

CHAPTER 14

EDUCATION - UNIVERSITIES AND COLLEGES

HOUSE BILL 94-1110

BY REPRESENTATIVES Foster, Dyer, Jerke, Owen, and Sullivan;
also SENATORS Norton, Meiklejohn, Owens, Rizzuto, Tebedo, and Traylor.

AN ACT**CONCERNING IDENTIFICATION OF SPECIFIC POLICY AREAS FOR ADDITIONAL FUNDING IN HIGHER EDUCATION.**

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

SECTION 1. 23-1-105, Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

23-1-105. Duties and powers of the commission with respect to appropriations. (9) (a) IN ADDITION TO THE FORMULA ESTABLISHED PURSUANT TO SUBSECTION (3) OF THIS SECTION, FOR THE 1994-95 FISCAL YEAR, THE COMMISSION SHALL ESTABLISH FOUR DISTRIBUTION FORMULAS AND ONE GRANT PROGRAM FOR DISTRIBUTION OF ANY APPROPRIATIONS BY THE GENERAL ASSEMBLY TO THE GOVERNING BOARDS IN EACH OF THE FOLLOWING POLICY AREAS:

(I) COORDINATION OF THE DELIVERY OF EDUCATION TO STUDENTS IN KINDERGARTEN THROUGH TWELFTH GRADE WITH THE DELIVERY OF EDUCATION TO STUDENTS IN INSTITUTIONS OF HIGHER EDUCATION;

(II) INCREASING PRODUCTIVITY;

(III) ENSURING THAT THE STATE HAS AN ADULT POPULATION WITH SKILLS AND A BASE OF KNOWLEDGE THAT ARE CENTRAL TO THE GENERAL WELFARE OR ECONOMY OF THE STATE;

(IV) INCREASING ENROLLMENT; AND

(V) INCREASING FINANCIAL AID.

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

(b) ANY APPROPRIATIONS MADE FOR THE POLICY AREAS SPECIFIED IN SUBPARAGRAPHS (II) TO (V) OF PARAGRAPH (a) OF THIS SUBSECTION (9) SHALL BE DISTRIBUTED PURSUANT TO DISTRIBUTION FORMULAS ADOPTED BY THE COMMISSION AS PROVIDED IN SUBSECTION (3.5) OF THIS SECTION. NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (3.5) OF THIS SECTION, ANY APPROPRIATIONS MADE FOR THE POLICY AREA SPECIFIED IN SUBPARAGRAPH (I) OF PARAGRAPH (a) OF THIS SUBSECTION (9) SHALL BE MADE IN A SINGLE LINE ITEM TO THE COMMISSION FOR DISTRIBUTION BY A GRANT PROGRAM ESTABLISHED BY THE COMMISSION PURSUANT TO THE PROVISIONS OF SECTION 23-1-122 (2).

(c) THE COMMISSION SHALL BASE THE DISTRIBUTION FORMULAS AND GRANT PROGRAM REQUIRED PURSUANT TO THIS SUBSECTION (9) ON THE PARAMETERS AND MEASURES ESTABLISHED IN SECTION 23-1-122. APPLICATION OF THE DISTRIBUTION FORMULAS AND GRANT PROGRAM TO EACH INSTITUTION OF HIGHER EDUCATION SHALL NOT RESULT IN AN EXPANSION OF ANY INSTITUTION'S ROLE AND MISSION.

