

# STATE OF COLORADO

**Department of Higher Education  
COLORADO COMMISSION ON HIGHER EDUCATION**

Judy Weaver, Chair  
Terrance L. Farina, Vice Chair  
Judith Altenberg  
Raymond T. Baker  
Michael F. Feeley  
Richard L. Garcia  
Pres Montoya  
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James M. Stewart  
William Vollbracht



Bill Owens  
Governor

Richard F. O'Donnell  
Executive Director

**Colorado Commission on Higher Education Agenda  
February 3, 2005  
10:00 a.m.**

**Colorado State University  
Lory Student Center, North Ballroom  
Ft. Collins, Colorado**

- I. Opening Business
  - A. Welcome by Dr. Larry Penley, President of Colorado State University
  - B. Approval of Minutes for the January 6, 2005, meeting
  - C. Chairs' Report
  - D. Commissioners' Reports
    - Commissioner Feeley's Status Report on Colorado State University Alcohol Task Force
  - E. Advisory Committee Reports
  - F. Public Comment
- II. Presentations & Discussion – No written materials
  - A. Update on COF Stipend Application Process (Schweigert)
  - B. Potential Solutions to State Fiscal Problems and Public Opinion Regarding Higher Education (O'Donnell/Schweigert)
- III. Action Items
  - A. Student Budget Parameters for 2005-2006 (Lindner)
  - B. Resolution Concerning Task Force on Alternatives to Funding Capital Construction and Controlled Maintenance (Schweigert)
  - C. Revisions to the Statewide Transfer Policy (Gianneschi)
- IV. Consent Items
  - A. Performance Contracts: [University of Northern Colorado](#), [Colorado State University System](#), [Metropolitan State College](#), [Adams State College](#), [Colorado Community College System](#), [Western State College](#)
  - B. Correction Regarding Approved Advanced Teacher Preparation Programs at the University of Colorado at Boulder
- V. Written Reports – No Discussion
  - A. Report on Out of State Instruction (Arnesen)
  - B. FTE – Service Area Exemptions (Arnesen)
  - C. Capital Assets Quarterly Report for Fourth Quarter 2004 on Program Plan Waivers, Cash-Funded and SB92-202 Projects, and Other Matters (Hoffman)

# MINUTES OF THE COLORADO COMMISSION ON HIGHER EDUCATION

January 6, 2005

## Colorado Community College System

Chairwoman Judy Weaver called the meeting to order at 10:10 a.m.

Commission members attending were Judy Weaver, Chairperson; Terry Farina, Vice-Chairperson; Ray Baker; Judy Altenberg; James Stewart; Mike Feeley; Richard Garcia; Bill Vollbracht; and Pres Montoya. Commissioner Dean Quamme attended by phone and Commissioner Stevinson was excused. Commission Staff members attending were Executive Director Rick O'Donnell, Rich Schweigert, Jenna Langer, Matt Gianneschi, Jason Hopfer, Kimberly Tulp, Joan Johnson, Gail Hoffman, and Mary Lou Lawrence.

Advisory Committee member Senator Sue Windels was present and Wayne Artis represented Chris Purkiss.

Chairperson Weaver introduced Dr. Nancy McCallin, President of the Colorado Community College System (CCCS) and host of the meeting, who made welcoming remarks.

### APPROVAL OF MINUTES

Commissioner Farina moved to approve the minutes of the November 4, 2004, meeting and Commissioner Baker seconded the motion. They were unanimously approved.

### REPORTS

Chairman's Report: Chairperson Weaver announced this was Commissioner Vollbracht's last meeting and recognized him for six years of outstanding service on the Commission. She presented him with a letter from Governor Owens and a gift. Commissioner Baker commended Commissioner Vollbracht for his hard work on financing, financial accounting and the Fitzsimons campus.

Commissioners' Report: Commissioner Feeley reported on the progress of the Colorado State University (CSU) Alcohol Task force. He is delighted at the community involvement and noted that CSU is taking the national lead on this issue. A final report is due on February 1, 2005.

Advisory Committee Report: There were no reports.

Public Comment: George Walker commended the Commission for reaching out to the community, especially the Gear-Up Program and Gully Stanford. He stated fiscal issues related to TABOR and Amendment 23 and civil rights issues need to be addressed during the current legislative session.

### PRESENTATIONS & DISCUSSION

Update on Performance Contract Negotiations: Staff member Jenna Langer explained the elements of the contracts, including Senate Bill 04-189 statutorily mandated and

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Commission (CCHE) goals, and presented a history of the negotiations. The base contract and Addendum A, the goals of each institution and the methods to accomplish them are largely complete for all schools. Contract duration varies and all but one will be effective upon Commissioner approval. A level of funding is assumed with provisions for review if funding changes materially. Negotiations are continuing on Addendum B, the compliance section.

Addendum A clauses address retention and graduation of students appropriate to the individual school, adoption of a transferable general education core curriculum corresponding to the statewide GT Pathways guide (individual courses to be submitted to the GTE-25 council for approval) and identification of transferable courses in catalogs. All have agreed to academic rigor requirements, postgraduate assessment of student success, efficiency of operations, modifications to teacher education programs and obtaining alternative sources of funding.

Commissioner Montoya asked if contracts included recruitment of a specific number of underserved students. Ms. Langer said some contracts contain a percentage goal for the access and success of underserved students, others utilize existing programs and some provide for the use of or development of programs to achieve these goals.

Ms. Langer continued stating negotiations continue on Addendum B waivers. Some institutions do not want to be required to obtain CCHE approval for revisions to or discontinuance of academic programs but staff believes such approval is a CCHE mandate. Some institutions are seeking freedom from CCHE approval of cash-funded capital projects. As all cash-funded capital projects are ultimately state-owned projects and require some level of governmental approval and staff believes this requirement cannot be waived. Some institutions want freedom from extended study program approval. Staff feels this area requires additional study and may recommend reduced oversight.

Senator Windels asked if there was any differentiation in contracts between increasing access and success for minority students and underserved students as there is a differentiation between underserved white males and minorities. Ms. Langer said there are three contractual goals. Two of them are the retention and graduation of all students without differentiation between served and underserved. The third goal addresses underserved students and each contract is unique to that school. Director O'Donnell said SB04-189 addressed all males, not just white males and noted that currently, 60% of students in Colorado higher education institutions are female.

Commissioner Farina commended the collaboration of staff and institutions to negotiate the contracts and fill in the statutory gaps. He thought the original timetable for contract completion optimistic, but it has been reached and all need to be commended. The real test will be achieving the goals because the outcome is what counts.

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Commissioner Stewart asked how will we know if outcomes are reached and stated there needs to be measurable outcomes stated in the contracts.

Commissioner Feeley clarified that all base contracts and Addendum As are close to final for all schools while Addendum Bs are still in negotiation. Ms. Langer stated Addendum Bs should be uniform for all schools. Some elements of Addendum A may affect Addendum B and the three regulatory issues previously identified need resolution but should be uniform relative to their impact on Addendum A.

Commissioner Altenberg requested a chart comparing contracts to facilitate review of them. Ms. Langer said one was being prepared.

Commissioner Montoya thanked all for their hard work and asked the Commissioners to carefully review contract clauses addressing underserved students.

A request was made to have finalized performance contracts and related annual reports posted on the CCHE website.

Commissioner Weaver thanked Director O'Donnell, Ms. Langer and the staff for their hard work on the contracts and stated they have done a commendable job. She asked Commissioners to direct questions on contracts to Director O'Donnell in preparation for the February meeting.

University of Colorado (CU) President Hoffman complemented the individuals on the CU negotiation team for the opportunity to structure CU's contract to reflect CU's and CCHE's goals. She stated that Addendum B does not afford all the flexibility she prefers. The current process of multiple approvals of cash-funded projects causes delays and, with inflation, increases costs. It took four years for approval of the Fitzsimons project. CU recognizes facilities become part of the state inventory and the need for the Capital Development Committee oversight. She asked the Commission to reconsider its position on cash-funded projects. She was pleased to learn there may be a reduction in the review of off-campus programs and stated that SB04-189 envisioned competition and the reduction of regulation will enhance competition. President Hoffman noted that efficiency goals in the contracts will result in less reporting and stated elements of Senate Bills 23 and 13 should be waived since they are superceded by performance contract reporting elements.

Commissioner Farina asked if there was any way to streamline the capital construction review process without going to the extremes. CU Budget Director, Rob Kohrman, stated he had conferred with staff member Joan Johnson and suggested placing time limits on each review process.

Commissioner Baker noted that, with regard to President Hoffman's comments, stating a four-year review process was on the far side of extreme. Other projects on the

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Fitzsimons site were accelerated, demonstrating CCHE's cooperation. He agrees with Commissioner Farina that the review process could be streamlined.

Director O'Donnell stated CCHE has agreed to waive 43% of the current capital development process and is cognizant of the need to streamline policy within Capital Development Committee constraints.

Update on COF Stipend Applications Process: Staff member Rich Schweigert reported on the process of the COF application computer system and its testing. Computer systems on four campuses are interfacing with the main system. Schools have instituted campaigns to make students aware of the necessity to apply. Implementation is ahead of schedule and all schools should be tested and ready by April. Disaster recovery systems are being migrated into College Access Network (CAN) and a 1-800 number is alive for questions. In February, electronic applications will be translated into Spanish. The budget is consistent with fiscal note of \$800,000; \$235,000 has been spent, which is below budget estimations.

Commissioner Weaver requested the monthly progress report continue. Commissioner Baker commended all for a good job. Commissioner Montoya asked if CCCS Certificate Program students had sufficient awareness and computer access to know the need and how to register. Three CCCS campuses have pilot projects to make students aware of the need to apply. CCCS President McCallin stated they will rely on CCHE to market the need to apply. Commissioner Montoya expressed concern that minority students may not be aware of the need to apply.

### ACTION ITEMS

Credit Hours Available Under the College Opportunity Fund for Continuing Students: Staff member Langer recommended that in consideration of the transition to the stipend system, course hours available under the stipend system to continuing students be assigned according to the current class level of students to ensure funding to graduation. Should a student need additional hours under the stipend system to complete their degree, that student may apply for a waiver.

Commissioner Garcia inquired if the stipend payments used on hours to obtain a certificate would be applied to obtaining a bachelor's degree. Ms. Langer said if courses taken to obtain a certificate were part of the bachelor degree requirement, the transfer would apply; otherwise, a student could apply for a waiver. There was no public comment.

Commissioner Stewart moved for approval and Commissioner Montoya seconded the motion. The motion was unanimously approved.

Colorado School of Mines Facilities Master Plan; Pikes Peak Community College Centennial Campus and Downtown Studio Campus Master Faculties Master Plan; Pikes

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Peak Community College Rampart Range Campus Facilities Master Plan: Staff member Gail Hoffman stated that staff recommended approval of the Mines Facilities Strategic and Master Plan and of the Pike's Peak Community College (PPCC) plans. She reported that the Pikes Peak Community College Foundation was helping to raise money. The Rampart Range Plan was for a parking lot, which would be self-sustaining upon completion. Parts of the Pikes Peak projects have already been accomplished with the college's cash fund. In addition, staff recommended that parking facilities be self-sufficient.

Commissioner Farina recommended approval with the understanding that parking facilities would be self supporting and would like to know PPCC's perception of that recommendation. PPCC President Joe Garcia said the college was donating the land and its neighbors were contributing cash to the project. He added that PPCC is working with its foundation to develop resources to raise funds for renovations. He did not want to increase student fees to raise the money.

President McCallin stated that, if there is compromise on state budget issues, CCCS reserved the right to ask for state funds if they are available. President Garcia concurred with her stating, PPCC will continue to look for other sources of funding. President McCallin noted that all CCCS schools are required to put aside 4% of their budget for capital maintenance.

Commissioner Weaver motioned to change the staff recommendation to suggest that CCCS campuses make parking facilities self-supporting rather than mandating they do so. Commissioner Altenberg seconded the motion.

Commissioner Weaver Motioned for approval of all projects as amended and Commissioner Vollbracht seconded the motion. The three projects were unanimously approved as modified.

### CONSENT ITEMS:

State Guaranteed General Education Courses for Adams State College; Metropolitan State College of Denver Teacher Education Program Proposals; Vacant Building Report; Teacher Education Reauthorization: Metropolitan State College of Denver: There was no public comment.

Commissioner Baker moved to approve all Consent Items and Commissioner Stewart seconded the motion. The motion was unanimously approved.

### WRITTEN REPORTS - NO DISCUSSION

2005 No Child Left Behind Grants; FTE-Service Area Exemptions; Report on Out-of-State Instruction; Teacher Education Report to the Governor and General Assembly:

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Commissioner Weaver thanked Staff member Dr. Gianneschi for the Teacher Education Report.

Commissioner Montoya asked if there had been a follow-up to the on-site visit at University of Northern Colorado (UNC) as recommended in the survey. Dr. Gianneschi stated he had not received anything from UNC and will look into it.

Commissioner Montoya expressed concern that the teacher education clause of the performance contracts do not adequately address increased training in classroom management, second language acquisition or teaching of poverty students. Dr. Gianneschi stated the information in the report dates from April 2004, prior to performance contracts and subsequent reports should address these issues.

Commissioner Weaver noted that teacher education programs are dominated by white females and there needs to be recruitment of diverse teacher education candidates and a change in diversity measurement in contracts. She reported that many teacher-in-residence graduates were consistently dissatisfied because they had not been adequately trained to teach the at-risk students for which they were hired. These programs need to be put on notice that if there is not significant improvement, their funding will be terminated after their programs are carefully reviewed. Dr. Gianneschi will prepare a report on the future success of these programs.

Commissioner Garcia noted the report shows that some Hispanics who apply are not accepted and some Hispanics that are accepted do not enroll. The institutions need to investigate why those who are accepted do not enroll. Dr. Gianneschi will follow up with institutions, include this element in on-site visits and follow up with the students.

Advisory Committee representative Wayne Artis reported there was no report on how rural community college students achieve when they transfer to teacher education programs. Dr. Gianneschi stated there is currently no way to track which of these students enters a teacher education program and that is being rectified in the performance contracts. Mr. Artis also asked if there was a survey showing how students at community colleges feel their education transfers to a four-year program. Dr. Gianneschi stated new reporting data will include student satisfaction data resulting in such a report.

### **ADJOURNMENT**

Chairperson Weaver adjourned the meeting stating, the next meeting would be on February 3, 2005.

**TOPIC: 2005-2006 STUDENT FINANCIAL AID BUDGET PARAMETERS**

**PREPARED BY: DIANE LINDNER**

**I. SUMMARY**

This agenda item presents the 2005-2006 Student Financial Aid Budget Parameters. In compliance with regulations for states that participate in federal financial aid programs, the Commission annually recommends guidelines for student living expenses (room and board, transportation, books and supplies, personal, and childcare expenses) for use by postsecondary institutions approved to participate in Colorado student financial assistance programs. While the state budget parameters establish a reference point, each institution may adjust the state parameters to reflect actual local costs – that is, actual cost of a two-bedroom apartment. Institutions that wish to modify the room and board costs must use actual data to support their adjusted budget and file their adjusted budgets with CCHE.

Previously, the Commission adjusted the prior year’s budget parameters by the Colorado Price Index (CPI). Following the Commission’s direction, CCHE staff now uses published data obtained from the Colorado Division of Housing (housing), business and industry (e.g., health insurance and child care), and colleges and universities (e.g., books) to determine budget guidelines. Table 1 shows the Student Budget Base for 2005-2006 for Students Living with Parents, Students Living On Campus and Students Living Off Campus.

**Table1: Student Monthly Budget Base for 2005-2006**

	Students Living with Parents	Students Living On Campus	Students Living Off Campus
Housing	\$191	*\$700 (1)	\$493
Food/Board	\$234	*\$420(2)	\$311
Local Transportation	\$75	\$75	\$75
Medical	\$190	\$190	\$190
Personal Expenses	\$112	\$127	\$127
<b>Total</b>	<b>\$802</b>	<b>\$392</b>	<b>\$1,196</b>

The student monthly budget base includes monthly costs typically incurred by all students. Table 2 lists the parameters for the annual cost of books and supplies and discretionary costs that apply to certain students.

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1 Median used for housing is displayed for illustrative purpose and is not included in the total.

2 Median used for food/board also provides information only and is not included in the total.

**Table 2: Supplemental Student Budget Expenses for 2005-2006**

	All Students
Books & Supplies Per Year	\$1,306
Child Care if appropriate per month	\$700
Non-local Transportation	Amount determined by Institution
Computer Allowance	\$750-\$1,700

## **II. BACKGROUND**

Student budget parameters are used by financial aid administrators in determining student eligibility for need-based financial aid. Need-based financial aid (i.e., grants, work-study, and loans) requires a student need analysis. The need analysis is the process of estimating the amount of assistance a student will require, supplementing the resources theoretically available from that student and his or her family. Need analysis has two basic components: (1) the student's cost of attendance which is an estimation of what it will reasonably cost the student to attend a given institution for a given period of time called the **Cost of Attendance (COA)**, and (2) an estimation of the ability of the student and his or her immediate family to contribute to that educational cost, commonly called the **expected family contribution (EFC)**. The expected family contribution (EFC) is obtained by a federally approved formula that takes income, assets, number in college and other information into account. The cost of attendance (COA) is a figure determined by institutions. The difference between the COA and the EFC is the amount of financial aid eligibility for a need-based student.

CCHE has traditionally provided guidelines and recommendations of statewide cost parameters for institutions to use in defining the COA. The United States Department of Education (USDE) interpreted the term "determined by the institution" to mean that the institution has the authority to determine reasonable cost elements, from empirical data, i.e., data based on valid student surveys, housing costs norms from a local realty board, etc. In other words, the USDE expects the institutional determination to be based on modifications of state data and adjusted for local economic conditions.

## **III. STAFF ANALYSIS**

To update the budget parameters, CCHE staff collected information from different sources. In 2005, web-based research was conducted to determine average rental and utility prices, computer costs and child care costs. The cost of books and supplies was established using institutional information. Personal expenses and board were left constant from 2004-2005 given the low CPI of .1%. CCHE collected health insurance data from insurance companies and computer hardware costs from computer industry web-published cost comparisons. The 2005-2006 student budget parameters are listed below.

### Housing Costs:

Housing budgets vary for three groups of students.

For students living in dormitories, the housing parameter is the actual room expense that the campus charges students.

CCHE's financial aid guidelines define the housing budget for students living off campus as 50 percent of the average rent and utility costs for a two-bedroom apartment. CCHE staff collected rental costs from Denver, Boulder and Grand Junction. The data indicated that the average rent of a two-bedroom apartment was \$850. CCHE staff added the average utility bill for a two-bedroom apartment (\$165). The rent and utilities totaled \$985. Following the guidelines, half of that cost (\$493) becomes the monthly housing budget parameter for students living off campus.

For students living with parents, the housing budget had been set at \$122 a month from the last survey the Commission conducted in 1991 through 2003-4. This budget parameter was been updated for 2004-2005 by inflating the \$122 housing cost by the CPI in each year since 1991. The housing budget for students living with parents in 2005-2006 is calculated at \$191, same as 2004-2005 due to a low CPI.

### Food Expenses

For students living in dormitories, the food budget parameter is the actual cost of board.

In 2001, food expenses for students living off-campus were defined by the cost of a student meal ticket charged by institutions. The food budget parameter was increased by the estimated CPI of 2.1% for 2004-2005 and remains constant at \$234 for 2005-2006.

CCHE's financial aid guidelines assume that food is a shared cost for students who live with their parents. The estimated food costs for a family of four averages \$936 per month or \$234 per family member. The food cost parameter for this group of students remains constant for 2005 and 2006. Students living off campus are budgeted \$311 per month.

### Local Transportation Expenses Exclude Non-local Transportation

The Financial Aid Guidelines define local transportation expenses as the cost of owning a bike, using public transportation or sharing the operation of an automobile. CCHE set the monthly local transportation parameter at \$75, the cost of a monthly regional RTD pass or the approximate cost of parking a car for \$3.75 a day.

### Medical Expenses

For institutions that do not have health insurance or medical care funded through student fees, CCHE establishes a maximum health expense parameter of \$190 per month, up from

\$188 per month. This parameter is based on the average monthly HMO premium for a health plan with a \$25 co-pay. The data sources included major health care providers in Colorado with presence on the web. When compared to health insurance costs of universities who offer insurance, the \$190 per month aligns within the range of costs reported.

#### Personal Expenses

The financial aid guidelines define personal expenses to include the cost of laundry, dry cleaning, toiletries, clothing, recreation and recreational transportation. Based on typical costs in a college town, a student may expect to spend \$14 a month on laundry, \$25 on dry cleaning or the purchase of clothing, \$21 on shampoo, toothpaste, and other toiletries, \$42 a month for concerts, movies or other campus events, and \$10 for transportation. In 2004-05, CCHE set the personal expense parameter at \$112 for students living with parents and \$127 for all other students. The only difference between the two budgets is that students living with parents do not typically pay laundromat costs. For 2005-06 personal expenses remain the same at \$112 for students living with parents, and \$127 for all other students.

#### Books and Supplies

The parameter for books and supplies is \$1,306 based upon responses from Colorado public and private institutions.

#### Child Care

The range is the actual cost of care per child, per month, up to a maximum of \$700 per child per month. This cost is up from \$619. A check of costs in the Denver, Grand Junction and Colorado Springs areas yields a range from \$428 per month for home care in Grand Junction to \$1,036 per month for full time center infant care in Boulder. The average for full time care including Colorado Springs, Denver and Grand Junction, averaging the cost of family care with care in a childcare center is \$700 per month. This seems to be a reasonable number to budget as a maximum for childcare.

#### Non-local Transportation

CCHE does not establish this parameter. Institutions may include the cost of plane fare for students who live outside a normal travel range. It is intended to finance two round trips home per year.

#### Computer Allowance

The cost of attendance regulations in the federal Higher Education Amendment of 1998 provide for a reasonable allowance for the documented rental or purchase of a personal

computer. Institutions may include this cost in their student budget for determining eligibility for state financial aid. With the decrease in hardware prices, few students rent computers. The median cost of a desktop computer is \$1,000, \$1,050 for a laptop computer. The price range in computers is from \$500 to \$1,700. The data sources include web-published costs listing products and price, published January 2005.

**IV. STAFF RECOMMENDATION**

**That the Commission approve the 2005-2006 Student Financial Aid Budget Parameters.**

**Appendix A**

**STATUTORY AUTHORITY**

C.R.S. 23-3.3-102 Assistance program authorized-procedure-audits. (3) The commission shall administer the program with the assistance of institutions according to policies and procedures established by the commission.

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## **Colorado Commission on Higher Education**

### **Resolution Concerning the Task Force on Alternatives to Funding Capital Construction and Controlled Maintenance**

WHEREAS, pursuant to Colorado Revised Statutes, Title 23, Article 1, Section 106, the Colorado Commission on Higher Education is charged with the oversight and coordination of all capital asset issues in the Department of Higher Education; and

WHEREAS, the State of Colorado, acting through the Colorado General Assembly, faces a budget and fiscal climate that strictly limits the amount of available General Fund support for the capital construction and controlled maintenance needs of state government, especially higher education; and

WHEREAS, it is in the vital interest of the State to provide adequate, modern, safe and relevant facilities for students attending higher education institutions and to ensure that such facilities are maintained to allow for their highest and best use; and

WHEREAS, the growing number of higher education students has created the need for additional buildings and support space: and,

WHEREAS, it is incumbent upon the Commission, as the central coordinating body for higher education, to find new ways to build, occupy, and repair facilities within the Department.

NOW, THEREFORE, BE IT RESOLVED BY THE COLORADO COMMISSION ON HIGHER EDUCATION:

1. That the Task Force on Alternatives to Funding Capital Construction and Controlled Maintenance that was formed in 2004 to find new and innovative ways to fund projects within the Department be expanded and reactivated.

2. That the Task Force explore all alternatives brought before them and find the most reasonable and efficient methods for financing both new construction and controlled maintenance projects.
3. That in reviewing possible new methods of financing capital construction and controlled maintenance projects, the Task Force remembers it is important to not only provide a range of solutions that can benefit all institutions but to also understand the financial impact and burden certain solutions may have on tuition payers and taxpayers.
4. That the Task Force, composed of members with diverse expertise and knowledge, be expanded as necessary to provide the best experience as well as solutions in this area.
5. That the Task Force should make its initial recommendations no later than April 7, 2005, at the regularly scheduled Commission meeting and, thereafter, provide the Commission with regularly scheduled updates.

BE IT FURTHER RESOLVED THAT THIS RESOLUTION BE ADOPTED AND APPROVED this February 3, 2005

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Judy Weaver  
Chair  
Colorado Commission on Higher Education

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Richard F. O'Donnell  
Executive Director  
Colorado Commission on Higher Education

**TOPIC: REVISIONS TO THE STATEWIDE TRANSFER POLICY**

**PREPARED BY: JETT CONNER AND MATT GIANNESCHI**

**I. SUMMARY**

Recent legislation (23-60-802 C.R.S., Area vocational schools – credits – transfer), requires that postsecondary credits earned at an area vocational school be transferable to another area vocational school, to an appropriate program at a community college or technical, or into a four-year college degree program. Changes in CCHE’s Statewide Transfer Policy are necessary in order to comply with the new statutory requirements.

Staff recommends the Commission’s approval of the proposed revisions.

**II. BACKGROUND**

23-60-802 C.R.S. requires the transferability of eligible postsecondary credits to other state vocational schools, community colleges and technical colleges, and to four-year colleges and universities:

*“Postsecondary credits earned by a student at an area vocational school may be transferred into an associate degree program at a community college or into a degree program at a four-year institution of higher education as provided in section 23-1-108 (7) and the state credit transfer policies established by the Colorado Commission on Higher Education.”*

Additional language within the statute states that,

*“...any postsecondary course credits earned by the student while enrolled in the area vocational school will apply in full at another area vocational school or to an appropriate program leading to a certificate or to an associate degree at a community college or technical college.”*

The proposed revisions noted in the Statewide Transfer Policy (attached) are designed to accommodate the statutory provisions concerning relevant credits earned at area vocational schools. Relevancy is defined as credits earned in courses at an area vocational school that are equivalent to courses at or otherwise transferable into academic programs offered by state community colleges or four-year institutions.

The proposed revisions to the Statewide Transfer Policy clarify that postsecondary courses must be appropriate for transfer into degree programs, or, if the guaranteed

statewide transfer designation is sought, must meet the content and competency requirements of the GT-Pathways general education guaranteed transfer program.

### **III. STAFF ANALYSIS**

Because 23-60-802 C.R.S. allows the transferability of postsecondary courses from area vocational schools to appropriate programs in state community college and to four-year institutions, staff recognizes that these courses must be appropriate for students' intended programs of study.

In June 2003, the Commission approved revisions to the Associate of Arts (AA) degree for all community colleges. Staff realizes that few, if any, postsecondary courses taught at an area vocational school currently qualify for statewide core transfer consideration. Area vocational schools may, if they wish, nominate for consideration any postsecondary courses they feel are appropriate for the GT-Pathways core requirements. Course equivalency, in content and competencies, with courses already approved for the program will be necessary. The GE-25 Council will review such nominations along with any others received by community colleges or four-year institutions, using the same criteria established for all the other core courses and categories. Otherwise, postsecondary courses from area vocational schools may transfer as elective or major credits toward two-year degree programs, certificates, or four-year degree programs.

### **IV. STAFF RECOMMENDATION**

**That the Commission approve the recommended changes to the Statewide Transfer Policy as proposed.**

**Appendix A**

### **STATUTORY AUTHORITY**

23-1-108 (7) (C.R.S.); 23-60-802 (C.R.S.)

**Attachment A**

**SECTION I**

**PART L STATEWIDE TRANSFER POLICY**

**1.00 INTRODUCTION**

The Statewide Transfer Policy pertains to the transfer of course credits from one Colorado public higher education institution to another as well as intra-institutional transfer. The policy applies to all Colorado public higher education undergraduate programs, focusing on student movement from two-year to four-year institutions, four-year to four-year institutions, four-year to two-year institutions, or within four-year institution.

This policy does not address transfer issues where the state has limited legal authority: the transfer of credits from private, non-accredited, or out-of-state institutions, or the awarding of credit for non-credit bearing courses.

The policy is divided into the following sections:

- 1.00 INTRODUCTION*
- 2.00 STATUTORY AUTHORITY*
- 3.00 POLICY GOALS*
- 4.00 ROLES AND RESPONSIBILITIES*
- 5.00 TRANSFER OPTIONS*
- 6.00 GENERAL EDUCATION PROCEDURES*
- 7.00 ARTICULATION AGREEMENTS PROCEDURES*
- 8.0 TRANSFER AGREEMENTS PROCEDURES*
- 9.0 STUDENT APPEAL PROCEDURE*
- GLOSSARY*
- ARTICULATION AGREEMENT FORMAT*

**2.00 STATUTORY AUTHORITY**

The transfer policy is based on statutory authority of C.R.S. 23-1-108 (7) (a); C.R.S. 23-1-108.5; C.R.S. 23-1-125; and C.R.S. 23-60-802.

**3.00 POLICY GOALS**

The policy goal is to ensure access to undergraduate degree programs, and facilitate completion of degree requirements, including:

- 3.01 The General Assembly implemented the Student Bill of Rights (C.R.S. 23-1-125) to assure that students enrolled in public institutions of higher education have the following rights:
- (a) A quality general education experience that develops competencies in reading, writing, mathematics, technology and critical thinking through an integrated arts and science experience.
  - (b) Students should be able to complete their associate of arts and associate of science degree programs in no more than sixty credit hours or their baccalaureate programs in no more than one hundred twenty credit hours unless there are additional degree requirements recognized by the commission;
  - (c) A student can sign a two-year or four-year graduation agreement that formalizes a plan for that student to obtain a degree in two or four years, unless there are additional degree requirements recognized by the commission;
  - (d) Students have a right to clear and concise information concerning which courses must be completed successfully to complete their degrees;
  - (e) Students have a right to know which courses are transferable among the state public two-year and four-year institutions of higher education;
  - (f) Students, upon successful completion of core general education courses should have those courses satisfy the core course requirements of all Colorado public institutions of higher education;
  - (g) Students have a right to know if courses from one or more public higher education institutions satisfy the students' graduation requirements;
  - (h) A student's credit for the completion of the core requirements and core courses shall not expire for ten years from the date of initial enrollment and shall be transferable.
- 3.02 The General Assembly implemented legislation Area Vocational Schools (C.R.S. 23-60-802) to assure that students transferring postsecondary credits from a program of study at an area vocational school to another area vocational school, or to an appropriate program leading to a certificate or to an associate degree at a community or technical college, or into a degree program at a four-year institution of higher education, would be able to apply postsecondary credits earned at an area vocational school to subsequent program requirements as provided in section 23-1-108 (7) C.R.S. and the state credit transfer policies established by the Colorado Commission on Higher Education.

#### **4.00 ROLES AND RESPONSIBILITIES**

##### **4.01 Commission**

The role of the Colorado Commission on Higher Education is to facilitate a simple statewide transfer process, including:

- 4.01.01 Ensuring that state-supported two-year and four-year institutions provide native and transfer students equitable treatment in assisting them to meet their educational goals.
- 4.01.02 Establishing, in consultation with the governing boards, a statewide transfer policy to assure that students can transfer qualified college-level courses between and among institutions.
- 4.01.03 Designating the approved list of state guaranteed general education courses.
- 4.01.04 Resolving student appeals regarding state guaranteed transfer courses or referring cases to the governing board for action.
- 4.01.05 Resolving inter-institutional impasses or problems pertaining to transfer negotiations.

