

CHAPTER 204

**EDUCATION - POSTSECONDARY**

HOUSE BILL 13-1263

BY REPRESENTATIVE(S) Primavera, Buckner, Court, Hamner, Peniston, Pettersen, Exum, Fields, Ginal, Hullinghorst, Lee, Melton, Ryden, Schafer, Williams, Young; also SENATOR(S) Heath, Carroll, Todd.

**AN ACT**

**CONCERNING THE REGULATION OF PRIVATE OCCUPATIONAL SCHOOLS BY THE PRIVATE OCCUPATIONAL SCHOOL BOARD, AND, IN CONNECTION THEREWITH, MAKING NONPROFIT PRIVATE OCCUPATIONAL SCHOOLS SUBJECT TO REGULATION BY THE PRIVATE OCCUPATIONAL SCHOOL BOARD.**

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

**SECTION 1.** In Colorado Revised Statutes, 12-59-104, **repeal** (1) (p) as follows:

**12-59-104. Exemptions.** (1) The following educational institutions and educational services are exempt from the provisions of this article:

~~(p) Educational programs, continuing education programs, and training programs offered or conducted by an organization which is listed as an exempt organization in 26 U.S.C. sec. 501 (c) of the federal "Internal Revenue Code of 1986", as amended. Any such program, in order to qualify for the exemption created in this paragraph (p), shall be consistent with the purposes or requirements of the organization offering or conducting the program.~~

**SECTION 2.** In Colorado Revised Statutes, 12-59-105.1, **amend** (3) (b) as follows:

**12-59-105.1. Proprietary postsecondary education board - established - membership.** (3) The board shall consist of seven members appointed by the governor, with the consent of the senate, as follows:

(b) Four members shall be representatives of the general public, at least one of whom is employed by a lending institution located in Colorado and is familiar with

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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.*

~~the Colorado student loan program~~ FEDERAL LOANS AND FUNDS AUTHORIZED IN TITLE IV OF THE FEDERAL "HIGHER EDUCATION ACT OF 1965", AS AMENDED, and at least two of whom are owners or operators of businesses within Colorado that employ students who are enrolled in schools that are subject to administration by the division.

**SECTION 3.** In Colorado Revised Statutes, 12-59-105.3, **repeal** (1) (i) as follows:

**12-59-105.3. Powers and duties of board.** (1) The board shall have the following powers and duties:

(i) ~~To grant accreditation to schools that make application and that meet the standards of accreditation established by the board, which shall include at least the standards of accreditation required for recognition of an accrediting authority for private occupational schools by the United States office of education. Accreditation shall be voluntary and shall not affect, in any manner, a certificate of approval issued by the board as provided in this article. A school making application for accreditation shall pay all reasonable expenses incurred by the board, including any payments to evaluators, in the performance of the accreditation evaluation or in connection with the continuation of any accreditation received under this paragraph (i).~~

**SECTION 4.** In Colorado Revised Statutes, 12-59-108, **amend** (1) (c) as follows:

**12-59-108. Application for certificate of approval.** (1) Any entity desiring to operate a private occupational school in this state shall make application for a certificate of approval to the board upon forms to be provided by the board. Said application shall include at least the following:

(c) ~~A current balance sheet, income and expense statement, and other supportive financial documentation incidental thereto, prepared by an independent public accountant or certified public accountant using a format which reflects accepted accounting principles and procedures~~ DOCUMENTATION NECESSARY TO ESTABLISH THE APPLICANT'S FINANCIAL STABILITY AS REQUIRED BY THE MINIMUM STANDARDS AND BOND PROVISIONS SPECIFIED IN THIS ARTICLE;

**SECTION 5.** In Colorado Revised Statutes, 12-59-118, **amend** (1) as follows:

**12-59-118. Complaints of deceptive trade or sales practices.** (1) A person claiming pecuniary loss as a result of a deceptive trade or sales practice, pursuant to section 12-59-117, by a school or agent ~~shall first exhaust all complaint and appeals processes available at the school. If the person's complaint is not resolved to the person's satisfaction, the person may file with the board a written complaint against the school or agent. The complaint shall~~ MUST set forth the alleged violation and such other relevant information as ~~may be required by the board~~ MAY REQUIRE. A complaint filed under this section is a public record subject to the provisions of article 72 of title 24, C.R.S., and ~~shall~~ MUST be filed within two years after the student discontinues his or her training at the school or at any time prior to the commencement of training.

**SECTION 6. 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 11, 2013