

Second Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 12-0270.01 Julie Pelegrin x2700

HOUSE BILL 12-1155

HOUSE SPONSORSHIP

Massey, Fields, Hamner

SENATE SPONSORSHIP

Bacon,

House Committees

Education
Appropriations

Senate Committees

Education

SENATE
Am ended 3rd Reading
May 9, 2012

A BILL FOR AN ACT

101 **CONCERNING MEASURES TO INCREASE THE TIMELY COMPLETION OF**
102 **POSTSECONDARY DEGREES, AND, IN CONNECTION THEREWITH,**
103 **MAKING AN APPROPRIATION.**

SENATE
2nd Reading Unam ended
May 8, 2012

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

HOUSE
Am ended 3rd Reading
April 26, 2012

Under current law, the Colorado commission on higher education (commission) establishes academic admission standards for state institutions of higher education (institutions). In establishing those standards, the commission, under the bill, may take into account the rigor

HOUSE
Am ended 2nd Reading
April 25, 2012

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

of a student's high school courses.

The bill clarifies the commission's authority to adopt a remedial education policy and directs the commission to ensure the remedial education policy is aligned with the academic admission standards. The policy sets the procedures for identifying students who need basic skills courses and procedures by which institutions offer those courses. In setting the standards for basic skills requirements, the commission may differentiate the mathematics requirements based on a student's chosen area of study. While only certain institutions may provide basic skills courses, the commission may authorize other institutions to provide supplemental academic instruction for students who enroll in credit-bearing courses but are identified as having limited skill deficiencies.

The department of higher education (department) currently prepares an annual report concerning higher education student enrollment and persistence. The department distributes the report to the education committees and the state board of education and posts it to the department's web site. The department will also provide the report to the department of education, which will post it on its web site, and the department will distribute student records to the appropriate school districts.

The commission has existing authority to establish each institution's role and mission and to enter into performance contracts with each institution. The bill clarifies that the commission can further delineate an institution's role and mission and service area as necessary to determine the implications for the institution's performance contract.

Under current law, the commission is charged with recommending a performance funding model for institutions. The bill directs the commission, in preparing its recommendations, to analyze the effects of differentiated Colorado opportunity fund (COF) stipend amounts and of limiting the funding for credit hours taken in excess of a certain limit.

The bill lowers the existing lifetime limit on eligibility for COF stipends from 145 to 140 credit hours, and a student cannot receive a COF stipend for any course for which the student has received an incomplete 2 or more times. Following adoption of commission policies, a student's eligibility for state need-based financial aid will also be limited to 140 undergraduate credit hours during a student's lifetime and will be unavailable for a course for which the student has received an incomplete 2 or more times.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 23-1-113, **amend** (1),

1 (8), (9), and (10); and **add** (1.5) and (11) as follows:

2 **23-1-113. Commission directive - admission standards for**
3 **baccalaureate and graduate institutions of higher education -**

4 **policy - definitions.** (1) (a) The commission shall ~~commence~~
5 ~~immediately to~~ establish and the governing boards shall implement
6 academic admission standards for first-time freshmen and transfer
7 students at all state-supported baccalaureate and graduate institutions of
8 higher education in the state. The COMMISSION SHALL ESTABLISH AND
9 MAY SUBSEQUENTLY REVIEW AND AMEND THE standards ~~shall be~~
10 ~~established by the commission~~, after consultation with the governing
11 boards of institutions. ~~and the first step of implementation shall be~~
12 ~~completed by the governing boards by the beginning of the fall term in~~
13 ~~1986. Effective July 1, 1993~~, The academic admission standards
14 ~~established for determining admission of~~ students who do not have
15 in-state status, as determined pursuant to section 23-7-103, shall equal or
16 exceed those established for determining admission of in-state students.

17 (b) ~~(D)~~ ~~(A)~~ The standards established for first-time admitted
18 freshman students shall use a combination of high school academic
19 performance indicators and national assessment test scores for eligibility
20 criteria. THE ACADEMIC PERFORMANCE INDICATORS **MAY** INCLUDE, BUT
21 ARE NOT LIMITED TO, GRADE POINT AVERAGE, CLASS RANK, AND CONTENT
22 STANDARD PERFORMANCE LEVEL ASSESSMENTS. The criteria established
23 and the specified performance levels shall be consistent with the role and
24 mission established for each state-supported institution of higher
25 education. IN CONSIDERING THE HIGH SCHOOL ACADEMIC PERFORMANCE
26 INDICATORS, THE COMMISSION AND THE GOVERNING BOARDS MAY TAKE
27 INTO ACCOUNT THE RIGOR OF A STUDENT'S HIGH SCHOOL ACADEMIC

1 PREPARATION AND THE ACADEMIC CONTENT OF THE COURSES TAKEN. IN
2 LIEU OF THE ESTABLISHED STATEWIDE CRITERIA, EACH GOVERNING BOARD
3 MAY USE ADDITIONAL CRITERIA FOR UP TO TWENTY PERCENT OF THE
4 FRESHMEN STUDENTS ANNUALLY ADMITTED TO EACH INSTITUTION UNDER
5 THE GOVERNING BOARD'S CONTROL. STUDENTS WHO MEET THE MINIMUM
6 CRITERIA FOR ADMISSION ARE NOT GUARANTEED ADMISSION TO THE
7 INSTITUTION TO WHICH THEY HAVE APPLIED, BUT THEY ARE ELIGIBLE FOR
8 CONSIDERATION.

9 (B) ~~In lieu of the established statewide criteria, additional criteria~~
10 ~~may be used for up to twenty percent of the admitted freshmen.~~
11 ~~Beginning with the fall semester 2001, each governing board shall adopt~~
12 ~~policies and procedures that ensure each matriculated first-time freshman~~
13 ~~shall take basic skills placement or assessment tests in English and~~
14 ~~mathematics. Such tests shall be determined by the institution such~~
15 ~~freshman attends, shall meet the standards adopted by the commission~~
16 ~~pursuant to section 23-1-113.3 (1), and shall be administered by such~~
17 ~~institution. Students identified by institutions as needing basic skills~~
18 ~~remedial course work shall take appropriate course work no later than the~~
19 ~~end of their freshman year. The commission, in consultation with the~~
20 ~~governing boards, shall ensure the comparability of these placement or~~
21 ~~assessment tests for the purpose of providing consistent reporting data as~~
22 ~~such data are required by section 23-1-113.3 (4). The commission, in~~
23 ~~consultation with the governing boards, shall ensure that each student~~
24 ~~identified as needing basic skills remedial course work is provided with~~
25 ~~written notification identifying which state institutions offer such basic~~
26 ~~skills courses and the approximate cost and relative availability of such~~
27 ~~courses, including any electronic on-line courses.~~

1 ~~(C) Students who meet the minimum criteria for admission shall~~
2 ~~not be guaranteed admission to the institution to which they have applied;~~
3 ~~but they shall be eligible for consideration.~~

4 ~~(H) For purposes of this paragraph (b):~~

5 ~~(A) "Academic performance indicators" may include, but shall not~~
6 ~~be limited to, grade point average, class rank, and content standard~~
7 ~~performance level assessments.~~

8 ~~(A.3) "Academic skills courses" means courses that teach the~~
9 ~~basic academic skills necessary to succeed at a postsecondary institution.~~

10 ~~(A.7) "Basic skills courses" means courses that are prerequisites~~
11 ~~to the level of work expected at a postsecondary institution and include~~
12 ~~academic skills courses and preparatory courses.~~

13 ~~(B) "National assessment test scores" may include, but shall not~~
14 ~~be limited to, ACT test scores and SAT test scores.~~

15 ~~(B.5) "Preparatory courses" means courses designed for students~~
16 ~~who demonstrate a deficient skill level in the general competencies~~
17 ~~necessary to succeed in a standard postsecondary curriculum and shall~~
18 ~~include, but need not be limited to reading courses that focus on~~
19 ~~nontechnical vocabulary, word identification, and reading of everyday~~
20 ~~material; writing courses that focus primarily on grammar, usage,~~
21 ~~punctuation, and effective sentences and paragraphs; and mathematics~~
22 ~~courses primarily covering concepts introduced in elementary and~~
23 ~~intermediate algebra and geometry.~~

24 (c) The standards established for transfer students shall use
25 college academic performance indicators as the eligibility criteria for
26 admitted transfer students. THE ACADEMIC PERFORMANCE INDICATORS
27 MAY INCLUDE, BUT ARE NOT LIMITED TO, GRADE POINT AVERAGE, CREDIT

1 HOURS COMPLETED, AND SUCCESSFUL COMPLETION OF BASIC SKILLS
2 COURSES, IF REQUIRED AND AS APPROPRIATE CONSIDERING THE ROLE AND
3 MISSION OF THE RECEIVING INSTITUTION. In lieu of such criteria,
4 additional criteria may be used for up to twenty percent of the admitted
5 transfer students. The academic admission standards and policies
6 established for transfer students shall be consistent with the student
7 transfer agreements established by the commission pursuant to section
8 23-1-108 (7) (f). Students who meet the minimum criteria for admission
9 shall not be guaranteed admission to the institution to which they have
10 applied, but they shall be eligible for consideration.

11 (d) Repealed.

12 (1.5) (a) (I) THE COMMISSION SHALL ESTABLISH AND THE
13 GOVERNING BOARDS SHALL IMPLEMENT A POLICY PURSUANT TO SECTION
14 23-1-113.3 TO IDENTIFY MATRICULATED STUDENTS WHO NEED BASIC
15 SKILLS COURSES IN ENGLISH AND MATHEMATICS AND STANDARDS AND
16 PROCEDURES WHEREBY STATE INSTITUTIONS OF HIGHER EDUCATION MAY
17 OFFER BASIC SKILLS COURSES AS PROVIDED IN SECTION 23-1-113.3. THE
18 COMMISSION, IN CONSULTATION WITH THE GOVERNING BOARDS, SHALL
19 ENSURE THAT THE POLICY ALIGNS WITH THE ADMISSION POLICY
20 ADOPTED PURSUANT TO SUBSECTION (1) OF THIS SECTION. IN IDENTIFYING
21 THE STANDARDS FOR BASIC SKILLS, THE COMMISSION MAY DIFFERENTIATE
22 REQUIREMENTS FOR MATHEMATICS BASED ON THE PREREQUISITE SKILLS
23 NEED FOR REQUIRED COURSES WITHIN A STUDENT'S DECLARED PROGRAM
24 OF STUDY.

25 (II) AS PART OF THE POLICY ESTABLISHED PURSUANT TO THIS
26 PARAGRAPH (a), THE COMMISSION MAY AUTHORIZE A STATE INSTITUTION
27 OF HIGHER EDUCATION TO PROVIDE SUPPLEMENTAL ACADEMIC

1 INSTRUCTION EVEN THOUGH THE INSTITUTION IS NOT AUTHORIZED TO
2 PROVIDE BASIC SKILLS COURSES PURSUANT TO SECTION 23-1-113.3. THE
3 INSTITUTION MAY RECEIVE STIPEND PAYMENTS FROM THE STATE
4 PURSUANT TO SECTION 23-18-202 ON BEHALF OF AN ELIGIBLE
5 UNDERGRADUATE STUDENT, AS DEFINED IN SECTION 23-18-102 (5), WHO
6 IS ENROLLED IN A COLLEGE-LEVEL COURSE THAT INCLUDES
7 SUPPLEMENTAL ACADEMIC INSTRUCTION.

8 (b) EACH GOVERNING BOARD SHALL ADOPT POLICIES AND
9 PROCEDURES THAT ARE ALIGNED WITH THE POLICY ESTABLISHED BY
10 THE COMMISSION PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (1.5)
11 AND THAT ENSURE THAT, TO THE EXTENT REQUIRED BY THE COMMISSION
12 POLICY, EACH MATRICULATED STUDENT TAKES OR HAS TAKEN BASIC
13 SKILLS PLACEMENT OR ASSESSMENT TESTS IN ENGLISH AND
14 MATHEMATICS. THE INSTITUTION THAT ENROLLS THE STUDENT SHALL
15 SELECT WHICH TESTS TO USE FROM AMONG THOSE THAT MEET THE
16 STANDARDS ESTABLISHED IN THE COMMISSION POLICY AND SHALL
17 ADMINISTER THE TESTS. THE COMMISSION, IN CONSULTATION WITH THE
18 GOVERNING BOARDS, SHALL ENSURE THE COMPARABILITY OF THE
19 PLACEMENT OR ASSESSMENT TESTS FOR THE PURPOSE OF PROVIDING
20 CONSISTENT REPORTING DATA AS SUCH DATA ARE REQUIRED BY SECTION
21 23-1-113.3 (4).

22 (c) STUDENTS IDENTIFIED BY INSTITUTIONS AS NEEDING BASIC
23 SKILLS COURSES BASED ON THEIR TEST SCORES SHALL COMPLETE THE
24 APPROPRIATE BASIC SKILLS COURSES BY THE TIME THE STUDENT
25 COMPLETES THIRTY COLLEGE-LEVEL CREDIT HOURS. THE COMMISSION, IN
26 CONSULTATION WITH THE GOVERNING BOARDS, SHALL ENSURE THAT EACH
27 STUDENT IDENTIFIED AS NEEDING BASIC SKILLS COURSES RECEIVES

1 WRITTEN NOTIFICATION IDENTIFYING WHICH STATE INSTITUTIONS OFFER
2 BASIC SKILLS COURSES AND THE APPROXIMATE COST AND RELATIVE
3 AVAILABILITY OF THE BASIC SKILLS COURSES, INCLUDING ANY ON-LINE
4 COURSES.

