

HB1319_L.001

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Education.HB14-1319 be amended as follows:

1 Amend printed bill, strike everything below the enacting clause and
2 substitute:

3 "SECTION 1. In Colorado Revised Statutes, **add** part 3 to article
4 18 of title 23 as follows:

PART 3

HIGHER EDUCATION FUNDING

7 **23-18-301. Legislative declaration.** (1) THE GENERAL ASSEMBLY
8 FINDS AND DECLARES THAT:

9 (a) HIGHER EDUCATION IS AN ECONOMIC ENGINE FOR COLORADO,
10 HELPS TO CREATE AN INFORMED CITIZENRY, AND CONTRIBUTES
11 SIGNIFICANTLY TO COLORADO'S SUPERIOR QUALITY OF LIFE;

12 (b) IN ORDER TO ENSURE THE STATE'S ONGOING SOCIAL,
13 CULTURAL, AND ECONOMIC VIBRANCY, FUNDING FOR HIGHER EDUCATION
14 SHOULD BE BASED ON THE NEEDS OF THE STATE, THE PEOPLE OF
15 COLORADO, AND THE STUDENTS;

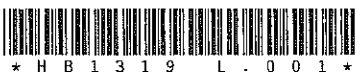
16 (c) COLORADO CURRENTLY RANKS THIRD IN THE UNITED STATES
17 IN THE PERCENTAGE OF ITS CITIZENS BETWEEN THE AGES OF TWENTY-FIVE
18 AND SIXTY-FOUR WITH A COLLEGE DEGREE, LARGELY DUE TO THE
19 MIGRATION OF COLLEGE-EDUCATED ADULTS FROM OTHER STATES AND
20 COUNTRIES;

21 (d) IN ORDER TO ENSURE THAT COLORADO STUDENTS HAVE
22 ACCESS TO A POSTSECONDARY EDUCATION THAT WILL ALLOW THEM TO
23 COMPETE WITH EDUCATED INDIVIDUALS FROM OTHER STATES FOR JOBS IN
24 COLORADO'S INCREASINGLY HIGH-TECH ECONOMY, IT IS ESSENTIAL THAT
25 COLORADO MAKE WISE USE OF ITS INVESTMENT IN HIGHER EDUCATION TO
26 INCREASE THE NUMBER OF COLORADANS WHO HAVE EARNED A
27 HIGH-QUALITY POSTSECONDARY CREDENTIAL;

28 (e) IT IS IMPORTANT THAT THE STATE OF COLORADO ENSURES
29 THAT ALL COLORADANS HAVE ACCESS TO AFFORDABLE HIGHER
30 EDUCATION, REGARDLESS OF INCOME, RACE, OR GENDER, AND THAT
31 HIGHER EDUCATION SERVICES ARE AVAILABLE IN ALL GEOGRAPHIC AREAS
32 OF THE STATE, INCLUDING RURAL AREAS, HISTORICALLY UNDERSERVED
33 AREAS, AND AREAS WITH LOW EDUCATIONAL ATTAINMENT; AND

34 (f) COLORADO'S LIMITED STATE RESOURCES MUST BE USED IN A
35 WAY THAT PROVIDES INCENTIVES FOR STATE INSTITUTIONS OF HIGHER
36 EDUCATION TO ACHIEVE THE POLICY GOALS ADOPTED BY THE GENERAL
37 ASSEMBLY AND THE COLORADO COMMISSION ON HIGHER EDUCATION.

38 (2) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT:



1 (a) IN ORDER FOR THE GENERAL ASSEMBLY TO PERFORM ITS DUTY
2 TO EXERCISE OVERSIGHT AND ENSURE THAT TAX DOLLARS ARE BEING
3 USED TO ACHIEVE STATED POLICY GOALS, HIGHER EDUCATION MUST BE
4 FUNDED IN A MANNER THAT IS TRANSPARENT AND UNDERSTANDABLE;

5 (b) THESE GOALS CAN BE ACCOMPLISHED BY THE GENERAL
6 ASSEMBLY ESTABLISHING CONSISTENT AND PREDICTABLE PERFORMANCE
7 METRICS THAT, ONCE ESTABLISHED, DO NOT CHANGE FROM
8 YEAR-TO-YEAR;

9 (c) WITH A CONSISTENT AND PREDICTABLE FUNDING MODEL FOR
10 HIGHER EDUCATION, STATE INSTITUTIONS OF HIGHER EDUCATION WILL BE
11 ABLE TO ENGAGE IN LONG-TERM FINANCIAL PLANNING THAT WILL BENEFIT
12 STUDENTS THROUGH MORE PREDICTABLE TUITION AND FEES; AND

13 (d) IF HIGHER EDUCATION IS FUNDED IN A MANNER THAT IS
14 TRANSPARENT AND UNDERSTANDABLE, COLORADANS, AND ESPECIALLY
15 COLORADO TAXPAYERS, WILL MORE EASILY UNDERSTAND THE BENEFIT
16 REALIZED FROM COLORADO'S INVESTMENT IN ITS HIGHER EDUCATION
17 SYSTEM.

18 **23-18-302. Definitions.** AS USED IN THIS PART 3, UNLESS THE
19 CONTEXT OTHERWISE REQUIRES:

20 (1) "AREA VOCATIONAL SCHOOL" HAS THE SAME MEANING AS
21 PROVIDED IN SECTION 23-60-103 (1).

22 (2) "COMMISSION" MEANS THE COLORADO COMMISSION ON
23 HIGHER EDUCATION ESTABLISHED PURSUANT TO SECTION 23-1-102.

24 (3) "COMMUNITY COLLEGE" MEANS A COMMUNITY AND
25 TECHNICAL COLLEGE DESCRIBED IN SECTION 23-60-205 THAT IS GOVERNED
26 BY THE STATE BOARD FOR COMMUNITY COLLEGES AND OCCUPATIONAL
27 EDUCATION.

28 (4) "DEPARTMENT" MEANS THE COLORADO DEPARTMENT OF
29 HIGHER EDUCATION ESTABLISHED PURSUANT TO SECTION 24-1-114, C.R.S.

30 (5) "LOCAL DISTRICT JUNIOR COLLEGE" MEANS A JUNIOR COLLEGE
31 OPERATING PURSUANT TO ARTICLE 71 OF THIS TITLE.

32 (6) "MASTER PLAN" MEANS THE MASTER PLAN CREATED PURSUANT
33 TO SECTION 23-1-108.

34 (7) "PELL-ELIGIBLE STUDENT" MEANS AN UNDERGRADUATE
35 STUDENT WHO QUALIFIES FOR THE FEDERAL PELL GRANT OR FOR A GRANT
36 THROUGH A SUCCESSOR PROGRAM.

37 (8) "STATE INSTITUTION OF HIGHER EDUCATION" OR "INSTITUTION"
38 HAS THE SAME MEANING AS DEFINED IN SECTION 23-18-102 (10).

39 (9) "TOTAL GOVERNING BOARD APPROPRIATION" MEANS, FOR A
40 FISCAL YEAR, THE SUM OF THE AMOUNT APPROPRIATED TO THE
41 GOVERNING BOARD OF A STATE INSTITUTION OF HIGHER EDUCATION FOR

1 A FEE-FOR-SERVICE CONTRACT NEGOTIATED PURSUANT TO SECTION
2 23-18-303 AND THE AMOUNT STATED AS REAPPROPRIATED SPENDING
3 AUTHORITY IN THE GENERAL APPROPRIATIONS ACT FOR THE GOVERNING
4 BOARD TO EXPEND STIPENDS RECEIVED PURSUANT TO SECTION 23-18-202
5 ON BEHALF OF ELIGIBLE UNDERGRADUATE STUDENTS.

