

HIGHER EDUCATION

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The General Assembly considered a variety of higher education issues during the 2011 legislative session, including measures regarding administration and governance; higher education employees; financial assistance, tuition, and funding; and matriculation and postsecondary access. The legislature also conducted sunset reviews for three higher education programs.

Administration and Governance

Master planning. Senate Bill 11-052 adds new goals to be addressed in the existing systemwide master plan, and sets a new completion date of September 1, 2012. It is developed collaboratively between the Colorado Commission on Higher Education (CCHE) and the state's

higher education institutions. Goals to be addressed include: increasing the overall number of undergraduate degrees and certificates issued by the institutions, providing support for economic development, and addressing opportunities for students with disabilities. CCHE, the Department of Higher Education (DHE), and the institutions are required to collect data, including research conducted by national policy organizations, to assist them in creating the master plan and negotiating the performance contracts. The bill also addresses performance-based funding for universities and colleges, which is discussed further in the "Financial Assistance, Tuition, and Funding" section of this document.

Higher education flexibility. In light of the diminishing state resources being provided to higher education institutions, the legislature approved additional flexibility for higher education institutions. **House Bill 11-1301** makes several modifications to state law, including:

- requiring that individual institutions set student fee policies, instead of CCHE establishing one policy that all institutions follow;
- permitting institutions to establish nonprofit entities without the permission of the General Assembly;
- allowing institutions to indemnify and hold harmless building contractors, instead of drawing from the state risk management fund;
- authorizing institutions to obtain special event permits to serve alcohol at private functions;
- ending the requirement that higher education institutions use Colorado Correctional Industries when disposing of surplus state property or purchasing office furniture and office cubicles;
- allowing the institutions to offer additional or separate group insurance plans to their classified employees;
- exempting from the state classified system employees in positions funded by private gifts and grants or from revenue generated by self-supporting services; and
- clarifying the approval process for cash-funded capital construction projects.

Governing boards. The legislature considered several measures impacting governing boards, most of which were minor changes to boards and passed with minimal debate. One notable exception was **Senate Bill 11-011**, which was postponed indefinitely, and would have given voting rights to the student member of the Colorado State University Board of Governors, who currently serves in an advisory role. There are currently no public higher education institutions in Colorado that grant voting rights to the student member of governing boards.

House Bill 11-1017 changes the process for filling vacancies on the student and faculty advisory committees that work with the Auraria Higher Education Center Board of Directors (which includes the Community College of Denver, the University of Colorado - Denver, and the Metropolitan State College of Denver). It allows a vacancy to be filled through appointment, instead of requiring that a new election be held.

House Bill 11-1060 amends the appointment cycles for the seven appointed members of the University of Northern Colorado Board of Trustees to ensure that appointments are staggered, so that the board is not confronted with a full slate of new membership at one time. The term lengths for the student and faculty advisory members remain unchanged. **House Bill 11-1164** allows the President of the University of Colorado (CU) System to appoint the director of the CU Hospital

Authority Board. Current law requires that the chancellor of the CU hospital system sit as the board director, but through administrative changes, the position was eliminated, and state law needed to be updated to reflect that change.

Campus safety. **House Bill 11-1169** allows police departments at state institutions of higher education to share information concerning individuals who demonstrate behavior that may pose a risk to the campus community. Information may be shared with administrators for campus programs responsible for victims assistance, mental health services, university housing, student affairs, a campus task force, or any individual who is the focus of a specific threat. It also removes civil liability for individuals who provide public safety-related information.

University name change. In Colorado, changing the name of a public higher education requires legislation. Mesa State College, after deliberation by its board of trustees, approved the name Colorado Mesa University, and the legislature approved the change through **Senate Bill 11-265**. Another school, Metropolitan State College of Denver, also considered requesting a name change from the legislature, but in the end decided that further discussion was warranted by its board and the community stakeholders affected before seeking legislative approval.

University role and mission. In southern Colorado, there is a high demand for nurse training programs. University of Colorado - Colorado Springs (UCCS) already offers a graduate program in nursing, but the demand is larger than the number of students the school is currently able to accommodate. In light of this, the legislature enacted **Senate Bill 11-204**, which amends the role and mission of Colorado State University - Pueblo to permit the university to offer a limited number of graduate programs, including doctoral programs. The bill also clarifies the role and mission of the UCCS to acknowledge that the campus is both a comprehensive baccalaureate and specialized graduate research university.

Educator preparation program oversight. CCHE currently oversees educator preparation programs, and **Senate Bill 11-245** codifies current oversight practices into law. Current law requires that a teacher candidate for initial licensure complete 800 hours of field-based experience, and the bill specifies that principal and administrator candidates complete 300 hours of field-based experience. CCHE must adopt policies and procedures, including an appeals process, to discontinue any educator preparation program that has not had any candidate successfully graduate in the previous five years.

This bill requires that DHE work with the institutions to obtain specific data that determines admission and enrollment patterns, completion rates, and effectiveness of the program. This is a change in practice from current law, which required an annual report from the institutions; such a report will only be required upon request of the department. DHE, in cooperation with the Colorado Department of Education (CDE), is required to prepare an annual report of enrollment data, graduation rates, program effectiveness, and outcome data. No later than December 30, 2013, the CCHE must make recommendations for a new system to review, evaluate, and assist educator preparation programs that aligns with state law concerning K-12 content standards, student assessments, teacher evaluation, and educator identifiers.

