

HIGHER EDUCATION

Administration and Governance

HB 09-1074 (Postponed Indefinitely)
*Board of Trustees Higher Education
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HB 09-1177 (Postponed Indefinitely)
*Voting Students Colorado State
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*Higher Education Pervasively
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*Metropolitan State College of Denver
to Offer Master's Degrees*

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*Higher Education Transparency
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*San Juan Pueblo Community
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*Expand Higher Education
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*Higher Education Capital Project
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SB 09-295 (Deemed Lost)
*Higher Education Institution
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Matriculation and Postsecondary Access

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*Higher Education Costs for State
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HB 09-1319 (Enacted)
*Concurrent Enrollment Public School
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SB 09-045 (Lost in Senate)
*Higher Education Course
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The General Assembly considered a variety of higher education matters during the 2009 legislative session, including measures regarding administration and governance; community college funding; financial assistance and tuition; higher education flexibility; and matriculation and postsecondary access.

Administration and Governance

The General Assembly established two new higher education entities during the 2009 legislative session: the Colorado State University - Global Campus and the University of Northern Colorado Education Innovation Institute. **Senate Bill 09-086** establishes the Colorado State University - Global Campus, which is a public, comprehensive on-line university with moderately selective admission standards under the general control and supervision of the Colorado State University Board of Governors. The on-line university must offer baccalaureate and master-level degree programs targeted at nontraditional students. Students taking courses through the global campus are not eligible for College Opportunity Fund (COF) monies.

Senate Bill 09-032 creates the Education Innovation Institute at the University of Northern Colorado. The institute is charged with, but not be limited to:

- collaborating with institutions to leverage research, funding, expertise, and other resources;
- discovering and studying innovations in teaching and learning;
- creating, piloting, and advocating for innovations in educational delivery methods;
- producing data and analyses concerning issues such as existent or nascent problems in education, models of innovative educational solutions, and school financing and governance;
- providing public policy makers with data and analyses concerning educational program effectiveness and innovative options for public and private educational settings;
- identifying innovative uses of existing school facilities in the state for the purpose of collaboration between elementary, secondary, and higher education institutions;
- identifying key issues and setting research priorities in consultation with education experts, business and community leaders, and public officials; and
- reporting to the House and Senate Education committees by January 10, 2011, and every year thereafter, concerning the institute's activities in the previous year.

The General Assembly also authorized a merger of two institutions: the San Juan Basin Area Vocational School and Pueblo Community College (PCC). The merger results in a new division of PCC known as Southwest Colorado Community College. The authorizing legislation, **Senate Bill 09-043**, also limits the two-year authority of Fort Lewis College to offer an associate's degree in agricultural science only. The bill also authorizes controlled maintenance funds to be used for facilities that are transferred from the San Juan Basin Area Vocational School to Pueblo Community College as part of the merger.

The General Assembly enacted legislation in response to a 2008 decision by the U.S. 10th Circuit Court of Appeals, which found that Colorado's law prohibiting state financial assistance to students attending a pervasively sectarian institution is unconstitutional.¹ **House Bill 09-1267** strikes current statutory language pertaining to "pervasively sectarian" institutions and replaces it with language that prohibits state financial assistance to students pursuing professional degrees in theology or degrees in preparation for careers in the clergy. It also requires higher education institutions to certify that students receiving state financial aid are not pursuing theological degrees.

Under current law, the Metropolitan State College of Denver is prohibited from offering master's degree programs. **House Bill 09-1295** permits Metropolitan State College of Denver (MSCD) to offer master's degree programs that address the needs of its urban service area. The creation of new graduate degree programs must be approved by the school's governing board and the Colorado Commission on Higher Education (CCHE).

The General Assembly considered two measures pertaining to the voting membership of higher education institution boards of governors. Both measures were postponed indefinitely. **House Bill 09-1074** proposed granting voting rights to the faculty board members of eight of the higher education governing boards, but would have prohibited faculty board members from voting on a matter that concerns the hiring or dismissal of, salary and benefits paid to, or tenure of a faculty member. The bill would have affected the following higher education institutions: Adams State College; Colorado School of Mines; Colorado State University System; Fort Lewis College; Mesa State College; Metropolitan State College of Denver; University of Northern Colorado; and Western State College.

House Bill 09-1177 would have given voting rights to the two student members on the Board of Governors of the Colorado State University (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.