6 (10) "TOTAL STATE APPROPRIATION" MEANS, FOR A STATE FISCAL
7 YEAR, THE SUM OF THE TOTAL AMOUNT APPROPRIATED TO THE GOVERNING
8 BOARDS OF THE STATE INSTITUTIONS OF HIGHER EDUCATION FOR
9 FEE-FOR-SERVICE CONTRACTS DETERMINED PURSUANT TO SECTION
10 23-18-303, AND THE AMOUNT OF THE APPROPRIATION TO THE COLLEGE
11 OPPORTUNITY FUND ESTABLISHED IN SECTION 23-18-201.

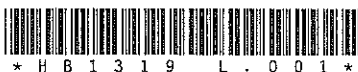
12 **23-18-303. Fee-for-service contracts - authorization.** (1) FOR
13 THE 2015-16 STATE FISCAL YEAR AND EACH FISCAL YEAR THEREAFTER,
14 THE GOVERNING BOARD OF A STATE INSTITUTION OF HIGHER EDUCATION
15 MAY ANNUALLY NEGOTIATE A FEE-FOR-SERVICE CONTRACT WITH THE
16 DEPARTMENT FOR THE DELIVERY OF HIGHER EDUCATION SERVICES BY THE
17 INSTITUTION FOR THE BENEFIT OF THE STATE AND ITS RESIDENTS.
18 SPECIALTY EDUCATION PROGRAMS, AREA VOCATIONAL SCHOOLS, AND
19 LOCAL DISTRICT JUNIOR COLLEGES ARE FUNDED PURSUANT TO THE
20 PROVISIONS OF SECTION 23-18-304.

21 (2) EACH FEE-FOR-SERVICE CONTRACT MUST INCLUDE
22 INSTITUTIONAL ROLE AND MISSION FUNDING AS DESCRIBED IN SUBSECTION
23 (3) OF THIS SECTION AND INSTITUTIONAL PERFORMANCE FUNDING AS
24 DESCRIBED IN SUBSECTION (4) OF THIS SECTION. IT IS THE INTENT OF THE
25 GENERAL ASSEMBLY THAT, TO THE EXTENT POSSIBLE, EACH INSTITUTION'S
26 FEE-FOR-SERVICE CONTRACT IS BASED EQUALLY ON THE COMPONENTS OF
27 ROLE AND MISSION FUNDING AND THE COMPONENTS OF PERFORMANCE
28 FUNDING.

29 (3) **Role and mission funding.** THE INSTITUTIONAL ROLE AND
30 MISSION COMPONENT OF THE FEE-FOR-SERVICE CONTRACT IS BASED ON
31 THE FOLLOWING FACTORS, AS DETERMINED BY THE COMMISSION
32 PURSUANT TO SECTION 23-18-306:

33 (a) **Institutional mission.** ROLE AND MISSION FUNDING MUST
34 INCLUDE AN AMOUNT FOR EACH GOVERNING BOARD TO OFFSET THE COSTS
35 INCURRED IN PROVIDING UNDERGRADUATE PROGRAMS AT EACH
36 INSTITUTION. IN ESTABLISHING THE COMPONENTS OF THIS FACTOR, THE
37 COMMISSION SHALL INCLUDE, AT A MINIMUM:

- 38 (I) THE SELECTIVITY OF THE INSTITUTION;
- 39 (II) THE NUMBER OF CAMPUSES OF THE INSTITUTION;
- 40 (III) THE RURAL OR URBAN LOCATION OF THE INSTITUTION; AND
- 41 (IV) WHETHER THE INSTITUTION CONDUCTS RESEARCH.



1 **(b) Support services for Pell-eligible and first-generation**
2 **undergraduate students.** ROLE AND MISSION FUNDING MUST INCLUDE AN
3 AMOUNT FOR EACH GOVERNING BOARD TO OFFSET THE COSTS INCURRED
4 IN PROVIDING ADDITIONAL SUPPORT SERVICES TO PELL-ELIGIBLE
5 UNDERGRADUATE STUDENTS ENROLLED IN THE INSTITUTION. THE AMOUNT
6 OF FUNDING FOR SUPPORT SERVICES FOR EACH PELL-ELIGIBLE
7 UNDERGRADUATE STUDENT ENROLLED IN THE INSTITUTION MUST BE AT
8 LEAST EQUAL TO TEN PERCENT OF THE AMOUNT OF THE COLLEGE
9 OPPORTUNITY FUND STIPEND, AS SET BY THE GENERAL ASSEMBLY
10 PURSUANT TO SECTION 23-18-202, FOR THE APPLICABLE STATE FISCAL
11 YEAR. THE COMMISSION MAY INCLUDE AN AMOUNT FOR EACH GOVERNING
12 BOARD TO OFFSET THE COSTS INCURRED IN PROVIDING SUPPORT SERVICES
13 TO FIRST-GENERATION UNDERGRADUATE STUDENTS ENROLLED IN THE
14 INSTITUTION AFTER THE COMMISSION ESTABLISHES A CONSISTENT
15 DEFINITION AND DATA COLLECTION METHOD FOR IDENTIFYING THIS
16 STUDENT POPULATION.

17 **(c) Graduate programs.** ROLE AND MISSION FUNDING MUST
18 INCLUDE AN AMOUNT FOR EACH ELIGIBLE GOVERNING BOARD TO OFFSET
19 THE COSTS INCURRED IN PROVIDING GRADUATE PROGRAMS AT
20 INSTITUTIONS THAT ARE AUTHORIZED TO PROVIDE GRADUATE PROGRAMS.
21 IN ESTABLISHING THE COMPONENTS OF THIS FACTOR, THE COMMISSION
22 SHALL INCLUDE, AT A MINIMUM, AN AMOUNT FOR EACH GRADUATE
23 STUDENT ENROLLED IN AN INSTITUTION, WHICH AMOUNT MAY BE BASED
24 ON THE SUBJECT AND LEVEL OF THE GRADUATE PROGRAM.

25 **(d) Remediation.** ROLE AND MISSION FUNDING MUST INCLUDE AN
26 AMOUNT FOR EACH ELIGIBLE GOVERNING BOARD TO OFFSET THE COSTS
27 INCURRED IN PROVIDING EFFECTIVE BASIC SKILLS COURSES FOR STUDENTS
28 ENROLLED AT AN INSTITUTION THAT IS AUTHORIZED TO PROVIDE BASIC
29 SKILLS COURSES, WHICH STUDENTS ARE NOT PREPARED FOR
30 COLLEGE-LEVEL COURSE WORK AT THE TIME OF ENROLLMENT. IN
31 ESTABLISHING THE COMPONENTS OF THIS FACTOR, THE COMMISSION SHALL
32 DETERMINE HOW TO MEASURE SUCCESSFUL REMEDIATION, WHICH
33 MEASURE MAY INCLUDE A STUDENT'S SUCCESSFUL COMPLETION OF A
34 FIRST-LEVEL COLLEGE COURSE IN THE AREA OF REMEDIATION, INCLUDING
35 ENGLISH OR MATH. THE COMMISSION MAY ALSO INCLUDE COMPONENTS
36 RELATING TO THE SPEED OF A STUDENT'S REMEDIATION AND THE COST OF
37 REMEDIATION TO THE STUDENT.

