A BILL FOR AN ACT

CONCERNING IN-STATE CLASSIFICATION AT INSTITUTIONS OF HIGHER EDUCATION FOR STUDENTS WHO COMPLETE HIGH SCHOOL IN COLORADO.

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.)

The bill requires an institution of higher education (institution) in Colorado to classify a student as an in-state student for tuition purposes if the student:

! Attends a public or private high school in Colorado for at
least 3 years immediately preceding graduation or
completion of a general equivalency diploma (GED) in
Colorado; and

Is admitted to a Colorado institution or attends an
institution under a reciprocity agreement.

In addition to the above requirements, a student who does not have
lawful immigration status must submit an affidavit stating that the student
has applied for lawful presence or will apply as soon as he or she is able
to do so. These students shall not be counted as resident students for any
other purpose, but are eligible for the college opportunity fund stipend
pursuant to the provisions of that program, and may be eligible for
institutional or other financial aid.

The bill creates an exception to the requirement of admission to an
institution within 12 months after graduating or completing a GED for
certain students who either graduated or completed a GED prior to a
certain date and who have been continuously present in Colorado for a
specified period of time prior to enrolling in an institution.

The bill exempts persons receiving educational services or benefits
from institutions of higher education from providing any required
documentation of lawful presence in the United States.

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

SECTION 1. In Colorado Revised Statutes, repeal and reenact,
with amendments, 23-7-110 as follows:

23-7-110. Tuition classification of students who complete high
school in Colorado. (1) Notwithstanding any other provision of
this article to the contrary, a student, other than a
nonimmigrant alien, shall be classified as an in-state student
for tuition purposes if:

(a) The student attended a public or private high school
in Colorado for at least three years immediately preceding the
date the student either graduated from a Colorado high school
or completed a general equivalency diploma in Colorado; and

(b) Except as provided in subsection (3) of this section,
within twelve months after graduating or completing a general
EQUIVALENCY DIPLOMA IN COLORADO, THE STUDENT IS ADMITTED TO A COLORADO INSTITUTION OR ATTENDS AN INSTITUTION OF HIGHER EDUCATION UNDER A RECIPROCITY AGREEMENT PURSUANT TO SECTION 23-1-112.

(2)(a) IN ADDITION TO SATISFYING THE REQUIREMENTS SET FORTH IN SUBSECTION (1) OF THIS SECTION, A STUDENT SEEKING TUITION CLASSIFICATION AS AN IN-STATE STUDENT PURSUANT TO THIS SECTION WHO DOES NOT HAVE LAWFUL IMMIGRATION STATUS MUST SUBMIT AN AFFIDAVIT TO THE INSTITUTION TO WHICH THE STUDENT IS ADMITTED, STATING THAT THE STUDENT HAS APPLIED FOR LAWFUL PRESENCE OR WILL APPLY AS SOON AS HE OR SHE IS ELIGIBLE TO DO SO.

(b) THE INSTITUTION SHALL NOT COUNT A STUDENT DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (2) AS A RESIDENT FOR ANY PURPOSE OTHER THAN TUITION CLASSIFICATION; EXCEPT THAT THE STUDENT IS ELIGIBLE FOR THE COLLEGE OPPORTUNITY FUND PROGRAM PURSUANT TO THE PROVISIONS OF PART 2 OF ARTICLE 18 OF THIS TITLE, UPON CONFIRMATION OF THE STUDENT’S UNIQUELY IDENTIFYING STUDENT NUMBER PROVIDED BY THE LOCAL EDUCATION PROVIDER WHERE THE STUDENT GRADUATED FROM HIGH SCHOOL OR COMPLETED HIS OR HER GENERAL EQUIVALENCY DIPLOMA, AND MAY BE ELIGIBLE FOR INSTITUTIONAL OR OTHER PRIVATE FINANCIAL AID PROGRAMS.

(3) A STUDENT WHO SATISFIES THE REQUIREMENTS OF PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION, WHO IS SUBJECT TO THE PROVISIONS OF PARAGRAPH (a) OF SUBSECTION (2) OF THIS SECTION, AND WHO GRADUATED OR COMPLETED HIS OR HER GENERAL EQUIVALENCY DIPLOMA PRIOR TO SEPTEMBER 1, 2013, BUT WAS NOT ADMITTED TO AN INSTITUTION WITHIN TWELVE MONTHS AFTER GRADUATING OR
COMPLETING THE GENERAL EQUIVALENCY DIPLOMA, SHALL BE CLASSIFIED
AS AN IN-STATE STUDENT FOR TUITION PURPOSES SO LONG AS THE
STUDENT HAS BEEN PHYSICALLY PRESENT IN COLORADO ON A
CONTINUOUS BASIS FOR AT LEAST EIGHTEEN MONTHS PRIOR TO ENROLLING
IN THE INSTITUTION.

(4) ANY INFORMATION PROVIDED TO SATISFY THE CRITERIA
SPECIFIED IN THIS SECTION SHALL BE CONFIDENTIAL UNLESS DISCLOSURE
IS EXPLICITLY REQUIRED BY LAW. AN INSTITUTION THAT RECEIVES AN
AFFIDAVIT DESCRIBED IN SUBSECTION (2) OF THIS SECTION SHALL TREAT
THE AFFIDAVIT AS AN EDUCATION RECORD OF THE STUDENT UNDER THE
PROVISIONS OF THE FEDERAL "FAMILY EDUCATIONAL RIGHTS AND

(5) THIS SECTION PROVIDES AN ADDITIONAL OPTION FOR A
STUDENT SEEKING CLASSIFICATION AS AN IN-STATE STUDENT FOR TUITION
PURPOSES. THIS SECTION SHALL NOT BE INTERPRETED TO IMPOSE
ADDITIONAL REQUIREMENTS UPON A STUDENT SEEKING CLASSIFICATION
AS AN IN-STATE STUDENT UNDER ANY OTHER SECTION OF THIS ARTICLE.

SECTION 2. In Colorado Revised Statutes, 24-76.5-103, amend
(3) (g) and (3) (h); and add (3) (i) as follows:

24-76.5-103. Verification of lawful presence - exceptions -
reporting - rules. (3) Verification of lawful presence in the United
States shall not be required:

(g) For individuals over the age of eighteen years and under the
age of nineteen years who continue to be eligible for medical assistance
programs after their eighteenth birthday; or

(h) For renewing an educator license pursuant to article 60.5 of
title 22, C.R.S.; or
(i) FOR RECEIPT OF EDUCATIONAL SERVICES OR BENEFITS FROM INSTITUTIONS OF HIGHER EDUCATION, EXCEPT AS MAY BE LIMITED PURSUANT TO SECTION 23-7-110, C.R.S., INCLUDING PARTICIPATION IN THE COLLEGE OPPORTUNITY FUND PROGRAM PURSUANT TO PART 2 OF ARTICLE 18 OF TITLE 23, C.R.S., COLLEGE SAVINGS PLANS PURSUANT TO SECTION 23-3.1-301, C.R.S., AND ANY OTHER FINANCIAL BENEFIT OF THE INSTITUTION OF HIGHER EDUCATION RELATING TO ATTENDANCE AT THE INSTITUTION OF HIGHER EDUCATION.

SECTION 3. 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.