5 (8) (a) On or before ~~December 15, 2014~~ DECEMBER 15, 2013,
6 based on adoption of the description of postsecondary and workforce
7 readiness, the commission shall, if necessary, revise the minimum
8 academic admission standards for first-time freshmen at all
9 state-supported baccalaureate and graduate institutions of higher
10 education in the state to ensure that the minimum academic admission
11 standards are aligned with the description of postsecondary and
12 workforce readiness adopted by the commission and the state board of
13 education.

14 (b) On or before ~~December 15, 2012~~ DECEMBER 15, 2013, the
15 commission shall review the POLICY ESTABLISHED PURSUANT TO
16 PARAGRAPH (a) OF SUBSECTION (1.5) OF THIS SECTION AND THE basic
17 skills placement or assessment tests administered pursuant to
18 ~~sub-subparagraph (B) of subparagraph (I) of paragraph (b) of subsection~~
19 ~~(I) SUBSECTION (1.5) of this section and the associated policies~~, to ensure
20 that the POLICY AND tests ~~and associated policies~~ are aligned with the
21 postsecondary and workforce readiness description.

22 (c) Consistent with any revisions adopted pursuant to this section
23 to the description of postsecondary and workforce readiness, the
24 commission shall, if necessary, adopt revisions to the minimum academic
25 admission standards, THE POLICY ESTABLISHED PURSUANT TO PARAGRAPH
26 (a) OF SUBSECTION (1.5) OF THIS SECTION, and the basic skills placement
27 or assessment tests to ensure continued alignment with the postsecondary

1 and workforce readiness description.

2 (d) In revising the minimum academic admission standards, THE
3 POLICY ESTABLISHED PURSUANT TO PARAGRAPH (a) OF SUBSECTION (1.5)
4 OF THIS SECTION, and the basic skills placement or assessment tests
5 pursuant to this subsection (8), the commission shall consult with the
6 governing boards of the state institutions of higher education.

7 (9) On or before February 15, 2012, and on or before February 15
8 each year thereafter, the department of higher education shall submit to
9 the state board of education, THE DEPARTMENT OF EDUCATION, and the
10 education committees of the house of representatives and the senate, or
11 any successor committees, a report, SUBJECT TO AVAILABLE DATA,
12 concerning the enrollment, PLACEMENT AND COMPLETION OF BASIC SKILLS
13 COURSES, first-year college grades, and, ~~subject to available data,~~ types
14 of academic certificates and degrees attained AT ALL POSTSECONDARY
15 INSTITUTIONS IN COLORADO AND THE UNITED STATES for the high school
16 graduating classes of the preceding six academic years. The department
17 of higher education shall report the information disaggregated by HIGH
18 SCHOOL AND school district of graduation, TO THE EXTENT PRACTICABLE,
19 AND BY ethnicity, gender, financial aid status, and any other characteristic
20 deemed relevant by the commission. The department of higher education
21 AND THE DEPARTMENT OF EDUCATION shall also make the report available
22 on ~~its web site~~ THEIR RESPECTIVE WEB SITES.

23 (10) On or before February 15, 2009, and on or before February
24 15 each year thereafter, the department of higher education shall submit
25 to the department of education the unit records used for its reporting
26 purposes under this section to enable the department of education to
27 evaluate the effectiveness of the alignment of the preschool through

1 postsecondary education systems in preparing students who demonstrate
2 postsecondary and workforce readiness and subsequently succeed in
3 postsecondary education AND TO ENABLE THE DEPARTMENT OF HIGHER
4 EDUCATION TO DISSEMINATE THE UNIT RECORDS TO THE APPROPRIATE
5 SCHOOL DISTRICTS.

6 (11) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
7 REQUIRES:

8 (a) "ACADEMIC SKILLS COURSES" MEANS COURSES THAT TEACH
9 THE BASIC ACADEMIC SKILLS NECESSARY TO SUCCEED AT A
10 POSTSECONDARY INSTITUTION.

11 (b) "BASIC SKILLS COURSES" MEANS COURSES THAT ARE
12 PREREQUISITES TO THE LEVEL OF WORK EXPECTED AT A POSTSECONDARY
13 INSTITUTION AND INCLUDE ACADEMIC SKILLS COURSES AND PREPARATORY
14 COURSES.

15 (c) "NATIONAL ASSESSMENT TEST SCORES" INCLUDE, BUT ARE NOT
16 LIMITED TO, ACT TEST SCORES AND SAT TEST SCORES.

17 (d) "PREPARATORY COURSES" MEANS COURSES DESIGNED FOR
18 STUDENTS WHO DEMONSTRATE A DEFICIENT SKILL LEVEL IN THE GENERAL
19 COMPETENCIES NECESSARY TO SUCCEED IN A STANDARD POSTSECONDARY
20 CURRICULUM AND INCLUDE, BUT ARE NOT LIMITED TO READING COURSES
21 THAT FOCUS ON NONTECHNICAL VOCABULARY, WORD IDENTIFICATION,
22 AND READING OF EVERYDAY MATERIAL; WRITING COURSES THAT FOCUS
23 PRIMARILY ON GRAMMAR, USAGE, PUNCTUATION, AND EFFECTIVE
24 SENTENCES AND PARAGRAPHS; AND MATHEMATICS COURSES PRIMARILY
25 COVERING CONCEPTS INTRODUCED IN ELEMENTARY AND INTERMEDIATE
26 ALGEBRA AND GEOMETRY.

27 (e) "SUPPLEMENTAL ACADEMIC INSTRUCTION" MEANS

1 CO-REQUISITE INSTRUCTION IN READING, WRITING, OR MATHEMATICS FOR
2 STUDENTS WITH LIMITED ACADEMIC DEFICIENCIES WHO ARE PLACED INTO
3 COLLEGE-LEVEL COURSE WORK THAT IS APPROVED FOR STATEWIDE
4 TRANSFER PURSUANT TO SECTION 23-1-125 (3). "SUPPLEMENTAL
5 ACADEMIC INSTRUCTION" DOES NOT INCLUDE PREREQUISITE BASIC SKILLS
6 COURSES.

7 **SECTION 2.** In Colorado Revised Statutes, 23-1-113.3, **amend**
8 (1), (2) (a), (3), (4) (a), and (5.5) as follows:

9 **23-1-113.3. Commission directive - basic skills courses.** (1) AS
10 PART OF THE POLICY ADOPTED BY THE COMMISSION PURSUANT TO
11 SECTION 23-1-113 (1.5) (a), the commission shall adopt and the governing
12 boards shall implement standards and procedures whereby STATE
13 INSTITUTIONS OF HIGHER EDUCATION MAY OFFER basic skills courses, as
14 defined in ~~section 23-1-113 (1) (b) (II) (A.7) may be offered by state~~
15 ~~institutions of higher education~~ SECTION 23-1-113 (11) (b), pursuant to
16 this section.

17 (2) (a) Adams state college, Colorado Mesa university, any local
18 community college, and any community college governed by the state
19 board for community colleges and occupational education may offer basic
20 skills courses, as defined in ~~section 23-1-113 (1) (b) (II) (A.7)~~ SECTION
21 23-1-113 (11) (b), and receive stipend payments from the state on behalf
22 of eligible undergraduate students, as defined in section 23-18-102 (5),
23 enrolled in basic skills courses.

24 (3) The state board for community colleges and occupational
25 education, local community colleges, Adams state college, and Colorado
26 Mesa university shall:

27 (a) Track all students who are required to take basic skills courses

1 pursuant to ~~section 23-1-113 (1) (b) (I) (B)~~ SECTION 23-1-113 (1.5) in
2 order to determine whether those students successfully complete
3 requirements for graduation;

4 (b) Compile data regarding student performance that describes
5 with regard to students who take basic skills courses pursuant to ~~section~~
6 ~~23-1-113 (1) (b) (I) (B)~~ SECTION 23-1-113 (1.5):

7 (I) The school districts from which said students graduated;

8 (II) The number of said students graduating from each school
9 district; and

10 (III) The basic skills for which said students require remediation;
11 and

12 (c) Report annually to the department the data compiled pursuant
13 to paragraphs (a) and (b) of this subsection (3).

14 (4) (a) The department shall transmit annually to the education
15 committees of the senate and the house of representatives, or any
16 successor committees, the joint budget committee, the commission, and
17 the department of education an analysis of the data:

18 (I) Regarding students who take basic skills courses pursuant to
19 ~~section 23-1-113 (1) (b) (I) (B)~~ SECTION 23-1-113 (1.5); and

20 (II) Regarding the costs of providing basic skills courses pursuant
21 to ~~section 23-1-113 (1) (b) (I) (B)~~ SECTION 23-1-113 (1.5) and whether
22 students who complete said basic skills courses successfully complete the
23 requirements for graduation.

24 (5.5) ~~As soon as practicable after a community college, Adams~~
25 ~~state college, Colorado Mesa university, or any other state institution of~~
26 ~~higher education that provides basic skills courses begins using the~~
27 ~~unique student identifiers as required in section 23-5-127 (4); The~~

1 institution and the department shall report the information specified in
2 subsections (3) and (4) of this section on an individual student basis,
3 using each student's unique student identifier.

4 **SECTION 3.** In Colorado Revised Statutes, 23-1-108, **amend**
5 (1.5) (f) and (1.9) (a) (II) as follows:

6 **23-1-108. Duties and powers of the commission with regard to**
7 **systemwide planning.** (1.5) (f) (I) The commission shall ensure that the
8 master plan is implemented through the performance contracts authorized
9 pursuant to sections 23-5-129 and 23-41-104.6 by negotiating with the
10 governing boards individualized goals and expectations for the public
11 institutions of higher education, which goals and expectations support
12 achievement of the statewide goals identified in paragraph (c) of this
13 subsection (1.5) and in the master plan. The commission and the
14 governing boards shall ensure that the institutions' renegotiated
15 performance contracts are finalized no later than December 1, 2012.


16 (II) IN FULFILLING THE REQUIREMENTS OF PARAGRAPH (c) OF
17 SUBSECTION (1) OF THIS SECTION, THE COMMISSION SHALL REFER TO
18 EACH INSTITUTION'S ROLE AND MISSION AND SERVICE AREA, AS
19 NECESSARY, TO INTERPRET JOINTLY WITH THE INSTITUTION'S GOVERNING
20 BOARD THE IMPLICATIONS OF THE ROLE AND MISSION AND SERVICE AREA
21 ON THE ACADEMIC, FINANCIAL, AND STUDENT SERVICES ELEMENTS OF
22 EACH INSTITUTION'S PERFORMANCE CONTRACT.

23 (1.9) (a) (II) The commission's performance-based funding plan
24 shall specifically address the manner in which the appropriation of
25 performance-based funding will affect the college opportunity fund
26 stipends authorized in section 23-18-202 and the fee-for-service contracts
27 authorized in sections 23-1-109.7 and 23-5-130. IN FULFILLING THE

1 REQUIREMENTS OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (a), THE
2 COMMISSION SHALL ANALYZE THE EFFECT OF MODIFYING THE COLLEGE
3 OPPORTUNITY FUND STIPEND AMOUNTS FOR PURPOSES OF IMPROVING
4 STUDENT RETENTION, FACILITATING THE SUCCESS OF TRANSFERS BETWEEN
5 INSTITUTIONS AND BETWEEN DEGREE PROGRAMS, AND PROVIDING
6 INCENTIVES FOR THE TIMELY COMPLETION OF ACADEMIC DEGREES. THE
7 MODIFICATIONS MAY INCLUDE, BUT NEED NOT BE LIMITED TO,
8 DIFFERENTIATING STIPEND AMOUNTS BASED ON EACH STUDENT'S STATUS
9 AS A FRESHMAN, SOPHOMORE, JUNIOR, OR SENIOR. IN ADDITION, THE
10 COMMISSION SHALL ANALYZE THE EFFECT OF LIMITING THE AMOUNT OF
11 FUNDING FOR CREDIT HOURS EARNED IN EXCESS OF ONE HUNDRED FORTY
12 CREDITS FOR A BACCALAUREATE DEGREE, OR SEVENTY HOURS FOR AN
13 ASSOCIATE DEGREE.


14 **SECTION 4.** In Colorado Revised Statutes, 23-18-202, **amend**
15 (5) (c) (I) (B) and (5) (c) (III) as follows:


16 **23-18-202. College opportunity fund - appropriations -**
17 **payment of stipends - reimbursement - repeal.** (5) (c) (I) An eligible
18 undergraduate student shall not receive a stipend from the college
19 opportunity fund for more than one hundred ~~forty-five~~ credit hours during
20 the eligible undergraduate student's lifetime; except that:

21 

22 (B) For credit hours initiated on or after July 1, 2006, an eligible
23 undergraduate student may receive stipend payments for basic skills
24 courses, as defined in ~~section 23-1-113 (1) (b) (II) (A.7)~~ SECTION
25 23-1-113 (11) (b), and courses taken pursuant to the "Concurrent
26 Enrollment Programs Act", article 35 of title 22, C.R.S. For a student who
27 enrolls in a course at an institution of higher education pursuant to the

1 "Concurrent Enrollment Programs Act", article 35 of title 22, C.R.S., the
2 student loan division in the department shall record the student's uniquely
3 identifying student number before submitting a stipend payment on behalf
4 of the student. Stipend payments received for the basic skills courses
5 specified in this sub-subparagraph (B) shall not apply to the lifetime
6 limitation of one hundred ~~forty-five~~ credit hours.

7 
8 (III) For an eligible undergraduate student who has completed one
9 or more college courses while enrolled in high school pursuant to the
10 "Concurrent Enrollment Programs Act", article 35 of title 22, C.R.S., or
11 while designated by the department of education as an ASCENT program
12 participant pursuant to section 22-35-108, C.R.S., all college-level credit
13 hours earned by the student during such enrollment shall count against the
14 lifetime limitation described in subparagraph (I) of this paragraph (c);
15 except that credit hours earned from enrollment in a basic skills course,
16 as defined in ~~section 23-1-113 (1) (b) (II) (A.7)~~ SECTION 23-1-113 (11)
17 (b), shall not count against the lifetime limitation.