#### **4.02 Governing Boards**

The governing board shall ensure that its institution complies with statewide policies and statutory requirements that pertain to transfer, including admission, degree approval, and student appeals

#### **4.03 Institutions**

The institution's role is to administer an efficient and orderly transfer process. The responsibilities are effective when this policy is adopted unless specified otherwise, including:

- 4.03.01 Publishing the Student Bill of Rights in course catalogs, web sites, and advising centers as listed in this policy.
- 4.03.02 Honoring the transferability of state guaranteed general education course credits (Fall 2003).
- 4.03.03 Aligning existing transfer agreements for all approved baccalaureate degree programs with current statute and policy by June 30, 2003.
- 4.03.04 Publishing in printed and electronic form the general education courses that are designated as the state guaranteed general education course designation (Spring 2003).
- 4.03.05 Evaluating student transcripts within 30 days of receiving a complete set of transcripts. It is recommended that this happen within two weeks whenever possible.
- 4.03.06 Developing effective transfer advising systems, including training faculty and student advisors.
- 4.03.07 Establishing an aggressive student advising process to provide freshman students with planning information and transfer students with appeals information.
- 4.03.08 Developing advising partnerships among all four-year and two-year public institutions to jointly advise students.
- 4.03.09 Developing guaranteed two-year and four-year graduation agreements.
- 4.03.10 Implementing an appeal process that addresses student transfer appeals within 30 days of the date the student files an appeal.

#### **4.04 Students**

Students are responsible to act in their best academic interests and seek the information necessary for making informed choices, including:

- 4.04.01 Selecting courses from the state guaranteed general education list of courses if planning to transfer.
- 4.04.02 Contacting an advisor to understand the terms and benefits of the transfer agreements.
- 4.04.03 Filing an appeal in a timely manner to resolve transfer problems.
- 4.04.04 Understanding the limits in applying general education transfer credits within general education categories.

#### **4.05 GE-25 Council**

The General Education Council (GE 25 Council) is responsible for recommending the criteria and framework for "statewide guaranteed general education courses," identifying general education assessments, and communicating the state criteria to the members' respective institutions.

#### **5.00 Transfer Options**

Sections 5.01, 5.02, and 5.03 describe three options for students seeking to transfer among Colorado's public institutions of higher education: those students who transfer to four-year institutions after completing an associate of arts or associate of science degree from a two-year institution, those students who transfer statewide guaranteed general education courses among any Colorado public colleges or universities, and those who transfer credits earned at area vocational schools.

To be effective, these transfer options require certain responsibilities on the part of both institutions of higher education and students. For their part, area vocational schools, two-year and four-year colleges and universities need to continue to advise students to help them know which courses are most appropriate for their intended major programs of study. And for their part, students need to consult with their college advisors to make informed course decisions when planning to transfer to another institution. Informed decision-making is the best strategy for successfully transferring among institutions and ensuring this policy's effectiveness.

#### 5.01 Transfer of Associate of Arts and Associate of Science Degrees

Colorado public four-year higher education institutions will honor the transfer of an Associate of Arts (A.A.) degree and the Associate of Science (A.S.) degree earned at a Colorado public institution that offer A.A. or A.S. degrees. A student who earns an A.A. or A.S. degree at a Colorado public college, including completing the state guaranteed general education courses with a grade of C or better in all courses will transfer, upon admission, with junior standing into any arts and science degree program offered by a Colorado public four-year college. The credits earned in the associate degree program will apply at minimum to 35 credit hours of lower division general education and 25 credit hours of additional graduation credits. Since 1988 Colorado has had an operating two-plus-two transfer agreement that ensures a student who completes an A.A. or A.S. degree with a grade of "C" or better in all courses, will have junior standing at the receiving institution i.e., transfer 60 credit hours. Because all liberal arts and sciences degrees are designed to be completed in 120 credit hours, a transfer student can complete a four-year degree in the same time as a native student, 120 hours. The receiving institution will evaluate credit for prior learning, Advanced Placement, and correspondence courses following its standard policy.

#### 5.02 Transfer of General Education

Colorado's state guaranteed general education courses are designed to allow students to begin their general education courses at one Colorado public higher education institution and later transfer to another without loss of general education credits. That is, state guaranteed general education courses may be applied to the general education graduation requirement program or the graduation requirements of the declared major, whichever is in the student's best interest. Effective fall 2003, Colorado policy ensures that students who successfully complete a state guaranteed general education course will receive transfer credits applied to graduation requirements in all majors at all public institutions unless a specific statewide articulation agreement exists. As indicated in Section I-L-5.04 of this policy, certain majors may prescribe specific courses in the major or prerequisite courses that must be completed as part of the Associate of Arts or Associate of Sciences degree for admission into the degree program. Students should consult the transfer guides for each CCHE-approved baccalaureate degree program for information regarding specific major or prerequisite course requirements.

The state's guaranteed general education curriculum is organized into five categories: communication, mathematics, fine arts and humanities, social and behavioral sciences, and physical and life sciences. To complete the Colorado state guaranteed general education core, students are required to take 11 courses or 35 to 37 semester credit hours and earn a C grade or better in each course. The guarantee is limited to the number of semester credit hours in each general education category.

<b>Sem. Cr. Hr.</b>	<b>General Education Categories</b>
<b>6</b>	<b>Communication:</b> 1 Intro. Writing course (3 semester credits) <b>Communication:</b> 1 Intermediate Composition (3 semester credits)
<b>3-5</b>	<b>Mathematics:</b> 1 course (3 to 5 semester credits)
<b>9</b>	<b><u>Arts and Humanities:</u></b> Fine Arts and Expression Humanities Ways of Thinking <i>Select 3 courses with no more than 2 courses from any 1 category</i>
<b>9</b>	<b>Social and Behavioral Sciences</b> History Economic and Political Systems Geography Human Behavior and Social Systems <i>Select 3 courses, 1 of which must be history, with no more than 2 courses from any 1 category</i>
<b>8</b>	<b>Physical and Life Sciences:</b> Select 2 laboratory courses

All state guaranteed general education courses in communication, mathematics, arts and humanities, social and behavior science, and physical and life science shall be identified by a state-assigned common number.

When evaluating a transfer student's transcript, each Colorado public higher education institution will apply state guaranteed general education credits to its general education graduation requirements. Institutions may require additional general education graduation requirements beyond the 35 semester credit hours of state guaranteed general education credits. If an institution requires less than 35 general education credits, the institution will accept in transfer the full 35 credits and apply these credits toward a student's graduation requirements.

### **5.03 Transfer of Credits From Area Vocational Schools**

**A student who completes coursework at an area vocational school may transfer any eligible and relevant postsecondary course credits to another area vocational school, to an appropriate program leading to a certificate or to an associate degree at a community or technical college, or into a degree program at a four-year institution, subject to the provisions of C.R.S. 23-1-108 (7) and the state credit transfer policies established by the Colorado Commission on Higher Education.**

**Colorado's public two-year and four-year public colleges and universities will honor**

**the transfer of credits earned in relevant courses at Colorado area vocational schools subject to all other requirements and limitations defined in academic and transfer policies established by the Colorado Commission on Higher Education. The relevancy of credits earned at area vocational colleges will be determined through transcript evaluations administered by receiving institutions unless the credits were earned in courses carrying the guaranteed statewide transfer designation, in which case the credits will be guaranteed for transfer as described elsewhere in this policy.**

#### 5.04 Statewide Articulation Agreements

An Articulation Agreement is a statewide agreement among all Colorado community colleges and all four-year public institutions offering a particular degree program. It is most commonly used for undergraduate professional programs that have specific course requirements established by accrediting or external licensure boards<sup>1</sup>.

#### 5.05 Transfer Guides

Each institution is responsible for implementing a Transfer Guide for each CCHE-approved baccalaureate degree program unless a statewide articulation agreement is in place. The Transfer Guide shall be designed so that a student can complete a baccalaureate program in no more than 120 credit hours unless there are additional graduation requirements recognized by the Commission. The transfer guide defines the 25 credit hours required beyond the state guaranteed general education credits and may include required courses in the major or prerequisite courses for admission into the degree program. The transfer guides are to be on file with CCHE.

### 6.00 General Education Procedures and Processes

***INSTITUTIONS MAY NOMINATE A COURSE THAT IS AN INSTITUTIONALLY APPROVED GENERAL EDUCATION COURSE FOR CONSIDERATION AS A STATE GUARANTEED GENERAL EDUCATION COURSE. TO NOMINATE A COURSE, THE INSTITUTION MUST SUBMIT A SIGNED NOMINATION FORM AND SUPPORTING MATERIAL.***

CCHE will consider nominations each fall. Using a faculty review process, working committees will evaluate nominated courses against the adopted statewide content and competency criteria. CCHE will forward the recommended courses to the Commission for action.

CCHE will assign a common number to approved state guaranteed general education

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<sup>1</sup> Currently Colorado has several approved statewide articulation agreements --Business, Nursing, Engineering, and Teacher Education.

courses. Institutions will list the state guaranteed course number in all printed catalog materials, including on-line catalogs.

Courses that receive the state guarantee continue to carry that designation unless the institution chooses to withdraw the course from general education, the course is not offered within a two-year period, or evaluations indicate that a course is not meeting the state criteria.

### **7.00 Articulation Agreement Procedure**

To develop an articulation agreement, CCHE or a sponsoring governing board will convene a committee that includes representatives from each public institution offering the degree program for purposes of negotiating the terms of the articulation agreement including course equivalencies. Each academic vice-president will sign the agreement, and publish the approved agreement so that students, faculty, and academic advisors are fully informed of the terms of the agreement. The articulation agreement format is included as Appendix B.

Transfer appeals filed by students transferring in these fields of study will be decided by the terms and conditions specified in the Statewide Articulation Agreements. Individual transfer guides in these fields of study will not supplant the existing statewide agreements.

### **8.00 Transfer Guides Procedures**

Transfer guides are institutional-specific agreements, which contain information about graduation requirements for a particular CCHE-approved degree program, including course equivalency and program admission requirements and prerequisites. Once negotiated, an institution or governing board transmits the guide to CCHE and publishes the approved agreement so that students, faculty and academic advisors are fully informed of the terms of the agreement.

Transfer appeals filed by students transferring in these fields of study will be decided by terms and conditions specified in the Transfer Agreement.

### **9.0 Student Appeal Procedure**

**If disagreement regarding the transferability of credits earned occurs between a student and a receiving two-year or four-year institution, the Colorado Commission on Higher Education will facilitate an expeditious review and resolution of the matter pursuant to Academic Affairs Policies, Section I, Part T, Student Appeals Policy.**

## **GLOSSARY      Definition of Terms**

Articulation Agreements: Articulation agreements apply to specific degree programs as unilateral agreements that specify the common terms, conditions and expectations for students transferring into the degree program. When these courses and/or degree programs are completed successfully at the sending institution, they will, for admitted students, be accepted in transfer and apply to graduation requirements for a specified degree program at all receiving institutions.

GE 25 Council: A council of 25 educational leaders representing each higher education governing board, including presidents, academic vice-presidents, faculty, and students.

General Education: General Education requirements represent an institutional statement about the general body of knowledge and skills that the recipient of any undergraduate degree conferred by an institution should possess.

Institution: A Colorado public higher education institution.

Institutional Dispute: A disagreement between institutions regarding an interpretation of the Statewide Transfer Policy or a disagreement regarding compliance with the procedures and guidelines of this policy, including failure to reach agreement on a Transfer Agreement.

Inter-Institutional Transfer: A student who transfers credit from one Colorado public higher education institution to another Colorado public higher education institution.

Intra-Institutional Transfer: A change of major. A student changes his/her stated major or degree objectives at the institution where the student is currently enrolled.

Native Student: A student who begins and completes an undergraduate degree program at a single institution.

Area Vocational School Postsecondary Credits: Postsecondary credits earned by a student at an area vocational school that may be transferred into another area vocational school, or to an institution within the state system of community and technical colleges, or into a four-year institution of higher education.

State Guaranteed General Education Course: Courses that the Commission has approved as meeting the state criteria, including satisfying the content criteria in communication, mathematics, social science, arts and humanities or natural and physical science and competency criteria in communication, reading, mathematics, technology, and critical thinking.

Student Transfer Appeal: A student's claim that a principle defined in the statewide transfer policy or a section of an institutional transfer agreement or articulation agreement has been

violated. The Commission serves as the final court of appeal and all its decisions are binding.

Successful Completion: Successful completion means that the student passed all 35 state guaranteed general education credit hours with the requisite grade of "C" or better.

Transfer Guide: The written agreement reached between two or more specific institutions for a specific degree program about course equivalency, and program admission criteria.

Transfer Plan: A transfer plan is the specific plan developed by an advisor for a student with a specific transfer objective (e.g., Transfer into a Computer Science degree program at a specific institution.). An advisor at the sending or receiving institution may develop the plan based on an existing transfer agreement and may not include exemptions to a published transfer agreement.

Transfer Student: A transfer student is a student who begins a degree program at one institution and transfers to another institution.

Transcript Evaluation: The process by which an institution evaluates credits attempted and earned at a different institution, applies accepted credits to graduation requirements, and informs a transfer student of what degree and course requirements remain to be fulfilled.

## REVISED

Colorado Commission on Higher Education (CCHE)  
February 3, 2005

Agenda Item IV, A.  
Page 1 of 1.  
Consent

**TOPIC: COMMISSION APPROVAL OF PERFORMANCE CONTRACTS NEGOTIATED PURSUANT TO C.R.S. §23-5-129.**

**PREPARED BY: JENNA LANGER**

### **I. SUMMARY**

Section 23-5-129(3), C.R.S., requires that all performance contracts negotiated between the Department of Higher Education and State institutions of higher education be reviewed and approved by the Commission before they may become effective.

### **II. BACKGROUND**

The Department has completed performance contract negotiations with several of the State institutions of higher education. To become effective, the performance contracts must be executed by representatives of the Department, institutions and governing boards and approved by the Commission. In order to allow the institutions to begin operating under the terms of the performance contracts as quickly as possible, including those statutory exemptions set forth in Addendum B, the Commission should approve performance contracts for institutions who have completed contract negotiations, conditioned upon formal approval and execution by the institutions and their respective governing boards.

### **III. STAFF RECOMMENDATION**

**That the Commission approve the performance contract for Metropolitan State College in the final form approved by its Board of Trustees.**

**That the Commission also approve performance contracts for Adams State College, Colorado State University System, Community Colleges System, University of Northern Colorado, and Western State College which shall be conditioned upon formal approval by the institutions' respective governing boards. Said contracts shall be deemed effective on the date they are approved and signed by representatives of the institutions and their respective governing boards.**

### **STATUTORY AUTHORITY**

C.R.S. §23-5-129(3)

**STATE OF COLORADO  
DEPARTMENT OF HIGHER EDUCATION  
PERFORMANCE CONTRACT**

This Performance Contract, effective the date of approval by the Colorado Commission on Higher Education (hereinafter referred to as the “Commission”), is by and between the Department of Higher Education (hereinafter referred to as the “Department”) and the Board of Trustees for Adams State College (hereinafter referred to as the “Governing Board”).

**RECITALS**

**WHEREAS**, in its passage of SB 04-189, known as the College Opportunity Fund, the General Assembly has found that it is imperative that an increased number of Coloradans pursue education beyond high school.

**WHEREAS**, the General Assembly has determined that a postsecondary educational experience for Coloradans is essential for the State to compete in the new global economy and to develop a new generation of leaders and active participants in state and local civic affairs.

**WHEREAS**, the General Assembly has found that it is critical that the rate of postsecondary participation by low-income Coloradans, males, and minorities, who are currently under-represented, be increased at every State institution of higher education.

**WHEREAS**, the General Assembly has determined that it is appropriate to support programs that are designed to encourage participation in postsecondary education, that increase citizens' awareness of the value of and need for a postsecondary education, and that make citizens aware of the financial support provided by them through the General Assembly to students and institutions of higher education.

**WHEREAS**, the General Assembly enacted the College Opportunity Fund Act, Title 23, Article 18, Section 101 *et seq.*, Colorado Revised Statutes, which states that performance contracts should provide for greater flexibility and a more focused accountability for institutions of higher education to students and the people of Colorado.

**WHEREAS**, Title 23, Article 5, Section 129, Colorado Revised Statutes requires each governing board of a State institution of higher education to negotiate a performance contract with the Department that specifies the performance goals the institutions shall achieve during the period that it operates under the performance contract.

**WHEREAS**, Title 23, Article 5, Section 129, Colorado Revised Statutes provides that a State institution of higher education's compliance with the goals specified in the performance contract may be in lieu of requirements in Article 1 and Article 13 of Title 23, Colorado Revised Statutes.

**WHEREAS**, Title 23, Article 5, Section 129, Colorado Revised Statutes requires that the specified procedures and goals set forth in the performance contract must be measurable and tailored to the role and mission of each institution and may include, but shall not be limited to: (1) improving Colorado residents' access to higher education; (2) improving quality and success in higher education; (3) improving the efficiency of operations; and (4) addressing the needs of the State.

## **AGREEMENT**

**NOW THEREFORE**, in consideration of the foregoing and intending to be bound hereby, the Parties agree as follows:

1. Scope of Contract. This contract and Addenda A and B, which are hereby expressly incorporated herein by reference, (the "Performance Contract"), set forth the performance goals of Adams State College (hereinafter referred to as the "ASC"), with the statutory role and mission of a general baccalaureate institution with moderately selective admission standards, and with a national (Carnegie) classification of Masters Comprehensive I. This Performance Contract sets forth the agreement regarding the services provided by ASC, including the offering of undergraduate liberal arts and sciences, teacher preparation, and business degree programs, master's level programs, and two-year transfer programs; providing primary access to teacher education in rural Colorado; serving as a regional education provider; offering programs that preserve and promote the unique history and culture of the region; and including services as defined in the Performance Contract Goals and Assessments set forth in Addendum A.

2. Term of Contract. This Performance Contract shall be effective after execution by the Governing Board and the Department and on the date the Performance Contract is approved by the Colorado Commission on Higher Education and it shall remain in effect until June 30, 2009.

3. Statutory Requirements Exempted by This Performance Contract. Title 23, Article 5, Section 129(2)(a), Colorado Revised Statutes provides that a State institution of higher education's compliance with the goals specified in the performance contract may be in lieu of the requirements of Article 1 of Title 23 and the "Higher Education Quality Assurance Act," Article 13 of Title 23, for the term of this Performance Contract. As of the Effective Date of this Performance Contract, ASC's compliance with the terms set forth in this Performance Contract will be in lieu of ASC's compliance with the requirements of Article 1 of Title 23 and the "Higher Education Quality Assurance Act," Article 13 of Title 23 set forth in Addendum B.

4. Academic and Vocational Program Approval. While operating pursuant to this Performance Contract, the Governing Board will not be required to obtain approval from the Commission to create, modify, or eliminate academic and vocational programs offered by the ASC, so long as such creations, modifications, and eliminations are consistent with the ASC's statutory role and mission. The Commission shall have the authority pursuant to Title 23, Article 5, Section 129(6)(b), Colorado Revised Statutes, to override any creation or modification of an academic or vocational program if the change made by the Governing Board is inconsistent with ASC's statutory role and mission. The Governing Board will comply with the Commission's

Policy and Procedures for the Approval of New Academic Programs in Public Institutions of Higher Education in Colorado Operating Under a Performance Contract adopted on October 7, 2004.

5. Reporting of Budget and Proposed Tuition Increases. The Governing Board and ASC will comply with the provisions of Title 23, Article 5, Section 129, Colorado Revised Statutes and the requirements of the Title 24, Article 37, Colorado Revised Statutes in the form and manner prescribed by the Commission. The General Assembly has retained the authority in Title 23, Article 5, Section 129, Colorado Revised Statutes, to approve tuition spending authority for the Governing Boards of the institutions.

6. Resident Applicant Admission Requirements. The Governing Board and ASC will comply with the provisions of Title 23, Article 1, Section 113.5, Colorado Revised Statutes.

7. Data Reporting Requirements. The Governing Board shall transmit to the Department all annual reports and data required in this Performance Contract including that specified in Addendum A, attached hereto, in the form and manner prescribed herein or as required by Commission Policy. ASC shall continue to provide all data required by the Student Unit Record Data System (SURDS) and the United States Department of Education through the Department. When possible, the Department shall provide notice and consult with the institutions before requiring any additional or new SURDS data. The Governing Board shall submit to the Department an annual certification as to the overall material accuracy and completeness of the data submitted in accordance with the terms set forth herein. All data must be handled by the Commission and Department consistent with the statutory requirements set forth in Title 23, Article 1, Section 108(9), Colorado Revised Statutes.

8. Performance Goal Achievement. This Performance Contract sets forth those goals, standards and requirements upon which the Department and the Governing Board have mutually agreed. The ability of ASC to fulfill the terms of this Performance Contract expressly assumes funding at a level which approximates the Department funding appropriated by the General Assembly during fiscal year 2003-2004. Any material change in the level of general fund available to students as stipends, to institutions under fee-for-service contracts under the College Opportunity Fund, and state general fund financial aid allocated through the Commission, shall cause the parties to this agreement to meet and discuss whether a change in any provisions of this agreement is appropriate. The actions undertaken by the Governing Board and ASC pursuant to this Performance Contract shall be performed consistently with applicable state and federal law.

9. Issue Resolution. In the event that a party to this Performance Contract fails to take those actions agreed upon herein or fails to perform as set forth in this Performance Contract, the other party shall notify the first party of the failure to act or perform (a "Performance Failure"). The notice shall indicate the nature of the alleged Performance Failure and request that responsive action be taken to correct the alleged Performance Failure. If the party fails to use its best efforts to resolve the alleged Performance Failure within a reasonable period of time, the official representatives of the parties, as designated in the Performance

Contract, shall promptly meet to discuss a remediation plan for resolution of the alleged Performance Failure or modification of this Performance Contract as may be required by the circumstances.

10. Performance Report. Performance on the Performance Contract shall be reported by the Department to the Governor and General Assembly pursuant to Title 23, Article 5, Section 129(5), Colorado Revised Statutes.

11. Point of Contact and Notices. For the purposes of this Performance Contract, the individuals identified below are hereby designated as the official representatives of the respective parties. Either party may from time to time designate in writing new or substitute representatives. All notices given hereunder shall be deemed given and sufficient if delivered in writing by (i) United States mail or (ii) overnight delivery such as Federal Express to:

For the Department:

Richard F. O'Donnell  
Executive Director  
Colorado Department of Higher Education  
1380 Lawrence Street, Suite 1200  
Denver, CO 80202

For Adams State College:

Dr. Richard A Wueste  
President  
Adams State College  
208 Edgemont Blvd.  
Alamosa, CO 81102

12. No Third-Party Beneficiary. Nothing in this Performance Contract shall be construed or implied to confer third-party beneficiary status on any person or entity.

13. Severability. To the extent that this Performance Contract may be executed and performance of the obligations of the parties may be accomplished within the intent of the Performance Contract, the terms of this Performance Contract are severable, and should any term or provision hereof be declared invalid or become inoperative for any reason, such invalidity or failure shall not affect the validity of any other term or provision hereof.

14. Governing Law. This Performance Contract shall be governed by and construed in accordance with the laws of the State of Colorado.

15. Entire Agreement. This Performance Contract is intended as the complete integration of all understandings between the parties regarding performance contracts authorized by Title 23, Article 5, Section 129, Colorado Revised Statutes. No prior or contemporaneous addition, deletion or other amendment hereto shall have any force or effect whatsoever, unless

embodied herein in writing. No subsequent novation, renewal, addition, deletion or other amendment hereto shall have any force or effect unless embodied in a writing executed and approved by both parties to this Performance Contract.

16. Approval Required. Pursuant to Title 23, Article 5, Section 129(3), Colorado Revised Statutes, this Performance Contract and any modification or addition thereto shall not become effective until reviewed and approved by the Commission.

**IN WITNESS WHEREOF, the parties have executed this Performance Contract this \_\_\_ day of \_\_\_\_\_, 200\_\_.**

**For Adams State College:**

**For the Department of Higher Education:**

By \_\_\_\_\_  
Richard A. Wueste  
President

By \_\_\_\_\_  
Richard F. O'Donnell  
Executive Director

APPROVED:

APPROVED:

Board of Trustees for Adams State College

Colorado Commission on Higher Education

By: \_\_\_\_\_  
Chair

By \_\_\_\_\_  
Chair

Dated: \_\_\_\_\_

Dated: \_\_\_\_\_

## **ADDENDUM A**

### **Goal #1: Access and Success**

**WHEREAS**, the Commission has determined that it is a highest priority of the State to ensure widespread access to Colorado's public colleges and universities with particular focus on expanding the number of students who are prepared, apply and enroll, and increasing retention and graduation rates with particular emphasis on increasing the participation and success of underserved students.

**WHEREAS**, the Department will develop and deliver a statewide marketing campaign with the goal of convincing every student and parent in the State of Colorado that college is accessible and affordable and that it is important to prepare academically for it in order to increase the college-going and completion of students, especially underserved students, which include low-income, male and minority students.

**WHEREAS**, the Department will work with the State and institutions to design efficient and effective financial aid strategies.

**WHEREAS**, the Department will work to make CollegeinColorado.org a fully integrated and user-friendly Pre-Collegiate Online Guidance System.

**WHEREAS**, the Department will lead the organization and operation of the Colorado College Access Consortium to coordinate and support K-12, pre-collegiate and college preparation programs.

**WHEREAS**, the Commission and ASC recognize the unique cultural and economic student profile of Adams State College with the goal of providing educational access and success for all citizens of Colorado while preserving and promoting the unique history and culture of the region.

**WHEREAS**, the Commission and ASC wish to encourage programs, policies and services to meet the unique needs of a culturally and economically diverse student profile in order to provide greater educational access and success for all citizens of Colorado.

**NOW, THEREFORE**, the Parties agree as follows:

#### **Section 1: Retention Rates**

1.1 By December 31, 2008, ASC shall increase its fall-to-fall retention rate for first-time, full-time freshman from 57.4% to 60.9%.

1.2 The Governing Board shall report to the Department on or before December 31<sup>st</sup> of each year the results of its current efforts and any new or additional plans or programs to increase its fall-to-fall retention rates for first-time, full-time freshman.

## **Section 2: Graduation Rates**

2.1 By June 30, 2009, ASC shall increase its 6-year graduation rate for first-time, full-time from 27.8% to 30.4%.

2.2 The Governing Board shall report to the Department on or before December 31<sup>st</sup> of each year the results of its current efforts and any new or additional plans or programs to increase its 6-year graduation rate for first-time, full-time degree-seeking freshmen.

## **Section 3: Underserved Students**

3.1 Title 23, Article 5, Section 129, Colorado Revised Statutes requires that each performance contract address “increasing enrollment of underserved students, including low-income individuals, males and minority groups.” For purposes of this Performance Contract, “underserved students” shall be defined as students who are: (a) low-income (would satisfy income requirements for a Federal Pell Grant); (b) members of an ethnic or racial minority group; and/or (c) males. ASC shall address underserved students as follows:

(a) ASC will seek to increase overall resident undergraduate enrollment by 10% over baseline enrollment of 1999-2003 by June 30, 2009. Specific institutional measures include:

1. Total resident enrollment (FTE) shall increase from 1914 to 2105.
2. ASC shall actively recruit first generation college students.
3. ASC shall increase the number of Minority students.
4. ASC shall increase the number of Hispanic students.
5. ASC shall increase the number of low-income students.
6. ASC shall increase the number of enrolled freshman from the San Luis Valley area.
7. ASC shall increase the number of Hispanic males.
8. ASC shall increase the number of nontraditional students over the age of 25.

(b) ASC shall direct available resources toward, but not limited to, the following programs, or successors, designed to increase enrollment, retention and graduation of underserved students:

1. Evening and weekend College;
2. 2-year degrees (AA,AS);
3. Correspondence Courses leading to a degree (external degrees);
4. Concurrent Enrollment;
5. Developmental Programs (College Studies: 095-099 remediation courses);
6. HEAR workshops—Higher Education Access and Resources workshops delivered by the Office of Student Financial Aid;
7. Upward Bound (Federally funded program designed to engage high school students who have potential for college success);

8. PAVE (Partners Advancing Valley Education), a partnership with TSJC-Valley campus designed to increase college aspiration among San Luis Valley K-12 students;
9. 2+2 Programs, such as the BS program in nursing;
10. Educational Talent Search (Federally funded pre-collegiate program targeted at grades 6-12 designed to increase college aspiration and knowledge of successful pre-collegiate skills);
11. Title V Outreach (Federally funded project designed to increase institutional capacity to better serve Hispanic students. Activity II aims at increasing interaction among parents, students and college representatives so as to increase college aspiration for students and families).
12. Title V/CELT (Center for Excellence in Learning and Teaching): Federal Grant supports retraining 20% of ASC faculty each year in learner-centered classroom practices and instructional technology;
13. Student Support Services: tutoring for low-income first generation college students;
14. Freshmen Interest Groups (FIG Program);
15. 1-Stop Shop for admissions, registration, financial aid;
16. Writing studio/English mentors;
17. Math labs;
18. Summer Bridge (Summer Scholars) program for at risk students/writing and reading.

3.2 The Governing Board shall submit an annual report on or before December 31<sup>st</sup> that details the results of these programs and any changes or new and additional efforts, if any, to increase enrollment, retention and graduation of underserved students.

## **Goal #2: Quality in Undergraduate Education**

**WHEREAS**, the Commission has determined that it is a highest priority of the State to: (1) improve academic competencies and provide learning experiences that foster the development of skills and abilities that prepare students for the global economy; (2) prepare students for continuing, graduate or postgraduate professional studies; (3) ensure the transferability of general education courses; and (4) establish critical thinking and logic skills essential to full participation in a democratic society.

**WHEREAS**, the State should provide meaningful and user-friendly information on the quality of undergraduate education to consumers about each institution that will drive market decisions by parents, students, and employers.

**WHEREAS**, the full transferability of general education courses between institutions of higher education is desirable.

**NOW, THEREFORE**, the Parties agree as follows:

## Section 1: General Education Requirements

1.1 Effective November 1, 2004 ASC has adopted a fully transferable, foundational general education core curriculum that corresponds with GT Pathways, Colorado's statewide guaranteed transfer program for general education that was created and endorsed by the General Education Council ("GE 25 Council") and the Commission. The Governing Board shall ensure that its general education core curriculum continues to meet the GT Pathways curriculum requirements for academic areas and corresponding credit hour requirements established by the GT Pathways.

1.2 The Student Bill of Rights, Title 23, Article 1, Section 125, Colorado Revised Statutes, provides that students, upon completion of core general education courses, regardless of the delivery method, should have those courses satisfy the general education core course requirements of all Colorado public institutions of higher education. In order to meet this requirement, all courses in the ASC's general education core curriculum shall be submitted, according to Commission policy, to the GE 25 Council or its successor, for approval and inclusion in GT Pathways for guaranteed transfer. The Department shall convene the GE 25 Council and provide sufficient resources to ensure that all courses submitted to the GE 25 Council, or its successor, are reviewed within 6 months of submission.

1.3 The Governing Board may continue to nominate new and/or additional courses that satisfy pertinent guidelines and requirements of GT Pathways to be included in its general education core curriculum. ASC shall continue to recognize and provide full credit for all core courses approved for statewide transfer completed at other Colorado state colleges and universities, including credits earned through Commission approved competency tests.

1.4 In addition to requiring the completion of its approved general education core curriculum by all newly enrolled, first-time students, the Governing Board shall ensure the following:

(a) All course catalogs and academic transcripts shall clearly designate courses eligible for statewide guaranteed transfer.

(b) All course catalogs and related materials shall clearly designate lower division courses that are not eligible for statewide guaranteed transfer.

(c) All academic transcripts shall certify the satisfactory completion of the transferable general education core curriculum, regardless of whether the academic degree program has been completed or conferred.

1.5 Lower division general education course requirements that are not part of the general education core curriculum are acceptable and need not be submitted to the GE 25 Council for inclusion in GT Pathways. However, a student must be able to complete any such requirements within the 40 credit hour lower division general education limit established by the Student Bill of Rights. If a transfer student has satisfactorily completed the transferable core curriculum at another Colorado state college or university, ASC shall not require the completion

of any additional lower division general education courses by that student that would exceed the 40 credit hour lower division general education limit.

1.6 Beginning July 1, 2006, and each year thereafter, the Governing Board shall report statistics on the demand for and supply of courses at its campus(es) that satisfy its general education core curriculum. Such data, if available, may include the number of sections offered, enrollment demand and course availability, data on the ranks of instructor teaching the courses, and the average class enrollment for each course, disaggregated by course title and number.

## **Section 2: Grade Distribution**

2.1 The Governing Board has set high academic standards for ASC and shall demonstrate the same by providing a description or copies of policies and procedures for evaluating the distribution of grades by academic subject and course level or otherwise. In addition, by September 1, 2006 and each year thereafter, the Governing Board shall provide data on all course grades conferred during the previous academic year, disaggregated by academic subject and course level.