Financial Assistance, Tuition, and Funding

Financial assistance. The legislature considered two bills that directly impact financial assistance provided to students. At the request of the Colorado School of Mines (CSM), the legislature amended how the institution may use its fee-for-service contract appropriation. **House Bill 11-1074** allows CSM to use a portion of this funding to provide additional financial aid directly to students. **House Bill 11-1168** also proposed changes to the College Opportunity Fund, but was postponed indefinitely. The bill would have increased the stipend amount that participating private higher education institutions receive by 50 percent, equal to the stipend amount provided to state institutions of higher education.

Tuition. Colorado law provides in-state tuition for Colorado residents and for certain special populations, such as military personnel and their dependents who are stationed in Colorado. **Senate Bill 11-126**, which was postponed indefinitely, would have created a new in-state tuition category of "unsubsidized in-state student." To qualify under this classification, the student must have:

- attended high school in the state for at least three years; and
- been admitted to an institution of higher education within one academic year following graduation or earning a general education equivalent degree (GED).

Additionally, the bill would have required that a student who did not have documentation of lawful immigration or nationality status and who applied for classification as an unsubsidized in-state student to file an affidavit with the institution of higher education stating that he or she had applied for lawful status, or would file an application as soon as he or she were eligible to do so. Students in this classification would not have qualified for stipends from the College Opportunity Fund or to receive state-funded, need-based financial aid. Further, such students would not have been counted as residents or deemed to have established domicile based on the tuition classification.

Funding. In addition to addressing master planning, **Senate Bill 11-052** also requires CCHE to establish a performance-based funding plan that links a portion of state appropriations to success demonstrated by the institutions in meeting the goals and expectations specified in institutions' respective performance contracts. The plan would not go into place until at least FY 2015-16, and only if the General Fund appropriation for higher education (excluding financial aid appropriations) is an amount equal to or greater than \$706 million.

In addition, a proposal to create an interim committee to study higher education funding was postponed indefinitely after the Legislative Council Committee decided not to prioritize it as a funded interim committee. **House Bill 11-1184** would have created the Higher Education Funding Committee, consisting of eight legislative members, the chair of CCHE, the executive director of DHE, the chair of the State Board of Education, the Commissioner of Education, and representatives from each state institution of higher education, from each governing board of the institutions, from junior colleges and vocational schools, from private institutions of higher education, and from the business community.

The Legislative Council Committee approved funding for three other interim studies: the Educational Success Task Force, created by Senate Bill 11-111; the Legislative Task Force to Study School Discipline, created by Senate Bill 11-133; and the Legislative Health Benefit Exchange Implementation Review Committee, created by Senate Bill 11-200.

Higher Education Employees

The legislature considered three bills directly impacting higher education employees, two of which were postponed indefinitely. **House Bill 11-1187** exempts the employees that work for the public golf course and restaurant owned and operated by Northeastern Junior College from the state personnel system.

House Bill 11-1007, which was postponed indefinitely, would have allowed the classified staff of Mesa State College to hold an election to opt-out of the state personnel system and instead participate in the college's alternative personnel system. **House Bill 11-1057**, which was postponed indefinitely, would have required higher education institutions to provide adjunct professors whose contracts were not renewed or were cancelled with a written notice of the reasons for nonrenewal or cancellation, and granted adjunct professors access to any available dispute procedures.

Matriculation and Postsecondary Access

Remediation. **Senate Bill 11-111** creates a task force charged with studying and reviewing the data on intervention education services in elementary and secondary education and remedial education in postsecondary education, recommending best practices and strategies to school districts and public schools, and recommending statutory and regulatory changes, as it deems appropriate, to the General Assembly, the State Board of Education, and CCHE. There is no set number of members of the task force, but it includes six legislators, representatives from the education and business communities, and parents. One or more representatives of the task force must meet with the education committees of the House and Senate no later than January 31, 2012, and must submit a first report of its findings to the State Board of Education and the CCHE by July 1, 2012.

Special education. As introduced, **Senate Bill 11-070**, which was deemed lost, would have required public higher education institutions to ensure that students with special needs had access to appropriate academic adjustments and accessible housing. Federal law requires that higher education institutions ensure students with disabilities access to higher education through the accommodations provided for in Section 504 of the Rehabilitation Act. SB 11-070 would have gone a step further and required institutions to meet the accommodations of any students with disabilities who are enrolled and had an individualized education program as required under the federal Individuals with Disabilities Education Act when they attended K-12 schools. The IDEA standard requires a free and appropriate education, and therefore provides for more accommodations than Section 504 calls for, and thus has a different standard of ensuring access. Under the bill, higher education institutions would have been subject to reporting requirements to document the progress of students with special needs. The bill would have also created a Special Needs Advisory Committee for Higher Education within DHE.

Sunset Reviews

The legislature conducted sunset reviews for two higher education programs and established a sunset review for a division within DHE that was not previously subject to review by the Colorado Department of Regulatory Agencies, the statutory entity tasked with conducting sunset reviews.

Senate Bill 11-100 continues the Council of Higher Education Representatives until July 1, 2016. The council, which was created in 2001, is responsible for negotiating the creation of statewide college degree transfer agreements between the state's two-year and four-year institutions. **Senate Bill 11-101** continues the Fixed Tuition and Fee Rate Program indefinitely, and removes the requirement for future sunset reviews. The program allows an in-state student to lock in a fixed tuition and fee rate for a set number of years with an institution of higher education; however, to date, no institutions have implemented such a program.

Senate Bill 11-240 establishes a sunset review for the Division of Private Occupational Schools within DHE and its associated board, and sets a repeal date of September 1, 2015, for the regulation of private occupational schools.