

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

**REVISED**

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

LLS NO. 10-0697.01 Julie Pelegrin

**SENATE BILL 10-108**

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**SENATE SPONSORSHIP**

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**HOUSE SPONSORSHIP**

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

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**Senate Committees**

Education  
Appropriations

**House Committees**

Education  
Appropriations

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**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.**

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**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.*

HOUSE  
2nd Reading Unam ended  
April 28, 2010

SENATE  
3rd Reading Unam ended  
March 18, 2010

SENATE  
Am ended 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.

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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.