## **Section 3: Faculty**

3.1 The Governing Board shall continue to ensure that the proportion of core courses taught by the highest quality and/or most qualified faculty, as identified by ASC, is equivalent, to that in undergraduate non-core courses.

3.2 The Governing Board will continue to examine its current faculty compensation policies, including merit compensation provisions, and consider appropriate faculty evaluation, promotion and tenure policies and procedures in light of the institutional goals, mission and values. By July 1, 2006 and each year thereafter, the Governing Board shall provide a report that illustrates specifically whether and how financial incentives, such as cash bonuses, raises, stipends, awards or other items, are used in the implementation of its faculty evaluation and professional development procedure. The report shall be accompanied by data showing how the financial incentives are applied differentially to faculty based on the evaluation criteria.

## **Section 4: Evaluation and Assessment of Student Learning**

4.1 To the extent possible and based upon available data, ASC shall report annually, in accordance with the SURDS reporting schedule, on student achievement by providing data on outcomes on licensure, professional, graduate school admission, and other examinations taken by baccalaureate graduates and/or career and technical graduates employed or continuing their education.

4.2 The Governing Board agrees to cooperate with the Department in developing and implementing standard methods to assess students' knowledge and improve the delivery of content taught in courses approved for ASC's core curriculum. These programs shall

be in place no later than January 1, 2007. The Department and the Governing Board agree that implementation of these assessment methods is contingent on additional resources being made available for these purposes.

### **Goal #3: Efficiency of Operations**

**WHEREAS**, the Commission has determined that a highest priority of the State is to provide for the efficient and effective stewardship of resources, be they tuition dollars, state or federal tax dollars, or other sources of funding.

**NOW, THEREFORE**, the Parties agree as follows:

#### **Section 1: Costs**

1.1 As part of the Commission's annual budget process, the Governing Board shall provide, through the Budget Data Book, information to the Department that identifies mandatory cost increases or decreases.

1.2 The Department shall use the information submitted by the institutions to determine the base funding increase necessary for cash fund and cash fund exempt increases that at a minimum shall consider changes in mandatory costs, such as salary, insurance and utility costs, as well as enrollment growth and inflation.

1.3 The Governing Board may submit requests for tuition differentials, specialized fees, or other tuition increases to improve quality, expand access or address capital needs above the base funding amount as decision items through the normal budget process. The Commission shall forward these decision items to the General Assembly and the Office of State Planning and Budgeting during the budget process.

1.4 The Governing Board will strive to control costs so that mandatory cost increases do not exceed the latest published cost adjustment figure from the State Higher Education Executive Officers Higher Education Cost Adjustment model, excluding controlled maintenance and capital needs.

#### **Section 2: Capital Assets and Maintenance**

2.1 The Governing Board shall allocate a percentage of new tuition revenue for deferred maintenance in proportion to the level of tuition increase in excess of inflation and mandated costs authorized by the General Assembly. The Governing Board shall breakout in a footnote in their annual Statement of Revenues, Expenses, and Changes in Net Assets the actual amount spent.

#### **Section 3: Facilities**

3.1 The Governing Board shall continuously assess operational efficiencies of its auxiliary facilities, as such facilities are defined under Title 23, Article 5, Sections 101.5(2)

and 102, Colorado Revised Statutes. Proposals will be periodically solicited from private firms for those facilities that are commonly found to be operated by private firms. Proposals will be awarded whenever it is determined that private operation of the facility can add value and improve operational efficiencies.

**Section 4: Base Funding** 3.1 In recognition of the role that floor funding plays in the continuing economic stability of the institution, it is acknowledged that the absence of floor funding could have implications on the institution's ability to meet the terms and conditions of this performance contract.

#### **Goal #4: Other State Needs -- Teacher Education**

**WHEREAS**, the Commission has determined that it is a highest State priority to ensure that highly qualified teachers are in every K-12 classroom.

**WHEREAS**, educator preparation is a shared enterprise among the Commission, the Colorado Department of Education, institutions of higher education, and local school districts.

**WHEREAS**, teacher education programs must prepare teachers to succeed in an era of high standards and strong accountability where the expectation is that achievement levels will rise for every student.

**WHEREAS**, K-12 school districts have called for new teachers who are trained in critical areas, including but not limited to: (1) Technology and its role in instructional delivery; (2) Ability to communicate with students, parents and guardians regarding educational progress and student behavior; (3) Ability to assess student learning and modify curriculum based on assessment results; (4) Effective classroom management techniques; (5) Ability to apply knowledge to the P-12 classroom and adapt instruction in ways that enhance the ability of achievement levels to rise for all students student learning with a particular understanding of how to close the achievement gap for children of color and boys; and (6) Ability to teach reading, math and science.

**WHEREAS**, the strength of a teacher preparation program is determined by the degree to which content knowledge, field experience, and professional knowledge are integrated into a performance-based model.

**WHEREAS**, teacher education programs must prepare teachers to succeed in an era of high standards and strong accountability.

**NOW, THEREFORE**, the Parties agree as follows:

#### **Section 1: Teacher Education Programs:**

1.1 The Commission shall continue to authorize and re-authorize teacher education programs pursuant to Title 23, Article 1, Section 121, Colorado Revised Statutes and

existing Commission policies, including the continuance of joint on-site program reviews by the Commission and the Colorado Department of Education scheduled every fifth year.

1.2 By July 1, 2006, the Governing Board shall ensure that its teacher education program meets the following standards:

(a) Each teacher candidate shall receive, as part of his or her formal preparation, instruction on teaching diverse student populations. To the extent possible, each teacher candidate shall spend time through required pre-rotation or student teaching experiences in a Title I or low performing or unsatisfactory school with an improving or stable rating, based upon the results of the previous year's School Accountability Report by the Colorado Department of Education.

(b) Not less than one semester of each teacher candidate's 800-hour field experience shall be spent student teaching.

(c) All teacher candidates shall have, as part of their formal preparation, received instruction on the comprehension, diagnosis, interpretation and effective use of student assessment data, especially data from the Colorado Student Assessment Program.

(d) All teacher candidates shall have, as part of their formal preparation, received instruction on the attitudinal and behavioral differences that influence socialization and learning variations between boys and girls.

1.3 By July 1, 2006, all content (non-pedagogy) courses leading to the fulfillment of endorsement area requirements for secondary education licensure shall be taught by faculty members belonging only to the departments from which the courses originate (e.g., American history courses are taught by faculty members in the history department, mathematics courses are taught by faculty members in the mathematics department).

## **Section 2: Recruitment and Training of Qualified Candidates**

2.1 ASC shall maintain its levels of recruitment, retention, and graduation of teacher candidates who are under-represented in Colorado's public schools, with a particular focus on Hispanics and males. ASC shall submit to the Department on or before August 1<sup>st</sup> of each year, the student identification numbers and endorsement areas for all teacher candidates.

2.2 The Governing Board shall participate with the Department in analyzing the placement in K-12 schools of teacher candidate graduates and their performance once placed, including providing data as specified by the Department.

### **Goal #5: Other State Needs -- Workforce and Economic Development**

**WHEREAS**, the Commission has determined that Colorado's future competitiveness in the global economy depends on having an educated and skilled workforce. Colorado must have workers with high-level skills required for jobs in high-demand fields,

workers with basic workplace skills to obtain the most desirable jobs and to continually adapt to the changes that will continue to affect our evolving economy.

**NOW, THEREFORE,** the Parties agree as follows:

1.1 ASC will seek to increase the number of students who earn degrees in the following high-demand program areas:

- (a) By December 31, 2008, ASC shall increase the number of students graduating from its new BSN nursing program to at least fifteen.
- (b) By December 31, 2008, ASC shall increase the number of students graduating from its Elementary Education Associate of Arts degree program to at least fifteen.
- (c) By December 31, 2008, ASC shall increase the number of students graduating from its Early Childhood Education Associate of Arts program to at least fifteen.
- (d) By December 31, 2008, ASC shall increase the number of students graduating from its SLV REAP Program ID Studies/Elementary Education Bachelor of Arts programs to at least fifteen.
- (e) By December 31, 2008, ASC shall increase the number of 2+2 Program graduates by 15%.
- (f) By December 31, 2008, ASC shall increase the number of participants in life-long learning programs by 20%.
- (g) ASC shall complete required program changes in its Special Education undergraduate degree programs by December 31, 2005.
- (h) By December 31, 2008, ASC shall increase enrollment in evening and weekend college by 10%.

## ADDENDUM B

### **RESOURCE, PROGRAMMATIC AND MANAGEMENT FLEXIBILITY**

This Addendum B describes the resource, programmatic, and management flexibility which the Department agrees to provide or support for institutions operating under performance contracts.

As of the Effective Date of this Performance Contract, compliance with the terms set forth in this Performance Contract will be in lieu of the following statutory requirements of Article 1 of Title 23 and the “Higher Education Quality Assurance Act,” Article 13 of Title 23 and Commission Policies:

### **STATUTORY REQUIREMENTS**

**C.R.S. §23-1-105.** Duties and powers of commission with respect to appropriations – repeal.

- All subsections waived except for **(1), (4), (5) and (8)**.

**C.R.S. §23-1-107.** Duties and powers of the commission with respect to program approval, review, reduction, and discontinuance.

All subsections waived except for (2), (4), (5). With respect to subsection 4, the Department agrees to authorize the Governing Board to establish early retirement, retraining and severance programs for faculty in programs to be discontinued subject to consultation with the Commission prior to the Governing Board’s approval of such programs.

**C.R.S. §23-1-109.** Duties and powers of the commission with regard to off-campus instruction.

The Institution shall continue to be subject to the statutory requirements of this section. However, the Commission through the Department agrees to revise its policies to reduce current reporting requirements and to limit the review of off-campus, cash-funded degree and certificate programs, off-campus, state-funded degree programs, and out-of-state/out-of-country programs to ensuring that such programs are consistent with the Institution’s statutory role and mission. The Commission also agrees to work with the Institution to modify current extended studies policies regarding budget and finance with the goal of reducing unnecessary and burdensome regulations and limiting the Commission's oversight of such programs. The Commission shall ensure that such policies recognize that the Institution's chief executive officer is responsible for the overall fiscal and operational policies of the Institution.

**C.R.S. §23-1-115.** Review and action on existing degree programs.

**C.R.S. §23-1-124.** Commission directive – sophomore assessments

**C.R.S. §23-13-105.** Quality indicator system - development - implementation -reports.

**C.R.S. §23-13-107.** Funding incentives to achieve the statewide goals and expectations

## **COMMISSION POLICIES**

### **Academic Affairs:**

**Part B:** Approval of New Academic Programs

**Part D:** Approval of New Vocational Degree Programs in State-Supported Institutions of Higher Education in Colorado

- Sections 2.00 (d), 2.01.03, 2.02.01, 3.01.05, Appendix A

**Part H:** Designating Programs of Excellence

**Part I:** Review of Proposals for Coordinated Academic Programs

- Sections: 4.02 (limited to review of role and mission), 4.02.02, 4.02.03, 4.02.05.

**Part O:** Academic Planning

- Sections: 3.02, 4.00

**Part Q:** Policy on Affirmative Action

### **Capital Assets:**

**Part D – Guidelines for Long-Range Facilities/Infrastructure Master Planning**

- 1.00 – Scope of a Long- Range Facilities/Infrastructure Master Plan
  - I. Institutional Data (to become guidelines only)
  - II. Facilities Master Plan
    - A. Planning Concepts (to become guidelines only)
    - B. Facilities Construction and Renovation Economic Studies and Project Cost Estimates
- 2.00 – Publication of a Long-Range Facilities, Infrastructure Master Plan.

- 5.00 – Relation to Statewide Plan

**Part I** – Instructions & Forms For Completing Physical Plant Inventory

**Part L** – Policies & Criteria For Capital Construction Priority Setting.

- 1.00 – Policies & Criteria Requests.
- 2.00 – CCHE Priorities Among Capital Construction Funding
- 3.00 & 3.01 – Process for Recommending Funding Priorities.

**Part O** – Policy Guidelines for Capital Outlay Expenditures.

**Part P** – Policies for Construction Projects Administration.

**Budget Data Book:**

Organization Chart

Campus Map

General information page

**Format 40:** Reporting of ASC II data

**Format 9999**

Consolidated Supplemental Financial Information

- Format A
- Format B
- Format C
- Format D
- Format E

Administrative Salary Survey report

Decision Items requests for mandatory cost increases

CCHE approval of decision items above mandated costs

**STATE OF COLORADO  
DEPARTMENT OF HIGHER EDUCATION  
PERFORMANCE CONTRACT**

This Performance Contract, effective the date of approval by the Colorado Commission on Higher Education (hereinafter referred to as the “Commission”), is by and between the Department of Higher Education (hereinafter referred to as the “Department”) and the Board of Governors of the Colorado State University System (hereinafter referred to as the “Governing Board”).

**RECITALS**

**WHEREAS**, in its passage of SB 04-189, known as the College Opportunity Fund, the General Assembly has found that it is imperative that an increased number of Coloradans pursue education beyond high school.

**WHEREAS**, the General Assembly has determined that a postsecondary educational experience for Coloradans is essential for the State to compete in the new global economy and to develop a new generation of leaders and active participants in state and local civic affairs.

**WHEREAS**, the General Assembly has found that it is critical that the rate of postsecondary participation by low-income Coloradans, males, and minorities, who are currently under-represented, be increased at every State institution of higher education.

**WHEREAS**, the General Assembly has determined that it is appropriate to support programs that are designed to encourage participation in postsecondary education, that increase citizens' awareness of the value of and need for a postsecondary education, and that make citizens aware of the financial support provided by them through the General Assembly to students and institutions of higher education.

**WHEREAS**, the General Assembly enacted the College Opportunity Fund Act, Title 23, Article 18, Section 101 *et seq.*, Colorado Revised Statutes, which states that performance contracts should provide for greater flexibility and a more focused accountability for institutions of higher education to students and the people of Colorado.

**WHEREAS**, Title 23, Article 5, Section 129, Colorado Revised Statutes requires each governing board of a State institution of higher education to negotiate a performance contract with the Department that specifies the performance goals the institution shall achieve during the period that it operates under the performance contract.

**WHEREAS**, Title 23, Article 5, Section 129, Colorado Revised Statutes provides that a State institution of higher education's compliance with the goals specified in the performance contract may be in lieu of requirements in Article 1 and Article 13 of Title 23, Colorado Revised Statutes.

**WHEREAS**, Title 23, Article 5, Section 129, Colorado Revised Statutes requires that the specified procedures and goals set forth in the performance contract must be measurable and tailored to the role and mission of each institution and may include, but shall not be limited to: (1) improving Colorado residents' access to higher education; (2) improving quality and success in higher education; (3) improving the efficiency of operations; and (4) addressing the needs of the State.

## **AGREEMENT**

**NOW THEREFORE**, in consideration of the foregoing and intending to be bound hereby, the Parties agree as follows:

1. Scope of Contract. This contract and Addenda A and B, which are hereby expressly incorporated herein, (the "Performance Contract"), sets forth the performance goals of Colorado State University and Colorado State University-Pueblo, (hereinafter referred to as "CSU" or "CSU-Pueblo" or collectively the "CSUS"). CSU has the statutory role and mission of a comprehensive graduate research university with selective admission standards offering a comprehensive array of baccalaureate, masters, and doctoral degree programs. CSU-Pueblo has the statutory role and mission of a regional, comprehensive university, with moderately selective admissions standards. This Performance Contract establishes the goals and reporting requirements pursuant to S.B. 04-189.

2. Term of Contract. This Performance Contract shall be effective after execution by the Governing Board and the Department and on the date the Performance Contract is approved by the Colorado Commission on Higher Education and shall remain in effect until June 30, 2009.

3. Statutory Requirements Exempted by Performance Contract. Title 23, Article 5, Section 129(2)(a), Colorado Revised Statutes provides that a State institution of higher education's compliance with the goals specified in the Performance Contract may be in lieu of the requirements of Article 1 of Title 23 and the "Higher Education Quality Assurance Act," Article 13 of Title 23, for the term of this Performance Contract. As of the Effective Date of this Performance Contract, CSUS's compliance with the terms set forth in this Performance Contract will be in lieu of CSUS's compliance with the requirements of Article 1 of Title 23 and the "Higher Education Quality Assurance Act," Article 13 of Title 23 set forth in Addendum B.

4. Academic and Vocational Program Approval. While operating pursuant to this Performance Contract, the Governing Board will not be required to consult with or obtain approval from the Commission to create, modify, or eliminate academic and vocational programs offered by CSUS, so long as such creations, modifications, and eliminations are consistent with CSUS's statutory role and mission. The Commission shall have the authority pursuant to Title 23, Article 5, Section 129(6)(b), Colorado Revised Statutes, to override any creation or modification of an academic or vocational program if the change made by the Governing Board is inconsistent with CSUS's statutory role and mission. The Governing Board will comply with the Commission's Policy and Procedures for the Approval of New Academic Programs in Public Institutions of Higher Education in Colorado Operating Under a Performance Contract adopted on October 7, 2004.

5. Reporting of Budget and Proposed Tuition Increases. Title 23, Article 5, Section 129(6)(c), Colorado Revised Statutes requires the Governing Board to report to the Commission its plans for any tuition increases for the following academic year for the Commission to forward to the General Assembly during the annual budget process. The Governing Board shall submit this information in accordance with the requirements of the Title 24, Article 37, Colorado Revised Statutes and in the form and manner prescribed by the Commission. The General Assembly has expressly retained the authority in Title 23, Article 5, Section 129, Colorado Revised Statutes, to approve tuition spending authority for the Governing Board of CSUS during the term of this agreement.

6. Resident Applicant Admission Requirements. While operating pursuant to this Performance Contract, Title 23, Article 5, Section 129(7)(b), Colorado Revised Statutes, directs that the Governing Board shall continue to require CSUS to admit Colorado resident applicants within the requirements of Title 23, Article 1, Section 113.5, Colorado Revised Statutes, who meet the admissions criteria of CSUS.

7. Data Reporting Requirements. The Governing Board shall transmit to the Department all annual reports and data required in this Performance Contract including that specified in Addendum A, attached hereto, in the form and manner prescribed herein or as required by Commission Policy. CSUS shall continue to provide all data required by the Student Unit Record Data System (SURDS) and the United States Department of Education through the Department. When possible, the Department shall provide notice and consult with the institutions before requiring any additional or new SURDS data. The Governing Board shall submit to the Department an annual certification as to the overall material accuracy and completeness of the data submitted in accordance with the terms set forth herein. All data must be handled by the Commission and Department consistent with the statutory requirements set forth in Title 23, Article 1, Section 108(9), Colorado Revised Statutes.

8. Performance Goal Achievement. This Performance Contract sets forth those goals, standards and requirements upon which the Department and the Governing Board have mutually agreed. The Governing Board shall undertake those actions and efforts and implement such initiatives and programs that will enable CSUS to achieve the performance goals set forth in this Performance Contract. The ability of the Governing Board to fulfill the terms of this contract expressly assumes adequate funding which shall, at a minimum, be no less than at a level which approximates the Department funding appropriated by the General Assembly during fiscal year 2003-2004, and is contingent upon other external factors such as the quality and ability levels of entering students, the economic and population growth necessary to provide external placement opportunities for students and the availability of sufficient review cycles for consideration of core curricular courses. Any material change in the external factors noted above, in the level of general funds available to students as stipends, to institutions under fee-for-service contracts under the College Opportunity Fund, and state general fund financial aid allocated through the Commission, shall cause the parties to this agreement to meet and discuss whether a change in any provisions of this agreement is appropriate. The actions undertaken by the Governing Board and System pursuant to this Performance Contract shall be performed consistently with applicable state and federal law.

9. Issue Resolution. In the event that a party to this Performance Contract fails to take those actions agreed upon herein or perform as set forth in this Performance Contract, the other party shall notify the first party of the failure to act or perform (a “Performance Failure”). The notice shall indicate the nature of the Performance Failure and request that responsive action be taken to correct the alleged Performance Failure. If the party fails to use its best efforts to resolve the alleged Performance Failure within a reasonable period of time, the official representatives of the parties, as designated in the Performance Contract, shall promptly meet to discuss a remediation plan for resolution of the alleged Performance Failure or modification of this Performance Contract as may be required by the circumstances.

10. Performance Report. Performance on this Performance Contract shall be reported by the Department to the Governor and General Assembly pursuant to Title 23, Article 5, Section 129(5), Colorado Revised Statutes.

11. Point of Contact and Notices. For the purposes of this Performance Contract, the individuals identified below are hereby designated as the official representatives of the respective parties. Either party may from time to time designate in writing new or substitute representatives. All notices given hereunder shall be deemed given and sufficient if delivered in writing by (i) United States mail or (ii) overnight delivery such as Federal Express to:

For the Department:

Richard F. O’Donnell  
Executive Director  
Colorado Department of Higher Education  
1380 Lawrence Street, Suite 1200  
Denver, CO 80202

For the Governing Board:

Larry Edward Penley, Chancellor  
Colorado State University  
Fort Collins, CO 80523

12. No Third-Party Beneficiary. Nothing in this Performance Contract shall be construed or implied to confer third-party beneficiary status on any person or entity.

13. Severability. To the extent that this Performance Contract may be executed and performance of the obligations of the parties may be accomplished within the intent of the Performance Contract, the terms of this Performance Contract are severable, and should any term or provision hereof be declared invalid or become inoperative for any reason, such invalidity or failure shall not affect the validity of any other term or provision hereof.

14. Governing Law. This Performance Contract shall be governed by and construed in accordance with the laws of the State of Colorado.

15. Entire Agreement. This Performance Contract is intended as the complete integration of all understandings between the parties regarding performance contracts authorized by Title 23, Article 5, Section 129, Colorado Revised Statutes. No prior or contemporaneous addition, deletion or other amendment hereto shall have any force or effect whatsoever, unless embodied herein in writing. No subsequent novation, renewal, addition, deletion or other amendment hereto shall have any force or effect unless embodied in a writing executed and approved by both parties to this Performance Contract.

16. Approval Required. Pursuant to Title 23, Article 5, Section 129(3), Colorado Revised Statutes, this Performance Contract and any modification or addition thereto shall not become effective until reviewed and approved by the Commission.

**IN WITNESS WHEREOF, the parties have executed this Performance Contract this \_\_\_ day of \_\_\_\_\_, 200\_\_.**

**For the Governing Board:**

**For the Department of Higher Education:**

By \_\_\_\_\_  
Larry Edward Penley  
Chancellor

By \_\_\_\_\_  
Richard F. O'Donnell  
Executive Director

**APPROVED:**

**APPROVED:**

Governing Board

Colorado Commission on Higher Education

By: \_\_\_\_\_  
Chair

By \_\_\_\_\_  
Chair

Dated: \_\_\_\_\_

Dated: \_\_\_\_\_

## ADDENDUM A

### **Goal #1: Access and Success**

**WHEREAS**, the Commission has determined that it is a highest priority of the State to ensure widespread access to Colorado's public colleges and universities with particular focus on expanding the number of students who are prepared, apply and enroll, and increasing retention and graduation rates with particular emphasis on increasing the participation and success of underserved students.

**WHEREAS**, the Department will develop and deliver a statewide marketing campaign with the goal of convincing every student and parent in the State of Colorado that college is accessible and affordable and that it is important to prepare academically for it in order to increase the college-going and completion of students, especially underserved students, which include low-income, male and minority students.

**WHEREAS**, the Department will work with the State and institutions to design efficient and effective financial aid strategies.

**WHEREAS**, the Department will work to make CollegeinColorado.org a fully integrated and user-friendly Pre-Collegiate Online Guidance System.

**WHEREAS**, the Department will lead the organization and operation of the Colorado College Access Consortium to coordinate and support K-12, pre-collegiate and college preparation programs.

**NOW, THEREFORE**, the Parties agree as follows:

#### **Section 1: Retention Rates**

1.1 By December 31, 2008, CSU shall increase its fall-to-fall retention rate for first-time, full-time freshman from 83.1% to 85.1%. CSU-Pueblo shall increase its fall-to-fall retention rate for first-time, full-time freshman from 64.4% to 67.0%. CSU shall increase its fall-to-fall retention rate for first-time, full-time freshman, including transfers to other institutions, from 89.3% to 91.3%. CSU-Pueblo shall increase its fall-to-fall retention rate for first-time, full-time freshman, including transfers to other institutions, from 76.2% to 79.0%.

1.2 The Governing Board shall report to the Department on or before December 31<sup>st</sup> of each year the results of its current efforts and any new or additional plans or programs to increase its fall-to-fall retention rates for first-time, full-time freshman.

#### **Section 2: Graduation Rates**

2.1 By December 31, 2008, CSU shall increase its 6-year graduation rate for first-time, full-time degree-seeking freshmen from 62.9% to 63.6%. By December 31, 2008, CSU-Pueblo shall increase its 6-year graduation rate for first-time, full-time degree-seeking freshmen from 29.8% to 31.8%.

2.2 The Governing Board shall report to the Department on or before December 31<sup>st</sup> of each year the results of its current efforts and any new or additional plans or programs to increase its 6-year graduation rate for first-time, full-time degree-seeking freshmen.

### **Section 3: Underserved Students**

3.1 Title 23, Article 5, Section 129, Colorado Revised Statutes requires that each performance contract address “increasing enrollment of underserved students, including low-income individuals, males and minority groups.” For purposes of this Performance Contract, “underserved students” shall be defined to include students who are: (a) low-income (would satisfy income requirements for a Federal Pell Grant); (b) members of an ethnic or racial minority group; (c) males; and (d) such other classes or types of students determined by CSUS as necessary to achieve a diverse student body. CSUS shall direct such resources as CSUS determines may be available to programs designed to increase enrollment, retention and graduation of underserved students.

3.2 The Governing Board shall submit an annual report on or before December 31<sup>st</sup> that details the results of efforts to increase enrollment, retention and graduation of underserved students.

### **Goal #2: Quality in Undergraduate Education**

**WHEREAS**, the Commission has determined that it is a highest priority of the State to: (1) improve academic competencies and provide learning experiences that foster the development of skills and abilities that prepare students for the global economy; (2) prepare students for continuing, graduate or postgraduate professional studies; (3) ensure the transferability of general education courses; and (4) establish critical thinking and logic skills essential to full participation in a democratic society.

**WHEREAS**, the State should provide meaningful and user-friendly information on the quality of undergraduate education to consumers about each institution that will drive market decisions by parents, students, and employers.

**WHEREAS**, the State should implement a general education core curriculum for students and faculty that ensures consistent quality and the transferability of general education courses.

**NOW, THEREFORE**, the Parties agree as follows:

### **Section 1: General Education Requirements**

1.1 By January 1, 2007, the Governing Board shall ensure that its faculty determines that the CSUS general education core curriculum satisfies the competencies, expectations and credit hour guidelines of GT Pathways, Colorado’s statewide guaranteed transfer program for general education that was created and endorsed by the General Education Council (“GE 25 Council”) and the Commission.

1.2 The Student Bill of Rights, Title 23, Article 1, Section 125, Colorado Revised Statutes, provides that the completion of lower division core general education courses, regardless of the delivery method, should satisfy the general education core course requirements of all Colorado public institutions of higher education. In order to meet this requirement, by July 1, 2007, all courses in CSUS's general education core curriculum shall be submitted, according to Commission policy, to the GE 25 Council or its successor, for approval and inclusion in GT Pathways for guaranteed transfer. The Department shall convene the GE 25 Council and provide sufficient resources to ensure that all courses submitted to the GE 25 Council, or its successor, are reviewed prior to January 1, 2008.

1.3 The Department acknowledges that certain current GE 25 Council requirements, especially as they relate to lab requirements for science courses, will be refined and amended to accommodate the unique situation of CSUS and other institutions. The Department agrees to work with all institutions and the GE 25 Council, or its successor, to amend the GT Pathways criteria to ensure compatibility between each institution's general education core curriculum and the requirement for guaranteed statewide transfer.

1.4 In the event that the GE 25 Council does not approve a course for approval and inclusion in the GT Pathways, the course shall be labeled as required under subsection 1.6(b). The Department shall periodically provide a public report to the Commission of any course that is not approved for guaranteed transfer by the GE 25 Council. Such report shall include the reasons for a course's non-approval.

1.5 As the faculty designs and determines the need for new courses, the Governing Board may continue to nominate new and/or additional courses that satisfy pertinent guidelines and requirements of GT Pathways to be included in its general education core curriculum. CSUS shall continue to recognize and provide full credit for all core courses approved for statewide transfer completed at other Colorado state colleges and universities, including credits earned through Commission approved competency tests.

1.6 Beginning in July 1, 2007, the Governing Board shall ensure that all newly enrolled, first-time students complete the CSUS's general education core curriculum and ensure the following:

(a) All course catalogs and academic transcripts shall clearly designate lower division core courses eligible for statewide guaranteed transfer.

(b) All course catalogs and related materials shall clearly designate lower division general education core courses that are not eligible for statewide guaranteed transfer. Such designation shall include, next to the course title, the following language: "This course is NOT approved for guaranteed transfer to other Colorado colleges and universities."

(c) All academic transcripts shall certify the satisfactory completion of the transferable general education core curriculum, regardless of whether the academic degree program has been completed or conferred.

1.7 Lower division general education course requirements that are not part of the general education core curriculum are acceptable and need not be submitted to the GE 25 Council for inclusion in GT Pathways. However, a student must be able to complete any such requirements within the 40 credit hour lower division general education limit established by the Student Bill of Rights. If a transfer student has satisfactorily completed the transferable core curriculum at another Colorado state college or university, the institution shall not require the completion of any additional lower division general education courses by that student that would exceed the 40 credit hour lower division general education limit.

1.8 Beginning July 1, 2007, and each year thereafter, the Governing Board shall report statistics on the demand for and supply of courses at its campus(es) that satisfy its general education core curriculum. Such data, if available, may include the number of sections offered, enrollment demand and course availability, data on the ranks of instructor teaching the courses, and the average class enrollment for each course, disaggregated by course title and number.

## **Section 2: Grade Distribution**

2.1 By September 1, 2007, and each year thereafter, the Governing Board shall provide data on all course grades conferred during the previous academic year, disaggregated by academic subject and course level. These data shall be accompanied by a description or copies of policies and procedures, if any, used to evaluate the distribution of grades by academic subject and course level or otherwise.

## **Section 3: Faculty**

3.1 The Governing Board shall continue to ensure that its general education core courses are taught by high quality and qualified faculty as identified by CSUS standards.

3.2 By July 1, 2006, the Governing Board shall certify that it has in place or has plans for implementing and utilizing a variable pay method for faculty.

## **Section 4: Evaluation and Assessment of Student Learning**

4.1 To the extent possible and based upon available data, CSUS shall report annually, in accordance with the SURDS reporting schedule, on student achievement by providing data on outcomes on licensure, professional, graduate school admission, and other examinations taken by baccalaureate graduates and/or career and technical graduates employed or continuing their education.

4.2 By January 1, 2007 and continuing annually thereafter, CSUS shall submit a report on the outcomes of student assessments created and administered by CSUS institutions' assessment and institutional analysis units. This report shall include data on the students' knowledge of content taught in courses approved for core curricula of the CSUS institutions. The Department and the Governing Board agree that any modification of existing assessment

methods needed to assess core curricular content is contingent on additional resources being made available for this purpose.

### **Goal #3: Efficiency of Operations**

**WHEREAS**, the Commission has determined that a highest priority of the State is to provide for the efficient and effective stewardship of resources, be they tuition dollars, state or federal tax dollars, or other sources of funding.

**NOW, THEREFORE**, the Parties agree as follows:

#### **Section 1: Costs**

1.1 As part of the Commission's annual budget process, the Governing Board shall provide, through the Budget Data Book, information to the Department that identifies mandatory cost increases or decreases.

1.2 The Department shall use the information submitted by the institutions to develop, in consultation with representatives of the Governing Boards, the base funding increase that, at a minimum shall consider changes in mandatory costs, including but not limited to compensation packages for faculty, administrative/professional, and classified employees, insurance and utility costs, as well as enrollment growth and inflation. The Commission shall utilize such base funding analysis in its budget preparation and submission to the General Assembly.

