

## CHAPTER 372

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**EDUCATION - POSTSECONDARY**

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**SENATE BILL 18-206**

BY SENATOR(S) Priola and Kerr, Garcia, Holbert, Todd, Guzman, Martinez Humenik, Neville T., Court, Crowder, Donovan, Fenberg, Fields, Jahn, Jones, Kagan, Kefalas, Lambert, Marble, Merrifield, Moreno, Tate, Williams A., Zenzinger; also REPRESENTATIVE(S) Arndt and Wist, Becker K., Bridges, Buckner, Coleman, Exum, Hooton, Liston, Lundeen, Michaelson Jenet, Pettersen, Reyher, Van Winkle, Covarrubias, Ginal, Gray, Hansen, Herod, Kraft-Tharp, Lontine, McLachlan, Roberts, Rosenthal, Salazar, Sias, Valdez, Wilson, Young, Duran.

**AN ACT**

**CONCERNING ENSURING AFFORDABILITY AT PUBLIC RESEARCH UNIVERSITIES IN COLORADO, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

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

**SECTION 1. Legislative declaration.** (1) The general assembly finds that:

(a) Colorado is committed to keeping the cost of attending college affordable for resident students at Colorado's research institutions of higher education;

(b) Tuition revenue from nonresident students improves the affordability and quality of education for Colorado's resident students;

(c) Educating resident students is the paramount role of all of Colorado's public institutions of higher education;

(d) Colorado's research institutions will continue to be required by law to admit all qualified resident students who apply to their institutions;

(e) Accepting additional qualified nonresident and international students will have no impact on the ability of research institutions to accept qualified resident students;

(f) Resident enrollment growth and the number of Colorado high school graduates is projected to fluctuate, peak, and decline in the future, causing some public research institutions of higher education to turn away nonresident students

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*Capital letters or bold & italic numbers indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

who help subsidize costs and improve college affordability for resident students because of the current formula; and

(g) International students greatly add to the cultural and intellectual diversity on research campuses.

(2) Therefore, the general assembly declares that changes to admissions percentages relating to nonresident and international students is beneficial for the financial stability of Colorado's research institutions and improves college affordability for resident students.

**SECTION 2.** In Colorado Revised Statutes, 23-1-113.5, **amend** (4)(a); and **add** (4)(d) as follows:

**23-1-113.5. Commission directive - resident admissions - definitions.**

(4) (a) The provisions of subsection (1) of this section regarding the percentage and fraction of students who are in-state students, as defined in section 23-7-102 (5), ~~shall~~ DO NOT apply to the university of Colorado system, ~~or to~~ Colorado state university, THE UNIVERSITY OF NORTHERN COLORADO, OR THE COLORADO SCHOOL OF MINES if the following requirements are met:

(I) The percentage of incoming freshmen admitted to the institution who are in-state students calculated on a three-year rolling average and excluding foreign students, is not less than fifty-five percent;

(II) The ~~fraction~~ PERCENTAGE of students enrolled at each campus of the university of Colorado system, ~~or at~~ Colorado state university, AT THE UNIVERSITY OF NORTHERN COLORADO, OR AT THE COLORADO SCHOOL OF MINES who are in-state students is not less than ~~two-thirds~~ FIFTY-FIVE PERCENT of the total student enrollment at ~~the~~ EACH CAMPUS ~~or~~ OF THE UNIVERSITY OF COLORADO SYSTEM, at Colorado state university, AT THE UNIVERSITY OF NORTHERN COLORADO, OR AT THE COLORADO SCHOOL OF MINES, respectively, including undergraduate and graduate students, calculated on a three-year rolling average and excluding foreign students AND STUDENTS ENROLLED SOLELY IN ONLINE COURSES;

(III) The institution continues to admit one hundred percent of all Colorado first-time freshman applicants who meet the guaranteed admissions criteria;

(IV) The percentage of in-state students admitted to each campus of the university of Colorado system, ~~or~~ TO THE UNIVERSITY OF NORTHERN COLORADO, or to Colorado state university based on criteria other than standardized test scores, high school class rank, and high school grade point average pursuant to section 23-1-113 (1)(b) does not fall below the average of the percentage admitted to the campus or to Colorado state university, respectively, for the three preceding academic years; and

(V) The total number of foreign students enrolled at each specific campus of the university of Colorado system, ~~or~~ at Colorado state university, AT THE UNIVERSITY OF NORTHERN COLORADO, OR AT THE COLORADO SCHOOL OF MINES does not exceed ~~twelve~~ FIFTEEN percent of the total student enrollment, including undergraduate and graduate students, enrolled at the campus, ~~or~~ at Colorado state university, AT THE

UNIVERSITY OF NORTHERN COLORADO, OR AT THE COLORADO SCHOOL OF MINES, respectively.

