

CHAPTER 316

EDUCATION - UNIVERSITIES AND COLLEGES

SENATE BILL 08-018

BY SENATOR(S) Windels, Schwartz, Shaffer, Tupa, Williams, and Boyd;
also REPRESENTATIVE(S) Massey, Casso, Fischer, Merrifield, Middleton, Peniston, Todd, Witwer, and Labuda.

AN ACT

CONCERNING CHANGES TO THE STATUTES RELATED TO HIGHER EDUCATION, AND, IN CONNECTION THEREWITH, CLARIFYING THE ROLES OF THE DEPARTMENT OF HIGHER EDUCATION AND THE COLORADO COMMISSION ON HIGHER EDUCATION, CONSOLIDATING PROVISIONS RELATED TO THE PRIVATE OCCUPATIONAL SCHOOL DIVISION, AND REPEALING OBSOLETE PROVISIONS.

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

SECTION 1. 23-1-101, Colorado Revised Statutes, is amended to read:

23-1-101. Legislative declaration. The purposes of this article are to maximize opportunities for postsecondary education in Colorado; to avoid and to eliminate needless duplication of facilities and programs in state-supported institutions of higher education; to achieve simplicity of state administrative procedures pertaining to higher education; to effect the best utilization of available resources so as to achieve an adequate level of higher education in the most economic manner; to accommodate state priorities and the needs of individual students through implementation of a statewide enrollment plan; and to continue to recognize the constitutional and statutory responsibilities of duly constituted governing boards of state-supported institutions of higher education in Colorado. In this article, express powers and duties are delegated to a central policy and coordinating board, the Colorado commission on higher education, AND THE DEPARTMENT OF HIGHER EDUCATION IS RESPONSIBLE FOR IMPLEMENTING THE DULY ADOPTED POLICIES OF THE COLORADO COMMISSION ON HIGHER EDUCATION. The ultimate authority and responsibility is expressly reserved to the general assembly, and it is the duty of the Colorado commission on higher education AND THE DEPARTMENT OF HIGHER EDUCATION to implement the policies of the general assembly.

SECTION 2. Article 1 of title 23, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

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

23-1-101.1. Definitions. AS USED IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "COMMISSION" MEANS THE COLORADO COMMISSION ON HIGHER EDUCATION CREATED AND EXISTING PURSUANT TO THIS ARTICLE.

(2) "DEPARTMENT OF HIGHER EDUCATION" OR "DEPARTMENT" MEANS THE DEPARTMENT OF HIGHER EDUCATION CREATED AND EXISTING PURSUANT TO SECTION 24-1-114, C.R.S.

(3) "EXECUTIVE DIRECTOR" MEANS THE OFFICE OF THE EXECUTIVE DIRECTOR OF THE COLORADO COMMISSION ON HIGHER EDUCATION CREATED AND EXISTING PURSUANT TO SECTION 24-1-114, C.R.S.

SECTION 3. 23-1-103 (1) (a) (I), Colorado Revised Statutes, is amended to read:

23-1-103. Advisory committee to the Colorado commission on higher education. (1) There is hereby established an advisory committee to the commission for the purpose of suggesting solutions for the problems and needs of higher education and maintaining liaison with the general assembly and the governing boards for state-supported institutions of higher education. The advisory committee shall consist of not less than thirteen members, to be designated as follows:

(a) (I) Six members shall be appointed from the general assembly, including three senators, two of whom shall be from the majority party, appointed by the president of the senate, AND ONE OF WHOM SHALL BE FROM THE MINORITY PARTY, APPOINTED BY THE SENATE MINORITY LEADER, and three representatives, two of whom shall be from the majority party, appointed by the speaker of the house of representatives, AND ONE OF WHOM SHALL BE FROM THE MINORITY PARTY, APPOINTED BY THE MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES. Except as provided in subparagraph (II) of this paragraph (a), ~~said~~ THE six members shall be appointed for terms of two years.

SECTION 4. 23-1-105 (8), Colorado Revised Statutes, is amended to read:

23-1-105. Duties and powers of the commission with respect to appropriations. (8) The funding recommendations made by the commission for state-supported institutions of higher education ~~pursuant to subsection (2) of this section~~ and by the executive director for the divisions of the department of higher education shall be made to the governor and the general assembly as a part of the budget request for the department of higher education and shall be submitted in accordance with the budget procedures of part 3 of article 37 of title 24, C.R.S., and in conformance with section 24-75-201.1, C.R.S.

