

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Education.

HB22-1049 be amended as follows:

1 Amend printed bill, strike everything below the enacting clause and
2 substitute:

3 "SECTION 1. In Colorado Revised Statutes, **add** 23-5-113.5 as
4 follows:

5 **23-5-113.5. Prohibition on withholding transcripts and**
6 **diplomas - postsecondary institution - remedy - definitions.** (1) As
7 USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

8 (a) "DEBT" MEANS ANY MONEY, OBLIGATION, CLAIM, OR SUM, DUE
9 OR OWING, OR ALLEGED TO BE DUE OR OWING, FROM A CURRENT OR
10 FORMER STUDENT, BUT DOES NOT INCLUDE A FEE CHARGED TO A CURRENT
11 OR FORMER STUDENT FOR THE ACTUAL COST OF PROVIDING A TRANSCRIPT
12 OR DIPLOMA.

13 (b) "FINANCIAL AID FUNDS" MEANS FINANCIAL AID FUNDS THAT A
14 CURRENT OR FORMER STUDENT OWES TO A POSTSECONDARY INSTITUTION
15 UNDER TITLE IV, OR TO THE STATE, DUE TO MISCALCULATION,
16 WITHDRAWAL, MISINFORMATION, OR ANY OTHER REASON, NOT INCLUDING
17 THE STANDARD REPAYMENT OF STUDENT LOANS.

18 (c) "POSTSECONDARY INSTITUTION" MEANS A PUBLIC INSTITUTION
19 OF HIGHER EDUCATION, AS DEFINED IN SECTION 23-4.5-102 (7); A PRIVATE
20 INSTITUTION OF HIGHER EDUCATION, AS DEFINED IN SECTION 23-18-102
21 (9); OR A PRIVATE OCCUPATIONAL SCHOOL, AS DEFINED IN SECTION
22 23-2-102 (13).

23 (d) "ROOM AND BOARD FEES" MEANS ANY MONEY, OBLIGATION,
24 CLAIM, OR SUM, DUE OR OWING, OR ALLEGED TO BE DUE OR OWING, FROM
25 A CURRENT OR FORMER STUDENT FOR THE PROVISION OF CONTRACTUALLY
26 AGREED UPON ON-CAMPUS HOUSING OR MEAL SERVICES PLANS.

27 (e) "STUDENT LOAN BORROWER" HAS THE SAME MEANING AS SET
28 FORTH IN SECTION 5-20-103 (7).

29 (f) "STUDENT LOAN OMBUDSPERSON" MEANS THE STUDENT LOAN
30 OMBUDSPERSON DESIGNATED IN SECTION 5-20-104.

31 (2) NOTWITHSTANDING ANY PROVISION OF LAW TO THE
32 CONTRARY, WITH REGARD TO A CURRENT OR FORMER STUDENT WHO OWES
33 A DEBT, A POSTSECONDARY INSTITUTION SHALL NOT:

34 (a) REFUSE TO PROVIDE A TRANSCRIPT OR DIPLOMA FOR THE
35 CURRENT OR FORMER STUDENT ON THE GROUNDS THAT THE STUDENT
36 OWES A DEBT;

37 (b) CONDITION THE PROVISION OF A TRANSCRIPT OR DIPLOMA ON
38 PAYMENT OF A DEBT;

39 (c) CHARGE A HIGHER FEE TO OBTAIN A TRANSCRIPT OR DIPLOMA
40 OR PROVIDE LESS FAVORABLE TREATMENT IN RESPONSE TO A TRANSCRIPT

1 OR DIPLOMA REQUEST BECAUSE THE REQUESTING CURRENT OR FORMER
2 STUDENT OWES A DEBT; OR
3 (d) OTHERWISE USE TRANSCRIPT OR DIPLOMA ISSUANCE AS A TOOL
4 FOR DEBT COLLECTION.
5 (3) (a) NOTWITHSTANDING THE PROHIBITION STATED IN
6 SUBSECTION (2)(a) OF THIS SECTION, A POSTSECONDARY INSTITUTION MAY
7 REFUSE TO PROVIDE A TRANSCRIPT OR DIPLOMA FOR A CURRENT OR
8 FORMER STUDENT ON THE GROUNDS THAT THE STUDENT OWES A DEBT FOR
9 TUITION, ROOM AND BOARD FEES, OR FINANCIAL AID FUNDS, UNLESS THE
10 STUDENT IS REQUESTING THE TRANSCRIPT OR DIPLOMA FOR ONE OF THE
11 FOLLOWING PURPOSES:
12 (I) A JOB APPLICATION;
13 (II) TRANSFERRING TO ANOTHER POSTSECONDARY INSTITUTION;
14 (III) APPLYING FOR STATE, FEDERAL, OR INSTITUTIONAL FINANCIAL
15 AID;
16 (IV) PURSUIT OF OPPORTUNITIES IN THE MILITARY OR NATIONAL
17 GUARD; OR
18 (V) PURSUIT OF OTHER POSTSECONDARY OPPORTUNITIES.
19 (b) (I) EACH POSTSECONDARY INSTITUTION SHALL ADOPT A POLICY
20 THAT OUTLINES THE PROCESS BY WHICH A STUDENT MAY OBTAIN A
21 TRANSCRIPT OR DIPLOMA AND THE CIRCUMSTANCES UNDER WHICH A
22 CURRENT OR FORMER STUDENT'S TRANSCRIPT OR DIPLOMA MAY BE
23 WITHHELD PURSUANT TO SUBSECTION (3)(a) OF THIS SECTION. AT A
24 MINIMUM, THE POLICY MUST INCLUDE:
25 (A) THE ABILITY FOR THE STUDENT TO APPLY FOR A FINANCIAL
26 HARDSHIP WAIVER TO OBTAIN A TRANSCRIPT OR DIPLOMA;
27 (B) AN EXCEPTION TO WITHHOLDING THE TRANSCRIPT OR DIPLOMA
28 FOR A STUDENT WHO DEMONSTRATES THE TRANSCRIPT OR DIPLOMA IS
29 REQUESTED FOR A PURPOSE SPECIFIED IN SUBSECTION (3)(a) OF THIS
30 SECTION;
31 (C) AN OPPORTUNITY TO ESTABLISH A PAYMENT PLAN FOR THE
32 DEBT;
33 (D) IDENTIFICATION OF THE POINT AT WHICH A STUDENT WILL NO
34 LONGER BE ABLE TO REGISTER FOR CLASSES DUE TO THE DEBT OWED; AND
35 (E) IDENTIFICATION OF THE POINT AT WHICH A STUDENT MAY BE
36 SUBJECT TO A TRANSCRIPT, DIPLOMA, OR REGISTRATION HOLD, INCLUDING
37 THE TIME FRAMES AND AMOUNTS FOR WHICH THE HOLDS ARE TO BE USED
38 AND THE LOWEST AMOUNT OF DEBT AT WHICH THE INSTITUTION WILL
39 ASSIGN THE DEBT TO A THIRD-PARTY COLLECTION AGENCY.
40 (II) THE POSTSECONDARY INSTITUTION SHALL POST THE POLICY
41 DESCRIBED IN SUBSECTION (3)(b)(I) OF THIS SECTION AND THE
42 PROCEDURES FOR FILING A COMPLAINT WITH THE STUDENT LOAN
43 OMBUDSPERSON ON THE POSTSECONDARY INSTITUTION'S WEBSITE AND