18 
19 **SECTION 5.** In Colorado Revised Statutes, 22-11-103, **amend**
20 (6) as follows:

21 **22-11-103. Definitions.** As used in this article, unless the context
22 otherwise requires:

23 (6) "Basic skills courses" ~~shall have~~ HAS the same meaning as
24 provided in ~~section 23-1-113 (1) (b) (II) (A.7)~~ SECTION 23-1-113 (11) (b),
25 C.R.S.

26 **SECTION 6.** In Colorado Revised Statutes, 22-35-103, **amend**
27 (2) as follows:

1 **22-35-103. Definitions.** As used in this article, unless the context
2 otherwise requires:

3 (2) "Basic skills course" ~~shall have~~ HAS the same meaning as set
4 forth in ~~section 23-1-113 (1) (b) (II) (A.7)~~ SECTION 23-1-113 (11) (b),
5 C.R.S.

6 **SECTION 7.** In Colorado Revised Statutes, 23-41-104.6, **amend**
7 (3) introductory portion, (4) (b), and (4) (c) as follows:

8 **23-41-104.6. Performance contract - authorization -**
9 **operations.** (3) ~~Beginning July 1, 2001, for the contract in effect through~~
10 ~~November 30, 2012, and beginning December 1, 2012 2013, for the~~
11 ~~contract in effect through November 30, 2022,~~ The board of trustees of
12 the Colorado school of mines shall negotiate a performance contract with
13 the department of higher education, subject to approval by the Colorado
14 commission on higher education, that shall specify the performance goals
15 that the institution shall achieve during the period that it operates under
16 the performance contract. The specified goals shall be measurable and
17 specific to the Colorado school of mines' role and mission and shall
18 include, at a minimum, the goals negotiated for the institution pursuant
19 to sections 23-1-108 (1.5) (f) and 23-5-129 and the following issues:

20 (4) (b) As early as possible during the 2002 regular session and as
21 early as possible during the ~~2012~~ 2013 regular session, the Colorado
22 commission on higher education shall present the finalized performance
23 contract for the applicable contract period at a joint session of the
24 education committees of the senate and the house of representatives, or
25 any successor committees, and the joint budget committee of the general
26 assembly. The members of the education committees and the members of
27 the joint budget committee shall review the financial effect of the

1 provisions of the contract with regard to funding for the Colorado school
2 of mines or funding for the statewide system of higher education and may
3 recommend changes to the terms of the performance contract or
4 renegotiation of the performance contract. If a majority of the members
5 of the education committees and the members of the joint budget
6 committee approve the terms of the performance contract, the chairmen
7 of the education committees, in cooperation with the joint budget
8 committee, shall sponsor a joint resolution to recognize and approve the
9 performance contract. The performance contract shall be deemed
10 approved upon final passage of said joint resolution.

11 (c) The school of mines shall operate pursuant to the performance
12 contract that is approved by joint resolution passed during the 2002
13 regular session beginning on the date the performance contract is
14 approved and continuing through ~~November 30, 2012~~ THE DATE ON
15 WHICH THE GOVERNOR SIGNS THE JOINT RESOLUTION PASSED DURING THE
16 2013 REGULAR LEGISLATIVE SESSION THAT APPROVES THE NEXT
17 PERFORMANCE CONTRACT. The school of mines shall operate pursuant to
18 the performance contract that is approved by joint resolution passed
19 during the ~~2012~~ 2013 regular session beginning on ~~December 1, 2012,~~
20 THE DAY AFTER THE DATE ON WHICH THE GOVERNOR SIGNS THE JOINT
21 RESOLUTION and continuing through ~~November 30, 2022~~ THE DATE ON
22 WHICH THE GOVERNOR SIGNS THE JOINT RESOLUTION PASSED DURING THE
23 2023 REGULAR LEGISLATIVE SESSION THAT APPROVES THE NEXT
24 PERFORMANCE CONTRACT.

25 **SECTION 8.** In Colorado Revised Statutes, 23-1-125, **amend** (3)
26 as follows:

27 **23-1-125. Commission directive - student bill of rights - degree**

1 **requirements - implementation of core courses - competency test.**

2 (3) **Core courses.** The department, in consultation with each Colorado
3 public institution of higher education, is directed to outline a plan to
4 implement a core course concept that defines the general education course
5 guidelines for all public institutions of higher education. The core of
6 courses shall be designed to ensure that students demonstrate competency
7 in reading, critical thinking, written communication, mathematics, and
8 technology. The core of courses shall consist of at least thirty credit
9 hours, but shall not exceed forty credit hours. Individual institutions of
10 higher education shall conform their own core course requirements with
11 the guidelines developed by the department and shall identify the specific
12 courses that meet the general education course guidelines. Any such
13 guidelines developed by the department shall be submitted to the
14 commission for its approval. IN CREATING AND ADOPTING THE
15 GUIDELINES, THE DEPARTMENT AND THE COMMISSION, IN COLLABORATION
16 WITH THE PUBLIC INSTITUTIONS OF HIGHER EDUCATION, MAY MAKE
17 ALLOWANCES FOR BACCALAUREATE PROGRAMS THAT HAVE ADDITIONAL
18 DEGREE REQUIREMENTS RECOGNIZED BY THE COMMISSION. If a statewide
19 matrix of core courses is adopted by the commission, the courses
20 identified by the individual institutions as meeting the general education
21 course guidelines shall be included in the matrix. The commission shall
22 adopt such policies to ensure that institutions develop the most effective
23 way to implement the transferability of core course credits.

24 **SECTION 9.** In Colorado Revised Statutes, **amend 23-2-102** as
25 follows:

26 **23-2-102. Definitions.** As used in this article, unless the context
27 otherwise requires:

1 (1) "ALTERNATE ENROLLMENT" MEANS THE OPPORTUNITY FOR A
2 STUDENT ENROLLED IN A PRIVATE COLLEGE OR UNIVERSITY THAT CEASES
3 OPERATION TO MEET THE STUDENT'S EDUCATIONAL OBJECTIVES THROUGH
4 EDUCATION PROVIDED BY ANOTHER AUTHORIZED PRIVATE COLLEGE OR
5 UNIVERSITY, A COMMUNITY COLLEGE, AN AREA VOCATIONAL SCHOOL, OR
6 ANY OTHER EDUCATIONAL ARRANGEMENT ACCEPTABLE TO THE
7 DEPARTMENT AND THE COMMISSION.

8 (2) "AUTHORIZATION" MEANS THE AUTHORIZATION GRANTED TO
9 A PRIVATE COLLEGE OR UNIVERSITY OR SEMINARY OR RELIGIOUS TRAINING
10 INSTITUTION BY THE COMMISSION AS PROVIDED IN THIS ARTICLE AND THE
11 POLICIES ADOPTED PURSUANT TO THIS ARTICLE. AUTHORIZATION IS NOT
12 AN ENDORSEMENT OF THE INSTITUTION BY EITHER THE COMMISSION OR
13 THE DEPARTMENT.

14 ~~(1)~~ (3) "Commission" means the Colorado commission on higher
15 education created pursuant to section 23-1-102.

16 ~~(1.3)~~ (4) "Degree" means any A statement, diploma, certificate, or
17 other writing in any language which THAT indicates or represents, or
18 which THAT is intended to indicate or represent, that the person named
19 thereon is learned in or has satisfactorily completed a prescribed course
20 of study in a particular field of endeavor or that the person named thereon
21 has demonstrated proficiency in any A field of endeavor as a result of
22 formal preparation or training.

23 ~~(1.5)~~ (5) "Department" means the department of higher education
24 created and existing pursuant to section 24-1-114, C.R.S.

25 (6) "ENROLLMENT AGREEMENT" MEANS THE CONTRACT PREPARED
26 BY A PRIVATE COLLEGE OR UNIVERSITY OR SEMINARY OR RELIGIOUS
27 TRAINING INSTITUTION THAT A STUDENT SIGNS TO INDICATE AGREEMENT

1 TO THE TERMS OF ADMISSION, DELIVERY OF INSTRUCTION, AND MONETARY
2 TERMS AS OUTLINED IN THE INSTITUTION'S STUDENT HANDBOOK OR
3 CATALOG.

4 (7) "GOVERNING BOARD" MEANS THE ELECTED OR APPOINTED
5 GROUP OF PERSONS THAT OVERSEES AND CONTROLS A PRIVATE COLLEGE
6 OR UNIVERSITY OR A SEMINARY OR RELIGIOUS TRAINING INSTITUTION.

7 (2) (8) "Honorary degree" means any A statement, diploma,
8 certificate, or other writing in any language which THAT indicates or
9 represents, or which THAT is intended to indicate or represent, that the
10 person named thereon is learned in any A field of public service or has
11 performed outstanding public service or that the person named thereon
12 has demonstrated proficiency in any A field of endeavor without having
13 completed formal courses of instruction or study or formal preparation or
14 training.

15 (9) "OUT-OF-STATE PUBLIC INSTITUTION" MEANS AN INSTITUTION
16 OF HIGHER EDUCATION THAT IS ESTABLISHED BY STATUTE IN A STATE
17 OTHER THAN COLORADO.

18 (10) "OWNER" MEANS:

19 (a) AN INDIVIDUAL, IF A PRIVATE FOR-PROFIT COLLEGE OR
20 UNIVERSITY IS STRUCTURED AS A SOLE PROPRIETORSHIP;

21 (b) PARTNERS, IF A PRIVATE FOR-PROFIT COLLEGE OR UNIVERSITY
22 IS STRUCTURED AS A PARTNERSHIP;

23 (c) MEMBERS IN A LIMITED LIABILITY COMPANY, IF A PRIVATE
24 FOR-PROFIT COLLEGE OR UNIVERSITY IS STRUCTURED AS A LIMITED
25 LIABILITY COMPANY; OR

26 (d) SHAREHOLDERS IN A CORPORATION THAT HOLD A
27 CONTROLLING INTEREST, IF A PRIVATE FOR-PROFIT COLLEGE OR

1 UNIVERSITY IS STRUCTURED AS A CORPORATION.

2 (3) (11) "Private college or university" means a postsecondary
3 educational institution doing business or maintaining a place of business
4 in the state of Colorado, which offers courses of instruction or study
5 wherein credits may be earned and applied toward a degree in a field of
6 endeavor INSTITUTION ENROLLS THE MAJORITY OF ITS STUDENTS IN A
7 BACCALAUREATE OR POSTGRADUATE DEGREE PROGRAM.

8 (12) "PRIVATE NONPROFIT COLLEGE OR UNIVERSITY" MEANS A
9 PRIVATE COLLEGE OR UNIVERSITY THAT MAINTAINS TAX-EXEMPT STATUS
10 PURSUANT TO 26 U.S.C. SEC. 501 (c) (3).

11 (3.5) (13) "Private occupational school" means an institution
12 authorized by the private occupational school division to confer associate
13 degrees, under the provisions of article 59 of title 12, C.R.S.

14 (4) (14) "Seminary" or "bible college" "RELIGIOUS TRAINING
15 INSTITUTION" means a bona fide religious postsecondary educational
16 institution doing business THAT IS OPERATING or maintaining a place of
17 business in the state of Colorado, and that is exempt from property
18 taxation under the laws of this state, and that offers bachelor's, master's
19 BACCALAUREATE, MASTER'S, or doctoral degrees or diplomas.

20 (5) (15) "State college or university" means a postsecondary
21 educational institution, including A community and OR junior colleges
22 COLLEGE, established and existing pursuant to law as an agency of the
23 state of Colorado and supported wholly or in part by tax revenues.

24 **SECTION 10. In Colorado Revised Statutes, add 23-2-102.5 as**
25 **follows:**

26 **23-2-102.5. Applicability of article. (1) (a) A PRIVATE COLLEGE**
27 **OR UNIVERSITY THAT ENROLLS A MAJORITY OF ITS STUDENTS AT THE**

1 CERTIFICATE OR ASSOCIATE LEVEL IS REGULATED BY THE DIVISION OF
2 PRIVATE OCCUPATIONAL SCHOOLS AND THE PRIVATE OCCUPATIONAL
3 SCHOOL BOARD PURSUANT TO ARTICLE 59 OF TITLE 12, C.R.S., AND IS NOT
4 SUBJECT TO THE PROVISIONS OF THIS ARTICLE.

5 (b) IF, AS A RESULT OF CHANGES IN STUDENT ENROLLMENT, A
6 PRIVATE COLLEGE OR UNIVERSITY AT TIMES MEETS THE DEFINITION
7 PROVIDED IN SECTION 23-2-102 (11) AND SHOULD THEREFORE BE
8 REGULATED BY THE DEPARTMENT AND THE COMMISSION, AND AT OTHER
9 TIMES MEETS THE REQUIREMENTS OF PARAGRAPH (a) OF THIS SUBSECTION
10 (1) AND SHOULD THEREFORE BE REGULATED BY THE DIVISION OF PRIVATE
11 OCCUPATIONAL SCHOOLS AND THE PRIVATE OCCUPATIONAL SCHOOLS
12 BOARD, THE PRIVATE COLLEGE OR UNIVERSITY IS SUBJECT TO REGULATION
13 BY THE ENTITY THAT IS APPROPRIATE AS OF JULY 1, 2012, IF THE PRIVATE
14 COLLEGE OR UNIVERSITY IS AUTHORIZED AS OF SAID DATE, OR AS OF THE
15 DATE THE INSTITUTION APPLIES FOR AUTHORIZATION, AND THE
16 INSTITUTION SHALL BE REGULATED BY THE SAME ENTITY FOR THE
17 FOLLOWING THREE YEARS. THE DEPARTMENT SHALL REVIEW THE STATUS
18 OF THE PRIVATE COLLEGE OR UNIVERSITY EVERY THREE YEARS AFTER
19 JULY 1, 2012, OR EVERY THREE YEARS AFTER INITIAL AUTHORIZATION,
20 WHICHEVER IS APPROPRIATE, TO DETERMINE WHETHER THE INSTITUTION
21 SHOULD BE SUBJECT TO REGULATION BY THE DEPARTMENT AND THE
22 COMMISSION OR BY THE DIVISION OF PRIVATE OCCUPATIONAL SCHOOLS
23 AND THE PRIVATE OCCUPATIONAL SCHOOL BOARD.

