

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
Joel Farkas
Richard L. Garcia
Dean L. Quamme
Richard L. Ramirez
Edward A. Robinson
Greg C. Stevinson
James M. Stewart



Bill Owens
Governor

Richard F. O'Donnell
Executive Director

**Colorado Commission on Higher Education Agenda
September 9, 2005
4:30 p.m.**

Colorado Department of Labor and Employment
633 17th Street
12th Floor Conference Room
Denver, Colorado

I. Opening Business

- A. Attendance
- B. Introduction of new Commissioners Richard (Rick) Ramirez and Edward (Eddie) Robinson
- C. Approval of Minutes for the [June 2, 2005 Meeting](#) and [June 14, 2005 Special Meeting](#)
- D. Reports by the Chair, Commissioners and Advisory Committee Members
- E. Public Comment

II. Consent Items

- [A.](#) Degree Authorization Act – Augustine Institute (Gianneschi/Thompson)
- [B.](#) Aims Community College Program Review – Associate of Arts Degree, Associate of Science Degree, and Associate of General Studies Degree (Gianneschi/Thompson)
- [C.](#) Program Modifications to the Special Education Licensure Programs at the University of Colorado at Colorado Springs (Gianneschi)
- [D.](#) Summary of Development Grants Awarded by Statewide Extended Studies Program (Gianneschi/McKeever)
- [E.](#) Approval of the University of Denver Performance Contract
- [F.](#) Anti-Terrorism Measures (Hopfer)

III. Action Items

- A. State Guaranteed General Education Courses, Interim Summer Review (Leal)
- B. Review of Off Campus State Funded (COF Eligible) Instruction at Regis University (Gianneschi/McKeever)
- C. Policy Regarding Notice of College Preparatory Courses for High School Students (Langer)

IV. Written Reports – No Discussion

- A. Report on Out-of-State/Out-of-Country Instruction (McKeever)
- B.T Update on Performance Contract Reporting Requirements (Gianneschi/Thompson)

**MINUTES OF THE COLORADO COMMISSION ON
HIGHER EDUCATION SPECIAL MEETING**

**June 14, 2005
Telephonic**

Chairperson Judy Weaver called the meeting to order at 2:00 p.m.

A roll call of the attending Commissioners was made and Commissioners Weaver, Farina, Altenberg, Stewart, Garcia, Feeley, Baker, Stevinson and Quamme were in attendance. Commissioner Farkas was excused. Commission Staff members attending were Executive Director Rick O'Donnell, Rich Schweigert, Jenna Langer, Diane Linder, Jason Hopfer and Mary Lou Lawrence.

ACTION ITEM

Tuition Supplemental for Regents of the University of Colorado for 2005-2006:

Director O'Donnell provided a review of negotiations, agreements and accords for the 2005-2006 budgets for all institutions of higher education. During the March 16th Special Commission meeting, an agreement was reached for each school to raise tuition a set percentage and allowing flexibility for high cost programs. At that meeting, the University of Colorado System (UCS) agreed to an 11% increase in tuition. With only minimal notice, the UCS Board of Regents proposed increasing tuition rates for undergraduate and graduate students by 28% in contradiction of the deliberative decision making process, the intent of the Joint Budget Committee, the Colorado Commission on Higher Education and the Governor. The Governor and the Commission disagree with the Regents decision. The Governor will submit a Supplemental Appropriation Adjustment Request reducing the Cash Fund Exempt appropriation for the Regents of the University of Colorado long-bill line item by \$12,833,168 to the Joint Budget Committee (JBC) for consideration in June. The Commission could ask the Legislature to define the intent of the legislation as passed. Instead, the Commission is considering submitting an Appropriation Adjustment to the JBC that is identical to that the Governor is submitting.

Using charts, Mr. Schweigert explained the impact of the 28% tuition increase for graduate and undergraduate students as UCS campus for different programs.

President Hoffman stated higher education has experienced difficulties and the Governor has acknowledged such. In addition, responsibility for capital construction, deferred maintenance and merit financial aid has been assigned to the institutions. UCS submitted a mandated cost model for consideration that justified a \$45.5 million budget, or 11.1% increase, that increased UCS's in cash spending authority. The JBC and the General Assembly approved the budget and the Governor signed the Long Bill approving the increase without vetoing the footnote. CU based its budget on the understanding that it could not exceed its authorized spending of \$45.5 million and is slightly under that spending authority. During this process, CU regularly communicated with students, JBC members and legislative leaders of the full extent of proposed tuition increases. UCS did want to increase resident tuition 28%. Non-resident students have indicated the high cost of tuition was the number one reason for not enrolling at UCS. UCS is committed to

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providing debt free tuition, books & free education for low-income students in accordance with their Performance contract and wants to significantly increase financial aid for and to attract more high achieving middle-income students. SB04-189 requires a 20% investment of any undergraduate tuition revenue increase above inflation, or \$6 million dollars for UCS, be spent on financial aid. UCS plans to invest \$9 million and is planning a campaign to raise \$200 million. While the cost of attendance at UCS maybe higher than at some institutions, the students' share of tuition is higher at Michigan, Indiana, Ohio, Iowa State, Nebraska, Maryland, North Carolina and other institutions. The total cost of attendance at CU will increase by 11.4%. UCS understands there is disagreement as to the intent of the March teleconference but believes it operated in good faith with the discussions at that conference call and in its discussions with the JBC and the legislature. During time period of loss of general funds, enrollment increased 4,000, pay raises were modest, competition for quality faculty continued, utility costs increased.

No other representative of CU spoke and there were no public comments.

Commissioner Weaver moved to adopt the staff's recommendation as presented and Commissioner Stewart seconded the motion.

Commissioner Weaver expressed concern about UCS's tuition rate increase, shared by many Coloradoans, and its negative impact on efforts to overcome the Colorado paradox and was disappointed Regents would not reconsider the increase. Cost of education impacts access. UCS's increase burdens Colorado residents while holding out of state students harmless. Statute requires all schools to fund financial aid and UCS funding is not extraordinary. Tuition increases at UCS the past several years have exceed inflation and UCS has generated \$177 million exceeding the \$75 million in state cuts. She questioned the need to increase tuition 28% when mandated costs were 7.8%.

Joseph Neguse, a senior and former UCS Student Government Vice President, said student government worked with President Hoffman on the budget and was aware a 28% tuition increase would be necessary to prevent elimination of classes and reduced course quality and services. Students at CUB voted a \$400 fee to pay for capital items since state resources were reduced.

Commissioner Garcia said he has 2 daughters at CUB and they receive no financial aid. He asked how many minority students receive any financial aid and, if possible, broken down by income. Many students cannot afford the \$900 to \$1,000 increase and hopes the Regents and President Hoffman know many middle-income students will not be able to attend UCS. He is committed to convincing the legislature higher education is under funded. He asked if UCS had done an in-depth analysis of spending and if salary increases for professors would be funded from the tuition increase.

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Mr. Neguse agrees with Commissioner Garcia's but stated increased tuition is the only way to maintain quality education unless general fund appropriations are increased.

President Hoffman said faculty compensation increases would be in the range of 3% and tuition increases could be offset by increases in general fund money. A thorough analysis of administrative costs has been done and administrative costs are less than 5% of the total budget in comparison to 7-8% at other schools. UCS has a tremendous compliance burden relative to other schools.

Director O'Donnell clarified that UCS mandated costs model for utilities, enrollment, insurance, etc., with inflation, was \$29 million, not \$43 million. The additional money UCS wants is for new initiatives and would be decision items. If the JBC approves CCHE Supplemental Request, funding for CU would be reduced but would cover their mandatory costs with inflation. Higher education base costs at all institutions exceeded the rate of inflation the past several years. It is important to remember, in the last two years, tuition for UCB students increased a minimum of 15%. An additional 28% increase means tuition has increased significantly.

Commissioner Altenberg was concerned as she thought there was agreement tuition increases would not exceed 12%. Other schools have acted in good faith and adhered to that limit.

President Hoffman said UCS stayed within the agreed the 11.1% revenue requirement and, in their analysis, tuition increases are approximately equal to what was discussed. CU honored the spirit of the discussion. UCS has been reliant on out-of-state tuition, over \$21,000 per year, and is concerned any increase would price the school out of competition.

Commissioner Baker agreed with Commissioner Altenberg and does not recall tuition increases being discussed during performance contract negotiations. President Hoffman stated tuition increases had not been determined at the time the performance contract was being negotiated.

Director O'Donnell said tuition increases were not discussed during UCS performance contract negotiates. The Governor's office and CCHE were not appraised of the tuition increase until the prior week. UCS testimony before the JBC and the Commission indicated tuition increases would be about 12%, not 28%. If it had been know tuition would increase 28%, the Commission would not have recommended UCS' budget and the Governor would not have signed the Long Bill.

Commissioner Farina concurs with comments from other Commissioners and is disappointed at the 28% increase. He believed there had been collaboration among the

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parties and the other schools have adhered to the agreed tuition increases and is disappointed that UCS increased tuition by 28%.

Commissioner Feeley said he understood the implications of the Negative Supplemental Request and asked if there was any possibility of resolving the issue. Director O'Donnell said the Commission approved UCS's original spending authority request to JBC because CU made a case about their need. He hopes the Regents reconsider the increase before finalizing the budget and find other resources to generate the needed revenue and not on the back of instate students.

Commissioner Stevinson asked if UCS and the Commission staff had been discussing the issue and if reconciliation was possible. Director O'Donnell said he has spoken with most of the Regents and staff members have talked with their counterparts at UCS. Each party has been listening to the concerns of the others.

President Hoffman said the Regents would speak for themselves. If the Commission chose to forward the Supplemental request to the JBC, that was their prerogative.

Commissioner Stevinson wanted clarification that USC had increased tuition 15% the past two years. Director O'Donnell said CUB had increased in-state undergraduate arts and science major tuition 15%, engineering and business schools increased an additional 10% one year and the law school had a 40% increase one year. Commissioner Stevinson asked to what extent the tuition increases made up for the state funding. Director O'Donnell said, since 2001, state funding has decreased \$75 million and UCS has generated \$177 million in tuition new revenue, a \$100 million net increase. Revenue per student was \$10,000 in 2001, it is \$11,800 this year, an 8.5% increase showing that with enrollment growth, per student revenue from the state and tuition has increased.

Commissioner Stevinson asked if UCS was concerned it would be too expensive for a student to attend and if modest faculty pay increases would be kept to 3%. President Hoffman said tuition at UCS was \$2,000 lower than its peers and there was concern that in-state student enrollment would decrease because of costs. Since the student population at UCS is different than that at other in-state schools, students have indicated they would attend out-of-state schools. Campus wide compensation guidelines for all campuses are being prepared requiring all to keep average compensation increases between 3-4% although some faculty members may merit a significantly higher increases which would be balanced by those receiving no increases.

