

**Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO**

ENGROSSED

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

LLS NO. 10-0697.01 Julie Pelegrin

SENATE BILL 10-108

SENATE SPONSORSHIP

King K., Bacon, Scheffel, Schultheis, Spence, Steadman

HOUSE SPONSORSHIP

Middleton, Massey, Summers, Gardner B., King S., McNulty, Murray

Senate Committees

Education
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING IMPLEMENTATION OF GENERAL EDUCATION CORE**
102 **COURSES AT INSTITUTIONS OF HIGHER EDUCATION, AND MAKING**
103 **AN APPROPRIATION THEREFOR.**

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>.)

Current law requires the Colorado commission on higher education (commission) to define a process whereby students enrolled in public institutions of higher education may test out of core courses and receive credit for those courses without paying tuition. The bill requires the

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
Amended 2nd Reading
March 16, 2010

commission to put this process in place for use beginning in the 2010-11 academic year.

The bill allows a nonpublic institution of higher education (nonpublic institution) to choose to participate in the core course guidelines. Also, for a fee, a nonpublic institution may request the department of higher education (department) to review the nonpublic institution's core courses and include them in the matrix of core courses for which credit may transfer from one institution of higher education to another. A nonpublic institution that includes its courses in the matrix will also be included in the statewide transfer agreements for core course credits. The commission will set the amount of the fee to reflect the department's costs in reviewing the courses.

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

2 **SECTION 1.** 23-1-125 (4), Colorado Revised Statutes, is
3 amended, and the said 23-1-125 is further amended BY THE ADDITION
4 OF A NEW SUBSECTION, to read:

5 **23-1-125. Commission directive - student bill of rights - degree**
6 **requirements - implementation of core courses - competency test.**

7 (4) **Competency testing.** ON OR BEFORE JULY 1, 2010, the commission
8 shall, in consultation with each public institution of higher education,
9 define a process for students to test out of core courses, including
10 specifying use of a national test or the criteria for approving
11 institutionally devised tests. BEGINNING IN THE 2010-11 ACADEMIC YEAR,
12 EACH PUBLIC INSTITUTION OF HIGHER EDUCATION SHALL GRANT FULL
13 COURSE CREDITS TO students ~~shall be granted credit~~ for the core courses
14 they successfully test out of, free of tuition for those courses.

15
16 (5) **Nonpublic institutions of higher education.** (a) (I) A
17 NONPUBLIC INSTITUTION OF HIGHER EDUCATION MAY CHOOSE TO
18 CONFORM ITS CORE COURSE REQUIREMENTS WITH, OR ADOPT CORE COURSE
19 REQUIREMENTS THAT MEET, THE GENERAL EDUCATION COURSE

1 GUIDELINES DEVELOPED BY THE DEPARTMENT PURSUANT TO SUBSECTION
2 (3) OF THIS SECTION AND IDENTIFY THE SPECIFIC COURSES THAT MEET THE
3 GENERAL EDUCATION COURSE GUIDELINES. THE NONPUBLIC INSTITUTION
4 OF HIGHER EDUCATION MAY REQUIRE ALL OF THE STUDENTS ENROLLED IN
5 THE INSTITUTION TO TAKE THE CORE COURSE REQUIREMENTS THAT ARE
6 CONFORMED OR ADOPTED AS PROVIDED IN THIS PARAGRAPH (a) OR MAY
7 REQUIRE ONLY THOSE STUDENTS WHO ARE CONCURRENTLY ENROLLED,
8 PURSUANT TO ARTICLE 35 OF TITLE 22, C.R.S., IN A HIGH SCHOOL AND IN
9 THE NONPUBLIC INSTITUTION OF HIGHER EDUCATION TO TAKE SAID CORE
10 COURSE REQUIREMENTS.