1.3 The Governing Board may submit requests for tuition differentials, specialized fees, or other tuition increases to improve quality, expand access or address capital needs above the base funding amount as decision items through the normal budget process. The Commission shall forward these decision items to the General Assembly and the Office of State Planning and Budgeting during the budget process.

1.4 To maintain affordable access to high quality education for the citizens of Colorado, the parties acknowledge that it is the goal of the Governing Board that the combination of state support (through the College Opportunity Fund and Fee for Service funding) and tuition and fees does not exceed the average of its peer institutions. In developing future requests for tuition increases above mandatory costs pursuant to section 1.3, the Governing Board may report tuition rates, fees, and state support for Colorado students attending the CSUS institutions against comparable data for students attending peer institutions.

1.5 The Commission and the Governing Board agree that it is important that Colorado maintain its status as a "low tuition" state, that affordability of college is one of the significant barriers to access. To that end, the Governing Board shall strive to control costs so that mandatory cost increases do not exceed the latest published cost adjustment figure from the State Higher Education Executive Officers Higher Education Cost Adjustment model, excluding controlled maintenance and capital needs.

## **Section 2: Capital Assets and Maintenance**

2.1 The institutions within the Colorado State University System shall work with students as may be necessary to establish a capital and maintenance fee, or the CSUS institutions may submit pursuant to section 1.3 above a decision item for a tuition surcharge to address maintaining existing and constructing new facilities. The Governing Board shall breakout in its annual Statement of Revenues, Expenses, and Changes in Net Assets the actual amount spent pursuant to this section.

## **Section 3: Facilities**

3.1 The Governing Board shall provide a report to the Department on the number and type (private or publicly operated) of auxiliary facilities they operate, as such facility is commonly understood under Title 23, Article 5, Sections 101.5(2) and 102, Colorado Revised Statutes, within 60 days of acceptance of a performance contract.

3.2 The Governing Board shall continuously assess operational efficiencies of its auxiliary facilities. Proposals will be periodically solicited from private firms for those facilities that are commonly found to be operated by private firms. Proposals will be awarded whenever it is determined that private operation of the facility can add value and improve operational efficiencies.

### **Goal #4: Other State Needs -- Teacher Education**

**WHEREAS**, the Commission has determined that it is a highest State priority to ensure that highly qualified teachers are in every K-12 classroom.

**WHEREAS**, educator preparation is a shared enterprise among the Commission, the Colorado Department of Education, institutions of higher education, and local school districts.

**WHEREAS**, teacher education programs must prepare teachers to succeed in an era of high standards and strong accountability where the expectation is that achievement levels will rise for every student.

**WHEREAS**, K-12 school districts have called for new teachers who are trained in critical areas, including: (1) Technology and its role in instructional delivery; (2) Ability to communicate with students, parents and guardians regarding educational progress and student behavior; (3) Ability to assess student learning and modify curriculum based on assessment results; (4) Effective classroom management techniques; (5) Ability to apply knowledge to the P-12 classroom and adapt instruction in ways that enhance the ability of achievement levels to rise for all students student learning with a particular understanding of how to close the achievement gap for children of color and boys; and (6) Ability to teach reading, math and science.

**WHEREAS**, the strength of a teacher preparation program is determined by the degree to which content knowledge, field experience, and professional knowledge are integrated into a performance-based model.

**NOW, THEREFORE**, the Parties agree as follows:

**Section 1: Teacher Education Programs:**

1.1 The Commission shall continue to authorize and re-authorize teacher education programs pursuant to Title 23, Article 1, Section 121, Colorado Revised Statutes and existing Commission policies, including the continuance of joint on-site program reviews by the Commission and the Colorado Department of Education scheduled every fifth year.

1.2 The Governing Board shall assure that Teacher Education programs maintain national and regional accreditation.

1.3 By July 1, 2006, the Governing Board shall ensure that its teacher education program meets the following standards:

(a) Each teacher candidate shall receive, as part of his or her formal preparation, instruction on teaching diverse student populations. In addition, pre-student teaching and student teaching placements will be maximized in diverse settings in the schools that the School of Education serves. This will mean that student placements will be maximized in schools that are either low performing or have greater than 20% student population eligible for free/reduced lunch or student population that has greater than 20% minority students.

(b) Not less than one semester of each teacher candidate's 800-hour field experience shall be spent student teaching.

(c) All teacher candidates shall have, as part of their formal preparation, received instruction on the comprehension, diagnosis, interpretation and effective use of student assessment data, especially data from the Colorado Student Assessment Program.

(d) All teacher candidates shall have, as part of their formal preparation, instruction on the attitudinal and behavioral differences that influence socialization and learning variations between boys and girls.

1.4 By July 1, 2006, all content (non-pedagogy) courses leading to the fulfillment of endorsement area requirements for secondary education licensure shall be taught by faculty members belonging only to the departments from which the courses originate (e.g., American history courses are taught by faculty members in the history department, mathematics courses are taught by faculty members in the mathematics department).

**Section 2: Recruitment and Training of Qualified Candidates**

2.1 The Institution shall report on the recruitment, retention, and graduation of teacher candidates who are under-represented in Colorado's public schools, with a particular focus on Hispanics and males.

2.2 The Institution shall submit to the Department on or before August 1<sup>st</sup> of each year, the student identification numbers and endorsement areas for all teacher candidates. These data shall be used and maintained by the Department in accordance with state and federal privacy laws.

2.3 The Governing Board shall ensure CSUS participates with the Department in analyzing the placement in K-12 schools of teacher candidate graduates and their performance once placed, including providing data as specified by the Department.

### **Goal #5: Other State Needs -- Workforce and Economic Development**

**WHEREAS**, the Commission has determined that Colorado's future competitiveness in the global economy depends on having an educated and skilled workforce. Colorado must have workers with high-level skills required for jobs in high-demand fields, workers with basic workplace skills to obtain the most desirable jobs and to continually adapt to the changes that will continue to affect our evolving economy.

**NOW, THEREFORE**, the Parties agree as follows:

1.1 Land Grant Universities have always had a unique linkage to economic development, embedded in the original federal legislative charter via the connection of such institutions to the economic engines of an earlier day: agriculture and industry. Regional, comprehensive universities such as CSU-Pueblo traditionally offer undergraduate and masters-level degree programs and learning experiences that prepare graduates for professional careers. Because these universities have a strong regional presence, they work closely with local business, industry, and other economic development entities to match well their curricular offerings to workforce advancement needs.

1.2 A critical aspect of modern economic development is to anticipate the needs of the future workforce and to proactively respond to these needs. In the future economy, U.S. global economic competitiveness will depend on a workforce with complex scientific and technological skills coupled to entrepreneurial thinking and a solid foundation in business and economics. CSUS's new strategic plan is looking at this intersection of science, technology and business to ensure that it has the administrative infrastructure and academic programs to play a leading role in shaping the workforce of the future. CSUS has the breadth and depth to address such a need and intends to do so through a combination of initiatives, including enrollment management that supports its strategic goals.

1.3 CSUS shall focus existing and new funds on expanding, improving and/or increasing the number of students who earn degrees in the high-demand program areas consistent with institutional role and mission.

1.4 The Governing Board shall annually report on or before December 31<sup>st</sup> of each year to the Department regarding the status of programs addressing high-demand areas.

## **Goal #6: Other State Needs -- Research and Scholarly Activities**

**WHEREAS**, the Commission has determined that rigorous, meaningful graduate programs are essential to bringing innovations and new ideas into the educational, scientific, business, and service sectors of the State.

**WHEREAS**, research universities have long excelled at the process of invention – using the intellectual talents of the faculty and hundreds of millions of dollars in basic research and development expenditures to create new knowledge and ideas. Research universities also have the opportunity to purposefully drive economic expansion, improve quality of life, and maintain global economic competitiveness by focusing on the process of innovation – translating the products of invention into commercial applications to benefit society.

**WHEREAS**, a strong workforce in today’s increasingly technologically complex global economy requires the advanced skills and innovation that are encompassed in a graduate degree. National global economic competitiveness as well as state and regional economies will increasingly rely on the portion of the workforce with advanced degrees as foundational to success. Therefore, it is critical for higher education funding models to aggressively address graduate education.

**WHEREAS**, undergraduates actively participate in research, field experiences, and a host of other forms of service and experiential learning which represent a synergistic blending of mission areas.

**WHEREAS**, extramural support for research and scholarly activities is essential to funding these activities and serves as a significant recognition of their value and quality.

**WHEREAS**, as a land-grant institution, CSU has a heritage of making the discovery of new knowledge, the applications of new knowledge, and the education of society in the use of new knowledge accessible to our citizens in a variety of proactive ways. CSU accepts its land-grant responsibility to serve the needs of the people of the State, nation, and the world by developing and sharing knowledge within its areas of capability. Although primarily a teaching university, Colorado State University – Pueblo does focus research and scholarship activities on applied research.

**NOW, THEREFORE**, the Parties agree as follows:

### **Section 1: Research**

1.1 CSUS shall continue to support Colorado agribusiness by working collaboratively with producers and sector analysts to identify globally competitive products for the 21<sup>st</sup> century.

1.2 CSUS shall continue to create an environment that allows it to both attract and keep the best research and artistic talent in the world by enhancing its culture as a leading research university characterized by the same quality indicators as the nation’s other great

research universities. It is understood that remaining competitive in this area will require a competitive financial foundation leading to competitive salaries and increased faculty research FTEs.

1.3 CSUS shall ensure that at least 20% of undergraduate students have the opportunity to participate in research, field experiences, and other forms of service and experiential learning by the end of the contract period.

1.4 To the extent resources are available to expand the size of the faculty and maintain a competitive salary structure, CSUS shall increase the number and total amount of federal, state and privately funded grants and contracts during the contract period.

1.5 CSUS shall demonstrate how the transfer of technology, including the results of research and scholarly activity, is fostered by aligning university research clusters with regional economic clusters.

## **Section 2: Outreach and Public Service**

2.1 Agency programs contribute significantly and are critically important to state goals. Upon receipt of sufficient funding under the Fee for Service contract entered into by the parties pursuant to C.R.S. 23-5-130, CSUS shall continue its essential function as a land-grant institution by maintaining the following key agency programs:

- a. Colorado State Forest Service (CSFS)
- b. Cooperative Extension (CE)
- c. Agricultural Experiment Station
- d. Colorado Water Resources Research Institute

2.2 To strengthen the effectiveness of outreach provided by its Continuing Education programs, CSUS agrees to provide credit and non-credit enrollment and program offerings, consistent with our mission and utilizing effective technology-based delivery systems where appropriate. Where appropriate, The CSUS will strengthen alliances with K-12 schools and institutions of higher education to expand access to and utilization of educational opportunities, effectiveness, and access to resources at the institution.

## **Section 3: Graduate Education**

3.1 CSUS shall strive to increase enrollment in and graduation from its post-baccalaureate programs, consistent with its mission and focusing on high-need programs. Increases in graduate enrollment will be linked to increases in funding. Colorado State University and Colorado State University – Pueblo will report to the Commission comparing graduate enrollment to that of peer institutions.

3.2 CSUS shall strive to increase the quality and diversity students enrolled in its post-baccalaureate programs.

**Section 5: Veterinary Medicine**

5.1 CSUS shall maintain the excellence of its College of Veterinary Medicine and Biomedical Sciences as a unique asset of CSU and the State of Colorado, by ensuring that faculty continues to deliver excellent instruction in the degree programs housed within the college, including its hallmark professional veterinary medical (PVM) program, shall continue to serve the public through clinical services delivered through the James L. Voss Veterinary Teaching Hospital, and diagnostic services delivered through the Veterinary Diagnostic Laboratories in Fort Collins, Rocky Ford, and Grand Junction, and shall maintain the College's national prominence in research and by remaining among the top five of all United States schools and colleges of veterinary medicine in the amount of extramurally funded research.

## **ADDENDUM B**

### **RESOURCE, PROGRAMMATIC AND MANAGEMENT FLEXIBILITY**

This Addendum B describes the resource, programmatic, and management flexibility which the Department agrees to provide or support for institutions operating under performance contracts.

As of the Effective Date of this Performance Contract, compliance with the terms set forth in this Performance Contract will be in lieu of the following statutory requirements of Article 1 of Title 23 and the “Higher Education Quality Assurance Act,” Article 13 of Title 23 and Commission Policies:

### **STATUTORY REQUIREMENTS**

**C.R.S. §23-1-105.** Duties and powers of commission with respect to appropriations – repeal.

All subsections waived except for **(1), (4), (5) and (8)**.

**C.R.S. §23-1-107.** Duties and powers of the commission with respect to program approval, review, reduction, and discontinuance.

All subsections waived except for (2), (4), (5). With respect to subsection 4, the Department agrees to authorize the Governing Board to establish early retirement, retraining and severance programs for faculty in programs to be discontinued subject to consultation with the Commission prior to the Governing Board’s approval of such programs.

**C.R.S. §23-1-109.** Duties and powers of the commission with regard to off-campus instruction.

CSUS shall continue to be subject to the requirements of this section. However, the Commission through the Department agrees to revise its policies to reduce current reporting requirements and to limit the review of off-campus, cash-funded degree and certificate programs, off-campus, state-funded degree programs, and out-of-state/out-of-country programs to ensuring that such programs are consistent with the Institution’s statutory role and mission.

**C.R.S. §23-1-115.** Review and action on existing degree programs.

**C.R.S. §23-1-124.** Commission directive – sophomore assessments

**C.R.S. §23-13-105.** Quality indicator system - development - implementation -reports.

**C.R.S. §23-13-107.** Funding incentives to achieve the statewide goals and expectations

## COMMISSION POLICIES

### Academic Affairs:

**Part B:** Approval of New Academic Programs

**Part D:** Approval of New Vocational Degree Programs in State-Supported Institutions of Higher Education in Colorado

- Sections 2.00 (d), 2.01.03, 2.02.01, 3.01.05, Appendix A

**Part H:** Designating Programs of Excellence

**Part I:** Review of Proposals for Coordinated Academic Programs

- Sections: 4.02 (limited to review of role and mission), 4.02.02, 4.02.03, 4.02.05.

**Part O:** Academic Planning

- Sections: 3.02, 4.00

**Part Q:** Policy on Affirmative Action

### Capital Assets:

**Part D – Guidelines for Long-Range Facilities/Infrastructure Master Planning**

- 1.00 – Scope of a Long- Range Facilities/Infrastructure Master Plan
  - I. Institutional Data (to become guidelines only)
  - II. Facilities Master Plan
    - A. Planning Concepts (to become guidelines only)
    - B. Facilities Construction and Renovation Economic Studies and Project Cost Estimates
- 2.00 – Publication of a Long-Range Facilities, Infrastructure Master Plan.
- 5.00 – Relation to Statewide Plan

**Part I – Instructions & Forms For Completing Physical Plant Inventory**

**Part L** – Policies & Criteria For Capital Construction Priority Setting.

- 1.00 – Policies & Criteria Requests.
- 2.00 – CCHE Priorities Among Capital Construction Funding
- 3.00 & 3.01 – Process for Recommending Funding Priorities.

**Part O** – Policy Guidelines for Capital Outlay Expenditures.

**Part P** – Policies for Construction Projects Administration.

**Budget Data Book:**

**Organization Chart**

Campus Map

General information page

**Format 40:** Reporting of ASC II data

**Format 9999**

Consolidated Supplemental Financial Information

- Format A
- Format B
- Format C
- Format D
- Format E

Administrative Salary Survey report

Decision Items requests for mandatory cost increases

CCHE approval of decision items above mandated costs unless directed to review and approve them by the General Assembly or Joint Budget Committee.

**STATE OF COLORADO  
DEPARTMENT OF HIGHER EDUCATION  
PERFORMANCE CONTRACT**

This Performance Contract, effective the date of approval by the Colorado Commission on Higher Education (hereinafter referred to as the “Commission”), is by and between the Department of Higher Education (hereinafter referred to as the “Department”) and the Board of Trustees for Metropolitan State College of Denver (hereinafter referred to as the “Governing Board”).

**RECITALS**

**WHEREAS**, in its passage of SB 04-189, known as the College Opportunity Fund, the General Assembly has found that it is imperative that an increased number of Coloradans pursue education beyond high school.

**WHEREAS**, the General Assembly has determined that a postsecondary educational experience for Coloradans is essential for the State to compete in the new global economy and to develop a new generation of leaders and active participants in state and local civic affairs.

**WHEREAS**, the General Assembly has found that it is critical that the rate of postsecondary participation by low-income Coloradans, males, and minorities, who are currently under-represented, be increased at every State institution of higher education.

**WHEREAS**, the General Assembly has determined that it is appropriate to support programs that are designed to encourage participation in postsecondary education, that increase citizens' awareness of the value of and need for a postsecondary education, and that make citizens aware of the financial support provided by them through the General Assembly to students and institutions of higher education.

**WHEREAS**, the General Assembly enacted the College Opportunity Fund Act, Title 23, Article 18, Section 101 et seq., Colorado Revised Statutes, which states that performance contracts should provide for greater flexibility and a more focused accountability for institutions of higher education to students and the people of Colorado.

**WHEREAS**, Title 23, Article 5, Section 129, Colorado Revised Statutes sets forth that each governing board of a State institution of higher education should negotiate a performance contract with the Department that specifies the performance goals the institution shall achieve during the period that it operates under the performance contract.

**WHEREAS**, Title 23, Article 5, Section 129, Colorado Revised Statutes provides that a State institution of higher education’s compliance with the goals specified in the performance contract may be in lieu of requirements in Article 1 and Article 13 of Title 23, Colorado Revised Statutes for the period during which the performance contract is in force.

**WHEREAS**, Title 23, Article 5, Section 129, Colorado Revised Statutes requires that the specified procedures and goals set forth in the performance contract must be measurable and tailored to the role and mission of each institution and may include, but shall not be limited to: (1) improving Colorado residents' access to higher education; (2) improving quality and success in higher education; (3) improving the efficiency of operations; and (4) addressing the needs of the State.

## **AGREEMENT**

**NOW THEREFORE**, in consideration of the foregoing and intending to be bound hereby, the Parties agree as follows:

1. Scope of Contract. This contract and Addenda A and B, which are hereby expressly incorporated herein (the "Performance Contract"), sets forth the performance goals of Metropolitan State College of Denver (hereinafter referred to as the "Institution"), with the statutory role and mission of a comprehensive baccalaureate institution with modified open admission standards, except that nontraditional students who are at least twenty years of age shall only have as an admission requirement a high school diploma, a GED high school equivalency certificate, or the equivalent thereof. This Performance Contract sets forth the agreement regarding the services provided by the Institution, including the offering of a variety of liberal arts and science, technical, educational programs; a limited number of professional programs; and all services as defined in the Performance Contract Goals and Assessments set forth in Addendum A.

2. Term of Contract. This Performance Contract shall be effective after execution by the Governing Board and the Department and on the date the Performance Contract is approved by the Colorado Commission on Higher Education and shall remain in effect until June 30, 2009.

3. Statutory Requirements Exempted by This Performance Contract. Title 23, Article 5, Section 129(2)(a), Colorado Revised Statutes provides that a State institution of higher education's compliance with the goals specified in the performance contract may be in lieu of the requirements of Article 1 of Title 23 and the "Higher Education Quality Assurance Act," Article 13 of Title 23, for the term of this Performance Contract. As of the Effective Date of this Performance Contract, the Institution's compliance with the terms set forth in this Performance Contract will be in lieu of the Institution's compliance with the requirements of Article 1 of Title 23 and the "Higher Education Quality Assurance Act," Article 13 of Title 23 set forth in Addendum B.

4. Academic and Vocational Program Approval. While operating pursuant to this Performance Contract, the Governing Board will not be required to obtain approval from the Commission to create, modify, or eliminate academic and vocational programs offered by the Institution, so long as such creations, modifications, and eliminations are consistent with the Institution's statutory role and mission. The Commission shall have the authority pursuant to Title 23, Article 5, Section 129(6)(b), Colorado Revised Statutes, to override any creation or modification of an academic or vocational program if the change made by the Governing Board is inconsistent with the Institution's statutory role and mission. The Governing Board will

comply with the Commission's Policy and Procedures for the Approval of New Academic Programs in Public Institutions of Higher Education in Colorado Operating Under a Performance Contract adopted on October 7, 2004.

5. Reporting of Budget and Proposed Tuition Increases. Title 23, Article 5, Section 129(6)(c), Colorado Revised Statutes requires the Governing Board to report to the Commission its plans for any tuition increases for the following academic year for the Commission to forward to the General Assembly during the annual budget process. The Governing Board shall submit this information in accordance with the requirements of the Title 24, Article 37, Colorado Revised Statutes and in the form and manner prescribed by the Commission. The General Assembly has expressly retained the authority in Title 23, Article 5, Section 129, Colorado Revised Statutes, to approve tuition spending authority for the Governing Board of the Institution.

6. Resident Applicant Admission Requirements. While operating pursuant to this Performance Contract, Title 23, Article 5, Section 129(7)(b), Colorado Revised Statutes, directs that the Governing Board shall continue to require the Institution to admit Colorado resident applicants within the requirements of Title 23, Article 1, Section 113.5, Colorado Revised Statutes, who meet the admissions criteria of the Institution.

7. Data Reporting Requirements. The Governing Board shall transmit to the Department all annual reports and data required in this Performance Contract including that specified in Addendum A, attached hereto, in the form and manner prescribed herein or as required by Commission Policy. The Institution shall continue to provide all data required by the Student Unit Record Data Systems (SURDS) and the United States Department of Education through the Department. When possible, the Department shall provide notice and consult with the institutions before requiring any additional or new SURDS data. All data must be handled by the Commission and Department consistent with the statutory requirements set forth in Title 23, Article 1, Section 108(9), Colorado Revised Statutes.

8. Performance Goal Achievement. This Performance Contract sets forth those goals, standards and requirements upon which the Department and the Governing Board have mutually agreed. The ability of the Institution to fulfill the terms of this Performance Contract expressly assumes funding at a level which approximates the Department funding appropriated by the General Assembly during fiscal year 2003-2004. Any material change in the level of general funds available to students as stipends, to institutions under fee-for-service contracts under the College Opportunity Fund, and state general fund financial aid allocated through the Commission, shall cause the parties to this agreement to meet and discuss whether a change in any provisions of this agreement is appropriate. The actions undertaken by the Governing Board and Institution pursuant to this Performance Contract shall be performed consistently with applicable state and federal law.

9. Issue Resolution. In the event that a party to this Performance Contract fails to take those actions agreed upon herein or perform as set forth in this Performance Contract, the other party shall notify the first party of the failure to act or perform (a "Performance Failure"). The notice shall indicate the nature of the Performance Failure and

request that responsive action be taken to correct the alleged Performance Failure. If the party fails to use its best efforts to resolve the alleged Performance Failure within a reasonable period of time, the official representatives of the parties, as designated in the Performance Contract, shall promptly meet to discuss a remediation plan for resolution of the alleged Performance Failure or modification of this Performance Contract as may be required by the circumstances.

10. Performance Report. Performance on this Performance Contract shall be reported by the Department to the Governor and General Assembly pursuant to Title 23, Article 5, Section 129(5), Colorado Revised Statutes.

11. Point of Contact and Notices. For the purposes of this Performance Contract, the individuals identified below are hereby designated as the official representatives of the respective parties. Either party may from time to time designate in writing new or substitute representatives. All notices given hereunder shall be deemed given and sufficient if delivered in writing by (i) United States mail or (ii) overnight delivery such as Federal Express to:

For the Department:

Richard F. O'Donnell  
Executive Director  
Colorado Department of Higher Education  
1380 Lawrence Street, Suite 1200  
Denver, CO 80202

For the Governing Board:

Dr. Ray Kieft  
Metropolitan State College  
1006 11<sup>th</sup> Street, Campus Box 1  
Denver, CO 80217

12. No Third-Party Beneficiary. Nothing in this Performance Contract shall be construed or implied to confer third-party beneficiary status on any person or entity.

13. Severability. To the extent that this Performance Contract may be executed and performance of the obligations of the parties may be accomplished within the intent of the contract, the terms of this Performance Contract are severable, and should any term or provision hereof be declared invalid or become inoperative for any reason, such invalidity or failure shall not affect the validity of any other term or provision hereof.

14. Governing Law. This Performance Contract shall be governed by and construed in accordance with the laws of the State of Colorado.

15. Entire Agreement. This Performance Contract is intended as the complete integration of all understandings between the parties regarding performance contracts authorized by Title 23, Article 5, Section 129, Colorado Revised Statutes. No prior or contemporaneous addition, deletion or other amendment hereto shall have any force or effect whatsoever, unless

embodied herein in writing. No subsequent novation, renewal, addition, deletion or other amendment hereto shall have any force or effect unless embodied in a writing executed and approved by both parties to this Performance Contract.

16. Approval Required. Pursuant to Title 23, Article 5, Section 129(3), Colorado Revised Statutes, this Performance Contract and any modification or addition thereto shall not become effective until reviewed and approved by the Commission.

**IN WITNESS WHEREOF, the parties have executed this Performance Contract this \_\_\_ day of \_\_\_\_\_, 200\_\_.**

For the Governing Board:

For the Department of Higher Education:

By \_\_\_\_\_  
Signature of Authorized Representative

By \_\_\_\_\_  
Richard F. O'Donnell  
Executive Director

APPROVED:

APPROVED:

Board of Trustees

Colorado Commission on Higher Education

By \_\_\_\_\_  
Chair

By \_\_\_\_\_  
Chair

Dated: \_\_\_\_\_

Dated: \_\_\_\_\_

## ADDENDUM A

### **Goal #1: Access and Success**

**WHEREAS**, the Commission has determined that it is a highest priority of the State to ensure widespread access to Colorado's public colleges and universities with particular focus on expanding the number of students who are prepared, apply and enroll, and increasing retention and graduation rates with particular emphasis on increasing the participation and success of underserved students.

**WHEREAS**, the Department will develop and deliver a statewide marketing campaign with the goal of convincing every student and parent in the State of Colorado that college is accessible and affordable and that it is important to prepare academically for it in order to increase the college-going and completion of students, especially underserved students, which include low-income, male and minority students.

**WHEREAS**, the Department will work with the State and institutions to design efficient and effective financial aid strategies.

**WHEREAS**, the Department will work to make CollegeinColorado.org a fully integrated and user-friendly Pre-Collegiate Online Guidance System.

**WHEREAS**, the Department will lead the organization and operation of the Colorado College Access Consortium to coordinate and support K-12, pre-collegiate and college preparation programs.

**WHEREAS**, the Board of Trustees of Metropolitan State College of Denver is directed and authorized, by law, to govern, manage, and operate the College to the best of its ability in accordance with the constitution and laws of this State and within the limits of the resources available to the College.

**NOW, THEREFORE**, the Parties agree as follows:

#### **Section 1: Retention Rates**

1.1 By December 31, 2008, the Institution shall increase its fall-to-fall retention rate for first-time, full-time, degree-seeking freshman from 60.8% to 62.8%. The Institution shall increase its fall-to-fall retention rate for first-time, full-time freshman, including transfers to other institutions, from 71.1% to 73.1%.

1.2 The Governing Board shall report to the Department on or before December 31<sup>st</sup> of each year the results of its current efforts and any new or additional plans or programs to increase its fall-to-fall retention rates for first-time, full-time, degree-seeking freshman.

## **Section 2: Graduation Rates**

2.1 By December 31, 2008, the Institution shall increase its six-year graduation rate for first-time, full-time, degree-seeking freshmen students from 20.8% to 21.8%.

2.2 The Governing Board shall report to the Department on or before December 31<sup>st</sup> of each year the results of its current efforts and any new or additional plans or programs to increase its 6-year graduation rate for first-time, full-time degree-seeking freshmen.

## **Section 3: Underserved Students**

3.1 Title 23, Article 5, Section 129, Colorado Revised Statutes requires that each performance contract address “increasing enrollment of underserved students, including low-income individuals, males and minority groups.” For purposes of this Performance Contract, “underserved students” shall be defined as students who are: (a) low-income (would satisfy income requirements for a Federal Pell Grant); (b) members of an ethnic or racial minority group; (c) males; and/or (d) first-generation college students.

3.2 The Institution’s statutory mission, as a modified-open admission institution, is unique in Colorado. No other four-year institution has the directive to admit any student age 20 or older regardless of that student’s admission profile. Known as Colorado’s “College of Opportunity”, the Institution serves a disproportionately large share of low-income, first-generation students, many of whom are students of color. Such diversity of students creates the need for a wide array of services and programs designed to provide support and intervention services aimed at increasing the likelihood of student success. Given the diversity of the Institution’s student body and the statutory directive to be a modified-open admission institution, the Institution, on an annual basis as part of its planning and evaluation processes, shall determine which programs and services best meet the needs of its diverse student body. Assuming an adequate level of general funds available to students as stipends so as to provide sufficient funds for programs and services encouraging access and retention, the Institution may provide the following programs or similar programs that encourage access and support retention:

a. Admissions:

1. High school outreach places student ambassadors in Denver area high schools to inform high school students of the Institution’s programs.
2. Business outreach: recruiting non-traditional students from their workplace.
3. Transfer Services: Assists students transferring from other institutions.

b. Access Center for Disability Accommodations and Adaptive Technology:

This Center provides adaptive equipment and support, and assists with accommodations for students with disabilities. The continuation of the Access Center will depend on the continued financial support of both the University of Colorado at Denver/Health Sciences Center and the Community College of Denver, and the facility support of the Auraria Higher Education Center and the University of Colorado at Denver/Health Sciences Center. Should any of these parties fail to sustain its financial or facility commitments, the Access Center may not be continued as determined by the Institution.

c. Assessment and Testing: Administer assessment tests that assess a student's skill level to ensure that students are placed in the appropriate math, reading, and English classes. Students who do not meet assessment standards are referred to the Community College of Denver for developmental and basic skills classes. This performance contract assumes that development and basic skills classes shall continue to be provided to students in such numbers that students can enroll in their required and necessary developmental and basic skills classes in a timely manner so that their progress in completing their educational programs is not hindered resulting in a longer period of time to complete their educational programs. If students requiring developmental and basic skills classes are unable to enroll in Community College of Denver classes in a timely manner, the Institution and the Department shall immediately meet to discuss alternatives for providing developmental and basic skills classes to students that do not add additional costs to the student, beyond what is currently charged by the Institution for extended studies courses, nor cause the progress of students toward completing their educational programs to be hindered or delayed.

d. First Year Seminar: This seminar provides entering freshmen with additional support to assist them in the acclimation to the college culture and expectations.

e. Peer Educator Program: This program provides peer educators to each of the First Year Seminar classes. The peer educators work with individual students in need of assistance.

f. Mathematics Peer Learning Program: This program is mandatory for students whose mathematics assessment scores are marginal. Part-time faculty provide group-tutoring sessions, and one-on-one tutoring is provided to mathematics majors.

g. Immigrant/ESL Student Support Program: This program provides support services and tutoring assistance to students who have immigrated and may have learned English as a second language.

h. Metro Bridge and Student Success: A summer program that provides at-risk high school students with classes to assist with their transition into the Institution environment.

i. Student Success for "Window" Students: Tracks students admitted through the "window" through their first 24 credit hours and provides advising, counseling, and specialized student support services.

j. Student Intervention Services: Specialized services are provided to re-admitted students whose cumulative GPA is below a 2.0, and to all students whose cumulative GPA has been below a 2.0 for two or more semesters.

k. Academic Early Warning System: A mid-semester reporting of academic status that includes warnings to students potentially on the road to academic probation or suspension.

l. Tutoring Center: The Tutoring Center provides group and individual tutoring for most General Studies core classes and for specific discipline classes.

m. Writing Center: The Center provides critiques of students' writings as a means of assisting students to improve their writing skills.

n. College Summit Partnership: This partnership brings the College Summit pre-collegiate program to the Institution where low-income, first-generation high school juniors, who normally would not be considering attending college, are provided with one-on-one assistance in the preparation of essays and other college admission materials and completing financial aid applications. These students do not necessarily choose to enroll at the Institution, but the fact that they do enroll in higher education is the outcome desired by the Institution.

3.3 The Governing Board shall submit an annual report on or before December 31<sup>st</sup> that details the results of these programs and any changes or new and additional efforts, if any, to increase enrollment, retention and graduation of underserved students.