The General Assembly also considered changes to how higher education institutions conduct searches for president and chancellor vacancies. **House Bill 09-1369**, which was postponed indefinitely, would have required the chair of the governing board of a higher education institution to appoint a search committee to identify eligible candidates and to nominate individuals for ultimate selection by the board for the selection of the president or chancellor at state institutions of higher education. The bill would have required the search committee to:

- determine the qualifications for the open position;
- have a minimum of six months to complete a nationwide search;
- keep all search information strictly confidential;
- interview at least three candidates;
- nominate at least three, but no more than five, candidates for consideration by the governing board; and
- report to the governing board details of the search process and the reason for the committee's recommendations.

¹*Colorado Christian University v. Weaver*, 534 F.3d 1245

Upon review of the report, the board could have requested that the committee interview additional candidates. Following all recommendations of the committee, the governing board would have been required to select finalists to interview and to make those names public. Prior to a final decision, each finalist would have been required to make a public presentation to the institution's community. A two-thirds vote of the members of the governing board would have been required to select a finalist for the position.

Community College Funding

House Bill 09-1272 implements Amendment 50, the citizen-initiated measure approved by Colorado voters at the November 2008 general election to change the parameters for limited gaming under the Colorado Constitution and to direct gaming revenue to community colleges. Under the bill, 78 percent of new gaming tax revenue, after administrative distribution and distribution to current recipients, is allotted to the state's public community colleges, junior colleges, and local district colleges in operation on and after January 1, 2008. Moneys will be used to supplement existing state funding for student financial aid programs and classroom instruction programs.

Financial Assistance and Tuition

The General Assembly considered three measures pertaining to financial assistance to veterans and Colorado National Guard members. **House Bill 09-1039** permits honorably discharged members of the armed forces and their dependents to receive in-state tuition status, at the discretion of the enrolling institution. No honorably discharged members of the armed forces who are granted in-state tuition status under this bill are eligible for College Opportunity Fund stipends until the fall semester of the 2011-12 academic year. Honorably discharged members of the National Guard will continue to be eligible for tuition assistance through the Colorado National Guard Tuition Fund.²

House Bill 09-1290 increases the amount the CCHE may allocate to the Department of Military and Veterans Affairs (DMVA) from \$650,000 to \$800,000, for the Colorado National Guard Tuition Fund. The fund provides tuition assistance to guard members at state institutions of higher education.

The final measure, **Senate Bill 09-062**, expands the criteria that the Colorado Department of Higher Education uses to award grants to higher education institutions under the Teach Colorado Grant Program. The bill directs the department to pay special consideration to scholarship programs that are designed to assist honorably discharged veterans of the armed forces in entering the teaching profession. Current law directs the department to give special consideration to scholarships that are designed to address teacher shortages in high-need content areas and rural or high-poverty schools, school districts, or BOCES, as identified by the Department of Education.

²Section 23-5-111.4, C.R.S.

The General Assembly also considered changes to state law regarding in-state tuition eligibility. **House Bill 09-1063** grants in-state tuition status, at the discretion of the enrolling institution, to a child whose parent or legal guardian has moved to Colorado for a job, provided that the:

- child is a legal resident of the United States;
- child graduates from a Colorado public high school; and
- move occurred during the student's senior year of high school.

A child who receives in-state tuition status under such circumstances is not eligible for state financial aid nor College Opportunity Fund stipends for the first year of enrollment.

The General Assembly also amended current law regarding certain student fees. **House Bill 09-1313** permits higher education institution governing boards to establish an optional student fee to fund student-directed programs to enrich student life and learning opportunities, upon approval by a majority of the votes cast at a regularly scheduled student election. Each proposed optional fee may be subject to a separate vote. The bill adds student-directed issue advocacy as an eligible purpose for assessing a fee.

Higher Education Flexibility

Senate Bill 09-290, recommended by the Capital Development Committee (CDC), changes the review process for cash-funded capital construction projects at state institutions of higher education. Each school is required to annually submit two-year projections for all cash-funded capital construction projects in excess of \$2.0 million to the Colorado Commission on Higher Education (CCHE), which is required to compile the projections into a unified list for review by the CDC. The CCHE is required to present the projections to the CDC with written comments from the Governor's Office of State Planning and Budgeting (OSPB). The CDC is required to conduct hearings, and review and approve the projections annually. The bill sets procedures for a school to amend its two-year projections.

State institutions of higher education are permitted to begin a construction project with approval of the school's governing board if:

- funding for construction is from cash funds;
- the building is operated and maintained with cash funds or with state funds (in the case of academic buildings);
- the project was included in the most recent two-year projection provided by CCHE to the CDC; and
- the project is not part of the Higher Education Revenue Bond Intercept Program.