President Hoffman said results of polls of out-of state students why they were not enrolling in the UCS showed 42% said costs were too high, 38% felt they could do better academically, 29% felt it was too far from home, 28% said financial aid was not sufficient, 22% because of merit scholarships, 66% had heard of controversial professors

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and 82 percent knew of the football problems. For the past two years, the cost of tuition has been the number one reason given for not attending UCS.

Commissioner Stewart agreed with Commissioners Farina and Altenberg and was disappointed that there was a misunderstanding or misinterpretation on tuition, which he thinks was very clear and should be honored. Since the Regents and Commission cannot resolve the issue, he seconds the motion to submit the Supplemental request to the JBC. The Commission has been betrayed.

Commissioner Garcia asked how much of the 28% would be applied to financial aid and if financial aid for minority students was comparable to other Colorado schools. President Hoffman said she did know if a comparison between schools had been done, or if it could be done but will let him know.

Roll call vote was taken and all Commissioners present voted aye.

**MINUTES OF THE
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June 2, 2005
Front Range Community College**

Chairperson Judy Weaver called the meeting to order at 9:00 a.m. Commissioner Stewart moved to convene in Executive Session and Commissioner Quamme seconded the motion. The Commissioners convened in executive session.

Chairperson Weaver reconvened the meeting at 10:00 a.m. and introduced Dr. Janet Gullickson, President of Front Range Community College and host of the meeting and newly appointed Commissioner Joel Farkas.

Commission members attending were Judy Altenberg, Joel Farkas, Terry Farina, Richard Garcia, Dean Quamme, Greg Stevinson, James Stewart and Judy Weaver. Commissioners Baker and Feeley were excused. Commission Staff members attending were Rich Schweigert, Jenna Langer, Matt Gianneschi, Joan Johnson, Vickie Leal and Mary Lou Lawrence.

Advisory Committee members attending were Representative Keith King and Senator Suzanne Williams representing Senator Sue Windels

APPROVAL OF MINUTES

Commissioner Weaver moved to approve the minutes of the April 7, 2005, meeting and Commissioner Stewart seconded the motion. There was no discussion and the minutes were unanimously approved.

REPORTS

Chairman's Report: There was none.

Commissioners' Report: Commissioner Garcia thanked all the schools that sent representatives to the Statewide Parent Coalition meeting to recruit Hispanics enrollees, which contributed to the success of the meeting.

Advisory Committee Report: There was none.

Public Comment: There was none.

CONSENT ITEMS

Approval of Fee for Service Contracts: Mr. O'Donnell stated statute did not require Commission approval of Fee for Service contracts, negotiations were not completed and no contract would be presented for review. Mr. Schwiegert explained the contracts

consist of a base contract applicable to all schools that conforms to state contract procedures and institution specific Exhibits A through C addressing graduate programs, specialized economic development, rural education and other issues. Once signed, each contract must be reviewed by the State Controller. He anticipates all contracts will be signed by July 1st.

Commissioner Quamme asked if there were ramifications if contracts were not completed by July 1st. Mr. Schweigert said no payments would be made if contracts were not completed. Commissioner Farina asked what the total dollar value of the contracts was and Mr. Schweigert said it was \$200.9 million.

Approval of Ft. Lewis College and Mesa State College Performance Contracts: There was no discussion.

Program Modification to the Existing Postbaccalureate Initial Licensure Program at the University of Colorado at Denver and Health Sciences Center: There was no discussion.

New Mexico/Colorado Reciprocity Agreement: There was no discussion.

Program Modification to the Technology Education Teaching Endorsement Program at Colorado State University: There was no discussion.

Program Modifications to the Postbaccalaureate Licensure Programs at the University of Colorado at Denver: There was no discussion.

Revisions to the Optometry Student Exchange Program – WICHE Policy: There was no discussion.

CAPT Center Dissolution: There was no discussion.

Commissioner Farina moved to approve Consent Items B through I as presented and Commissioner Stewart seconded the Motion. The Motion was unanimously approved.

ACTION ITEMS

Compliance with Recommendations in the Exemptions to the 120 Credit Hour Statutory Requirement for the Baccalaureate Programs Agenda Item: Dr. Gianneschi stated he, the President and Provost of Colorado School of Mines (CSM) had been working to bring Mines in compliance with the Commission's April, 2004, Agenda Item requiring it to reduce all academic programs by six credit hours. Program requirements and national accreditations made reduction difficult for some courses. Some programs have been reduced 4 credit hours and Mines plans to have all programs at 140 credit hours or less by Fall, 2006. CCHE recommends, that in lieu of reducing all programs by six credit hours, the Commissioners approve reduction of some courses by 4 credit hours, CSM monitor programs and graduation credit hour rates and reduce all programs to less than 140 hours by Fall, 2006.

Mr. O'Donnell asked if program credit hours were higher at other schools. Dr. Gianneschi said a review of all state engineering programs revealed that, although total program credit hours at other schools may be less than CSM, actual graduation credit hours may be 160 to 170, causing concern. Students may need additional general education courses to obtain the program prerequisite classes, thereby increasing the total graduation credit hour number. Commissioner Weaver asked if institutions with programs having 160-170 graduation credit hours had considered a graduate degree. Dr. Gianneschi said no.

There was no public comment.

Commissioner Stevinson moved to approve the action item as presented and Commissioners Quamme and Weaver seconded the motion. The motion was unanimously approved.

Rewrite of Commission Financial Policies: Mr. Schweigert and Ms. Lindner stated the College Opportunity Fund (COF) necessitated review and/or revision and promulgation of new financial aid policies. Parts A and B, Introduction and Fiscal Responsibilities and Budget Instructions, have been revised. Part C is new and addresses Mandated Cost Model procedures for institutional funding of tuition and fees and comport with Performance and Fee for Service contracts. Also addressed are COF reporting of eligible students and credit hours, allocation of stipend payments based on credit hours taken, and procedures for requesting stipend appropriations. Governing Boards are responsible for Part C compliance and procedural guidelines are being prepared. Tuition increase requests, should appropriations be less than anticipated, and student waiver criteria and procedures are included. Obsolete guidelines for provision of goods and services and housing allowances have been eliminated. Criteria and procedures for stipend payments to private institutions and polices for institutional scholarships and student and course eligibility are included. If signed, SB05-132, would require modification of course eligibility policies to include basic skills courses. Section 4.05 provides the procedure to request cash funded advances, without interest, to satisfy cash flow needs and reporting criteria for private institutions. Policies for payment rectifying discrepancies between the student share and the stipend are included and payment may not be requested until reconciliation is completed and total student enrollment in COF. Currently, there is a discrepancy in student enrollment numbers between intuitions and CAN databases which should be rectified once classes begin.

Senator Williams asked for examples of a student request of a waiver from CCHE. Ms. Linder said possible waiver requests could occur if a school and exhausted its 5% waiver allotment or for physical, family and/or financial hardships. CCHE does not anticipate waiver requests in the first year of COF. Commissioner Quamme asked if these were all the financial polices and was told it was. Commissioner Altenberg clarified that basic skills courses are not currently eligible for COF stipends but could be if SB05-132 is signed. Commissioner Weaver asked how payment of basic skills courses would be made should they become eligible stipend courses. Mr. Schwiebert said money would be

moved from Fee for Service contract payments to the trust fund. Senator King asked how enrollment and stipend eligibility at private institutions would be reported if a student transferred to a public institution. Executive Director O'Donnell and Mr. Schweigert said the CAN database would record and report all classes taken and eligible for the stipend irrespective of school.

There was no public comment.

Commissioner Farina moved to approve the action item as presented with the understanding additional revisions were anticipated and Commissioner Altenberg seconded the motion. The motion was unanimously approved.

Commissioner Weaver requested an update on the COF process. Mr. Schweigert reported 155,000 students had enrolled in College Access Network (CAN). Institutions regularly compare their databases to CAN's and rectify enrollment discrepancies. In August/ September, schools will submit a bill for enrolled students and a trust fund disbursement will be made. In December, institutional and CAN databases will be reconciled with an anticipated match of 99-100% and payment adjustments made. Summaries of COF's progress will be provided to Commissioners.

Senator King asked if the data indicated demographic trends or enrollment changes. Mr. Schweigert said it was too early to determine that information but there may be indications at the reconciliation. Senator Williams if high school students were enrolling. Mr. O'Donnell reported there had been an extraordinary outreach to high schools through College in Colorado and other venues to enroll these students. Enrollment in COF has been built into college admissions and acceptance procedures and some districts, including Denver Public Schools, automatically enroll all of their students in COF. Commissioner Weaver noted that college preparatory high school curriculum was an important element to make students aware of COF.

FY 2006 Financial Aid Allocations: Ms.Lindner reported the state funded FY05-06 Financial Aid allocation increased slightly because the Governor provided a one time only increase to need based aid, increasing it 12%. Merit-based aid decreased by 75% and work study and categorical program funding remained the same. The Financial Aid Advisory Panel, using a student driven methodology, studied several options and decided to distribute need base aid by holding harmless schools with funding over their proportion of need and distributing the increase, on a percentage basis, to schools under their need. Need based students are 156% Pell eligible and the proposed distribution will fund the neediest students. Merit aid is allocated proportionally on institution resident student head count and, under current Commission policy, a 3.75 GPA is required to qualify for merit scholarships and a 3.50 GPA must be maintained to continue a scholarship, focusing aid on the most meritorious undergraduate students. The Commission administers categorical programs, Native American Tuition Assistance, Law/Fire/POW, which are directly given to student and have been slightly increased by taking money from other programs. As federal law no longer requires holding loan match funds in reserve and that money will be transferred to the need based category. Money is held in

reserve to match the undetermined health care professional aid. Staff recommends the Commission approve the Financial Aid Allocation model and corresponding allocations presented on Exhibit A.

Representative King asked if the change in merit aid allocations would affect incoming freshmen or would be a reduction to continuing students. Ms. Linder said that was an institutional choice but schools indicated continuing students would be funded first. Institutional money maybe available to fund freshmen.

Director O'Donnell thanked Ms. Linder for her hard work and noted the JBC was asked for a net increase in all aid but chooses not to increase merit aid. The College Opportunity Fund Blue Ribbon Panel studied financial aid but made no recommendation. He suggested an in depth study on the effectiveness and/or revision of financial aid policies, especially in light of the desire to increase access.

Commissioner Altenberg asked if reducing the \$1,500 allocation to \$1,000 was a policy continuation. Ms. Linder said that policy would sunset this year and it allows the funding of more students since all Level 1 students have to be funded before money is given to the other levels. Commissioner Quamme asked if hold harmless clause would sunset. Ms. Linder said it would not.

There was no public comment.

Commissioner Stewart moved to approve the action item as presented and Commissioner Stevenson seconded the motion. The motion was unanimously approved.

Identification of Degree Programs with Low Enrollment and Recommendation of Discontinuance to Governing Boards: Mr. Gianneschi reported identification and reporting of these programs was postponed until it was determined the Commission would retain this responsibility pursuant to performance contracts. Staff recommends governing boards be notified of low enrollment and risk of discontinuance for five baccalaureate programs and three Ph.D. programs and recommend discontinuance of the Bachelor of Science in Botany at Colorado State University (CSU).