3.4 The Governing Board shall ensure that the goals in this section are accomplished without decreasing the quality of education provided or achievement rates of students included herein.

## **Goal #2: Quality in Undergraduate Education**

**WHEREAS**, the Commission has determined that it is a highest priority of the State to: (1) improve academic competencies and provide learning experiences that foster the development of skills and abilities that prepare students for the global economy; (2) prepare students for continuing, graduate or postgraduate professional studies; (3) ensure the transferability of general education courses; and (4) establish critical thinking and logic skills essential to full participation in a democratic society.

**WHEREAS**, the State should provide meaningful and user-friendly information on the quality of undergraduate education to consumers about each institution that will drive market decisions by parents, students, and employers.

**WHEREAS**, the State should implement a general education core curriculum for students and faculty that ensures consistent quality and the transferability of general education courses.

**NOW, THEREFORE**, the Parties agree as follows:

### **Section 1: General Education Requirements**

1.1 By July 1, 2006, the Governing Board shall adopt a fully transferable, foundational general education core curriculum that corresponds with GT Pathways, Colorado's statewide guaranteed transfer program for general education that was created and endorsed by the General Education Council ("GE 25 Council") and the Commission. The Institution's

general education core curriculum shall consist of between 35 and 37 credit hours in the academic areas and corresponding credit hour requirements established by the GT Pathways curriculum.

1.2 The Student Bill of Rights, Title 23, Article 1, Section 125, Colorado Revised Statutes, provides that the completion of lower division core general education courses, regardless of the delivery method, should satisfy the general education core course requirements of all Colorado public institutions of higher education. In order to meet this requirement, by January 1, 2006, all courses in the Institution's general education core curriculum shall be submitted, according to Commission policy, to the GE 25 Council or its successor, for approval and inclusion in GT Pathways for guaranteed transfer. Any course not submitted or not approved by the GE 25 Council for GT Pathways may not be included in the general education core curriculum. The Department shall convene the GE 25 Council and provide sufficient resources to ensure that all courses submitted to the GE 25 Council, or its successor, are reviewed prior to July 1, 2006.

1.3 The Department acknowledges that certain current GE 25 Council requirements, especially as they relate to lab requirements for science courses, will be refined and amended to accommodate the unique situation of the Institution and the Auraria campus. The Department agrees to work with all institutions and the GE 25 Council, or its successor, to amend the GT pathways criteria to ensure compatibility between each institution's general education core curriculum and the requirement for guaranteed statewide transfer.

1.4 In the event that the GE 25 Council does not approve a course for approval and inclusion in the GT Pathways, the course shall be labeled as required under subsection 1.6(b). The Department shall periodically provide a public report to the Commission of any course that is not approved for guaranteed transfer by the GE 25 Council. Such report shall include the reasons for a course's non-approval.

1.5 After the Governing Board adopts its general education core curriculum, it may continue to nominate new and/or additional courses that satisfy pertinent guidelines and requirements of GT Pathways to be included in its general education core curriculum. The Institution shall continue to recognize and provide full credit for all core courses approved for statewide transfer completed at other Colorado state colleges and universities, including credits earned through Commission approved competency tests.

1.6 Beginning in July 1, 2006, the Governing Board shall require the completion of its approved general education core curriculum by all newly enrolled, first-time students and ensure the following:

(a) All course catalogs and academic transcripts shall clearly designate courses eligible for statewide guaranteed transfer.

(b) All course catalogs and related materials shall clearly designate lower division courses that are not eligible for statewide guaranteed transfer. Such designation shall include, next to the course title, the following language: "This course is NOT approved for guaranteed transfer to other Colorado colleges and universities."

(c) All academic transcripts shall certify the satisfactory completion of the transferable general education core curriculum, regardless of whether the academic degree program has been completed or conferred.

1.7 Lower division general education course requirements that are not part of the general education core curriculum are acceptable and need not be submitted to the GE 25 Council for inclusion in GT Pathways. However, a student must be able to complete any such requirements within the 40 credit hour lower division general education limit established by the Student Bill of Rights. If a transfer student has satisfactorily completed the transferable core curriculum at another Colorado state college or university, the Institution shall not require the completion of any additional lower division general education courses by that student that would exceed the 40 credit hour lower division general education limit.

1.8 Beginning July 1, 2006, and each year thereafter, the Governing Board shall report statistics on the demand for and supply of courses at its campus(es) that satisfy its general education core curriculum. Such data, if available, may include the number of sections offered, enrollment demand and course availability, data on the ranks of instructor teaching the courses, and the average class enrollment for each course, disaggregated by course title and number.

## **Section 2: Grade Distribution**

2.1 By September 1, 2006, and each year thereafter, the Governing Board shall provide data on all course grades conferred during the previous academic year, disaggregated by academic subject and course level. These data shall be accompanied by a description or copies of policies and procedures, if any, used to evaluate the distribution of grades by academic subject and course level or otherwise.

## **Section 3: Faculty**

3.1 By July 1, 2007, the Governing Board shall require that the proportion of core courses taught by the highest quality and/or most qualified faculty, as identified by the Institution, in those departments or academic units offering core courses, is equivalent to that in undergraduate non-core courses.

3.2 By July 1, 2006, the Governing Board shall certify that it has in place or has plans for implementing and utilizing a variable pay method for faculty.

## **Section 4: Evaluation and Assessment of Student Learning**

4.1 To the extent possible and based upon available data, the Institution shall report annually, in accordance with the Commission reporting schedule, on student achievement by providing data on outcomes on licensure, professional, graduate school admission, and other examinations taken by baccalaureate graduates and/or career and technical graduates employed or continuing their education.

4.2 The Governing Board agrees to cooperate with the Department in developing and implementing standard methods to assess students' knowledge and improve the delivery of content taught in courses approved for the Institution's general education core curriculum. These programs shall be in place no later than January 1, 2007. The Department and the Governing Board agree that implementation of these assessment methods is contingent on additional resources being made available for these purposes.

### **Goal #3: Efficiency of Operations**

**WHEREAS**, the Commission has determined that a highest priority of the State is to provide for the efficient and effective stewardship of resources, be they tuition dollars, state or federal tax dollars, or other sources of funding.

**NOW, THEREFORE**, the Parties agree as follows:

#### **Section 1: Costs**

1.1 As part of the Commission's annual budget process, the Governing Board shall provide, through the Budget Data Book, information to the Department that identifies mandatory cost increases or decreases.

1.2 The Department shall use the information submitted by the Institution to determine the base funding increase necessary for cash fund and cash fund exempt increases that at a minimum shall consider changes in mandatory costs, such as salary, insurance and utility costs, as well as enrollment growth and inflation.

1.3 The Governing Board may submit requests for tuition differentials, specialized fees, or other tuition increases to improve quality, expand access or address capital needs above the base funding amount as decision items through the normal budget process. The Commission shall forward these decision items to the General Assembly and the Office of State Planning and Budgeting during the budget process.

1.4 The Governing Board shall strive to control costs so that mandatory cost increases do not exceed the latest published cost adjustment figure from the State Higher Education Executive Officers Higher Education Cost Adjustment model, excluding controlled maintenance and capital needs.

#### **Section 2: Capital Assets and Maintenance**

2.1 The Governing Board shall continue to work with the Auraria Higher Education Center Board and campus partners to ensure that capital and deferred maintenance issues are being adequately addressed.

#### **Section 3: Facilities**

3.1 The Governing Board shall provide a report to the Department on the number and type (private or publicly operated) of auxiliary facilities they operate, as such facility is commonly understood under Title 23, Article 5, Sections 101.5(2) and 102, Colorado Revised Statutes, including but not limited to, student or faculty housing facility, student or faculty dining facility, recreational facility, student activities facility, child care facility, continuing education facility or activity, intercollegiate athletic facility or activity, health facility, college store, or student or faculty parking facility, within 60 days of acceptance of a performance contract.

3.2 The Governing Board shall continuously assess operational efficiencies of its auxiliary facilities. Proposals will be periodically solicited from private firms for those facilities that are commonly found to be operated by private firms. Proposals will be awarded whenever it is determined that private operation of the facility can add value and improve operational efficiencies.

#### **Goal #4: Other State Needs -- Teacher Education**

**WHEREAS**, the Commission has determined that it is a highest State priority to ensure that highly qualified teachers are in every K-12 classroom.

**WHEREAS**, educator preparation is a shared enterprise among the Commission, the Colorado Department of Education, institutions of higher education, and local school districts.

**WHEREAS**, teacher education programs must prepare teachers to succeed in an era of high standards and strong accountability where the expectation is that achievement levels will rise for every student.

**WHEREAS**, K-12 school districts have called for new teachers who are trained in critical areas, including: (1) Technology and its role in instructional delivery; (2) Ability to communicate with students, parents and guardians regarding educational progress and student behavior; (3) Ability to assess student learning and modify curriculum based on assessment results; (4) Effective classroom management techniques; (5) Ability to apply knowledge to the P-12 classroom and adapt instruction in ways that enhance the ability of achievement levels to rise for all students student learning with a particular understanding of how to close the achievement gap for children of color and boys; and (6) Ability to teach reading, math and science.

**WHEREAS**, the strength of a teacher preparation program is determined by the degree to which content knowledge, field experience, and professional knowledge are integrated into a performance-based model.

**NOW, THEREFORE**, the Parties agree as follows:

#### **Section 1: Teacher Education Programs**

1.1 The Commission shall continue to authorize and re-authorize teacher education programs pursuant to Title 23, Article 1, Section 121, Colorado Revised Statutes and

existing Commission policies, through joint on-site program reviews by the Commission and the Colorado Department of Education scheduled every fifth year.

1.2 By July 1, 2006, the Governing Board shall ensure that its teacher education program meets the following standards:

(a) Each teacher candidate shall receive, as part of his or her formal preparation, instruction on teaching diverse student populations and, through required pre-rotation or student teaching experiences, spends time in a racially or ethnically diverse, Title I or low performing or unsatisfactory school with an improving or stable rating, based upon the results of the previous year's School Accountability Report by the Colorado Department of Education.

(b) Not less than one semester of each teacher candidate's 800-hour field experience is spent student teaching.

(c) All teacher candidates shall have, as part of their formal preparation, received instruction on the comprehension, diagnosis, interpretation and effective use of student assessment data, especially data from the Colorado Student Assessment Program.

(d) All teacher candidates shall have, as part of their formal preparation, received instruction on the attitudinal and behavioral differences that influence socialization and learning variations between boys and girls.

1.3 By July 1, 2006, all content (non-pedagogy) courses leading to the fulfillment of endorsement area requirements for secondary education licensure shall be taught by faculty members belonging only to the departments from which the courses originate (e.g., American history courses are taught by faculty members in the history department, mathematics courses are taught by faculty members in the mathematics department). However, courses such as Teaching Secondary Mathematics, Teaching Literature and Language, Teaching Science in Middle and Secondary Schools, etc., are important components of a teacher preparation program, and should appropriately be taught by faculty members with professional expertise in education and in the specific content area.

## **Section 2: Recruitment and Training of Qualified Candidates**

2.1 The Institution shall strive to improve the recruitment, retention, and graduation of teacher candidates who are under-represented in Colorado's public schools, with a particular focus on Hispanics and males.

(a) The Institution shall submit a plan to the Department on or before July 1, 2007, detailing how it will achieve this goal. The plan must meet Departmental standards and be approved by the Commission.

(b) The Institution shall submit to the Department on or before August 1<sup>st</sup> of each year, the student identification numbers and endorsement areas for all teacher candidates.

2.2 The Governing Board shall ensure the institution participates with the Department in tracking and analyzing the placement in K-12 schools of teacher candidate graduates and their performance once placed, including providing data as specified by the Department.

### **Section 3: Evaluation of Teacher Candidates**

3.1 Beginning September 1, 2005, the Governing Board agrees to pilot the use of the American Board for the Certification of Teacher Excellence (ABCTE) to assess the knowledge of graduates from the teacher education programs offered by the Institution. In this pilot program, the Governing Board agrees to assess annually a representative population of graduating teacher candidates. The results of this pilot program will be shared annually with the Commission, in a confidential manner, beginning September 1, 2006, and for each year during the term of this performance contract. Neither the Commission nor the Institution will release the results of the ACBTE for any student unless first obtaining the written permission of the student. The results of the ACBTE for any student will not be included in the Institution's official records for the student without the written permission of the student. This pilot program is intended to supplement, and not replace, assessments required for licensure established by the Colorado Department of Education.

### **Goal #5: Other State Needs -- Workforce and Economic Development**

**WHEREAS**, the Commission has determined that Colorado's future competitiveness in the global economy depends on having an educated and skilled workforce. Colorado must have workers with high-level skills required for jobs in high-demand fields, workers with basic workplace skills to obtain the most desirable jobs and to continually adapt to the changes that will continue to affect our evolving economy.

**NOW, THEREFORE**, the Parties agree as follows:

1.1 The Institution shall target funds and program development efforts to fields that address statewide and regional opportunities and priorities. High-demand programs shall be defined by two primary elements: (1) instructional programs or fields in which student enrollment applications exceed available slots, and (2) career fields in which employers are unable to find enough skilled graduates to fill available jobs.

1.2 Within the level of resources available to the Institution and in concert with the priorities determined by the Governing Board, the Institution shall strive to focus existing and portions of any new funds on expanding, improving and/or increasing the number of students who earn degrees in the following high-demand program areas including, but not limited to:

a. K-12 Teacher Preparation: In partnership with Denver area K-12 school districts, the Institution may provide an alternative licensure program based on need and demand, whereby all qualified but uncertified employees of the respective K-12 school district can obtain certification through an intensive, focused program lasting one year.

b. Nursing: An accelerated BSN program, which enables students possessing a non-nursing baccalaureate degree to complete the requirements of the BSN in 13 months, was instituted by the Institution in Spring 2004. The overall cost far exceeds the ability of students to pay and thus contributions from health care providers has, so far, enabled the program to meet the costs. The Institution shall work to maintain and/or increase program support from health care providers. Should additional resources become available, the Institution will give consideration to the implementation of a four-year BS in nursing program.

1.3 The Governing Board shall annually report to the Department on or before December 31<sup>st</sup> on the status of these programs and any changes to its programs and any relevant supporting data. The Governing Board may change its programs and efforts to address workforce and economic development without approval from the Department or Commission.

## **ADDENDUM B**

### **RESOURCE, PROGRAMMATIC AND MANAGEMENT FLEXIBILITY**

This Addendum B describes the resource, programmatic, and management flexibility which the Department agrees to provide or support for institutions operating under performance contracts.

As of the Effective Date of this Performance Contract, compliance with the terms set forth in this Performance Contract will be in lieu of the following statutory requirements of Article 1 of Title 23 and the “Higher Education Quality Assurance Act,” Article 13 of Title 23 and Commission Policies:

### **STATUTORY REQUIREMENTS**

**C.R.S. §23-1-105.** Duties and powers of commission with respect to appropriations.

- All subsections waived except for **(1), (4), (5) and (8)**.

**C.R.S. §23-1-107.** Duties and powers of the commission with respect to program approval, review, reduction, and discontinuance.

All subsections waived except for (2), (4), (5). With respect to subsection 4, the Department agrees to authorize the Governing Board to establish early retirement, retraining and severance programs for faculty in programs to be discontinued subject to consultation with the Commission prior to the Governing Board’s approval of such programs.

**C.R.S. §23-1-109.** Duties and powers of the commission with regard to off-campus instruction.

The Institution shall continue to be subject to the requirements of this section. However, the Commission through the Department agrees to revise its policies to reduce current reporting requirements and to limit the review of off-campus, cash-funded degree and certificate programs, off-campus, state-funded degree programs, and out-of-state/out-of-country programs to ensuring that such programs are consistent with the Institution’s statutory role and mission.

**C.R.S. §23-1-115.** Review and action on existing degree programs.

**C.R.S. §23-1-124.** Commission directive – sophomore assessments.

**C.R.S. §23-13-105.** Quality indicator system - development - implementation -reports.

**C.R.S. §23-13-107.** Funding incentives to achieve the statewide goals and expectations.

## COMMISSION POLICIES

### Academic Affairs:

**Part B:** Approval of New Academic Programs

**Part D:** Approval of New Vocational Degree Programs in State-Supported Institutions of Higher Education in Colorado

- Sections 2.00 (d), 2.01.03, 2.02.01, 3.01.05, Appendix A

**Part H:** Designating Programs of Excellence

**Part I:** Review of Proposals for Coordinated Academic Programs

- Sections: 4.02 (limited to review of role and mission), 4.02.02, 4.02.03, 4.02.05.

**Part O:** Academic Planning

- Sections: 3.02, 4.00

**Part Q:** Policy on Affirmative Action

### Capital Assets:

**Part D –** Guidelines for Long-Range Facilities/Infrastructure Master Planning

- 1.00 – Scope of a Long- Range Facilities/Infrastructure Master Plan
  - I. Institutional Data (to become guidelines only)
  - II. Facilities Master Plan
    - A. Planning Concepts (to become guidelines only)
    - B. Facilities Construction and Renovation Economic Studies and Project Cost Estimates
- 2.00 – Publication of a Long-Range Facilities, Infrastructure Master Plan.
- 5.00 – Relation to Statewide Plan

**Part I –** Instructions & Forms For Completing Physical Plant Inventory

**Part L – Policies & Criteria For Capital Construction Priority Setting.**

- 1.00 – Policies & Criteria Requests.
- 2.00 – CCHE Priorities Among Capital Construction Funding
- 3.00 & 3.01 – Process for Recommending Funding Priorities.

**Part O – Policy Guidelines for Capital Outlay Expenditures.**

**Part P – Policies for Construction Projects Administration.**

**Budget Data Book:**

Organization Chart

Campus Map

General information page

**Format 40:** Reporting of ASC II data

**Format 9999**

Consolidated Supplemental Financial Information

- Format A
- Format B
- Format C
- Format D
- Format E

Administrative Salary Survey report

Decision Items requests for mandatory cost increases

CCHE approval of decision items above mandated costs unless directed to review and approve them by the General Assembly or Joint Budget Committee.

**STATE OF COLORADO  
DEPARTMENT OF HIGHER EDUCATION  
PERFORMANCE CONTRACT**

This Performance Contract, effective the date of approval by the Colorado Commission on Higher Education (hereinafter referred to as the “Commission”), is by and between the Department of Higher Education (hereinafter referred to as the “Department”) and the State Board for Community Colleges and Occupational Education (hereinafter referred to as the “Governing Board”).

**RECITALS**

**WHEREAS**, in its passage of SB 04-189, known as the College Opportunity Fund, the General Assembly has found that it is imperative that an increased number of Coloradans pursue education beyond high school.

**WHEREAS**, the General Assembly has determined that a postsecondary educational experience for Coloradans is essential for the State to compete in the new global economy and to develop a new generation of leaders and active participants in state and local civic affairs.

**WHEREAS**, the General Assembly has found that it is critical that the rate of postsecondary participation by low-income Coloradans, males, and minorities, who are currently under-represented, be increased at every State institution of higher education.

**WHEREAS**, the General Assembly has determined that it is appropriate to support programs that are designed to encourage participation in postsecondary education, that increase citizens' awareness of the value of and need for a postsecondary education, and that make citizens aware of the financial support provided by them through the General Assembly to students and institutions of higher education.

**WHEREAS**, the General Assembly enacted the College Opportunity Fund Act, Title 23, Article 18, Section 101 *et seq.*, Colorado Revised Statutes, which states that performance contracts should provide for greater flexibility and a more focused accountability for institutions of higher education to students and the people of Colorado.

**WHEREAS**, Title 23, Article 5, Section 129, Colorado Revised Statutes requires each governing board of a State institution of higher education to negotiate a performance contract with the Department that specifies the performance goals the institution shall achieve during the period that it operates under the performance contract.

**WHEREAS**, Title 23, Article 5, Section 129, Colorado Revised Statutes provides that a State institution of higher education's compliance with the goals specified in the performance contract may be in lieu of requirements in Article 1 and Article 13 of Title 23, Colorado Revised Statutes.

**WHEREAS**, Title 23, Article 5, Section 129, Colorado Revised Statutes requires that the specified procedures and goals set forth in the performance contract must be measurable and tailored to the role and mission of each institution and may include, but shall not be limited to: (1) improving Colorado residents' access to higher education; (2) improving quality and success in higher education; (3) improving the efficiency of operations; and (4) addressing the needs of the State.

## **AGREEMENT**

**NOW THEREFORE**, in consideration of the foregoing and intending to be bound hereby, the Parties agree as follows:

1. Scope of Contract. This contract and Addenda A and B, which are hereby expressly incorporated herein (the "Performance Contract"), sets forth the performance goals of the Colorado Community College System (hereinafter referred to as the "System"), with the statutory role and mission to serve Colorado residents who reside in their service areas by offering a broad range of general, personal, vocational, and technical education programs. Each college in the System is a two-year college and no college may impose admission requirements upon any student. This contract sets forth the agreement regarding the services provided by the System, including the offering of educational programs to fill the occupational needs of youth and adults in technical and vocational fields; two-year transfer educational programs to qualify students for admission to the junior year at other colleges and universities; basic skills, workforce development, and a broad range of personal and vocational education for adults; and all services as defined in the Performance Contract Goals and Assessments set forth in Addendum A.

2. Term of Contract. This Performance Contract shall be effective after execution by the Governing Board and the Department and on the date the Performance Contract is approved by the Colorado Commission on Higher Education and shall remain in effect until June 30, 2009.

3. Statutory Requirements Exempted by This Performance Contract. Title 23, Article 5, Section 129(2)(a), Colorado Revised Statutes provides that a State institution of higher education's compliance with the goals specified in the performance contract may be in lieu of the requirements of Article 1 of Title 23 and the "Higher Education Quality Assurance Act," Article 13 of Title 23, Colorado Revised Statutes, for the term of the Performance Contract. As of the Effective Date of this Performance Contract, the System's compliance with the terms set forth in this performance contract will be in lieu of the requirements of Article 1 of Title 23 and the "Higher Education Quality Assurance Act," Article 13 of Title 23, Colorado Revised Statutes, set forth in Addendum B.

4. Academic and Vocational Program Approval. While operating pursuant to this Performance Contract, the Governing Board will not be required to obtain approval from the Commission to create, modify, or eliminate academic and vocational programs offered by the System, so long as such creations, modifications, and eliminations are consistent with the System's statutory role and mission. The Commission shall have the authority pursuant to Title

23, Article 5, Section 129(6)(b), Colorado Revised Statutes, to override any creation or modification of an academic or vocational program if the change made by the Governing Board is inconsistent with the System's statutory role and mission. The Governing Board will comply with the Commission's Policy and Procedures for the Approval of New Academic Programs in Public Institutions of Higher Education in Colorado Operating Under a Performance Contract adopted on October 7, 2004.

5. Reporting of Budget and Proposed Tuition Increases. Title 23, Article 5, Section 129(6)(c), Colorado Revised Statutes requires the Governing Board to report to the Commission its plans for any tuition increases for the following academic year for the Commission to forward to the General Assembly during the annual budget process. The Governing Board shall submit this information in accordance with the requirements of the Title 24, Article 37, Colorado Revised Statutes and in the form and manner prescribed by the Commission. The General Assembly has expressly retained the authority in Title 23, Article 5, Section 129, Colorado Revised Statutes, to approve tuition spending authority for the Governing Board of the System.

6. Resident Applicant Admission Requirements. While operating pursuant to this Performance Contract, Title 23, Article 5, Section 129(7)(b), Colorado Revised Statutes, directs that the Governing Board shall continue to require the System to admit Colorado resident applicants within the requirements of Title 23, Article 1, Section 113.5, Colorado Revised Statutes, who meet the admissions criteria of the System.

7. Data Reporting Requirements. The Governing Board shall transmit to the Department all annual reports and data required in this Performance Contract including that specified in Addendum A, attached hereto, in the form and manner prescribed herein or as required by Commission Policy. The System shall continue to provide all data required by the Student Unit Record Data Systems (SURDS) and the United States Department of Education through the Department. When possible, the Department shall provide notice and consult with the institutions before requiring any additional or new SURDS data. All reports required of the Governing Board under this Performance Contract will be provided to the Department through the Colorado Community College System Office. All data must be handled by the Commission and Department consistent with the statutory requirements set forth in Title 23, Article 1, Section 108(9), Colorado Revised Statutes.

8. Performance Goal Achievement. This Performance Contract sets forth those goals, standards and requirements upon which the Department and the Governing Board have mutually agreed. The ability of the Governing Board to fulfill the terms of this Performance Contract, including providing basic skills courses; educational services associated with the Postsecondary Enrollment Options Act and the high school fast track program; educational services in rural areas; educational services to increase economic development opportunities in the state, including courses to assist students in career development and retraining; specialized educational services such as nursing and allied health professions programs; and obligations under reciprocal agreements with other states for waiving the non-resident differential in tuition rates, expressly assumes funding at levels which approximate the Department funding appropriated by the General Assembly during fiscal year 2003-04. Any material change in the

aggregate level of general funds available to students as stipends, to institutions under fee-for-service contracts under the College Opportunity Fund, and state general fund financial aid allocated through the Commission, shall cause the parties to this agreement to meet and discuss whether a change in any provisions of this agreement is appropriate. The actions undertaken by the Governing Board and Institution pursuant to this Performance Contract shall be performed consistently with applicable state and federal law.

9. Funding Provision. Pursuant to Article VIII, Section 5(2) of the Colorado Constitution and Title 23, Article 60, Section 107, Colorado Revised Statutes, the Governing Board has the sole and absolute control of all current and future assets and revenues, regardless of source, including but not limited to direct and indirect appropriations, grants, contracts, College Opportunity Fund stipends, gifts, Fee-for-service Contracts, tuition and fees of the system and of the institutions that are a part thereof ("Revenue") unless otherwise expressly provided by law. The parties agree and acknowledge that the Governing Board has the sole authority and responsibility to allocate Revenue in such amounts to each institution and system activities that it deems in its absolute discretion to be appropriate, establish reserve accounts and direct revenue to comply with the terms of this Performance Contract and to meet the other statutory responsibilities and the obligations vested with the SBCCOE Board.

As provided by C.R.S. §23-5-129(7)(a), during the period that the Colorado Community College System is operating under a performance contract, it shall remain eligible for state-funded capital construction projects and controlled maintenance projects as provided in C.R.S. § 23-1-106. The System also shall remain eligible for direct state support, including but not limited to general fund appropriations for unfunded enrollment growth as provided by C.R.S. § 23-5-129(8) and fee-for-service contracts as provided by C.R.S. §23-5-130. The Department agrees that it will not take the position that the System's status as an enterprise should adversely affect its eligibility for such funding.

10. Issue Resolution. In the event that a party to this Performance Contract fails to take those actions agreed upon herein or perform as set forth in this Performance Contract, the other party shall notify the first party of the failure to act or perform (a "Performance Failure"). The notice shall indicate the nature of the Performance Failure and request that responsive action be taken to correct the alleged Performance Failure. If the party fails to use its best efforts to resolve the alleged Performance Failure within a reasonable period of time, the official representatives of the parties, as designated in the Performance Contract, shall promptly meet to discuss a remediation plan for resolution of the alleged Performance Failure or modification of this Performance Contract as may be required by the circumstances.

11. Performance Report. Performance on this Performance Contract shall be reported by the Department to the Governor and General Assembly pursuant to Title 23, Article 5, Section 129(5), Colorado Revised Statutes.

12. Point of Contact and Notices. For the purposes of this Performance Contract, the individuals identified below are hereby designated as the official representatives of the respective parties. Either party may from time to time designate in writing new or substitute

representatives. All notices given hereunder shall be deemed given and sufficient if delivered in writing by (i) United States mail or (ii) overnight delivery such as Federal Express to:

For the Department:

Richard F. O'Donnell  
Executive Director  
Colorado Department of Higher Education  
1380 Lawrence Street, Suite 1200  
Denver, CO 80202

For the Governing Board:

Nancy McCallin  
President  
Colorado Community College System  
9101 East Lowry Boulevard  
Denver, Colorado 80230-6011

13. No Third-Party Beneficiary. Nothing in this Performance Contract shall be construed or implied to confer third-party beneficiary status on any person or entity.

14. Severability. To the extent that this Performance Contract may be executed and performance of the obligations of the parties may be accomplished within the intent of the contract, the terms of this Performance Contract are severable, and should any term or provision hereof be declared invalid or become inoperative for any reason, such invalidity or failure shall not affect the validity of any other term or provision hereof.

15. Governing Law. This performance Contract shall be governed by and construed in accordance with the laws of the State of Colorado.

16. Entire Agreement. This Performance Contract is intended as the complete integration of all understandings between the parties regarding performance contracts authorized by Title 23, Article 5, Section 129, Colorado Revised Statutes. No prior or contemporaneous addition, deletion or other amendment hereto shall have any force or effect whatsoever, unless embodied herein in writing. No subsequent novation, renewal, addition, deletion or other amendment hereto shall have any force or effect unless embodied in a writing executed and approved by both parties to this Performance Contract.

17. Approval Required. Pursuant to Title 23, Article 5, Section 129(3), Colorado Revised Statutes, this Performance Contract and any modification or addition thereto shall not become effective until reviewed and approved by the Commission.

**IN WITNESS WHEREOF, the parties have executed this Performance Contract this \_\_\_ day of \_\_\_\_\_, 200\_\_.**

**For the System:**

**For the Department of Higher Education:**

By \_\_\_\_\_  
Dr. Nancy McCallin  
System President

By \_\_\_\_\_  
Richard F. O'Donnell  
Executive Director

**APPROVED:**

**APPROVED:**

Governing Board

Colorado Commission on Higher Education

By: \_\_\_\_\_  
Chair

By \_\_\_\_\_  
Chair

Dated: \_\_\_\_\_

Dated: \_\_\_\_\_

## **ADDENDUM A**

### **Goal #1: Access and Success**

**WHEREAS**, the Commission has determined that it is a highest priority of the State to ensure widespread access for Colorado residents to Colorado's public colleges and universities with particular focus on expanding the number of students who are prepared, apply and enroll, and increasing retention and graduation rates with particular emphasis on increasing the participation and success of underserved students.

**WHEREAS**, the Department will develop and deliver a statewide marketing campaign with the goal of convincing every student and parent in the State of Colorado that college is accessible and affordable and that it is important to prepare academically for it in order to increase the college-going and completion of students, especially underserved students, which include low-income, male and minority students.

**WHEREAS**, the Department will work with the State and institutions to design efficient and effective financial aid strategies.

**WHEREAS**, the Department will work to make [CollegeinColorado.org](http://CollegeinColorado.org) a fully integrated and user-friendly Pre-Collegiate Online Guidance System.

**WHEREAS**, the Department will lead the organization and operation of the Colorado College Access Consortium to coordinate and support K-12, pre-collegiate and college preparation programs.

**WHEREAS**, the State Board for Community Colleges and Occupational Education is charged with the direction and operation of the Colorado Community College System and is designated as the state board for vocational education.

**NOW, THEREFORE**, the Parties agree as follows:

#### **Section 1: Retention Rates**

1.1 By December 31, 2008, the System shall increase its fall-to-fall retention rate for first-time, full-time certificate or degree-seeking freshman from 52.4% to 54.4%. The System shall increase its fall-to-fall retention rate for first-time, full-time certificate or degree-seeking freshmen, including transfers to other institutions, from 61.3% to 63.3%.

1.2 The Governing Board shall report to the Department on or before December 31<sup>st</sup> of each year the results of its current efforts and any new or additional plans or programs to increase its fall-to-fall retention rates for first-time, full-time certificate or degree-seeking freshman.

## **Section 2: Graduation Rates**

2.1 By December 31, 2008, the System shall increase its three-year degree completion rate for first-time, full-time certificate and associate degree-seeking freshmen from 20.1% to 21.2%.

2.2 The Governing Board shall report to the Department on or before December 31<sup>st</sup> of each year on the results of its current efforts and any new or additional plans or programs to increase its 3 year degree completion rate for first-time, full-time certificate and associate degree-seeking freshmen.

