

HIGHER EDUCATION

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The General Assembly considered a variety of higher education issues during the 2010 legislative session, including measures regarding administration and governance; financial assistance and tuition; higher education flexibility; and matriculation and postsecondary access.

Administration and Governance

The General Assembly authorized specific institutions of higher education — Mesa State College and Colorado Mountain College — to offer additional degree programs. **Senate Bill 10-079** changes the role and mission of Mesa State College to permit the school to offer general programs at the graduate level. Previously, only a limited number of specialized graduate programs were allowed. The school will continue to offer undergraduate programs in liberal arts and programs for other professional and technical degrees. The school's community college will continue to offer career and technical education.

Senate Bill 10-101 changes the role and mission of the Colorado Mountain College to permit the school to offer baccalaureate degrees. The school will identify degrees intended to address the needs of communities in its service areas. Prior to the bill, the college could offer no more than two

years of postsecondary instruction. The bill authorizes the college to offer up to five baccalaureate degree programs and seek approval from the Colorado Commission on Higher Education (CCHE) for new degrees. In addition, the bill established criteria for the CCDE to consider when approving baccalaureate programs for the college.

The General Assembly also considered a measure pertaining to the voting membership of the Board of Governors of the Colorado State University (CSU) system. **House Bill 10-1206**, which was postponed indefinitely, would have given voting rights to the two student members on the Board of Governors of the CSU system. These members currently serve in an advisory role. Student members on the board would have been appointed by the Governor from nominees elected by the student body at each of the system campuses. Student members would have been required to be either juniors, seniors, or graduate students attending school full-time in order to be eligible for the appointment.

In addition, the General Assembly considered three measures concerning insurance plans for higher education employees and savings plans for lifelong learners. **House Bill 10-1427** clarifies that an institution of higher education has the authority to offer insurance plans to its classified employees in addition to, or in lieu of, the insurance plans offered by the Department of Personnel and Administration. Insurance plans offered by an institution of higher education must be comparable in coverage to the insurance plans offered by the department.

After considering both **House Bill 10-1040** and **Senate Bill 10-202**, to direct CollegeInvest to promote and encourage the use of 529 savings plans by adults already in the workforce (lifelong learners) and create a new state income tax deduction, the legislature passed Senate Bill 10-202. Under current law, adults that contribute or make payments to CollegeInvest 529 plans can claim a state income tax deduction as long as the contributions are included in their federal taxable income. For purposes of this deduction, a qualified state tuition program is a 529 Colorado Savings Plan administered by CollegeInvest and includes the Direct Portfolio College Savings Plan, Scholars Choice College Savings Program, Stable Value Plus College Savings Plan, and Prepaid Tuition Fund. CollegeInvest is required to develop procedures to allow an employer to make a matching contribution to a lifelong learner's account for any contribution made by the lifelong learner. Adult lifelong learners may deduct any amount received as employer matching contributions from state income taxes. Proceeds from the sale of student loans held by the Department of Higher Education will be used to offset the revenue impact of the new deduction.

The General Assembly also considered a measure concerning the presentation of school safety plans at institutions of higher education. **House Bill 10-1054** requires institutions of higher education to develop policies and procedures that address on-campus safety. The policies and procedures will be tailored to the institution and reflect best practices regarding critical response protocols and personal safety on campus. School safety information must be provided to students, faculty, and staff each year.

Financial Assistance and Tuition

The General Assembly considered three measures pertaining to scholarship programs. **House Bill 10-1030**, recommended by the Early Childhood and School Readiness Legislative Commission, creates the Early Childhood Educator Development Scholarship Program in the

Colorado Department of Education. Subject to the receipt of sufficient money from federal sources and other gifts, grants, and donations, the department must create a scholarship program to assist persons employed in early childhood education to obtain an associate of arts degree. The department must collaborate with the Department of Human Services, the community college system, and the Office of Information Technology, to establish rules, application procedures, and award amounts for the scholarship program. The act sets forth some of the criteria the department must use for making awards. The department may add additional criteria, as necessary, to identify applicants with the greatest need. Recipients of awards from the program must be assigned a unique educator identifier.

House Bill 10-1428 repeals the authority of the student loan division (CollegeInvest) in the Department of Higher Education (DHE), to originate, issue, or guarantee any new student loans after July 1, 2010. The DHE will prepare a restructuring plan to deal with changes in administering student loans. If the state's interest in existing student loans is sold, the department is instructed to distribute the funds in the following amounts:

- up to \$5.0 million shall remain in the Colorado CollegeInvest Scholarship Trust Fund (Trust Fund) to pay for the repurchase of student loans, when necessary, and to pay expenses associated with the transition and wind-down of the student loan program. Any money remaining from these expenses as of January 1, 2011, is transferred to the Financial Need Scholarship Fund (scholarship fund);
- up to \$15.0 million of the remaining proceeds are transferred directly to the scholarship fund;
- any additional proceeds are transferred to the scholarship fund, which amounts may be used to reduce General Fund appropriations to the DHE for need-based grants; and
- if Senate Bill 10-202 becomes law, and after this bill's other requirements have been satisfied, up to \$100,000 of remaining proceeds are transferred to the Job Retraining Cash Fund.

The DHE is permitted to seek and accept gifts, grants, or donations for the trust fund and for the scholarship fund. Any money in these funds is subject to annual appropriation by the General Assembly. The Colorado CollegeInvest Scholarship Program is transferred from CollegeInvest to the DHE. Beginning FY 2010-11, DHE is to administer scholarships under the program. The bill will not affect CollegeInvest's 529 plans, CollegeAssist, or CollegeInColorado.