38 **(e) Additional role and mission factors.** THE COMMISSION MAY
39 ESTABLISH UP TO TWO ADDITIONAL FACTORS RELATING TO ROLE AND
40 MISSION FUNDING. THE FACTORS MUST BE DISTINGUISHABLE FROM EACH
41 OTHER AND FROM THE FACTORS DESCRIBED IN PARAGRAPHS (a) TO (d) OF

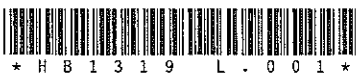
1 THIS SUBSECTION (3). THE ADDITIONAL FACTORS THE COMMISSION MAY
2 CONSIDER INCLUDE, BUT NEED NOT BE LIMITED TO, INSTITUTION
3 AFFORDABILITY, COST STUDIES, TECHNOLOGY TRANSFER, AND PROVISION
4 OF CAREER AND TECHNICAL PROGRAMS.

5 (4) **Performance funding.** THE INSTITUTIONAL PERFORMANCE
6 FUNDING COMPONENT OF THE FEE-FOR-SERVICE CONTRACT IS BASED ON
7 THE FOLLOWING METRICS, AS DETERMINED BY THE COMMISSION PURSUANT
8 TO SECTION 23-18-306:

9 (a) **Completion.** PERFORMANCE FUNDING MUST INCLUDE AN
10 AMOUNT FOR EACH GOVERNING BOARD FOR EACH CERTIFICATE OR DEGREE
11 AWARDED BY THE INSTITUTION, AND, FOR THE STATE BOARD FOR
12 COMMUNITY COLLEGES AND OCCUPATIONAL EDUCATION, AN AMOUNT FOR
13 EACH COMMUNITY COLLEGE STUDENT WHO TRANSFERS FROM A
14 COMMUNITY COLLEGE AFTER COMPLETION OF THIRTY CREDIT HOURS. THE
15 COMMISSION SHALL ESTABLISH THE AMOUNT AWARDED FOR EACH TYPE OF
16 CREDENTIAL, BASED ON THE SUBJECT AND LEVEL OF THE CREDENTIAL, AND
17 THE AMOUNT AWARDED FOR TRANSFERS FROM A COMMUNITY COLLEGE.
18 THE COMMISSION SHALL INCREASE THE VALUE OF EACH CREDENTIAL
19 EARNED BY OR TRANSFER COMPLETED BY A PELL-ELIGIBLE
20 UNDERGRADUATE STUDENT AND SHALL INCREASE THE VALUE OF EACH
21 CREDENTIAL EARNED OR TRANSFER COMPLETED BY A FIRST-GENERATION
22 UNDERGRADUATE STUDENT IF THE COMMISSION IMPLEMENTS INCREASED
23 FUNDING FOR THIS STUDENT POPULATION PURSUANT TO PARAGRAPH (b)
24 OF SUBSECTION (3) OF THIS SECTION.

25 (b) **Retention.** PERFORMANCE FUNDING MUST INCLUDE AN
26 AMOUNT FOR EACH GOVERNING BOARD BASED ON THE NUMBER OF
27 STUDENTS ENROLLED IN AN INSTITUTION WHO MAKE ACADEMIC PROGRESS
28 BY COMPLETING THIRTY CREDIT HOURS, SIXTY CREDIT HOURS, OR NINETY
29 CREDIT HOURS. IN ESTABLISHING THE COMPONENTS OF THIS METRIC, THE
30 COMMISSION MAY INCLUDE A COMPONENT RELATED TO AN INCREASE IN
31 THE INSTITUTION'S RETENTION RATE. AN INSTITUTION THAT RECEIVES A
32 COMPLETION INCENTIVE FOR A STUDENT WHO TRANSFERS AFTER
33 COMPLETING THIRTY CREDIT HOURS IS NOT ELIGIBLE FOR A RETENTION
34 BONUS FOR THAT STUDENT IN THE SAME YEAR.

35 (c) **Additional performance metrics.** THE COMMISSION MAY
36 ESTABLISH UP TO FOUR ADDITIONAL PERFORMANCE FUNDING METRICS
37 THAT REFLECT AND SUPPORT THE POLICY GOALS ADOPTED BY THE
38 COMMISSION IN THE MASTER PLAN. THE METRICS MUST BE
39 DISTINGUISHABLE FROM EACH OTHER AND FROM THE METRICS DESCRIBED
40 IN PARAGRAPHS (a) AND (b) OF THIS SUBSECTION (4). THE ADDITIONAL
41 PERFORMANCE METRICS THE COMMISSION MAY CONSIDER INCLUDE, BUT



1 NEED NOT BE LIMITED TO, WORKFORCE PLACEMENT, CLOSING THE
2 ACHIEVEMENT GAP, AND LIMITING STUDENT LOAN DEBT.

3 (5) THE BOARD OF TRUSTEES OF THE COLORADO SCHOOL OF MINES
4 MAY STUDY AND RECOMMEND TO THE GENERAL ASSEMBLY A DIFFERENT
5 FUNDING STRUCTURE FOR THE COLORADO SCHOOL OF MINES THAT
6 STRENGTHENS THE INSTITUTION AND ITS SPECIALIZED EDUCATIONAL
7 PROGRAMS WHILE ENSURING STUDENT DIVERSITY AND ACCESS FOR
8 RESIDENT STUDENTS.

9 (6) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE
10 CONTRARY, EACH FEE-FOR-SERVICE CONTRACT NEGOTIATED PURSUANT TO
11 THIS SECTION IS SUBJECT TO THE PROVISIONS OF SECTION 23-18-305.

12 (7) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT A STATE
13 INSTITUTION OF HIGHER EDUCATION THAT ENTERS INTO A
14 FEE-FOR-SERVICE CONTRACT THAT INCLUDES BASIC SKILLS COURSES
15 SHALL NOT CHARGE A STUDENT MORE PER CREDIT HOUR FOR A BASIC
16 SKILLS COURSE THAN THE STUDENT WOULD PAY PER CREDIT HOUR FOR A
17 GENERAL EDUCATION COURSE.