SECTION 2. Article 1 of title 23, Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

23-1-122. Commission directive - separately funded policy areas. (1) THE GENERAL ASSEMBLY HEREBY FINDS THAT, BECAUSE OF THE LIMITED AVAILABILITY OF STATE RESOURCES AND THE INCREASING EDUCATIONAL NEEDS OF THE RESIDENTS OF COLORADO, THE ALLOCATION OF STATE RESOURCES TO THE SPECIFIC POLICY AREAS WITHIN HIGHER EDUCATION THAT WILL MOST BENEFIT THE RESIDENTS OF COLORADO IS OF INCREASING IMPORTANCE AND OF HIGH PRIORITY TO THE GENERAL ASSEMBLY. THE GENERAL ASSEMBLY FURTHER FINDS THAT THE FUNDING OF HIGHER EDUCATION IN COLORADO IS A POLICY DECISION THAT IS INTENDED TO REWARD EXCELLENCE IN EDUCATION AND INCREASES IN SERVICES WHICH ARE DEMANDED BY AND BENEFICIAL TO THE STATE OF COLORADO AND ITS CITIZENS. IT IS THEREFORE THE INTENT OF THE GENERAL ASSEMBLY THAT THE COMMISSION APPLY THE PARAMETERS AND MEASURES SPECIFIED IN THIS SECTION TO DISTRIBUTE TO THE GOVERNING BOARDS ANY AMOUNT WHICH THE GENERAL ASSEMBLY MAY APPROPRIATE TO THE POLICY AREAS SPECIFIED IN THIS SECTION AND THAT SUCH DISTRIBUTIONS BE MADE IN CONCERT WITH THE UNIQUE ROLE AND MISSION OF EACH INSTITUTION OF HIGHER EDUCATION SO AS NOT TO EXPAND SUCH ROLE AND MISSION. SUCH DISTRIBUTION SHALL BE IN ACCORDANCE WITH THE DISTRIBUTION FORMULAS ESTABLISHED BY THE COMMISSION AS REQUIRED IN SECTION 23-1-105 (9).

(2) (a) FOR THE 1994-95 FISCAL YEAR, ADDITIONAL APPROPRIATIONS MAY BE AVAILABLE, THROUGH A COMPETITIVE GRANT PROCESS, TO GOVERNING BOARDS WHICH HAVE IN PLACE OR ESTABLISH PROGRAMS OR SERVICES WHICH COORDINATE THE DELIVERY OF EDUCATION TO STUDENTS IN KINDERGARTEN THROUGH TWELFTH GRADE WITH THE DELIVERY OF EDUCATION TO STUDENTS IN INSTITUTIONS OF HIGHER EDUCATION. SUCH PROGRAMS OR SERVICES SHALL FALL WITHIN THE FOLLOWING PARAMETERS:

(I) PROGRAMS FOR THE DEVELOPMENT AND IMPLEMENTATION OF CONTENT STANDARDS FOR UNDERGRADUATE EDUCATION WHICH ARE CONSISTENT WITH THE CONTENT STANDARDS DEVELOPED FOR KINDERGARTEN THROUGH TWELFTH GRADE PURSUANT TO PART 4 OF ARTICLE 53 OF TITLE 22, C.R.S.;

(II) PROGRAMS WHICH COMBINE THE EFFORTS OF SECONDARY SCHOOLS AND INSTITUTIONS OF HIGHER EDUCATION, INCLUDING COMMUNITY COLLEGES AND VOCATIONAL EDUCATION PROGRAMS, TO ENABLE STUDENTS TO COMPLETE PROGRAMS OF POSTSECONDARY EDUCATION QUICKLY AND EFFICIENTLY;

(III) PROGRAMS FOR SHARING FACULTY, ADMINISTRATORS, EDUCATIONAL AND NONEDUCATIONAL SERVICES, FACILITIES, AND OTHER RESOURCES BETWEEN ANY SCHOOL DISTRICT OR ANY PUBLIC SCHOOL AND ANY INSTITUTION OF HIGHER EDUCATION;

(IV) PROGRAMS TO PROVIDE JOINT EDUCATIONAL EXPERIENCES FOR STUDENTS IN GRADES KINDERGARTEN THROUGH TWELVE AND POSTSECONDARY STUDENTS;

(V) PROGRAMS THAT OFFER EFFECTIVE EDUCATIONAL PROGRAMS TO STUDENTS IN KINDERGARTEN THROUGH TWELFTH GRADE THROUGH THE USE OF TECHNOLOGY;

