

Higher Education

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The General Assembly considered a variety of higher education issues during the 2013 legislative session, including measures regarding administration and governance; financial assistance, tuition, and funding; higher education employees; and postsecondary access and degree completion.

Administration and Governance

Student data. During the 2013 session, the legislature passed two measures pertaining to the collection and tracking of student data. Under existing law, Colorado's public colleges and universities are required to collect and track the K-12 State Assigned Student Identifier Numbers (SASID) of students enrolled in these institutions. **Senate Bill 13-053** enables Colorado's K-12 public schools and higher education institutions to more easily and efficiently share student data that is relevant to the transition from high school to the postsecondary system. The bill requires the Colorado Department of Education (CDE) and the Department of Higher Education (DHE) to collaborate in identifying relevant student data and in establishing a process for the electronic exchange of this information. The process must use student data that is currently collected and maintained by CDE, and must be administered at no cost to local education providers, institutions of higher education, or students.

Senate Bill 13-071 expands the duties of the Education Data Subcommittee (EDS) of the Government Data Advisory Board, housed in the Office of Information Technology, to allow it to track adults who enroll in adult basic education programs or high school general equivalency (GED) diploma programs. The bill requires that the EDS, if feasible, determine a method for assigning a unique identifier number to adult students enrolled in these programs.

Capital construction projects. In 2009, the General Assembly enacted legislation simplifying the approval process for cash-funded capital construction projects initiated by higher education institutions. As a result, an appropriation from a cash fund in the annual Long Appropriations Bill is no longer necessary for such projects; however, existing laws related to the equipment and renovation fee assessed as part of the Western Interstate Commission for Higher Education compact still requires an appropriation from Colorado State University (CSU) from such a fund. **House Bill 13-1026** eliminates this requirement so that cash-funded capital construction projects that are partially- or fully-funded by this equipment and renovation fee conform to the existing streamlined approval process.

Regulatory boards. The legislature enacted one measure concerning the authority of higher education institutions' regulatory boards during the 2013 legislative session. **House Bill 13-1263** pertains to the regulation of private occupational schools by the Private Occupational School Board (POSB). Under current law, private occupational schools are authorized and regulated by the POSB, but a nonprofit private occupational school does not have to be authorized. The bill requires that nonprofit private occupational schools be subject to authorization and regulation by the POSB. Additionally, the bill:

- modifies the criteria for selecting certain members of POSB;
- removes the power of the POSB to grant accreditation;
- requires that private occupational schools document their financial stability, but removes the current requirement that schools submit a balance sheet, income and expense statements, and other financial documentation prepared by a third party accountant; and
- allows individuals claiming deceptive trade practice to file a complaint first with the POSB, where under current law the individual must first exhaust any complaint and appeals process provided by the school.

Student health insurance. Under current law, the governing board of an institution of higher education cannot mandate that undergraduate students purchase health care insurance or services, unless the institution enacted such a requirement prior to 1994. **House Bill 13-1315** authorizes any higher education institution's governing board to require that its students acquire health care insurance.

Financial Assistance, Tuition, and Funding

Financial assistance. Current state law requires that at least 55 percent of the incoming freshman at Colorado's public institutions of higher education, and at least two-thirds of the total student population, be resident students. Beginning with the 2013 school year, **House Bill 13-1320** makes changes to allow higher education institutions that provide scholarships or institutional financial aid to qualified resident students through a Colorado scholar program, to count these "Colorado scholars" as two resident students for the purpose of calculating the required in-state to out of state student ratio. In order to qualify as a Colorado scholar, a resident student must meet

certain merit-based criteria, including: graduating in the top 10 percent of his or her class with a 3.75 grade point average or above; completing a curriculum of rigorous college preparatory classes; and meeting any additional criteria established by the individual institution. Each student identified as a Colorado scholar must receive at least \$2,500 in annual financial aid or scholarship moneys through the institution's Colorado scholar program.

Tuition. Current law does not allow state public institutions of higher education to offer in-state tuition to students who do not have a legal presence in the United States. Approximately 67 percent of undocumented immigrants live at or below the poverty level, and therefore are likely unable to attend public institutions of higher education at the higher nonresident tuition rate. **Senate Bill 13-033** provides in-state, resident tuition rates at public institutions of higher education to students who meet the following criteria:

- attended high school in Colorado for at least three years immediately preceding graduation or attaining a GED; and
- is admitted to a Colorado institution of higher education within one academic year following graduation, or the attainment of a GED.

A student who is lacking lawful immigration status but who meets the criteria above may be classified as an in-state student for tuition purposes. Such students must submit an affidavit to the admitting institution stating that he or she has applied for lawful presence, or will apply as soon as he or she is eligible to do so.

State law provides resident in-state tuition at institutions of higher education for Colorado residents and certain other populations, including members of the armed forces who move to Colorado on a temporary or permanent assignment, and dependents of prisoners of war. This session, the legislature enacted two bills that make additional populations eligible for in-state tuition. **House Bill 13-1194** classifies dependents of members of the armed forces as eligible for in-state tuition, within certain limitations. In order to qualify as a dependent of a member of the armed forces, a child must be under 22 years of age and enroll in a public institution of higher education within 10 years of the member being stationed in Colorado. Current law stipulates that a dependent child of a member of the armed forces is required to graduate from high school in Colorado in order to be considered an in-state student. Under the bill, the spouse of a member of the armed forces may also be considered a dependent for purposes of in-state tuition classification if he or she was the member's spouse both at the time the member was stationed in Colorado, as well as at the time the spouse is requesting in-state tuition. Additionally, dependents who qualify for in-state tuition pursuant to the bill are eligible for College Opportunity Fund (COF) stipends.