11 (II) THE CORE COURSE REQUIREMENTS THAT A NONPUBLIC
12 INSTITUTION OF HIGHER EDUCATION CONFORMS OR ADOPTS PURSUANT TO
13 THIS PARAGRAPH (a) SHALL COMPLY WITH THE NUMBER OF CREDIT HOURS
14 REQUIRED BY THE DEPARTMENT AND SHALL INCLUDE COURSES IN EACH OF
15 THE SUBJECT AREAS IDENTIFIED BY THE DEPARTMENT. THE NONPUBLIC
16 INSTITUTION OF HIGHER EDUCATION SHALL SUBMIT TO THE DEPARTMENT
17 A DESCRIPTION OF ITS CORE COURSE REQUIREMENTS WITH THE INITIAL
18 REVIEW FEE ESTABLISHED PURSUANT TO PARAGRAPH (c) OF THIS
19 SUBSECTION (5), AND THE DEPARTMENT SHALL DETERMINE WHETHER THE
20 NONPUBLIC INSTITUTION'S CORE COURSE REQUIREMENTS COMPLY WITH
21 THE DEPARTMENT'S GENERAL EDUCATION COURSE GUIDELINES. IF THE
22 DEPARTMENT DETERMINES THAT THE NONPUBLIC INSTITUTION OF HIGHER
23 EDUCATION'S CORE COURSE REQUIREMENTS COMPLY WITH THE
24 GUIDELINES, THEN THE NONPUBLIC INSTITUTION'S CORE COURSE CREDITS
25 SHALL BE TRANSFERABLE TO PUBLIC INSTITUTIONS OF HIGHER EDUCATION,
26 AND THE NONPUBLIC INSTITUTION OF HIGHER EDUCATION SHALL ACCEPT
27 TRANSFERS OF CORE COURSE CREDITS FROM THE PUBLIC INSTITUTIONS OF

1 HIGHER EDUCATION.

2 (b) A NONPUBLIC INSTITUTION OF HIGHER EDUCATION THAT
3 CHOOSES TO SEEK TRANSFERABILITY OF ITS CORE COURSE CREDITS
4 PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (5) SHALL, PRIOR TO
5 THE BEGINNING OF EACH ACADEMIC YEAR IN WHICH IT SEEKS
6 TRANSFERABILITY, ALLOW THE DEPARTMENT TO REVIEW ITS GENERAL
7 EDUCATION CORE COURSE REQUIREMENTS AND ITS GENERAL EDUCATION
8 COURSES TO ENSURE THAT THEY CONTINUE TO MEET THE GENERAL
9 EDUCATION CORE COURSE GUIDELINES. THE DEPARTMENT MAY ASSESS A
10 FEE AS PROVIDED IN PARAGRAPH (c) OF THIS SUBSECTION (5) TO OFFSET
11 THE COSTS OF THE ANNUAL REVIEW.

12 (c) THE COMMISSION, IN CONSULTATION WITH THE DEPARTMENT,
13 SHALL ESTABLISH THE AMOUNTS OF THE INITIAL REVIEW FEE AND THE
14 ANNUAL REVIEW FEE OF A NONPUBLIC INSTITUTION OF HIGHER
15 EDUCATION'S GENERAL EDUCATION CORE COURSE REQUIREMENTS AND
16 CORE COURSES, WHICH AMOUNTS SHALL NOT EXCEED THE DIRECT AND
17 INDIRECT COSTS INCURRED BY THE DEPARTMENT IN INITIALLY REVIEWING
18 AND IN ANNUALLY REVIEWING THE NONPUBLIC INSTITUTION'S GENERAL
19 EDUCATION CORE COURSE REQUIREMENTS AND CORE COURSES. THE
20 DEPARTMENT IS AUTHORIZED TO COLLECT THE FEES FROM NONPUBLIC
21 INSTITUTIONS OF HIGHER EDUCATION AS PROVIDED IN PARAGRAPHS (a)
22 AND (b) OF THIS SUBSECTION (5).

23 (d) ON OR BEFORE MARCH 1, 2016, THE COMMISSION SHALL
24 SUBMIT TO THE EDUCATION COMMITTEES OF THE SENATE AND THE HOUSE
25 OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES, A REPORT
26 CONCERNING THE IMPLEMENTATION OF THIS SUBSECTION (5). AT A
27 MINIMUM, THE REPORT SHALL INCLUDE:

1 (I) THE NAMES OF THE NONPUBLIC INSTITUTIONS OF HIGHER
2 EDUCATION THAT ARE PARTICIPATING IN THE GENERAL EDUCATION CORE
3 COURSE REQUIREMENTS;

4 (II) THE NUMBER OF STUDENTS WHO HAVE TRANSFERRED CORE
5 COURSE CREDITS TO OR FROM A NONPUBLIC INSTITUTION OF HIGHER
6 EDUCATION;

7 (III) ANY ISSUES THAT HAVE ARISEN IN THE COURSE OF
8 IMPLEMENTING THIS SUBSECTION (5); AND

9 (IV) ANY RECOMMENDATIONS FOR CHANGES TO THIS SUBSECTION
10 (5).

