

CHAPTER 21

EDUCATION - UNIVERSITIES AND COLLEGES

HOUSE BILL 96-1088

BY REPRESENTATIVES Foster, Grampas, Kerns, Owen, Romero, Allen, Dean, Kaufman, Leyba, Lyle, Morrison, Schwarz, and Tupa;
also SENATORS Norton, Blickensderfer, Lacy, Rizzuto, Wells, Hernandez, Matsunaka, Meiklejohn, Perlmutter, and L. Powers.

AN ACT

CONCERNING FIVE 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, 1995 Repl. Vol., is amended BY THE ADDITION OF A NEW SUBSECTION to read:

23-1-105. Duties and powers of the commission with respect to appropriations. (11) (a) IN ADDITION TO MONEYS APPROPRIATED FOR DISTRIBUTION PURSUANT TO THE FORMULA ESTABLISHED PURSUANT TO SUBSECTION (3) OF THIS SECTION, FOR THE 1996-97 AND 1997-98 FISCAL YEARS, THE GENERAL ASSEMBLY MAY APPROPRIATE FUNDS FOR DISTRIBUTION TO THE GOVERNING BOARDS IN EACH OF THE FOLLOWING POLICY AREAS:

(I) PROVIDING STUDENTS WITH A HIGH QUALITY, EFFICIENT, AND EXPEDITIOUS UNDERGRADUATE EDUCATION THROUGH ACHIEVEMENT OF THE STATE GOALS SPECIFIED IN SECTION 23-1-122.1 (2);

(II) PROVIDING A LINKAGE BETWEEN THE ELEMENTARY AND SECONDARY EDUCATION SYSTEM AND HIGHER EDUCATION THROUGH ACHIEVEMENT OF THE STATE GOALS SPECIFIED IN SECTION 23-1-122.1 (3);

(III) WORK FORCE PREPARATION AND TRAINING THROUGH ACHIEVEMENT OF THE STATE GOALS SPECIFIED IN SECTION 23-1-122.1 (4);

(IV) USE OF TECHNOLOGY TO LOWER COSTS AND IMPROVE THE QUALITY AND DELIVERY OF EDUCATION THROUGH ACHIEVEMENT OF THE STATE GOALS SPECIFIED IN

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

SECTION 23-1-122.1 (5); AND

(V) DEMONSTRATING HIGH OR INCREASING OPERATIONAL PRODUCTIVITY THROUGH ACHIEVEMENT OF THE STATE GOALS SPECIFIED IN SECTION 23-1-122.1 (6).

(b) FOR THE 1996-97 AND 1997-98 FISCAL YEARS, ANY APPROPRIATIONS MADE FOR THE POLICY AREAS SPECIFIED IN SUBPARAGRAPHS (I), (III), AND (V) OF PARAGRAPH (a) OF THIS SUBSECTION (11) SHALL BE DISTRIBUTED PURSUANT TO DISTRIBUTION FORMULAS ADOPTED BY THE COMMISSION AS PROVIDED IN SUBSECTION (3.5) OF THIS SECTION. THE COMMISSION SHALL USE PERFORMANCE INDICATORS THAT ARE CONSISTENT WITH THE POLICY AREA GOALS TO DEVELOP THE DISTRIBUTION FORMULAS. NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (3.5) OF THIS SECTION, ANY APPROPRIATIONS MADE FOR THE POLICY AREAS SPECIFIED IN SUBPARAGRAPHS (II) AND (IV) OF PARAGRAPH (a) OF THIS SUBSECTION (11) 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 23-1-122.1 (3) (c) AND (5) (b).

(c) 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. Article 1 of title 23, Colorado Revised Statutes, 1995 Repl. Vol., is amended BY THE ADDITION OF A NEW SECTION to read:

23-1-122.1. Commission directive - separately funded policy areas - fiscal years 1996-97 and 1997-98. (1) (a) THE GENERAL ASSEMBLY FINDS THAT, BECAUSE OF INCREASING LIMITATIONS ON STATE AND PERSONAL FINANCES AND PROJECTED INCREASES IN STUDENT ENROLLMENT, IT IS ESSENTIAL THAT STATE-SUPPORTED INSTITUTIONS OF HIGHER EDUCATION PROVIDE STUDENTS THE HIGHEST QUALITY EDUCATION IN THE MOST EFFICIENT AND COST-EFFECTIVE MANNER. THE GENERAL ASSEMBLY FURTHER FINDS THAT THE POLICY AREAS SPECIFIED IN SECTION 23-1-105 (11) AND FURTHER DEFINED IN THIS SECTION ARE NECESSARY TO ENSURE THAT THE STATEWIDE SYSTEM OF HIGHER EDUCATION DELIVERS EDUCATIONAL SERVICES AT A PERFORMANCE LEVEL THAT MORE THAN ADEQUATELY MEETS THE NEEDS OF THE STATE AND ITS RESIDENTS.