Colorado State University Vice President for Administrative Affairs, Ed Bowditch, said CSU was aware of low enrollment in the Botany degree program and would be sending the Commission formal notification that the program was being removed as a major and making it a concentration in another program.

There was no public comment.

Commissioner Quamme moved to approve the action item as presented and Commissioner Stewart seconded the motion. The motion was unanimously approved.

CCHE Task Force on Alternatives to Funding Capitol Construction and Controlled Maintenance – Report to the Commission: Ms. Johnson thanked the attending legislators

for the capitol construction/controlled maintenance appropriation. Of the \$51.7 million appropriated, \$35.5 million will fund 7 institutional capitol constructions projects and some capitol maintenance projects. The commission is asked to approve the attached Declaration in Support of the Colorado Economic Recovery Act Referenda C and D. An option the Task Force may consider is including capitol construction/maintenance in Fee for Service contracts. The results of the election on Referenda C and D will impact future capitol issues and modifications may be necessary.

Director O'Donnell and Ms. Johnson said use of general funds for capitol construction/maintenance could result in an institution receiving more than 10% of its money from public funds making school susceptible to Tabor restrictions. Financing capitol projects through Fee for Service contracts would ameliorate this issue.

Commissioner Weaver moved to approve the action item as presented and Commissioner Altenberg seconded the motion. The motion was unanimously approved.

Chair Weaver read the Declaration into the record and asked for a vote of approval, which was unanimously given.

Modifications to the Statewide Transfer Policy for Public Institutions of Higher Education in Partial Fulfillment of Performance Contracts: Mr. Gianneschi said the Academic Council had studied the transfer policy and performance contracts recognize the uniqueness of each school, allowing some flexibility on transferable general education core curriculum. This item permits flexibility in math and arts and science course requirements to meet school capabilities. It is consistent with Community College System (CCS) President's, Nancy McCallin, request that community colleges could require courses that do not fall within the general education transferable core curriculum and allows CCS Associate of Science and Associate of Arts graduates transferring to 4 year institutions exemptions from some required general education courses provided they do not exceed the 40 hours total in the King bill.

Senator Williams observed higher education core courses did not include foreign language, a is a high school core requirement for graduation and progression to higher education. Mr. Gianneschi said, in 2010, institutions will require 2 years of foreign language and schools require it now. If a current requirement, a school will submit the foreign language course to GT Pathways for review and acceptance. Senator Williams asked if foreign language maybe required by community colleges in the future. Mr. Gianneschi said he does not know.

Commissioner Weaver moved to approve the action item as presented and Commissioner Farina seconded the motion. The motion was unanimously approved.

State Guaranteed General Education Courses, Cycle III: Mr. Gianneschi and Ms. Leal reviewed the process and recommended approval of GT Pathways recommended classes for inclusion in a schools guaranteed transferable core curriculum in accordance with the attached chart. Each course category was reviewed relative to content criteria adopted by

the Commission and many factors were included in course approval. Governing Boards will be notified of courses rejected and the reason for rejection.

Commissioner Weaver asked if there were commonalities to courses not recommended. Ms. Leal said there were several reasons for rejection. Reviewer provided explicit reasons for rejection and those comments are being tallied to gain a comprehensive understanding of rejections. There is an indication a closer review content area of arts and humanities is needed.

UCS Chancellor Burns stated they were pleased with the process and UCS submitted over 100 classes. Some classes may not have been approved because they did not fit with matrix of competencies created from the King bill and/or rivalries between departments and suggested a review of these competencies. Some revisions to the process maybe necessary.

Commissioner Stevinson stated guaranteed transfer was a fundamental element of performance contracts, commended the reviewers and asked how many courses remained to be reviewed and if there was sufficient staff to perform review. Mr. Gianneschi said all courses must be submitted by a fixed date per individual contract and each institution decided when a course would be submitted. Some schools are changing their core curriculum resulting in fewer courses being submitted. There is sufficient staff to do the review. Commissioner Stevinson suggested modifying the motion to include that schools will report on actions being taken relative to a rejected course as a basic contract premise was to have courses transferable between schools and campuses.

Director O'Donnell hopes the process encourages discussion as the ultimate determination of class effectiveness is what skills/abilities the consumer of a student's services expect the student to bring to the community. This process provides a positive end result, especially for the student, and a more rigorous curriculum.

Commissioners Farkas asked if courses were reviewed individually or in a core group and if courses have to be changed to meet a wider range of courses. Mr. Burns said courses are reviewed individually and King Bill criteria were not applied universally to each course. Adjusting course competencies to adhere to the King Bill requirements could be resolved through the Academic Counsel and GT Pathways. Mr. Gianneschi said reviewers were not affected by the school, course title or teaching faculty in their review and courses bearing the same title but with different substantive matter were rejected because they did not meet the requirements.

Director O'Donnell noted the Academic Council should consider if general education proficiencies, such as writing, were satisfied. It is of concern that students would take courses that did not provide basic skills and proficiencies.

Commissioner Garcia asked if non-approved courses could be re-submitted. Mr. Giannaschi said the Academic Council was preparing a protocol for re-submission that

would ensure a substantive change that addressed the causes for rejection. Commissioner Stevinson noted performance contracts provided for re-submission.

Public Comment: George Walker noted Professor Rod Muth, Faculty Chair UCS, said there was a disagreement as to who determines core curriculum. He expressed concern that that students of color are advised to enter Community Colleges implying they are not qualified to attend flagship schools. Courses supporting minority issues are not boutique courses but do provide support to minority students He understands society expects professional degrees while ignoring the emotional support supplied by these courses. He concerned there is insufficient faculty to teach nursing and students are being turned away. Mr. Gianneschi noted boutique courses, as all courses, were reviewed for course content and not by title.

Commissioner Stevinson moved to modify the motion to include a recommendation that Governing Boards advise the Commission, in writing, of actions taken on rejected courses in a time frame to be determined by staff.

Commissioner Judy Weaver moved to approve the action item as modified and Commissioner Stewart seconded the motion. The motion was unanimously approved.

Credit Hours Available Under the College Opportunity Fund for Continuing Students: Ms. Langer said, in accordance with recent legislation, this item modifies the Commission policy, adopted in January, 2005, regarding credit hours available to continuing students under the College Opportunity Fund to include students enrolled at private colleges as of July 1st. In answer to Commissioner Weaver, Ms. Langer said that was the only modification.

Commissioner Altenberg moved to approve the action item as presented and Commissioner Stevinson seconded the motion. The motion was unanimously approved.

Director O'Donnell said the Resolution Referenda C and D stated the election on November 8, 2005, and it should be November 1, 2005, in accordance with state law regarding election scheduling. Commissioner Weaver moved to change the Resolution to reflect the correct date and Commissioner Altenberg seconded the Motion. The motions was unanimously approved.

Commissioner Weaver presented former Commissioner Pres Montoya with a gift in appreciation for his service on the Commission and thanked him for his hard work as a Commissioner.

WRITTEN REPORTS – NO DISCUSSION

Report on Out of State / Out of Country Instruction: There was no discussion.

Capitol Assets Report for First Quarter 2005: There was no discussion.

No action was taken.

The meeting was adjourned.

**TOPIC: DEGREE AUTHORIZATION ACT – AUGUSTINE
 INSTITUTE**

PREPARED BY: MATT GIANNESCHI AND KIMBERLY THOMPSON

I. SUMMARY

The Commission has statutory responsibility for the administration of Title 23, Article 2 of the Colorado Revised Statutes (Amended 1981), commonly referred to as the Degree Authorization Act. Commission policies and procedures have been developed to include an application process for any institutions wishing to begin operation in Colorado. Institutions meeting the applicable requirements will be granted authority to operate upon the Commission's approval.

Augustine Institute has requested such authorization to operate as a seminary or bible college. Staff has conducted the required review of the institution's application materials and finds that the institution meets all but one of the requirements. The institution has made application for 501(c)(III) non-profit corporation status with the Secretary of State, but has not yet received its official letter of determination. Until its letter of determination is received, Augustine Institute is and will continue to be a financial division with the Fellowship of Catholic University Students (FOCUS), an authorized 501(c)(III) non-profit corporation. Pending such final certification, Augustine Institute is requesting that it be granted conditional approval, which would allow the institution to begin enrolling students this fall. Institutional administrators understand that, should the Commission not grant final authorization, they will need to immediately cease all operations and return all pre-paid tuition to enrolled students.

II. BACKGROUND

The Colorado Commission on Higher Education has statutory responsibility for administration of Title 23, Article 2 of the Colorado Revised Statutes (Amended 1981), which authorizes certain types of institutions to offer degrees and/or degree credits, including: (1) Colorado publicly-supported colleges and universities; (2) properly accredited private and out-of-state public colleges and universities; (3) postsecondary seminaries and bible colleges; and (4) private occupational schools authorized by the Private Occupational School Division to offer associate degrees. Persons or unauthorized organizations that violate the provisions of the statute are subject to legal penalties.

All private colleges and universities, out of state public colleges and universities, and seminaries or bible colleges are required to register with the Colorado Commission on Higher Education and to meet criteria found in Section 1 Part J of CCHE Academic Affairs Policies (Degree Authorization Act) in order to be granted authorization to offer

degrees within Colorado. Such authorization must be received by the institution prior to offering any program of instruction, credit, or degree; opening a place of business; soliciting students or enrollees; or offering educational support services.

The Commission administers the statute by seeking information from any entity offering degrees and/or degree credits to determine its authority under this statute. In order to determine the institutional type and to identify those institutions that are subject to the specific accreditation requirements of the statute, criteria have been established for each institutional type authorized to offer degrees or credits leading toward a degree. Procedures for Commission administration of the statute also have been developed.

In the case of a seminary or bible college, an institution must qualify both as a "bona fide religious institution" and as an "institution of postsecondary education." To qualify as a postsecondary educational institution, as distinguished from an institution operating at the secondary level, it shall require for admission at least a high school diploma or its equivalent. Additionally, to qualify as a bona fide religious institution, an institution must meet each of the following criteria:

1. Be a nonprofit institution owned, controlled, and operated and maintained by a bone fide church or religious denomination, lawfully operating as a non-profit religious corporation pursuant to Title 7 of the Colorado Revised Statutes.
2. Limit the educational program to the principles of that church or denomination, and the diploma or degree is limited to evidence of completion of that education. Institutions operating under this degree authorization shall not award degrees in any area of physical science or medicine.
3. Only grant degrees or diplomas in areas of study that contain on their face, in the written description of the title of the degree or diploma being conferred, a reference to the theological or religious aspect of the degree's subject area. (See Section 3.01.04)
4. Not market, offer, or grant degrees or diplomas which are represented as being linked to a church or denomination, but which, in reality, are degrees in secular areas of study.
5. Have obtained exemption from property taxation under state law and shall have submitted a copy of the certificate of this exemption to the Commission. (See Section 3.01.02)

III. STAFF ANALYSIS

Representatives of Augustine Institute met with Commission staff as required by the Degree Authorization Act Commission policy and formally applied for authorization to offer a Master of Arts in Evangelization and Catechesis and a Master of Arts in Scripture. Representatives were able to provide all documentation required by the Act with the exception of one item. Although Augustine Institute has made application with the Secretary of State, it has not yet received its 501(c)(III) letter of determination. The institution's affiliation with FOCUS provides necessary provisional qualification, however.