24 (2) AN OUT-OF-STATE PUBLIC INSTITUTION MAY REQUEST
25 AUTHORIZATION PURSUANT TO THE PROVISIONS OF THIS ARTICLE FROM
26 THE DEPARTMENT AND THE COMMISSION. IN SEEKING AND MAINTAINING
27 AUTHORIZATION PURSUANT TO THIS ARTICLE, AN OUT-OF-STATE PUBLIC

1 INSTITUTION IS SUBJECT TO THE SAME CRITERIA AND REQUIREMENTS THAT
2 APPLY TO A PRIVATE COLLEGE OR UNIVERSITY.

3 **SECTION 11.** In Colorado Revised Statutes, **amend 23-2-103** as
4 follows:

5 **23-2-103. Awarding degrees.** Notwithstanding the provisions of
6 section 7-50-105, C.R.S., or any other law to the contrary, ~~no~~ A person,
7 partnership, corporation, company, society, or association doing business
8 in the state of Colorado shall NOT award, bestow, confer, give, grant,
9 convey, or sell to any other person a degree or honorary degree upon
10 which is inscribed, in any language, the word "associate", "bachelor",
11 "baccalaureate", "master", or "doctor", or any abbreviation thereof, or
12 offer courses of instruction or credits purporting to lead to any such
13 degree, ~~except~~ UNLESS THE PERSON, PARTNERSHIP, CORPORATION,
14 COMPANY, SOCIETY, OR ASSOCIATION IS a state college or university; a
15 private college or university THAT IS AUTHORIZED PURSUANT TO THIS
16 ARTICLE; a private occupational school; ~~or a seminary or bible college and~~
17 ~~except~~ RELIGIOUS TRAINING INSTITUTION THAT IS AUTHORIZED PURSUANT
18 TO THIS ARTICLE; OR a school, college, or university ~~which~~ THAT offers
19 courses of instruction or study in compliance with standards prescribed
20 by articles 2, 4, 22, 25, 32, 33, 35, 36, 38, 40, 41, 43, and 64 of title 12,
21 C.R.S.

22 **SECTION 12.** In Colorado Revised Statutes, **add 23-2-103.1** as
23 follows:

24 **23-2-103.1. Commission - department - duties - limitation -**
25 **reciprocity.** (1) THE COMMISSION SHALL:

26 (a) ESTABLISH PROCEDURES FOR AUTHORIZING, REAUTHORIZING,
27 AND REVOKING THE AUTHORIZATION OF PRIVATE COLLEGES AND

1 UNIVERSITIES AND SEMINARIES AND RELIGIOUS TRAINING INSTITUTIONS IN
2 ACCORDANCE WITH THE PROVISIONS OF THIS ARTICLE, INCLUDING BUT NOT
3 LIMITED TO PROCEDURES BY WHICH AN INSTITUTION MAY APPLY FOR
4 AUTHORIZATION OR REAUTHORIZATION AND THE PROCEDURES THE
5 DEPARTMENT SHALL FOLLOW IN REVIEWING APPLICATIONS AND MAKING
6 RECOMMENDATIONS TO THE COMMISSION;

7 (b) GRANT OR DENY AUTHORIZATIONS, RENEW AUTHORIZATIONS,
8 AND REVOKE AUTHORIZATIONS PURSUANT TO SECTIONS 23-2-103.3 AND
9 23-2-103.4;

10 (c) ESTABLISH THE TYPES AND AMOUNTS OF FEES THAT A PRIVATE
11 COLLEGE OR UNIVERSITY OR SEMINARY OR RELIGIOUS TRAINING
12 INSTITUTION SHALL PAY AS REQUIRED IN SECTION 23-2-104.5; AND

13 (d) ESTABLISH POLICIES TO REQUIRE PRIVATE COLLEGES AND
14 UNIVERSITIES AND SEMINARIES AND RELIGIOUS TRAINING INSTITUTIONS TO
15 SUBMIT TO THE DEPARTMENT, UPON REQUEST, DATA THAT IS DIRECTLY
16 RELATED TO STUDENT ENROLLMENT AND DEGREE COMPLETION AND, IF
17 APPLICABLE, STUDENT FINANCIAL AID AND EDUCATOR PREPARATION
18 PROGRAMS AS DESCRIBED IN SECTION 23-1-121. THE DIRECTOR OF THE
19 COMMISSION AND AN EMPLOYEE OF THE DEPARTMENT OF HIGHER
20 EDUCATION SHALL NOT DIVULGE OR MAKE KNOWN IN ANY WAY DATA FOR
21 INDIVIDUAL STUDENTS OR PERSONNEL, EXCEPT IN ACCORDANCE WITH
22 JUDICIAL ORDER OR AS OTHERWISE PROVIDED BY LAW. A PERSON WHO
23 VIOLATES THIS PARAGRAPH (d) COMMITS A CLASS 1 MISDEMEANOR AND
24 SHALL BE PUNISHED AS PROVIDED IN SECTION 18-1.3-501, C.R.S., AND
25 SHALL BE REMOVED OR DISMISSED FROM PUBLIC SERVICE ON THE
26 GROUND OF MALFEASANCE IN OFFICE.

27 (2) THE DEPARTMENT SHALL ADMINISTER THE PROVISIONS OF THIS

1 ARTICLE IN ACCORDANCE WITH THE PROVISIONS OF THIS ARTICLE AND THE
2 POLICIES, GUIDELINES, AND PROCEDURES ADOPTED BY THE COMMISSION
3 FOR THE ADMINISTRATION OF THIS ARTICLE. TO ADMINISTER THIS ARTICLE,
4 THE DEPARTMENT SHALL HAVE, BUT NEED NOT BE LIMITED TO, THE
5 FOLLOWING DUTIES:

6 (a) RECOMMENDING THAT THE COMMISSION GRANT, DENY,
7 REVOKE, OR RENEW AN AUTHORIZATION TO OPERATE A PRIVATE COLLEGE
8 OR UNIVERSITY OR SEMINARY OR RELIGIOUS TRAINING INSTITUTION;

9 (b) MAINTAINING A LIST OF THE PRIVATE COLLEGES AND
10 UNIVERSITIES AND SEMINARIES AND RELIGIOUS TRAINING INSTITUTIONS
11 THAT HAVE AUTHORIZATIONS ON FILE WITH THE DEPARTMENT; AND

12 (c) ESTABLISHING AND MAINTAINING A PROCESS IN ACCORDANCE
13 WITH SECTION 23-2-104 FOR REVIEWING AND APPROPRIATELY ACTING ON
14 A COMPLAINT CONCERNING A PRIVATE COLLEGE OR UNIVERSITY OR
15 SEMINARY OR RELIGIOUS TRAINING INSTITUTION OPERATING IN THIS
16 STATE, INCLUDING ENFORCING APPLICABLE STATE LAWS IF THE COMPLAINT
17 IS BASED ON A CLAIM OF DECEPTIVE TRADE PRACTICE.

18 (3) THE COMMISSION AND THE DEPARTMENT ARE NOT AUTHORIZED
19 TO REGULATE THE OPERATIONS OF, INCLUDING BUT NOT LIMITED TO THE
20 CONTENT OF COURSES PROVIDED BY, A PRIVATE COLLEGE OR UNIVERSITY
21 OR SEMINARY OR RELIGIOUS TRAINING INSTITUTION EXCEPT TO THE
22 EXTENT EXPRESSLY SET FORTH IN THIS ARTICLE.

23 (4) THE COMMISSION MAY NEGOTIATE AND ENTER INTO
24 INTERSTATE RECIPROCITY AGREEMENTS WITH OTHER STATES IF, IN THE
25 JUDGMENT OF THE COMMISSION, THE AGREEMENTS DO NOT OBLIGATE A
26 PRIVATE COLLEGE OR UNIVERSITY OR SEMINARY OR RELIGIOUS TRAINING
27 INSTITUTION TO COMPLY WITH STANDARDS OR REQUIREMENTS THAT

1 EXCEED THE STANDARDS AND REQUIREMENTS SPECIFIED IN THIS ARTICLE
2 AND THE AGREEMENTS WILL ASSIST IN ACCOMPLISHING THE PURPOSES OF
3 THIS ARTICLE.

4 **SECTION 13. In Colorado Revised Statutes, amend 23-2-103.3**
5 **as follows:**

6 **23-2-103.3. Authorization to operate in Colorado - renewal.**

7 (1) (a) To ~~do business~~ OPERATE in Colorado, a private college or
8 university shall apply for and receive authorization from the department
9 COMMISSION. A PRIVATE COLLEGE OR UNIVERSITY SHALL OBTAIN A
10 SEPARATE AUTHORIZATION FOR EACH CAMPUS, BRANCH, OR SITE THAT IS
11 SEPARATELY ACCREDITED. A PRIVATE, NONPROFIT COLLEGE OR
12 UNIVERSITY SHALL SUBMIT WITH ITS APPLICATION VERIFICATION OF
13 NONPROFIT STATUS, INCLUDING A COPY OF THE INSTITUTION'S
14 TAX-EXEMPT CERTIFICATE ISSUED BY THE COLORADO DEPARTMENT OF
15 REVENUE.

16 (b) After receiving an application, the department shall review the
17 application to determine the compliance of a private college or university
18 with the provisions of this article and other applicable law WHETHER THE
19 PRIVATE COLLEGE OR UNIVERSITY IS INSTITUTIONALLY ACCREDITED BY A
20 REGIONAL OR NATIONAL ACCREDITING BODY RECOGNIZED BY THE UNITED
21 STATES DEPARTMENT OF EDUCATION. The department shall not
22 recommend and the commission shall not approve an application from a
23 private college or university that, in the preceding two years PRECEDING
24 SUBMISSION OF THE APPLICATION, has had its accreditation suspended or
25 withdrawn OR has been prohibited from doing business OPERATING in
26 another state or THAT has substantially the same ownership OWNERS,
27 GOVERNING BOARD, or principal officers as a private college or university

1 that, IN THE TWO YEARS PRECEDING SUBMISSION OF THE APPLICATION, has
2 had its accreditation suspended or withdrawn or that has been prohibited
3 from doing business OPERATING in another state. An application shall
4 include payment of the fee determined according to section 23-2-104.5.

5 (b) The provisions of paragraph (a) of this subsection (1) shall not
6 apply to a private college or university that, as of May 29, 2008, was
7 authorized to do business in Colorado and that awarded degrees.

8 (2) To do business OPERATE in Colorado, a private college or
9 university is required to SHALL be INSTITUTIONALLY accredited on the
10 basis of an on-site review in Colorado by a nationally recognized regional
11 accrediting association, by an accrediting agency or association BY A
12 REGIONAL OR NATIONAL ACCREDITING BODY recognized by the United
13 States department of education; or by an accrediting agency determined
14 by the commission to be in accordance with its educational purposes and
15 programs; except that a private college or university may operate for an
16 initial period without accreditation if the commission determines, in
17 accordance with standards established by the commission, that the private
18 college or university is likely to become accredited in a reasonable period
19 of time or is making reasonable and timely progress toward accreditation
20 IN ACCORDANCE WITH THE ACCREDITING BODY'S POLICIES. THE
21 COMMISSION MAY GRANT A PROVISIONAL AUTHORIZATION TO A PRIVATE
22 COLLEGE OR UNIVERSITY TO OPERATE FOR AN INITIAL PERIOD WITHOUT
23 ACCREDITATION. THE PRIVATE COLLEGE OR UNIVERSITY SHALL ANNUALLY
24 RENEW ITS PROVISIONAL AUTHORIZATION AND REPORT ANNUALLY TO THE
25 COMMISSION CONCERNING THE INSTITUTION'S PROGRESS IN OBTAINING
26 ACCREDITATION.

27 (3) A private college or university shall immediately notify the

1 department of any communication from its accrediting agency that
2 indicates it may be at risk of losing accreditation, not being awarded
3 accreditation, or being awarded a lesser accreditation status MATERIAL
4 INFORMATION RELATED TO AN ACTION BY THE INSTITUTION'S ACCREDITING
5 BODY CONCERNING THE INSTITUTION'S ACCREDITATION STATUS,
6 INCLUDING BUT NOT LIMITED TO REAFFIRMATION OR LOSS OF
7 ACCREDITATION, APPROVAL OF A REQUEST FOR CHANGE, A CAMPUS
8 EVALUATION VISIT, A FOCUSED VISIT, OR APPROVAL OF ADDITIONAL
9 LOCATIONS. IN ADDITION, THE INSTITUTION SHALL IMMEDIATELY NOTIFY
10 THE DEPARTMENT IF THE INSTITUTION'S ACCREDITING BODY IS NO LONGER
11 RECOGNIZED BY THE UNITED STATES DEPARTMENT OF EDUCATION.

12 (4) To do business OPERATE in Colorado, a bible college or
13 seminary OR RELIGIOUS TRAINING INSTITUTION shall apply for and receive
14 authorization from the department and establish that it qualifies as a bona
15 fide religious institution and as an institution of postsecondary education,
16 as defined by rules promulgated by the Colorado commission. on higher
17 education. A bible college or seminary OR RELIGIOUS TRAINING
18 INSTITUTION that meets the criteria and rules established by this
19 subsection (4) shall be IS exempt from the provisions of subsections (1),
20 (2), and (3) of this section. An application from A bona fide religious
21 institution and an institution of postsecondary education made THAT
22 APPLIES FOR AUTHORIZATION pursuant to this subsection (4) shall not
23 include a payment of PAY the fee determined ESTABLISHED according to
24 section 23-2-104.5. The provisions of this subsection (4) shall not apply
25 to a bible college or seminary that, as of May 29, 2008, was authorized to
26 do business in Colorado and that awarded degrees.