(d) (I) (A) BEGINNING OCTOBER 15, 2018, AND NO LATER THAN OCTOBER 15 EACH YEAR THEREAFTER, THE DEPARTMENT SHALL SUBMIT A REPORT TO THE JOINT BUDGET COMMITTEE AND TO THE EDUCATION COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND OF THE SENATE, OR THEIR SUCCESSOR COMMITTEES, DEMONSTRATING THAT THE INSTITUTIONS INCLUDED IN THIS SUBSECTION (4) HAVE MET RESIDENT ADMISSION AND ENROLLMENT REQUIREMENTS SET FORTH IN THIS SECTION FOR THE PRIOR FISCAL YEAR.

(B) NOTWITHSTANDING THE PROVISIONS OF SECTION 24-1-136 (11)(a)(I), THE REPORTING REQUIREMENTS IN SUBSECTION (4)(d)(I)(A) OF THIS SECTION CONTINUE INDEFINITELY.

(II) THE DEPARTMENT AND THE INSTITUTIONS SHALL ENSURE THAT THE DATA REQUIRED FOR THESE CALCULATIONS IS CONSISTENTLY INCLUDED IN THE STATE'S STUDENT RECORDS DATABASE, INCLUDING DATA ON THE NUMBER OF STUDENTS WITH IN-STATE CLASSIFICATION AND OUT-OF-STATE CLASSIFICATION, THE NUMBER CLASSIFIED AS INTERNATIONAL STUDENTS FOR PURPOSES OF THE CALCULATION, THE RESIDENT AND NONRESIDENT STUDENTS CLASSIFIED AS ONLINE ONLY STUDENTS FOR PURPOSES OF THE CALCULATION, AND THE NUMBER OF STUDENTS CLASSIFIED AS COLORADO SCHOLARS PURSUANT TO SUBSECTION (5) OF THIS SECTION. THE REPORT SHALL INCLUDE BOTH THE NOMINAL NUMBERS OF STUDENTS IN EACH RELEVANT CATEGORY AND THE CALCULATION DEMONSTRATING THE INSTITUTION'S COMPLIANCE WITH THIS SECTION.

(III) AS PART OF THE REPORT REQUIRED PURSUANT TO THIS SUBSECTION (4)(d), IN COLLABORATION WITH THE INSTITUTIONS, THE DEPARTMENT SHALL DEMONSTRATE THAT THE INSTITUTIONS ARE COMPLYING WITH THE PROVISIONS OF SECTION 23-1-113 (1)(a) THAT REQUIRE THAT THE ACADEMIC ADMISSION STANDARDS FOR STUDENTS WHO DO NOT HAVE IN-STATE STATUS, AS DETERMINED PURSUANT TO SECTION 23-7-103, ARE EQUAL TO OR EXCEED THOSE ESTABLISHED FOR DETERMINING ADMISSION OF IN-STATE STUDENTS, AND THE REQUIREMENTS OF 23-1-113.5 (4)(b) OF THIS SECTION, THAT REQUIRE THAT CERTAIN INSTITUTIONS ANNUALLY REPORT INFORMATION DEMONSTRATING THAT QUALIFIED IN-STATE STUDENTS ARE NOT DISPLACED OR DENIED ADMISSION AS A RESULT OF THE PROVISIONS OF THIS SUBSECTION (4).

**SECTION 3. Appropriation.** For the 2018-19 state fiscal year, \$8,181,450 is appropriated to the department of higher education for use by the regents of the university of Colorado. This appropriation is from student tuition.

**SECTION 4. Act subject to petition - effective date.** This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2018

and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: June 5, 2018