(VI) PROGRAMS, IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 23-1-119, UNDER WHICH THE INSTITUTION OF HIGHER EDUCATION REPORTS TO THE SECONDARY PUBLIC EDUCATION SYSTEM CONCERNING THE SKILLS AND ABILITIES, AND LEVEL OF PROFICIENCY THEREOF, NECESSARY FOR FIRST-YEAR STUDENTS, THE LEVEL OF PROFICIENCY IN SUCH SKILLS AND ABILITIES CURRENTLY EXHIBITED BY FIRST-YEAR STUDENTS, THE LEVEL OF ACHIEVEMENT CURRENTLY EXHIBITED BY FIRST-YEAR STUDENTS, AND ANY OTHER INFORMATION THAT WILL PROVIDE A BETTER TRANSITION FOR STUDENTS BETWEEN THE TWO EDUCATION SYSTEMS; AND

(VII) PROGRAMS THAT DEVELOP OR IMPROVE THE QUALITY OF THE EDUCATIONAL SKILLS OR EFFICIENCY OF TEACHERS, PRINCIPALS, AND ADMINISTRATORS IN KINDERGARTEN THROUGH TWELFTH GRADE.

(b) THE COMMISSION SHALL ESTABLISH AND ADMINISTER THE COMPETITIVE GRANT PROCESS FOR DISTRIBUTING FUNDS UNDER THIS SUBSECTION (2), INCLUDING SETTING TIME FRAMES FOR SUBMISSION OF APPLICATIONS TO THE COMMISSION AND DECISIONS REGARDING SUCH APPLICATIONS, DETERMINING WHICH GOVERNING BOARDS WILL RECEIVE FUNDS, AND DETERMINING THE AMOUNT RECEIVED BY SUCH GOVERNING BOARDS.

(3) (a) FOR THE 1994-95 FISCAL YEAR, ADDITIONAL APPROPRIATIONS MAY BE AVAILABLE TO THE GOVERNING BOARDS TO REWARD OR ENCOURAGE PRODUCTIVITY WHICH CONCENTRATES ON DELIVERY OF EFFICIENT AND PRODUCTIVE, YET HIGH QUALITY, EDUCATION. IN THIS REGARD, ALL FACULTY SHALL BE ASSUMED TO HAVE A TEACHING ROLE.

(b) A GOVERNING BOARD MAY RECEIVE FUNDS PURSUANT TO THIS SUBSECTION (3) BY DEMONSTRATING AN EMPHASIS, OR INCREASING ITS EMPHASIS, ON PRODUCTIVITY BY IMPLEMENTING STRUCTURAL CHANGES AND REQUIREMENTS WITHIN THE FOLLOWING PARAMETERS:

(I) INCREASING THE NUMBER OF SECTIONS AVAILABLE FOR STUDENTS IN HIGH-DEMAND REQUIRED COURSES IF AN INSUFFICIENT NUMBER OF SUCH SECTIONS EXISTS;

(II) INCREASING THE NUMBER OR DEMONSTRATING A HIGH NUMBER OF UNDERGRADUATE TEACHING HOURS, UNDERGRADUATE STUDENT CONTACT HOURS, AND UNDERGRADUATE ADVISING HOURS COMPLETED BY FULL-TIME FACULTY;

(III) INCREASING THE RATIO OR DEMONSTRATING A HIGH RATIO OF TEACHING FACULTY TO NONTEACHING FACULTY AND STAFF;

(IV) INCREASING THE PERCENTAGE OR DEMONSTRATING A HIGH PERCENTAGE OF FULL-TIME OR PART-TIME FACULTY WHO TEACH UNDERGRADUATE STUDENTS;

(V) IMPROVING THE CURRICULUM THROUGH ANALYSIS OF THE PERFORMANCE RATE ON GRADUATE SCHOOL AND PROFESSIONAL LICENSING EXAMS;

