

HIGHER EDUCATION

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SB 12-040 (Enacted) <i>Higher Ed Facilities Eligible for Controlled Maintenance</i>	SB 12-148 (Enacted) <i>Name Change Metropolitan State College of Denver</i>	SB 12-164 (Deemed Lost) <i>Operations of Private Postsecondary Institutions</i>
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Postsecondary Access and Degree Completion		
SB 12-045 (Enacted) <i>Higher Education Associate Degree Transfer Students</i>	HB 12-1072 (Enacted) <i>Higher Education Prior Learning Assessments</i>	HB 12-1155 (Enacted) <i>Improvements in College Completion</i>
HB 12-1214 (Enacted) <i>Community College Two-year Degree Programs</i>	HB 12-1227 (Postponed Indefinitely) <i>Integrated Basic Education and Skills Training Certificate Program</i>	

The General Assembly considered a variety of higher education issues during the 2012 legislative session, including measures regarding administration and governance; tuition and funding; higher education employees; and postsecondary access and degree completion.

Administration and Governance

Governing boards and role and mission. The legislature considered two measures impacting higher education institutions' governing boards, both of which were enacted with minimal debate.

In 2009, Senate Bill 09-086 created the online university known as the Colorado State University Global Campus (CSU-Global). The school is an online public university under the supervision of the board of governors of the CSU system. **House Bill 12-1220**, which was enacted this session, reestablishes the governance structure of the CSU system and more formally links the supervision of CSU-Global to the CSU board. The bill also increases the board's size by two advisory, nonvoting members: one from the CSU-Global student body and one from the faculty at CSU-Global.

During the 2011 legislative session, Mesa State College became Colorado Mesa University. Enacted during the 2012 legislative session, **House Bill 12-1324** impacts the role and mission of Colorado Mesa University by changing the institution's admission standard from "moderately selective" to "selective." The bill also increases the number of members of the board of trustees from eleven to thirteen.

University name changes. In Colorado, changing the name of a public institution of higher education requires legislation. In 2012, three university name changes were approved by the legislature. **Senate Bill 12-148** changes the name of Metropolitan State College of Denver to Metropolitan State University of Denver. **House Bill 12-1080** changes the name of Adams State College to Adams State University and modifies the role and mission of the school to permit a limited number of graduate programs to be offered. Western State College of Colorado also was approved for a name change to Western State Colorado University, through **House Bill 12-1331**.

Higher education institution facilities. The Office of the State Architect, in the Department of Personnel and Administration, annually prioritizes a list of controlled maintenance projects to recommend to the General Assembly for funding. In general, state-owned buildings that are maintained with General Fund dollars are eligible for controlled maintenance funding after 15 years have elapsed from the date of purchase or substantial completion. State higher education academic facilities approved by the Capital Development Committee (CDC) on or after January 1, 2010, are also eligible for controlled maintenance funding after 15 years have elapsed from the date of purchase or substantial completion, even if they are not maintained with General Fund dollars.

In 2009, certain changes to the review and approval process for cash-funded capital construction projects at institutions of higher education were instituted. These changes affected how eligibility for state controlled maintenance funding for academic facilities was determined, and did not extend eligibility for controlled maintenance funding to academic facilities approved or constructed from auxiliary revenue sources prior to January 1, 2010. Over the course of the last two decades, about 20 academic facilities have been constructed on state higher education campuses using auxiliary fund sources.

Senate Bill 12-040, which was enacted this session, makes all state higher education academic facilities eligible for future state controlled maintenance funding, regardless of the source of funds used for or the date of construction of the facility. It also makes any auxiliary facility that is repurposed for academic use eligible for future state controlled maintenance funding. Finally, the bill requires the Office of the State Architect to collaborate with the Department of Higher Education (DHE) and the Governor's Office of State Planning and Budgeting to develop guidelines pertaining to the classification of academic and auxiliary facilities, subject to the factors specified in the bill. The CDC is directed to annually review and approve these guidelines.