The Institute's president asked for, and was given, preliminary conditional approval, which permitted the institution to begin enrolling students prior to the Commission meeting on 9 September 2005, with the understanding that, should the institution fail to receive final approval from the Commission, it would need to immediately cease operations and return all pre-paid tuition to its enrolled students.

IV. STAFF RECOMMENDATION

That the Commission grant conditional approval allowing Augustine Institute to begin enrolling students pending receipt of its final 501(C)(III) letter of determination as a not for profit corporation from the Secretary of State.

V. SUPPLEMENTAL INFORMATION

Copies of all relevant statute, policy, and the Augustine Institute's application materials are on file in the Academic Affairs Office.

VI. STATUTORY AUTHORITY

23-2-101. Legislative declaration. The general assembly declares that this article is enacted for the general improvement of the educational programs available to the residents of the state of Colorado; to establish high standards for the education of such residents; to prevent misrepresentation, fraud, and collusion in offering such educational programs to the public; to eliminate those practices relative to such programs which are incompatible with the public interest; and to protect, preserve, foster, and encourage the educational programs offered by private educational institutions which meet generally recognized criteria of quality and effectiveness as determined through voluntary accreditation. To these ends, this article shall be liberally construed.

23-2-102. Definitions.

As used in this article, unless the context otherwise requires:

(1) "Degree" means any statement, diploma, certificate, or other writing in any language which indicates or represents, or which is intended to indicate or represent, that the person named thereon is learned in or has satisfactorily completed a prescribed course of study in a particular field of endeavor or that the person named thereon has demonstrated proficiency in any field of endeavor as a result of formal preparation or training.

(2) "Honorary degree" means any statement, diploma, certificate, or other writing in any language which indicates or represents, or which is intended to indicate or represent, that the person named thereon is learned in any field of public service or has performed outstanding public service or that the person named thereon has demonstrated proficiency in any field of endeavor without having completed formal courses of instruction or study or formal preparation or training.

(3) "Private college or university" means a postsecondary educational institution doing business or maintaining a place of business in the state of Colorado which offers courses of instruction or study wherein credits may be earned toward a degree in a field of endeavor, which institution is accredited on the basis of an on-site review in Colorado by one of the six nationally recognized regional accrediting associations or by an accrediting agency determined by the Colorado commission on higher education to be appropriate to its educational purposes and programs, or an institution which is making reasonable and timely progress toward such accreditation, as determined by or in accordance with standards determined by the commission, as of May 27, 1981.

(3.5) "Private occupational school" means an institution authorized by the private occupational school division to confer associate degrees, under the provisions of article 59 of title 12, C.R.S.

(4) "Seminary" or "bible college" means a bona fide religious postsecondary educational institution doing business or maintaining a place of business in the state of Colorado and which is exempt from property taxation under the laws of this state.

(5) "State college or university" means a postsecondary educational institution, including community and junior colleges, established and existing pursuant to law as an agency of the state of Colorado and supported wholly or in part by tax revenues.

23-2-103. Awarding degrees.

Notwithstanding the provisions of section 7-50-105, C.R.S., or any other law to the contrary, no person, partnership, corporation, company, society, or association doing business in the state of Colorado shall award, bestow, confer, give, grant, convey, or sell to any other person a degree or honorary degree upon which is inscribed, in any language, the word "associate", "bachelor", "baccalaureate", "master", or "doctor", or any abbreviation thereof, or offer courses of instruction or credits purporting to lead to any such degree, except a state college or university, a private college or university, a private occupational school, or a seminary or bible college and except a school, college, or university which offers courses of instruction or study in compliance with standards prescribed by articles 2, 4, 22, 25, 32, 33, 35, 36, 38, 40, 41, 43, and 64 of title 12, C.R.S.

23-2-103.5. Notification and deposit of records upon discontinuance. If a private or public college or university, seminary or bible college, or private occupational school discontinues operation in this state, its chief executive officer shall notify the Colorado commission on higher education of the date of discontinuance and the name and address of the agency where records of such institution will be maintained. Records shall be permanently maintained and copies may be obtained by authorized parties, and such records shall include, but not be limited to, information pertaining to the admission of each student and former student and the educational record of each student and former student. Financial aid records of each student and former student shall be retained consistent with state and federal regulations.

23-2-104. Administration of article - injunctive proceedings.

The Colorado commission on higher education is charged with the administration of this article. The commission, acting through the attorney general, may proceed by injunction against any violation of this article, but no such proceeding and no order issued therein or as a result thereof shall bar the imposition of any other penalty imposed for violation of this article.

23-2-105. Violation.

Any person, partnership, corporation, company, society, association, or agent thereof doing business or maintaining a place of business in the state of Colorado who violates the provisions of section 23-2-103 commits a class 3 misdemeanor and shall be punished as provided in section 18-1.3-501, C.R.S.

**TOPIC: AIMS COMMUNITY COLLEGE PROGRAM REVIEW –
ASSOCIATE OF ARTS DEGREE, ASSOCIATE OF SCIENCE
DEGREE, AND ASSOCIATE OF GENERAL STUDIES DEGREE**

PREPARED BY: MATT GIANNESCHI/KIMBERLY THOMPSON

I. SUMMARY

Pursuant to CCHE Commission Policy I-Part C, Governing Boards at institutions operating without a performance contract are required to conduct periodic reviews of all degree programs. Routine written reports that provide evidence of the governing board's compliance with the policy are provided to the Commission for review and approval.

Aims Community College recently completed its periodic review of its Associate of Arts, Associate of Science, and Associate of General Studies degrees and has submitted a written report of these review activities to Commission staff.

II. BACKGROUND

CCHE Academic Affairs Policy I-C requires governing boards to establish a plan for program reviews that includes, at a minimum, a process for evaluating each institution's programs according to its role and mission, objectives for program review and self improvement, and a review of each program at least once every seven years.

These reviews should result in reports that include a procedure for governing board review of recommendations and identifying board action taken as a result of the review, a description of how the results of the program review flow into academic planning and budgeting processes, and a follow-up report that is presented to the board in subsequent years to describe actions taken to implement program changes approved by the board.

In accordance with these requirements, Aims Community College conducted the required periodic review of its Associate of Arts Degree, Associate of Science Degree, and Associate of General Studies Degree, and has provided Commission staff a copy of the written report produced as the result of the periodic review. Aims Community College has not proposed any substantive changes to any of these three degrees.

III. STAFF ANALYSIS

Aims Community College provided all data and information required in connection with its periodic review. Staff finds there are no issues of concern with respect to the college's three degree programs under review. Aims Community College is making a good faith effort to improve its programs and to maintain the quality and efficiency of its program offerings in accordance with Commission policy.

IV. STAFF RECOMMENDATION

That the Commission approve Aims Community College's review of its Associate of Arts Degree, Associate of Science Degree, and Associate of General Studies Degree programs.

V. SUPPLEMENTAL INFORMATION

Copies of all relevant statute, policy, and the college's review materials are on file in the Academic Affairs Office.

VI. STATUTORY AUTHORITY

23-1-107. Duties and powers of the commission with respect to program approval, review, reduction, and discontinuance.(3) Each governing board of the state-supported institutions of higher education shall submit to the commission a plan describing the procedures and schedule for periodic program reviews and evaluation of each academic program at each institution consistent with the statewide expectations and goals specified in section 23-13-104 and the role and mission of each institution. The information to be provided to the commission shall include, but shall not be limited to, the procedures for using internal and external evaluators, the sequence of such reviews, and the anticipated use of the evaluations.

TOPIC: PROGRAM MODIFICATIONS TO THE SPECIAL EDUCATION LICENSURE PROGRAMS AT THE UNIVERSITY OF COLORADO AT COLORADO SPRINGS.

PREPARED BY: MATT GIANNESCHI

I. SUMMARY

As a result of changes to the special education licensure and endorsement requirements adopted by the State Board of Education, the University of Colorado at Colorado Springs (UCCS) requests approval of changes to its existing baccalaureate- and masters-level special education initial licensure programs.

The Colorado State Board of Education approved the changes to these programs on January 12, 2005.

II. BACKGROUND

In 2004, the Colorado State Board of Education eliminated the Special Education Moderate Needs license and replaced it with the Special Education Generalist license, now required for all candidates entering in fall 2005. Following this action by the SBE, the Colorado Department of Education instructed all institutions of higher education to revise their licensure and endorsement programs.

On January 12, 2005, the Colorado State Board of Education approved the content of the Special Education Generalist licensure program at the University of Colorado at Colorado Springs (UCCS).

III. STAFF ANALYSIS

The structures of the existing special education programs at the University of Colorado at Colorado Springs were modified to accommodate new curricular requirements adopted by the State Board of Education, but the programs themselves, including elements meeting the performance based requirements outlined in C.R.S. 23-1-121(2) administered by the Colorado Commission on Higher Education, remain relatively unchanged. The most significant change to the programs with regard to the State's performance based requirements regards total credit hours in the endorsement area. The old programs totaled 41-44 credit hours, whereas the new Special Education Generalist program totals 44 credit hours. As a result, the programs leading to licensure/endorsements in Special Education Generalist listed below meet the State's performance based requirements for teacher preparation programs as outlined in C.R.S. 23-1-121(2) and initially authorized by the Commission on February 1, 2001.

Proposed Special Education Generalist Programs

Baccalaureate-Level Majors (124 Credit-hour Programs)

Biology
English
Geography
History
Spanish

Master of Arts (52 Credit-hour Program)

Special Education Generalist

IV. RECOMMENDATION

That the Commission approve the proposed modifications to the baccalaureate and masters-level academic programs leading to endorsements in Special Education Generalist offered by the University of Colorado at Colorado Springs.

V. SUPPLEMENTAL MATERIALS

All materials related to the changes to the teacher education programs discussed herein, including a letter of authorization from the Colorado Department of Education, are on file with and available for review in the Academic Affairs Office at the Colorado Commission on Higher Education.

VI. STATUTORY AUTHORITY

C.R.S. 23-1-121 (2). On or before July 1, 2000, the commission shall adopt policies establishing the requirements for teacher preparation programs offered by institutions of higher education. The commission shall work with the state board of education in developing the requirements for teacher preparation programs...

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.

**TOPIC: SUMMARY OF DEVELOPMENT GRANTS AWARDED BY
STATEWIDE EXTENDED STUDIES PROGRAM**

PREPARED BY: MATT GIANNESCHI/MATT McKEEVER

I. SUMMARY

The Colorado Commission on Higher Education Statewide Extended Studies Program offers “extended studies program development grants” to encourage and support the development of new extended campus programs and initiatives. These grants are intended to serve as seed money for new self-funding programs/projects. It is expected that the recipient institution will contribute funds from other sources toward any program receiving development grant funding. Funded programs or projects must be consistent with the role and mission of the recipient institution and the objectives of the Statewide Extended Campus Program. This information item concerns FY 2006 grant awards.