1 PROVIDE THE POLICY AND THE PROCEDURES TO STUDENTS AS PART OF THE
2 INFORMATION SHARED RELATING TO THE COST OF ATTENDANCE THAT
3 INCLUDES ANY ADDITIONAL FEES, FINANCIAL AID, SCHOLARSHIPS, OR
4 OTHER INFORMATION.

5 (4) (a) BEGINNING JULY 1, 2024, EACH POSTSECONDARY
6 INSTITUTION SHALL ANNUALLY REPORT TO THE DEPARTMENT OF HIGHER
7 EDUCATION CONCERNING TRANSCRIPT AND REGISTRATION HOLDS,
8 INCLUDING:

9 (I) THE POSTSECONDARY INSTITUTION'S POLICY DEVELOPED
10 PURSUANT TO SUBSECTION (3)(b) OF THIS SECTION;

11 (II) THE NUMBER OF STUDENTS FOR WHOM THE POSTSECONDARY
12 INSTITUTION IS WITHHOLDING OFFICIAL TRANSCRIPTS, DIPLOMAS, AND
13 REGISTRATION PRIVILEGES; AND

14 (III) THE NUMBER OF PAST-DUE STUDENT ACCOUNTS ASSIGNED TO
15 THIRD-PARTY COLLECTION AGENCIES, INCLUDING THE NUMBER OF
16 STUDENTS WHO ARE ELIGIBLE FOR FEDERAL PELL GRANTS.

17 (b) BEGINNING JANUARY 2025, AND EACH JANUARY THEREAFTER,
18 THE DEPARTMENT OF HIGHER EDUCATION SHALL ANNUALLY REPORT ON
19 THE INFORMATION DESCRIBED IN SUBSECTION (4)(a) OF THIS SECTION AT
20 THE DEPARTMENT'S ANNUAL HEARING PURSUANT TO THE "STATE
21 MEASUREMENT FOR ACCOUNTABLE, RESPONSIVE, AND TRANSPARENT
22 (SMART) GOVERNMENT ACT", PART 2 OF ARTICLE 7 OF TITLE 2.

23 (5) (a) THE STUDENT LOAN OMBUDSPERSON MAY PROVIDE
24 INFORMATION TO THE PUBLIC REGARDING THE LIMITS DESCRIBED IN THIS
25 SECTION ON WITHHOLDING A TRANSCRIPT OR DIPLOMA AND MAY RECEIVE
26 COMPLAINTS FROM STUDENT LOAN BORROWERS WHO HAVE HAD A
27 TRANSCRIPT WITHHELD.

28 (b) BEGINNING JANUARY 2025, AND EACH JANUARY THEREAFTER,
29 THE ATTORNEY GENERAL'S OFFICE SHALL COMPILE DATA ON THE
30 COMPLAINTS RECEIVED BY THE STUDENT LOAN OMBUDSPERSON PURSUANT
31 TO SUBSECTION (5)(a) OF THIS SECTION AND ANNUALLY REPORT THE DATA
32 THROUGH THE ANNUAL HEARING FOR THE DEPARTMENT OF LAW HELD
33 PURSUANT TO THE "STATE MEASUREMENT FOR ACCOUNTABLE,
34 RESPONSIVE, AND TRANSPARENT (SMART) GOVERNMENT ACT", PART 2
35 OF ARTICLE 7 OF TITLE 2.

36 (6) THIS SECTION DOES NOT PROHIBIT A PERSON FROM PURSUING
37 ANY OTHER REMEDY PROVIDED BY LAW FOR A VIOLATION OF THIS
38 SECTION.

39 **SECTION 2. Safety clause.** The general assembly hereby finds,
40 determines, and declares that this act is necessary for the immediate
41 preservation of the public peace, health, or safety."

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