SECTION 5. 23-1-106 (8), Colorado Revised Statutes, is amended to read:

23-1-106. Duties and powers of the commission with respect to capital construction and long-range planning. (8) Any acquisition or utilization of real

property by a state-supported institution of higher education ~~which~~ THAT is conditional upon or requires expenditures of state-controlled funds or federal funds shall be subject to the approval of the commission, whether acquisition is by ~~lease~~; lease-purchase, purchase, gift, or otherwise.

SECTION 6. The introductory portion to 23-1-106.7 (1) and 23-1-106.7 (2), Colorado Revised Statutes, are amended to read:

23-1-106.7. Duties and powers of the department with respect to technology transfers. (1) The ~~commission~~ DEPARTMENT in consultation with the office of information technology created in the office of the governor, shall:

(2) ~~No special appropriation shall be made for the purposes of this section, which shall be funded only through appropriations to the commission for advanced technology program costs.~~

SECTION 7. 23-1-107 (1), (2) (a), (3), and (5), Colorado Revised Statutes, are amended to read:

23-1-107. Duties and powers of the commission with respect to program approval, review, reduction, and discontinuance. (1) (a) ~~The commission shall review and approve, consistent with the institutional role and mission and the statewide expectations and goals specified in section 23-13-104, the proposal for any new program before its establishment in any institution and transmit its decision to the institution within a reasonable time after receipt of such proposal. No institution shall establish a new program without first receiving the approval of the commission. As used in this subsection (1), "new program" includes any new curriculum that would lead to a new vocational or academic degree. The commission shall further define what constitutes an academic or vocational program and shall establish criteria or guidelines that define programs and procedures for approval of new academic or vocational program offerings.~~ THE COMMISSION SHALL DEFINE WHAT CONSTITUTES AN ACADEMIC OR CAREER AND TECHNICAL EDUCATION PROGRAM AND SHALL ESTABLISH CRITERIA OR GUIDELINES THAT DEFINE PROGRAMS AND PROCEDURES FOR APPROVAL OF NEW PROGRAMS.

(b) AN INSTITUTION OF HIGHER EDUCATION SHALL SUBMIT A PROPOSAL FOR A NEW PROGRAM TO THE DEPARTMENT. WITHIN A REASONABLE TIME AFTER RECEIPT OF A PROPOSAL FOR A NEW PROGRAM, THE DEPARTMENT SHALL REVIEW AND, CONSISTENT WITH THE INSTITUTIONAL ROLE AND MISSION AND THE STATEWIDE EXPECTATIONS AND GOALS SPECIFIED IN SECTION 23-13-104, MAKE RECOMMENDATIONS TO THE COMMISSION FOR APPROPRIATE ACTION ON A PROPOSAL FOR A NEW PROGRAM.

(c) AN INSTITUTION OF HIGHER EDUCATION SHALL NOT ESTABLISH A NEW PROGRAM WITHOUT FIRST NOTIFYING AND RECEIVING APPROVAL FROM THE COMMISSION.

(d) THE PROVISIONS OF THIS SUBSECTION (1) SHALL NOT APPLY TO AN INSTITUTION OF HIGHER EDUCATION FOR WHICH THERE IS A PERFORMANCE CONTRACT IN EFFECT WITH THE COMMISSION AS AN EXEMPLARY INSTITUTION OF HIGHER EDUCATION PURSUANT TO SECTION 23-41-104.6 OR AN INSTITUTION OF HIGHER EDUCATION FOR WHICH THERE IS A PERFORMANCE CONTRACT IN EFFECT

WITH THE DEPARTMENT PURSUANT TO SECTION 23-5-129.

(2) (a) ~~The commission shall establish, after consultation with the governing boards of institutions, policies and criteria for the discontinuance of academic or vocational programs. In adopting the policies and criteria, the commission shall ensure that they conform to achievement of the statewide expectations and goals specified in section 23-13-104. The commission may direct the respective governing boards of institutions, including the board of regents of the university of Colorado, to discontinue an academic or vocational degree program area, as program area is defined by commission policies.~~

(3) Each governing board of the state-supported institutions of higher education shall submit to the ~~commission~~ DEPARTMENT a plan describing the procedures and schedule for periodic program reviews and evaluation of each academic program at each institution consistent with the statewide expectations and goals specified in section 23-13-104 and the role and mission of each institution. The information to be provided to the ~~commission~~ DEPARTMENT shall include, but shall not be limited to, the procedures for using internal and external evaluators, the sequence of such reviews, and the anticipated use of the evaluations.

