

STATE OF COLORADO



DEPARTMENT OF HIGHER EDUCATION

John Hickenlooper
Governor

Lt. Gov. Joseph A. Garcia
Executive Director

Members of the Colorado General Assembly
c/o Mike Mauer, Director, Legislative Council Staff
State Capitol Building, Rm. 029
220 E. Colfax
Denver, CO 80203

Dear Legislative Counsel Staff and Mr. Mauer:

The Colorado Department of Higher Education (“Department”) respectfully submits the following document in fulfillment of the statutory requirement set forth in HB12-1008 requiring all state departments to compile an annual regulatory agenda. For the Department of Higher Education the enclosed list of new rules or revisions to existing rules proposed for the next Calendar Year relate exclusively to the Division of Private Occupational Schools (DPOS). Keep in mind that the proposed Regulatory Agenda below includes what is anticipated at this time and may be amended going forward based upon new federal or state requirements or other unforeseen future requirements. We will submit the same Department Regulatory Agenda to the Secretary of State for publication in the Colorado Register and will post the Regulatory Agenda on the Department website.

If you have questions about the 2015 Regulatory Agenda please contact Mark Cavanaugh, Legislative Policy Officer at (303) 866-4198 mark.cavanaugh@dhe.state.co.us or Lorna Candler, Director of the Division of Private Occupational Schools at (303) 866-4183 lorna.candler@dhe.state.us.

Thank you,

Mark

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Chief Legislative and Strategic Policy Officer



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2015 COLORADO DEPARTMENT OF HIGHER EDUCATION REGULATORY AGENDA

Below is the anticipated 2015 rulemaking by the Division of Private Occupational Schools within the Department of Higher Education as required by HB 12-1008

Title/Description Proposed Rule	Basis and/or Statutory Authority	Purpose of Proposed Rule	Estimated Rule-making Schedule 2015	Stakeholders/Persons/Parties that may be Affected Positively or Negatively by Adoption of Proposed Rule
<p><i>Add</i> under 8 CCR 1504-1, Section III – Minimum Standards, B. Approval of Education Services, 1. Programs and stand alone courses must have: b. a description of the components of education sufficient to allow students and DPOS to understand the course content and means of delivery, and c. programs and courses offered must be supplemented by 3 evaluator reports that comply with instructions provided by the Division to the school.</p>	<p>Section 12-59-105.3(1), C.R.S., of the “Private Occupational Education Act of 1981” (Act) – Powers and Duties of the Board. Specifically, the Board has the duty and authority to promulgate rules and to adopt procedures necessary or appropriate for the conduct of its work and the implementation of article 59 of Title 12.</p>	<p>The purpose of the proposed amendment is to clarify the content and quality of education offered so students can make an informed decision and will have the means to compare the offerings to other schools or programs; and the evaluator reports ensure qualified evaluators review the educational services to ensure they will adequately achieve the stated objectives, and will provide adequate facilities and equipment, instructional materials, instructional staff, and other personnel necessary to meet the stated objectives and minimum standards.</p>	<p>The Division will add this definition early in 2015.</p>	<p>Affected positively: Members of general public; residents of Colorado desiring to seek admission in an approved Private Occupational School; and approved private occupational school owners and staff who can be assured the standards of occupational education will be qualitatively improved and that necessary standards will be monitored and enforced.</p> <p>Affected negatively: Program providers who have been operating or intend to operate without authority.</p>

