

## CHAPTER 19

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**EDUCATION - UNIVERSITIES AND COLLEGES**

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**HOUSE BILL 95-1196**

BY REPRESENTATIVES Foster, Grampsas, Kerns, Owen, Romero, and Allen;  
also SENATORS Norton, Blickensderfer, Lacy, Rizzuto, Bishop, Johnson, Matsunaka, Meiklejohn, Perlmutter, and Tebedo.

**AN ACT****CONCERNING 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.** (10) (a) IN ADDITION TO THE FORMULA ESTABLISHED PURSUANT TO SUBSECTION (3) OF THIS SECTION, FOR THE 1995-96 FISCAL YEAR, THE COMMISSION SHALL ESTABLISH THREE DISTRIBUTION FORMULAS AND TWO GRANT PROGRAMS 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 GRADE TWELVE 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) DEVELOPMENT AND USE OF TECHNOLOGY.

(b) FOR FISCAL YEAR 1995-96, ANY APPROPRIATIONS MADE FOR THE POLICY AREAS

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

SPECIFIED IN SUBPARAGRAPHS (II) TO (IV) OF PARAGRAPH (a) OF THIS SUBSECTION (10) 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 AREAS SPECIFIED IN SUBPARAGRAPHS (I) AND (V) OF PARAGRAPH (a) OF THIS SUBSECTION (10) SHALL BE MADE IN A SINGLE LINE ITEM TO THE COMMISSION FOR DISTRIBUTION BY GRANT PROGRAMS ESTABLISHED BY THE COMMISSION PURSUANT TO THE PROVISIONS OF SECTION 23-1-122.

(c) THE COMMISSION SHALL BASE THE DISTRIBUTION FORMULAS AND GRANT PROGRAMS REQUIRED PURSUANT TO THIS SUBSECTION (10) ON THE PARAMETERS AND MEASURES ESTABLISHED IN SECTION 23-1-122. APPLICATION OF THE DISTRIBUTION FORMULAS AND GRANT PROGRAMS TO EACH INSTITUTION OF HIGHER EDUCATION SHALL NOT RESULT IN AN EXPANSION OF ANY INSTITUTION'S ROLE AND MISSION.

(d) THE COMMISSION SHALL CONSIDER THE LOCAL DISTRICT COLLEGES AND AREA VOCATIONAL SCHOOLS IN DISTRIBUTING ANY MONEYS THAT MAY BE APPROPRIATED TO FUND THE POLICY AREAS. THE LOCAL DISTRICT COLLEGES AND AREA VOCATIONAL SCHOOLS MAY APPLY DIRECTLY TO THE COMMISSION TO RECEIVE GRANTS UNDER THE POLICY AREAS.

**SECTION 2.** 23-1-122 (1), Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended, and the said 23-1-122 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, 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 AND GRANT PROGRAMS established by the commission as required in section 23-1-105 (9) AND (10).

(7) (a) FOR THE 1995-96 FISCAL YEAR, ADDITIONAL APPROPRIATIONS MAY BE AVAILABLE, THROUGH A COMPETITIVE GRANT PROCESS, TO GOVERNING BOARDS THAT HAVE IN PLACE OR ESTABLISH PROGRAMS OR SERVICES THAT COORDINATE THE DELIVERY OF EDUCATION TO STUDENTS IN KINDERGARTEN THROUGH GRADE TWELVE WITH THE DELIVERY OF EDUCATION TO STUDENTS IN INSTITUTIONS OF HIGHER EDUCATION. SUCH PROGRAMS OR SERVICES SHALL FALL WITHIN THE FOLLOWING PARAMETERS:

(I) PROGRAMS THAT SUPPORT SYSTEMIC REFORM IN K-12 EDUCATION TO RAISE THE

ACHIEVEMENT LEVELS OF ALL STUDENTS AND EFFORTS TO ALIGN HIGHER EDUCATION ADMISSION REQUIREMENTS WITH THESE HIGHER ACHIEVEMENT LEVELS, INCLUDING BUT NOT LIMITED TO:

(A) PROGRAMS TO DEVELOP INSTITUTIONAL REQUIREMENTS THAT CLEARLY SPECIFY THE KNOWLEDGE, SKILLS, AND PROFICIENCIES STUDENTS NEED FOR ENTRANCE INTO AND SUCCESS AT THE INSTITUTION; AND

(B) PROGRAMS TO PROVIDE EFFECTIVE COMMUNICATION WITH SECONDARY SCHOOLS AND WITH PROSPECTIVE STUDENTS OF THE CAPABILITIES REQUIRED FOR FRESHMAN STUDENTS TO SUCCEED AT THE INSTITUTION.