Higher education operations. The provisions of **Senate Bill 12-164**, which was deemed lost, were added to **House Bill 12-1155**, concerning timely completion of college degrees. Only the provisions related to higher education operations are summarized here. Please refer to the **Postsecondary Access and Degree Completion** section of this document for a summary of the other provisions of the bill. HB 12-1155 affects the 103 private colleges operating in the state by modifying the way in which the state regulates these schools. The bill clarifies that private colleges that enroll the majority of their students in baccalaureate or postgraduate degree programs are to be regulated by the Colorado Commission on Higher Education (CCHE) and the DHE. Private colleges that enroll the majority of students at the certificate or associate level are regulated by the Division of Private Occupational Schools (DPOS) within the DHE. Among other things, the bill requires that:

- CCHE establish an application process for private colleges to seek authorization to operate in the state, and the procedures to be used for approving, renewing, and revoking this authorization;
- CCHE establish appropriate fees for private colleges to pay, designed to cover the direct and indirect costs of regulating the schools;
- DHE administer the provisions of the bill and policies adopted by CCHE;
- if a private college ceases operation in the state, it must deposit a copy of all educational records with DHE; and
- CCHE evaluate the financial integrity of private colleges using specified criteria.

House Bill 12-1081 modifies several statutory sections concerning operations of the Auraria Higher Education Center (AHEC), with respect to capital construction, the state personnel system, workers' compensation, and lease-purchase agreements, among other provisions. The AHEC is a multi-school complex in Denver that includes the Metropolitan State College of Denver, the University of Colorado Denver, and the Community College of Denver. The bill clarifies that the combined administrative board of AHEC shares the same legal flexibility over purchasing, personnel, and capital construction, as enjoyed by other institutional governing boards in the state.

Reporting requirements. The General Assembly considered two pieces of legislation addressing the reporting requirements of institutions of higher education and certain state agencies in Colorado. **House Bill 12-1061** requires that the DHE, within existing resources and subject to available data, in consultation with the Colorado Department of Labor and Employment (CDLE), the Department of Regulatory Agencies (DORA), and other appropriate entities, produce an annual report projecting the state workforce needs and the number of degrees, certificates, and other postsecondary credentials that institutions of higher education and other vocational education providers in the state expect to issue in the same period. The report must also identify any workforce needs that may not be met by existing education and training programs, and the institutions that may meet these needs.

House Bill 12-1252 which was deemed lost, would have required that certain institutions of higher education develop, maintain, and make publicly available a searchable, online revenue and expenditure database. The bill would have applied to the following institutions of higher education:

- Colorado State University;
- the University of Colorado;
- Colorado School of Mines; and
- the University of Northern Colorado.

As introduced, the bill would have required that the institutions supply current fiscal year information for each professor at the institution to include: annual salary, total contributions paid as benefits, expense reimbursements, and any other payment made by the state institution of higher education to the professor. The database would also have contained information on the number of classes the professor has taught and the amount of grant moneys the professor received. In addition, the database would have included the following information:

- revenue transaction detail, including the amount received, date received, source of revenue, reason for payment, account credited, and program for which moneys were received;
- expenditure transaction detail, including the amount expended, date expended, vendor that received the payment, purchase category, and fund from which the expenditure was made; and
- detail on payments made to employees, limited to the employee's personnel area, job title, and gross year-to-date payments.

Tuition and Funding

Tuition. State law provides in-state tuition for Colorado residents and for certain special populations, such as dependents of prisoners of war. Beginning with the 2012-13 academic year, **House Bill 12-1350** allows an institution of higher education to adopt a policy granting resident tuition classification to a dependent of an active duty member of the armed forces if the dependent graduated from a high school outside of Colorado, so long as the dependent completed at least two years at a high school in Colorado within five years prior to enrolling at the institution. A student who qualifies for resident tuition pursuant to the bill is not eligible to receive stipends from the College Opportunity Fund (COF).

Senate Bill 12-015, which was postponed indefinitely, would have created a new tuition classification of students at state-supported institutions of higher education: "standard-rate student for tuition purposes." Under the bill, an institution could adopt a policy stating that it would not offer the classification. To qualify under the classification, the student must have:

- attended high school in the state for at least three years immediately preceding graduation or earning a general educational development equivalent degree (GED); and
- been admitted to an institution of higher education within 12 months following graduation or earning a 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 a standard-rate 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 is eligible to do so. Students in this classification would not have qualified for stipends from the COF 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. Two bills concerning funding in the higher education arena were considered, but not enacted. **Senate Bill 12-167** would have permitted one or more institutions of higher education to create a student health trust for a self-funded student health insurance plan for students and their eligible dependents. The health trust would have been funded from student premiums, contributions from the institutions, or both.

