

SENATE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

March 5, 2009
Date

Committee on Education.

After consideration on the merits, the Committee recommends the following:

SB09-170 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

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

3 "SECTION 1. 23-7-110, Colorado Revised Statutes, is amended
4 to read:

5 **23-7-110. Tuition classification for persons who attend and**
6 **graduate from Colorado high schools or complete a Colorado general**
7 **educational development certificate - repeal.** (1) Notwithstanding any
8 other provision of this article to the contrary ~~a student who is a United~~
9 ~~States citizen~~ AND REGARDLESS OF IMMIGRATION STATUS, A PERSON shall
10 be classified as an in-state student for tuition purposes if:

11 (a) The ~~student graduated from~~ PERSON ATTENDED a public or
12 private high school in this state FOR AT LEAST THREE ACADEMIC YEARS;
13 and

14 (b) (I) The ~~student attended~~ PERSON IS ADMITTED TO AN
15 INSTITUTION WITHIN THE NEXT ACADEMIC YEAR FOLLOWING GRADUATION
16 FROM a public or private high school in this state; ~~for at least three years~~
17 ~~immediately preceding the date the student enrolled in a Colorado~~
18 ~~institution of higher education;~~ or

19 (II) The ~~student completed~~ PERSON IS ADMITTED TO AN

1 INSTITUTION WITHIN THE NEXT ACADEMIC YEAR AFTER EARNING a general
2 ~~equivalency diploma~~ EDUCATIONAL DEVELOPMENT CERTIFICATE in this
3 state. ~~and resided in this state for at least three years immediately~~
4 ~~preceding the date the student enrolled in a Colorado institution of higher~~
5 ~~education.~~

6 (1.5) (a) NOTWITHSTANDING ANY PROVISION OF SUBSECTION (1)
7 OF THIS SECTION TO THE CONTRARY, FOR THE 2009-10 ACADEMIC YEAR,
8 A PERSON SHALL BE CLASSIFIED AS AN IN-STATE STUDENT FOR TUITION
9 PURPOSES IF:

10 (I) THE PERSON IS A MINOR AT THE TIME OF APPLYING FOR
11 IN-STATE STUDENT CLASSIFICATION; AND

12 (II) THE PERSON MEETS THE REQUIREMENTS SPECIFIED IN
13 SUBSECTION (1) OF THIS SECTION; EXCEPT THAT THE PERSON WAS NOT
14 ADMITTED TO AN INSTITUTION WITHIN THE NEXT ACADEMIC YEAR
15 FOLLOWING GRADUATION OR RECEIPT OF A GENERAL EDUCATIONAL
16 DEVELOPMENT CERTIFICATE.

17 (b) THIS SUBSECTION (1.5) IS REPEALED, EFFECTIVE JULY 1, 2010.

18 (2) Any information provided to satisfy the criteria specified in
19 this section shall be confidential unless disclosure is explicitly required
20 by law.

21 (3) ~~This section provides an additional option for a student~~
22 ~~seeking to be classified as an in-state student for tuition purposes.~~ This
23 section shall not be interpreted to impose additional requirements upon
24 a student seeking to be classified as an in-state student for tuition
25 purposes under any other section of this article.

26 (4) A PERSON WHO IS CLASSIFIED AS AN IN-STATE STUDENT FOR
27 TUITION PURPOSES SOLELY PURSUANT TO THIS SECTION IS NOT ELIGIBLE
28 FOR A STIPEND PURSUANT TO THE COLLEGE OPPORTUNITY FUND PROGRAM
29 CREATED IN SECTION 23-18-201 AND IS NOT ELIGIBLE TO RECEIVE
30 STATE-FUNDED, NEED-BASED FINANCIAL AID.

31 (5) (a) A PERSON SHALL CONTINUE TO BE CLASSIFIED AS AN
32 IN-STATE STUDENT FOR TUITION PURPOSES PURSUANT TO THIS SECTION SO
33 LONG AS:

1 (I) THE PERSON IS A MINOR; OR

2 (II) IF THE PERSON IS NO LONGER A MINOR, THE PERSON PROVIDES
3 TO THE INSTITUTION AN AFFIDAVIT INDICATING THAT THE PERSON HAS
4 FILED AN APPLICATION TO BECOME A PERMANENT RESIDENT OR WILL FILE
5 THE APPLICATION AS SOON AS HE OR SHE IS ELIGIBLE TO DO SO.

6 (b) AN INSTITUTION THAT RECEIVES AN AFFIDAVIT DESCRIBED IN
7 SUBPARAGRAPH (II) OF PARAGRAPH (a) OF THIS SUBSECTION (5) SHALL
8 TREAT THE AFFIDAVIT AS AN EDUCATION RECORD OF THE PERSON UNDER
9 THE PROVISIONS OF THE FEDERAL "FAMILY EDUCATIONAL RIGHTS AND
10 PRIVACY ACT OF 1974", 20 U.S.C. SEC. 1232g.

11 **SECTION 2.** 23-18-102 (5), Colorado Revised Statutes, is
12 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

13 **23-18-102. Definitions.** As used in this article, unless the context
14 otherwise requires:

15 (5) (c) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (a) OF
16 THIS SUBSECTION (5), "ELIGIBLE UNDERGRADUATE STUDENT" DOES NOT
17 INCLUDE A STUDENT WHO IS CLASSIFIED AS AN IN-STATE STUDENT FOR
18 TUITION PURPOSES SOLELY PURSUANT TO SECTION 23-7-110.

19 **SECTION 3. Effective date - applicability.** This act shall take
20 effect upon passage and shall apply to persons admitted to an institution
21 of higher education prior to, on, or after said date.

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

** *** ** *** **