

Second Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 12-0245.01 Brita Darling x2241

SENATE BILL 12-015

SENATE SPONSORSHIP

Giron and Johnston, Guzman, Steadman

HOUSE SPONSORSHIP

Duran,

Senate Committees
Education

House Committees

A BILL FOR AN ACT

101 **CONCERNING CREATING AN OPTIONAL CATEGORY OF TUITION AT**
102 **STATE INSTITUTIONS OF HIGHER EDUCATION.**

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>.)

Unless the governing board of an institution of higher education (institution) adopts a policy stating that it will not offer standard-rate tuition, the bill requires an institution of higher education to classify a student, other than certain foreign students or trainees defined in federal law, as a standard-rate student for tuition purposes so long as the student:

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.

SENATE
3rd Reading Unamended
April 9, 2012

SENATE
Amended 2nd Reading
February 10, 2012

- ! Attended a public or private high school in Colorado for 3 or more years immediately preceding the date the student graduated from a Colorado high school or earned a general educational development certificate (certificate) in Colorado; and
- ! Is admitted to an institution in Colorado within 12 months after graduating from high school or earning a certificate.

The bill provides a one-year exception to the eligibility requirements for a student who meets all of the eligibility requirements but was not admitted to an institution within 12 months after graduating from high school or earning a certificate. The exception is repealed after one year.

A student applying for the tuition classification who does not have documentation of lawful immigration or nationality status shall submit an affidavit to the institution stating that he or she is requesting documentation of, has applied for, or will be applying for, lawful status as soon as he or she is eligible. The information contained in the affidavit is confidential and is a protected education record of the student.

A student classified as a standard-rate student is not eligible for a college opportunity fund stipend or for any state-funded, need-based financial aid.

Eligibility for the tuition classification is not based upon residency. A student classified as a standard-rate student for tuition purposes shall not be counted as a resident, and the tuition classification shall not be deemed to establish residency or domicile for any purpose.

A student paying standard-rate tuition shall pay the student's share of in-state tuition plus an amount equal to the college opportunity fund stipend awarded to in-state students.

Verification of lawful presence in the United States is not required for persons applying for the tuition classification.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 23-7-112 as
 3 follows:

4 **23-7-112. Classification for standard-rate tuition - repeal.**

5 (1) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE TO THE
 6 CONTRARY, AN INSTITUTION THAT HAS NOT ADOPTED A POLICY DESCRIBED
 7 IN SUBSECTION (6) OF THIS SECTION SHALL CLASSIFY A STUDENT WHO
 8 MEETS ALL OF THE FOLLOWING REQUIREMENTS AS A STANDARD-RATE

1 STUDENT FOR TUITION PURPOSES:

2 (a) THE STUDENT ATTENDED A PUBLIC OR PRIVATE HIGH SCHOOL
3 IN COLORADO FOR THREE OR MORE YEARS IMMEDIATELY PRECEDING THE
4 DATE THAT THE STUDENT EITHER GRADUATED FROM A COLORADO HIGH
5 SCHOOL OR EARNED A GENERAL EDUCATIONAL DEVELOPMENT
6 CERTIFICATE IN COLORADO; AND

7 (b) THE STUDENT IS ADMITTED TO AN INSTITUTION IN COLORADO
8 WITHIN TWELVE MONTHS AFTER GRADUATING FROM A COLORADO HIGH
9 SCHOOL OR EARNING A GENERAL EDUCATIONAL DEVELOPMENT
10 CERTIFICATE IN COLORADO.

11 (2) (a) NOTWITHSTANDING ANY PROVISION OF SUBSECTION (1) OF
12 THIS SECTION TO THE CONTRARY, AN INSTITUTION THAT HAS NOT ADOPTED
13 A POLICY DESCRIBED IN SUBSECTION (6) OF THIS SECTION SHALL CLASSIFY
14 A STUDENT AS A STANDARD-RATE STUDENT FOR TUITION PURPOSES IF THE
15 STUDENT MEETS THE REQUIREMENTS SPECIFIED IN SUBSECTION (1) OF THIS
16 SECTION; EXCEPT THAT THE STUDENT WAS NOT ADMITTED TO AN
17 INSTITUTION WITHIN TWELVE MONTHS AFTER GRADUATING FROM A
18 COLORADO HIGH SCHOOL OR EARNING A GENERAL EDUCATIONAL
19 DEVELOPMENT CERTIFICATE IN COLORADO.

20 (b) THIS SUBSECTION (2) IS REPEALED, EFFECTIVE JULY 1, 2013.

21 (3) (a) PRIOR TO CLASSIFYING A STUDENT AS A STANDARD-RATE
22 STUDENT FOR TUITION PURPOSES, THE INSTITUTION SHALL REQUIRE A
23 STUDENT WHO DOES NOT HAVE DOCUMENTATION OF LAWFUL
24 IMMIGRATION OR NATIONALITY STATUS TO SUBMIT AN AFFIDAVIT TO THE
25 INSTITUTION TO WHICH THE STUDENT IS ADMITTED STATING THAT THE
26 STUDENT HAS REQUESTED DOCUMENTATION OF, HAS APPLIED FOR, OR WILL
27 FILE AN APPLICATION FOR LAWFUL STATUS AS SOON AS HE OR SHE IS

1 ELIGIBLE TO DO SO.

2 (b) INFORMATION OBTAINED FROM A STUDENT FOR THE PURPOSES
3 OF IMPLEMENTING THIS SECTION IS CONFIDENTIAL. AN INSTITUTION THAT
4 RECEIVES AN AFFIDAVIT DESCRIBED IN PARAGRAPH (a) OF THIS
5 SUBSECTION (3) SHALL TREAT THE AFFIDAVIT AS AN EDUCATION RECORD
6 OF THE STUDENT UNDER THE PROVISIONS OF THE FEDERAL "FAMILY
7 EDUCATIONAL RIGHTS AND PRIVACY ACT OF 1974", 20 U.S.C. SEC.
8 1232g.