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<p>Clarify through revision that the educational service or value being conferred need not be limited to a “diploma” but may also include a “certificate” under 8 CCR 1504-1, S III. F. 1.</p>	<p>Section 12-59-105.3(1), C.R.S., of the “Private Occupational Education Act of 1981” (Act) – Powers and Duties of the Board. Specifically, the Board has the duty and authority to promulgate rules and to adopt procedures necessary or appropriate for the conduct of its work and the implementation of article 59 of Title 12.</p>	<p>The purpose of the proposed amendment is to clarify and revise definitions; improve language; correct technical errors and omissions; and reflect further development of Board policies regarding the conduct of its work and the implementation of the Act. Specifically, the Division wishes to clarify that the educational service being offered is not necessarily limited to a diploma.</p>	<p>The Division will amend this rule early in 2015.</p>	<p>Affected positively: Members of general public; residents of Colorado desiring to seek admission in an approved Private Occupational School; approved private occupational school owners and staff.</p> <p>Affected negatively: None</p>
<p>Clarify through revision that the cosmetology schools who have computed their programs and courses in credit hours will now be required to revert to the clock hour conversion that all other states use under revisions to the Office of Barbering and Cosmetology’s regulations and under 8 CCR 1504-1, III. F. 9.</p>	<p>Section 12-59-105.3(1), C.R.S., of the “Private Occupational Education Act of 1981” (Act) – Powers and Duties of the Board. Specifically, the Board has the duty and authority to promulgate rules and to adopt procedures necessary or appropriate for the conduct of its work and the implementation of article 59 of</p>	<p>The purpose of the proposed amendment is to align the Division’s rules with the Office of Barbering and Cosmetology who dictates the rules and regulations governing licensing standards for this industry; and reflect further development of our Sister Agencies policies and rules regarding the conduct of its work and the implementation of its Act. More specifically, the</p>	<p>The Division will amend this rule once the Office of Barbering and Cosmetology has finalized its regulations under its Sunset Review of 2015.</p>	<p>Affected positively: Members of general public; residents of Colorado and out of state residents desiring to seek clarification on calculating occupational educational hours. Occupational Schools may find this change simplifies calculations in state, across state lines and also with accrediting bodies and the USDOE.</p> <p>Affected negatively: Schools who are invested in maintaining the current method of calculating credit hours and all schools who have to make the initial changes to a new calculation method will need to resubmit their programs and stand alone courses to the Division to comport with new calculation method thus may</p>

	Title 12.	Board intends to bring uniformity to the means of calculating hours in the schools.		incur an increase in workload a one-time cost to obtain re-approval.
Technical change under 8 CCR 1504-1, III. H. 1. r. to clarify that Agents are not licensed but are approved by the Board/Division of Private Occupational Schools.	Section 12-59-105.3(1), C.R.S., of the "Private Occupational Education Act of 1981" (Act) – Powers and Duties of the Board. Specifically, the Board has the duty and authority to promulgate rules and to adopt procedures necessary or appropriate for the conduct of its work and the implementation of article 59 of Title 12.	The purpose of the proposed amendment is to clarify and revise the rule to accurately reflect the process for authorizing agents; improve language; correct technical errors and omissions; and reflect further development of Board policies regarding the conduct of its work and the implementation of the Act.	The Division will amend this rule early in 2015.	Affected positively: Members of general public; residents of Colorado seeking clarification on the process for authorizing agents who are responsible for interacting with students and the only persons permitted to entering an enrollment agreement or binding contract with the students under the Private Occupational Schools Act. Affected negatively: this is a technical change that has no impact on the schools governed by the Private Occupational Schools Act and governing rules.
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<i>Add</i> under 8 CCR 1504-1, IV. E. 1. Specific language that clarifies that the Board has the authority and may use its discretion to file notice of claim upon or otherwise attach a school's surety or bond if the school fails to replace its surety or bond 15 days prior to the expiry date of the existing surety or bond.	Section 12-59-105.3(1), C.R.S., of the "Private Occupational Education Act of 1981" (Act) – Powers and Duties of the Board. Specifically, the Board has the duty and authority to promulgate rules and to adopt procedures necessary or appropriate for	The purpose of the proposed amendment is to clarify the powers of the Board and to make clear the consequences if a school fails to adequately maintain its surety or bond as it's required to do under the Private Occupational School Act. Furthermore, this rule is to help ensure that the schools	The Division will add this language clarifying the Division's duty in early in 2015.	Affected positively: Members of general public; students in private occupational schools, and other private occupational schools who would be adversely affected by a school or schools who allow their surety or bond to lapse such that the student's interests are not adequately protected. Residents of Colorado and Private Occupational School can be assured the standards and investments in occupational education will be safeguarded, monitored and enforced. Affected negatively: Unlawful actors who have or intend to