(5) The ~~commission~~ DEPARTMENT shall ~~assure~~ ENSURE that each institution has an orderly process for the phaseout of programs.

SECTION 8. 23-1-108.5 (4) (a), Colorado Revised Statutes, is amended to read:

23-1-108.5. Duties and powers of the commission with regard to common course numbering system - repeal. (4) (a) Following adoption of the course numbering system, each higher education institution shall review its course offerings and identify those general education courses offered by the institution that correspond with the courses included in the course numbering system. The higher education institution shall submit its list of identified courses, including course descriptions and, upon request of the commission, summaries of course syllabi, for review and approval by the commission on or before March 1, 2003. ~~for inclusion in the higher education institution's fall 2003 course catalogue.~~

SECTION 9. 23-1-109 (4), Colorado Revised Statutes, is amended to read:

23-1-109. Duties and powers of the commission with regard to off-campus instruction. (4) The ~~commission~~ DEPARTMENT shall administer any centralized, statewide extension and continuing education program of instruction ~~which~~ THAT may be offered by any state-supported baccalaureate and graduate institution. All instruction offered outside the geographic boundaries of the campus, including instruction delivered by television or other technological means, shall be a part of this program unless exempted by policy and action of the commission.

SECTION 10. 23-1-109.3, Colorado Revised Statutes, is amended to read:

23-1-109.3. Duties and powers of the commission with regard to student data - memorandum of understanding. Notwithstanding the provisions of section 22-2-111 (3) (a), C.R.S., the commission shall enter into a memorandum of understanding on or before September 1, 2006, with the state board of education to

adopt a policy to share student data. At a minimum, the policy shall ensure that the exchange of information is conducted in conformance with the requirements of the federal "Family Educational Rights and Privacy Act of 1974", as amended, 20 U.S.C. sec. 1232g, and all federal regulations and applicable guidelines adopted in accordance therewith. The policy shall additionally require the ~~commission~~ DEPARTMENT, upon request, to share student data with qualified researchers. For purposes of this section, qualified researchers shall include, but need not be limited to, institutions of higher education, school districts, and public policy research and advocacy organizations.

SECTION 11. 23-1-110 (2) and (4), Colorado Revised Statutes, are amended to read:

23-1-110. Organization, meetings, and staff. (2) (a) The governor shall appoint, with the consent of the senate, an executive director qualified by substantial training and experience in the field of higher education. The executive director shall be the executive officer of the commission and the department, ~~of higher education~~; shall serve at the pleasure of the governor, and shall receive compensation commensurate with the duties of the office as determined by the governor. The duties and responsibilities of the executive director shall be discharged in accordance with the policies, procedures, and directives of the commission AND THE DEPARTMENT. The executive director shall employ such professional and clerical personnel as deemed necessary to carry out the duties and functions of the commission AND THE DEPARTMENT. Offices held by the executive director and professional personnel are declared to be educational in nature and not under the state personnel system.

(b) ~~On July 1, 1999, certain employees of the Colorado advanced technology institute prior to said date shall be transferred to and become employees of the commission. Any such employees who are classified employees in the state personnel system at the time of the transfer shall retain all rights to the personnel system and retirement benefits pursuant to the laws of this state, and their services shall be deemed to have been continuous. All transfers and any abolishment of positions in the state personnel system shall be made and processed in accordance with state personnel system laws and regulations.~~

(4) The executive director shall review and approve or deny any proposed action or recommendation of the private occupational school ~~policy advisory committee~~ BOARD acting pursuant to ~~part 7 of article 60 of this title~~ ARTICLE 59 OF TITLE 12, C.R.S.

SECTION 12. 23-1-113.2 (2) (a) and (2) (b), Colorado Revised Statutes, are amended to read:

23-1-113.2. Department directive - admission standards for students holding international baccalaureate diplomas. (2) (a) ~~On or before January 1, 2004,~~ The ~~commission~~ DEPARTMENT shall ensure that each governing board of a state-supported baccalaureate and graduate institution of higher education in the state adopt and implement, for each of the institutions under its control, a policy for the acceptance of first-time freshman students who have successfully completed an international baccalaureate diploma program.

(b) Each governing board shall report the policy adopted and implemented pursuant to paragraph (a) of this subsection (2) to the ~~commission~~ DEPARTMENT and shall make the policy available to the public in an electronic format.