9 (4) A STUDENT WHO IS CLASSIFIED AS A STANDARD-RATE STUDENT
10 FOR TUITION PURPOSES PURSUANT TO THIS SECTION IS NOT ELIGIBLE FOR
11 A STIPEND PURSUANT TO THE COLLEGE OPPORTUNITY FUND PROGRAM
12 CREATED IN SECTION 23-18-201 AND IS NOT ELIGIBLE TO RECEIVE
13 STATE-FUNDED, NEED-BASED FINANCIAL AID.

14 (5) (a) ELIGIBILITY FOR CLASSIFICATION AS A STANDARD-RATE
15 STUDENT FOR TUITION PURPOSES PURSUANT TO THIS SECTION IS NOT
16 BASED UPON RESIDENCY.

17 (b) A STUDENT CLASSIFIED AS A STANDARD-RATE STUDENT FOR
18 TUITION PURPOSES PURSUANT TO THIS SECTION SHALL NOT BE COUNTED AS
19 A RESIDENT AND SHALL NOT BE DEEMED A RESIDENT OR DOMICILIARY AS
20 A RESULT OF HIS OR HER TUITION CLASSIFICATION PURSUANT TO THIS
21 SECTION.

22 (c) THE PROVISIONS OF THIS SECTION ARE INTENDED TO SATISFY
23 THE PROVISIONS OF 8 U.S.C. SEC. 1621(d) TO THE EXTENT THAT IT MAY BE
24 APPLICABLE.

25 (6) THE GOVERNING BOARD OF AN INSTITUTION MAY ADOPT A
26 POLICY STATING THAT THE INSTITUTION WILL NOT OFFER THE
27 STANDARD-RATE TUITION CLASSIFICATION.

1 (7) A STUDENT WHO PAYS STANDARD-RATE TUITION PURSUANT TO
2 THIS SECTION SHALL PAY THE STUDENT'S SHARE OF IN-STATE TUITION, AS
3 DEFINED IN SECTION 23-18-102, PLUS AN AMOUNT EQUAL TO THE COLLEGE
4 OPPORTUNITY FUND STIPEND AWARDED TO IN-STATE STUDENTS.

5 (8) EACH INSTITUTION THAT OFFERS THE STANDARD-RATE TUITION
6 CLASSIFICATION SHALL REPORT ANNUALLY TO THE DEPARTMENT OF
7 HIGHER EDUCATION THE STUDENT NUMBER FOR EACH STUDENT WHO
8 RECEIVES THE STANDARD-RATE TUITION CLASSIFICATION PURSUANT TO
9 THIS SECTION AND SHALL SPECIFY WHETHER THE STUDENT HAS FILED AN
10 AFFIDAVIT PURSUANT TO PARAGRAPH (a) OF SUBSECTION (3) OF THIS
11 SECTION. EACH INSTITUTION SHALL ANNUALLY UPDATE THE INFORMATION
12 REQUIRED PURSUANT TO THIS SUBSECTION (8).

13 **SECTION 2.** In Colorado Revised Statutes, 23-1-104, **add** (1.5)
14 as follows:

15 **23-1-104. Financing the system of postsecondary education -**
16 **report - repeal.** (1.5) FOR FISCAL YEARS 2012-13 THROUGH 2015-16,
17 CASH FUNDS RECEIVED BY AN INSTITUTION AS STANDARD-RATE TUITION
18 PURSUANT TO SECTION 23-7-112 SHALL NOT BE SUBJECT TO ANNUAL
19 APPROPRIATION BY THE GENERAL ASSEMBLY OR INCLUDED IN THE SINGLE
20 LINE ITEM APPROPRIATION TO EACH GOVERNING BOARD PURSUANT TO
21 PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION. THE INSTITUTION
22 SHALL REPORT STANDARD-RATE TUITION, CLASSIFIED AS SUCH PURSUANT
23 TO SECTION 23-7-112, IN THE SAME MANNER THAT THE INSTITUTION
24 REPORTS ALL OTHER TUITION RECEIPTS.

25 **SECTION 3.** In Colorado Revised Statutes, 24-76.5-103, **amend**
26 (3) (g) and (3) (h); and **add** (3) (i) as follows:

27 **24-76.5-103. Verification of lawful presence - exceptions -**

1 **reporting - rules.** (3) Verification of lawful presence in the United
2 States shall not be required:

3 (g) For individuals over the age of eighteen years and under the
4 age of nineteen years who continue to be eligible for medical assistance
5 programs after their eighteenth birthday; ~~or~~

6 (h) For renewing an educator license pursuant to article 60.5 of
7 title 22, C.R.S.; OR

8 (i) FOR CLASSIFICATION AS A STANDARD-RATE STUDENT FOR
9 TUITION PURPOSES PURSUANT TO SECTION 23-7-112, C.R.S.

10 **SECTION 4. Safety clause.** The general assembly hereby finds,
11 determines, and declares that this act is necessary for the immediate
12 preservation of the public peace, health, and safety.