II. BACKGROUND

Grant applications were reviewed using the following criteria by a committee of three CCHE staff:

- a) The program to be developed must legitimately be an extended studies or off-campus education program;
- b) The proposed project must show promise of generating income and improving the quality of the institution’s extended campus program;
- c) The program/project must show potential for contributing to the overall strength of the Statewide Extended Campus;
- d) Evaluation procedures of the program must be included in the proposal;
- e) Grant funds are to be used only for development of the proposed program; and,
- f) Grant funds are to be used for only cash-funded programs.

Upon funding, the recipient institution must keep record of grant activity in compliance with state fiscal rules listed in Part 1 Schedule 8 of Colorado State Archives Records Management Manual.

Upon completion of the project, and no later than one year after funding, a final written report must be sent to the Commission. This report must, describe the activities that were carried out, evaluate the results of the program, detail expenditures of funds, and assess the ongoing feasibility of the project.

III. AWARDS

The committee awarded the following grants for the 2006 fiscal year.

Institution	Topic	Amount of Award
UCCS	Online Gerontology Certificate	\$14,400
UCCS	Online MA in Curriculum	\$15,000
UCCS	Undergrad Certificate in Homeland Security	\$15,000
UCB	Establishment of an Online Community	\$14,500
UCDHSC	Certificate in Non-Profit Management	\$15,000
UCDHSC	Certificate in TESOL	\$15,000

IV. STATUTORY AUTHORITY

23-1-109. Duties and powers of the commission with regard to off-campus instruction.

(1) The general assembly declares its intent that the state-supported institutions of higher education may engage in instruction off the geographic boundaries of their campuses.

(2) The commission shall define, after consultation with the governing boards of institutions, the geographic and programmatic service areas for each state-supported institution of higher education. No such institution shall provide instruction off-campus in programs or in geographic areas or at sites not approved by the commission, unless otherwise provided by law.

(3) The general assembly declares its intent that all instruction at two-year institutions, including the first two years of instruction at Adams state college and Mesa state college, shall be funded throughout the institutions' commission-approved service area on the same basis as on-campus instruction.

(4) The commission shall administer any centralized, statewide extension and continuing education program of instruction which may be offered by any state-supported baccalaureate and graduate institution. All instruction offered outside the geographic boundaries of the campus, including instruction delivered by television or other technological means, shall be a part of this program unless exempted by policy and action of the commission.

(5) The commission shall set policies, after consultation with the governing boards of institutions, which define which courses and programs taught outside the geographic boundaries of the campus may be eligible for general fund support. The commission may include funding for those courses and programs in its systemwide funding recommendations to the general assembly.

**TOPIC: COMMISSION APPROVAL OF PERFORMANCE
CONTRACT FOR UNIVERSITY OF DENVER**

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 private 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 the University of Denver. The attached contract reflects the terms that were negotiated and agreed upon by the parties.

III. STAFF RECOMMENDATION

That the Commission approve the Performance Contract for the University of Denver.

STATUTORY AUTHORITY

C.R.S. §23-5-129(3).

**PERFORMANCE CONTRACT BY AND BETWEEN
THE STATE OF COLORADO DEPARTMENT OF HIGHER EDUCATION
AND THE UNIVERSITY OF DENVER**

This Performance Contract, entered into this ___ day of ___ 2005, and effective as of the date of approval by the Colorado Commission on Higher Education (hereinafter referred to as the "Commission") and the State Controller, is made by and between the State of Colorado, Department of Higher Education (hereinafter referred to as the "Department") and Colorado Seminary, which owns and operates the University of Denver, (hereinafter referred to as the "Institution").

RECITALS

WHEREAS, in its passage of the College Opportunity Fund legislation, the General Assembly has found that it is imperative that an increased number of Coloradans pursue education beyond high school; and

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; and

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; and

WHEREAS, Title 23, Article 18, Section 201, Colorado Revised Statutes, provides that a student of a private institution of higher education shall be a beneficiary of the college opportunity fund and eligible to participate in the College Opportunity Fund program only if the private institution of higher education that the student attends has agreed to participate in the program by establishing a performance contract with the Department; and

WHEREAS, the Institution desires to enter into a performance contract with the Department in order to allow its students to participate in the College Opportunity Fund program; and

WHEREAS, authority exists in the law and funds have been budgeted, appropriated and otherwise made available and a sufficient uncommitted balance thereof remains available for encumbering and subsequent payment of this contract; and

WHEREAS, required approval, clearance and coordination has been accomplished from and with appropriate agencies.

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

1. Term of Contract. The term of this contract shall begin on July 1, 2005, or the date the State Controller, or designee, executes this contract, whichever is later, for a period of five (5) years, subject annually to available appropriations and subject to earlier termination as provided for herein.

2. Scope of Contract. This contract sets forth the terms under which the Institution shall participate in the College Opportunity Fund program.

3. Eligibility to Participate in the College Opportunity Fund Program.

a. Institution. The Department has determined that as of the effective date of this contract, the Institution meets all the requirements set forth in Title 23, Article 18, Section 102(9), Colorado Revised Statutes, for participation in the College Opportunity Fund program. The Institution agrees that in the event that it no longer satisfies any statutory requirements for participation in the College Opportunity Fund program, the Institution shall immediately notify the Department and the parties shall follow the procedures for termination of the contract set forth in Paragraph 10.

b. Students. The Institution agrees that it shall determine student eligibility based on the requirements set forth in Title 23, Article 18, Section 102(5)(a), Colorado Revised Statutes, and only request and accept stipends from the College Opportunity Fund for students who meet these requirements (“Eligible Undergraduate Student”). Further, the Institution shall maintain appropriate documentation for each student who it determines is eligible to participate in the College Opportunity Fund program and shall make these documents available to the Department or its representative(s) upon request. Such documentation shall include the revised Residency Classification for Tuition/Financial Aid Purposes state form for Colorado residency, high school, GED and home schooling eligibility and the Free Application for Federal Student Aid form (FAFSA) for Pell eligibility. The Institution agrees that it shall not request and/or accept a stipend from the College Opportunity Fund for more than one hundred forty-five credit hours for each Eligible Undergraduate Student as reported by the College Access Network, except as provided for in Title 23, Article 18, Section 202(5)(c) and (e), Colorado Revised Statutes. The Institution shall comply with the Commission’s Policy on credit hours available under the College Opportunity Fund for continuing students. Pursuant to Title 23, Article 18, Section 202(2)(e), Eligible Undergraduate Students attending the Institution may receive financial assistance in the amount of fifty percent (50%) of the stipend amount set annually by the General Assembly and subject to available funding.

c. Credit Hour Conversion. The Institution's undergraduate programs are presently conducted on the basis of academic quarters. In calculating "credit hours" for the purposes of this contract, the parties agree that quarter hours of credit will be converted to semester hours of credit using the factor customary in making such conversions in higher education. Specifically, the Department shall treat 1.5 "academic quarter hours" as the equivalent of 1.0 "academic semester hour."

d. Course Location and Modality. The Department agrees that an Eligible Undergraduate Student under this contract includes all students meeting the conditions set forth in Title 23, Article 18, Section 102(5)(a), Colorado Revised Statutes. An Eligible Undergraduate Student may also include a student enrolled at the Institution while participating at a foreign institution of higher education under its Cherrington Global Scholars program, so long as such program is conducted substantially as presently conducted and approved by the Commission.

e. Courses. The Institution agrees that it shall not request and/or accept stipends from the College Opportunity Fund for students enrolled in those courses identified in Title 23, Article 18, Section 202(5)(d), Colorado Revised Statutes.

4. Performance Standards. The Institution agrees to provide educational services that are consistent with its mission to promote learning by engaging students, advancing scholarly inquiry, cultivating critical thought, and creating knowledge; by fostering productive synergies between intellectual and personal development, research and teaching, disciplinary and interdisciplinary perspectives, classroom and experience based learning, and theoretical knowledge and professional practice. The Institution shall also provide educational services that are consistent with the Commission's mission to provide access to high-quality, affordable education for all Colorado residents that is student-centered, quality driven and performance-based. Specifically, the Institution shall achieve the following performance goals during the term of this contract:

a. Access. The Institution agrees to expand and intensify its efforts to attract students who will fall within the definition of Eligible Undergraduate Students. The Institution further agrees to utilize its best efforts during the period of this contract to increase its enrollment of such Students by not less than three percentage points over its baseline average, which shall be the enrollment number for these students as calculated in the Fall of 2006 (e.g., 13% to 16%). Specifically, the Institution shall focus its efforts on increasing enrollment of underserved students, including low-income individuals, males and minorities.

b. Retention. The Institution agrees to expand and intensify its efforts to retain Eligible Undergraduate Students who receive a stipend from the College Opportunity Fund. The Institution further agrees to increase its fall-to-fall retention rate for first-time, full-time Eligible Undergraduate Students who receive a stipend from the College Opportunity Fund and are defined as

“underserved” pursuant to Title 23, Article 5, Section 129(2)(e), Colorado Revised Statutes, in accordance with the following provisions:

1. Low-Income Students: The Institution agrees that, by June 30, 2010, its retention rate of first-time, full-time Eligible Undergraduate Students who receive a stipend from the College Opportunity Fund will meet or exceed the Institution’s overall retention rate for first-time full-time students.

2. Low-Income, Underserved Male Students: The Institution agrees that, by June 30, 2010, its retention rate of first-time, full-time Eligible Undergraduate Students who receive a stipend from the College Opportunity Fund and who are males will be within three percentage points of the Institution’s overall retention rate for first-time, full-time students, excluding Eligible Undergraduate Students who are males.

3. Low-Income, Minority Students: The Institution agrees that, by June 30, 2010, its retention rate of first-time, full-time Eligible Undergraduate Students who receive a stipend from the College Opportunity Fund and who are members of a minority group will meet or exceed the Institution’s overall retention rate for first-time, full-time students.

c. Other State Needs. The Commission has determined that it is a highest State priority to ensure that highly qualified teachers are in every K-12 classroom. In furtherance of this goal, the Institution agrees to transmit to the Department on or before August 1st of each year, the student identification numbers and endorsement areas for all teacher candidates. The Department agrees that the information is provided for statistical purposes only and will not form the basis for a modification of this contract with respect to the content of the Institution’s teacher education programs.

5. Disclosure. The Institution agrees that pursuant to Title 23, Article 18, Section 202(5)(b), Colorado Revised Statutes, if it accepts a stipend payment on behalf of an Eligible Undergraduate Student, it shall note as a line item on the student’s account/bill that the moneys came from the College Opportunity Fund. Further, pursuant to Title 23, Article 18, Section 204, Colorado Revised Statutes, if the Institution advertises, in the form of direct mail, print, radio, television, or via the internet, a student’s ability to receive a stipend from the College Opportunity Fund, the Institution shall include in the advertisement the total cost of attending the institution, including a student’s total tuition cost, plus applicable fees.