SECTION 13. 23-1-113.3 (1), (3) (c), (4), (5), and (6), Colorado Revised Statutes, are amended to read:

23-1-113.3. Commission directive - basic skills courses. (1) ~~On or before September 1, 2000,~~ The commission shall adopt and the governing boards shall implement standards and procedures whereby basic skills courses, as defined in section 23-1-113 (1) (b) (II) (A.7), may be offered by state institutions of higher education pursuant to this section.

(3) The state board for community colleges and occupational education, local community colleges, Adams state college, and Mesa state college shall:

(c) Report annually to the ~~commission~~ DEPARTMENT the data compiled pursuant to paragraphs (a) and (b) of this subsection (3).

(4) (a) The ~~commission~~ DEPARTMENT shall transmit annually to the education committees of the senate and the house of representatives, OR ANY SUCCESSOR COMMITTEES, the joint budget committee, THE COMMISSION, and the department of education an analysis of the data:

(I) Regarding students who take basic skills courses pursuant to section 23-1-113 (1) (b) (I) (B); and

(II) Regarding the costs of providing basic skills courses pursuant to section 23-1-113 (1) (b) (I) (B) and whether students who complete said basic skills courses successfully complete the requirements for graduation.

(b) The ~~commission~~ DEPARTMENT shall disseminate the analysis to each school district and to public high schools within each district.

(5) Any state institution of higher education not specified in paragraph (a) of subsection (2) of this section offering a basic skills course on a cash-funded basis shall report annually to the ~~commission~~ DEPARTMENT the same data that is required to be compiled and reported pursuant to paragraphs (a) and (b) of subsection (3) of this section.

(6) For purposes of this section, "local community college" shall include Aims community college AND Colorado mountain college. ~~northeastern junior college, and Colorado northwestern community college.~~

SECTION 14. 23-1-119 (1), the introductory portion to 23-1-119 (2), and 23-1-119 (3), Colorado Revised Statutes, are amended to read:

23-1-119. Department directive - transition between K-12 education system and postsecondary education system. (1) The general assembly hereby finds and declares that, in order for students to succeed at state-supported institutions of higher education, the Colorado public system of elementary and secondary

education must have provided ~~such~~ students with the skills and abilities necessary to make the transition to the postsecondary system. The general assembly further recognizes that the establishment of goals and standards for providing ~~such~~ TRANSITION skills and abilities is the prerogative of the elementary and secondary public education system. The general assembly recognizes that, in establishing ~~such~~ THESE goals and standards, the elementary and secondary education system should be in communication with the postsecondary education system regarding the skills and abilities that are needed to succeed in higher education. It is therefore the intent of the general assembly that the ~~commission~~ DEPARTMENT, in consultation with the ~~state board of education and appropriate school district boards~~ DEPARTMENT OF EDUCATION, adopt necessary policies and procedures to facilitate the transition for students between the two systems.

(2) In consultation with the state board of education, appropriate school boards, and governing boards of state-supported institutions of higher education, the ~~commission~~ DEPARTMENT and ~~such~~ THE governing boards shall adopt necessary policies and procedures to promote the establishment of a mechanism for postsecondary institutions to report back to the secondary public education system concerning:

(3) In consultation with the state board of education, governing boards of state-supported institutions of higher education, and appropriate school district boards, the ~~commission~~ DEPARTMENT shall aid the elementary and secondary public education system and the postsecondary public education system in establishing a network to connect the faculty of postsecondary institutions with the teachers in school districts for the purpose of exchanging information.

SECTION 15. The introductory portion to 23-1-119.1 (1), Colorado Revised Statutes, is amended to read:

23-1-119.1. Department directive - notice of postsecondary educational opportunities and higher education admission guidelines. (1) Annually, beginning in the spring of 2006, upon receipt of the names and mailing addresses of students enrolled in the eighth grade from the board of education of each school district in Colorado and the state charter school institute, the ~~Colorado commission on higher education~~ DEPARTMENT shall provide notice of postsecondary educational opportunities to the parents or legal guardians of all eighth-grade students enrolled in public schools in the state. At a minimum, the notice shall specify:

SECTION 16. The introductory portions to 23-1-121 (2) and (3) and 23-1-121 (4) (a), (4) (b), (4) (c), and (6), Colorado Revised Statutes, are amended to read:

23-1-121. Commission directive - approval of teacher preparation programs. (2) ~~On or before July 1, 2000;~~ The commission shall adopt policies establishing the requirements for teacher preparation programs offered by institutions of higher education. The ~~commission~~ DEPARTMENT shall work in cooperation with the state board of education in developing the requirements for teacher preparation programs. At a minimum, the requirements shall ensure that each teacher preparation program may be completed within four academic years, is designed on a performance-based model, and includes:

(3) ~~On or before July 1, 2000;~~ The commission shall also adopt policies to ensure that each teacher preparation program OFFERED BY AN INSTITUTION OF HIGHER EDUCATION includes implementation of procedures to monitor and improve the effectiveness of the program, including at a minimum the following:

(4) (a) (I) ~~Beginning July 1, 2000, and prior to July 1, 2001;~~ The ~~commission~~ DEPARTMENT, in conjunction with the state board of education, shall review each teacher preparation program offered by an institution of higher education OR A PRIVATE INSTITUTION OF HIGHER EDUCATION as provided in paragraph (b) of this subsection (4) ~~All teacher preparation programs shall be discontinued as of July 1, 2001, unless reapproved prior to said date~~ AND SHALL ESTABLISH A SCHEDULE FOR REVIEW OF EACH TEACHER PREPARATION PROGRAM THAT ENSURES EACH PROGRAM IS REVIEWED AS PROVIDED IN THIS SECTION NOT MORE FREQUENTLY THAN ONCE EVERY FIVE YEARS.

(II) ~~Following the initial review of teacher preparation programs pursuant to this section, the commission shall establish a schedule for review of teacher preparation programs that ensures each program is reviewed as provided in this section not more frequently than once every five years.~~

(III) ~~Any~~ AN institution of higher education that chooses to offer a new teacher preparation program or modify an existing program, either by significantly modifying the content or modifying the geographic area in which the program is offered, shall submit the new or modified program to the ~~commission~~ DEPARTMENT for review pursuant to this section. ~~except that an institution need not submit for review any program offered on a cash-funded basis.~~ The commission shall adopt policies and procedures for the review of new and modified programs.

(b) Each program review conducted pursuant to paragraph (a) of this subsection (4) shall ensure that the program meets the minimum requirements adopted pursuant to subsections (2) and (3) of this section and the requirements of section 23-1-108 and any policies adopted pursuant thereto. In addition, the ~~commission~~ DEPARTMENT shall ensure that the program is designed and implemented in accordance with the requirements of the "Higher Education Quality Assurance Act", article 13 of this title, FOR INSTITUTIONS OF HIGHER EDUCATION THAT ARE SUBJECT TO SAID ACT. In determining whether to initially approve or continue the approval of a teacher preparation program, the commission shall consider any recommendations made by the state board of education pursuant to section 22-2-109 (5), C.R.S., concerning the effectiveness of the program content. If the state board of education recommends that a program not be approved, the commission shall follow ~~said~~ THE recommendation by refusing initial approval of ~~said~~ THE program or placing ~~said~~ THE program on probation.

(c) Each institution of higher education OR A PRIVATE INSTITUTION OF HIGHER EDUCATION that offers a teacher preparation program shall submit to the ~~commission~~ DEPARTMENT an annual report to assist the ~~commission~~ DEPARTMENT in reviewing the teacher preparation program pursuant to this section. The ~~commission~~ DEPARTMENT shall collaborate with representatives from the governing boards of each institution of higher education AND REPRESENTATIVES FROM PRIVATE INSTITUTIONS that ~~offers a~~ OFFER teacher preparation ~~program~~ PROGRAMS in specifying the information to be included in the annual report.

(6) ~~Beginning January 2002~~; The ~~commission~~ DEPARTMENT shall annually prepare a report concerning the effectiveness of the review of teacher preparation programs conducted pursuant to this section and shall provide notice to the education committees of the senate and the house of representatives, OR ANY SUCCESSOR COMMITTEES, that ~~such~~ THE report is available to the members of the committees upon request. The report shall also state the percentage of teacher candidates graduating from each teacher preparation program during the preceding twelve months that applied for and received an initial teacher license pursuant to section 22-60.5-201, C.R.S., and the percentage of ~~said~~ THE graduates who passed the assessments administered pursuant to section 22-60.5-203, C.R.S. The education committees of the senate and the house of representatives, OR ANY SUCCESSOR COMMITTEES, shall consider the report in a joint meeting held pursuant to section 22-60.5-116.5, C.R.S.