18 **23-18-304. Funding for specialty education programs - area**
19 **vocational schools - local district junior colleges.** (1) (a) FOR THE
20 2015-16 STATE FISCAL YEAR AND EACH FISCAL YEAR THEREAFTER, THE
21 BOARD OF REGENTS OF THE UNIVERSITY OF COLORADO MAY ANNUALLY
22 NEGOTIATE A FEE-FOR-SERVICE CONTRACT WITH THE DEPARTMENT FOR
23 THE DELIVERY OF SPECIALTY EDUCATION SERVICES PROVIDED BY THE
24 HEALTH SCIENCES CENTER CAMPUS OF THE UNIVERSITY OF COLORADO,
25 ESTABLISHED PURSUANT TO SECTION 23-20-101. FOR THE 2015-16 STATE
26 FISCAL YEAR AND EACH FISCAL YEAR THEREAFTER, THE BOARD OF
27 GOVERNORS OF THE COLORADO STATE UNIVERSITY SYSTEM MAY
28 ANNUALLY NEGOTIATE FEE-FOR-SERVICE CONTRACTS WITH THE
29 DEPARTMENT FOR THE DELIVERY OF SPECIALTY EDUCATION SERVICES
30 PURSUANT TO PART 3 AND PARTS 5 TO 8 OF ARTICLE 31 OF THIS TITLE, AND
31 THE VETERINARY MEDICINE PROGRAM AT COLORADO STATE UNIVERSITY,
32 ESTABLISHED PURSUANT TO SECTION 23-31-101. THE AMOUNT OF EACH
33 FEE-FOR-SERVICE CONTRACT NEGOTIATED PURSUANT TO THIS SECTION
34 MUST BE EQUAL TO THE AMOUNT OF THE FEE-FOR-SERVICE CONTRACT FOR
35 THE CAMPUS, SERVICE, OR PROGRAM FOR THE PRECEDING STATE FISCAL
36 YEAR, INCREASED OR DECREASED BY A PERCENTAGE EQUAL TO THE
37 PERCENTAGE CHANGE IN THE TOTAL STATE APPROPRIATION FOR THE
38 APPLICABLE STATE FISCAL YEAR FROM THE TOTAL STATE APPROPRIATION
39 FOR THE PRECEDING STATE FISCAL YEAR.

40 (b) IF, UPON THE RECOMMENDATION OF THE COMMISSION AND THE
41 DEPARTMENT, THE JOINT BUDGET COMMITTEE DETERMINES THAT AN

1 EDUCATIONAL PROGRAM THAT IS NOT INCLUDED IN PARAGRAPH (a) OF
2 THIS SUBSECTION (1) SHOULD RECEIVE FUNDING AS A SPECIALTY
3 EDUCATION PROGRAM PURSUANT TO THIS SECTION, THE JOINT BUDGET
4 COMMITTEE MAY INTRODUCE LEGISLATION THAT DESIGNATES THE
5 PROGRAM AS A SPECIALTY EDUCATION PROGRAM FUNDED PURSUANT TO
6 THIS SECTION.

7 (2) FOR THE 2015-16 STATE FISCAL YEAR AND EACH FISCAL YEAR
8 THEREAFTER, THE DIRECT GRANTS MADE TO ELIGIBLE AREA VOCATIONAL
9 SCHOOLS PURSUANT TO PART 3 OF ARTICLE 71 OF THIS TITLE FOR A STATE
10 FISCAL YEAR MUST BE EQUAL TO THE AMOUNT OF THE GRANTS MADE IN
11 THE PRECEDING STATE FISCAL YEAR, INCREASED OR DECREASED BY A
12 PERCENTAGE EQUAL TO THE PERCENTAGE CHANGE IN THE TOTAL STATE
13 APPROPRIATION FOR THE APPLICABLE STATE FISCAL YEAR FROM THE
14 TOTAL STATE APPROPRIATION FOR THE PRECEDING STATE FISCAL YEAR.

15 (3) (a) EXCEPT AS PROVIDED IN PARAGRAPH (b) OF THIS
16 SUBSECTION (3), FOR THE 2015-16 STATE FISCAL YEAR AND EACH FISCAL
17 YEAR THEREAFTER, THE DIRECT GRANTS MADE TO ELIGIBLE JUNIOR
18 COLLEGE DISTRICTS PURSUANT TO PART 3 OF ARTICLE 71 OF THIS TITLE
19 FOR A STATE FISCAL YEAR MUST BE EQUAL TO THE AMOUNT OF THE
20 GRANTS MADE IN THE PRECEDING STATE FISCAL YEAR, INCREASED OR
21 DECREASED BY A PERCENTAGE EQUAL TO THE PERCENTAGE CHANGE IN
22 THE TOTAL STATE APPROPRIATION FOR THE APPLICABLE STATE FISCAL
23 YEAR FROM THE TOTAL STATE APPROPRIATION FOR THE PRECEDING STATE
24 FISCAL YEAR.

25 (b) COLORADO MOUNTAIN COLLEGE MAY ELECT TO PARTICIPATE
26 IN THE FUNDING PROVISIONS SPECIFIED IN SECTION 23-18-303 IN LIEU OF
27 THE FUNDING PROVISIONS SPECIFIED IN PARAGRAPH (a) OF THIS
28 SUBSECTION (3). COLORADO MOUNTAIN COLLEGE MUST NOTIFY THE
29 COMMISSION BY AUGUST 1 OF ITS INTENTION TO PARTICIPATE IN THE
30 FUNDING PROVISIONS SPECIFIED IN SECTION 23-18-303 FOR THE
31 FOLLOWING STATE FISCAL YEAR. IF COLORADO MOUNTAIN COLLEGE
32 ELECTS TO PARTICIPATE IN THE FUNDING PROVISIONS OF SECTION
33 23-18-303, THE DEPARTMENT SHALL APPLY THE FUNDING PROVISIONS OF
34 SECTION 23-18-303 TO COLORADO MOUNTAIN COLLEGE IN THE SAME
35 MANNER AS THEY ARE APPLIED TO ALL OTHER INSTITUTIONS, AND
36 COLORADO MOUNTAIN COLLEGE MUST RECEIVE LEVELS OF FUNDING THAT
37 ARE COMPARABLE TO THE FUNDING RECEIVED BY THE GOVERNING BOARDS
38 IN ACCORDANCE WITH THE PROVISIONS OF SECTION 23-18-303.

39 (4) THE GOVERNING BOARDS OF INSTITUTIONS WITH SPECIALTY
40 EDUCATION PROGRAMS, THE AREA VOCATIONAL SCHOOLS, THE LOCAL
41 DISTRICT JUNIOR COLLEGES, AND THE COMMISSION ARE ENCOURAGED TO



1 DEVELOP FUNDING MODELS THAT INCLUDE SPECIFIC PERFORMANCE
2 METRICS TO ENSURE THAT THESE PROGRAMS AND INSTITUTIONS ARE
3 MEETING THE POLICY GOALS ESTABLISHED BY THE GENERAL ASSEMBLY
4 AND ADOPTED BY THE COMMISSION IN ITS MASTER PLAN.

5 **23-18-305. Total appropriations - adjustments - fiscal**
6 **emergency - resolution - financial hardship.** (1) (a) FOR THE 2015-16
7 STATE FISCAL YEAR THROUGH THE 2019-20 STATE FISCAL YEAR, THE
8 TOTAL GOVERNING BOARD APPROPRIATION FOR A GOVERNING BOARD FOR
9 A FISCAL YEAR SHALL NOT CHANGE FROM THE PRECEDING FISCAL YEAR BY
10 A PERCENTAGE THAT IS MORE THAN FIVE PERCENTAGE POINTS LESS THAN
11 OR FIVE PERCENTAGE POINTS GREATER THAN THE PERCENTAGE CHANGE IN
12 THE TOTAL STATE APPROPRIATION FROM THE PRECEDING FISCAL YEAR.
13 NOTWITHSTANDING ANY PROVISION OF THIS PART 3 TO THE CONTRARY,
14 THE GENERAL ASSEMBLY IN THE ANNUAL GENERAL APPROPRIATIONS BILL
15 SHALL ADJUST THE TOTAL GOVERNING BOARD APPROPRIATION FOR EACH
16 GOVERNING BOARD AS NECESSARY TO COMPLY WITH THIS SECTION.