27 (5) (a) The commission may order the department, for cause, to

1 review a private college or university, bible college, or seminary to
2 determine whether to revoke the private college's or university's, bible
3 college's, or seminary's authorization or to place it on probationary status.
4 A review conducted pursuant to this subsection (5) shall ensure that the
5 private college or university or bible college or seminary meets the
6 requirements adopted pursuant to this article. A PRIVATE COLLEGE OR
7 UNIVERSITY THAT HAS AUTHORIZATION FROM THE COMMISSION PURSUANT
8 TO THIS SECTION AND MAINTAINS ITS ACCREDITATION SHALL APPLY TO THE
9 DEPARTMENT FOR REAUTHORIZATION IN ACCORDANCE WITH THE
10 SCHEDULE FOR REACCREDITATION BY ITS ACCREDITING BODY OR EVERY
11 THREE YEARS, WHICHEVER IS LONGER. A SEMINARY OR RELIGIOUS
12 TRAINING INSTITUTION SHALL APPLY FOR REAUTHORIZATION EVERY THREE
13 YEARS. A PRIVATE COLLEGE OR UNIVERSITY OR SEMINARY OR RELIGIOUS
14 TRAINING INSTITUTION THAT SEEKS REAUTHORIZATION SHALL SUBMIT AN
15 APPLICATION IN ACCORDANCE WITH THE PROCEDURES AND POLICIES
16 ADOPTED BY THE COMMISSION AND SHALL PAY THE REAUTHORIZATION FEE
17 ESTABLISHED BY THE COMMISSION PURSUANT TO SECTION 23-2-104.5.

18 (b) The commission may revoke the private college's or
19 university's authorization if it finds that the private college or university
20 is no longer accredited. The commission may place the private college or
21 university on probationary status if the commission finds the private
22 college or university has been placed on probation or the equivalent by an
23 accrediting agency.

24 (c) The commission may revoke the bible college's or seminary's
25 authorization or place it on probationary status only if it finds that the
26 bible college or seminary no longer meets the definition of bible college
27 or seminary as defined under section 23-2-102 or no longer meets the

1 requirements adopted pursuant to this article:

2 (6) Nothing in this section shall preclude a seminary or bible
3 college RELIGIOUS TRAINING INSTITUTION from seeking accreditation.

4 (7) (a) BY JANUARY 1, 2013, THE COMMISSION SHALL ADOPT
5 PROCEDURES BY WHICH A PRIVATE COLLEGE OR UNIVERSITY OR SEMINARY
6 OR RELIGIOUS TRAINING INSTITUTION MAY RENEW ITS AUTHORIZATION TO
7 OPERATE IN COLORADO. TO RENEW ITS AUTHORIZATION TO OPERATE IN
8 COLORADO, A PRIVATE COLLEGE OR UNIVERSITY OR SEMINARY OR
9 RELIGIOUS TRAINING INSTITUTION SHALL DEMONSTRATE THAT IT
10 CONTINUES TO MEET THE MINIMUM OPERATING STANDARDS SPECIFIED IN
11 THIS SECTION AND SECTION 23-2-103.8, IF APPLICABLE.

12 (b) (I) A PRIVATE COLLEGE OR UNIVERSITY THAT HAS HAD ITS
13 ACCREDITATION REAFFIRMED WITHOUT SANCTION IS IN COMPLIANCE WITH
14 SECTION 23-2-103.8, AND IS NOT SUBJECT TO INVESTIGATION PURSUANT
15 TO SECTION 23-2-103.4 IS PRESUMED QUALIFIED FOR RENEWAL OF
16 AUTHORIZATION, AND THE DEPARTMENT SHALL RECOMMEND RENEWAL
17 FOR A PERIOD OF THREE YEARS OR THE LENGTH OF THE INSTITUTION'S
18 ACCREDITATION, IF APPLICABLE, WHICHEVER IS LONGER.

19 (II) A SEMINARY OR RELIGIOUS TRAINING INSTITUTION THAT
20 CONTINUES TO MEET THE MINIMUM OPERATING STANDARDS SPECIFIED IN
21 THIS SECTION IS PRESUMED QUALIFIED FOR RENEWAL OF AUTHORIZATION,
22 AND THE DEPARTMENT SHALL RECOMMEND THAT THE COMMISSION RENEW
23 THE INSTITUTION'S AUTHORIZATION FOR THREE ADDITIONAL YEARS.

24 (c) IF A PRIVATE COLLEGE OR UNIVERSITY OR SEMINARY OR
25 RELIGIOUS TRAINING INSTITUTION CANNOT DEMONSTRATE THAT IT MEETS
26 THE MINIMUM OPERATING STANDARDS SPECIFIED IN THIS SECTION OR
27 SECTION 23-2-103.8, IF APPLICABLE, THE DEPARTMENT SHALL

1 RECOMMEND THAT THE COMMISSION DENY THE INSTITUTION'S
2 APPLICATION FOR RENEWAL OF THE AUTHORIZATION. IF, WITHIN SIX
3 MONTHS AFTER RECEIVING THE NOTICE OF DENIAL OF THE APPLICATION
4 FOR RENEWAL, THE INSTITUTION CORRECTS THE ACTION OR CONDITION
5 THAT RESULTED IN DENIAL OF THE APPLICATION FOR RENEWAL, THE
6 INSTITUTION MAY REAPPLY FOR RENEWAL OF THE AUTHORIZATION. IF THE
7 INSTITUTION DOES NOT CORRECT THE ACTION OR CONDITION WITHIN THE
8 SIX-MONTH PERIOD, IT MAY SUBMIT A NEW APPLICATION FOR
9 AUTHORIZATION AFTER CORRECTING THE ACTION OR CONDITION.

10 (d) IF A PRIVATE COLLEGE OR UNIVERSITY IS UNDER A SANCTION
11 FROM ITS ACCREDITING BODY AT THE TIME IT FILES AN APPLICATION FOR
12 RENEWAL OF AUTHORIZATION TO OPERATE IN COLORADO, THE
13 DEPARTMENT MAY RECOMMEND THAT THE COMMISSION RENEW THE
14 INSTITUTION'S AUTHORIZATION OR THAT THE COMMISSION GRANT A
15 PROBATIONARY RENEWAL OF THE INSTITUTION'S AUTHORIZATION. IF AN
16 INSTITUTION RECEIVES A PROBATIONARY RENEWAL OF ITS
17 AUTHORIZATION, THE INSTITUTION SHALL REAPPLY FOR RENEWAL OF ITS
18 AUTHORIZATION ANNUALLY UNTIL THE ACCREDITING BODY LIFTS THE
19 SANCTION, AND THE INSTITUTION SHALL ANNUALLY REPORT TO THE
20 COMMISSION CONCERNING THE INSTITUTION'S PROGRESS IN REMOVING THE
21 SANCTION.

22 (e) IF THE DEPARTMENT RECOMMENDS THAT THE COMMISSION
23 GRANT A PROBATIONARY RENEWAL OF AUTHORIZATION OR DENY AN
24 APPLICATION FOR RENEWAL OF AUTHORIZATION, THE COMMISSION SHALL
25 NOTIFY THE PRIVATE COLLEGE OR UNIVERSITY OR SEMINARY OR RELIGIOUS
26 TRAINING INSTITUTION CONCERNING THE RECOMMENDATION, AND THE
27 DEPARTMENT AND THE COMMISSION SHALL PROCEED IN ACCORDANCE

1 WITH THE PROVISIONS OF THE "STATE ADMINISTRATIVE PROCEDURE ACT",
2 ARTICLE 4 OF TITLE 24, C.R.S.

3 **SECTION 14. In Colorado Revised Statutes, add 23-2-103.4 as**
4 **follows:**

5 **23-2-103.4. Authorization - revocation - probationary status.**

6 (1) (a) IF THE COMMISSION HAS REASON TO BELIEVE THAT A PRIVATE
7 COLLEGE OR UNIVERSITY OR SEMINARY OR RELIGIOUS TRAINING
8 INSTITUTION MEETS ONE OR MORE OF THE GROUNDS SPECIFIED IN
9 SUBSECTION (2) OR (3) OF THIS SECTION FOR REVOCATION OF
10 AUTHORIZATION OR FOR PLACING AN INSTITUTION ON PROBATIONARY
11 STATUS, THE COMMISSION MAY ORDER THE DEPARTMENT TO INVESTIGATE
12 THE PRIVATE COLLEGE OR UNIVERSITY OR SEMINARY OR RELIGIOUS
13 TRAINING INSTITUTION AND MAKE A RECOMMENDATION CONCERNING
14 WHETHER TO REVOKE THE INSTITUTION'S AUTHORIZATION OR TO PLACE
15 THE INSTITUTION ON PROBATIONARY STATUS.

16 (b) TO ASSIST THE DEPARTMENT IN CONDUCTING AN
17 INVESTIGATION PURSUANT TO THIS SUBSECTION (1), THE COMMISSION MAY
18 SUBPOENA ANY PERSONS, BOOKS, RECORDS, OR DOCUMENTS PERTAINING
19 TO THE INVESTIGATION, REQUIRE ANSWERS IN WRITING, UNDER OATH, TO
20 QUESTIONS THE COMMISSION OR THE DEPARTMENT MAY ASK, AND
21 ADMINISTER AN OATH OR AFFIRMATION TO ANY PERSON IN CONNECTION
22 WITH THE INVESTIGATION. IN CONDUCTING THE INVESTIGATION, THE
23 DEPARTMENT MAY PHYSICALLY INSPECT AN INSTITUTION'S FACILITIES AND
24 RECORDS. A SUBPOENA ISSUED BY THE COMMISSION PURSUANT TO THIS
25 PARAGRAPH (b) IS ENFORCEABLE BY ANY COURT OF RECORD IN THIS
26 STATE.

27 (c) BASED ON THE FINDINGS OF AN INVESTIGATION PURSUANT TO

1 THIS SUBSECTION (1), THE DEPARTMENT SHALL RECOMMEND TO THE
2 COMMISSION THAT THE COMMISSION SHOULD OR SHOULD NOT REVOKE THE
3 INSTITUTION'S AUTHORIZATION OR PLACE THE INSTITUTION ON
4 PROBATIONARY STATUS. IF THE DEPARTMENT RECOMMENDS REVOCATION
5 OR PROBATIONARY STATUS, IT SHALL IDENTIFY THE APPLICABLE GROUNDS
6 FOR REVOCATION OR PROBATIONARY STATUS SPECIFIED IN SUBSECTION (2)
7 OR (3) OF THIS SECTION, AND THE DEPARTMENT AND THE COMMISSION
8 SHALL PROCEED IN ACCORDANCE WITH THE PROVISIONS OF THE "STATE
9 ADMINISTRATIVE PROCEDURE ACT", ARTICLE 4 OF TITLE 24, C.R.S.

10 (2) WITH REGARD TO THE AUTHORIZATION OF A PRIVATE COLLEGE
11 OR UNIVERSITY, THE COMMISSION MAY:

12 (a) REVOKE THE PRIVATE COLLEGE'S OR UNIVERSITY'S
13 AUTHORIZATION OR PLACE THE INSTITUTION ON PROBATIONARY STATUS
14 IF THE PRIVATE COLLEGE OR UNIVERSITY:

15 (I) FAILS TO MEET ANY OF THE MINIMUM STANDARDS SET FORTH
16 IN THIS ARTICLE OR IN THE COMMISSION'S POLICIES OR RULES ADOPTED TO
17 IMPLEMENT THIS ARTICLE;

18 (II) FAILS TO SUBSTANTIALLY COMPLY WITH THE APPLICABLE
19 LAWS OR RULES ADOPTED OR IMPLEMENTED BY OTHER STATE-LEVEL
20 BOARDS OR AGENCIES THAT HAVE JURISDICTION OVER THE INSTITUTION;

21 OR

22 (III) VIOLATES THE FEDERAL CRIMINAL LAWS OR THE CRIMINAL
23 LAWS OF THIS STATE OR ANY OTHER STATE IN WHICH THE INSTITUTION
24 OPERATES;

25 (b) REVOKE THE PRIVATE COLLEGE'S OR UNIVERSITY'S
26 AUTHORIZATION IF THE INSTITUTION LOSES ITS ACCREDITATION;

27 (c) PLACE THE PRIVATE COLLEGE OR UNIVERSITY ON

1 PROBATIONARY STATUS IF THE INSTITUTION'S ACCREDITING BODY PLACES
2 THE INSTITUTION ON PROBATION OR THE EQUIVALENT; OR

3 (d) REVOKE THE PRIVATE COLLEGE'S OR UNIVERSITY'S
4 AUTHORIZATION OR PLACE THE PRIVATE COLLEGE OR UNIVERSITY ON
5 PROBATIONARY STATUS IF THE UNITED STATES DEPARTMENT OF
6 EDUCATION CEASES TO RECOGNIZE THE INSTITUTION'S ACCREDITING BODY.

7 (3) THE COMMISSION MAY REVOKE A SEMINARY'S OR RELIGIOUS
8 TRAINING INSTITUTION'S AUTHORIZATION OR PLACE THE INSTITUTION ON
9 PROBATIONARY STATUS IF THE SEMINARY OR RELIGIOUS TRAINING
10 INSTITUTION:

11 (a) NO LONGER MEETS THE DEFINITION OF A SEMINARY OR
12 RELIGIOUS TRAINING INSTITUTION SPECIFIED IN SECTION 23-2-102;

13 (b) FAILS TO MEET ANY OF THE OTHER MINIMUM STANDARDS SET
14 FORTH IN THIS ARTICLE OR IN THE COMMISSION'S POLICIES OR RULES
15 ADOPTED TO IMPLEMENT THIS ARTICLE; OR

16 (c) VIOLATES THE FEDERAL CRIMINAL LAWS OR THE CRIMINAL
17 LAWS OF THIS STATE OR ANY OTHER STATE IN WHICH THE INSTITUTION
18 OPERATES.