(II) PROGRAMS THAT 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 FOSTER FACULTY-TO-FACULTY EXCHANGES BETWEEN INSTITUTIONS OF HIGHER EDUCATION AND PUBLIC SECONDARY SCHOOLS AND TO COORDINATE CURRICULUM DEVELOPMENT BETWEEN THE SECONDARY AND POSTSECONDARY LEVELS;

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

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

(VII) 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;

(VIII) PROGRAMS TO ENCOURAGE CAPABLE SECONDARY STUDENTS TO COMPLETE POSTSECONDARY-LEVEL WORK, INCLUDING PROVIDING FRESHMAN TUITION INCENTIVES BY GRANTING ANY RESIDENT FRESHMAN STUDENT A ONE-TIME TUITION CREDIT IN THE AMOUNT PAID BY THE STUDENT TO TAKE AN ADVANCED PLACEMENT TEST IF THE STUDENT PROVES THAT HE OR SHE HAS PASSED THE TEST AND RECEIVED COLLEGE CREDIT. NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (b) OF THIS SUBSECTION (7), ANY INSTITUTION OF HIGHER EDUCATION THAT RECEIVES MONEYS PURSUANT TO THIS SUBPARAGRAPH (VIII) SHALL ANNUALLY RECEIVE THE AMOUNT GRANTED IN TUITION CREDITS PURSUANT TO THIS SUBPARAGRAPH (VIII) FOR RESIDENT

FRESHMEN STUDENTS AT THE INSTITUTION, OR A PERCENTAGE OF SAID AMOUNT, AS A NONCOMPETITIVE GRANT, THE AMOUNT OF WHICH IS DETERMINED BY THE COMMISSION.

(b) THE COMMISSION SHALL ESTABLISH AND ADMINISTER THE COMPETITIVE GRANT PROCESS FOR DISTRIBUTING FUNDS UNDER THIS SUBSECTION (7), 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.

(8) (a) FOR THE 1995-96 FISCAL YEAR, ADDITIONAL APPROPRIATIONS MAY BE AVAILABLE TO THE GOVERNING BOARDS TO REWARD OR ENCOURAGE PRODUCTIVITY THAT CONCENTRATES ON DELIVERY OF EFFICIENT AND PRODUCTIVE, YET HIGH QUALITY, EDUCATION. IN THIS REGARD, ALL FACULTY SHALL BE ASSUMED TO HAVE A TEACHING ROLE. IN DEVELOPING A DISTRIBUTION FORMULA FOR ANY FUNDS ALLOCATED UNDER THIS SUBSECTION (8), THE COMMISSION SHALL GIVE EQUAL CONSIDERATION TO EACH OF THE PARAMETERS SPECIFIED IN PARAGRAPH (b) OF THIS SUBSECTION (8) AND SHALL NOT TAILOR THE DISTRIBUTION FORMULA TO INCLUDE CONSIDERATION OF ANY INSTITUTION'S ROLE AND MISSION.

(b) A GOVERNING BOARD MAY RECEIVE FUNDS PURSUANT TO THIS SUBSECTION (8) 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 AND GRADUATE TEACHING HOURS, UNDERGRADUATE AND GRADUATE STUDENT CONTACT HOURS, AND UNDERGRADUATE AND GRADUATE 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 OR GRADUATE STUDENTS;

(V) REDUCING OR DEMONSTRATING LOW ADMINISTRATIVE OVERHEAD COSTS;

(VI) ESTABLISHING JOINT VENTURES WITH OTHER INSTITUTIONS OF HIGHER EDUCATION TO ENABLE STUDENTS TO TAKE CLASSES AT THE FRESHMAN AND SOPHOMORE LEVELS AT COMMUNITY COLLEGES AND FINISH THEIR DEGREES AT FOUR-YEAR COLLEGES OR RESEARCH UNIVERSITIES. SUCH JOINT VENTURES SHALL PROVIDE FOR COORDINATION OF CURRICULUM AND FACULTY BETWEEN THE INSTITUTIONS AND AGREEMENTS TO ENSURE THE TRANSFER OF CREDITS SO THAT TRANSFERRING STUDENTS CAN COMPLETE A DEGREE IN FOUR YEARS.

(VII) INCREASING THE NUMBER OR DEMONSTRATING A HIGH NUMBER OF STUDENTS WHO GRADUATE WITHIN FIVE YEARS OF MATRICULATION; AND

(VIII) DEMONSTRATING A HIGH RATE OF RETENTION OR INCREASING THE RATE OF RETENTION OF STUDENTS.