House Bill 10-1262, which was postponed indefinitely, would have created two new scholarship programs to be administered by CollegeInvest, the student loan division of the Department of Higher Education (DHE) — the Colorado Green Jobs Scholarship Program and the Colorado Medical Services Job Training Program. The Green Jobs Scholarship Program would have provided scholarships for postsecondary education to persons seeking jobs in environmentally friendly growth industries. The Governor's Energy Office would have assisted by creating a list of industries the division could reference when awarding green job scholarships. The Medical Services Job Training Program would have provided scholarships to persons seeking jobs in medical services fields. The scholarship programs were to be repealed on July 1, 2014.

Finally, **Senate Bill 10-039**, which was also postponed indefinitely, would have would have created the Colorado Job Retraining Scholarship Program in the Department of Higher Education (DHE). The student loan division, known as CollegeInvest, would have implemented and administered the program. The scholarships were intended to provide job training opportunities and increased access to higher education for persons receiving unemployment insurance benefits as of July 1, 2008.

The General Assembly also considered changes to state law regarding tuition and student loans. **House Bill 10-1067**, which was postponed indefinitely, would have maintained the requirement to fund 100 percent of the cost of tuition for Native American students at Fort Lewis College for resident students; however, nonresident students would have been funded at 100 percent of the cost of instruction, as determined by the Department of Higher Education (DHE). Native American students, both resident and nonresident, would have continued to attend the school without any tuition charge. Under current law, the state must fund 100 percent of the cost of tuition for Native American students at Fort Lewis College.

Senate Bill 10-064 makes changes to the application process for stipends from the College Opportunity Fund (COF). Under current law, resident undergraduate students are eligible to have tuition stipends paid to schools on their behalf from the COF. Eligible students must apply for the program, be approved, and enroll in a state or participating private institution of higher education. Once enrolled, the student must authorize the stipend before the stipend can be applied to their tuition. The bill permits an institution of higher education to make the application, on behalf of an enrolled student, to the COF program, if the student gives his or her permission.

Higher Education Flexibility

Senate Bill 10-003 makes several changes to state law with regard to flexibility for state institutions of higher education, including tuition-setting and operations. On or before December 15, 2010, the Colorado Commission on Higher Education (CCHE) must submit to the Governor and the General Assembly a new master plan for the state system of higher education. The CCHE will work with the governing boards and chief executive officers of the state institutions education in preparing the master plan, taking into consideration the recommendations of the Governor's Higher Education Strategic Planning Steering Committee. The master plan must address several issues and goals pertaining to the alignment with elementary and secondary education, accessibility and affordability, funding, and program quality. Prior to submitting the master plan to the Governor and the General Assembly, CCHE must distribute a draft of the plan to the governing boards for comment.

Governing boards of the state institutions of higher education have the authority to set tuition beginning in FY 2011-2012. The schools may not increase tuition by more than 9 percent unless the school obtains approval from the CCHE. Colorado School of Mines may increase its tuition by the greater of 9 percent or twice the inflation rate. To obtain approval, the school must provide a five-year financial and accountability plan. The plan must specify the amount of the tuition increase requested, the governing board's plans for ensuring accessibility and affordability, and the measure the governing board will implement to ensure academic program quality. CCHE may approve the tuition increase for the full five years or may approve the increase for two years, with approval for the remaining years conditional upon performance.

State institutions and certain private institutions will have greater flexibility in distributing state financial aid moneys, rather than being required to comply with the guidelines established the CCHE. In its biennial review of schools, the Office of the State Auditor must include a review of access to and affordability of higher education.

Matriculation and Postsecondary Access

The General Assembly enacted three measures concerning higher education transfer agreements. **House Bill 10-1208** requires the creation of statewide college degree transfer agreements between institutions of higher education. Under the agreements, students who complete an associate's degree at a two-year school and are then accepted into a baccalaureate program at a four-year school must be enrolled with junior status and are not required to complete any additional general education credit hours. No later than July 1, 2012, the Colorado Commission on Higher Education (CCHE) and the state institutions of higher education to establish at least four statewide transfer agreements. No later than July 1, 2016, there must be at least 14 statewide transfer agreements.

Senate Bill 10-088 authorizes community colleges and junior colleges to offer two-year degree programs with academic designation. For community colleges, the degree programs with academic designation must have a valid student transfer agreement. Prior to offering the degree program, a community college must submit the degree program designation for review and approval by the State Board for Community Colleges and Occupational Education, and a junior college must submit the degree program designation for review and approval by its board of trustees and the CCHE.

Finally, **Senate Bill 10-108** allows nonpublic institutions to request that Colorado CCHE review courses the nonpublic school believes meet general education requirements for inclusion in gtPATHWAYS. Under current law, CCHE and the state-supported institutions of higher education are required to define a process for students to test out of core courses. This program, known as gtPATHWAYS, currently includes more than 1,000 lower-division general education courses in 20 subject areas approved for guaranteed transfer between public institutions. If approved, these institutions may have courses included in the statewide agreements for transferability of credits. CCHE may charge an initial review and an annual review fee to cover costs.

No later than March 1, 2016, CCHE must submit a report to the House and Senate Education committees that includes the names of the nonpublic institutions participating in the general education core course requirements and the number of students who have transferred core course credits to or from a nonpublic institutions. In addition, the report must include any issues that have arisen in the course of implementing the general education core course requirements and any recommendations for changes. The bill also authorizes the CCHE to consider complaints that pertain to the general education core course requirements of a private college or university, bible college, or seminary or that pertain to specific core courses if such an institution has chosen to seek transferability of its core courses.