House Bill 12-1044 would have created the Start-up Colorado Technology Transfer Grant Program in the Office of Economic Development and International Trade (OEDIT). The grant program would have provided grants of up to \$750,000 to offices of technology transfer at state research institutions including institutions of higher education. In awarding grants, the bill would have directed OEDIT to give priority to projects that create jobs in Colorado and projects that had available federal or private matching funds.

Higher Education Employees

The legislature considered one measure directly impacting higher education employees, which was enacted. Under current law, state institutions of higher education have broad discretion over the contractual relationships they enter into with adjunct faculty. **House Bill 12-1144** expands this authority to allow an unlimited number of three-year employment contracts, if for half-time or longer classroom teaching appointments, with adjunct, or non-tenure track, faculty. The bill specifies that adjunct faculty employment contracts include a provision allowing the institution to end the contract if the institution can demonstrate an urgent financial problem. In addition, the contracts are unenforceable if the institution loses enterprise status or lacks present cash reserves sufficient to satisfy the contract terms.

Postsecondary Access and Degree Completion

Recognizing that Colorado is not fully equipped to meet the workforce and labor demand projections of the next decade, the legislature considered several measures impacting postsecondary access and degree completion.

Postsecondary access. The Colorado Community College System (CCCS) comprises the state's largest system of higher education and serves more than 162,000 students annually at its 13 state community college campuses. **House Bill 12-1214**, which was enacted, addresses dental hygiene programs offered at the state's community and junior colleges. Under current law, an associate's degree with academic designation may only be offered for degree programs that have a valid student transfer agreement. Academic designation permits a student to choose an academic major while pursuing his or her associate's degree and eases the transfer process between a two-year college and a four-year institution. Through HB 12-1214, a community college is allowed to offer a two-year degree program with academic designation in dental hygiene without a valid student transfer agreement. Community colleges seeking to add academic designation to a degree program must get approval from the State Board for Community Colleges and Occupational Education (SBCCOE), and the CCHE. Junior colleges seeking to add academic designation to a program must get approval from the school's board of trustees and the CCHE.

House Bill 12-1227, another bill affecting postsecondary education access, was postponed indefinitely. Under the bill, the SBCCOE would have been required, conditional on available moneys, to design a certificate program to allow certain adults to obtain a career and technical education certificate in 12 months or less by taking courses that integrate basic skills training with college-level occupational skills training.

Degree completion. Three bills were considered and enacted by the legislature that concern degree completion at Colorado's institutions of higher education. **Senate Bill 12-045** requires that the CCHE, in collaboration with state institutions of higher education, develop and coordinate a notification process for students who satisfy certain eligibility requirements to receive an associate's degree, beginning no later than the 2013-14 academic year. If a student completes the residency requirements at a two-year institution, transfers to a four-year institution, and accumulates a total of 70 credit hours, the student must be notified that he or she may be eligible to receive an associate's degree from the two-year institution. The notice to an eligible student must include the requirements for having a degree audit performed by the two-year institution and information about the process for the student to be awarded an associate's degree in the future if the degree requirements are not met or if the student chooses at that time to decline the degree award.

Another bill aimed at increasing college completion rates is **House Bill 12-1072**. Beginning with the 2013-14 academic year, the bill requires that state institutions of higher education develop a policy or program to determine academic credit for a student's prior learning. Prior learning could include work experience, military service, community involvement, or independent study.

Finally, **House Bill 12-1155**, concerning measures to increase the timely completion of postsecondary degrees:

- specifies minimum indicators of a student's academic performance that institutions of higher education may use to determine the eligibility of first-time freshman and transfer students;
- clarifies CCHE's authority to adopt a policy concerning basic skills courses offered by state institutions of higher education and requires that the policy align with admissions standards;
- requires that the DHE share the annual enrollment report with the Colorado Department of Education;
- specifies that the CCHE must refer to an institution's role and mission and service area as necessary in interpreting, with the institution's governing board, the implications of its role, mission, and service areas, for its performance contract; and
- requires that the CCHE analyze the effects of reducing COF and financial aid eligibility to inform the CCHE's recommendations for models of performance funding in higher education.