17 (b) BEGINNING WITH THE 2020-21 STATE FISCAL YEAR, IN ANY
18 FISCAL YEAR THAT THE DEPARTMENT DETERMINES THAT IT IS
19 APPROPRIATE TO ADJUST TOTAL GOVERNING BOARD APPROPRIATIONS AS
20 PROVIDED IN PARAGRAPH (a) OF THIS SUBSECTION (1), THE DEPARTMENT
21 MAY RECOMMEND THAT THE JOINT BUDGET COMMITTEE ADJUST THE
22 TOTAL GOVERNING BOARD APPROPRIATIONS FOR EACH GOVERNING BOARD
23 AS NECESSARY TO COMPLY WITH THE PROVISIONS OF PARAGRAPH (a) OF
24 THIS SUBSECTION (1).

25 (2) (a) FOR THE 2015-16 STATE FISCAL YEAR AND EACH FISCAL
26 YEAR THEREAFTER, THE TOTAL ANNUAL APPROPRIATION IN TRUST FOR
27 ELIGIBLE UNDERGRADUATE STUDENTS TO THE COLLEGE OPPORTUNITY
28 FUND PURSUANT TO SECTION 23-18-202 MUST BE AN AMOUNT EQUAL TO
29 AT LEAST FIFTY-TWO AND FIVE-TENTHS PERCENT OF THE TOTAL STATE
30 APPROPRIATION FOR THE APPLICABLE STATE FISCAL YEAR; EXCEPT THAT
31 THE PERCENTAGE MAY BE LESS THAN FIFTY-TWO AND FIVE-TENTHS
32 PERCENT AS A RESULT OF ADJUSTMENTS FOR ACTUAL ENROLLMENT MADE
33 PURSUANT TO SECTION 23-18-202 (1) (c).

34 (b) IF, DUE TO AN ECONOMIC DOWNTURN, THE DEPARTMENT AND
35 THE COMMISSION DETERMINE THAT COMPLYING WITH THE COLLEGE
36 OPPORTUNITY FUND STIPEND ALLOCATION REQUIREMENT SET FORTH IN
37 PARAGRAPH (a) OF THIS SUBSECTION (2) RESULTS IN AN UNDUE BURDEN TO
38 THE INSTITUTIONS, THE DEPARTMENT MAY SUBMIT AN ADDITIONAL
39 BUDGET REQUEST THAT DOES NOT COMPLY WITH THE COLLEGE
40 OPPORTUNITY FUND STIPEND ALLOCATION REQUIREMENT. TO APPROVE
41 THE DEPARTMENT'S BUDGET REQUEST WAIVING THE COLLEGE

1 OPPORTUNITY FUND STIPEND ALLOCATION REQUIREMENT, THE GENERAL
2 ASSEMBLY MUST ADOPT A JOINT RESOLUTION BY SIMPLE MAJORITY IN
3 BOTH CHAMBERS THAT DECLARES A FISCAL EMERGENCY.

4 (3) IF APPLYING THE COLLEGE OPPORTUNITY FUND STIPEND
5 ALLOCATION REQUIREMENT SET FORTH IN PARAGRAPH (a) OF SUBSECTION
6 (2) OF THIS SECTION AND THE FEE-FOR-SERVICE PROVISIONS OF SECTION
7 23-18-303 RESULT IN FINANCIAL INSTABILITY FOR AND THE POTENTIAL
8 CLOSURE OF AN INSTITUTION, THE DEPARTMENT MAY RECOMMEND TO THE
9 JOINT BUDGET COMMITTEE THAT THE INSTITUTION BE TREATED AS A
10 SPECIALTY EDUCATION PROGRAM PURSUANT TO THE PROVISIONS OF
11 SECTION 23-18-304. THE JOINT BUDGET COMMITTEE MAY INTRODUCE
12 LEGISLATION EXEMPTING THE INSTITUTION FROM ANY PROVISIONS OF THIS
13 PART 3 FOR A SPECIFIED PERIOD OF TIME. AN INSTITUTION THAT RECEIVES
14 AN EXEMPTION PURSUANT TO THIS SUBSECTION (3) SHALL, IN
15 CONSULTATION WITH THE DEPARTMENT AND THE COMMISSION, SUBMIT A
16 PLAN FOR ACHIEVING FINANCIAL STABILITY TO THE JOINT BUDGET
17 COMMITTEE AND TO THE EDUCATION COMMITTEES OF THE HOUSE OF
18 REPRESENTATIVES AND OF THE SENATE, OR ANY SUCCESSOR COMMITTEES.

19 **23-18-306. Duties and powers of the commission - department**
20 **- role and mission factors and performance metrics - consultation**
21 **with interested parties - facilitator.** (1) AS USED IN THIS SECTION,
22 "INTERESTED PARTIES" INCLUDES BUT IS NOT LIMITED TO THE GOVERNING
23 BOARDS OF INSTITUTIONS, HIGHER EDUCATION ADVOCATES, STUDENTS,
24 FACULTY, NONPROFIT EDUCATION ORGANIZATIONS, AND MEMBERS OF THE
25 BUSINESS COMMUNITY.

26 (2) (a) PURSUANT TO SECTION 23-18-303, NO LATER THAN
27 JANUARY 1, 2015, THE COMMISSION SHALL DETERMINE, IN CONSULTATION
28 WITH INTERESTED PARTIES, THE COMPONENTS OF THE FEE-FOR-SERVICE
29 CONTRACTS ENTERED INTO PURSUANT TO SECTION 23-18-303. THE
30 COMMISSION SHALL ESTABLISH THE COMPONENTS OF EACH FACTOR
31 RELATING TO ROLE AND MISSION FUNDING, INCLUDING THE WEIGHT
32 ASSOCIATED WITH EACH FACTOR, AND THE COMPONENTS OF EACH
33 PERFORMANCE METRIC RELATING TO PERFORMANCE FUNDING, INCLUDING
34 THE COMPONENTS OF EACH METRIC AND THE WEIGHT ASSOCIATED WITH
35 EACH METRIC.

36 (b) THE DEPARTMENT SHALL DETERMINE, APPLY, AND IMPLEMENT
37 EACH ROLE AND MISSION FACTOR AND PERFORMANCE FUNDING METRIC
38 PURSUANT TO THE FOLLOWING GUIDELINES:

39 (I) EACH FACTOR AND METRIC MUST BE TIED TO THE POLICY GOALS
40 ESTABLISHED BY THE GENERAL ASSEMBLY AND BY THE COMMISSION IN ITS
41 MASTER PLAN;



1 (II) EACH FACTOR AND METRIC MUST BE TRANSPARENT AND
2 MEASURABLE; AND

3 (III) EACH FACTOR AND METRIC MUST BE APPLIED UNIFORMLY TO
4 ALL GOVERNING BOARDS. FOR EXAMPLE, THE PERFORMANCE FUNDING
5 METRIC FOR RETENTION MUST BE MEASURED AND APPLIED TO A
6 COMMUNITY COLLEGE IN THE SAME MANNER THAT IT IS MEASURED AND
7 APPLIED TO A FOUR-YEAR INSTITUTION.