(VI) ESTABLISHING A SYSTEM TO SUPERVISE AND OVERSEE PAID FACULTY SABBATICALS, DECREASING THE NUMBER OR DEMONSTRATING A LOW NUMBER OF PAID NONEDUCATIONAL EXTENDED FACULTY AND ADMINISTRATOR LEAVES, AND MAINTAINING A PUBLIC RECORD OF THE PURPOSE AND GENERAL RESULTS OF ALL PAID SABBATICALS AND ALL PAID EXTENDED FACULTY AND ADMINISTRATOR LEAVES;

(VII) REDUCING OR DEMONSTRATING LOW ADMINISTRATIVE OVERHEAD COSTS;

(VIII) DEMONSTRATING A HIGH DEGREE OF PERSONNEL EFFICIENCY, INCLUDING THE ESTABLISHMENT OF POST-TENURE REVIEW; AND

(IX) REDUCING THE AMOUNT OR DEMONSTRATING A LOW AMOUNT OF REQUIRED ADMINISTRATIVE PAPERWORK FOR STUDENTS AND FACULTY.

(4) (a) FOR THE 1994-95 FISCAL YEAR, ADDITIONAL APPROPRIATIONS MAY BE AVAILABLE TO THE GOVERNING BOARDS FOR IMPLEMENTING PROGRAMS TO ENSURE THAT THE STATE HAS AN ADULT POPULATION WITH SKILLS THAT ARE CENTRAL TO THE COLORADO ECONOMY AND TO INCREASE THE TECHNICAL MANAGEMENT SKILLS OF THE COLORADO WORK FORCE. SUCH PROGRAMS SHALL FALL WITHIN THE FOLLOWING PARAMETERS:

(I) PROGRAMS TO PROVIDE BASIC SKILLS EDUCATION TO ENABLE STUDENTS TO FUNCTION ADEQUATELY IN ENTRY-LEVEL JOBS;

(II) VOCATIONAL TRAINING WHICH INCLUDES TRAINING IN SKILLS NECESSARY FOR SPECIFIC TRADES AND IN BUSINESS MANAGEMENT AND ENTREPRENEURIAL SKILLS;

(III) PROGRAMS TO PROVIDE JOB RETRAINING AND SKILL UPGRADING FOR NONTRADITIONAL STUDENTS;

(IV) PROGRAMS TO PROVIDE TRAINING IN NEW TECHNOLOGY TO ENHANCE THE OVERALL SKILL LEVEL OF THE COLORADO WORK FORCE AND TO ENABLE THE STATE TO COMPETE IN GLOBAL MARKETS;

(V) PROGRAMS TO ENSURE THAT PERSONS THROUGHOUT THE STATE OF COLORADO HAVE THE NEEDED SKILLS TO PERFORM THE JOBS NECESSARY IN, AND USE THE TECHNOLOGY APPLICABLE TO, EACH AREA OF THE STATE; AND

(VI) PROGRAMS TO CONDUCT RESEARCH ON ISSUES THAT AFFECT THE STATE'S ECONOMY AND ON METHODS TO INCREASE THE QUALITY, VIABILITY, AND NUMBER OF JOBS IN THE STATE.

(b) THE SUCCESS OF ANY WORK FORCE SKILLS TRAINING PROGRAM SHALL BE MEASURED BY:

(I) THE QUALITY AND NATURE OF JOBS TAKEN BY GRADUATES;

(II) THE NUMBER OF GRADUATES PLACED IN POSITIONS RELEVANT TO THE NEEDS OF THE STATE;

(III) THE NUMBER OF GRADUATES PLACED IN POSITIONS WITHIN THE STATE AS COMPARED TO POSITIONS OUTSIDE THE STATE;

(IV) THE OPPORTUNITIES FOR COOPERATIVE EDUCATION AND INTERNSHIPS INCLUDED IN THE PROGRAM; AND

(V) THE DEGREE OF PROGRAM ACCESS FOR ALL STUDENTS.