All other capital construction projects in excess of \$2.0 million, including those projects subject to the Higher Education Revenue Bond Intercept Program, must be reviewed and approved by the CCHE.

Senate Bill 09-295, which was lost in the Senate, would have increased flexibility for state higher education institutions in the following areas:

- permitting institutions to set tuition rates;
- exempting institutions from the state fiscal rules;
- changing the review process for capital construction projects (this section of the bill ultimately passed as Senate Bill 09-290);
- excluding foreign students in the calculation of the percentage of in-state students at state-supported higher education institutions; and
- permitting higher education institutions to hire PERA service retirees under certain circumstances without a reduction of benefits to the retiree.

Matriculation and Postsecondary Access

House Bill 09-1319 repeals current statute pertaining to concurrent enrollment programs, and creates the Concurrent Enrollment Programs Act, which contains three major provisions:

- establishment of a new concurrent enrollment program for ninth through twelfth graders;
- creation of the Concurrent Enrollment Advisory Board within the CDE; and
- establishment of the Accelerating Students through Concurrent Enrollment (ASCENT) program for twelfth graders.

A qualified ninth, tenth, eleventh, or twelfth grader may apply to a local education provider (school district, board of cooperative educations services (BOCES), a district charter school or institute charter school) for approval to participate in the concurrent enrollment program. Upon approval, a qualified student may enroll in up to six credit hours as a full-time student in his or her district, and up to three credit hours as a part-time student in his or her district. Only twelfth graders may enroll in college-level basic skills courses. Each student enrolled in the program must develop an academic plan with his or her high school.

In order for a school district to offer a concurrent enrollment program, the school district must enter into a cooperative agreement with a higher education institution that details how academic credits will be awarded; tuition payment; eligibility for interscholastic activities; the development of an academic program for each student; and the authorization of College Opportunity Fund stipends, if applicable.

The advisory board is tasked with the following duties:

- establishing guidelines for the administration of the ASCENT program;
- advising and assisting school districts and higher education institutions in preparing cooperative agreements;
- making recommendations as necessary to the General Assembly, the State Board of Education, and the Commission on Higher Education concerning the improvement or updating of state policies related to the ASCENT program; and
- considering the feasibility of allowing certain twelfth graders to be participants in the ASCENT program for a fifth year for the purposes of finishing a postsecondary credential.

A qualified twelfth grader who has completed at least 12 credit hours of college credit, is not in need of basic skills coursework, and has been accepted into a postsecondary degree program at a higher education institution, may be selected by his or her school principal to participate in the ASCENT program. The program allows students to enter into a fifth year of high school for the purposes of concurrent enrollment.

The bill also directs CDE to consider strategies for including home-schooled students in the concurrent enrollment program by January 1, 2010.

Finally, the bill sets forth a number of reporting requirements for the Department of Education and Department of Higher Education, and permits the departments to compel school districts and higher education institutions to submit certain data. The bill directs the State Board of Education (SBE) to promulgate rules for the implementation of the program.

Senate Bill 09-285 makes clarifying changes to House Bill 09-1319. Specifically, the bill:

- clarifies that concurrent credits may be earned in career and technical education courses;
- permits students to apply credits toward either an academic degree or a career and technical certificate; and
- adds representatives of career and technical program providers to the Concurrent Enrollment Advisory Board.

House Bill 09-1264 clarifies that inmates in state correctional facilities who take part in college-level academic programs may obtain financial assistance from private or federal sources. Any program costs that are not covered with this assistance remain the financial responsibility of the inmate.

Senate Bill 09-045, which was lost in the Senate, would have required the Colorado Commission on Higher Education (CCHE), in consultation with the State Board for Community Colleges and Occupational Education (SBCCOE) and each higher education institution, to establish one statewide articulation agreement for the following baccalaureate degree programs:

- biology;
- business;
- criminal justice;
- elementary education teacher licensure; and
- mathematics teacher licensure.

CCHE would have been required to establish one or more statewide articulation agreements for additional degree programs in subsequent years. These requirements would have taken effect only if the CCHE received a minimum of \$200,000 in gifts, grants, and donations credited to the Seamless Transferability Cash Fund, established in the bill.

Students could have availed themselves of a statewide articulation agreement upon completion of a two-year associate's degree. The bill defined a statewide articulation agreement as a written agreement established by CCHE that prescribes an agreement between a student and a Colorado public higher education institution that:

- formalizes a plan for a student to complete a 60-credit curriculum; and
- ensures that, if the student completes the curriculum, he or she will not be required to take more than 60 credits to complete the degree requirements for one baccalaureate program.