

CHAPTER 332

EDUCATION - UNIVERSITIES AND COLLEGES

HOUSE BILL 04-1207

BY REPRESENTATIVE(S) Spence, Lee, Rose, Heffley, Jahn, and Schultheis;
also SENATOR(S) Groff, Chlouber, and Jones.

AN ACT**CONCERNING HIGHER EDUCATION FIXED-RATE CONTRACTS.**

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

SECTION 1. Article 5 of title 23, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

23-5-131. Governing boards - tuition - fees - fixed rate - repeal. (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "COMMISSION" MEANS THE COLORADO COMMISSION ON HIGHER EDUCATION.

(b) "FIXED RATE" MEANS THE FIXED TUITION AND FEE RATE SPECIFIED IN A CONTRACT BETWEEN A STATE-SUPPORTED INSTITUTION OF HIGHER EDUCATION AND A STUDENT ENROLLED IN THE INSTITUTION.

(c) "PROGRAM" MEANS THE FIXED TUITION AND FEE RATE PROGRAM.

(d) "STUDENT" MEANS A STUDENT WHO IS CLASSIFIED FOR TUITION PURPOSES AS AN IN-STATE STUDENT.

(2) THERE IS HEREBY ESTABLISHED A FIXED TUITION AND FEE RATE PROGRAM. BEGINNING IN THE 2005-06 ACADEMIC YEAR, THE GOVERNING BOARD OF EACH STATE-SUPPORTED INSTITUTION OF HIGHER EDUCATION THAT HAS BEEN DESIGNATED AS AN ENTERPRISE PURSUANT TO SECTION 23-5-101.7 MAY OFFER A FIXED TUITION AND FEE RATE TO A STUDENT WHO IS WILLING TO ENTER INTO A CONTRACT WITH THE INSTITUTION FOR THE FIXED RATE. A STUDENT WHO ENTERS INTO A FIXED-RATE CONTRACT MAY BE CHARGED ADDITIONAL FEES THAT ARE NOT INCLUDED IN THE CONTRACT SO LONG AS THE FEES ARE APPROVED BY THE STUDENT GOVERNMENT OF

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

THE STATE-SUPPORTED INSTITUTION OF HIGHER EDUCATION.

(3) IF A STUDENT IS UNABLE TO COMPLETE A DEGREE PROGRAM WITHIN THE DURATION OF THE FIXED-RATE CONTRACT BECAUSE A COURSE IS UNAVAILABLE DUE TO A LACK OF AVAILABLE CLASSES OR CLASS SPACE, THE STATE-SUPPORTED INSTITUTION OF HIGHER EDUCATION SHALL PROVIDE THE COURSE TO THE STUDENT FREE OF CHARGE.

(4) (a) EACH GOVERNING BOARD THAT IS PARTICIPATING IN THE PROGRAM SHALL ESTABLISH GUIDELINES FOR EACH INSTITUTION UNDER ITS CONTROL RELATING TO THE FIXED TUITION AND FEE RATE PROGRAM THAT SHALL INCLUDE, AT A MINIMUM, THE DEGREE OF FLEXIBILITY A STUDENT HAS IN CHANGING MAJORS OR DEGREE PROGRAMS WITHOUT VOIDING A FIXED-RATE CONTRACT.

(b) EACH GOVERNING BOARD SHALL SUBMIT THE GUIDELINES ADOPTED FOR EACH INSTITUTION UNDER ITS CONTROL TO THE COMMISSION FOR REVIEW AND APPROVAL.

(c) EACH STATE-SUPPORTED INSTITUTION OF HIGHER EDUCATION UNDER THE DIRECTION AND CONTROL OF A GOVERNING BOARD PARTICIPATING IN THE PROGRAM SHALL PUBLISH INFORMATION RELATING TO THE FIXED-RATE CONTRACT OPTION IN THE INSTITUTION'S COURSE CATALOG OR STUDENT HANDBOOK AND ON THE INSTITUTIONAL WEB SITE.

(5) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2011. PRIOR TO SUCH REPEAL, THE FIXED TUITION AND FEE RATE PROGRAM SHALL BE REVIEWED AS PROVIDED FOR IN SECTION 24-34-104, C.R.S.

SECTION 2. 24-34-104 (42), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

24-34-104. General assembly review of regulatory agencies and functions for termination, continuation, or reestablishment. (42) The following agencies, functions, or both, shall terminate on July 1, 2011:

(g) THE FIXED TUITION AND FEE RATE PROGRAM, CREATED IN SECTION 23-5-131, C.R.S.

SECTION 3. Effective date. (1) This act shall take effect only if Senate Bill 04-189 is enacted at the Second Regular Session of the Sixty-fourth General Assembly and becomes law.

(2) This act shall take effect July 1, 2004.

SECTION 4. 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, 2004