19 **SECTION 15. In Colorado Revised Statutes, repeal and reenact,**
20 **with amendments, 23-2-103.5 as follows:**

21 **23-2-103.5. Deposit of records upon discontinuance. (1) (a) IF**
22 **A PRIVATE COLLEGE OR UNIVERSITY OR SEMINARY OR RELIGIOUS TRAINING**
23 **INSTITUTION CEASES OPERATING WITHIN THIS STATE, THE OWNER OF THE**
24 **INSTITUTION OR HIS OR HER DESIGNEE SHALL DEPOSIT WITH THE**
25 **DEPARTMENT THE ORIGINAL OR LEGIBLE TRUE COPIES OF ALL**
26 **EDUCATIONAL RECORDS OF THE INSTITUTION.**

27 **(b) IF THE COMMISSION DETERMINES THAT THE RECORDS OF A**

1 PRIVATE COLLEGE OR UNIVERSITY OR SEMINARY OR RELIGIOUS TRAINING
2 INSTITUTION THAT CEASES OPERATING WITHIN THE STATE ARE IN DANGER
3 OF BEING DESTROYED, SECRETED, MISLAID, OR OTHERWISE MADE
4 UNAVAILABLE TO THE DEPARTMENT, THE COMMISSION MAY SEEK A COURT
5 ORDER AUTHORIZING THE DEPARTMENT TO SEIZE AND TAKE POSSESSION
6 OF THE RECORDS.

7 (c) THE DEPARTMENT OR THE ATTORNEY GENERAL MAY ENFORCE
8 THE PROVISIONS OF THIS SUBSECTION (1) BY FILING A REQUEST FOR AN
9 INJUNCTION WITH A COURT OF COMPETENT JURISDICTION.

10 (d) THE COMMISSION SHALL ADOPT POLICIES FOR THE
11 IMPLEMENTATION OF THIS SUBSECTION (1).

12 (2) A PERSON MAY REQUEST, IN ACCORDANCE WITH THE
13 PROVISIONS OF THE "COLORADO OPEN RECORDS ACT", PART 2 OF ARTICLE
14 72 OF TITLE 24, C.R.S., A COPY OF A RECORD HELD BY THE DEPARTMENT
15 PURSUANT TO THIS SECTION.

16 (3) THE DEPARTMENT SHALL PERMANENTLY RETAIN ANY STUDENT
17 TRANSCRIPTS RECEIVED PURSUANT TO THIS SECTION. THE DEPARTMENT
18 SHALL RETAIN ANY OTHER RECORDS RECEIVED PURSUANT TO THIS SECTION
19 FOR TEN YEARS FOLLOWING THE DATE ON WHICH IT RECEIVES OR OBTAINS
20 THE RECORDS. AFTER THE REQUIRED RETENTION PERIOD, THE
21 DEPARTMENT SHALL DISPOSE OF THE RECORDS IN A MANNER THAT WILL
22 ADEQUATELY PROTECT THE PRIVACY OF PERSONAL INFORMATION
23 INCLUDED IN THE RECORDS.

24 **SECTION 16.** In Colorado Revised Statutes, add 23-2-103.7 and
25 23-2-103.8 as follows:

26 **23-2-103.7. Authorized institutions - responsibilities.** (1) A
27 PRIVATE COLLEGE OR UNIVERSITY OR SEMINARY OR RELIGIOUS TRAINING

1 INSTITUTION THAT IS AUTHORIZED PURSUANT TO THIS ARTICLE:

2 (a) SHALL NOT MAKE OR CAUSE TO BE MADE ANY ORAL, WRITTEN,
3 OR VISUAL STATEMENT OR REPRESENTATION THAT VIOLATES SECTION
4 23-2-104 (4):

5 (b) SHALL ANNUALLY PROVIDE TO THE DEPARTMENT A COPY OF
6 THE INSTITUTION'S ENROLLMENT AGREEMENT IF THE INSTITUTION USES AN
7 ENROLLMENT AGREEMENT;

8 (c) SHALL PROVIDE BONA FIDE INSTRUCTION, IN ACCORDANCE
9 WITH THE STANDARDS AND CRITERIA SET BY THE INSTITUTION'S
10 ACCREDITING BODY; AND

11 (d) IF THE OWNERSHIP OF THE INSTITUTION CHANGES, SHALL
12 PROVIDE TO THE DEPARTMENT, WITHIN THIRTY DAYS AFTER THE CHANGE,
13 ANY MATERIAL INFORMATION CONCERNING THE TRANSACTION THAT IS
14 REQUESTED BY THE DEPARTMENT.

15 (2) IF A PRIVATE COLLEGE OR UNIVERSITY OR SEMINARY OR
16 RELIGIOUS TRAINING INSTITUTION VIOLATES ANY OF THE REQUIREMENTS
17 SPECIFIED IN SUBSECTION (1) OF THIS SECTION, THE DEPARTMENT MAY
18 RECOMMEND TO THE COMMISSION THAT THE INSTITUTION'S
19 AUTHORIZATION BE REVOKED OR PLACED ON PROBATIONARY STATUS.

20 **23-2-103.8. Financial integrity - surety.** (1) A PRIVATE COLLEGE
21 OR UNIVERSITY IS EXEMPT FROM THE PROVISIONS OF THIS SECTION IF:

22 (a) THE PRIVATE COLLEGE OR UNIVERSITY IS A PARTY TO A
23 PERFORMANCE CONTRACT WITH THE COMMISSION UNDER SECTION
24 23-5-129; OR

25 (b) THE PRIVATE COLLEGE OR UNIVERSITY:
26 (I) HAS BEEN ACCREDITED FOR AT LEAST TWENTY YEARS BY AN
27 ACCREDITING AGENCY THAT IS RECOGNIZED BY THE UNITED STATES

1 DEPARTMENT OF EDUCATION;
2 (II) HAS OPERATED CONTINUOUSLY IN THIS STATE FOR AT LEAST
3 TWENTY YEARS; AND
4 (III) HAS NOT AT ANY TIME FILED FOR BANKRUPTCY PROTECTION
5 PURSUANT TO TITLE 11 OF THE UNITED STATES CODE.
6 (2) (a) IF A PRIVATE COLLEGE OR UNIVERSITY IS NOT EXEMPT FROM
7 THE REQUIREMENTS OF THIS SECTION PURSUANT TO SUBSECTION (1) OF
8 THIS SECTION, THE COMMISSION SHALL DETERMINE THE FINANCIAL
9 INTEGRITY OF THE PRIVATE COLLEGE OR UNIVERSITY BY CONFIRMING THAT
10 THE INSTITUTION MEETS OR DOES NOT MEET THE CRITERIA SPECIFIED IN
11 PARAGRAPH (b) OR (c) OF THIS SUBSECTION (2). THE PRIVATE COLLEGE OR
12 UNIVERSITY SHALL PRESENT AS PART OF THE APPLICATION FOR
13 AUTHORIZATION VERIFIABLE EVIDENCE THAT THE INSTITUTION MEETS THE
14 CRITERIA SPECIFIED IN PARAGRAPH (b) OR (c) OF THIS SUBSECTION (2).
15 (b) (I) A PRIVATE COLLEGE OR UNIVERSITY MAY DEMONSTRATE
16 FINANCIAL INTEGRITY BY MEETING THE FOLLOWING CRITERIA:
17 (A) THE INSTITUTION HAS BEEN ACCREDITED FOR AT LEAST TEN
18 YEARS BY AN ACCREDITING AGENCY THAT IS RECOGNIZED BY THE UNITED
19 STATES DEPARTMENT OF EDUCATION;
20 (B) THE INSTITUTION HAS OPERATED CONTINUOUSLY IN THIS
21 STATE FOR AT LEAST TEN YEARS;
22 (C) DURING ITS EXISTENCE, THE INSTITUTION HAS NOT FILED FOR
23 BANKRUPTCY PROTECTION PURSUANT TO TITLE 11 OF THE UNITED STATES
24 CODE;
25 (D) THE INSTITUTION MAINTAINS A COMPOSITE SCORE OF AT LEAST
26 1.5 ON ITS EQUITY, PRIMARY RESERVE, AND NET INCOME RATIOS, AS
27 REQUIRED IN 34 CFR 668.172; AND

1 (E) THE INSTITUTION MEETS OR EXCEEDS THE PRO RATA REFUND
2 POLICIES REQUIRED BY THE FEDERAL DEPARTMENT OF EDUCATION IN 34
3 CFR 668 OR, IF THE INSTITUTION DOES NOT PARTICIPATE IN FEDERAL
4 FINANCIAL AID PROGRAMS, THE INSTITUTION'S REFUND AND TERMINATION
5 PROCEDURES COMPLY WITH THE REQUIREMENTS OF THE INSTITUTION'S
6 ACCREDITING BODY.

7 (II) NOTWITHSTANDING ANY PROVISION OF SUBPARAGRAPH (I) OF
8 THIS PARAGRAPH (b) TO THE CONTRARY, A PRIVATE COLLEGE OR
9 UNIVERSITY IS NOT REQUIRED TO MEET THE CRITERIA SPECIFIED IN
10 SUB-SUBPARAGRAPHS (A) AND (B) OF SUBPARAGRAPH (I) OF THIS
11 PARAGRAPH (b) IF THE INSTITUTION IS PART OF A GROUP OF PRIVATE
12 COLLEGES AND UNIVERSITIES THAT ARE OWNED AND OPERATED BY A
13 COMMON OWNER, SO LONG AS ALL OF THE OTHER INSTITUTIONS IN THE
14 GROUP MEET THE CRITERIA SPECIFIED IN SUB-SUBPARAGRAPHS (A) AND
15 (B) OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (b).

16 (c) A PRIVATE COLLEGE OR UNIVERSITY MAY DEMONSTRATE
17 FINANCIAL INTEGRITY BY MEETING THE FOLLOWING CRITERIA:

18 (I) THE INSTITUTION HAS RECEIVED AND MAINTAINS FULL
19 ACCREDITATION WITHOUT SANCTION FROM AN ACCREDITING AGENCY
20 THAT IS RECOGNIZED BY THE UNITED STATES DEPARTMENT OF
21 EDUCATION, WHICH ACCREDITING AGENCY REQUIRES THE INSTITUTION TO
22 MAINTAIN SURETY OR AN ESCROW ACCOUNT OR HAS AFFIRMATIVELY
23 WAIVED OR OTHERWISE REMOVED THE REQUIREMENT FOR THE
24 INSTITUTION;

25 (II) THE INSTITUTION HAS BEEN CONTINUOUSLY AUTHORIZED BY
26 THE COMMISSION FOR AT LEAST FIVE YEARS;

27 (III) THE INSTITUTION OWNS AND OPERATES A PERMANENT

1 INSTRUCTIONAL FACILITY IN THE STATE;

2 (IV) THE INSTITUTION ANNUALLY PROVIDES TO THE COMMISSION
3 AUDITED FINANCIAL STATEMENTS FOR THE MOST RECENT FISCAL YEAR
4 THAT DEMONSTRATE THAT THE INSTITUTION MAINTAINS POSITIVE EQUITY
5 AND PROFITABILITY;

6 (V) THE INSTITUTION MAINTAINS A COMPOSITE SCORE OF AT LEAST
7 1.5 ON ITS EQUITY, PRIMARY RESERVE, AND NET INCOME RATIOS, AS
8 REQUIRED IN 34 CFR 668.172; AND

9 (VI) THE INSTITUTION MEETS OR EXCEEDS THE PRO RATA REFUND
10 POLICIES REQUIRED BY THE FEDERAL DEPARTMENT OF EDUCATION IN 34
11 CFR 668 OR, IF THE INSTITUTION DOES NOT PARTICIPATE IN FEDERAL
12 FINANCIAL AID PROGRAMS, THE INSTITUTION'S REFUND AND TERMINATION
13 PROCEDURES COMPLY WITH THE REQUIREMENTS OF THE INSTITUTION'S
14 ACCREDITING BODY.

15 (3) (a) EACH PRIVATE COLLEGE OR UNIVERSITY THAT IS NOT
16 EXEMPT FROM THE REQUIREMENTS OF THIS SECTION PURSUANT TO
17 SUBSECTION (1) OF THIS SECTION AND CANNOT DEMONSTRATE FINANCIAL
18 INTEGRITY AS PROVIDED IN SUBSECTION (2) OF THIS SECTION, AS
19 DETERMINED BY THE COMMISSION, SHALL FILE EVIDENCE OF SURETY IN
20 THE AMOUNT CALCULATED PURSUANT TO SUBSECTION (5) OF THIS SECTION
21 PRIOR TO RECEIVING AUTHORIZATION TO OPERATE IN COLORADO. THE
22 SURETY MAY BE IN THE FORM OF A SAVINGS ACCOUNT, DEPOSIT, OR
23 CERTIFICATE OF DEPOSIT THAT MEETS THE REQUIREMENTS OF SECTION
24 11-35-101, C.R.S., OR AN ALTERNATIVE METHOD APPROVED BY THE
25 COMMISSION, OR ONE BOND AS SET FORTH IN THIS SECTION COVERING THE
26 APPLYING INSTITUTION. THE COMMISSION MAY DISAPPROVE AN
27 INSTITUTION'S SURETY IF THE COMMISSION FINDS THE SURETY IS NOT

1 SUFFICIENT TO PROVIDE STUDENTS WITH THE INDEMNIFICATION AND
2 ALTERNATIVE ENROLLMENT REQUIRED BY THIS SECTION.

3 (b) IF A PRIVATE COLLEGE OR UNIVERSITY FILES A BOND, THE BOND
4 SHALL BE EXECUTED BY THE INSTITUTION AS PRINCIPAL AND BY A SURETY
5 COMPANY AUTHORIZED TO DO BUSINESS IN THIS STATE. THE BOND SHALL
6 BE CONTINUOUS UNLESS THE SURETY IS RELEASED AS SET FORTH IN THIS
7 SECTION.