Funding. Currently, the General Fund appropriation to the College Opportunity Fund (COF) is distributed to institutions of higher education via two methods: stipends paid based on eligible student enrollment, and through fee-for-service contracts between the DHE and the institutions. **Senate Bill 13-121**, which was postponed indefinitely, proposed changes to the fee-for-service contracts and would have removed the ability of the DHE and institutions to transfer a portion of spending authority from stipends to fee-for-service contracts when the COF has money remaining after the final student count of the academic year.

State institutions of higher education that have been granted enterprise status are currently allowed to issue revenue bonds to finance capital projects, which are then repaid using money collected from tuition, student fees, and other sources. The General Assembly enacted **Senate Bill 13-199**, which changes how the borrowing limit is determined for some state

institutions of higher education. Under the bill, an institution's borrowing limit is determined by a credit and coverage test, which means that the institution's governing board must have at least one credit rating of "A" or better from a major credit rating agency, and must also have available at least one and a half times the amount of revenue needed to cover current and future debt payments. In addition, the State Treasurer is given authority under the bill to exempt an institution's governing board from the credit and coverage test in order to refinance existing debt, as long as it results in cost savings.

Finally, **House Bill 13-1297**, which was passed, changes the way that funds are collected and invested by the Colorado School of Mines (CSM) and Fort Lewis College. Under current law, funds collected by several public institutions of higher education, including CSM and Fort Lewis College, are held and invested by the State Treasurer. HB 13-1297 grants investment authority and fiduciary responsibility to the board of trustees at CSM and Fort Lewis College, and outlines specific parameters and requirements associated with the authority.

Higher Education Employees

The legislature debated one piece of legislation that would have impacted employees of institutions of higher education. **House Bill 13-1089**, which was postponed indefinitely, would have created the Higher Education Academic Freedom Act. The act would have directed educators to foster a classroom environment that encourages students to think critically and analytically about scientific theories pertaining to biological and chemical evolution, global warming, and human cloning.

Postsecondary Access and Degree Completion

New degree and certificate programs. The General Assembly considered four bills that aim to increase access to postsecondary education for Colorado's students. **Senate Bill 13-165**, which was postponed indefinitely, would have allowed the State Board for Community Colleges and Occupational Education (SBCCOE) to establish a limited number of baccalaureate degree programs at community colleges. The SBCCOE would have considered several factors when determining which new degree programs to establish, including: cost effectiveness; demonstrated demand for the program; ability to meet accreditation requirements; and uniqueness of the program as compared to similar programs offered at four-year institutions in the same geographic region.

Senate Bill 13-218 was postponed indefinitely, but would have created the Colorado Key Industries Workforce Program within the DHE. The intent of the program would have been to develop partnerships between institutions of higher education and certain businesses to financially assist nontraditional students who have already obtained associate degrees, obtain bachelor degrees in key industries. This would have been done through a grant for which an institution could submit an application, demonstrating that:

- it has partnered with a business in a key industry that expects to employ students who complete the bachelor's degree and that the business is agreeing to pay a dollar-for-dollar match to the institution for the grant moneys received;
- it has entered into the necessary agreements with other institutions to ensure transferability of credits; and
- there is a recognized workforce need for persons who hold the type of bachelor's degree that the institution will provide.

Grant recipients would have been selected by the Colorado key industries workforce program grant board upon consideration of specific criteria, including: the need for the type of bachelor's degrees the applicant's program would offer; whether there is an existing population of students likely to enroll in the program; and the cost structure of the program.

The legislature enacted **House Bill 13-1005** which authorizes the SBCCOE to create new career and technical education certificate programs that are geared toward certain unemployed or underemployed adults. The certificate programs, which will be offered as a pilot program at community colleges, technical colleges, local district junior colleges, and other workforce development programs, are intended to combine career and technical skills-training with basic education course work.

Similarly, **House Bill 13-1165**, which was also enacted, requires the SBCCOE to collaborate with CDE, DHE, and the Colorado Department of Labor and Employment (CDLE), to create a career pathway for students interested in obtaining jobs in manufacturing industries. The pathway must be comprised of multiple opportunities for students to obtain skills and certificates to aid them in obtaining employment. The career pathway must also:

- align with skills and requirements identified by manufacturing employers as necessary for career progression in high-demand occupations;
- include a full range of secondary and postsecondary education options and clearly articulated course progressions; and
- provide technical skill assessment, academic and career counseling, and other support services.

Degree completion. **Senate Bill 13-178** permits Red Rocks Community College (RRCC) to begin conferring graduate degrees on students who complete the physician assistant studies program. Currently, students who matriculate into the RRCC physician assistant studies program are awarded a degree through RRCC's partner institution, St. Francis University in Pennsylvania, instead of by RRCC directly. Due to eligibility requirements of the accrediting body of physician assistant programs, the sponsor of the program must be the institution that confers the graduate degree. The General Assembly enacted the bill.