6. Data Reporting Requirements. The Institution shall provide to the Department in accordance with the Student Unit Record Data System (SURDS) record layout methods and data collection calendar, the student unit record data for all currently enrolled students, including undergraduate applicant records, enrollment records, financial aid records and degrees granted records. Further, as required by Title 23, Article 18, Section 201(2),

Colorado Revised Statutes, the Institution shall reimburse the Department for any costs related to including the Institution in the SURDS system, which may include computer hardware, software, and staff time and charges. The Department shall notify the Institution of such costs, if any, at the end of each fiscal year. The Institution shall remit payment to the Department within thirty (30) days of receipt of notification thereof. The Department shall handle all data in accordance with Federal and State privacy laws.

7. Data Retention. The parties agree that College Access Network will maintain the central database containing the information required by Title 23, Article 18, Section 203, Colorado Revised Statutes. The Institution agrees that it will cooperate with College Access Network and the Department by providing the information, in the form and manner required by College Access Network, that reflects the number of credit hours taken at the Institution for which Eligible Undergraduate Students receive stipends from the College Opportunity Fund.

8. Payments.

a. The Department shall pay the Institution a stipend on behalf of all students determined to be eligible for the College Opportunity Fund as set forth in Paragraph 3, above. The Stipend amount shall be set by the General Assembly during the annual budget process. Stipend payments pursuant to this contract shall be made from such funds as appropriated by the General Assembly. For the period July 1, 2005 through June 30, 2006, the amount of the stipend paid on behalf of Eligible Undergraduate Students shall be forty dollars for each eligible semester credit hour. For the period July 1, 2005 through June 30, 2006, the amount that shall be paid to the Institution hereunder shall not exceed \$788,400. The liability of the Department, at any time, for such payment shall be limited to the unexpended amount remaining of such funds. This contract is subject to and contingent upon the continuing availability of State funds for the purposes hereof. The Department shall notify the Institution of the availability and amount of stipend payments for each subsequent fiscal year.

b. The Department shall pay the stipend to the Institution within ten (10) days of the invoice file date (as that date is defined by College Access Network). If for any reason a student is denied eligibility or the Department fails to pay the stipend to the Institution, the Institution shall be allowed to pursue collection of any amounts owing to it from the student, the Department or both in accordance with applicable law.

c. The calculation of an Eligible Undergraduate Student's credit hours shall be made by the Institution on the following basis for an Eligible Undergraduate Student who withdraws from courses:

1. Prior to the Institution's census date (add/drop period), the Institution will reimburse College Access Network on behalf of the Eligible Undergraduate Student any stipend received for any courses that

student withdraws from and the hours will not be counted against that student's life-time-credit-hour limitation .

2. During the Institution's refund period, the Institution will not reimburse any stipend received on behalf of the Eligible Undergraduate Student related to withdrawn courses and the hours related to those courses will be counted against that student's life-time-credit-hour limitation.

3. After the tuition refund period, the Institution will not reimburse any stipend received on behalf of the Eligible Undergraduate Student related to withdrawn courses and the hours related to those courses will be counted against that student's life-time-credit-hour limitation.

9. Legal Authority. The Institution warrants that it possesses the legal authority to enter into this contract and that it has taken all actions required by its procedures, by-laws, and/or applicable law to exercise that authority, and to lawfully authorize its undersigned signatory to execute this contract and to bind the Institution to its terms. The person(s) executing this contract on behalf of the Institution warrant(s) that such person(s) have full authorization to execute this contract.

10. Termination.

a. Failure to Perform. If at any time during the term of this contract, the Institution fails to comply with pertinent statutory requirements and/or substantially fails to satisfy or perform the duties and obligations under this contract, the Department shall notify the Institution of the failure to act or perform (a "Performance Failure"). The notice shall indicate the nature of the Performance Failure and request that the Institution take appropriate action(s) to address the Performance Failure. If the Institution refuses or fails to correct the Performance Failure or there is a lack of action by the Institution within a reasonable period of time, the Performance Failure shall first be referred to the chief financial officers of the Department and the Institution. Failing resolution by the chief financial officers, the dispute shall be referred to the chief executive officers of the Department and the Institution. Failing resolution by the chief executive officers, the Department may exercise the following remedial actions.

1. Withhold payment of stipends to the Institution until the necessary corrections in performance are satisfactorily completed; and/or

2. Terminate this contract for default.

The above remedies are cumulative and the Department, in its sole discretion, may exercise any or all of them individually or simultaneously.

b. Termination for Default/Cause. If, through any cause, the Institution shall fail to fulfill, in a timely and proper manner, its obligations under this contract, or

if the Institution shall violate any of the covenants, agreements, or stipulations of this contract, the Department shall thereupon have the right to terminate this contract for cause by giving written notice to the Institution of its intent to terminate and at least ten (10) days opportunity to cure the default or show cause why termination is otherwise not appropriate. In the event of termination, the Institution shall be obligated to return any payment advanced under the provisions of this contract. This provision shall in no way limit other remedies available to the State in this contract, or remedies otherwise available at law.

11. Force Majeure. Neither party shall be considered to have materially failed to perform its obligations under this agreement, including, for the Institution, its failure to meet a Performance Goal, to the extent that such failure arises out of causes beyond the reasonable control of a party. Such causes may include, but are not limited to, acts of God or of the public enemy, acts of the state or the United States in either its sovereign or contractual capacity, fires, floods, epidemics, strikes, and unusually severe weather, but, in every case, delay or failure to perform must be beyond the reasonable control of and without fault or negligence of the party.

12. Point of Contact and Notices. For purposes of this 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 Institution:

Tom Willoughby
Vice Chancellor for Enrollment
University of Denver
2197 So. University Boulevard
Denver, CO 80208

with a copy to:

Paul Chan, Esq.
University Counsel
University of Denver
2199 So. University Boulevard
Denver, CO 80208

13. No Third-Party Beneficiary. It is expressly understood and agreed that the enforcement of the terms and conditions of this contract and all rights of action relating to such enforcement, shall be strictly reserved to the Department and the Institution. Nothing contained in this contract shall give or allow any claim or right of action whatsoever by any other third person. It is the express intention of the Department and the Institution that any such person or entity, other than the Department or the Institution, receiving services or benefits under this contract shall be deemed an incidental beneficiary only.

14. Severability. To the extent that this 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 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. Waiver. The waiver of any breach of a term, provision, or requirement of this contract shall not be construed or deemed as a waiver of any subsequent breach of such term, provision, or requirement, or of any other term, provision, or requirement.

16. Entire Agreement. This 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 contract.

17. Survival of Certain Contract Terms. Notwithstanding anything herein to the contrary, the parties understand and agree that all terms and conditions of this contract and the exhibits and attachments hereto which may require continued performance, compliance, or effect beyond the termination date of this contract shall survive such termination date and shall be enforceable by the Department as provided herein in the event of such failure to perform or comply by the Institution.

18. Governmental Immunity/Limitation of Liability. Notwithstanding anything herein to the contrary, no term or condition of this contract shall be construed or interpreted as a waiver, express or implied, of any of the immunities, rights, benefits, protection, or other provisions of the "Colorado Governmental Immunity Act", Section 24-10-101, *et seq.*, CRS, as now or hereafter amended. The parties understand and agree that the liability of the Department for claims for injuries to persons or property arising out of negligence of the State of Colorado, its departments, institutions, agencies, boards, officials and employees is controlled and limited by the provisions of Section 24-10-101, *et seq.*, CRS, as now or hereafter amended and the risk management statutes, Section 24-30-1501, *et seq.*, CRS, as now or hereafter amended. Any liability of the Department created under any other provision of this contract, whether or not incorporated herein by reference, shall be controlled by, limited to, and otherwise modified so as to conform with the above cited laws.

19. Assignment and Successors. The Institution agrees not to assign rights or

delegate duties under this contract without the express, written consent of the Department. Such consent may include, at the Department's sole discretion: (1) the execution by the Department, the Institution and the Assignee of a Novation Agreement in a form prescribed by the Department, which Novation Agreement will become effective upon State approval; or (2) verification by the Department of the assignation. Except as herein otherwise provided, this contract shall inure to the benefit of and be binding upon the parties hereto and their respective successors and assigns.

20. Modification and Amendment. This contract is subject to such modifications as may be required by changes in Federal or State law, or their implementing regulations. Any such required modification shall automatically be incorporated into and be part of this contract on the effective date of such change as if fully set forth herein. Except as provided above, no modification of this contract shall be effective unless agreed to in writing by both parties in an amendment to this contract that is properly executed and approved in accordance with applicable law.

21. Cooperation of the Parties. The Institution and Commission agree to cooperate fully, to work in good faith, and to mutually assist each other in the performance of this contract. In connection herewith, the parties shall meet to resolve problems associated with this contract. Neither party will unreasonably withhold its approval of any act or request of the other to which the party's approval is necessary or desirable.

22. Compliance with Law. The Institution agrees to strictly adhere to and comply with all applicable Federal, State and Local laws, statutes, regulations, and executive orders, as they currently exist and may hereafter be amended, which are incorporated herein by this reference as terms and conditions of this contract.

23. Withdrawal. The Institution may terminate this contract and cease participation in the College Opportunity Fund upon sixty (60) days prior written notice to the Department.

24. Further Assurances. The parties expressly acknowledge that the College Opportunity Fund and the Performance Contracts being entered into as part of that legislation represent a fundamental and untested change in the way the state finances postsecondary education. As a result, the parties anticipate that modifications to this contract will or may be necessary, and agree to negotiate in good faith to address requests for amendments to this contract as may be necessary or appropriate to fulfill its spirit and intent.

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

26. Special Provisions.

[Special Provisions Attached]

SIGNATURE PAGE

THE PARTIES HERETO HAVE EXECUTED THIS CONTRACT

COLORADO SEMINARY:

**STATE OF COLORADO:
GOVERNOR BILL OWENS**

By _____
Signature of Authorized Officer

By _____
Richard F. O'Donnell
Executive Director
Department of Higher Education

Social Security Number or FEIN

LEGAL REVIEW:

Print Name & Title of Authorized Officer

**JOHN W. SUTHERS
ATTORNEY GENERAL**

By _____

CORPORATIONS:
(A corporate attestation is required.)

Attest (Seal) By _____
(Corporate Secretary or Equivalent, or Town/City/County Clerk) (Place corporate seal here, if available)

ALL CONTRACTS MUST BE APPROVED BY THE STATE CONTROLLER

CRS 24-30-202 requires that the State Controller approve all state contracts. This contract is not valid until the State Controller, or such assistant as he may delegate, has signed it. The Institution is not authorized to begin performance until the contract is signed and dated below. If performance begins prior to the date below, the State of Colorado may not be obligated to pay for the goods and/or services provided.