(b) IT IS FURTHER THE GENERAL ASSEMBLY'S INTENT THAT AN INSTITUTION OF HIGHER EDUCATION SHALL NOT DEPART FROM OR ACT OUTSIDE OF ITS ROLE AND MISSION IN AN EFFORT TO QUALIFY FOR APPROPRIATIONS UNDER ANY POLICY AREA.

(2) FOR THE 1996-97 AND 1997-98 FISCAL YEARS, ADDITIONAL APPROPRIATIONS MAY BE AVAILABLE TO ANY GOVERNING BOARD THAT DEMONSTRATES THAT THE INSTITUTIONS OF HIGHER EDUCATION UNDER ITS MANAGEMENT ARE PROVIDING STUDENTS WITH A HIGH QUALITY, EFFICIENT, AND EXPEDITIOUS UNDERGRADUATE EDUCATION. TO BE ELIGIBLE TO RECEIVE ADDITIONAL APPROPRIATIONS UNDER THIS SUBSECTION (2), A GOVERNING BOARD SHALL DEMONSTRATE THAT ITS INSTITUTIONS ARE ACHIEVING THE FOLLOWING GOALS:

(a) DELIVERY OF A DEGREE IN THE NUMBER OF CREDIT HOURS SPECIFIED IN THE COURSE CATALOGUE. TO ACHIEVE THIS GOAL, INSTITUTIONS OF HIGHER EDUCATION SHALL, AT A MINIMUM:

(I) PROVIDE FREQUENT OR CONVENIENT SCHEDULING OF REQUIRED AND CORE COURSES;

(II) ENSURE THAT ANY STUDENT WHO CHANGES HIS OR HER DEGREE PROGRAM LOSES ONLY THOSE CREDIT HOURS THAT CLEARLY AND JUSTIFIABLY CANNOT APPLY IN THE DEGREE PROGRAM TO WHICH THE STUDENT TRANSFERS;

(III) SCHEDULE COURSES TO ACCOMMODATE THE SCHEDULES OF WORKING STUDENTS, INCLUDING BUT NOT LIMITED TO OFFERING COURSES IN THE EVENING AND ON WEEKENDS;

(b) DEMONSTRATION OF A HIGH OR INCREASED LEVEL OF STUDENT-FACULTY CONTACT;

(c) DEMONSTRATION OF A HIGH OR INCREASED NUMBER OF ADVISING HOURS PERFORMED BY FULL-TIME FACULTY AND STAFF;

(d) DEMONSTRATION OF A HIGH OR INCREASED RATE OF TRANSFERABILITY BETWEEN THE INSTITUTION AND OTHER INSTITUTIONS OF HIGHER EDUCATION;

(e) RECOGNITION AND REWARD OF IMPROVED OR EXISTING HIGH QUALITY FACULTY INSTRUCTION AND STUDENT LEARNING BY, AT A MINIMUM:

(I) ENSURING THAT THE FACULTY MEMBERS IN EACH DEPARTMENT OR COLLEGE SPEND, IN THE AGGREGATE, A SPECIFIED, APPROPRIATE PERCENTAGE OF TIME TEACHING STUDENTS; AND

(II) BASING A HIGH PROPORTION OF EACH FACULTY MEMBER'S RATING AND EVALUATION ON THE AMOUNT OF TIME THE FACULTY MEMBER SPENDS TEACHING AND THE QUALITY OF THE INSTRUCTION PROVIDED.

(3) (a) FOR THE 1996-97 AND 1997-98 FISCAL YEARS, ADDITIONAL APPROPRIATIONS MAY BE AVAILABLE TO ANY GOVERNING BOARD THAT DEMONSTRATES THAT THE INSTITUTIONS OF HIGHER EDUCATION UNDER ITS MANAGEMENT ARE PROVIDING A LINKAGE BETWEEN THE ELEMENTARY AND SECONDARY EDUCATION SYSTEM AND HIGHER EDUCATION. TO BE ELIGIBLE TO RECEIVE GRANTS UNDER THIS SUBSECTION (3), A GOVERNING BOARD SHALL DEMONSTRATE THAT ANY GRANT REQUEST SUBMITTED WOULD ASSIST ITS INSTITUTIONS IN ACHIEVING THE FOLLOWING GOALS:

(I) IMPLEMENTATION OF PROGRAMS TO SUPPORT SYSTEMIC REFORM IN ELEMENTARY AND SECONDARY EDUCATION TO RAISE THE LEVEL OF ACHIEVEMENT OF ALL STUDENTS AND TO ALIGN HIGHER EDUCATION ADMISSION REQUIREMENTS WITH THESE ACHIEVEMENT LEVELS;

(II) COMBINATION OF EFFORTS WITH SECONDARY SCHOOLS TO ENABLE STUDENTS TO COMPLETE PROGRAMS OF POSTSECONDARY EDUCATION QUICKLY AND EFFICIENTLY

AND TO ENCOURAGE AND ALLOW TWELFTH GRADE STUDENTS TO TAKE POSTSECONDARY COURSES;

(III) IMPROVEMENT OF PREPARATION AND PROFESSIONAL DEVELOPMENT FOR ELEMENTARY AND SECONDARY EDUCATION EDUCATORS THROUGH IN-SERVICE AND PRESERVICE PROGRAMS, INCLUDING, BUT NOT LIMITED TO, PROGRAMS FOR PREPARATION OF AND PROFESSIONAL DEVELOPMENT FOR PRINCIPALS.

(b) IN DETERMINING THE LEVEL OF ACHIEVEMENT OF AN INSTITUTION OF HIGHER EDUCATION OF THE GOALS SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (3), THE COMMISSION SHALL APPLY THE FOLLOWING PERFORMANCE INDICATORS:

(I) WHETHER THE INSTITUTION HAS DEVELOPED OR IS OFFERING PROGRAMS THAT ENABLE SECONDARY SCHOOL STUDENTS TO EARN POSTSECONDARY CREDITS;

(II) WHETHER THE INSTITUTION HAS IMPLEMENTED PROGRAMS THAT ENCOURAGE COORDINATED EFFORTS BETWEEN THE ELEMENTARY AND SECONDARY EDUCATION SYSTEM AND THE HIGHER EDUCATION SYSTEM THAT RESULT IN QUICK AND EFFICIENT PROGRAM COMPLETION, SHARED EDUCATIONAL EXPERIENCES, RESPONSIVE ACTION TO TEACHER EDUCATION ISSUES INCLUDING SPECIAL EDUCATION NEEDS, AND STAFF, FACILITIES, AND RESOURCE SHARING;

(III) WHETHER THE INSTITUTION PARTICIPATES IN FACULTY-TO-FACULTY EXCHANGES BETWEEN SECONDARY SCHOOLS AND INSTITUTIONS OF HIGHER EDUCATION.

(c) THE COMMISSION SHALL DEVELOP A GRANT PROGRAM FOR ALLOCATION OF ANY MONEYS THAT MAY BE APPROPRIATED TO FUND THE POLICY AREA SPECIFIED IN THIS SUBSECTION (3). THE GRANT PROGRAM SHALL REQUIRE AN ANNUAL PROGRESS REPORT BY EACH INSTITUTION THAT RECEIVES MONEYS PURSUANT TO THIS SUBSECTION (3).

(d) ANY MONEYS RECEIVED BY A GOVERNING BOARD THROUGH THE GRANT PROGRAM ESTABLISHED IN THIS SUBSECTION (3) SHALL BE USED ONLY FOR THE STATED PURPOSES OF THE GRANT REQUEST.

(4) (a) FOR THE 1996-97 AND 1997-98 FISCAL YEARS, ADDITIONAL APPROPRIATIONS MAY BE AVAILABLE TO ANY GOVERNING BOARD THAT DEMONSTRATES THAT THE INSTITUTIONS OF HIGHER EDUCATION UNDER ITS MANAGEMENT PROVIDE WORK FORCE PREPARATION AND TRAINING. TO BE ELIGIBLE TO RECEIVE ADDITIONAL FUNDING UNDER THIS SUBSECTION (4), A GOVERNING BOARD SHALL DEMONSTRATE THAT ITS INSTITUTIONS ARE ACHIEVING THE FOLLOWING GOALS:

(I) PREPARATION OF GRADUATES WHO POSSESS THE BASIC ABILITIES AND SKILLS THAT ARE NECESSARY IN A VARIETY OF CAREERS;

(II) INTEGRATION OF REAL WORLD EXPERIENCES INTO THE EDUCATIONAL PROCESS AND FACILITATION OF SCHOOL-TO-WORK OPPORTUNITIES;

(III) PROVISION OF OPPORTUNITIES FOR COOPERATIVE EDUCATION AND INTERNSHIPS;

(IV) COOPERATION WITH EMPLOYERS TO ASSESS THEIR LEVEL OF SATISFACTION WITH THE PREPARATION OF GRADUATES;

(V) RESPONSIVENESS TO COLORADO BUSINESSES THROUGH DEVELOPMENT OF WORK FORCE TRAINING PROGRAMS AND RESEARCH NEEDED FOR ECONOMIC DEVELOPMENT.

