$582</u>	<u>\$963</u>
[(8)] (10)	Students enrolled in the professional program of pharmacy	\$13,225	\$18,570	\$1,105 ²	\$1,548
[(9)] (11)	Students enrolled in the professional program of law	\$12,705	\$14,750	\$1,059	\$1,229
[(10)] (12)	Students enrolled in the professional program of medicine	[\$21,510] <u>\$21,835</u>	\$32,580	[\$1,793] <u>\$1,820</u>	\$2,715
[(11)] (12)	Students enrolled in the professional program of dentistry	[\$17,915] <u>\$18,450</u>	\$31,475	[\$1,493] <u>\$1,538</u>	\$2,623
[(12)] (13)	Students enrolled in the professional program of physical therapy	\$12,195	\$15,350	\$1,016	\$1,279
[(13)] (14)	Students enrolled in the professional program of optometry	[\$14,620] <u>\$14,910</u>	[\$25,075] <u>\$25,575</u>	[\$1,218] <u>\$1,243</u>	[\$2,090] <u>\$2,131</u>
[(14)] (15)	Students enrolled in the professional program of physician assistant	[\$7,725] <u>\$8,110</u>	[\$14,695] <u>\$14,990</u>	[\$644] <u>\$676</u>	[\$1,225] <u>\$1,249</u>
[(15)] (16)	Students enrolled in the professional programs of doctor of nursing practice	\$12,560	\$16,080 [\$15,070 ⁸] <u>\$15,370⁸</u>	\$1,047	\$1,340 [\$1,256 ⁸] <u>\$1,281⁸</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.

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[8]9 term.

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[8]9 term.

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[8]9 term.

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[8]9 term.

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[8]9 term.

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.

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.

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.

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.

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 rulemaking to change the SUNY tuition schedule effective for the fall 2019 semester.

The tuition rates were last changed effective fall 2018. 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 between the fiscal years 2017/18 and 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 based on market analysis and requests submitted by the campuses.

The non-resident distance learning tuition category was established 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.

**State University of New York (SUNY)
2018/19 to 2019/20 State-operated campus Tuition Rates**

Residency	Rate Type	Change				% of Revenue	% of Enrollment
		2018/19 Rate	2019/20 Rate	\$	%		
<i>Resident</i>	Associate (Excelsior)	\$ 6,470	\$ 6,470	\$ -	0.0%	5.5%	8.5%
	Baccalaureate (Excelsior)	6,470	6,470	-	0.0%		
	Associate	6,870	7,070	200	2.9%	3.0%	4.2%
	Baccalaureate	6,870	7,070	200	2.9%	45.6%	64.4%
	Graduate / PhD	11,090	11,310	220	2.0%	8.1%	7.2%
	Doctor of Audiology	11,200	11,420	220	2.0%	0.0%	0.0%
	Master of Social Work	13,080	13,080	-	0.0%	1.1%	0.9%
	Masters of Health Administration*	11,090	13,970	2,880	26.0%	0.0%	0.0%
	Master of Architecture	14,190	14,620	430	3.0%	0.1%	0.1%
	Master of Business Administration	14,850	15,000	150	1.0%	0.8%	0.6%
	Physicians Assistant	15,450	16,220	770	5.0%	0.3%	0.2%
	Doctor of Social Work*	11,090	19,200	8,110	73.1%	0.0%	0.0%
	Doctor of Physical Therapy	24,390	24,390	-	0.0%	0.6%	0.3%
	Doctor of Nursing Practice	25,120	25,120	-	0.0%	0.3%	0.1%
	Law	25,410	25,410	-	0.0%	0.7%	0.3%
	Pharmacy	26,450	26,450	-	0.0%	0.8%	0.3%
	Optometry	29,240	29,820	580	2.0%	0.5%	0.2%
Dentistry	35,830	36,900	1,070	3.0%	1.0%	0.3%	
Medicine	43,020	43,670	650	1.5%	5.5%	1.3%	
<i>Non-Resident</i>	Undergrad @ Maritime (In-Region)	10,310	10,610	300	2.9%	0.1%	0.1%
	Associates @ Alfred	10,740	11,040	300	2.8%	0.0%	0.0%
	Associates @ Delhi	10,840	10,840	-	0.0%	0.0%	0.0%
	Associates @ Canton	10,860	11,000	140	1.3%	0.0%	0.0%
	Associates @ Morrisville	11,320	11,550	230	2.0%	0.1%	0.1%
	Grad @ Maritime (In-Region)	16,640	16,970	330	2.0%	0.0%	0.0%
	Baccalaureate @ Docs/Comps/Techs	16,650	16,980	330	2.0%	4.1%	2.3%
	Associate @ All Other Campuses	16,650	16,980	330	2.0%	0.0%	0.0%
	Associates @ Cobleskill	16,650	16,980	330	2.0%	0.1%	0.0%
	Master of Social Work	22,210	22,210	-	0.0%	0.1%	0.0%
	Graduate / PhD	22,650	23,100	450	2.0%	8.6%	3.7%
	Master of Health Administration*	22,650	23,100	450	2.0%	0.0%	0.0%
	Doctor of Audiology	22,880	23,340	460	2.0%	0.0%	0.0%
	Master of Business Administration	24,390	24,390	-	0.0%	0.2%	0.1%
	Master of Architecture	24,500	25,240	740	3.0%	0.0%	0.0%
	Baccalaureate @ UB / Stony Brook	24,540	24,740	200	0.8%	7.0%	2.8%
	Baccalaureate @ Albany / Binghamton	23,710	24,660	950	4.0%	4.0%	1.5%
	Doctor of Social Work*	22,650	25,200	2,550	11.3%	0.0%	0.0%
	Physicians Assistant	29,390	29,980	590	2.0%	0.1%	0.0%
	Law	29,500	29,500	-	0.0%	0.1%	0.0%
Doctor of Physical Therapy	30,700	30,700	-	0.0%	0.0%	0.0%	
Doctor of Nursing Practice	32,160	32,160	-	0.0%	0.0%	0.0%	
Pharmacy	37,140	37,140	-	0.0%	0.1%	0.0%	
Optometry	50,150	51,150	1,000	2.0%	0.2%	0.0%	
Dentistry	62,950	62,950	-	0.0%	0.2%	0.0%	
Medicine	65,160	65,160	-	0.0%	0.7%	0.1%	
<i>Online Exclusively Online</i>	Associates	8,240	8,480	240	2.9%	0.0%	0.0%
	Undergraduate	8,240	8,480	240	2.9%	0.1%	0.1%
	Graduate / PhD	13,310	13,570	260	2.0%	0.1%	0.1%
	Master of Social Work	15,700	15,700	-	0.0%	0.0%	0.0%
	Master of Business Administration	17,820	18,000	180	1.0%	0.0%	0.0%
Doctor of Nursing Practice	30,140	30,740	600	2.0%	0.0%	0.0%	

* New rate category for 2019/20.

Percentage of Revenue and Enrollment based on 2019/20 internal projections and reporting
Excelsior Percentage of Revenue and Enrollment shown combined for Baccalaureate and Associates