**STATE CONTROLLER:
LESLIE M. SHENEFELT**

By _____
Date _____

APPROVED:

Colorado Commission on Higher Education

By: _____
Chair

Dated: _____

TOPIC: ANTI-TERRORISM MEASURES

PREPARED BY: JASON HOPFER

I. SUMMARY/BACKGROUND

Colorado Revised Statute 23-5-126 requires the Commission to adopt guidelines and policies to provide all lawful information requested by the Federal Bureau of Investigation, the Central Intelligence Agency, the Department of Homeland Security, or any federal agency in connection with an anti-terrorism investigation.

These guidelines shall include requiring each state-supported institution of higher education to verify and report the status of all foreign students, as required by the Immigration and Naturalization Service (now known as U.S. Immigration and Customs Enforcement) or any other federal agency.

II. STAFF RECOMMENDATION

Staff recommends that the Commission adopt the following policy for information sharing between state-supported institutions of higher education and qualified federal law enforcement agencies:

Pursuant to Colorado Revised Statute 23-5-126, each state-supported institution of higher education shall cooperate and provide, in an immediate manner, all lawful information requested by the Federal Bureau of Investigation, the Central Intelligence Agency, the Immigration and Naturalization Service (now know as U.S. Immigration and Customs Enforcement), the Department of Homeland Security, or any other federal agency in connection with an anti-terrorism investigation.

Each state-supported institution of higher education shall, upon request by a lawful federal agency, verify and report the status of all foreign students.

**TOPIC: STATE GUARANTEED GENERAL EDUCATION COURSES, INTERIM
SUMMER REVIEW**

PREPARED BY: MATT GIANNESCHI/VICKI LEAL

I. SUMMARY

In compliance with C.R.S. 23-1-125, the Student Bill of Rights, this agenda item presents recommendations for courses nominated by institutions, reviewed by faculty, and recommended for the general education guaranteed statewide transfer program, GT Pathways, during the Cycle III, Interim Summer Reviews. Guaranteed transfer means that a course meets certain criteria and standards and therefore is universally transferable among all Colorado public institutions of higher education and will satisfy general education requirements within the Associate of Arts, Associate of Science, Bachelor of Arts, and Bachelor of Science degree programs at all public institutions of higher education.

Since the initial course reviews in January 2003, three cycles of reviews have resulted in the Commission approving over 500 general education courses across several disciplines (e.g., English, math, history, biology, etc.). The recommendations contained in this agenda item represent the outcome of faculty consideration during an interim review of courses that took place in July 2005. Nineteen courses were reviewed for the GT Pathways program, including 14 Arts & Humanities courses that were nominated but not reviewed due to time constraints during the April 22, 2005 faculty review. The remaining five courses reviewed include Adams State College's Integrated Mathematics and Integrated Science courses as well as the Colorado Community College System's Integrated Math courses.

The following table summarizes courses nominated and reviewed for statewide transfer during the Interim Summer Reviews in July. Courses are listed by content area and recommendation status.

COURSE CONTENT AREA	NUMBER OF COURSES RECOMMENDED	NUMBER OF COURSES NOT RECOMMENDED
Arts and Humanities	3	11
Communications	No Courses Nominated	No Courses Nominated
Mathematics	2	2
Natural & Physical Science	1	0
Social & Behavioral Science	No Courses Nominated	No Courses Nominated
TOTAL	= 6 (32%)	= 13 (68%)

II. BACKGROUND

Following the passage of the Colorado Opportunity Fund (COF) legislation in 2004, the Commission began performance contract negotiations with the governing boards of all public institutions in the state. Included in performance contracts is a requirement that all institutions have lower division general

education course requirements of between 30 and 40 credit hours and submit all the courses included in their required general education curricula for review and possible inclusion in the statewide transfer program. Colorado's public colleges and universities have established timelines for the submission of their general education courses to the GE 25 Council. Beginning this calendar year 2005 and continuing through June 2009, all of Colorado's public post-secondary institutions will be submitting their general education core courses to the GE 25 Council for approval and inclusion in the GT Pathways for guaranteed transfer.

It is anticipated that there will be at least one more general faculty review session in 2005, completing Cycle III course nominations for the year. As necessary to accommodate future volume, CCHE will convene additional cycles to review courses nominated for the guaranteed transfer program.

The list of recommendations on nominated courses found herein is the result of deliberations among 20 faculty members representing various public two- and four-year institutions in the state who met in Denver at the Colorado Commission on Higher Education in July.

III. STAFF ANALYSIS

Since the fall 2003 semester, GT-Pathways has guaranteed up to 35-37 credit hours of successfully completed courses taken from the list of approved state guaranteed general education courses, which are published on the GT-Pathways page of the CCHE website. Though the Commission approved a reduction in the gtPathways curriculum to 31 hours at its June 2005 meeting, (effective fall 2006), institutions were advised that, for the Interim Summer Review Cycle III, course reviews would adhere to current program guidelines. Therefore, the courses recommended in attachment A conform to the current program rules and content and competency criteria.

Faculty review committees in the content areas of Arts & Humanities, Math and the Natural & Physical Sciences reviewed their respective courses presented in Attachment A and took one of two actions:

- Recommend a course for inclusion in the statewide program;
- Not recommend a course

The Commission must approve those recommended courses in order to qualify for guaranteed transfer status. For those courses not recommended for guaranteed transfer status, CCHE staff will communicate the faculty recommendations to the nominating institutions, including clearly delineated reasons for courses that were not recommended during the summer interim review. Institutions will have the opportunity in future cycles to make any necessary corrections and/or revisions and re-nominate a course for consideration.

Pursuant to performance contract requirements, institutions must clearly distinguish guaranteed transfer courses from those not approved for guaranteed transfer in course catalogs and related materials; courses nominated for guaranteed transfer, but not approved, must be easily distinguishable from courses carrying the guaranteed status. In addition, prominently placed, in the general education section of the

college catalog, shall be explanations of the distinction between courses approved for guaranteed transfer and courses not approved for guaranteed transfer to other Colorado colleges and universities.

IV. STAFF RECOMMENDATION

That the Commission approve the courses recommended by faculty reviewers for guaranteed statewide transfer status, effective August 2006 (fall semester 2006); and that the Commission direct CCHE staff to write to the governing boards of the institutions to explain why certain courses failed to receive recommendation for placement in the GT Pathways curriculum.

V. SUPPLEMENTAL INFORMATION

Copies of all materials included in course submissions as well as copies of faculty reviewers' worksheets are on file in the Academic and Student Affairs Office.

VI. STATUTORY AUTHORITY

23-1-125. Commission directive - student bill of rights – degree requirements - implementation of core courses - on-line catalogue - competency test. (1) **Student bill of rights.** The general assembly hereby finds that students enrolled in public institutions of higher education shall have the following rights:

- (c) Students have a right to clear and concise information concerning which courses must be completed successfully to complete their degrees;
- (d) Students have a right to know which courses are transferable among the state public two-year and four-year institutions of higher education;
- (e) Students, upon completion of core general education courses, regardless of the delivery method, should have those courses satisfy the core course requirements of all Colorado public institutions of higher education;
- (f) Students have a right to know if courses from one or more public higher education institutions satisfy the students' degree requirements;
- (g) 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) **Core courses.** The commission, in consultation with each Colorado public institution of higher education, is directed to outline a plan to implement a core course concept, which defines the general

education course guidelines for all public institutions of higher education. The core of courses shall be designed to ensure that students demonstrate competency in reading, critical thinking, written communication, mathematics, and technology. The core of courses shall consist of at least thirty credit hours, but shall not exceed forty credit hours. Individual institutions of higher education shall conform their own core course requirements with the guidelines developed by the commission and shall identify the specific courses that meet the general education course guidelines. If a statewide matrix of core courses is adopted by the commission, the courses identified by the individual institutions as meeting the general education course guidelines shall be included in the matrix. The commission shall adopt such policies to ensure that institutions develop the most effective way to implement the transferability of core course credits.

Attachment A

Inst	Category	Course Prefix	Course #	Course Title	Action
ASC	Math	Math	155	Integrated Math*	RECOMMENDED
ASC	Math	Math	156	Integrated Math*	RECOMMENDED
ASC	Natural & Physical Science	Science	155	Integrated Science I: Physical Science*	RECOMMENDED
ASC	Natural & Physical Science	Science	156	Integrated Science II: Natural Science*	RECOMMENDED
CCCS	Arts & Humanities	FRE	211	French III	RECOMMENDED
FLC	Arts & Humanities	ENGL	270	History of Film	RECOMMENDED
UCD	Arts & Humanities	FA	2610	History of Art II (Survey)	RECOMMENDED
CCCS	Arts & Humanities	FRE	212	French IV	NOT RECOMMENDED
CCCS	Math	Math	155	Integrated Math*	NOT RECOMMENDED
CCCS	Math	Math	156	Integrated Math*	NOT RECOMMENDED
MSC	Arts & Humanities	MUS	266	History of Popular Music	NOT RECOMMENDED
MSCD	Arts & Humanities	FR	1000	Introduction to Cultures of the Francophone World	NOT RECOMMENDED
UCD	Arts & Humanities	CMMU	1011	Fundamentals of Communication	NOT RECOMMENDED
UCD	Arts & Humanities	CMMU	1021	Fundamentals of Mass Communication	NOT RECOMMENDED
UCD	Arts & Humanities	GER	1000	Germany and the Germans	NOT RECOMMENDED
UCD	Arts & Humanities	RLST	1610	Introduction to Religious Studies	NOT RECOMMENDED
UCD	Arts & Humanities	RLST	2660	World Religions	NOT RECOMMENDED
UCD	Arts & Humanities	RUSS	1000	Russia and Russians: Life, Culture & Arts	NOT RECOMMENDED
UNC	Arts & Humanities	MUS	241	Perceiving the Arts	NOT RECOMMENDED
UNC	Arts & Humanities	MUS	244	History of Music II	NOT RECOMMENDED

*Integrated courses (outlined above) are year-long sequences, but appear as two separate courses above for clarity of arrangement.

TOPIC: COLLEGE OPPORTUNITY FUND ELIGIBILITY FOR COURSES AT PRIVATE COLLEGES OPERATING PURSUANT TO A PERFORMANCE CONTRACT

PREPARED BY: MATT GIANNESCHI

I. SUMMARY

The College Opportunity Fund (“COF”) stipend program created by the Colorado General Assembly by way of SB 04-189 permits “eligible undergraduate students” to use their stipends “for undergraduate courses taken at public or participating private university at a fixed rate per credit hour, set annually by the general assembly” 23-18-201 (1) C.R.S. In the context of private institutions, an “eligible undergraduate student” is a resident of Colorado who graduated from a Colorado high school or a home-school program and demonstrates need (Pell Grant eligibility) and is enrolled at “not-for-profit college or university that is not pervasively sectarian and that maintains its primary place of business in the state of Colorado, that offers general baccalaureate degrees in arts and sciences, and that is institutionally accredited on the basis of an on-site review in Colorado by one of the six nationally recognized regional accrediting associations or by an accrediting agency determined by the commission to be appropriate to its educational purposes and programs” 23-18-102 (9) C.R.S.