8 (c) THE COMMISSION SHALL CONSULT WITH THE GOVERNING
9 BOARDS OF THE INSTITUTIONS BEFORE RECOMMENDING ANY CHANGES TO
10 THE INITIAL FACTORS AND METRICS OR THE WEIGHTS ASSIGNED TO A
11 FACTOR OR METRIC.

12 (3) (a) FROM MAY 2014 THROUGH DECEMBER 2014, THE
13 COMMISSION SHALL CONVENE A SERIES OF MEETINGS WITH INTERESTED
14 PARTIES TO DEVELOP THE COMPONENTS OF FEE-FOR-SERVICE CONTRACTS
15 PURSUANT TO SUBSECTION (2) OF THIS SECTION.

16 (b) THE COMMISSION SHALL RETAIN A FACILITATOR TO ATTEND
17 MEETINGS AND FACILITATE THE WORK OF THE COMMISSION. THE
18 DEPARTMENT SHALL PROVIDE ANY ADDITIONAL NECESSARY STAFF
19 SUPPORT TO THE COMMISSION.

20 (c) THE COMMISSION MAY ORGANIZE ITS WORK IN THE MANNER IT
21 CHOOSES, INCLUDING CONVENING COMMITTEES OF INTERESTED PERSONS
22 TO FOCUS ON SPECIFIC ROLE AND MISSION FACTORS OR PERFORMANCE
23 METRICS.

24 (4) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT IT IS
25 VITAL THAT COLORADO'S HIGHER EDUCATION SYSTEM IS ACCESSIBLE AND
26 AFFORDABLE FOR ALL COLORADANS. THE INSTITUTIONS' TUITION POLICIES
27 ARE AN IMPORTANT COMPONENT OF ENSURING BOTH THE AFFORDABILITY
28 AND SUSTAINABILITY OF COLORADO'S HIGHER EDUCATION SYSTEM. WITH
29 THE EXPIRATION OF TUITION POLICIES IMPLEMENTED PURSUANT TO RECENT
30 LEGISLATION, IT IS IMPERATIVE THAT THE COMMISSION AND THE
31 GOVERNING BOARDS OF STATE INSTITUTIONS OF HIGHER EDUCATION, AS
32 WELL AS OTHER INTERESTED PARTIES, WORK COOPERATIVELY TO
33 STRUCTURE AN ONGOING TUITION POLICY FOR THE STATE. THEREFORE, BY
34 NOVEMBER 1, 2015, THE COMMISSION SHALL SUBMIT RECOMMENDATIONS
35 TO THE JOINT BUDGET COMMITTEE AND TO THE EDUCATION COMMITTEES
36 OF THE HOUSE OF REPRESENTATIVES AND THE SENATE CONCERNING
37 TUITION POLICIES THAT ENSURE BOTH ACCESSIBLE AND AFFORDABLE
38 HIGHER EDUCATION FOR COLORADO'S RESIDENTS AND THAT ALSO MEET
39 THE NEEDS OF STATE INSTITUTIONS TO STRENGTHEN AND SUSTAIN THE
40 INSTITUTIONS. THE COMMISSION SHALL DEVELOP THE TUITION POLICY
41 RECOMMENDATIONS IN CONSULTATION WITH THE GOVERNING BOARDS OF

1 THE INSTITUTIONS AND OTHER INTERESTED PARTIES USING AN INCLUSIVE
2 AND TRANSPARENT PROCESS.

3 (5) THE COMMISSION SHALL ADOPT ANY POLICIES OR PROCEDURES
4 NECESSARY FOR THE UNIFORM APPLICATION AND IMPLEMENTATION OF
5 THIS PART 3.

6 (6) THE DEPARTMENT SHALL COMPLY WITH THE REQUIREMENTS OF
7 THIS PART 3 IN SUBMITTING ITS BUDGET REQUEST PURSUANT TO THE
8 BUDGET PROCEDURES SPECIFIED IN PART 3 OF ARTICLE 37 OF TITLE 24,
9 C.R.S.

10 **23-18-307. Budget provisions - reporting.** (1) AS PART OF THE
11 DEPARTMENT'S 2014 PRESENTATION TO THE LEGISLATIVE COMMITTEES OF
12 REFERENCE PURSUANT TO SECTION 2-7-203, C.R.S., AND AT THE
13 DEPARTMENT'S JOINT BUDGET COMMITTEE HEARING, THE DEPARTMENT
14 SHALL REPORT ITS PROGRESS IN IMPLEMENTING THIS PART 3 AND SHALL
15 PROVIDE A DRAFT OF THE FACTORS AND METRICS, WITH THEIR WEIGHTS,
16 THAT THE COMMISSION IS CONSIDERING PURSUANT TO SECTION 23-18-306.

17 (2) (a) BY NOVEMBER 1, 2014, THE DEPARTMENT SHALL SUBMIT
18 A BUDGET REQUEST THAT INCLUDES THE TOTAL AMOUNT OF FUNDING
19 REQUESTED FOR HIGHER EDUCATION FOR THE 2015-16 STATE FISCAL YEAR
20 BUT DOES NOT INCLUDE THE SPECIFIC ALLOCATION TO EACH GOVERNING
21 BOARD.

22 (b) BY JANUARY 15, 2015, THE DEPARTMENT SHALL SUBMIT AN
23 UPDATED BUDGET REQUEST THAT INCLUDES:

24 (I) A DETAILED DESCRIPTION OF THE FEE-FOR-SERVICE CONTRACT
25 ROLE AND MISSION FUNDING FACTORS AND THE PERFORMANCE FUNDING
26 METRICS AND THE VALUES ASSIGNED TO EACH FACTOR AND METRIC; AND

27 (II) THE FEE-FOR-SERVICE CONTRACT PROVISIONS OF SECTION
28 23-18-303 AS APPLIED TO EACH INSTITUTION, INCLUDING DETAILS OF THE
29 FUNDING REQUESTED FOR EACH INSTITUTION FOR EACH ROLE AND MISSION
30 FUNDING FACTOR AND EACH PERFORMANCE FUNDING METRIC.

31 (3) FOR THE 2016-17 STATE FISCAL YEAR AND EACH FISCAL YEAR
32 THEREAFTER, THE DEPARTMENT SHALL SUBMIT A BUDGET REQUEST BY
33 NOVEMBER 1 OF EACH YEAR THAT INCLUDES:

34 (a) A DETAILED DESCRIPTION OF THE FEE-FOR-SERVICE CONTRACT
35 ROLE AND MISSION FUNDING FACTORS AND THE PERFORMANCE FUNDING
36 METRICS AND THE VALUES ASSIGNED TO EACH FACTOR AND METRIC; AND

37 (b) THE FEE-FOR-SERVICE CONTRACT PROVISIONS OF SECTION
38 23-18-303 AS APPLIED TO EACH INSTITUTION, INCLUDING DETAILS OF THE
39 FUNDING REQUESTED FOR EACH INSTITUTION FOR EACH ROLE AND MISSION
40 FUNDING FACTOR AND EACH PERFORMANCE FUNDING METRIC.