8 (4) THE SURETY SHALL BE CONDITIONED TO PROVIDE
9 INDEMNIFICATION TO ANY STUDENT OR ENROLLEE, OR TO ANY PARENT OR
10 LEGAL GUARDIAN OF A STUDENT OR ENROLLEE, THAT THE COMMISSION
11 FINDS TO HAVE SUFFERED LOSS OF TUITION OR ANY FEES AS A RESULT OF
12 ANY ACT OR PRACTICE THAT IS A VIOLATION OF THIS ARTICLE AND TO
13 PROVIDE ALTERNATE ENROLLMENT AS PROVIDED IN SUBSECTION (7) OF
14 THIS SECTION FOR STUDENTS ENROLLED IN AN INSTITUTION THAT CEASES
15 OPERATION.

16 (5) THE AMOUNT OF THE SURETY THAT A PRIVATE COLLEGE OR
17 UNIVERSITY SUBMITS PURSUANT TO SUBSECTION (3) OF THIS SECTION IS
18 THE GREATER OF FIVE THOUSAND DOLLARS OR AN AMOUNT EQUAL TO A
19 REASONABLE ESTIMATE OF THE MAXIMUM PREPAID, UNEARNED TUITION
20 AND FEES OF THE INSTITUTION FOR THE PERIOD OR TERM DURING THE
21 APPLICABLE ACADEMIC YEAR FOR WHICH PROGRAMS OF INSTRUCTION ARE
22 OFFERED INCLUDING, BUT NOT LIMITED TO, PROGRAMS OFFERED ON A
23 SEMESTER, QUARTER, MONTHLY, OR CLASS BASIS; EXCEPT THAT THE
24 INSTITUTION SHALL USE THE PERIOD OR TERM OF GREATEST DURATION
25 AND EXPENSE IN DETERMINING THIS AMOUNT IF THE INSTITUTION'S
26 ACADEMIC YEAR CONSISTS OF ONE OR MORE PERIODS OR TERMS.
27 FOLLOWING THE INITIAL FILING OF THE SURETY WITH THE DEPARTMENT,

1 THE PRIVATE COLLEGE OR UNIVERSITY SHALL RECALCULATE THE AMOUNT
2 OF THE SURETY ANNUALLY BASED ON A REASONABLE ESTIMATE OF THE
3 MAXIMUM PREPAID, UNEARNED TUITION AND FEES RECEIVED BY THE
4 INSTITUTION FOR THE APPLICABLE PERIOD OR TERM.

5 (6) (a) A STUDENT OR ENROLLEE, OR A PARENT OR GUARDIAN OF
6 THE STUDENT OR ENROLLEE, WHO CLAIMS LOSS OF TUITION OR FEES MAY
7 FILE A CLAIM WITH THE COMMISSION IF THE CLAIM RESULTS FROM AN ACT
8 OR PRACTICE THAT VIOLATES A PROVISION OF THIS ARTICLE. THE CLAIMS
9 THAT ARE FILED WITH THE COMMISSION ARE PUBLIC RECORDS AND ARE
10 SUBJECT TO THE PROVISIONS OF ARTICLE 72 OF TITLE 24, C.R.S.; EXCEPT
11 THAT THE DEPARTMENT SHALL NOT MAKE THE CLAIMS RECORDS PUBLIC IF
12 THE RELEASE WOULD VIOLATE A FEDERAL PRIVACY LAW.

13 (b) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (a) OF
14 THIS SUBSECTION (6), THE COMMISSION SHALL NOT CONSIDER A CLAIM
15 THAT IS FILED MORE THAN TWO YEARS AFTER THE DATE THE STUDENT
16 DISCONTINUES HIS OR HER ENROLLMENT WITH THE INSTITUTION.

17 (7) (a) IF A PRIVATE COLLEGE OR UNIVERSITY CEASES OPERATION,
18 THE COMMISSION MAY MAKE DEMAND ON THE SURETY OF THE INSTITUTION
19 UPON THE DEMAND FOR A REFUND BY A STUDENT OR THE
20 IMPLEMENTATION OF ALTERNATE ENROLLMENT FOR THE STUDENTS
21 ENROLLED IN THE INSTITUTION, AND THE HOLDER OF THE SURETY OR, IF
22 THE SURETY IS A BOND, THE PRINCIPAL ON THE BOND SHALL PAY THE
23 CLAIM DUE IN A TIMELY MANNER. TO THE EXTENT PRACTICABLE, THE
24 COMMISSION SHALL USE THE AMOUNT OF THE SURETY TO PROVIDE
25 ALTERNATE ENROLLMENT FOR STUDENTS OF THE INSTITUTION THAT
26 CEASES OPERATION THROUGH A CONTRACT WITH ANOTHER AUTHORIZED
27 PRIVATE COLLEGE OR UNIVERSITY, A COMMUNITY COLLEGE, AN AREA

1 VOCATIONAL SCHOOL, OR ANY OTHER ARRANGEMENT THAT IS
2 ACCEPTABLE TO THE DEPARTMENT. THE ALTERNATE ENROLLMENT
3 PROVIDED TO A STUDENT SHALL REPLACE THE ORIGINAL ENROLLMENT
4 AGREEMENT, IF ANY, BETWEEN THE STUDENT AND THE PRIVATE COLLEGE
5 OR UNIVERSITY; EXCEPT THAT THE STUDENT SHALL MAKE THE TUITION
6 AND FEE PAYMENTS AS REQUIRED BY THE ORIGINAL ENROLLMENT
7 AGREEMENT, IF ANY.

8 (b) A STUDENT WHO IS ENROLLED IN A PRIVATE COLLEGE OR
9 UNIVERSITY THAT CEASES OPERATION AND WHO DECLINES THE ALTERNATE
10 ENROLLMENT REQUIRED TO BE OFFERED PURSUANT TO PARAGRAPH (a) OF
11 THIS SUBSECTION (7) MAY FILE A CLAIM WITH THE COMMISSION FOR THE
12 STUDENT'S PRORATED SHARE OF THE PREPAID, UNEARNED TUITION AND
13 FEES THAT THE STUDENT PAID, SUBJECT TO THE LIMITATIONS OF
14 PARAGRAPH (c) OF THIS SUBSECTION (7). THE COMMISSION SHALL NOT
15 MAKE A SUBSEQUENT PAYMENT TO A STUDENT UNLESS THE STUDENT
16 SUBMITS PROOF OF SATISFACTION OF ANY PRIOR DEBT TO A FINANCIAL
17 INSTITUTION IN ACCORDANCE WITH THE COMMISSION'S RULES
18 CONCERNING THE ADMINISTRATION OF THIS SECTION.

19 (c) IF THE AMOUNT OF THE SURETY IS LESS THAN THE TOTAL
20 PREPAID, UNEARNED TUITION AND FEES THAT HAVE BEEN PAID BY
21 STUDENTS AT THE TIME THE PRIVATE COLLEGE OR UNIVERSITY CEASES
22 OPERATION, THE DEPARTMENT SHALL PRORATE THE AMOUNT OF THE
23 SURETY AMONG THE STUDENTS.

24 (d) THE PROVISIONS OF THIS SUBSECTION (7) ARE APPLICABLE
25 ONLY TO THOSE STUDENTS ENROLLED IN THE PRIVATE COLLEGE OR
26 UNIVERSITY AT THE TIME IT CEASES OPERATION, AND, ONCE AN
27 INSTITUTION CEASES OPERATION, NO NEW STUDENTS SHALL BE ENROLLED

1 THEREIN.

2 (e) THE COMMISSION IS THE TRUSTEE FOR ALL PREPAID, UNEARNED
3 TUITION AND FEES, STUDENT LOANS, PELL GRANTS, AND OTHER STUDENT
4 FINANCIAL AID ASSISTANCE IF AN AUTHORIZED PRIVATE COLLEGE OR
5 UNIVERSITY CEASES OPERATION.

6 (f) THE COMMISSION SHALL DETERMINE WHETHER OFFERING
7 ALTERNATE ENROLLMENT FOR STUDENTS ENROLLED IN AN AUTHORIZED
8 PRIVATE COLLEGE OR UNIVERSITY THAT CEASES OPERATION IS
9 PRACTICABLE WITHOUT FEDERAL GOVERNMENT DESIGNATION OF THE
10 COMMISSION AS TRUSTEE FOR STUDENT LOANS, PELL GRANTS, AND OTHER
11 STUDENT FINANCIAL AID ASSISTANCE PURSUANT TO PARAGRAPH (e) OF
12 THIS SUBSECTION (7).

13 (8) FOR CLAIMS MADE PURSUANT TO THIS SECTION THAT DO NOT
14 INVOLVE A PRIVATE COLLEGE OR UNIVERSITY THAT CEASES OPERATION,
15 THE COMMISSION SHALL CONDUCT A HEARING TO DETERMINE WHETHER
16 THERE IS LOSS OF TUITION OR FEES, AND, IF THE COMMISSION FINDS THAT
17 A CLAIM IS VALID AND DUE THE CLAIMANT, THE COMMISSION SHALL MAKE
18 DEMAND UPON THE SURETY. IF THE HOLDER OF THE SURETY OR, IF THE
19 SURETY IS A BOND, THE PRINCIPAL ON THE BOND FAILS OR REFUSES TO PAY
20 THE CLAIM DUE, THE COMMISSION SHALL COMMENCE AN ACTION ON THE
21 SURETY IN A COURT OF COMPETENT JURISDICTION; EXCEPT THAT THE
22 COMMISSION SHALL NOT FILE AN ACTION MORE THAN SIX YEARS AFTER
23 THE DATE OF THE VIOLATION THAT GIVES RISE TO THE RIGHT TO FILE A
24 CLAIM PURSUANT TO THIS SECTION.

25 (9) THE AUTHORIZATION FOR A PRIVATE COLLEGE OR UNIVERSITY
26 IS SUSPENDED BY OPERATION OF LAW WHEN THE INSTITUTION IS NO
27 LONGER COVERED BY SURETY AS REQUIRED BY THIS SECTION. THE

1 DEPARTMENT SHALL GIVE WRITTEN NOTICE TO THE INSTITUTION AT THE
2 LAST-KNOWN ADDRESS, AT LEAST FORTY-FIVE DAYS BEFORE THE RELEASE
3 OF THE SURETY, TO THE EFFECT THAT THE INSTITUTION'S AUTHORIZATION
4 IS SUSPENDED BY OPERATION OF LAW UNTIL THE INSTITUTION FILES
5 EVIDENCE OF SURETY IN LIKE AMOUNT AS THE SURETY BEING RELEASED.

6 (10) THE PRINCIPAL ON A BOND FILED UNDER THE PROVISIONS OF
7 THIS SECTION IS RELEASED FROM THE BOND AFTER THE PRINCIPAL SERVES
8 WRITTEN NOTICE THEREOF TO THE COMMISSION AT LEAST SIXTY DAYS
9 BEFORE THE RELEASE. THE RELEASE DOES NOT DISCHARGE OR OTHERWISE
10 AFFECT A CLAIM FILED BY A STUDENT OR ENROLLEE OR HIS OR HER PARENT
11 OR LEGAL GUARDIAN FOR LOSS OF TUITION OR FEES THAT OCCURRED
12 WHILE THE BOND WAS IN EFFECT OR THAT OCCURRED UNDER ANY NOTE OR
13 CONTRACT EXECUTED DURING ANY PERIOD OF TIME WHEN THE BOND WAS
14 IN EFFECT, EXCEPT WHEN ANOTHER BOND IS FILED IN A LIKE AMOUNT AND
15 PROVIDES INDEMNIFICATION FOR ANY SUCH LOSS.

16 (11) EACH PRIVATE COLLEGE OR UNIVERSITY THAT FILES A SURETY
17 PURSUANT TO SUBSECTION (3) OF THIS SECTION SHALL PROVIDE ANNUAL
18 VERIFICATION OF CONTINUED COVERAGE BY SURETY AS REQUIRED BY THIS
19 SECTION IN A REPORT TO THE COMMISSION DUE BY JANUARY 1 OF EACH
20 YEAR. THE COMMISSION MAY DISAPPROVE A SURETY IF IT FINDS THAT THE
21 SURETY IS NOT ADEQUATE TO PROVIDE STUDENTS WITH THE
22 INDEMNIFICATION AND ALTERNATE ENROLLMENT REQUIRED BY THIS
23 SECTION.

24 (12) IF A PRIVATE COLLEGE OR UNIVERSITY THAT IS EXEMPT FROM
25 THE PROVISIONS OF THIS SECTION OR THAT DEMONSTRATES FINANCIAL
26 INTEGRITY PURSUANT TO SUBSECTION (2) OF THIS SECTION CEASES TO
27 OPERATE IN THIS STATE, THE STATE ATTORNEY GENERAL MAY FILE A

1 CLAIM AGAINST THE INSTITUTION ON BEHALF OF STUDENTS ENROLLED IN
2 THE INSTITUTION AT THE TIME IT CEASES OPERATION TO RECOVER ANY
3 AMOUNT OF UNEARNED, PREPAID TUITION THAT MAY BE OWED TO THE
4 STUDENTS.

5 (13) A SEMINARY OR RELIGIOUS TRAINING INSTITUTION IS NOT
6 SUBJECT TO THE REQUIREMENTS OF THIS SECTION.