## **Section 3: Underserved Students**

3.1 Title 23, Article 5, Section 129, Colorado Revised Statutes requires that each performance contract address “increasing enrollment of underserved students, including low-income individuals, males and minority groups.” For purposes of this performance contract, “underserved students” shall be defined as students who are: (a) low-income (would satisfy income requirements for a Federal Pell Grant); (b) members of an ethnic or racial minority group; and/or (c) males. The System is committed to improving the recruitment, retention and graduation of underserved students. The System will address the underserved students through the following programs that will be available within the Colorado Community College System, but not necessarily at each community college:

- a. Solicitation of grants for scholarships for underserved populations;
- b. “Early warning” programs that will help students who are struggling, receive out-of-classroom assistance;
- c. Distance learning instructional opportunities to provide access for students needing more flexible course offerings, and for those in isolated communities;
- d. Programs that identify students at risk for unsatisfactory progress and offer them special assistance.

3.2 Individual colleges within the System shall offer programs designed to increase enrollment, retention and graduation of underserved students.

3.3 The Governing Board shall submit an annual report in a narrative format on or before December 31<sup>st</sup> that details the results of programs to increase enrollment, retention and graduation of underserved students.

3.4 The System shall collect and report data to the Department, in the form and manner to be agreed upon by the parties, on students who need to be assessed, students needing remediation, areas for remediation, successful completion of remediation.

3.5 The Governing Board shall ensure that the goals in this section are accomplished without decreasing the quality of education provided or achievement rates of students included herein as resources allow.

## **Section 4: Stipend Application Process**

4.1 The Department's goal is to maintain an easily accessible, user-friendly application process for stipends, and in furtherance of that goal, the Department and the System shall cooperate with each other to remedy any problems with the stipend allocation process that may arise. The Department also will work with the System to help establish connecting links to the College Opportunity Fund application site.

### **Goal #2: Quality in Undergraduate Education**

**WHEREAS**, the Commission has determined that it is a highest priority of the State to: (1) improve academic competencies and provide learning experiences that foster the development of skills and abilities that prepare students for the global economy; (2) prepare students for continuing, graduate or postgraduate professional studies; (3) ensure the transferability of general education courses; and (4) establish critical thinking and logic skills essential to full participation in a democratic society.

**WHEREAS**, the State should provide meaningful and user-friendly information on the quality of undergraduate education to consumers about each institution that will drive market decisions by parents, students, and employers.

**WHEREAS**, the State should implement a general education core curriculum for students and faculty that ensures consistent quality and the transferability of general education courses.

**NOW, THEREFORE**, the Parties agree as follows:

## **Section 1: General Education Requirements**

1.1 By January 1, 2006, the Governing Board shall adopt a fully transferable, foundational general education core curriculum that corresponds with GT Pathways, Colorado's statewide guaranteed transfer program for general education that was created and endorsed by the General Education Council ("GE 25 Council") and the Commission. The System's general education core curriculum shall consist of between 35 and 37 credit hours in the academic areas and corresponding credit hour requirements established by the GT Pathways curriculum.

1.2 The Student Bill of Rights, Title 23, Article 1, Section 125, Colorado Revised Statutes, provides that the completion of core general education courses, regardless of the delivery method, should satisfy the general education core course requirements of all Colorado public institutions of higher education. In order to meet this requirement, by July 1, 2005, all courses in the System's general education core curriculum shall be submitted, according to Commission policy, to the GE 25 Council or its successor, for approval and inclusion in GT Pathways for guaranteed transfer. Any course not submitted or not approved by the GE 25 Council for GT Pathways may not be included in the general education core curriculum. The Department shall convene the GE 25 Council and provide sufficient resources to ensure that all courses submitted to the GE 25 Council, or its successor, are reviewed prior to January 1, 2006.

1.3 After the Governing Board adopts its general education core curriculum, it may continue to nominate new and/or additional courses that satisfy pertinent guidelines and requirements of GT Pathways to be included in its general education core curriculum. The System shall continue to recognize and provide full credit for all core courses approved for statewide transfer completed at other Colorado state colleges and universities, including credits earned through Commission approved competency tests.

1.4 Beginning in July 1, 2006, the Governing Board shall require the completion of its approved general education core curriculum by all newly enrolled, first-time students who are seeking an Associate of Arts or Associate of Science degree and ensure the following:

(a) All course catalogs and academic transcripts shall clearly designate courses eligible for statewide guaranteed transfer.

(b) All course catalogs and related materials shall clearly designate lower division courses that are not eligible for statewide guaranteed transfer.

(c) All academic transcripts shall certify if a student has completed a transferable general education core curriculum, regardless of whether the academic degree program has been completed or conferred.

1.5 Lower division general education course requirements that are not part of the general education core curriculum are acceptable and need not be submitted to the GE 25 Council for inclusion in GT Pathways. However, a student must be able to complete any such requirements within the 40 credit hour lower division general education limit established by the Student Bill of Rights. If a transfer student has satisfactorily completed the transferable core curriculum at another Colorado state college or university, the System shall not require the completion of any additional lower division general education courses by that student that would exceed the 40 credit hour lower division general education limit.

1.6 Beginning July 1, 2006, and each year thereafter, the Governing Board shall report statistics on the enrollment System-wide in each course that satisfies the general education core curriculum.

1.7 The Department's goal is to continue its efforts to implement a general education core curriculum for all Colorado state institutions of higher education.

## **Section 2: Grade Distribution**

2.1 Once the integrated administrative data system (ERP) in Goal #3, Subsection 4 is operational and to the extent the data is available, the Governing Board shall provide data to the Department on all course grades conferred in courses that satisfy its general education core curriculum during the previous academic year, disaggregated by academic subject and course level. The Governing Board will report separately on Career and Technical

Education courses and non-Career and Technical Education courses, due to differences between those categories of programs.

### **Section 3: Faculty**

3.1 The Governing Board maintains policies for evaluation of faculty performance in which teaching effectiveness has the greatest weight in the overall evaluation. By Governing Board policy, all salary increases are merit based. The Governing Board shall provide copies of all such policies to the Department.

3.2 To the extent possible, the Colorado Community College System shall provide information annually on faculty salaries in the same format that such information is made available to the Governing Board.

### **Section 4: Evaluation and Assessment of Student Learning**

4.1 To the extent possible and based upon available data, the System shall report annually on student achievement by providing data from outside recognized accreditation bodies such as the Higher Learning Commission on Career and Technical Graduates Employed or Continuing Their Education.

4.2 The Governing Board agrees to cooperate with the Department in developing and implementing standard methods to assess students' knowledge and improve the delivery of content taught in courses approved for the general education core curriculum. These programs shall be in place no later than January 1, 2007. The Department and the Governing Board agree that implementation of these assessment methods is contingent on additional resources being made available for these purposes.

### **Goal #3: Efficiency of Operations**

**WHEREAS**, the Commission has determined that a highest priority of the State is to provide for the efficient and effective stewardship of resources, be they tuition dollars, state or federal tax dollars, or other sources of funding.

**NOW, THEREFORE**, the Parties agree as follows:

### **Section 1: Costs**

1.1 As part of the Commission's annual budget process, the Governing Board shall provide, through the Budget Data Book, information to the Department that identifies mandatory cost increases or decreases.

1.2 The Department shall use the information submitted by the System to determine the base funding increase necessary for cash fund and cash fund exempt increases that at a minimum shall consider changes in mandatory costs, such as salary, insurance and utility costs, as well as enrollment growth and inflation.

1.3 The Governing Board may submit requests for tuition differentials, specialized fees, or other tuition increases to improve quality, expand access or address capital needs above the base funding amount as decision items through the normal budget process. The Commission shall forward these decision items to the General Assembly and the Office of State Planning and Budgeting during the budget process.

1.4 The Governing Board will implement the requirements of House Bill 04-1086, regarding the efficiency and effectiveness of the Colorado Community College System. Those requirements are: a substantial reduction in the administrative costs of the Community College System office; installation and implementation of a centralized, standardized, integrated, System-wide information technology solution for the colleges; the restructuring of distance learning at all colleges requiring the System office to provide and all colleges to use a common utility infrastructure and maintain a common standard for security and accreditation; and maintaining one universal database to be used by the System office; conducting a comprehensive review of the administrative costs for career and technical education; and developing a master plan for the use, development, or sale of the Lowry campus.

## **Section 2: Capital Assets and Maintenance**

2.1 The Governing Board has established a policy requiring each System community college to maintain a minimum balance to be held in reserve equal to four percent of the annually allocated appropriated funds. The Governing Board has directed that the colleges use some of this reserve for controlled maintenance.

2.2 The Governing Board and the community colleges will work with students as may be necessary to establish a capital and maintenance fee, or the Governing Board may submit pursuant to section 1.3 above a decision item for a tuition surcharge to address maintaining existing and constructing new facilities.

2.3 The Governing Board shall breakout in their annual Statement of Revenues, Expenses, and Changes in Net Assets the actual amount spent on Deferred Maintenance projects.

## **Section 3: Facilities**

3.1 The Governing Board shall provide a report to the Department on the number and type (private or publicly operated) of auxiliary facilities they operate, as such facility is commonly understood under Title 23, Article 5, Sections 101.5(2) and 102, Colorado Revised Statutes, within 120 days of acceptance of a performance contract. Any material changes to the operations of previously reported auxiliaries shall be reported to the Commission during the annual budget process.

## **Section 4: Efficiency Through Better Information**

4.1 To promote efficiencies, the Governing Board has established the implementation of an integrated administrative data system (ERP) as a priority for investment for the System and will develop and begin implementation of such a system during 2005.

#### **Goal #4: Other State Needs -- Teacher Education**

**WHEREAS**, the Commission has determined that it is a highest State priority to ensure that highly qualified teachers are in every K-12 classroom.

**WHEREAS**, educator preparation is a shared enterprise among the Commission, the Colorado Department of Education, institutions of higher education, and local school districts.

**WHEREAS**, teacher education programs must prepare teachers to succeed in an era of high standards and strong accountability where the expectation is that achievement levels will rise for every student.

**WHEREAS**, K-12 school districts have called for new teachers who are trained in critical areas, including: (1) Technology and its role in instructional delivery; (2) Ability to communicate with students, parents and guardians regarding educational progress and student behavior; (3) Ability to assess student learning and modify curriculum based on assessment results; (4) Effective classroom management techniques; (5) Ability to apply knowledge to the P-12 classroom and adapt instruction in ways that enhance the ability of achievement levels to rise for all students student learning with a particular understanding of how to close the achievement gap for children of color and boys; and (6) Ability to teach reading, math and science.

**WHEREAS**, the strength of a teacher preparation program is determined by the degree to which content knowledge, field experience, and professional knowledge are integrated into a performance-based model.

**WHEREAS**, the Commission on Higher Education has established statewide articulation agreements for teacher education between four-year teacher education programs and Colorado's community colleges.

**NOW, THEREFORE**, the Parties agree as follows:

#### **Section 1: Teacher Education Programs:**

1.1 The Commission shall continue to authorize and re-authorize teacher education programs pursuant to Title 23, Article 1, Section 121, Colorado Revised Statutes and existing Commission policies, including the continuance of joint on-site program reviews by the Commission and the Colorado Department of Education scheduled every fifth year.

1.2 The Commission will work to enforce teacher education articulation agreements between the community colleges and the state four-year institutions of higher education as provided for in CCHE policy.

1.3 By July 1, 2006 and each year thereafter, the System will certify to the Department that the system colleges will adhere to the GT Pathways courses required within the statewide Teacher Education Articulation Agreements.

**Goal #5: Other State Needs -- Workforce and Economic Development**

**WHEREAS**, the Commission has determined that Colorado's future competitiveness in the global economy depends on having an educated and skilled workforce. Colorado must have workers with high-level skills required for jobs in high-demand fields, workers with basic workplace skills to obtain the most desirable jobs and to continually adapt to the changes that will continue to affect our evolving economy.

**NOW, THEREFORE**, the Parties agree as follows:

1.1 The System remains committed to program development efforts in fields that address statewide and regional opportunities and priorities. High-demand programs shall be defined by two primary elements: (1) instructional programs or fields in which student enrollment applications exceed available slots, and (2) career fields in which employers are unable to find enough skilled graduates to fill available jobs.

1.2 In accordance with the unique role and mission of the System, the System shall: (1) offer a broad range of vocational and technical degree programs that meet labor needs; (2) fill the occupational needs of youth and adults in technical and vocational fields; (3) meet work force development demands of the state and communities served; and (4) offer a broad range of vocational education for adults.

1.3 The Governing Board shall annually report to the Department on or before December 31<sup>st</sup> on the status of the Perkins Act State Plan indicators for postsecondary education.

1.4 The colleges in the System may change their programs and efforts to address local workforce and economic development priorities without approval from the Department or the Commission.

## **ADDENDUM B**

### **RESOURCE, PROGRAMMATIC AND MANAGEMENT FLEXIBILITY**

This Addendum B describes the resource, programmatic, and management flexibility which the Department agrees to provide or support for institutions operating under performance contracts.

As of the Effective Date of this Performance Contract, compliance with the terms set forth in this Performance Contract will be in lieu of the following statutory requirements of Article 1 of Title 23 and the “Higher Education Quality Assurance Act,” Article 13 of Title 23 and Commission Policies:

### **STATUTORY REQUIREMENTS**

**Section 23-1-105.** Duties and powers of commission with respect to appropriations – repeal.

All subsections waived except for (1), (4), (5) and (8).

**Section 23-1-107.** Duties and powers of the commission with respect to program approval, review, reduction, and discontinuance

All subsections waived except for (2), (4), (5). With respect to subsection 4, the Department agrees to authorize the Governing Board to establish early retirement, retraining and severance programs for faculty in programs to be discontinued subject to consultation with the Commission prior to the Governing Board’s approval of such programs.

**C.R.S. §23-1-109.** Duties and powers of the commission with regard to off-campus instruction.

The System shall continue to be subject to the statutory requirements of this section. The System shall also continue to follow the policy and procedures for Service Area Exemption requests between community colleges in the System. However, exemptions approved by the System office shall be considered final and not subject to review and disposition by the Commission. The System shall timely notify the Commission of each Service Area Exemption it approves.

**Section 23-1-124.** Commission directive – sophomore assessments

**Section 23-13-105.** Quality indicator system - development - implementation -reports.

**Section 23-13-107.** Funding incentives to achieve the statewide goals and expectations

### **COMMISSION POLICIES**

**Academic Affairs:**

**Part B:** Approval of New Academic Programs

**Part D:** Approval of New Vocational Degree Programs in State-Supported Institutions of Higher Education in Colorado

- Sections 2.00 (d), 2.01.03, 2.02.01, 3.01.05, Appendix A

**Part H:** Designating Programs of Excellence

**Part I:** Review of Proposals for Coordinated Academic Programs

- Sections: 4.02 (limited to review of role and mission), 4.02.02, 4.02.03, 4.02.05.

**Part O:** Academic Planning

- Sections: 3.02, 4.00

**Part Q:** Policy on Affirmative Action

**Capital Assets:**

**Part D – Guidelines for Long-Range Facilities/Infrastructure Master Planning**

- 1.00 – Scope of a Long- Range Facilities/Infrastructure Master Plan
  - I. Institutional Data (to become guidelines only)
  - II. Facilities Master Plan
    - A. Planning Concepts (to become guidelines only)
    - B. Facilities Construction and Renovation Economic Studies and Project Cost Estimates
- 2.00 – Publication of a Long-Range Facilities, Infrastructure Master Plan.
- 5.00 – Relation to Statewide Plan

**Part I – Instructions & Forms For Completing Physical Plant Inventory**

**Part L – Policies & Criteria For Capital Construction Priority Setting.**

- 1.00 – Policies & Criteria Requests.

- 2.00 – CCHE Priorities Among Capital Construction Funding
- 3.00 & 3.01 – Process for Recommending Funding Priorities.

**Part O** – Policy Guidelines for Capital Outlay Expenditures.

**Part P** – Policies for Construction Projects Administration.

**Budget Data Book:**

Organization Chart

Campus Map

General information page

**Format 40:** Reporting of ASC II data

**Format 9999**

Consolidated Supplemental Financial Information

- Format A
- Format B
- Format C
- Format D
- Format E

Administrative Salary Survey report

Decision Items requests for mandatory cost increases

CCHE approval of decision items above mandated costs

**STATE OF COLORADO  
DEPARTMENT OF HIGHER EDUCATION  
PERFORMANCE CONTRACT**

This Performance Contract, effective the date of approval by the Colorado Commission on Higher Education (hereinafter referred to as the “Commission”), is by and between the Department of Higher Education (hereinafter referred to as the “Department”) and the Board of Trustees of the University of Northern Colorado (hereinafter referred to as the “Governing Board”).

**RECITALS**

**WHEREAS**, in its passage of SB 04-189, known as the College Opportunity Fund, the General Assembly has found in its adoption of Senate Bill 04-189, the College Opportunity Fund, that it is imperative that an increased number of Coloradans pursue education beyond high school.

**WHEREAS**, the General Assembly has determined that a postsecondary educational experience for Coloradans is essential for the State to compete in the new global economy and to develop a new generation of leaders and active participants in state and local civic affairs.

**WHEREAS**, the General Assembly has found that it is critical that the rate of postsecondary participation by low-income Coloradans, males, and minorities, who are currently under-represented, be increased at every State institution of higher education.

**WHEREAS**, the General Assembly has determined that it is appropriate to support programs that are designed to encourage participation in postsecondary education, that increase citizens' awareness of the value of and need for a postsecondary education, and that make citizens aware of the financial support provided by them through the General Assembly to students and institutions of higher education.

**WHEREAS**, the General Assembly enacted the College Opportunity Fund Act, Title 23, Article 18, Section 101 et seq., Colorado Revised Statutes, which states that performance contracts should provide for greater flexibility and a more focused accountability for institutions of higher education to students and the people of Colorado.

**WHEREAS**, Title 23, Article 5, Section 129, Colorado Revised Statutes provides that each governing board of a State institution of higher education shall negotiate a performance contract with the Department that specifies the performance goals the institution shall achieve during the period that it operates under the performance contract.

**WHEREAS**, Title 23, Article 5, Section 129, Colorado Revised Statutes provides that a State institution of higher education's compliance with the goals specified in the performance contract may be in lieu of requirements in Article 1 and Article 13 of Title 23, Colorado Revised Statutes for the period of the performance contract.

**WHEREAS**, Title 23, Article 5, Section 129, Colorado Revised Statutes requires that the specified procedures and goals set forth in the performance contract must be measurable and tailored to the role and mission of each institution and may include, but shall not be limited to: (1) improving Colorado residents' access to higher education; (2) improving quality and success in higher education; (3) improving the efficiency of operations; and (4) addressing the needs of the State.

## **AGREEMENT**

**NOW THEREFORE**, in consideration of the foregoing and intending to be bound hereby, the Parties agree as follows:

1. Scope of Contract. This contract and Addenda, which are hereby expressly incorporated herein (the "Performance Contract"), sets forth the performance goals of the University of Northern Colorado (hereinafter referred to as the "Institution"), with the statutory role and mission of a comprehensive baccalaureate and specialized graduate research university with selective admission standards and primary responsibility for undergraduate and graduate degree programs for educational personnel preparation in the state of Colorado. This Performance Contract sets forth the agreement regarding the services provided by the Institution, including the offering of baccalaureate, and masters and doctoral programs primarily in the field of education; and all services as defined in the Performance Contract Goals and Assessments set forth herein.

2. Term of Contract. This Performance Contract shall be effective after execution by the Governing Board and the Department and on the date the Performance Contract is approved by the Colorado Commission on Higher Education and shall remain in effect until June 30, 2009.

3. Statutory Requirements Exempted by This Performance Contract. Title 23, Article 5, Section 129(2)(a), Colorado Revised Statutes provides that a State institution of higher education's compliance with the goals specified in a performance contract may be in lieu of the requirements of Article 1 of Title 23 and the "Higher Education Quality Assurance Act," Article 13 of Title 23, for the term of this Performance Contract. As of the Effective Date of this Performance Contract, the Institution's compliance with the terms set forth in this Performance Contract will be in lieu of the Institution's compliance with the requirements of Article 1 of Title 23 and the "Higher Education Quality Assurance Act," Article 13 of Title 23 set forth in Addendum E.

4. Academic and Vocational Program Approval. While operating pursuant to this Performance Contract, the Governing Board need not consult with nor obtain approval from the Commission to create, modify, or eliminate academic and vocational programs offered by the Governing Board, so long as such creations, modifications and eliminations are consistent with the institution's statutory role and mission. The Commission shall have the authority pursuant to Title 23, Article 5, Section 129(6)(b), Colorado Revised Statutes, to override any creation or modification of an academic or vocational program if the change made by the

Governing Board is inconsistent with the Institution's statutory role and mission. The Governing Board will comply with the Commission's Policy and Procedures for the Approval of New Academic Programs in Public Institutions of Higher Education in Colorado Operating Under a Performance Contract adopted on October 7, 2004.

5. Reporting of Budget and Proposed Tuition Increases. Title 23, Article 5, Section 129(6)(c), Colorado Revised Statutes requires the Governing Board to report to the Commission its plans for any tuition increases for the following academic year for the Commission to forward to the General Assembly during the annual budget process. The Governing Board shall submit this information in accordance with the requirements of the Title 24, Article 37, Colorado Revised Statutes and in the form and manner prescribed by the Commission. The General Assembly retains the authority under Title 23, Article 5, Section 129, Colorado Revised Statutes, to approve tuition spending authority for the Governing Board of the Institution.

6. Resident Applicant Admission Requirements. While operating pursuant to this Performance Contract, Title 23, Article 5, Section 129(7)(b), Colorado Revised Statutes, the Governing Board shall continue to admit Colorado resident applicants within the requirements of Title 23, Article 1, Section 113.5, Colorado Revised Statutes, who meet the admissions criteria of the Institution.

7. Data Reporting Requirements. The Governing Board shall transmit to the Department all annual reports and data required in this Performance Contract including that specified in Addendum A, attached hereto, in the form and manner prescribed herein or as required by applicable Commission Policy. The Institution shall continue to provide all data required by the Student Unit Record Data Systems (SURDS) and the United States Department of Education through the Department. When possible, the Department shall provide notice and consult with the institutions before requiring any additional or new SURDS data. The Governing Board shall submit to the Department an annual certification as to the overall material accuracy and completeness of the data submitted in accordance with the terms set forth herein. All data must be handled by the Commission and Department consistent with the statutory requirements set forth in Title 23, Article 1, Section 108(9), Colorado Revised Statutes.

8. Performance Goal Achievement. This Performance Contract sets forth those goals, standards and requirements upon which the Department and the Governing Board have mutually agreed. The ability of the Institution to fulfill the terms of this Performance Contract expressly assumes funding at a level which approximates the Department funding appropriated by the General Assembly during fiscal year 2003-2004. Any material change in the level of general funds available to students as stipends, to institutions under fee-for-service contracts under the College Opportunity Fund, and state general fund financial aid allocated through the Commission, shall cause the parties to this agreement to meet and discuss whether a change in any provisions of this agreement is appropriate. The actions undertaken by the Governing Board and Institution pursuant to this Performance Contract shall be performed consistently with applicable state and federal law.

9. Issue Resolution. In the event that a party to this Performance Contract fails to take those actions agreed upon herein or perform as set forth in this Performance Contract, the other party shall notify the first party of the failure to act or perform (a “Performance Failure”). The notice shall indicate the nature of the Performance Failure and request that responsive action be taken to correct the alleged Performance Failure. If the party fails to use its best efforts to resolve the alleged Performance Failure within a reasonable period of time, the official representatives of the parties, as designated in the Performance Contract, shall promptly meet to discuss a remediation plan for resolution of the alleged Performance Failure or modification of this Performance Contract as may be required by the circumstances.

10. Performance Report. Performance on the Performance Contract shall be reported by the Department to the Governor and General Assembly pursuant to Title 23, Article 5, Section 129(5), Colorado Revised Statutes.

11. Point of Contact and Notices. For the purposes of this Performance Contract, the individuals identified below are hereby designated as the official representatives of the respective parties. Either party may from time to time designate in writing new or substitute representatives. All notices given hereunder shall be deemed given and sufficient if delivered in writing by (i) United States mail or (ii) overnight delivery such as Federal Express to:

For the Department:

Richard F. O’Donnell  
Executive Director  
Colorado Department of Higher Education  
1380 Lawrence Street, Suite 1200  
Denver, CO 80202

For the Governing Board and Institution:

President Kay Norton  
University of Northern Colorado  
Campus Box 59  
Greeley, Colorado 80639

12. No Third-Party Beneficiary. Nothing in this Performance Contract shall be construed or implied to confer third-party beneficiary status on any person or entity.

13. Severability. To the extent that this Performance Contract may be executed and performance of the obligations of the parties may be accomplished within the intent of the contract, the terms of this Performance Contract are severable, and should any term or provision hereof be declared invalid or become inoperative for any reason, such invalidity or failure shall not affect the validity of any other term or provision hereof.

14. Governing Law. This performance Contract shall be governed by and construed in accordance with the laws of the State of Colorado.

15. Entire Agreement. This Performance Contract is intended as the entire integration of all understandings between the parties regarding performance contracts authorized by Title 23, Article 5, Section 129, Colorado Revised Statutes. No prior or contemporaneous addition, deletion or other amendment hereto shall have any force or effect whatsoever, unless embodied herein in writing, signed by the parties and approved by the Commission. No subsequent novation, renewal, addition, deletion or other amendment hereto shall have any force or effect unless embodied in a writing executed and approved by both parties to this Performance Contract.

16. Approval Required. Pursuant to Title 23, Article 5, Section 129(3), Colorado Revised Statutes, this Performance Contract and any modification or addition thereto shall not become effective until reviewed and approved by the Commission.

**IN WITNESS WHEREOF, the parties have executed this Performance Contract this \_\_\_ day of \_\_\_\_\_, 200\_\_.**

For the Governing Board:

For the Department of Higher Education:

By \_\_\_\_\_  
Signature of Authorized Representative

By \_\_\_\_\_  
Richard F. O'Donnell  
Executive Director

**APPROVED:**

**APPROVED:**

Governing Board

Colorado Commission on Higher Education

By: \_\_\_\_\_  
Chair

By \_\_\_\_\_  
Chair

Dated: \_\_\_\_\_

Dated: \_\_\_\_\_

## **ADDENDUM A**

This addendum sets forth the goals, the procedures by which the parties will address the goals, and how the parties' performance of the contract provisions will be assessed.

### **Goal #1: Access and Success**

**WHEREAS**, the Commission has determined that it is a highest priority of the State to ensure widespread access by Colorado residents to Colorado's public colleges and universities with particular focus on expanding the number of students who are prepared, apply and enroll, and increasing retention and graduation rates with particular emphasis on increasing the participation and success of underserved students.

**WHEREAS**, the Department will develop and deliver a statewide marketing campaign with the goal of convincing every student and parent in the State of Colorado that college is accessible and affordable and that it is important to prepare academically for it in order to increase the college-going and completion of students, especially underserved students, which include low-income, male and minority students.

**WHEREAS**, the Department will work with the State and institutions to design efficient and effective financial aid strategies.

**WHEREAS**, the Department will work to make CollegeinColorado.org a fully integrated and user-friendly Pre-Collegiate Online Guidance System.

**WHEREAS**, the Department will lead the organization and operation of the Colorado College Access Consortium to coordinate and support K-12, pre-collegiate and college preparation programs.

**WHEREAS**, the Governing Board is charged with the direction and operation of the Institution, and has, in fulfillment of that obligation, engaged in comprehensive planning for the Institution, including achievement of unqualified institutional accreditation by the Higher Learning Commission of the North Central Association in 2004.

**NOW, THEREFORE**, the Parties agree as follows:

#### **Section 1: Retention**

1.1 By December 31, 2008, the Institution shall increase its fall-to-fall retention rate for first-time, full-time freshman from 68.2% to 71.0%. The Institution shall increase its fall-to-fall retention rate for first-time, full-time freshman, including transfers to other institutions, from 82.9% to 85.0%.

1.2 The Governing Board has committed to improvement of student success and access, including increasing its fall-to-fall retention rates long-term, by integrating and coordinating support services and fostering an inclusive campus in its comprehensive planning process. See Charting the Future Final Report, attached as Addendum B. The Institution's

Commission on Student Success, as outlined in the Report, will detail the structural changes and shifts in funding priorities required to most effectively support student success at the University of Northern Colorado. By December 31, 2007, the Institution shall report on the recommendations of the Commission on Student Success.

## **Section 2: Graduation**

2.1 By December 31, 2008, the Institution shall increase its six-year graduation rate for all students from 47.1% to 49.0%.

2.2 The Governing Board has committed to the improvement of student access and success, including increasing graduation rates long-term, by integrating and coordinating support services and fostering an inclusive campus. See Charting the Future Final Report, attached as Addendum B. The Institution's Commission on Student Success, as outlined in the Report, will identify structural changes and shifts in funding priorities required to most effectively support student success at the Institution. By December 31, 2007, the Institution shall report on the recommendations of the Commission on Student Success.

## **Section 3: Underserved Students**

3.1 Title 23, Article 5, Section 129, Colorado Revised Statutes requires that each performance contract address "increasing enrollment of underserved students, including low-income individuals, males and minority groups." For purposes of this Performance Contract, "underserved students" shall be defined as students who are: (a) low-income (would satisfy income requirements for a Federal Pell Grant); (b) members of an ethnic or racial minority group; (c) males and (d) first-generation college students. The Institution is committed to enhancing the recruitment, enrollment retention and graduation of underserved students. Charting the Future Final Report (Addendum B), the Transition Plan (Addendum C), the work of the Commission on Student Success, the Diversity Advisory Council and other Institution initiatives outline current programs addressing this goal and how the Institution will improve and fund these efforts in the future.

3.2 The Governing Board shall submit an annual report on or before December 31<sup>st</sup> that details the results of programs and efforts to increase enrollment, retention and graduation of underserved students.

3.3 The Governing Board shall ensure that the goals in this section are addressed consistently with the role and mission of the Institution, its admission and academic standards, and the level of funding available.

## **Goal #2: Quality in Undergraduate Education**

**WHEREAS**, the Commission has determined that it is a highest priority of the State, as set forth in the Student Bill of Rights, Title 23, Article 1, Section 125, Colorado Revised Statutes to: (1) improve academic competencies and provide learning experiences that foster the development of skills and abilities that prepare students for the global economy; (2) prepare students for continuing, graduate or postgraduate professional studies; (3) ensure the transferability of general education courses; and (4) establish critical thinking and logic skills essential to full participation in a democratic society and has established a core curriculum concept in accordance with the Student Bill of Rights, Title 23, Article 1, Section 125, Colorado Revised Statutes.

**WHEREAS**, the State should provide meaningful and user-friendly information on the quality of undergraduate education to consumers about each institution that will drive market decisions by parents, students, and employers.

**WHEREAS**, the Governing Board has committed to an institutional mission, vision and values set forth in its Board Policy Manual, and has committed in its Charting the Future Final Report (Addendum B) to: (1) provide a quality education that enables a UNC graduate to contribute effectively in a rapidly changing, diverse, and technologically advanced society, (2) deliver on UNC's promise to provide a student-centered education that provides a solid liberal arts foundation, professional preparation, and real world experiences, and (3) seeks to be recognized as an educational leader by external entities such as the Commission.

**WHEREAS**, the Charting the Future Final Report provides for various commissions, task Forces and councils which will address the quality of undergraduate education.

**NOW, THEREFORE**, the Parties agree as follows:

### **Section 1: General Education Requirements**

1.1 By January 1, 2006, the Governing Board shall supervise the implementation of the Charting the Future Final Report (Addendum B) as outlined in the Transition Plan (Addendum C), and shall take any actions necessary to implement the Best University Experience Core Curriculum and four-year experience developed by the Institution. The Best University Experience Core Curriculum is a fully transferable foundational curriculum that corresponds with continuing development and refinement of GT Pathways, Colorado's statewide guaranteed transfer program for general education that was created and endorsed by the GE 25 and the Commission.

1.2 The Student Bill of Rights, Title 23, Article 1, Section 125, Colorado Revised Statutes, provides that the completion of core general education courses, regardless of the delivery method, should satisfy the general education core course requirements of all Colorado public institutions of higher education. In order to meet this requirement, by July 1, 2006, all courses in the Best University Experience Core Curriculum shall be submitted,

according to Commission policy, to the GE 25 Council or its successor, for approval and inclusion in GT Pathways for guaranteed transfer. The Department shall convene the GE 25 Council and provide sufficient resources to ensure that all courses submitted to the GE 25 Council, or its successor, are reviewed prior to January 1, 2006.

