

NOTE: This bill has been prepared for the signature of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.

An Act

SENATE BILL 10-108

BY SENATOR(S) King K., Bacon, Scheffel, Schultheis, Spence, Steadman, Boyd, Brophy, Cadman, Gibbs, Heath, Hodge, Hudak, Johnston, Morse, Penry, Romer, Schwartz, Tochtrop, White, Whitehead, Williams; also REPRESENTATIVE(S) Middleton, Massey, Summers, Gardner B., King S., McNulty, Murray, Acree, Apuan, Kerr J., Labuda, Merrifield, Priola, Rice, Scanlan, Solano, Stephens, Tipton, Todd.

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

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

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

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

(4) **Competency testing.** ON OR BEFORE JULY 1, 2010, the commission shall, in consultation with each public institution of higher education, define a process for students to test out of core courses, including specifying use of a national test or the criteria for approving institutionally devised tests.

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

BEGINNING IN THE 2010-11 ACADEMIC YEAR, EACH PUBLIC INSTITUTION OF HIGHER EDUCATION SHALL GRANT FULL COURSE CREDITS TO students ~~shall be granted credit~~ for the core courses they successfully test out of, free of tuition for those courses.

(5) **Nonpublic institutions of higher education.** (a) (I) A NONPUBLIC INSTITUTION OF HIGHER EDUCATION MAY CHOOSE TO CONFORM ITS CORE COURSE REQUIREMENTS WITH, OR ADOPT CORE COURSE REQUIREMENTS THAT MEET, THE GENERAL EDUCATION COURSE GUIDELINES DEVELOPED BY THE DEPARTMENT PURSUANT TO SUBSECTION (3) OF THIS SECTION AND IDENTIFY THE SPECIFIC COURSES THAT MEET THE GENERAL EDUCATION COURSE GUIDELINES. THE NONPUBLIC INSTITUTION OF HIGHER EDUCATION MAY REQUIRE ALL OF THE STUDENTS ENROLLED IN THE INSTITUTION TO TAKE THE CORE COURSE REQUIREMENTS THAT ARE CONFORMED OR ADOPTED AS PROVIDED IN THIS PARAGRAPH (a) OR MAY REQUIRE ONLY THOSE STUDENTS WHO ARE CONCURRENTLY ENROLLED, PURSUANT TO ARTICLE 35 OF TITLE 22, C.R.S., IN A HIGH SCHOOL AND IN THE NONPUBLIC INSTITUTION OF HIGHER EDUCATION TO TAKE SAID CORE COURSE REQUIREMENTS.

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

(b) A NONPUBLIC INSTITUTION OF HIGHER EDUCATION THAT CHOOSES

TO SEEK TRANSFERABILITY OF ITS CORE COURSE CREDITS PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (5) SHALL, PRIOR TO THE BEGINNING OF EACH ACADEMIC YEAR IN WHICH IT SEEKS TRANSFERABILITY, ALLOW THE DEPARTMENT TO REVIEW ITS GENERAL EDUCATION CORE COURSE REQUIREMENTS AND ITS GENERAL EDUCATION COURSES TO ENSURE THAT THEY CONTINUE TO MEET THE GENERAL EDUCATION CORE COURSE GUIDELINES. THE DEPARTMENT MAY ASSESS A FEE AS PROVIDED IN PARAGRAPH (c) OF THIS SUBSECTION (5) TO OFFSET THE COSTS OF THE ANNUAL REVIEW.

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

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

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

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

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

(IV) ANY RECOMMENDATIONS FOR CHANGES TO THIS SUBSECTION

(5).

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

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

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

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

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

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

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

(VII) HAS BEEN DETERMINED BY THE UNITED STATES DEPARTMENT OF EDUCATION TO BE ELIGIBLE TO ADMINISTER FEDERAL FINANCIAL AID PROGRAMS PURSUANT TO TITLE IV OF THE FEDERAL "HIGHER EDUCATION ACT OF 1965", AS AMENDED.

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

23-2-104. Administration of article - complaints - injunctive proceedings. (2) (a) The commission shall specify procedures by which a student or former student of a private college or university, bible college, or seminary may file a complaint with the department concerning the institution in which the student is or was enrolled. The department is authorized to investigate complaints based on a claim of a deceptive trade practice as described in subsection (4) of this section. The department shall

not have jurisdiction to consider complaints that infringe on the academic freedom, religious freedom, or question the curriculum content of a private college or university, bible college, or seminary; EXCEPT THAT THE DEPARTMENT SHALL HAVE JURISDICTION TO CONSIDER A COMPLAINT THAT PERTAINS TO THE GENERAL EDUCATION CORE COURSE REQUIREMENTS OF A PRIVATE COLLEGE OR UNIVERSITY, BIBLE COLLEGE, OR SEMINARY, OR TO ANY OF THE SPECIFIC CORE COURSES INCLUDED IN SAID REQUIREMENTS, IF THE PRIVATE COLLEGE OR UNIVERSITY, BIBLE COLLEGE, OR SEMINARY HAS CHOSEN TO SEEK TRANSFERABILITY OF ITS GENERAL EDUCATION CORE COURSES PURSUANT TO SECTION 23-1-125 (5).

SECTION 3. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any fees collected from nonpublic institutions of higher education pursuant to section 23-1-125 (5), Colorado Revised Statutes, not otherwise appropriated, to the department of higher education, for allocation to the Colorado commission on higher education, administration, for the fiscal year beginning July 1, 2010, the sum of thirty-six thousand eight hundred twenty dollars (\$36,820) cash funds and 0.4 FTE, or so much thereof as may be necessary, for reviewing general education core course requirements and core courses pursuant to section 23-1-125 (5), Colorado Revised Statutes.

SECTION 4. Safety clause. The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Brandon C. Shaffer
PRESIDENT OF
THE SENATE

Terrance D. Carroll
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Karen Goldman
SECRETARY OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____

Bill Ritter, Jr.
GOVERNOR OF THE STATE OF COLORADO