(9) (a) FOR THE 1995-96 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 THAT 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;

(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;

(VII) PROGRAMS TO PROVIDE INCREASED ACCESS TO TRAINING OR PROFESSIONAL GRADUATE PROGRAMS IN EACH AREA OF THE STATE;

(VIII) ESTABLISHMENT OF RELATIONSHIPS WITH INDUSTRIES AND BUSINESSES TO PROVIDE APPRENTICESHIP AND INTERN PROGRAMS;

(IX) PROVISION OF VOCATIONAL-TECHNICAL AND PROFESSIONAL DEVELOPMENT PROGRAMS AT OFF-CAMPUS FACILITIES. ANY INSTITUTION OF HIGHER EDUCATION THAT RECEIVES MONEYS PURSUANT TO THIS SUBPARAGRAPH (IX) SHALL RECEIVE A PERCENTAGE OF THE AMOUNT PAID BY THE INSTITUTION IN LEASING OFF-CAMPUS FACILITIES.

(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;

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

(10) (a) FOR THE 1995-96 FISCAL YEAR, ADDITIONAL APPROPRIATIONS MAY BE AVAILABLE TO THE GOVERNING BOARDS FOR INCREASED ENROLLMENT, GIVING SPECIAL CONSIDERATION TO ENROLLMENT OF RESIDENT STUDENTS AT LOWER-COST INSTITUTIONS.

(b) TO RECEIVE ADDITIONAL APPROPRIATIONS PURSUANT TO THIS SUBSECTION (10), A GOVERNING BOARD MUST DEMONSTRATE:

(I) A PROJECTED INCREASE IN ENROLLMENT OF RESIDENT STUDENTS, INCLUDING BUT NOT LIMITED TO UNDER-REPRESENTED RESIDENT STUDENTS, OVER THE NUMBER OF RESIDENT STUDENTS, INCLUDING BUT NOT LIMITED TO UNDER-REPRESENTED STUDENTS, ENROLLED DURING THE 1994-95 SCHOOL YEAR;

(II) 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.

(11) (a) FOR THE 1995-96 FISCAL YEAR, ADDITIONAL APPROPRIATIONS MAY BE AVAILABLE TO THE GOVERNING BOARDS THAT HAVE IN PLACE OR ESTABLISH PROGRAMS THAT DEVELOP OR APPLY TECHNOLOGY TO THE EDUCATIONAL AND BUSINESS NEEDS OF THE STATE. FOR PURPOSES OF THIS SUBSECTION (11), "TECHNOLOGY" MEANS TECHNICAL METHODS OF ACHIEVING A PRACTICAL PURPOSE, INCLUDING THE APPLICATION OF SCIENTIFIC AND SOCIAL SCIENCE ADVANCES TO THE TEACHING AND LEARNING PROCESS, HEALTH CARE, THE ENVIRONMENT, THE ARTS AND HUMANITIES, BUSINESS AND INDUSTRY, AND OTHER AREAS OF STATE NEED. SUCH PROGRAMS SHALL FALL WITHIN THE FOLLOWING PARAMETERS:

(I) PROGRAMS FOR THE DEVELOPMENT OF OR TO PROVIDE ACCESS TO EDUCATIONAL TECHNOLOGIES FOR USE IN TEACHING;

(II) PROGRAMS FOR THE TRAINING OF FACULTY IN THE DEVELOPMENT AND USE OF EDUCATIONAL TECHNOLOGIES IN THE CURRICULUM;

(III) PROGRAM PLANS TO CONSTRUCT OR REDESIGN STUDIOS OR CLASSROOMS FOR THE PRODUCTION OF MATERIALS OR THE DELIVERY OR RECEIPT OF COURSES TO OR FROM OTHER SITES ON OR OFF CAMPUS;

(IV) PROGRAMS FOR THE DEVELOPMENT AND DELIVERY OF DISTANCE LEARNING

EXPERIENCES AND SERVICES FOR STUDENTS AND CITIZENS IN THE WORKPLACE, IN PRIVATE HOMES, OR AT OTHER LOCATIONS OFF CAMPUS WITHIN COLORADO.