41 (4) IN DEVELOPING THE ANNUAL GENERAL APPROPRIATIONS BILL,

1 THE JOINT BUDGET COMMITTEE SHALL FOLLOW THE PROVISIONS OF
2 SECTION 23-18-303 IN CALCULATING THE AMOUNTS OF FEE-FOR-SERVICE
3 CONTRACTS, INCLUDING THE ROLE AND MISSION FUNDING FACTORS AND
4 PERFORMANCE FUNDING METRICS AS DETERMINED BY THE COMMISSION,
5 BUT MAY APPLY DIFFERENT WEIGHTS TO THE FACTORS AND METRICS THAN
6 THE VALUES DETERMINED BY THE COMMISSION. IF THE JOINT BUDGET
7 COMMITTEE ALTERS THE VALUE OF A FACTOR OR METRIC, THE NEW VALUE
8 SHALL BE APPLIED TO THE DETERMINATION OF ALL FEE-FOR-SERVICE
9 CONTRACTS PURSUANT TO SECTION 23-18-303.

10 SECTION 2. In Colorado Revised Statutes, amend 23-1-109.7
11 as follows:

12 23-1-109.7. Duties and powers of the commission with regard
13 to the provision of educational services. (1) Beginning July 1, 2005, the
14 commission shall be responsible for ensuring the provision of specific
15 postsecondary educational services in the state. These educational
16 services shall include but need not be limited to:

17 (a) Educational services in rural areas or communities in which
18 the cost of delivering such services is not sustained by the amount
19 received in student tuition;

20 (b) to (d) Repealed:

21 (e) Educational services required of the commission to meet its
22 obligations under reciprocal agreements pursuant to section 23-1-112;

23 (f) Graduate school services;

24 (g) Educational services that may increase economic development
25 opportunities in the state, including courses to assist students in career
26 development and retraining; and

27 (h) Specialized educational services and professional degrees;
28 including but not limited to the areas of dentistry, medicine, veterinary
29 medicine, nursing, law, forestry, and engineering and programs that
30 address identified state or national priorities.

31 (2) BEGINNING JULY 1, 2005, THE COMMISSION IS RESPONSIBLE
32 FOR ENSURING THE PROVISION OF POSTSECONDARY EDUCATIONAL
33 SERVICES PURSUANT TO PART 3 OF ARTICLE 18 OF THIS TITLE. The
34 department of higher education on behalf of the commission shall
35 annually enter into fee-for-service contracts with one or more governing
36 boards of institutions of higher education PURSUANT TO SECTION
37 23-18-303 to provide the higher education services specified in
38 subsection (1) of this section SECTION 23-18-301. The department of
39 higher education may contract with a governing board of an institution of
40 higher education only to the extent that the contract remains consistent
41 with any contract entered into pursuant to section 23-5-129 with the



1 governing board.

2 (3) The commission shall make annual funding recommendations
3 to the general assembly and the governor regarding the funding necessary
4 for the department of higher education to contract on the commission's
5 behalf for the provision of higher education services in the state,
6 including but not limited to the services specified in ~~subsection (1) of this~~
7 ~~section~~ SECTIONS 23-18-301 AND 23-18-303. The general assembly shall
8 annually appropriate to the commission an amount of general fund
9 moneys to carry out the purposes of this section.

10 SECTION 3. In Colorado Revised Statutes, **repeal** 23-5-130.

11 SECTION 4. In Colorado Revised Statutes, 23-18-202, **amend**
12 (1) (c) and (9) as follows:

13 **23-18-202. College opportunity fund - appropriations -**
14 **payment of stipends - reimbursement - repeal.** (1) (c) (I) If there are
15 moneys remaining in the college opportunity fund after the final census
16 date of the last academic term of each state fiscal year, as determined in
17 accordance with this section, up to ~~three~~ TEN percent of the amount
18 annually authorized as cash spending authority in the general
19 appropriations act for a governing board to expend stipends received on
20 behalf of eligible undergraduate students may be expended by the same
21 governing board for postsecondary educational services purchased by the
22 department if authorized through a fee-for-service contract entered into
23 pursuant to sections 23-1-109.7 and ~~23-5-130~~ 23-18-303. The department
24 may transfer an equivalent amount in general fund spending authority
25 from stipends to fee-for-service contracts to fulfill its fee-for-service
26 contract obligations to a governing board pursuant to this paragraph (c)
27 and section ~~23-5-130~~ 23-18-303.

28 (II) IF THERE ARE INSUFFICIENT MONEYS IN THE COLLEGE
29 OPPORTUNITY FUND AFTER THE FINAL CENSUS DATE OF THE LAST
30 ACADEMIC TERM OF EACH STATE FISCAL YEAR, AS DETERMINED IN
31 ACCORDANCE WITH THIS SECTION, UP TO TEN PERCENT OF THE AMOUNT
32 ANNUALLY AUTHORIZED THROUGH A FEE-FOR-SERVICE CONTRACT
33 ENTERED INTO PURSUANT TO SECTIONS 23-1-109.7 AND 23-18-303 MAY BE
34 EXPENDED BY THE SAME GOVERNING BOARD FOR COLLEGE OPPORTUNITY
35 FUND STIPENDS ON BEHALF OF ELIGIBLE UNDERGRADUATE STUDENTS. THE
36 DEPARTMENT MAY TRANSFER AN EQUIVALENT AMOUNT IN ITS
37 FEE-FOR-SERVICE CONTRACT OBLIGATIONS TO A GOVERNING BOARD
38 PURSUANT TO THIS PARAGRAPH (c) AND SECTION 23-18-303, TO GENERAL
39 FUND SPENDING AUTHORITY FOR COLLEGE OPPORTUNITY FUND STIPENDS.

40 (9) It is the intent of the general assembly that the college
41 opportunity fund and fee-for-service contracts authorized pursuant to



1 section ~~23-5-130~~ 23-18-303 be fully funded for enrollment growth.
2 **SECTION 5.** In Colorado Revised Statutes, 23-71-301, **amend**
3 (1) (a) as follows:
4 **23-71-301. Direct grants to junior college districts -**
5 **occupational courses.** (1) (a) Any junior college district operating or
6 organized and operating as such during the entire school year in which a
7 grant is made shall be entitled to a direct grant, from funds appropriated
8 for this purpose, in an amount specified annually by the general assembly
9 PURSUANT TO SECTION 23-18-304. Procedures for the certification by
10 junior college districts to the state board for community colleges and
11 occupational education, referred to in this part 3 as the "board", of the
12 numbers of students and the quarter or semester hours for which students
13 are registered shall be prescribed by regulation of the board. No moneys
14 shall be distributed under this section for any students other than those
15 enrolled in postsecondary courses for credit in degree and certificate
16 programs.
17 **SECTION 6.** In Colorado Revised Statutes, 23-71-303, **amend**
18 (1) as follows:
19 **23-71-303. Distributions to area vocational schools.** (1) Any
20 area vocational school operating or organized and operating as such
21 during the entire school year may be reimbursed by the state in an amount
22 specified annually by the general assembly PURSUANT TO SECTION
23 23-18-304. In no instance shall such reimbursement exceed the total
24 direct cost of the vocational program per FTE.
25 **SECTION 7.** In Colorado Revised Statutes, 23-1-104, **amend** (1)
26 (a) (I), (1) (b) (I), (1) (c) introductory portion, and (2) as follows:
27 **23-1-104. Financing the system of postsecondary education -**
28 **report - repeal.** (1) (a) (I) For fiscal years 2011-12 through 2015-16, the
29 general assembly shall make annual appropriations of moneys that are
30 estimated to be received by an institution, under the direction and control
31 of the governing board, as stipends, as defined in section 23-18-102, and
32 through fee-for-service contracts, as authorized in sections 23-1-109.7
33 and ~~23-5-130~~ 23-18-303, as a single line item to each governing board for
34 the operation of its campuses; except that, if the general assembly
35 appropriates moneys, as described in paragraph (c) of this subsection (1),
36 to the Colorado state forest service, the agricultural experiment station
37 department of the Colorado state university, or the Colorado state
38 university cooperative extension service, such moneys shall not be
39 included within the single line item appropriations described in this
40 paragraph (a).
41 (b) (I) For the 2010-11 fiscal year and for fiscal years beginning