(b) IN DETERMINING THE LEVEL OF ACHIEVEMENT OF AN INSTITUTION OF HIGHER EDUCATION OF THE GOALS SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (4), THE COMMISSION SHALL APPLY THE FOLLOWING PERFORMANCE INDICATORS:

(I) WHETHER THE INSTITUTION PROVIDES PROGRAMS THAT PRODUCE GRADUATES WHO POSSESS THE BASIC ABILITIES AND SKILLS NECESSARY IN A VARIETY OF CAREERS;

(II) WHETHER THE INSTITUTION IMPLEMENTS INFORMATION SYSTEMS THAT PROVIDE STUDENTS WITH POTENTIAL EMPLOYMENT OPPORTUNITIES AND FORECASTS FOR THE JOB MARKET THAT ARE SPECIFIC TO DEGREE PROGRAMS PRIOR TO THE TIME THAT STUDENTS MUST DECLARE A MAJOR;

(III) THE QUALITY AND NATURE OF JOBS OBTAINED BY GRADUATES RELEVANT TO THEIR DEGREES;

(IV) THE NUMBER OF GRADUATES PLACED IN POSITIONS THAT ARE RELEVANT TO THE STATE'S NEEDS;

(V) THE NUMBER OF GRADUATES PLACED IN JOBS WITHIN THE STATE;

(VI) WHETHER THE INSTITUTION PROVIDES OPPORTUNITIES FOR COOPERATIVE EDUCATION AND INTERNSHIPS.

(5) (a) FOR THE 1996-97 AND 1997-98 FISCAL YEARS, ADDITIONAL APPROPRIATIONS MAY BE AVAILABLE TO ANY GOVERNING BOARD THAT DEMONSTRATES THAT THE INSTITUTIONS OF HIGHER EDUCATION UNDER ITS MANAGEMENT USE TECHNOLOGY TO LOWER THEIR CAPITAL AND ADMINISTRATIVE COSTS AND IMPROVE THE QUALITY AND DELIVERY OF EDUCATION. TO BE ELIGIBLE TO RECEIVE GRANTS UNDER THIS SUBSECTION (5), A GOVERNING BOARD SHALL DEMONSTRATE THAT ANY GRANT REQUEST SUBMITTED WOULD ASSIST ITS INSTITUTIONS IN ACHIEVING THE FOLLOWING GOALS:

(I) DEMONSTRATION OF A LOW OR REDUCED COST PER UNIT OF EDUCATION DUE TO INTEGRATION OF TECHNOLOGY INTO THE EDUCATIONAL PROCESS;

(II) DEMONSTRATION OF HIGH OR INCREASED MARKETABILITY OF THE INSTITUTION'S GRADUATES IN THE WORKPLACE DUE TO INTEGRATION OF TECHNOLOGY INTO THE EDUCATIONAL PROCESS;

(III) IMPROVEMENT IN STUDENT ACCESS AND CONTINUING EDUCATION THROUGH A HIGH OR INCREASED USE OF DISTANCE LEARNING TECHNOLOGIES;

(IV) DEMONSTRATION OF HIGH OR IMPROVED STUDENT LEARNING PRODUCTIVITY THROUGH THE USE OF TECHNOLOGY.

(b) THE COMMISSION SHALL DEVELOP A GRANT PROGRAM FOR ALLOCATION OF ANY MONEYS THAT MAY BE APPROPRIATED TO FUND THE POLICY AREA SPECIFIED IN THIS SUBSECTION (5). THE GRANT PROGRAM SHALL EMPHASIZE PROGRAMS THAT INVOLVE DISTANCE LEARNING PROGRAMS, INTERACTIVE COURSE WORK, AND STUDENT TRAINING AND FACULTY DEVELOPMENT IN THE USE OF EDUCATIONAL TECHNOLOGY. THE GRANT PROGRAM SHALL REQUIRE AN ANNUAL PROGRESS REPORT BY ANY INSTITUTION THAT RECEIVES MONEYS PURSUANT TO THIS SUBSECTION (5).

(c) ANY MONEYS RECEIVED BY A GOVERNING BOARD THROUGH THE GRANT PROGRAM ESTABLISHED IN THIS SUBSECTION (5) SHALL BE USED ONLY FOR THE STATED PURPOSES OF THE GRANT REQUEST.