SECTION 17. 23-1-125 (3), Colorado Revised Statutes, is amended to read:

23-1-125. Commission directive - student bill of rights - degree requirements - implementation of core courses - competency test. (3) **Core courses.** The ~~commission~~ DEPARTMENT, in consultation with each Colorado public institution of higher education, is directed to outline a plan to implement a core course concept ~~which~~ THAT defines the general education course guidelines for all public institutions of higher education. The core of courses shall be designed to ensure that students demonstrate competency in reading, critical thinking, written communication, mathematics, and technology. The core of courses shall consist of at least thirty credit hours, but shall not exceed forty credit hours. Individual institutions of higher education shall conform their own core course requirements with the guidelines developed by the ~~commission~~ DEPARTMENT and shall identify the specific courses that meet the general education course guidelines. ANY SUCH GUIDELINES DEVELOPED BY THE DEPARTMENT SHALL BE SUBMITTED TO THE COMMISSION FOR ITS APPROVAL. If a statewide matrix of core courses is adopted by the commission, the courses identified by the individual institutions as meeting the general education course guidelines shall be included in the matrix. The commission shall adopt such policies to ensure that institutions develop the most effective way to implement the transferability of core course credits.

SECTION 18. 23-2-103.5, Colorado Revised Statutes, is amended to read:

23-2-103.5. Notification and deposit of records upon discontinuance. If a private or public college or university, seminary or bible college, or private occupational school discontinues operation in this state, its chief executive officer shall notify the ~~Colorado commission on higher education~~ DEPARTMENT OF HIGHER EDUCATION AND ITS REGIONAL ACCREDITING AGENCY of the date of discontinuance and the name and address of the agency where records of ~~such~~ THE institution will be maintained. Records shall be permanently maintained and copies may be obtained by authorized parties. ~~and such~~ THE records shall include, but not be limited to, information pertaining to the admission of each student and former student and the educational record of each student and former student. Financial aid records of each student and former student shall be retained consistent with state and federal regulations.

SECTION 19. The introductory portion to 23-5-116 (1) and 23-5-116 (4), (5),

and (6), Colorado Revised Statutes, are amended to read:

23-5-116. Governing boards - authority to provide out-of-state courses.

(1) The governing board of any state institution of higher education may offer postsecondary courses at locations outside the state of Colorado for credit applicable toward a degree program. FOR THE PURPOSES OF THIS SECTION, THE COMMISSION, IN CONSULTATION WITH THE GOVERNING BOARDS, SHALL DETERMINE BY POLICY THE DEFINITION OF OUT-OF-STATE COURSES. Each governing board shall promulgate policies and procedures concerning the administration of such courses. The policies and procedures shall include, but are not limited to, the following:

~~(4) Prior to the offering of out-of-state courses, institutions and governing boards must receive approval from the Colorado commission on higher education. Such approval shall be based upon the following criteria: A statement of need for the instruction; evidence of the institution's ability to deliver the program without adversely affecting the institution's approved role and mission; and geographical proximity of the delivery site to the institution or evidence that the instruction is particularly related to the institution's role and mission.~~

~~(5) Out-of-state courses offered in the states of Arizona, New Mexico, Utah, Wyoming, Nebraska, Kansas, and Oklahoma shall be exempt from the provisions of subsection (4) of this section; however, institutions offering courses in these states shall do so upon the approval of their governing boards.~~

(6) Each governing board shall provide an annual report to the ~~Colorado commission on~~ DEPARTMENT OF higher education ~~which~~ THAT describes all courses offered outside the boundaries of the state of Colorado. THE REPORT SHALL INCLUDE A STATEMENT OF NEED FOR THE INSTRUCTION, THE GEOGRAPHICAL LOCATION OF THE INSTRUCTION, AND CONFIRMATION THAT NO STATE FUNDS WERE USED IN CONNECTION WITH THE OUT-OF-STATE COURSES.

SECTION 20. 23-5-129 (6) (b), Colorado Revised Statutes, is amended to read:

23-5-129. Governing boards - performance contract - authorization - operations. (6) While operating pursuant to a performance contract negotiated pursuant to this section, the governing board of a state institution of higher education:

(b) Need not consult with nor obtain approval from the Colorado commission on higher education to create, modify, or eliminate academic and vocational programs offered by the institution, so long as such creations, modifications, and eliminations are consistent with the institution's statutory role and mission. INSTITUTIONS SHALL SUBMIT INFORMATION TO THE DEPARTMENT DEMONSTRATING THAT THE CREATION OR MODIFICATION OF AN ACADEMIC OR CAREER AND TECHNICAL EDUCATION PROGRAM IS CONSISTENT WITH THE INSTITUTION'S STATUTORY ROLE AND MISSION. The Colorado commission on higher education shall have the authority to override ~~any~~ THE creation or modification of an academic or vocational program if the change made by the governing board is inconsistent with the institution's statutory role and mission.