1 on or after July 1, 2016, the general assembly shall make annual
2 appropriations of general fund moneys, of cash funds received from
3 tuition income, and of moneys that are estimated to be received by an
4 institution, under the direction and control of the governing board, as
5 stipends, as defined in section 23-18-102, and through fee-for-service
6 contracts, as authorized in sections 23-1-109.7 and ~~23-5-130~~ 23-18-303,
7 as a single line item to each governing board for the operation of its
8 campuses; except that, if the general assembly appropriates moneys, as
9 described in paragraph (c) of this subsection (1), to the Colorado state
10 forest service, the agricultural experiment station department of the
11 Colorado state university, or the Colorado state university cooperative
12 extension service, such moneys shall not be included within the single
13 line item appropriations described in this paragraph (b).

14 (c) In addition to any appropriations made pursuant to paragraph
15 (a) or (b) of this subsection (1), the general assembly may make annual
16 appropriations of general fund moneys and of moneys received pursuant
17 to a fee-for-service contract negotiated by the board of governors of the
18 Colorado state university system and the department of higher education,
19 as described in section ~~23-5-130~~ 23-18-303, as separate line items to:

20 (2) Notwithstanding any provision of this section to the contrary,
21 beginning in the 2011-12 fiscal year and for each fiscal year thereafter
22 through the 2020-21 fiscal year, the general assembly shall appropriate
23 moneys to the governing board of the Colorado school of mines in
24 accordance with section 23-41-104.7, through fee-for-service contracts,
25 as authorized in sections 23-1-109.7 and ~~23-5-130~~ 23-18-303, and as
26 stipends, as defined in section 23-18-102, as a single line item to said
27 governing board.

28 **SECTION 8.** In Colorado Revised Statutes, 23-1-108, amend
29 (1.9) (a) (II) as follows:

30 **23-1-108. Duties and powers of the commission with regard to**
31 **systemwide planning.** (1.9) (a) (II) The commission's
32 performance-based funding plan shall specifically address the manner in
33 which the appropriation of performance-based funding will affect the
34 college opportunity fund stipends authorized in section 23-18-202 and the
35 fee-for-service contracts authorized in sections 23-1-109.7 and ~~23-5-130~~
36 23-18-303. In fulfilling the requirements of subparagraph (I) of this
37 paragraph (a), the commission shall analyze the effect of modifying the
38 college opportunity fund stipend amounts for purposes of improving
39 student retention, facilitating the success of transfers between institutions
40 and between degree programs, and providing incentives for the timely
41 completion of academic degrees. The modifications may include, but



1 need not be limited to, differentiating stipend amounts based on each
2 student's status as a freshman, sophomore, junior, or senior. In addition,
3 the commission shall analyze the effect of limiting the amount of funding
4 for credit hours earned in excess of one hundred forty credits for a
5 baccalaureate degree, or seventy hours for an associate degree.

6 **SECTION 9.** In Colorado Revised Statutes, **amend** 23-18-101 as
7 follows:

8 **23-18-101. Short title.** PARTS 1 AND 2 OF this article shall be
9 known and may be cited as the "College Opportunity Fund Act".

10 **SECTION 10.** In Colorado Revised Statutes, 23-18-102, **amend**
11 the introductory portion as follows:

12 **23-18-102. Definitions.** As used in PARTS 1 AND 2 OF this article,
13 unless the context otherwise requires:

14 **SECTION 11.** In Colorado Revised Statutes, 23-20-138, **amend**
15 (6) as follows:

16 **23-20-138. Health sciences center - definitions - accountable**
17 **student program - creation.** (6) The fee-for-service contract negotiated
18 between the board and the department of higher education pursuant to
19 section ~~23-5-130~~ 23-18-303 shall specify the amount of funding for
20 educational services provided to graduate students by the state of
21 Colorado. A graduate student receiving educational services paid for by
22 the state of Colorado is not eligible to be an accountable student.

23 **SECTION 12.** In Colorado Revised Statutes, 23-41-104.7,
24 **amend** (1) as follows:

25 **23-41-104.7. Funding.** (1) Beginning in the 2011-12 fiscal year,
26 Colorado school of mines shall use a portion of its fee-for-service funding
27 negotiated pursuant to section ~~23-5-130~~ 23-18-303 to provide merit-based
28 scholarships, need-based financial aid, and graduate student support to
29 assist students with in-state classification to attend the institution, and
30 shall increase said portion to ensure that, no later than the 2020-21 fiscal
31 year and for each fiscal year thereafter, all said funding shall be used for
32 said purposes, except as otherwise provided in paragraph (b) of
33 subsection (2) of this section.

34 **SECTION 13.** In Colorado Revised Statutes, 24-1-114, **amend**
35 (5) (b) as follows:

36 **24-1-114. Department of higher education - creation.**
37 (5) (b) With respect to the Colorado commission on higher education and
38 the universities, colleges, and boards specified in subsection (4) of this
39 section, the executive director shall have only those powers, duties, and
40 functions prescribed in article 1 of title 23, C.R.S.; except that the
41 executive director of the Colorado commission on higher education is



1 authorized to negotiate, implement, and monitor contracts, as described
2 in sections 23-5-129 and ~~23-5-130~~ 23-18-303, C.R.S., with universities,
3 colleges, and boards, in consultation with the Colorado commission on
4 higher education.

5 **SECTION 14.** In Colorado Revised Statutes, 24-36-120, amend
6 (4) (g) as follows:

7 **24-36-120. Authority to assess transaction fees.** (4) The state
8 treasurer shall not assess a fee for an eligible transaction involving any of
9 the following funds:

10 (g) The college opportunity fund created in ~~article 18 of title 23~~
11 SECTION 23-18-202, C.R.S.

12 **SECTION 15.** In Colorado Revised Statutes, 24-77-104.5,
13 amend (4) (a) (III) and (4) (a) (IV) as follows:

14 **24-77-104.5. General fund exempt account - appropriations to**
15 **critical needs fund - specification of uses for health care and**
16 **education - definitions.** (4) (a) Funding for the benefit of students
17 attending community colleges and other institutions of higher education,
18 as used in subparagraph (III) of paragraph (b) of subsection (1) of this
19 section, shall be limited to funding for:

20 (III) The college opportunity fund program created in PARTS 1
21 AND 2 OF article 18 of title 23, C.R.S.;

22 (IV) Fee-for-service contracts authorized pursuant to section
23 ~~23-5-130~~ 23-18-303, C.R.S.; and

24 **SECTION 16. Safety clause.** The general assembly hereby finds,
25 determines, and declares that this act is necessary for the immediate
26 preservation of the public peace, health, and safety."

** ** ** ** **