11 (e) AS USED IN THIS SUBSECTION (5), "NONPUBLIC INSTITUTION OF
12 HIGHER EDUCATION" MEANS AN EDUCATIONAL INSTITUTION OPERATING IN
13 THIS STATE THAT:

14 (I) DOES NOT RECEIVE STATE GENERAL FUND MONEYS IN SUPPORT
15 OF ITS OPERATING COSTS;

16 (II) ADMITS AS REGULAR STUDENTS ONLY PERSONS HAVING A HIGH
17 SCHOOL DIPLOMA OR THE RECOGNIZED EQUIVALENT OF A HIGH SCHOOL
18 DIPLOMA;

19 (III) IS ACCREDITED BY A REGIONAL ACCREDITING AGENCY OR
20 ASSOCIATION;

21 (IV) PROVIDES AN EDUCATIONAL PROGRAM FOR WHICH IT AWARDS
22 A BACHELOR'S DEGREE OR A GRADUATE DEGREE;

23 (V) IS AUTHORIZED BY THE DEPARTMENT OF HIGHER EDUCATION
24 TO DO BUSINESS IN COLORADO PURSUANT TO SECTION 23-2-103.3;

25 (VI) MAINTAINS A PHYSICAL CAMPUS OR INSTRUCTIONAL FACILITY
26 IN COLORADO; AND

27 (VII) HAS BEEN DETERMINED BY THE UNITED STATES

1 DEPARTMENT OF EDUCATION TO BE ELIGIBLE TO ADMINISTER FEDERAL
2 FINANCIAL AID PROGRAMS PURSUANT TO TITLE IV OF THE FEDERAL
3 "HIGHER EDUCATION ACT OF 1965", AS AMENDED.

4 SECTION 2. 23-2-104 (2) (a), Colorado Revised Statutes, is
5 amended to read:

6 23-2-104. Administration of article - complaints - injunctive
7 proceedings. (2) (a) The commission shall specify procedures by which
8 a student or former student of a private college or university, bible
9 college, or seminary may file a complaint with the department concerning
10 the institution in which the student is or was enrolled. The department is
11 authorized to investigate complaints based on a claim of a deceptive trade
12 practice as described in subsection (4) of this section. The department
13 shall not have jurisdiction to consider complaints that infringe on the
14 academic freedom, religious freedom, or question the curriculum content
15 of a private college or university, bible college, or seminary; EXCEPT
16 THAT THE DEPARTMENT SHALL HAVE JURISDICTION TO CONSIDER A
17 COMPLAINT THAT PERTAINS TO THE GENERAL EDUCATION CORE COURSE
18 REQUIREMENTS OF A PRIVATE COLLEGE OR UNIVERSITY, BIBLE COLLEGE,
19 OR SEMINARY, OR TO ANY OF THE SPECIFIC CORE COURSES INCLUDED IN
20 SAID REQUIREMENTS, IF THE PRIVATE COLLEGE OR UNIVERSITY, BIBLE
21 COLLEGE, OR SEMINARY HAS CHOSEN TO SEEK TRANSFERABILITY OF ITS
22 GENERAL EDUCATION CORE COURSES PURSUANT TO SECTION 23-1-125 (5).

23 SECTION 3. Appropriation. In addition to any other
24 appropriation, there is hereby appropriated, out of any fees collected from
25 nonpublic institutions of higher education pursuant to section 23-1-125
26 (5), Colorado Revised Statutes, not otherwise appropriated, to the
27 department of higher education, for allocation to the Colorado

1 commission on higher education, administration, for the fiscal year
2 beginning July 1, 2010, the sum of thirty-six thousand eight hundred
3 twenty dollars (\$36,820) cash funds and 0.4 FTE, or so much thereof as
4 may be necessary, for reviewing general education core course
5 requirements and core courses pursuant to section 23-1-125 (5), Colorado
6 Revised Statutes.

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