SECTION 21. 23-60-701, Colorado Revised Statutes, is amended to read:

23-60-701. Legislative declaration. The general assembly hereby finds and declares that, pursuant to article 59 of title 12, C.R.S., there is a demonstrated need for statewide administration of private occupational schools in order to provide standards for, foster improvements of, and protect the citizens of this state against fraudulent or substandard educational services in private occupational schools. Therefore, the general assembly has determined that the overall responsibility for such administration and for ensuring compliance with article 59 of title 12, C.R.S., should be placed with a division ~~which~~ THAT has only this responsibility. THE STATUTES FOR THE IMPLEMENTATION OF THIS DIVISION ARE LOCATED IN ARTICLE 59 OF TITLE 12, C.R.S.

SECTION 22. 12-8-114 (2), Colorado Revised Statutes, is amended to read:

12-8-114. Qualifications of applicants - requirements. (2) An applicant for examination shall furnish proof of graduation from a barber school or beauty school approved by the private occupational school division pursuant to article 59 of this title; ~~and part 7 of article 60 of title 23, C.R.S.;~~ approved by the state board for community colleges and occupational education pursuant to article 60 of title 23, C.R.S.; or, if the school is located in another state or country, approved by the governmental agency responsible for approving such schools in that state or country. The applicant shall also furnish proof that the applicant has successfully completed educational requirements equal to those set by the director. If the applicant has graduated from a school located outside Colorado, the applicant shall furnish proof that the applicant has successfully completed educational requirements substantially equal to those set by the director.

SECTION 23. 12-59-102 (1)(d), Colorado Revised Statutes, is amended to read:

12-59-102. Legislative declaration. (1) It is the purpose of this article to provide standards for and to foster and improve private occupational schools and their educational services and to protect the citizens of this state against fraudulent or substandard private occupational schools by:

(d) Providing certain rights and remedies to the private occupational school division, the private occupational school board created in ~~section 23-60-704, C.R.S.~~ SECTION 12-59-105.1, and the consuming public necessary to effectuate the purposes of this article;

SECTION 24. 12-59-103 (2.6), (3.6), and (3.7), Colorado Revised Statutes, are amended to read:

12-59-103. Definitions. As used in this article, unless the context otherwise requires:

(2.6) "Board" means the private occupational school board created in ~~section 23-60-704, C.R.S.~~ SECTION 12-59-105.1.

(3.6) "Director" means the director of the private occupational school division created pursuant to ~~section 23-60-703, C.R.S.~~ SECTION 12-59-104.1.

(3.7) "Division" means the private occupational school division created pursuant

to ~~section 23-60-703, C.R.S.~~ SECTION 12-59-104.1.

SECTION 25. Article 59 of title 12, Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW SECTIONS CONTAINING RELOCATED PROVISIONS, WITH AMENDMENTS, to read:

12-59-104.1. [Formerly 23-60-703] Private occupational school division - creation. There is hereby created the private occupational school division in the department of higher education and the office of director of the division. The division and the director shall exercise their powers and perform their duties and functions specified in this ~~part 7~~ ARTICLE under the department of higher education and the executive director thereof as if the same were transferred to the department by a **type 2** transfer as such transfer is defined in the "Administrative Organization Act of 1968", article 1 of title 24, C.R.S. The director shall be appointed by the executive director. The director, with the approval of the executive director, shall employ such professional and clerical personnel as deemed necessary to carry out the duties and function of the division. The director and professional personnel are declared to hold educational offices and to be exempt from the state personnel system.

12-59-105.1. [Formerly 23-60-704] Private occupational school board - established - membership. (1) Effective June 30, 1998, the private occupational school policy advisory committee is abolished, and the terms of members of the advisory committee serving as such immediately prior to June 30, 1998, are terminated.