(6) (a) FOR THE 1996-97 AND 1997-98 FISCAL YEARS, ADDITIONAL APPROPRIATIONS MAY BE AVAILABLE TO ANY GOVERNING BOARD THAT CAN DEMONSTRATE THAT THE INSTITUTIONS OF HIGHER EDUCATION UNDER ITS MANAGEMENT ARE PERFORMING WITH HIGH OR INCREASED OPERATIONAL PRODUCTIVITY. TO BE ELIGIBLE TO RECEIVE ADDITIONAL APPROPRIATIONS UNDER THIS SUBSECTION (6), A GOVERNING BOARD SHALL DEMONSTRATE THAT ITS INSTITUTIONS ARE ACHIEVING THE FOLLOWING GOALS:

(I) PROVISION OF A HIGH OR IMPROVED QUALITY UNDERGRADUATE EDUCATION;

(II) PROVISION OF INSTRUCTION, STUDENT SERVICES, AND ADMINISTRATIVE SERVICES USING AN EFFICIENT AND PRODUCTIVE DELIVERY SYSTEM;

(III) IMPLEMENTATION OF SERVICES THAT ASSIST IN THE GRADUATION OF STUDENTS.

(b) IN DETERMINING THE LEVEL OF ACHIEVEMENT OF AN INSTITUTION OF HIGHER EDUCATION OF THE GOALS SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (6), THE COMMISSION SHALL APPLY THE FOLLOWING PERFORMANCE INDICATORS:

(I) WHETHER THE INSTITUTION, FOR HIGH-DEMAND COURSES, HAS AN ADEQUATE NUMBER OR INCREASES THE NUMBER AND AVAILABILITY OF COURSE SECTIONS WHEN NECESSARY;

(II) WHETHER THE INSTITUTION DEMONSTRATES A HIGH OR INCREASED UTILIZATION OF EXISTING SPACE FOR ACADEMIC PURPOSES;

(III) WHETHER THE INSTITUTION OPERATES WITH LOW OR DECREASED NONINSTRUCTIONAL COSTS;

(IV) WHETHER THE INSTITUTION CAN DEMONSTRATE A HIGH OR INCREASED RATIO OF TEACHING FACULTY TO NONTeaching FACULTY AND STAFF;

(V) WHETHER AN INSTITUTION CAN DEMONSTRATE EFFECTIVE STUDENT LEARNING AS EVIDENCED BY ACHIEVEMENT OF HIGHER THAN NATIONAL PASS RATES ON STANDARDIZED NATIONAL LICENSURE OR BOARD EXAMINATIONS, STATE BOARD OR LICENSURE EXAMINATIONS, OR GRADUATE SCHOOL ENTRANCE EXAMINATIONS OR BY OTHER MEASUREMENTS.

(7) (a) ANY AMOUNT RECEIVED BY A GOVERNING BOARD PURSUANT TO THE POLICY AREAS ESTABLISHED IN SUBSECTIONS (2) TO (4) AND (6) OF THIS SECTION, WHERE THE APPROPRIATIONS ARE USED FOR ONGOING EXPENSES INCURRED IN MEETING THE GOALS OF THE POLICY AREAS, SHALL BE INCLUDED IN BASE FUNDING FOR THE GOVERNING BOARD IN SUBSEQUENT FISCAL YEARS.

(b) IT IS PRESUMED THAT ANY AMOUNT RECEIVED BY A GOVERNING BOARD PURSUANT TO THE POLICY AREA ESTABLISHED IN SUBSECTION (5) OF THIS SECTION THAT IS NOT USED FOR ONGOING EXPENSES INCURRED IN MEETING THE GOALS OF THE POLICY AREA SHALL NOT BE INCLUDED IN BASE FUNDING FOR THE GOVERNING BOARD IN SUBSEQUENT FISCAL YEARS. NOTWITHSTANDING THIS PRESUMPTION, THE COMMISSION MAY RECOMMEND TO THE JOINT BUDGET COMMITTEE THAT AN AMOUNT RECEIVED AS A GRANT BY A GOVERNING BOARD PURSUANT TO SUBSECTION (5) OF THIS SECTION BE INCLUDED IN THE GOVERNING BOARD'S BASE FUNDING FOR ANY FISCAL YEAR AFTER THE 1997-98 FISCAL YEAR.

(c) FOR PURPOSES OF THIS SUBSECTION (7), "BASE FUNDING" MEANS THE APPROPRIATION DISTRIBUTED THROUGH THE DISTRIBUTION FORMULA ESTABLISHED BY THE COMMISSION PURSUANT TO SECTION 23-1-105 (3).

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 20, 1996