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The University of Arizona, Tucson

## Tuition lawsuit has potential

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### State supreme court rules against ABOR immunity claim

By Jennifer Tramm  
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A recent court ruling against four UA students who challenged a 39.1-percent tuition increase four years ago has not sealed the issue's fate, a local attorney said.

Though the plaintiffs, four UA students, involved in *Kromko v. Arizona Board of Regents* lost their case at the Arizona Supreme Court, the court rejected two of the Arizona Board of Regents' claims, including one that said the Board's actions were beyond review.

While the Supreme Court affirmed that the Arizona Legislature was immune from its appropriations decisions, it also stated that ABOR was not.

According to the decision, Arizona state law "does not immunize the Board from suit for equitable and declaratory relief, ... or from suit for restitution of unconstitutionally collected tuition."

In the suit, the students said that the steep increase in tuition violated the state constitution's provision declaring that instruction furnished by the state "shall be as nearly free as possible."

ABOR rejected this on the basis of internal policy, which mandates that resident undergraduate tuition be no higher than "the top of the lower one-third of rates set by all other states."