1.3 The Governing Board may continue to nominate new and/or additional courses that satisfy pertinent guidelines and requirements of GT Pathways to be included in the Best University Experience Core Curriculum. The Institution also shall continue to recognize and provide full credit for all core courses approved for statewide transfer completed at other Colorado state colleges and universities, including credits earned through Commission approved competency tests.

1.4 Beginning in July 1, 2006, the Governing Board shall require the completion of its Best University Experience Core Curriculum by all newly enrolled, first-time students and ensure the following:

(a) All course catalogs and academic transcripts shall clearly designate courses eligible for statewide guaranteed transfer.

(b) All course catalogs and related materials shall clearly designate lower division courses that are not eligible for statewide guaranteed transfer.

(c) All academic transcripts shall certify the satisfactory completion of the transferable general education core curriculum, regardless of whether the academic degree program has been completed or conferred.

1.5 Lower division general education course requirements that are not part of the Best University Experience Core Curriculum are acceptable and need not be submitted to the GE 25 Council for inclusion in GT Pathways. However, a student must be able to complete any such requirements within the 40 credit hour lower division general education limit established by the Student Bill of Rights. Further, if a transfer student has satisfactorily completed the transferable core curriculum at another Colorado state college or university, the Institution shall not require the completion of any additional lower division general education courses by that student.

1.6 Beginning July 1, 2006, and each year thereafter, the Governing Board shall report statistics on the demand for and supply of courses at its campus(es) that satisfy the Best University Experience Core Curriculum. Such data, if available, may include the number of sections offered, enrollment demand and course availability, data on the ranks of instructor teaching the courses, and the average class enrollment for each course, disaggregated by course title and number.

## **Section 2: Academic Assessment**

2.1 The Governing Board has invested in the development and support of assessment of outcomes of its undergraduate education by the establishment of an office of assessment and accreditation to consistently evaluate student academic success and inform

program improvement. This will include evaluation of the effectiveness of the Best University Experience core curriculum (See Addendum B).

2.2 By September 1, 2005, and each year thereafter, the Governing Board shall report to the Department on the policies developed by the Institution, through the Center for Faculty and Staff Development or otherwise, to maintain appropriate high academic quality and rigor, including efforts to mitigate grade inflation.

2.3 By September 1, 2006, the Governing Board shall provide to the Department data on the implementation of policies to maintain appropriate high academic quality and rigor. Such data may include the distribution of grades by academic subjects and course level and other indicators and assessments of student competency.

### **Section 3: Faculty Evaluation and Professional Development**

3.1 The Institution will examine and refine its current faculty pay policies, including merit pay provisions, and consider appropriate faculty evaluation, promotion and tenure policies and procedures in light of the institutional goals, mission and values. As provided in Addendum B, the Institution shall invest in the development of a Center for Faculty and Staff Development, which will support effective and innovative methods of teaching in the traditional classroom and via technology.

a. By July 1, 2005, the Institution will submit a report on its progress in creating and implementing a comprehensive faculty evaluation and professional development procedure, including any relevant data thereto, to the Commission.

b. By July 1, 2006 and each year thereafter, the Governing Board shall provide a report that illustrates specifically how financial incentives, such as cash bonuses, raises, stipends, awards or other items, are used in the implementation of its faculty evaluation and professional development procedure. The report shall be accompanied by data clearly showing how the financial incentives are applied differentially to faculty based on the evaluation criteria.

3.2 The Governing Board shall ensure that the courses in the Best University Experience core curriculum are taught by individuals with appropriate qualifications and experience.

### **Section 4: Evaluation and Assessment of Student Learning Student Performance and Assessment of Student Learning**

4.1 To the extent possible and based upon available data, the Institution shall report annually, in accordance with the SURDS reporting schedule, on student achievement by providing data on outcomes on licensure, professional, graduate school admission, and other examinations taken by baccalaureate graduates and/or career and technical graduates employed or continuing their education.

4.2 In accordance with the Charting the Future Final Report, by January 1, 2007 and continuing annually thereafter, the Institution shall submit a report on the outcomes of student assessments created and administered by the Institution's office of assessment and accreditation to the Commission. This report shall include data on students' knowledge of content taught in courses approved for the Best University Experience curriculum.

### **Goal #3: Efficiency of Operations**

**WHEREAS**, the Commission has determined that a highest priority of the State is to provide for the efficient and effective stewardship of resources, be they tuition dollars, state or federal tax dollars, or other sources of funding.

**WHEREAS**, the Governing Board has committed in Addendum B to organize for the most effective and efficient university possible, so that every dollar spent in an investment in greatness, and further that the university will maximize its use of existing and future assets through activity-based budgeting and the efficient use of facilities.

**NOW, THEREFORE**, the Parties agree as follows:

#### **Section 1: Efficiency Through Better Information**

1.1 The Governing Board has established the implementation of an integrated administrative data system (ERP) as a priority for investment for the Institution. An RFP for purchase and implementation of such a system will be released in late 2004. The implementation of such a system will allow activity-based cost analysis and subsequent budgeting, an ultimate goal of Charting the Future Final Report (Addendum B).

#### **Section 2: Mandatory Costs**

1.1 As part of the Commission's annual budget process, the Governing Board shall provide, through the Budget Data Book, information to the Department that identifies mandatory cost increases or decreases.

1.2 The Department shall use the information submitted by the institutions to determine the base funding increase necessary for cash fund and cash fund exempt increases that at a minimum shall consider changes in mandatory costs, such as salary, insurance and utility costs, as well as enrollment growth and inflation.

1.3 The Governing Board may submit requests for tuition differentials, specialized fees, or other tuition increases to improve quality, expand access or address capital needs above the base funding amount as decision items through the normal budget process. The Commission shall forward these decision items to the General Assembly and the Office of State Planning and Budgeting during the budget process.

#### **Section 2: Financial Ratios**

2.1 The Institution will report annually to the Commission on the following financial ratios identified and discussed in KPMG's Ratio Analysis in Higher Education: New Insights for Leaders of Public Higher Education, 2002: primary reserve ratio; net operating revenues ratio, viability ratio, debt burden ratio. See Addendum D for definitions. Tracking these ratios over time and comparing them to those of selected peer institutions will support the Institution's linkage of strategic planning with financial planning and annual budgeting.

### **Section 3: Capital Assets and Maintenance**

3.1 The Institution will allocate a percentage of new tuition revenue for deferred maintenance in proportion to the level of tuition increase in excess of inflation and mandated costs authorized by the General Assembly. The Governing Board shall breakout in a footnote in their annual Statement of Revenues, Expenses, and Changes in Net Assets the actual amount spent.

### **Section 4: Auxiliary Facilities**

4.1 The Governing Board must provide an initial report to the Department on the number and type (private or publicly operated) of auxiliary facilities they operate, as such facility is commonly understood under Title 23, Article 5, Sections 101.5(2) and 102, Colorado Revised Statutes, within 60 days of acceptance of this Performance Contract.

4.2 The Governing Board will complete an assessment by January 1, 2006, of the appropriateness of privatizing auxiliary facilities under their control and report the results of this assessment to the Department. In addition, when authorizing any new auxiliary operation at the Institution, the Governing Board will consider privatization of such operation as part of the authorization process.

### **Goal #4: Teacher Education**

**WHEREAS**, the Commission has determined that it is a highest State priority to ensure that highly qualified teachers are in every K-12 classroom.

**WHEREAS**, educator preparation is a shared enterprise among the Commission, the Colorado Department of Education, institutions of higher education, and local school districts.

**WHEREAS**, teacher education programs must prepare teachers to succeed in an era of high standards and strong accountability where the expectation is that achievement levels will rise for every student.

**WHEREAS**, K-12 school districts have called for new teachers who are trained in critical areas, including: (1) Technology and its role in instructional delivery; (2) Ability to communicate with students, parents and guardians regarding educational progress and student behavior; (3) Ability to assess student learning and modify curriculum based on assessment

results; (4) Effective classroom management techniques; (5) Ability to apply knowledge to the P-12 classroom and adapt instruction in ways that enhance the ability of achievement levels to rise for all students student learning with a particular understanding of how to close the achievement gap for children of color and boys; and (6) Ability to teach reading, math and science.

**WHEREAS**, the strength of a teacher preparation program is determined by the degree to which content knowledge, field experience, and professional knowledge are integrated into a performance-based model.

**WHEREAS**, the University of Northern Colorado has the statutory mission of primary preparer of education professionals in the state of Colorado.

**NOW, THEREFORE**, the Parties agree as follows:

### **Section 1: Teacher Education Programs**

1.1 The Commission shall continue to authorize and re-authorize teacher education programs pursuant to Title 23, Article 1, Section 121, Colorado Revised Statutes and existing Commission policies, through joint on-site program reviews by the Commission and the Colorado Department of Education scheduled every fifth year.

1.2 The Institution will maintain national accreditation and State authorizations (State Board of Education and the Colorado Commission on Higher Education) of its teacher education programs.

1.3 By July 1, 2006, the Governing Board shall ensure that its teacher education program meets the following standards:

(a) Each teacher candidate shall receive, as part of his or her formal preparation, instruction on teaching diverse student populations and, through required pre-rotation or student teaching experiences, spends time in a Title I or low performing or unsatisfactory school with an improving or stable rating, based upon the results of the previous year's School Accountability Report by the Colorado Department of Education.

(b) Not less than 400 hours of each teacher candidate's 800-hour field experience shall be spent student teaching.

(c) All teacher candidates shall have, as part of their formal preparation, received instruction on the comprehension, diagnosis, interpretation and effective use of student assessment data, especially data from the Colorado Student Assessment Program.

(d) All teacher candidates shall have, as part of their formal preparation, received instruction on the attitudinal and behavioral differences that influence socialization and learning variations between boys and girls.

1.4 By July 1, 2006, all content (non-pedagogy) courses leading to the fulfillment of endorsement area requirements for secondary education licensure shall be taught

by faculty members belonging only to the departments from which the courses originate (e.g., American history courses are taught by faculty members in the history department, mathematics courses are taught by faculty members in the mathematics department).

## **Section 2: Recruitment and Training of Qualified Candidates**

2.1 The Institution shall address improving the recruitment, retention, and graduation of teacher candidates who are under-represented in Colorado's public schools. Specifically, the commissions and task forces delineated in Addendum B will address building an inclusive campus, student success, diversity and student enrichment programs. The Institution shall submit a plan to the Department on or before July 1, 2006 detailing how it will achieve this goal. Included in this report will be data regarding enrollment trends, retention and graduation statistics, program capacities, and student achievement.

2.2 The Institution shall annually submit the Department on or before August 1<sup>st</sup> of each year, the student identification numbers and endorsement areas for all teacher candidates.

2.3 The Institution will participate with the Department in analyzing the placement in K-12 schools of teacher candidate graduates and their performance once placed, by providing available data concerning graduates to the Commission, subject to the limitations of any applicable privacy law.

### **Goal #5: Workforce and Economic Development**

**WHEREAS**, the Commission has determined that Colorado's future competitiveness in the global economy depends on having an educated and skilled workforce. Colorado must have workers with high-level skills required for jobs in high-demand fields, workers with basic workplace skills to obtain the most desirable jobs and to continually adapt to the changes that will continue to affect our evolving economy.

**WHEREAS**, the General Assembly has found that a postsecondary educational experience for Coloradans is essential for the state to compete in the new global economy and to develop a new generation of leaders and active participants in state and local civic affairs.

**WHEREAS**, the University of Northern Colorado Board of Trustees has committed to the integration of citizen development through service learning as a part of the core experience at UNC, as outlined in Addendum B and Addendum C.

**NOW, THEREFORE**, the Parties agree as follows:

1.1 As a part of UNC's promise to deliver a student-centered education that provides a solid liberal arts foundation, professional preparation and real world experiences, the Institution will invest in the development and delivery of programs which address the following regional, state and national priorities:

a. Teacher preparation for urban environments, secondary math and science, bilingual and/or ESL licensure at either the elementary or secondary level, elementary education, or special education.

b. Nursing education, including cooperative programs facilitating transfer from community college programs, rural outreach, distance delivery and graduate programs which expand baccalaureate capacity.

## ADDENDUM E

### **RESOURCE, PROGRAMMATIC AND MANAGEMENT FLEXIBILITY**

This Addendum B describes the resource, programmatic, and management flexibility which the Department agrees to provide or support for institutions operating under performance contracts.

As of the Effective Date of this Performance Contract, compliance with the terms set forth in this Performance Contract will be in lieu of the following statutory requirements of Article 1 of Title 23 and the “Higher Education Quality Assurance Act,” Article 13 of Title 23 and Commission Policies:

### **STATUTORY REQUIREMENTS**

**C.R.S. §23-1-105.** Duties and powers of commission with respect to appropriations – repeal.

- All subsections waived except for **(1), (4), (5) and (8)**.

**C.R.S. §23-1-107.** Duties and powers of the commission with respect to program approval, review, reduction, and discontinuance.

All subsections waived except for (2), (4), (5). With respect to subsection 4, the Department agrees to authorize the Governing Board to establish early retirement, retraining and severance programs for faculty in programs to be discontinued subject to consultation with the Commission prior to the Governing Board’s approval of such programs.

**C.R.S. §23-1-109.** Duties and powers of the commission with regard to off-campus instruction.

The Institution shall continue to be subject to the requirements of this section. However, the Commission through the Department agrees to revise its policies to reduce current reporting requirements and to limit the review of off-campus, cash-funded degree and certificate programs, off-campus, state-funded degree programs, and out-of-state/out-of-country programs to ensuring that such programs are consistent with the Institution’s statutory role and mission.

**C.R.S. §23-1-115.** Review and action on existing degree programs.

**C.R.S. §23-1-124.** Commission directive – sophomore assessments

**C.R.S. §23-13-105.** Quality indicator system - development - implementation -reports.

**C.R.S. §23-13-107.** Funding incentives to achieve the statewide goals and expectations

## COMMISSION POLICIES

### Academic Affairs:

**Part B:** Approval of New Academic Programs

**Part D:** Approval of New Vocational Degree Programs in State-Supported Institutions of Higher Education in Colorado

- Sections 2.00 (d), 2.01.03, 2.02.01, 3.01.05, Appendix A

**Part H:** Designating Programs of Excellence

**Part I:** Review of Proposals for Coordinated Academic Programs

- Sections: 4.02 (limited to review of role and mission), 4.02.02, 4.02.03, 4.02.05.

**Part O:** Academic Planning

- Sections: 3.02, 4.00

**Part Q:** Policy on Affirmative Action

### Capital Assets:

**Part D – Guidelines for Long-Range Facilities/Infrastructure Master Planning**

- 1.00 – Scope of a Long- Range Facilities/Infrastructure Master Plan
  - I. Institutional Data (to become guidelines only)
  - II. Facilities Master Plan
    - A. Planning Concepts (to become guidelines only)
    - B. Facilities Construction and Renovation Economic Studies and Project Cost Estimates
- 2.00 – Publication of a Long-Range Facilities, Infrastructure Master Plan.
- 5.00 – Relation to Statewide Plan

**Part I – Instructions & Forms For Completing Physical Plant Inventory**

**Part L** – Policies & Criteria For Capital Construction Priority Setting.

- 1.00 – Policies & Criteria Requests.
- 2.00 – CCHE Priorities Among Capital Construction Funding
- 3.00 & 3.01 – Process for Recommending Funding Priorities.

**Part O** – Policy Guidelines for Capital Outlay Expenditures.

**Part P** – Policies for Construction Projects Administration.

**Budget Data Book:**

Organization Chart

Campus Map

General information page

**Format 40:** Reporting of ASC II data

**Format 9999**

Consolidated Supplemental Financial Information

- Format A
- Format B
- Format C
- Format D
- Format E

Administrative Salary Survey report

Decision Items requests for mandatory cost increases

CCHE approval of decision items above mandated costs unless directed to review and approve them by the General Assembly or Joint Budget Committee.

**STATE OF COLORADO  
DEPARTMENT OF HIGHER EDUCATION  
PERFORMANCE CONTRACT**

This Performance Contract, effective the date of approval by the Colorado Commission on Higher Education (hereinafter referred to as the “Commission”), is by and between the Department of Higher Education (hereinafter referred to as the “Department”) and the Board of Trustees of Western State College of Colorado (hereinafter referred to as the “Governing Board”).

**RECITALS**

**WHEREAS**, in its passage of SB 04-189, known as the College Opportunity Fund, the General Assembly has found that it is imperative that an increased number of Coloradans pursue education beyond high school.

**WHEREAS**, the General Assembly has determined that a postsecondary educational experience for Coloradans is essential for the State to compete in the new global economy and to develop a new generation of leaders and active participants in state and local civic affairs.

**WHEREAS**, the General Assembly has found that it is critical that the rate of postsecondary participation by low-income Coloradans, males, and minorities, who are currently under-represented, be increased at every State institution of higher education.

**WHEREAS**, the General Assembly has determined that it is appropriate to support programs that are designed to encourage participation in postsecondary education, that increase citizens' awareness of the value of and need for a postsecondary education, and that make citizens aware of the financial support provided by them through the General Assembly to students and institutions of higher education.

**WHEREAS**, the General Assembly has determined that performance contracts should provide for greater flexibility and a more focused accountability for institutions of higher education to students and the people of Colorado.

**WHEREAS**, Title 23, Article 5, Section 129 (2) (a), Colorado Revised Statutes provides that each governing board of a State institution of higher education shall negotiate a performance contract with the Department that specifies the performance goals the institution shall achieve during the period that it operates under the performance contract.

**WHEREAS**, Title 23, Article 5, Section 129 (2) (a), Colorado Revised Statutes provides that a State institution of higher education's compliance with the goals specified in the performance contract may be in lieu of requirements in Article 1 and Article 13 of Title 23, Colorado Revised Statutes for the period of the performance contract.

**WHEREAS**, Title 23, Article 5, Section 129 (2) (c), Colorado Revised Statutes requires that the specified procedures and goals set forth in the performance contract must be measurable and tailored to the role and mission of each institution and may include, but shall not be limited to: (1) improving Colorado residents' access to higher education; (2) improving quality and success in higher education; (3) improving the efficiency of operations; and (4) addressing the needs of the State.

**WHEREAS**, Title 23, Article 56, Section 101, Colorado Revised Statutes provides that the role and mission of Western State College of Colorado (the "Institution") is that of a general baccalaureate institution with moderately selective admission standards. In addition, the Institution shall offer undergraduate liberal arts and sciences, teacher preparation, and business degree programs, and serve as a regional education provider.

**WHEREAS**, Article VIII, Section 5, Colorado Constitution, and Title 23, Article 56, Sections 102, 103 and 104, Colorado Revised Statutes, confer upon the Governing Board the general supervision of Institution, plenary power to enact rules and regulations for the governance of the Institution, and the exclusive control and direction of all funds of and appropriations to Institution, except as expressly provided by law.

## **AGREEMENT**

**NOW THEREFORE**, in consideration of the foregoing and intending to be bound hereby, the Parties agree as follows:

1. Scope of Contract. This contract and Addenda A and B, which are hereby expressly incorporated herein, (the "Performance Contract"), sets forth the performance goals of the Institution. This Performance Contract sets forth the agreement regarding the services provided by the Institution as more particularly described herein.

2. Term of Contract. This Performance Contract shall be effective after execution by the Governing Board and the Department and on the date the Performance Contract is approved by the Colorado Commission on Higher Education and shall remain in effect until June 30, 2009.

3. Statutory Requirements Exempted by This Contract. Title 23, Article 5, Section 129(2)(a), Colorado Revised Statutes provides that a State institution of higher education's compliance with the goals specified in the performance contract may be in lieu of the requirements of Article 1 of Title 23 and the "Higher Education Quality Assurance Act," Article 13 of Title 23, for the period of the performance contract. As of the Effective Date of this Performance Contract, the Institution's compliance with the terms set forth in this Performance Contract will be in lieu of the Institution's compliance with the requirements of Article 1 of Title 23 and the "Higher Education Quality Assurance Act," Article 13 of Title 23 set forth in Addendum B.

4. Academic and Vocational Program Approval. While operating pursuant to this Performance Contract, the Governing Board need not consult with nor obtain approval from the Commission to create, modify, or eliminate academic and vocational programs offered

by the Institution, so long as such creations, modifications, and eliminations are consistent with the Institution's statutory role and mission. The Commission shall have the authority pursuant to Title 23, Article 5, Section 129(6)(b), Colorado Revised Statutes, to override any creation or modification of an academic or vocational program if the change made by the Governing Board is inconsistent with the Institution's statutory role and mission.

5. Reporting of Budget and Proposed Tuition Increases. Title 23, Article 5, Section 129(6)(c), Colorado Revised Statutes requires the Governing Board to report to the Commission its plans for any tuition increases for the following academic year for the Commission to forward to the General Assembly during the annual budget process. The Governing Board shall submit this information in accordance with the requirements of Title 24, Article 37, Colorado Revised Statutes and in the form and manner reasonably prescribed by the Commission. The General Assembly retains the authority in Title 23, Article 5, Section 129 (10), Colorado Revised Statutes, to approve tuition spending authority for the Governing Board while the Institution is operating pursuant to this Performance Contract.

6. Resident Applicant Admission Requirements. While operating pursuant to this Performance Contract, Title 23, Article 5, Section 129(7)(b), Colorado Revised Statutes, the Institution shall continue to admit Colorado resident applicants within the requirements of Title 23, Article 1, Section 113.5, Colorado Revised Statutes, who meet the admissions criteria of the Institution.

7. Data Reporting Requirements. The Institution shall transmit to the Department all annual reports and data required in this Performance Contract including that specified in Addendum A, attached hereto, in the form and manner prescribed herein or as reasonably required by applicable Commission Policy, provided such policy is within the authorities delegated to it in Title 23, Article 1, Colorado Revised Statutes. The Institution shall continue to provide all data required by the Student Unit Record Data Systems (SURDS) and the United States Department of Education through the Department. When possible, the Department shall provide notice and consult with the institutions before requiring any additional or new SURDS data. All data must be handled by the Commission and Department consistent with the statutory requirements set forth in Title 23, Article 1, Section 108(9), Colorado Revised Statutes.

8. Performance Goal Achievement. This Performance Contract sets forth those goals, standards and requirements upon which the Department and the Governing Board have mutually agreed. The ability of the Institution to fulfill the terms of this Performance Contract expressly assumes funding at a level which approximates the Department funding appropriated by the General Assembly during fiscal year 2003-2004. Any material change in the level of general funds available to students as stipends, to institutions under fee-for-service contracts under the College Opportunity Fund, and state general fund financial aid allocated through the Commission, shall cause the parties to this Performance Contract to meet and discuss whether a change in any provisions of this Performance Contract is appropriate, and to amend this Performance Contract accordingly.

9. Issue Resolution. In the event that a party to this Performance Contract fails to take those actions agreed upon herein or perform as set forth in this Performance

Contract, the other party shall notify the first party of the failure to act or perform (a “Performance Failure”). The notice shall indicate the nature of the Performance Failure and request that responsive action be taken to address the alleged Performance Failure. If the party fails to use reasonable efforts to resolve the alleged Performance Failure within a reasonable period of time, the official representatives of the parties, as designated in the Performance Contract, shall promptly meet to discuss a remediation plan for resolution of the alleged Performance Failure or modification of this Performance Contract as may be required by the circumstances. If the parties are unable to agree upon a resolution or modification, the Commission will hold a hearing concerning the alleged Performance Failure and its recommended course of action to the General Assembly and the Governor.

10. Performance Report. Performance on the contract shall be reported by the Department to the Governor and General Assembly.

11. Point of Contact and Notices. For the purposes of this Performance Contract, the individuals identified below are hereby designated as the official representatives of the respective parties. Either party may from time to time designate in writing new or substitute representatives. All notices given hereunder shall be deemed given and sufficient if delivered in writing by (i) United States mail or (ii) overnight delivery such as Federal Express to:

For the Department:

Richard F. O’Donnell  
Executive Director  
Colorado Department of Higher Education  
1380 Lawrence Street, Suite 1200  
Denver, CO 80202

For the Governing Board:

Jay W. Helman  
President  
Western State College of Colorado  
Gunnison, CO 81231

12. No Third-Party Beneficiary. Nothing in this Performance Contract shall be construed or implied to confer third-party beneficiary status on any person or entity.

13. Severability. To the extent that this Performance Contract may be executed and performance of the obligations of the parties may be accomplished within the intent of the contract, the terms of this Performance Contract are severable, and should any term or provision hereof be declared invalid or become inoperative for any reason, such invalidity or failure shall not necessarily affect the validity of any other term or provision hereof.

14. Governing Law. This Performance Contract shall be governed by and construed in accordance with the laws of the State of Colorado.

15. Modifications. This Performance Contract shall be subject to such modifications as may be required by changes in federal or state law or regulations or as may be agreed to by the parties and approved by the Commission. Any such modifications shall be agreed to by the parties in writing and incorporated into and made a part of this Performance Contract as if fully set forth herein.

16. Entire Agreement. This Performance Contract is intended as the complete integration of all understandings between the parties regarding performance contracts authorized by Title 23, Article 5, Section 129, Colorado Revised Statutes. No prior or contemporaneous addition, deletion or other amendment hereto shall have any force or effect whatsoever, unless embodied herein in writing, executed by the Parties and approved by the Commission. No subsequent novation, renewal, addition, deletion or other amendment hereto shall have any force or effect unless embodied in a writing executed and approved by both parties to this Performance Contract.

17. Approval Required. This Performance Contract shall first be reviewed and approved by the Governing Board. Pursuant to Title 23, Article 5, Section 129(3), Colorado Revised Statutes, this Performance Contract and any modification or addition thereto shall not become effective until reviewed and approved by the Commission.

**IN WITNESS WHEREOF, the parties have executed this Performance Contract this \_\_\_ day of \_\_\_\_\_, 200\_\_.**

**For the Governing Board:**

**For the Department of Higher Education:**

By \_\_\_\_\_  
Jay W. Helman  
President

By \_\_\_\_\_  
Richard F. O'Donnell  
Executive Director

**APPROVED:**

**APPROVED:**

Governing Board

Colorado Commission on Higher Education

By: \_\_\_\_\_  
Chair

By \_\_\_\_\_  
Chair

Dated: \_\_\_\_\_

Dated: \_\_\_\_\_

## **ADDENDUM A**

### **Goal #1: Access and Success**

**WHEREAS**, the Commission has determined that it is a highest priority of the State to ensure widespread access by Colorado residents to Colorado's public colleges and universities with particular focus on expanding the number of students who are prepared, apply and enroll, and increasing retention and graduation rates with particular emphasis on increasing the participation and success of underserved students.

**WHEREAS**, the Department will develop and deliver a statewide marketing campaign with the goal of convincing every student and parent in the State of Colorado that college is accessible and affordable and that it is important to prepare academically for it in order to increase the college-going and completion of students, especially underserved students, which include low-income, male and minority students.

**WHEREAS**, the Department will work with the State and institutions to design efficient and effective financial aid strategies.

**WHEREAS**, the Department will work to make CollegeinColorado.org a fully integrated and user-friendly Pre-Collegiate Online Guidance System.

**WHEREAS**, the Department will lead the organization and operation of the Colorado College Access Consortium to coordinate and support K-12, pre-collegiate and college preparation programs.

**NOW, THEREFORE**, the Parties agree as follows:

#### **Section 1: Retention Rates**

1.1 By December 31, 2008, the Institution shall increase its fall-to-fall retention rate for first-time, full-time freshman from 58.2% to 60.0%. The Institution shall increase its fall-to-fall retention rate for first-time, full-time freshman, including transfers to other institutions, from 72.5% to 74.7%.

1.2 The Governing Board shall report to the Department on or before December 31<sup>st</sup> of each year the results of its current efforts and any new or additional plans or programs to increase its fall-to-fall retention rates for first-time, full-time freshman.

#### **Section 2: Graduation Rates**

2.1 By December 31, 2008, the Institution shall increase its six-year graduation rate for all students from 30.4% to 31.8%.

2.2 The Governing Board shall report to the Department on or before December 31<sup>st</sup> of each year the results of its current efforts and any new or additional plans or programs to increase its six-year graduation rate.

### Section 3: Underserved Students

3.1 Title 23, Article 5, Section 129 (2) (e), Colorado Revised Statutes requires that each performance contract address “increasing enrollment of underserved students, including low-income individuals, males and minority groups.” For purposes of this Performance Contract, “underserved students” shall be defined as students who are: (a) low-income (would satisfy income requirements for a Federal Pell Grant); (b) members of an ethnic or racial minority group; and/or (c) males. In order to address increasing enrollment of underserved students, the Governing Board may direct available resources to the following programs designed to increase enrollment and, although not included in Title 23, Article 5, Section 129 (2) (e), Colorado Revised Statutes, retention and graduation of underserved students:

(a) Expanding the pool of students. The Institution shall continue to initiate contact with high school students in Colorado with a 2.5 grade point average who have taken the ACT, completed the precollegiate curriculum, and expressed interest in academic programs available at the Institution, regardless of income and continue the recruiting process with any of those students who express an interest in the Institution. To increase its regional service, the Institution shall continue to actively recruit *every* student in western Colorado with a 2.5 GPA who has taken the ACT (regardless of test score or income), throughout the year whether they express interest in the Institution or not.

(b) Increasing underserved student continuation and graduation rates.

(1) In contrast to state and national trends, the Institution attracts more male students than female students. The Institution will continue to provide access to this increasingly under-represented group.

(2) The Institution shall continue to actively recruit minority students from across the State and shall maintain the proportion of minority students in the student body so that it meets or exceeds the proportion of minorities in Gunnison County.

(3) The Institution shall continue extra-curricular and co-curricular activities and programming to increase awareness of diversity for students and the community that contributes to the culture of support for students. Events shall include the Multicultural Center programs, sensitivity training in residence halls regarding cross-cultural communication, disability awareness, sexual harassment training and diversity.

3.2 The Governing Board shall submit an annual report on or before December 31<sup>st</sup> that details the results of these programs and additional efforts, if any, to increase enrollment, retention and graduation of underserved students.

3.3 The Governing Board shall ensure that the goals in this section are accomplished without decreasing the quality of education provided or achievement rates of students included herein.

## **Goal #2: Quality in Undergraduate Education**

**WHEREAS**, the Commission has determined that it is a highest priority of the State to: (1) improve academic competencies and provide learning experiences that foster the development of skills and abilities that prepare students for the global economy; (2) prepare students for continuing, graduate or postgraduate professional studies; (3) ensure the transferability of general education courses; and (4) establish critical thinking and logic skills essential to full participation in a democratic society.

**WHEREAS**, the State should provide meaningful and user-friendly information on the quality of undergraduate education to consumers about each institution that will drive market decisions by parents, students, and employers.

**NOW, THEREFORE**, the Parties agree as follows:

### **Section 1: Transferability of General Education Core Courses**

1.1 By July 1, 2006, the Institution shall complete its review of the college's general education core curriculum and ensure that it satisfies the competencies, expectations and credit hour guidelines of GT Pathways, Colorado's statewide guaranteed transfer program for general education that was created and endorsed by the General Education Council ("GE 25 Council") and the Commission.

1.2 The Student Bill of Rights, Title 23, Article 1, Section 125, Colorado Revised Statutes, provides that students, upon the completion of core general education courses, regardless of the delivery method, should have those courses satisfy the general education core course requirements of all Colorado public institutions of higher education. In order to meet this requirement, by January 1, 2006, all courses in the Institution's general education core curriculum shall be submitted, according to Commission policy, to the GE 25 Council or its successor, for approval and inclusion in GT Pathways for guaranteed transfer. The Department shall convene the GE 25 Council and provide sufficient resources to ensure that all courses submitted to the GE 25 Council, or its successor, are reviewed prior to July 1, 2006.

1.3 The Department acknowledges that certain current GE 25 Council requirements shall be refined and amended to accommodate the unique situation and role and mission of the Institution and other institutions. The Department agrees to work with all institutions and the GE 25 Council, or its successor, to amend the GT Pathways criteria to ensure compatibility between each institution's general education core curriculum and the requirement for guaranteed statewide transfer.