(2) Effective July 1, 1998, there is established, in the private occupational school division, the private occupational school board ~~which~~ THAT shall advise the director on the administration of this ~~part 7~~ ARTICLE and shall have the powers and duties specified in ~~section 23-60-704.5~~ SECTION 12-59-105.3. The board shall exercise its powers and perform its duties and functions specified in this ~~part 7~~ ARTICLE as if the same were transferred to the department OF HIGHER EDUCATION by a **type 1** transfer, as such transfer is defined in the "Administrative Organization Act of 1968", article 1 of title 24, C.R.S.

(3) The board shall consist of seven members appointed by the governor, with the consent of the senate, as follows:

(a) Three members shall be owners or operators of private occupational schools that receive Title IV funds;

(b) Four members shall be representatives of the general public, at least one of whom is employed by a lending institution located in Colorado and is familiar with the Colorado student loan program and at least two of whom are owners or operators of businesses within Colorado that employ students who are enrolled in schools that are subject to administration by the ~~private occupational school~~ division.

(4) No appointed member shall be an employee of any junior college, community or technical college, school district, or public agency that receives vocational funds allocated by any state agency.

(5) The board members shall serve four-year terms; except that, of the members first appointed to the board, three members to be selected by the governor shall serve two-year terms. No member shall serve more than two consecutive four-year terms.

(6) The board shall hold regular meetings at such times as it may deem appropriate, but it shall not meet less than four times per year.

(7) Board members shall be paid a per diem of thirty-five dollars for each day on which the board meets and their actual and necessary expenses incurred in the conduct of official business.

(8) The division shall provide any necessary staff assistance for the board.

12-59-105.9. [Formerly 23-60-705] Duties and powers of the division subject to the approval of the executive director. The division shall exercise all of the powers and duties set forth in section 12-59-105. ~~C.R.S.~~ The executive director shall review and approve, consistent with the institutional role and statewide needs, any action taken by the division pursuant to the powers and duties set forth in section 12-59-105; ~~C.R.S.~~; except that the participation of the executive director shall not be required in any action taken by the board.

SECTION 26. 24-1-114 (3) (d), Colorado Revised Statutes, is amended to read:

24-1-114. Department of higher education - creation. (3) The department of higher education shall include the following divisions:

(d) The private occupational school division, created by ~~part 7 of article 60 of title 23~~ ARTICLE 59 OF TITLE 12, C.R.S. The private occupational school board, created by ~~section 23-60-704~~ SECTION 12-59-105.1, C.R.S., shall exercise its powers and perform its duties and functions as if transferred to the department by a **type 1** transfer. The division, except for the private occupational school board, and the director thereof shall exercise their powers and perform their duties and functions as if transferred to the department by a **type 2** transfer.

SECTION 27. 39-22-520 (2) (b) (II) (C), Colorado Revised Statutes, is amended to read:

39-22-520. Credit against tax - investment in school-to-career program. (2) (b) For purposes of this subsection (2):

(II) "Qualified school-to-career program" means a program that integrates school curriculum with job training, that encourages placement of students in jobs or internships that will teach them new skills and improve their school performance, and that is approved by:

(C) The ~~division of private occupational schools~~ SCHOOL DIVISION created pursuant to ~~section 23-60-703~~ SECTION 12-59-104.1, C.R.S.; or

SECTION 28. The introductory portion to 24-75-303 (3) (a) and 24-75-303 (3) (a) (I), Colorado Revised Statutes, are amended to read:

24-75-303. Appropriation for capital construction. (3) (a) No capital construction project for a state-supported institution of higher education that is estimated to require total expenditures exceeding ~~five hundred thousand~~ TWO MILLION dollars may be commenced unless:

(I) The project is to be constructed solely from cash funds held by the institution other than those funds specified in subparagraph (II) of this paragraph (a) and is to be operated and maintained from such cash funds or from state moneys appropriated for such purpose, or both, ~~and is authorized by legislative appropriation~~ AND THE PLAN FOR THE PROJECT HAS BEEN APPROVED BY THE COLORADO COMMISSION ON HIGHER EDUCATION PURSUANT TO SECTION 23-1-106 (10), C.R.S.; or

SECTION 29. Repeal of provisions being relocated in this act. 23-60-703, 23-60-704, and 23-60-705, Colorado Revised Statutes, are repealed.

SECTION 30. Repeal of provisions not being relocated in this act. 23-1-106.5, 23-1-115, 23-1-124, article 1.5 of title 23, 23-60-702, and 23-60-704.5, Colorado Revised Statutes, are repealed.

SECTION 31. 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.

Approved: May 28, 2008