7 **SECTION 17.** In Colorado Revised Statutes, **amend 23-2-104** as
8 follows:

9 **23-2-104. Administration of article - complaints - injunctive**
10 **proceedings.** (1) ~~The department is charged with the administration of~~
11 ~~SHALL ADMINISTER~~ this article pursuant to statute and appropriate policies
12 adopted by the commission.

13 (2) (a) The commission shall specify procedures by which a
14 student or former student of a private college or university ~~bible college~~
15 or seminary OR RELIGIOUS TRAINING INSTITUTION may file a complaint
16 with the department concerning the institution in which the student is or
17 was enrolled. ~~IF A FORMER STUDENT FILES A COMPLAINT, HE OR SHE MUST~~
18 ~~DO SO WITHIN TWO YEARS AFTER DISCONTINUING ENROLLMENT AT THE~~
19 ~~INSTITUTION. The department is authorized to~~ MAY investigate complaints
20 based on a claim of a deceptive trade practice as described in subsection
21 (4) of this section. The department ~~shall~~ DOES not have jurisdiction to
22 consider complaints that infringe on the academic freedom OR religious
23 freedom OF, or question the curriculum content of, a private college or
24 university ~~bible college~~ or seminary OR RELIGIOUS TRAINING INSTITUTION;
25 except that the department ~~shall have~~ HAS jurisdiction to consider a
26 complaint that pertains to the general education core course requirements
27 of a private college or university ~~bible college~~, or seminary OR RELIGIOUS

1 TRAINING INSTITUTION, or to any of the specific core courses included in
2 said requirements, if the private college or university ~~bible college~~ or
3 seminary ~~has chosen~~ OR RELIGIOUS TRAINING INSTITUTION CHOOSES to
4 seek transferability of its general education core courses pursuant to
5 section 23-1-125 (5).

6 (b) Upon receipt of a complaint, the department shall verify that
7 the complaint warrants investigation under the guidelines established by
8 the commission and as a deceptive trade practice. A complaint will
9 warrant investigation only when the student has exhausted all complaint
10 and appeals processes available at the institution. THE DEPARTMENT
11 SHALL DISMISS a complaint ~~shall be dismissed~~ if it does not warrant
12 investigation under the commission's guidelines and is not a deceptive
13 trade practice. If the complaint warrants investigation, the department
14 shall first forward the complaint to the institution for a written response.
15 The institution shall have thirty days to ~~forward its response~~ RESPOND IN
16 WRITING to the department, and TO FORWARD a copy of the response ~~shall~~
17 ~~be forwarded~~ to the student. During the thirty-day period, the institution
18 may attempt to resolve the complaint with the student, and the department
19 shall assist in the efforts to resolve the complaint. If the department
20 determines at any time that a complaint no longer warrants investigation,
21 the department shall dismiss the complaint.

22 (c) If a complaint is not resolved during the thirty-day period, the
23 department may dismiss the complaint based on the institution's response,
24 investigate the complaint further, or recommend that the commission
25 evaluate the merits of the complaint. If the commission finds the
26 complaint is meritorious, it may recommend that the private college or
27 university or ~~bible college~~ or seminary OR RELIGIOUS TRAINING

1 INSTITUTION take appropriate action to remedy the complaint.

2 (d) If the private college or university ~~bible college~~ or seminary
3 OR RELIGIOUS TRAINING INSTITUTION does not take the action ~~on the~~
4 ~~recommendation of~~ RECOMMENDED BY the commission, the commission
5 may forward the complaint and findings to the attorney general.

6 (3) The commission, acting through the attorney general, may
7 proceed by injunction against any violation of this article, but an
8 injunction proceeding or an order issued therein or as a result thereof
9 shall not bar the imposition of any other penalty ~~imposed~~ for violation of
10 this article.

11 (4) It is a deceptive trade practice for:

12 (a) ~~A school~~ AN INSTITUTION or agent to make or cause to be
13 made any statement or representation, oral, written, or visual, in
14 connection with the offering of educational services if ~~such school~~ THE
15 INSTITUTION or agent knows or reasonably should have known the
16 statement or representation to be materially false, substantially inaccurate,
17 or materially misleading;

18 (b) ~~A school~~ AN INSTITUTION or agent to represent falsely OR TO
19 DECEPTIVELY CONCEAL, directly or by implication, through the use of a
20 trade or business name, ~~to deceptively conceal~~ the fact that it AN
21 INSTITUTION is a school;

22 (c) ~~A school~~ AN INSTITUTION or agent to adopt a name, trade
23 name, or trademark that represents falsely, directly or by implication, the
24 quality, scope, nature, size, or integrity of the ~~school~~ INSTITUTION or its
25 educational services;

26 (d) ~~A school~~ AN INSTITUTION or agent to intentionally and
27 materially represent falsely, directly or by implication, that students

1 completing WHO SUCCESSFULLY COMPLETE a course or program of
2 instruction successfully may transfer credit therefor THE CREDITS EARNED
3 to any institution of higher education;

4 (e) ~~A school~~ AN INSTITUTION or agent to intentionally and
5 materially represent falsely, directly or by implication, in its advertising
6 or promotional materials or in any other manner, the size, location,
7 facilities, or equipment of the ~~school~~ INSTITUTION; the number or
8 educational experience qualifications of its faculty; the extent or nature
9 of any approval received from any state agency; or the extent or nature of
10 any accreditation received from any accrediting agency or association;

11 (f) ~~A school~~ AN INSTITUTION or agent to provide prospective
12 students with any testimonials, endorsements, or other information that
13 has the tendency to materially mislead or deceive prospective students or
14 the public regarding current practices of the ~~school~~ INSTITUTION;

15 (g) An agent representing an out-of-state school to represent,
16 directly or by implication, that ~~said~~ THE school is approved or accredited
17 AUTHORIZED by the state of Colorado OR APPROVED OR ACCREDITED BY
18 AN ACCREDITING AGENCY OR BODY WHEN THE INSTITUTION HAS NOT BEEN
19 AUTHORIZED, APPROVED, OR ACCREDITED;

20 (h) ~~A school or agent to designate titles to employees whose~~
21 primary job duties are to recruit students, which titles have the tendency
22 to mislead or deceive prospective students or the public regarding the
23 authority or qualifications of such employees AN INSTITUTION TO
24 DESIGNATE OR REFER TO ITS SALES REPRESENTATIVES BY TITLES THAT
25 IMPLY THE SALES REPRESENTATIVES HAVE TRAINING IN ACADEMIC
26 COUNSELING OR ADVISING IF THEY DO NOT.

27 **SECTION 18. In Colorado Revised Statutes, amend 23-2-104.5**

1 as follows:

2 23-2-104.5. Fees - public hearing. (1) The commission shall
3 establish a fee FEES to be paid by a private college or university that
4 submits an application pursuant to OR SEMINARY OR RELIGIOUS TRAINING
5 INSTITUTION FOR THE ADMINISTRATION OF this article. The amount of the
6 fee FEES shall reflect the direct and indirect costs of the administration of
7 ADMINISTERING this article. The commission shall propose, as part of the
8 department's annual budget request, an adjustment in the amount of the
9 fees that it is authorized to collect pursuant to this section. The budget
10 request and the adjusted fees shall reflect the direct and indirect costs of
11 administering this article.

12 (2) THE COMMISSION MAY ESTABLISH A FEE TO BE PAID TO THE
13 DEPARTMENT BY A PRIVATE COLLEGE OR UNIVERSITY THAT IS AUTHORIZED
14 PURSUANT TO THIS ARTICLE AND THAT APPLIES FOR APPROVAL OF AN
15 EDUCATOR PREPARATION PROGRAM PURSUANT TO SECTION 23-1-121. THE
16 AMOUNT OF THE FEE SHALL REFLECT THE DIRECT AND INDIRECT COSTS OF
17 THE DEPARTMENT IN ADMINISTERING THE PROVISIONS OF SECTION
18 23-1-121.

19 (3) PRIOR TO ESTABLISHING A NEW FEE OR INCREASING THE
20 AMOUNT OF AN EXISTING FEE, THE COMMISSION SHALL HOLD A PUBLIC
21 HEARING TO DISCUSS AND TAKE TESTIMONY CONCERNING THE NEW FEE OR
22 INCREASE IN FEES. THE COMMISSION SHALL PROVIDE NOTICE OF THE
23 PUBLIC HEARING AND THE PROPOSED NEW FEE OR FEE INCREASE TO EACH
24 PRIVATE COLLEGE OR UNIVERSITY AND SEMINARY AND RELIGIOUS
25 TRAINING INSTITUTION AT LEAST THIRTY DAYS PRIOR TO THE DATE OF THE
26 PUBLIC HEARING.

27 SECTION 19. In Colorado Revised Statutes, 12-59-105.1,

1 amend (5) as follows:

2 12-59-105.1. Proprietary postsecondary education board -
3 established - membership. (5) (a) The board members shall serve
4 four-year terms; except that, of the members first appointed to the board,
5 three members to be selected by the governor shall serve two-year terms.
6 No A member shall NOT serve more than two consecutive four-year
7 terms.

8 (b) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (a) OF
9 THIS SUBSECTION (5), OF THE THREE MEMBERS APPOINTED TO REPLACE
10 PERSONS WHOSE TERMS EXPIRE ON JUNE 30, 2012, ONE MEMBER SELECTED
11 BY THE GOVERNOR SHALL SERVE A TWO-YEAR TERM, ONE MEMBER
12 SELECTED BY THE GOVERNOR SHALL SERVE A THREE-YEAR TERM, AND ONE
13 MEMBER SELECTED BY THE GOVERNOR SHALL SERVE A FOUR-YEAR TERM.
14 SUBSEQUENT APPOINTMENTS TO THE POSITIONS IDENTIFIED IN THIS
15 PARAGRAPH (b) SHALL SERVE FOUR-YEAR TERMS.

16 (c) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (a) OF THIS
17 SUBSECTION (5), OF THE FOUR MEMBERS APPOINTED TO REPLACE PERSONS
18 WHOSE TERMS EXPIRE ON JUNE 30, 2014, ONE MEMBER SELECTED BY THE
19 GOVERNOR SHALL SERVE A ONE-YEAR TERM, ONE MEMBER SELECTED BY
20 THE GOVERNOR SHALL SERVE A TWO-YEAR TERM, ONE MEMBER SELECTED
21 BY THE GOVERNOR SHALL SERVE A THREE-YEAR TERM, AND ONE MEMBER
22 SELECTED BY THE GOVERNOR SHALL SERVE A FOUR-YEAR TERM.
23 SUBSEQUENT APPOINTMENTS TO THE POSITIONS IDENTIFIED IN THIS
24 PARAGRAPH (c) SHALL SERVE FOUR-YEAR TERMS.

25 SECTION 20. In Colorado Revised Statutes, 12-59-118, amend
26 (1) as follows:

27 12-59-118. Complaints of deceptive trade or sales practices.

1 (1) A person claiming pecuniary loss as a result of a deceptive trade or
2 sales practice, pursuant to section 12-59-117, by a school or agent shall
3 FIRST EXHAUST ALL COMPLAINT AND APPEALS PROCESSES AVAILABLE AT
4 THE SCHOOL. IF THE PERSON'S COMPLAINT IS NOT RESOLVED TO THE
5 PERSON'S SATISFACTION, THE PERSON MAY file with the board a written
6 complaint against the school or agent. The complaint shall set forth the
7 alleged violation and SUCH other relevant information as may be required
8 by the board. A complaint filed under this section is a public record
9 subject to the provisions of article 72 of title 24, C.R.S., and shall be filed
10 within two years after the student discontinues his or her training at the
11 school or at any time prior to the commencement of training.

12 **SECTION 21.** In Colorado Revised Statutes, 12-47-902.5,
13 **amend** (5) (a) as follows:

14 **12-47-902.5. Alcohol-without-liquid devices - legislative**
15 **declaration - unlawful acts.** (5) (a) Subsection (3) of this section shall
16 not apply to a hospital, as defined in section 25.5-1-503 (3), C.R.S., that
17 operates primarily for the purpose of conducting scientific research, a
18 state institution conducting bona fide research, a private college or
19 university, as defined in section 23-2-102 (~~3~~) (11), C.R.S., conducting
20 bona fide research, or to a pharmaceutical company or biotechnology
21 company conducting bona fide research and that complies with the
22 provisions of this subsection (5).

23 **SECTION 22.** In Colorado Revised Statutes, 12-59-115, **amend**
24 (13) as follows:

25 **12-59-115. Bonds.** (13) For the purposes of this section, "school"
26 and "private occupational school" shall include a for-profit private college
27 or university, as defined in section 23-2-102 (~~3~~) (11), C.R.S., in which the

1 majority of students are enrolled in courses and programs that are
2 occupational in nature, as defined by the board.

3 **SECTION 23. Appropriation.** In addition to any other
4 appropriation, there is hereby appropriated, to the department of higher
5 education, for the fiscal year beginning July 1, 2012, the sum of \$75,500
6 cash funds, from fees paid by private colleges and universities pursuant
7 to section 23-2-104.5, Colorado Revised Statutes, or so much thereof as
8 may be necessary, for the implementation of this act.

9 **SECTION 24. Act subject to petition - effective date.** This act
10 takes effect at 12:01 a.m. on the day following the expiration of the
11 ninety-day period after final adjournment of the general assembly (August
12 7, 2012, if adjournment sine die is on May 9, 2012); except that, if a
13 referendum petition is filed pursuant to section 1 (3) of article V of the
14 state constitution against this act or an item, section, or part of this act
15 within such period, then the act, item, section, or part will not take effect
16 unless approved by the people at the general election to be held in
17 November 2012 and, in such case, will take effect on the date of the
18 official declaration of the vote thereon by the governor.