1.4 In the event that the GE 25 Council does not approve a course for approval and inclusion in the GT Pathways, the course shall be labeled as required under subsection 1.6(b). The Department shall periodically provide a public report to the Commission of any course that is not approved for guaranteed transfer by the GE 25 Council. Such report shall include the reasons for a course's non-approval.

1.5 The Institution may continue to nominate new and/or additional courses that satisfy pertinent guidelines and requirements of GT Pathways to be included in its general education core curriculum. The Institution shall continue to recognize and provide full credit for all core courses approved for statewide transfer completed at other Colorado state colleges and universities, including credits earned through Commission approved competency tests.

1.6 Beginning in July 1, 2006, the Governing Board shall ensure that all newly enrolled, first-time students complete the Institution's general education core curriculum and ensure the following:

(a) All course catalogs and academic transcripts shall clearly designate courses approved for statewide guaranteed transfer.

(b) All course catalogs and related materials shall clearly distinguish guaranteed transfer courses from those not approved for guaranteed transfer. Prominently placed, in the general education section of the college catalog, shall be a narrative explanation of the distinction between courses approved for guaranteed transfer and courses NOT approved for guaranteed transfer to other Colorado colleges and universities.

(c) All academic transcripts shall clearly designate all courses completed in the transferable general education core, regardless of whether the academic degree program has been completed or conferred.

1.7 Lower-division general education course requirements that are not part of the general education core curriculum are acceptable and need not be submitted to the GE 25 Council for inclusion in GT Pathways. However, a student must be able to complete any such requirements within the 40 credit hour lower-division general education limit established by the Student Bill of Rights. If a transfer student has satisfactorily completed the transferable core curriculum at another Colorado state college or university, the Institution shall not require the completion of any additional lower-division general education courses by that student that would exceed the 40 credit hour lower-division general education limit.

1.8 Beginning December 31, 2005, and each year thereafter, the Governing Board shall report statistics on the demand for and supply of courses at its campus(es) that satisfy its general education core curriculum. Such data, if available, may include the number of sections offered, enrollment demand and course availability, data on the ranks of instructor teaching the courses, and the average class enrollment for each course, disaggregated by course title and number.

## **Section 2: Academic Assessment**

2.1 The Governing Board shall continue to ensure that the Institution maintains appropriate academic quality and high standards for student achievement. The Institution will use assessment results to improve instruction and student learning as prescribed by its assessment plan. By December 31, 2006 and each year thereafter, the Institution shall

provide the Commission with assessment reports and supporting data as provided to the Governing Board.

### **Section 3: Faculty**

3.1 The Institution shall continue to ensure that its general education core courses are taught by qualified faculty as identified by Institution standards.

3.2 The Governing Board will examine its current faculty compensation policies, including merit compensation provisions, and consider appropriate faculty evaluation, promotion and tenure policies and procedures in light of the institutional goals, mission and values. The Institution will provide to the Department copies of the Institution's compensation principles and policies for faculty. By December 31, 2006 and each year thereafter, the Governing Board shall provide a report on faculty salaries in the same format that such information is made available to the Governing Board.

### **Section 4: Evaluation and Assessment of Student Learning**

4.1 To the extent possible and based upon available data, the Institution shall report annually, in accordance with the SURDS reporting schedule, on student achievement by providing data on outcomes on licensure, professional, graduate school admission, and other examinations taken by baccalaureate graduates and/or career and technical graduates employed or continuing their education.

4.2 The Institution and the Department agree to cooperate in developing and implementing affordable standard methods to assess students' knowledge and improve the delivery of content taught in courses approved for Colorado's statewide guaranteed transfer program. These programs shall be in place no later than January 1, 2007. The Department and the Institution agree that implementation of these assessment methods is contingent on additional resources being made available for these purposes.

### **Goal #3: Efficiency of Operations**

**WHEREAS**, the Commission has determined that a highest priority of the State is to provide for the efficient and effective stewardship of resources, be they tuition dollars, state or federal tax dollars, or other sources of funding.

**NOW, THEREFORE**, the Parties agree as follows:

### **Section 1: Costs**

1.1 As part of the Commission's annual budget process, the Governing Board shall provide, through the Budget Data Book, information to the Department that identifies mandatory cost increases or decreases.

1.2 The Department shall use the information submitted by the Institution to develop, in consultation with representatives of the Governing Boards, the base funding increase necessary for cash fund exempt increases that, at a minimum, shall consider changes in mandatory costs, including, but not limited to, compensation packages for faculty, administrative/professional, and classified employees, insurance, and utility costs, as well as enrollment growth and inflation. The Commission shall utilize such base funding analysis in its budget preparation and submission to the General Assembly.

1.3 The Governing Board may submit requests for tuition differentials, specialized fees, or other tuition increases to improve quality, expand access or address capital needs above the base funding amount as decision items through the normal budget process. The Commission shall forward these decision items to the General Assembly and the Office of State Planning and Budgeting during the budget process.

1.4 The Governing Board shall strive to control costs so that mandatory cost increases do not exceed the latest published cost adjustment figure from the State Higher Education Executive Officers Higher Education Cost Adjustment model, excluding controlled maintenance and capital needs.

1.5 If the General Assembly fails to fund the requirements found in Title 23, Article 1, Section 104 (6), Colorado Revised Statutes the Governing Board may request, and the Commission will consider, the use of tuition and fees to meet these requirements. Such request may not be made until the FY 2008 budget process commences.

## **Section 2: Capital Assets and Maintenance**

2.1 The Governing Board shall consider, in a manner consistent with Title 23, Article 1, Section 123, Colorado Revised Statutes, the necessity of establishing a capital and/or maintenance fee for the Institution or shall consider a decision item pursuant to paragraph 1.3 above for a tuition surcharge to address maintaining existing and/or constructing new facilities.

## **Section 3: Facilities**

3.1 The Governing Board must provide a report to the Department on the number and type (private or publicly operated) of auxiliary facilities it operates, as such facility is commonly understood under Title 23, Article 5, Sections 101.5(2) and 102, Colorado Revised Statutes, within 60 days of the Effective Date of this Performance Contract and, if there is a change in such operations, to report it by the December 31<sup>st</sup> following the fiscal year in which the change occurred.

3.2 The Governing Board shall continuously assess operational efficiencies of its auxiliary facilities and consider solicitation and consideration of proposals from private firms whenever it is determined by the Governing Board that private operation of the facility can add value and improve operational efficiencies.

## **Goal #4: Teacher Education**

**WHEREAS**, the Commission has determined that it is a highest State priority to ensure that highly qualified teachers are in every K-12 classroom.

**WHEREAS**, educator preparation is a shared enterprise among the Commission, the Colorado Department of Education, institutions of higher education, and local school districts.

**WHEREAS**, teacher education programs must prepare teachers to succeed in an era of high standards and strong accountability where the expectation is that achievement levels will rise for every student.

**WHEREAS**, K-12 school districts have called for new teachers who are trained in critical areas, including: (1) technology and its role in instructional delivery; (2) ability to communicate with students, parents and guardians regarding educational progress and student behavior; (3) ability to assess student learning and modify curriculum based on assessment results; (4) effective classroom management techniques; (5) ability to apply knowledge to the P-12 classroom and adapt instruction in ways that enhance the achievement of all students with a particular understanding of how to close the achievement gap for boys and children of color; and (6) ability to teach reading, math and science.

**WHEREAS**, the strength of a teacher preparation program is determined by the degree to which content knowledge, field experience, and professional knowledge are integrated into a performance-based model.

**NOW, THEREFORE**, the Parties agree as follows:

### **Section 1: Teacher Education Programs:**

1.1 The Commission shall continue to authorize and re-authorize teacher education programs pursuant to Title 23, Article 1, Section 121, Colorado Revised Statutes and existing Commission policies, through joint on-site program reviews by the Commission and the Colorado Department of Education scheduled every fifth year.

1.2 By July 1, 2006, the Governing Board shall ensure that its teacher education program meets the following standards:

(a) Each teacher candidate shall receive, as part of his or her formal preparation, instruction on teaching diverse student populations. To the extent possible, each teacher candidate shall spend time through required pre-rotation or student teaching experiences in a Title I or low performing or unsatisfactory school with an improving or stable rating, based upon the results of the previous year's School Accountability Report by the Colorado Department of Education.

(b) Not less than 400 hours of each teacher candidate's 800-hour field experience shall be spent student teaching.

(c) All teacher candidates shall have, as part of their formal preparation, received instruction on the comprehension, diagnosis, interpretation and effective use of student assessment data, especially data from the Colorado Student Assessment Program.

(d) All teacher candidates shall have, as part of their formal preparation, instruction on the attitudinal and behavioral differences that influence socialization and learning variations between boys and girls.

1.3 By July 1, 2006, all content (non-pedagogy) courses leading to the fulfillment of endorsement area requirements for secondary education licensure shall be taught by faculty members belonging only to the departments from which the courses originate (e.g., American history courses are taught by faculty members in the history department, mathematics courses are taught by faculty members in the mathematics department) or by faculty members who possess credentials allowing them to teach in the content area.

## **Section 2: Recruitment and Training of Qualified Candidates**

2.1 The Institution shall improve the recruitment, retention, and graduation of teacher candidates who are under-represented in Colorado's public schools, with a particular focus on Hispanics and males.

(a) The Institution shall submit a plan to the Department on or before December 31, 2006, detailing how it will achieve this goal. The plan must meet Departmental standards and be approved by the Commission.

(b) The Institution shall submit to the Department on or before August 1<sup>st</sup> of each year, the student identification numbers and endorsement areas for all teacher candidates.

2.2 The Institution shall participate with the Department in analyzing the placement in K-12 schools of teacher candidate graduates and their performance once placed, including providing data as specified by the Department.

## **Goal #5: Workforce and Economic Development**

**WHEREAS**, the Commission has determined that Colorado's future competitiveness in the global economy depends on having an educated and skilled workforce. Colorado must have workers with high-level skills required for jobs in high-demand fields, workers with basic workplace skills to obtain the most desirable jobs and workers prepared to adapt to the changes that will continue to affect our evolving economy.

**NOW, THEREFORE**, the Parties agree as follows:

1.1 The Governing Board shall consider high demand fields that address statewide and regional opportunities and priorities in the development of academic programs. High-demand programs shall be defined by two primary elements: (1) instructional programs or fields in which student enrollment applications exceed available slots, and (2) career fields in which employers are unable to find enough skilled graduates to fill available jobs.

1.2 The Institution shall develop a curriculum that maximizes utilization of its rural mountain setting and the benefits to the State to fully capitalize on its long-term investment in Gunnison, including: (1) servicing needs of rural mountain communities through cultural opportunities and economic development; (2) research and education that leads to understanding of the State's natural resources and the stewardship of these assets; (3) work with land and resources agencies to promote smart resource utilization, conservation and economic utilization; (4) research and service to promote tourism and economic development in mountain communities.

1.3 The Governing Board shall annually report to the Department on or before December 31<sup>st</sup> on performance related to the Institution's designation as a regional education provider.

## **ADDENDUM B**

### **RESOURCE, PROGRAMMATIC AND MANAGEMENT FLEXIBILITY**

This Addendum B describes the resource, programmatic, and management flexibility which the Department agrees to provide or support for institutions operating under performance contracts.

As of the Effective Date of this Performance Contract, compliance with the terms set forth in this Performance Contract will be in lieu of the following statutory requirements of Article 1 of Title 23 and the “Higher Education Quality Assurance Act,” Article 13 of Title 23 and Commission Policies:

### **STATUTORY REQUIREMENTS**

**C.R.S. §23-1-105.** Duties and powers of commission with respect to appropriations – repeal.

All subsections waived except for (1), (4), (5) and (8).

**C.R.S. §23-1-107.** Duties and powers of the commission with respect to program approval, review, reduction, and discontinuance.

All subsections waived except for (2), (4), (5). With respect to subsection 4, the Department agrees to authorize the Governing Board to establish early retirement, retraining and severance programs for faculty in programs to be discontinued subject to consultation with the Commission prior to the Governing Board’s approval of such programs.

**C.R.S. §23-1-115.** Review and action on existing degree programs.

**C.R.S. §23-1-124.** Commission directive – sophomore assessments.

**C.R.S. §23-13-105.** Quality indicator system - development - implementation -reports.

**C.R.S. §23-13-107.** Funding incentives to achieve the statewide goals and expectations.

### **COMMISSION POLICIES**

#### **Academic Affairs:**

**Part B:** Approval of New Academic Programs

**Part D:** Approval of New Vocational Degree Programs in State-Supported Institutions of Higher Education in Colorado

- Sections 2.00 (d), 2.01.03, 2.02.01, 3.01.05, Appendix A

**Part H:** Designating Programs of Excellence

**Part I:** Review of Proposals for Coordinated Academic Programs

- Sections: 4.02 (limited to review of role and mission), 4.02.02, 4.02.03, 4.02.05.

**Part O:** Academic Planning

- Sections: 3.02, 4.00

**Part Q:** Policy on Affirmative Action

**Capital Assets:**

**Part D – Guidelines for Long-Range Facilities/Infrastructure Master Planning**

- 1.00 – Scope of a Long- Range Facilities/Infrastructure Master Plan
  - I. Institutional Data (to become guidelines only)
  - II. Facilities Master Plan
    - A. Planning Concepts (to become guidelines only)
    - B. Facilities Construction and Renovation Economic Studies and Project Cost Estimates
- 2.00 – Publication of a Long-Range Facilities, Infrastructure Master Plan.
- 5.00 – Relation to Statewide Plan

**Part I – Instructions & Forms For Completing Physical Plant Inventory**

**Part L – Policies & Criteria For Capital Construction Priority Setting.**

- 1.00 – Policies & Criteria Requests.
- 2.00 – CCHE Priorities Among Capital Construction Funding
- 3.00 & 3.01 – Process for Recommending Funding Priorities.

**Part O – Policy Guidelines for Capital Outlay Expenditures.**

**Part P – Policies for Construction Projects Administration.**

**Budget Data Book:**

Organization Chart

Campus Map

General information page

**Format 40:** Reporting of ASC II data

**Format 9999**

**Consolidated Supplemental Financial Information**

- Format A
- Format B
- Format C
- Format D
- Format E

Administrative Salary Survey report

Decision Items requests for mandatory cost increases

CCHE approval of decision items above mandated costs unless directed to review and approve them by the General Assembly or Joint Budget Committee.

**TOPIC: CORRECTION REGARDING APPROVED ADVANCED TEACHER PREPARATION PROGRAMS AT THE UNIVERSITY OF COLORADO AT BOULDER**

**PREPARED BY: MATT GIANNESCHI**

## **I. SUMMARY**

Four advanced teacher preparation programs were mistakenly omitted from the list of approved licensure programs appearing in the consent agenda item entitled, "Teacher Education Reauthorization: University of Colorado at Boulder," which was reviewed and approved by the Commission on June 3, 2004. The omitted advanced teacher preparation programs were as follows: Linguistically Diverse Education; Linguistically Diverse Education Specialist: Bilingual Education; Special Needs: Specialist; and, Special Needs: Generalist.

## **II. BACKGROUND**

The teacher education program at the University of Colorado at Boulder was reviewed by a joint Colorado Department of Education and Colorado Commission on Higher Education site visit team on March 7–10, 2004. The State Board of Education reauthorized the teacher licensure programs at the University of Colorado at Boulder on May 14, 2004. The Colorado Commission on Higher Education reauthorized the programs at CU on June 3, 2004. Four advanced teacher preparation programs were mistakenly omitted from the CCHE agenda item.

## **III. RECOMMENDATION**

**That the Commission approve the Linguistically Diverse Education; Linguistically Diverse Specialist: Bilingual Education; Special Needs: Specialist; and Special Needs: Generalist advanced teacher preparation programs at the University of Colorado at Boulder.**

## **IV. STATUTORY AUTHORITY**

**C.R.S. 23-1-121 (d)(e).** A requirement that each teacher candidate complete during the course of teacher preparation program a minimum of eight hundred hours of supervised field-based experience that relates to predetermined learning standards. A requirement that each teacher candidate, prior to graduation, must demonstrate the skills required for licensure, as specified by rule of the state board of education pursuant to section **22-2-109(3), C.R.S.**

**C.R.S. 22-2-109(3).** On or before July 1, 2000, the state board of education by rule shall adopt performance-based teacher licensure standards, which at a minimum shall include a requirement that each candidate for a provisional teacher license shall have and be able to demonstrate the following skills:

- (a) The ability to align instructional objectives with adopted student learning standards;
- (b) The ability to teach in a manner that addresses individual student needs and enables the student to improve his or her performance;
- (c) Proficiency in measuring and monitoring each student's progress toward achieving learning standards;
- (d) The ability to adjust instructional practices and methods when necessary to stimulate or enhance student progress;
- (e) The ability to engage parents as learning partners to promote student learning;
- (f) The ability to integrate technology into instruction at the grade level for which the teacher expects to be endorsed;
- (g) The ability to assess student performance;
- (h) The ability to demonstrate a high level of content area knowledge and professional competencies in the areas identified by rule of the state board pursuant to section 22-60.5-203.

## **V. BACK-UP MATERIALS**

Records from the CDE/CCHE site visit to the University of Colorado at Boulder and letters from the Colorado Department of Education are on file in the office of the Chief Academic Officer.

**TOPIC: REPORT ON OUT-OF-STATE INSTRUCTION**

**PREPARED BY: ARNE E. ARNESEN**

**I. SUMMARY**

The Commission holds statutory responsibility to approve instruction offered out-of-state beyond the seven contiguous states. By action of the Commission in 1986 the Executive Director may act for the Commission to approve or deny requests from governing boards for approval of courses and programs to be offered by their institutions. This agenda item includes instruction that the Executive Director has certified as meeting the criteria for out-of-state delivery. These programs are sponsored by the Board of Regents of the University of Colorado.

**II. BACKGROUND**

Prior to 1983, instruction out-of-state was offered at will by Colorado institutions, primarily through the Extended Studies Program, but an Attorney General opinion of July 3, 1980, concluded that there was no authorizing legislation and out-of-state programs were discontinued. In 1983, the General Assembly enacted legislation that authorized non-state-funded out-of-state instruction but also required governing board approval. When the instruction is beyond the contiguous states, Commission approval is required as well.

At its meeting of May 2, 1986, the Commission delegated authority to the Executive Director to determine when out-of-state instruction beyond the contiguous states complies with statutory requirements. In June 1986, the Commission received the first notification of out-of-state instruction certified by the Executive Director. Additional approved out-of-state instruction is reported to the Commission as it is received and reviewed.

**III. ACTION**

The Executive Director has approved the following out-of-state instruction.

The Board of Regents of University of Colorado has submitted requests for out-of-state instructional programs to be delivered by the University of Colorado at Colorado Springs, the University of Colorado Health Sciences Center and the University of Colorado at Denver.

- **LEAD 499/599: “Special Topics in Leadership: Personal Responsibility,”** to be offered in January 2005 and ending in the summer

of 2005 in various locations throughout the United States and its overseas possessions with Department of Defense organizations.

- **CURR 5599: “Special Topics in Curriculum: Read Up! Reading to Learn Across the Curriculum,”** to be offered in January 2005 and ending in the summer of 2005 in various locations throughout the United States.
- **CURR 5599: “Special Topics in Curriculum: Write Traits – Using the Six-Trait Analytic Writing Model for Instruction and Assessment in the 21<sup>st</sup> Century,”** to be offered in February 2005 and ending in the summer of 2005 in various locations throughout the United States.
- **CURR 4599/5599: “Special Topics in Curriculum: Thinking Maps,”** to be offered in August 2004 and ending August 2005 in various locations throughout the United States and its overseas possessions with Department of Defense organizations.
- **LEAD 499/599 C05: “Special Topics in Leadership: Current Perspectives in Education and Organizational Change,”** to be offered in August 2004 and ending August 2005 in various locations throughout the United States and its overseas possessions with Department of Defense organizations.
- **CURR 4599/5599: “Special Topics in Curriculum: Emotional Intelligence,”** to be offered in January 2005 and ending in the summer 2005 in various locations throughout the United States and its overseas possessions with Department of Defense organizations.
- **“Keystone Symposia 2005”**, to be presented January – April 2005 in Santa Fe, New Mexico; Big Sky, Montana; Vancouver, British Columbia; Banff, Alberta; Monterey, California; and Whistler, British Columbia
- **“New York Film Academy”**, to be offered in New York, and on the New York Film Academy’s other campuses including California, Florida, England and France, effective January 1, 2005

## Appendix A

### STATUTORY AUTHORITY

The Commission is given responsibility for approval of out-of-state instruction beyond the contiguous states in C.R.S. 23-5-116.

**TOPIC: FTE – SERVICE AREA EXEMPTIONS**

**PREPARED BY: ARNE ARNESEN**

**I. SUMMARY**

C.R.S. 23-1-109 limits state support eligibility to credit hours offered within the geographic boundaries of the campus. The geographic service areas for community colleges defined in CCHE policy Section I, Part N - *Service Areas of Colorado Public Institutions of Higher Education* apply to two-year colleges, area vocational schools (AVS), Adams State College (ASC), and Mesa State College (MSC).

The Commission recognizes that its FTE Policy may not address all possible circumstances. Consequently, institutions may request exemptions to the FTE policy from the Commission when specific circumstances warrant such an adjustment, for example, when no institution in a particular service area offers a particular approved degree or academic program. Exemptions approved by CCHE staff and entered into the public record do not modify state policy.

Below is a list of service area exemptions approved by the CCHE that allow community colleges, local district colleges, and area vocational schools to provide short-term access to a certificate or degree program not available in another institution's defined service area. The FTE reported herein can be claimed for state support. No further action is needed.

<b>GUEST INSTITUTION</b>	<b>HOST INSTITUTION</b>	<b>PROGRAM</b>	<b>FTE</b>	<b>TIME PERIOD</b>
PCC	TSJC	Respiratory Care/EMS Intermediate	19	FY2004-05 (ongoing)
RRCC	CCD	Construction Technology	1.5	Spring Semester 2005
NJC	FRCC	Colorado Young Farmers	5	11/17/04 – 5/13/05

**TOPIC: CAPITAL ASSETS QUARTERLY REPORT FOR FOURTH QUARTER 2004 ON PROGRAM PLAN WAIVERS, CASH-FUNDED AND SB 92-202 PROJECTS, AND OTHER MATTERS**

**PREPARED BY: GAIL HOFFMAN**

**I. SUMMARY**

[Attachment A](#) is a compilation of items on which CCHE Capital Assets staff has taken action during the fourth quarter of 2004. [Attachment A](#) covers waivers from the requirements of program planning, cash and SB 92-202 projects, program plan amendments, and supplemental appropriation requests. CCHE policy delegates approval of such matters to staff unless staff recommends disapproval or if an item raises policy issues. The Capital Assets quarterly reports usually also include actions on leases, another matter delegated to staff. However, the annual compilation of approved leases is included in the *Capital Assets Annual Report 2004*, which the Commission should be receiving shortly. Therefore, leases approved during the fourth quarter of 2004 are not included in this quarterly report.

**II. BACKGROUND**

CCHE Section III Policy J – Policy for Delegation of Facility Program Planning Approval Authority lists the following capital construction matters as eligible for approval by the CCHE executive director:

- Capital construction projects costing \$500,000 or less, for which waivers from the statutory requirements of program planning are requested. If the projects will be paid for through state capital construction dollars, they are prioritized with all other state-funded projects. If they are cash funded, the Commission typically only sees the projects in the quarterly reports.
- Cash-funded and state-funded projects costing \$2 million or less that: do not add more than 20,000 square feet; do not change the function of existing space; remodel or renovate existing space for the same purposes as before; correct health and life-safety hazards; acquire new or replace existing instructional or scientific equipment; or remove space that should be razed, sold, or converted to non-higher education space and are consistent with master planning;
- SB 92-202 projects, which are those constructed, operated, and maintained from gifts, bonds, bequests, and other dedicated revenue sources; and
- Leases of off-campus facilities.

The policy also permits executive director approval of capital construction projects costing more than \$2 million that comply with program planning and financial guidelines and raise no state policy issues. The current CCHE staff recommends approval or denial of such state-funded projects to the Commission. CCHE Capital Assets staff retains the authority to approve such cash-funded projects, however.

In addition, the executive director has given approval authority for the projects listed above to the director of capital assets and governing boards.

CCHE policy is silent on the other items that are included in [Attachment A](#): supplemental appropriation requests and program plan amendments. Institutions request CCHE review of requests for supplemental appropriations prior to state legislative committees reviewing them. Typically, the supplemental appropriations are requested when institutions have unanticipated cash or grants on hand and wish to increase their prior appropriations for particular projects.

Institutions seek CCHE approval of amendments to program plans if a different source of funding is sought or if the project will be substantially increased or decreased in size or cost. Colorado statutes [(23-1-106(3))] state that “no capital construction shall commence except in accordance with an approved master plan, program plan, and physical plan.” CCHE interprets the statute to mean that projects should be built as outlined in the program plan, unless CCHE approves substantial deviations from the program plans.

### **III. STAFF ANALYSIS**

The most significant project in [Attachment A](#) is for the program plan amendment for the Colorado School of Mines Wellness Center. Colorado School of Mines originally requested some state capital construction dollars for this project. Limited state revenues were among the factors that caused CCHE staff to not forward the project to the General Assembly. Because the amendment reduced both the size and cost and changed the source of funding to entirely cash, staff then approved the project. Approval of the program plan amendment for the Wellness Center, however, does not address long-standing renovation needs for Steinhauer Fieldhouse and Volk Gymnasium. Renovation of the existing athletic facilities and construction of an aquatics section to the Wellness Center had been part of the original program plan.

Other program plan amendments that staff approved dealt with two projects at the Fitzsimons campus of the University of Colorado at Denver and Health Sciences Center (UCDHSC): Library at Fitzsimons and Center for Bioethics and Humanities. Further consideration after CCHE approval caused UCDHSC officials to move the library to the northeast of Building 500, the old hospital, rather than directly north. The change in location will make the library more accessible to the HSC campus and to the biomedical campus developing north of it.

The Center for Bioethics and Humanities had been planned to be architecturally distinct from, but connected to, Education IB. But planners decided a stand-alone building between Education IB and Education II in the Education Commons part of the campus. The building will serve as a backdrop for outdoor ceremonies such as commencement.

The SB 92-202 project, Upper West Parking Lot Resurface for Red Rocks Community College, is on the list of cash-funded and SB 92-202 projects recommended for cash-spending authority to the General Assembly. The Commission approved all the other cash-funded projects that have been forwarded to the legislative committees for FY 05-06.

Finally, the University of Northern Colorado (UNC) sought an emergency supplemental appropriation for \$635,825 Cash Funds Exempt in order to get cash-spending authority to work on the design of a long-sought project to replace a high temperature hot water main. The overall project has been on CCHE's priority list for several years, but has not been funded. Given the urgency of the project, the Board of Trustees directed UNC officials to allocate cash funds toward getting at least the design completed. The request, though CCHE supported it, is not a "supplemental" appropriation because there was no appropriation. But two leaks of the water main in six months made some expenditure of money on the project imperative.

#### **IV. STAFF RECOMMENDATION**

This report is presented for Commission information only. No recommendation is made

#### **Appendix A**

#### **STATUTORY AUTHORITY**

23-1-106 C.R.S. – Duties and powers of the commission with respect to capital construction and long-range planning.

(3) The commission shall review and approve master planning and program planning for all capital construction projects of institutions of higher education on state-owned or state-controlled land, regardless of source of funds, and no capital construction shall commence except in accordance with an approved master plan, program plan, and physical plan.

(5)(b) The commission may except from the requirements of program and physical planning any project that shall require less than five hundred thousand dollars of state moneys.

(8) Any acquisition or utilization of real property by a state-supported institution of higher education which is conditional upon or requires expenditures of state-controlled funds or federal funds shall be

subject to the approval of the commission, whether acquisition is by lease, lease purchase, purchase, gift, or otherwise.

(9)(a) The commission shall review and approve any plan for a capital construction project that is estimated to require total expenditures exceeding two hundred fifty thousand dollars and that is to be constructed, operated, and maintained solely from student fees, auxiliary facility funds, wholly endowed gifts and bequests, research building revolving funds, or a combination of such sources. Any such plan for a capital construction project that is estimated to require total expenditures of two hundred fifty thousand dollars or less shall not be subject to review or approval by the commission.

**CCHE Approvals of Program Plan Waivers, Cash-Funded, SB 92-202, and Other Projects, Fourth Quarter 2004  
(September 4, 2004, through December 31, 2004)**

Approval Date	Project	Type	Institution	Total Project Cost	Funding Sources	Gross Square Feet	Notes
2-Dec-04	Upper West Parking Lot Resurface	SB 92-202	RRCC	\$566,071	CFE	NA	Parking fees collected for maintenance purposes.
<b>COLORADO COMMUNITY COLLEGE SYSTEM TOTALS</b>				<b>\$566,071</b>			
26-Oct-04	Preservation Projects	Emergency Supplements Request	CHS	\$554,000	CHS Historical Fund Grant	NA	Approval of this request will change the Cash Funds Exempt money from \$374,800 to \$928,000 in HB 04-1422 for restoration of three locomotives and two passenger cars for the Georgetown Loop Historic Mining and Railroad Park.
<b>COLORADO HISTORICAL SOCIETY TOTALS</b>				<b>\$554,000</b>			
9-Sep-04	Wellness Center	Amended Program Plan	CSM	\$18,095,348	CFE	84,488	Amendment changes source of funding to entirely CFE, reduces size (original 107,985 square feet) and cash (original \$24.9 million) as a result of delaying the aquatics section and removing renovations for Steinhauer Fieldhouse and Volk Gymnasium.
12-Nov-04	Property Purchase of: 1215 16th Street, and 1620 Maple Street Golden, CO	Waiver	CSM	\$1		4,312	\$1 for quitclaim deed from Colorado School of Mines Foundation. 1215 16th Street (house - 2,456 sq. ft. lot - 10,500 sq. ft); 1620 Maple Street (house - 1856 sq. ft. and lot -14,000 sq. ft.
<b>COLORADO SCHOOL OF MINES TOTALS</b>				<b>\$18,095,349</b>		<b>88,800</b>	
28-Sep-04	Mass Spectrometer Acquisition Replacement	Waiver	CSU	\$494,795	CFE	NA	\$494,795 Cash Funds Exempt - 70 percent National Science Foundation Grant, 30 percent Research Building Revolving Fund.
22-Nov-04	South Campus Acquisition of Histology Lab/Modular Unit	Waiver	CSU	\$350,000	CFE and FF	2,160	\$250,000 Federal Funds from Federal appropriation, \$100,000 Cash Funds Exempt from animal testing revenues.

**CCHE Approvals of Program Plan Waivers, Cash-Funded, SB 92-202, and Other Projects, Fourth Quarter 2004  
(September 4, 2004, through December 31, 2004)**

**COLORADO STATE UNIVERSITY SYSTEM TOTALS** **\$844,795** **2,160**

28-Dec-04	Construction Trades Addition	Supplemental Appropriation	MSC	\$390,000	CFE	3,288	Associated Builders and Contractors will donate money and time to build the addition to the state-owned building that makes up Mesa State's Unified Technical Education campus.
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**MESA STATE COLLEGE TOTALS** **\$390,000** **3,288**

4-Oct-04	Library at Fitzsimons	Program Plan Amendment	UCDHSC		CFE	NA	Increase building efficiency from 66 percent to 68 percent and change of site from directly north of Building 500 to the northeast of Building 500.
4-Oct-04	Center for Bioethics and Humanities	Program Plan Amendment	UCDHSC		CFE	17,243	The Center for Bioethics and Humanities will become a separate building between Education IB and Education II on the north side of Education Commons. Increases the building efficiency factor from 62 percent to 63 percent. Square footage increased from 15,887.

**UNIVERSITY OF COLORADO AT DENVER & HEALTH SCIENCES CENTER TOTALS** **17,243**

1-Nov-04	Replace High Tempature Hot Water Main Project	Emergency Supplemental Request	UNC	\$635,825	CFE	NA	Half of the Cash Funds Exempt would come from auxiliary revenues and half from revenues from the cogeneration plant. The money will be spent on design during FY04-05.
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**UNIVERSITY OF NORTHERN COLORADO TOTALS** **\$635,825**
