

CHAPTER 228

EDUCATION - UNIVERSITIES AND COLLEGES

HOUSE BILL 09-1063

BY REPRESENTATIVE(S) Summers, Gardner B., Kerr J., Massey, Nikkel, Waller;
also SENATOR(S) Penry, Bacon, Boyd, Gibbs, Groff, Heath, Hudak, Isgar, Kester, Mitchell, Newell, Schwartz, Shaffer B.,
Spence, Tapia, Tochtrop, Williams.

AN ACT

CONCERNING GRANTING IN-STATE STUDENT STATUS TO A CHILD WHO MOVES TO COLORADO DURING THE CHILD'S SENIOR YEAR OF HIGH SCHOOL AS THE RESULT OF THE CHILD'S LEGAL GUARDIAN TAKING A JOB IN THE STATE.

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

SECTION 1. Legislative declaration. (1) The general assembly finds and declares that:

(a) It is in the best interest of the state for people who are United States citizens to relocate to Colorado for employment purposes;

(b) It is also in the best interest of the state to have a highly educated workforce;
and

(c) When employees relocate to another state, it can cause significant interruptions for those employees, including interruptions in the education of the employees' children.

(2) Therefore, the general assembly declares it is rational and in the best interest of the state to provide in-state tuition status to a child whose parent or legal guardian moves to the state for employment purposes so long as:

(a) The move occurs during the child's senior year of high school;

(b) The child graduates from a Colorado public high school; and

(c) The child is a legal resident of the United States.

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 2. Article 7 of title 23, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

23-7-111. Tuition classification for persons who move to Colorado for employment. (1) (a) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE TO THE CONTRARY, AND SUBJECT TO THE PROVISIONS OF SUBSECTIONS (2) TO (4) OF THIS SECTION, A CHILD WHO IS A LEGAL RESIDENT OF THE UNITED STATES AND WHO WOULD OTHERWISE NOT BE CLASSIFIED AS AN IN-STATE STUDENT FOR TUITION PURPOSES UNDER THIS ARTICLE MAY BE CLASSIFIED AS AN IN-STATE STUDENT FOR PURPOSES OF TUITION AT AN INSTITUTION IF:

(I) THE CHILD'S PARENT OR LEGAL GUARDIAN MOVED HIS OR HER FAMILY TO COLORADO FOR THE PURPOSE OF ACCEPTING A JOB IN THE STATE DURING THE CHILD'S SENIOR YEAR OF HIGH SCHOOL;

(II) THE CHILD MOVED WITH HIS OR HER PARENT OR LEGAL GUARDIAN TO COLORADO DURING THE CHILD'S SENIOR YEAR OF HIGH SCHOOL; AND

(III) THE CHILD GRADUATED FROM A COLORADO PUBLIC HIGH SCHOOL.

(b) EACH INSTITUTION SHALL DEVELOP A POLICY TO VERIFY THAT A CHILD MEETS EACH OF THE REQUIREMENTS SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (1).

(2) IF A CHILD IS CLASSIFIED AS AN IN-STATE STUDENT PURSUANT TO THIS SECTION, HE OR SHE MAY BE COUNTED AS A RESIDENT STUDENT FOR ANY PURPOSE; EXCEPT THAT THE CHILD SHALL NOT BE ENTITLED TO RECEIVE STATE FINANCIAL AID.

(3) THE GOVERNING BOARD OF EACH INSTITUTION MAY GRANT IN-STATE TUITION STATUS TO A CHILD CLASSIFIED AS AN IN-STATE STUDENT PURSUANT TO THIS SECTION.

(4) IF A CHILD IS CLASSIFIED AS AN IN-STATE STUDENT PURSUANT TO THIS SECTION, THE CHILD SHALL NOT BE ENTITLED TO RECEIVE A STIPEND PURSUANT TO ARTICLE 18 OF THIS TITLE FOR THE FIRST YEAR THE CHILD IS ENROLLED AT AN INSTITUTION.

SECTION 3. 23-18-102 (5), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

23-18-102. Definitions. As used in this article, unless the context otherwise requires:

(5) (c) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (a) OF THIS SUBSECTION (5), A STUDENT SHALL NOT BE CONSIDERED AN "ELIGIBLE UNDERGRADUATE STUDENT" DURING THE FIRST YEAR THE STUDENT ATTENDS A COLORADO INSTITUTION OF HIGHER EDUCATION IF THE STUDENT RECEIVES STATUS AS AN IN-STATE STUDENT FOR TUITION PURPOSES PURSUANT TO SECTION 23-7-111.

SECTION 4. Act subject to petition - effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final

adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution, (August 5, 2009, if adjournment sine die is on May 6, 2009); except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: May 4, 2009