(b) THE COMMISSION SHALL MEASURE THE SUCCESS OF ANY PROGRAM THAT DEVELOPS OR APPLIES TECHNOLOGY TO THE EDUCATIONAL AND BUSINESS NEEDS OF THE STATE AS FOLLOWS:

(I) THE NUMBER OF COURSES THAT USE TECHNOLOGY;

(II) THE NUMBER OF FACULTY MEMBERS PARTICIPATING IN PROGRAMS FOR TRAINING IN THE DEVELOPMENT AND USE OF TECHNOLOGY IN THE CURRICULUM;

(III) THE INCREASE IN OPPORTUNITIES FOR DISTANCE LEARNING CREATED BY THE PROGRAM;

(IV) THE QUALITY AND NATURE OF THE EDUCATIONAL EXPERIENCE RESULTING FROM THE RESEARCH CONDUCTED BY THE PROGRAM;

(V) THE NUMBER OF PATENTS, LICENSES, AND USES OF RESEARCH DISCOVERIES FACILITATED BY THE TECHNOLOGY TRANSFER PROGRAM;

(VI) THE QUALITY OF THE EDUCATIONAL TECHNOLOGY PROGRAM SUPPORTED BY PROGRAM PLANS TO CONSTRUCT OR REDESIGN STUDIOS OR CLASSROOMS FOR THE PRODUCTION OF MATERIALS AND DISTANCE LEARNING EXPERIENCES.

(c) THE COMMISSION SHALL ESTABLISH AND ADMINISTER A COMPETITIVE GRANT PROCESS FOR DISTRIBUTING FUNDS UNDER THIS SUBSECTION (11), 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.

**SECTION 3.** 23-1-113 (1) (b) and (1) (c), Colorado Revised Statutes, 1988 Repl. Vol., as amended, are amended, and the said 23-1-113 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

**23-1-113. Commission directive - admission standards for baccalaureate and graduate institutions of higher education.** (1) (b) The standards established shall use at least two of the following three criteria for first-time admitted freshmen students: Standardized test scores, high school grade point average, and high school class rank. The criteria established shall be consistent with the role and mission established for each state-supported institution of higher education. In lieu of such criteria, additional criteria may be used for up to twenty percent of the admitted freshmen, EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (3) OF THIS SECTION. Students who meet the minimum criteria for admission shall not be guaranteed admission to the institution to which they have applied, but they shall be eligible for consideration.

(c) The standards established shall use college grade point average as the criterion for admitted transfer students. In lieu of such criterion, additional criteria may be used for up to twenty percent of the admitted transfer students, EXCEPT AS OTHERWISE

PROVIDED IN SUBSECTION (3) OF THIS SECTION. The academic admission standards and policies established for transfer students shall be consistent with the student transfer agreements established by the commission pursuant to section 23-1-108 (7).

(3) (a) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPHS (b) AND (c) OF SUBSECTION (1) OF THIS SECTION, ANY INSTITUTION THAT USED CRITERIA OTHER THAN STANDARDIZED TEST SCORES, HIGH SCHOOL AND COLLEGE GRADE POINT AVERAGES, AND HIGH SCHOOL CLASS RANK TO ADMIT GREATER THAN TWENTY PERCENT OF ITS FRESHMAN OR TRANSFER STUDENTS FOR THE FALL SEMESTER OF 1994 MAY USE SAID OTHER CRITERIA TO ADMIT THE SAME GREATER PERCENTAGE OF FRESHMEN AND TRANSFER STUDENTS FOR THE SCHOOL YEAR BEGINNING FALL SEMESTER, 1995.

(b) ON OR BEFORE OCTOBER 1, 1995, THE COMMISSION SHALL SUBMIT TO THE GOVERNOR, THE PRESIDENT OF THE SENATE, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, THE MAJORITY AND MINORITY LEADERS OF THE HOUSE OF REPRESENTATIVES AND THE SENATE, AND THE JOINT BUDGET COMMITTEE A PROPOSAL REGARDING CONSIDERATION OF STANDARDIZED TEST SCORES, HIGH SCHOOL AND COLLEGE GRADE POINT AVERAGES, AND HIGH SCHOOL CLASS RANK FOR ADMISSIONS AT EACH INSTITUTION AND THE PERCENTAGE OF STUDENTS ADMITTED UNDER ADDITIONAL CRITERIA AT EACH INSTITUTION.