(5) (a) FOR THE 1994-95 FISCAL YEAR, ADDITIONAL APPROPRIATIONS MAY BE AVAILABLE TO THE GOVERNING BOARDS FOR THE PURPOSE OF FUNDING PAST INCREASES IN RESIDENT ENROLLMENT AT INSTITUTIONS WHICH DID NOT RECEIVE INCREASED ENROLLMENT FUNDING AT THE TIME SUCH INCREASE OCCURRED AND FOR THE PURPOSE OF TARGETING INCREASED ENROLLMENT OF RESIDENT STUDENTS.

(b) TO RECEIVE ADDITIONAL APPROPRIATIONS PURSUANT TO THIS SUBSECTION (5), A GOVERNING BOARD MUST DEMONSTRATE:

(I) SPECIFIC FISCAL YEARS SINCE FISCAL YEAR 1990-91 IN WHICH IT EXPERIENCED INCREASED RESIDENT ENROLLMENT WHICH WAS UNFUNDED BY GENERAL FUND APPROPRIATIONS;

(II) AN INCREASE IN ENROLLMENT OF RESIDENT UNDER-REPRESENTED STUDENTS OVER THE NUMBER OF RESIDENT UNDER-REPRESENTED STUDENTS ENROLLED DURING THE 1992-93 AND 1993-94 SCHOOL YEARS;

(III) SPECIFIC FISCAL YEARS SINCE FISCAL YEAR 1990-91 IN WHICH THE BOARD CAPPED UNDERGRADUATE RESIDENT ENROLLMENT AT A SPECIFIC INSTITUTION IN RESPONSE TO LIMITED REVENUES; OR

(IV) EFFORTS TO INCREASE ENROLLMENT IN GRADUATE PROGRAMS AND COURSES DELIVERED TO UNDER-SERVED AREAS OF THE STATE WHERE SUFFICIENT DEMAND IS DEMONSTRATED AND WHERE SUCH PROGRAMS AND COURSES ARE PROVIDED BY INSTITUTIONS AUTHORIZED BY THE COMMISSION TO OFFER SUCH PROGRAMS AND COURSES.

(6) (a) FOR THE 1994-95 FISCAL YEAR, ADDITIONAL APPROPRIATIONS MAY BE AVAILABLE TO THE COLORADO COMMISSION ON HIGHER EDUCATION FOR THE PURPOSE OF INCREASING FINANCIAL AID FOR AND DIVERSITY IN THE STUDENT POPULATION BY INCREASING ACCESS TO INSTITUTIONS OF HIGHER EDUCATION WITHIN THE STATE FOR

ECONOMICALLY DISADVANTAGED AND UNDER-REPRESENTED STUDENTS.

(b) TO RECEIVE ADDITIONAL APPROPRIATIONS PURSUANT TO THIS SUBSECTION (6), AN INSTITUTION OF HIGHER EDUCATION MUST DEMONSTRATE:

(I) A HIGH PERCENTAGE OF NEED IN STUDENT FINANCIAL AID;

(II) IMPLEMENTATION OF A PROGRAM TO INCREASE THE SUCCESSFUL PARTICIPATION OF LOW-INCOME AND UNDER-REPRESENTED STUDENTS AT THE INSTITUTION OF HIGHER EDUCATION;

(III) IMPLEMENTATION OF PROGRAMS TO PROVIDE INFORMATION REGARDING FINANCIAL AID TO LOW-INCOME AND UNDER-REPRESENTED STUDENTS IN GRADES KINDERGARTEN THROUGH TWELVE;

(IV) IMPLEMENTATION OF SUMMER EDUCATIONAL PROGRAMS FOR LOW-INCOME AND UNDER-REPRESENTED STUDENTS IN GRADES NINE THROUGH TWELVE; OR

(V) IMPLEMENTATION OF PROGRAMS THAT ENCOURAGE THE RECRUITMENT OF ADDITIONAL MINORITY FACULTY AND STAFF.

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.

Approved: March 11, 1994