

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

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 09-0331.01 Julie Pelegrin

SENATE BILL 09-170

SENATE SPONSORSHIP

Romer, Bacon, Sandoval, Tapia, Groff

HOUSE SPONSORSHIP

(None),

Senate Committees
Education

House Committees

A BILL FOR AN ACT

101 **CONCERNING NONDISCRIMINATION IN DETERMINING THE AMOUNT**
102 **PAID FOR HIGHER EDUCATION.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Requires that a person, regardless of immigration status, who attends a Colorado high school for at least 3 years and enrolls in a Colorado institute of higher education within 5 years after either graduating from a Colorado high school or earning a general education diploma in Colorado shall be charged the same tuition rate and shall be eligible for tuition assistance under the same criteria as a person who establishes domicile in Colorado.

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.*

Makes conforming amendments.

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

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

4 23-7-110. Tuition classification for persons who attend and
5 graduate from Colorado high schools or complete a Colorado general
6 educational development certificate - repeal. (1) Notwithstanding any
7 other provision of this article to the contrary a student who is a United
8 States citizen AND REGARDLESS OF IMMIGRATION STATUS, A PERSON shall
9 be classified as an in-state student for tuition purposes if:

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

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

18 (II) The student completed PERSON IS ADMITTED TO AN
19 INSTITUTION WITHIN THE NEXT ACADEMIC YEAR AFTER EARNING a general
20 equivalency diploma EDUCATIONAL DEVELOPMENT CERTIFICATE in this
21 state. and resided in this state for at least three years immediately
22 preceding the date the student enrolled in a Colorado institution of higher
23 education.

24 (1.5) (a) NOTWITHSTANDING ANY PROVISION OF SUBSECTION (1)
25 OF THIS SECTION TO THE CONTRARY, FOR THE 2009-10 ACADEMIC YEAR,

1 A PERSON SHALL BE CLASSIFIED AS AN IN-STATE STUDENT FOR TUITION
2 PURPOSES IF:

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

5 (II) THE PERSON MEETS THE REQUIREMENTS SPECIFIED IN
6 SUBSECTION (1) OF THIS SECTION; EXCEPT THAT THE PERSON WAS NOT
7 ADMITTED TO AN INSTITUTION WITHIN THE NEXT ACADEMIC YEAR
8 FOLLOWING GRADUATION OR RECEIPT OF A GENERAL EDUCATIONAL
9 DEVELOPMENT CERTIFICATE.

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

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

14 (3) This section provides an additional option for a student
15 seeking to be classified as an in-state student for tuition purposes. This
16 section shall not be interpreted to impose additional requirements upon
17 a student seeking to be classified as an in-state student for tuition
18 purposes under any other section of this article.

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

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

27 (I) THE PERSON IS A MINOR; OR

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

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

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

12 23-18-102. Definitions. As used in this article, unless the context
13 otherwise requires:

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

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

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