**SECTION 4.** 23-1-113.5 (1), Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended to read:

**23-1-113.5. Commission directive - resident admissions.** (1) It is the intent of the general assembly that all state-supported institutions of higher education operate primarily to serve and educate the people of Colorado. The general assembly therefore directs the commission to develop admission policies to ensure that, beginning with the fall term of 1994 and for the fall term of each year thereafter, not less than fifty-five percent of the incoming freshman class at each state-supported institution of higher education are in-state students as defined in section 23-7-102 (5). Commencing with the fall term of 1995, this requirement shall be met if the percentage of in-state students in the incoming freshman class for the then current fall term and the two previous fall terms averages not less than fifty-five percent. Such fifty-five percent requirement shall also apply to the ~~up to twenty percent~~ PERCENTAGE of incoming freshmen students WHO ARE admitted 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). In addition, the commission shall develop admission policies to ensure, beginning with the fiscal year which begins July 1, 1994, and for each fiscal year thereafter, that not less than two-thirds of the total student enrollment, including undergraduate and graduate students, at each campus of each state-supported institution of higher education, except the Colorado school of mines, are in-state students as defined in section 23-7-102 (5) and that not less than sixty percent of the total student enrollment, including undergraduate and graduate students, at the Colorado school of mines are in-state students as defined in section 23-7-102 (5). This requirement shall be met if, commencing with the fiscal year that begins July 1, 1995, the fraction of in-state students, as defined in section 23-7-102 (5), enrolled at each state-supported institution of higher education, except the Colorado school of mines, averages not less than two-thirds of the total fiscal year student enrollment for the then current fiscal year plus the two previous fiscal years. For the Colorado school of mines, this fraction of in-state students shall be not less than three-fifths. Such policies shall be implemented no later than July 1, 1994. The

commission shall report to the general assembly on or before January 1, 1995, the policies it has established pursuant to this section.

**SECTION 5.** 23-1-105 (3.5) (a) and (3.5) (b), Colorado Revised Statutes, 1988 Repl. Vol., as amended, are amended to read:

**23-1-105. Duties and powers of the commission with respect to appropriations.** (3.5) (a) Prior to January 1, 1994, and prior to ~~each~~ January 1 OF EACH EVEN-NUMBERED YEAR thereafter, the commission, in collaboration with the governor, the speaker of the house of representatives, the president of the senate, the majority and minority leaders of the house of representatives and the senate, and the joint budget committee, shall identify five policy areas for additional funding within the state system of higher education. Funding for such policy areas, if approved by the general assembly, shall be in addition to base funding for the state system of higher education. For the purposes of this section, "base funding" means the appropriation distributed pursuant to the distribution formula established by the commission pursuant to subsection (3) of this section.

(b) The policy areas identified for funding pursuant to paragraph (a) of this subsection (3.5) shall be recommended to the general assembly in a bill which shall be introduced in the house of representatives within the first fourteen days of each regular session of ~~each~~ THE general assembly HELD DURING AN EVEN-NUMBERED YEAR beginning with the second regular session of the fifty-ninth general assembly. Within thirty days of the passage of such bill by the general assembly, the commission shall establish for each of the adopted policy areas a distribution formula of appropriations to each governing board under the principles established in subsection (3) of this section. PRIOR TO ADOPTION OF THE GENERAL APPROPRIATIONS BILL DURING ANY ODD-NUMBERED YEAR, THE COMMISSION MAY ADJUST THE DISTRIBUTION FORMULAS FOR ANY OF THE POLICY AREAS AS MAY BE NECESSARY.

**SECTION 6.** 23-60-205, Colorado Revised Statutes, 1988 Repl. Vol., is amended to read:

**23-60-205. Community and technical colleges.** The state system of community and technical colleges shall include: Arapahoe community college, the community college of Aurora, the community college of Denver, Front Range community college, Lamar community college, Morgan community college, Otero junior college, Pikes Peak community college, Pueblo community college, Red Rocks community college, ~~and~~ Trinidad state junior college, AND COLORADO COMMUNITY COLLEGE AND OCCUPATIONAL EDUCATION SYSTEM COLLEGE; any local district community college which joins the state system pursuant to part 2 of article 71 of this title; and any other such college created by the general assembly. The state system of community and technical colleges shall be governed by the state board for community colleges and occupational education. Any college in the system may withdraw pursuant to section 23-71-205.

**SECTION 7.** 24-19-108 (1) (b), Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended to read:

**24-19-108. Exceptions.** (1) The provisions of this article shall not apply to the following:

(b) Any tenured or tenure track faculty member whose primary job assignment is teaching, research, or both teaching and research and who is employed at a state institution of higher education OR ANY SPECIALTY TRACK FACULTY MEMBER WHOSE PRIMARY JOB ASSIGNMENT IS CLINICAL CARE AND WHO IS EMPLOYED AT A STATE INSTITUTION OF HIGHER EDUCATION; or

**SECTION 8. 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 20, 1995