	the conduct of its work and the implementation of article 59 of Title 12.	understand the actions the Board/Division may take against a school's bond to safeguard the interests, educational investments and prepaid unearned tuition of students.		lapse the statutorily mandated surety or bond coverage.
Title/Description Proposed Rule	Basis and/or Statutory Authority	Purpose of Proposed Rule	Estimated Rule-making Schedule 2015	Stakeholders/Persons/Parties that may be Affected Positively or Negatively by Adoption of Proposed Rule
Rescind 8 CCR 1504-1, IV. F. 4. In order to be consistent with the removal of statutory language mandated by federal state authorization regulations.	Section 12-59-105.3(1), C.R.S., of the "Private Occupational Education Act of 1981" (Act) – Powers and Duties of the Board. Specifically, the Board has the duty and authority to promulgate rules and to adopt procedures necessary or appropriate for the conduct of its work and the implementation of article 59 of Title 12.	The purpose of the proposed rescission is to ensure compliance with federal regulations and state statutory revisions.	The Division will address this amendment early in 2015.	Affected positively: Members of general public; residents of Colorado desiring to ensure that all private occupational schools are treated similarly despite the differences between requirements for accredited institutions and unaccredited institutions. Affected negatively: Accredited institutions that must provide the same information to multiple agencies.
Title/Description Proposed Rule	Basis and/or Statutory Authority	Purpose of Proposed Rule	Estimated Rule-making Schedule 2015	Stakeholders/Persons/Parties that may be Affected Positively or Negatively by Adoption of Proposed Rule
Revise 8 CCR 1504-1, IV. E. 4. c. to omit the language "which is doing business in Colorado and" because it is not necessary that a bank or financial institution funding the surety/bond be located in or doing	Section 12-59-105.3(1), C.R.S., of the "Private Occupational Education Act of 1981" (Act) – Powers and Duties of the Board.	The purpose of the proposed revision is to ensure compliance with federal regulations and standards and state statutory requirements; and to revise rules to	The Division will address this amendment early in 2015.	Affected positively: Members of general public; residents of Colorado desiring to ensure that all private occupational schools are securing and maintaining surety or bond instruments that are backed by sound institutions but will not be hindered by the unnecessary and confusing

business in Colorado. The relevant and important consideration is that the financial institution must be insured by a federal depositor's corporation and otherwise demonstrate good standing and financial solvency.	Specifically, the Board has the duty and authority to promulgate rules and to adopt procedures necessary or appropriate for the conduct of its work and the implementation of article 59 of Title 12.	ensure that the legislative intent of the statute is carried out in the most efficient manner possible.		requirements that the bank be "doing business in Colorado." Affected negatively: None
Title/Description Proposed Rule	Basis and/or Statutory Authority	Purpose of Proposed Rule	Estimated Rule-making Schedule 2015	Stakeholders/Persons/Parties that may be Affected Positively or Negatively by Adoption of Proposed Rule
Rescind 8 CCR 1504-1, VII. T. & U. in order to be consistent with the statutory language that omitted flight schools from the purview of the Private Occupational School Act to reduce duplication of regulatory oversight; the Federal Aviation Administration oversees all flight schools.	Section 12-59-105.3(1), C.R.S., of the "Private Occupational Education Act of 1981" (Act) – Powers and Duties of the Board. Specifically, the Board has the duty and authority to promulgate rules only within its jurisdiction and because the FAA governs the flight schools only the FAA has the authority to adopt procedures necessary or appropriate such rules.	The purpose of the proposed rescission is to ensure compliance with federal regulations and state statutory revisions.	The Division will address this amendment early in 2015.	Affected positively: Members of general public; residents of Colorado, business owners and entrepreneurs who may not be otherwise aware that all flight schools are governed by the FAA and not under the Private Occupational School Act. Affected negatively: None
Title/Description Proposed Rule	Basis and/or Statutory Authority	Purpose of Proposed Rule	Estimated Rule-making Schedule 2015	Stakeholders/Persons/Parties that may be Affected Positively or Negatively by Adoption of Proposed Rule
Add 8 CCR 1504-1, XI. A. to clarify the process and	Section 12-59-105.3(1), C.R.S.,	The purpose of the proposed	The Division will address this	Affected positively: Members of general public; residents of

<p>procedures the Board will follow to invoke its cease and desist power over institutions that fall under the jurisdictions of the Private Occupational School Act but are operating as an unauthorized or illegal private occupational school.</p>	<p>of the “Private Occupational Education Act of 1981” (Act) – Powers and Duties of the Board. Specifically, the Board has the duty and authority to promulgate rules and to adopt procedures necessary or appropriate for the conduct of its work and the implementation of article 59 of Title 12.</p>	<p>rescission is to ensure compliance with federal regulations and state statutory revisions.</p>	<p>amendment early in 2015.</p>	<p>Colorado desiring to ensure that all private occupational schools are treated similarly and to inform institutions that choose to act outside of the law that the Board will use available administrative powers swiftly and effectively. School owners and institutions operating legitimately will be protected from actors who refuse to follow applicable regulations yet continue to compete with legitimate operations that are disadvantaged and potentially harmed by actors who are not subject to swift and effective regulatory measures designed to ensure equity and compliance with the law.</p> <p>Affected negatively: Actors or institutions who have been operating without authorization will not be subject to regulations they and enforcement mechanisms.</p>
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