However, 23-18-201(5)(b) C.R.S. restricts eligible students: “ ‘Eligible undergraduate student’ shall not mean a student enrolled in an off-campus, extended campus, or continuing education class, that is not supported by state general fund moneys, except as approved by the commission.” This latter definition does not distinguish between public and private institutions.

Many private colleges offer courses and programs off their main campuses or outside of their traditional regionally accredited academic programs. For example, Regis University maintains 13 campuses throughout Colorado, in addition to its main campus.

Commission staff have determined that eligible undergraduate students enrolled at participating private colleges should be permitted to apply their stipend toward any course in a baccalaureate-level degree program that is part of the institution’s regionally accredited academic unit and to which state and federal financial aid can be applied, regardless of locus of delivery, offered by a participating eligible private institution.

II. BACKGROUND

The COF legislation replaced the state’s former “block grant” FTE-reimbursement policy, and, for the first time, permitted eligible private institutions to “accept stipends on behalf of eligible undergraduate students” 23-15-129 (2)(b) C.R.S. However, SB 04-189

restricted the use of COF stipends to eligible undergraduate students not enrolled in off-campus, extended campus, or continuing education classes, that are not supported by state general fund moneys, except as approved by the commission (23-18-201[5][b] C.R.S.). This restriction does not differentiate off-campus, extended campus, or continuing classes offered by authorized public or private institutions.

Typically, off-campus, extended campus, and continuing education courses are considered for state funding pursuant to CCHE Extended Studies policies, which were established according to 23-1-109 C.R.S. However, these policies were developed prior to the implementation of COF, and apply to public institutions only. Consequently, Commission staff determined that CCHE Extended Campus policies are insufficient and not relevant for application to the review of courses offered off the main campuses of COF eligible private institutions.

In order to accommodate Regis University's request and comply with the funding restrictions outlined in 23-5-201 (5)(b) C.R.S., CCHE staff determined that a new provision in the CCHE financial aid policies is needed.

III. STAFF ANALYSIS

Staff considered options for adopting a policy that would permit the Commission to rule on the eligibility for COF funding of off-campus, extended campus, and continuing education courses offered by eligible private institutions. Of primary interest to CCHE staff were the intent of COF legislation and the nature of COF stipends for eligible students at private institutions.

It was determined that the clear intent of COF legislation was, according to the preamble of SB 04-189, about access to postsecondary education for all Coloradans, especially those deemed to be "under-represented":

- (a) For the future of the state of Colorado and its citizens, it is imperative that an increased number of Coloradans pursue education beyond high school;
- (b) 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;
- (c) In particular, 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 Colorado state institution of higher education; and
- (d) 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 the general assembly to students and institutions of higher education.

Given that all eligible students at eligible private institutions must be (a) Pell Grant eligible (low income), (b) Colorado residents, and (c) graduates of Colorado high schools or home schools, CCHE staff determined that making off-campus, extended campus, or continuing education courses offered by private institutions eligible for COF funding for eligible students could be considered consistent with the legislative intent of SB 04-189.

In addition to legislative intent, staff determined that, unlike public institutions in which the blending (cross-subsidization) of administrative revenues from state sources and through extended campus operations is strictly prohibited (thus the restriction stipulated in 23-5-201 (5)(b) C.R.S.), COF stipends at private institutions do not pose a potential conflict, as no state funds other than a variety of types of financial aid are allocated to private institutions. That is to say, simply, at private institutions, COF stipends represent financial assistance to needy students, do not replace or augment other forms of state support (e.g., fee for service revenues), and pose no threat to state accounting rules.

Finally, CCHE staff investigated the limits on COF eligibility for students enrolled at private institutions and the requirement that eligible private institutions be “accredited on the basis of an on-site review in Colorado of one of the six nationally recognized regional accrediting associations...” (23-18-102 [9] C.R.S.). Like students enrolled at public institutions, students enrolled at eligible private institutions are subject to the 145-credit hour lifetime COF eligibility limit established by 23-18-202 (5)(c) (this policy was adopted at the June 3, 2005 Commission meeting). Consequently, it is in the student and the state’s best interest to ensure timely completion of a degree, even if that means enrolling in and completing courses offered off of an institution’s main campus. However, per the accreditation rule established by 23-18-102(9) C.R.S., all courses that students complete with financial assistance from the College Opportunity Fund should be part of the institution’s accredited academic programs.

Taking all of these issues simultaneously, Commission staff propose that the following language be added to the CCHE policy for participating private institutions reporting COF student stipend enrollments:

4.03 Course Eligibility

Certain course enrollments are not eligible for stipend payments regardless of student COF-eligibility. Course enrollments that are generated by out-of-state students as defined in state statute (CRS 23-7) are not eligible for stipend payment.

“Off-campus, extended campus, or continuing education” courses are not eligible for

payment from COF stipends unless such courses are part of an eligible private institution's regionally accredited academic program, are qualified for title IV financial aid support, and are applicable to a degree program

Enrollments for which students are not charged full tuition, e.g., tuition waivers, are eligible for payment from COF stipends.

Course sections where enrollment is closed to the general public, the curriculum is customized for an employer, or the course is funded by customized job training dollars are not eligible for a student's stipend payments.

Transcribed credits that are not directly attributed to college instruction are not eligible for the COF stipend payments. Basic skills courses as defined in C.R.S. 23-1-113(b)(II)(A.7), and courses taken while dually enrolled in high school are not eligible for stipend course credit. Non-credit courses are not eligible for COF stipend payments.

Course credit hours that are eligible for student stipend payments are those that are earned by Colorado residents for tuition classification purposes as defined in C.R.S. 23-7-101 to 23-7-109, that are congruent with an institutions statutory role and mission and are offered within an institution's geographic boundaries including credit hours earned from any Internet course or interactive television course delivered by a Colorado participating private institution of higher education.

Institutions may receive COF stipend payments generated by students receiving institutional scholarships granted to a special group of students such as employees or employees' dependents if the eligible employee must pay the tuition and fees when registering for the course and there must be a published application process under which recipients qualify. Employees or dependents receiving institutional scholarships must be reported on the Student Unit Record Data System Financial Aid File. No state-appropriated financial aid funds may be used to fund institutional employee/dependent restricted scholarships.

IV. RECOMMENDATION

That the Commission adopt the changes to CCHE Finance Policies and Procedures, Section II, Part E 4.03 described herein.

V. STATUTORY AUTHORITY

23-18-202 C.R.S. College opportunity fund - appropriations - payment of stipends - reimbursement.

23-18-102. Definitions.

23-18-201. College opportunity fund program - creation - eligibility - guidelines.

23-18-202. College opportunity fund - appropriations - payment of stipends - reimbursement.

**TOPIC: POLICY REGARDING NOTICE OF COLLEGE
PREPARATORY COURSES FOR HIGH SCHOOL
STUDENTS**

PREPARED BY: JENNA LANGER

I. SUMMARY

During the 2005 legislative session, legislation supported by the Commission and adopted by the General Assembly (HB 05-1027) requires the Commission to adopt a policy to obtain the names and mailing addresses of all students who take the standardized, curriculum-based, achievement, college entrance exam administered pursuant to C.R.S. §22-7-409(1.5)(a) (currently known as the “ACT” exam) and send a notice to their parents or guardians regarding college preparatory courses. This notice must be sent prior to the start of the students’ 12th grade year and must contain certain information as set forth in statute. This agenda item directs the Commission to enter into an appropriate agreement with the test administrator and comply with the other terms set forth in statute.

II. BACKGROUND

Too many Colorado high school graduates assume that they are prepared for college-level coursework, only to find that once they enter college, they learn they must take extra remediation classes in reading writing and math. These classes cause the students to fall behind the pace of their peers and cost both the students and their parents additional time and money that very often neither can afford.

In 2003, 27% of incoming students in Colorado colleges and university were required to take remedial classes at a cost of over \$21 million dollars to the state’s higher education system. For example on the national level, only 39% of students who take remedial reading course work complete their bachelor’s degree, compared to 69% for those students that do not need to take any remedial course work.

In 2004, the Colorado Commission on Higher Education adopted pre-collegiate curriculum standards that require high schools students to complete a minimum level of course work in high school in order to be able to directly attend a four year college in Colorado. This new requirement affects the graduating class of 2008.

This new legislation as implemented through Commission policy will give parents information regarding their student’s likely need for additional basic skills preparation based on the results of the eleventh-grade ACT. Schools will also be required to meet existing demand for remedial coursework in their school districts.

III. STAFF ANALYSIS AND RECOMMENDATION

It is the Staff recommendation that the Commission adopt the following policy:

The Commission direct the staff to enter into an agreement with the Colorado Department of Education and/or the test administrator for the standardized, curriculum-based, achievement, college entrance exam administered pursuant to C.R.S. §22-7-409(1.5)(a) and the precollegiate exam (collectively the “Exam”) or its designee(s) to obtain the names and mailing addresses of students enrolled in Colorado public schools who take the Exam and consent to the release of such information in accordance with Federal and State privacy laws.

Starting in the Spring of 2006, the Commission shall send an annual notice to the parent or legal guardian of each student for whom information is provided for by the test administrator. Such notice shall be sent prior to the start of a student’s 12th grade year. The notice shall include, but need not be limited to the following:

(1) A description of what constitutes an inadequate score in mathematics, writing, or reading, based on the higher education admission guidelines established by the Commission;

(2) Information regarding a student’s ability to take basic, precollegiate skills courses while enrolled in a public high school; and

(3) Notice that a student’s parent or legal guardian may contact the school in which the student is enrolled if he or she desires to develop a plan for the student to address the course work needed to meet the higher education admission guidelines adopted by the Commission.

IV. STATUTORY AUTHORITY

23-1-119.2. Commission directive - notice of college preparatory courses for high school students.

**TOPIC: REPORT ON OUT-OF-STATE/OUT-OF-COUNTRY
INSTRUCTION**

PREPARED BY: MATT McKEEVER

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. The Board of Regents of the University of Colorado, the Trustees at Metro State College Denver and the Trustees of Adams State College sponsor these programs.

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. STAFF ACTION

The Executive Director approved the following out-of-state instruction:

The Board of Regents of the University of Colorado submitted a request to offer out-of-country instructional programs to be delivered by the University of Colorado Denver and Health Sciences.

- *“Transatlantic Vascular Medicine Symposium” to be presented in Glasgow, Scotland, on October 26, 2005*
- *“Mechanisms of Thrombosis and Their Implications for Therapy: A Satellite Symposium of the 2005 International Society on Thrombosis and Haemostasis Annual Meeting” presented in Sydney, Australia, on August 10, 2005*

The Trustees of Adams State College submitted a request to offer a series of out-of-state courses to be delivered by Adams State College Extended Studies in the Bronx, New York:

- *ED 589: Pablo Python Looks at Animals*
- *ED 589: Habitat Ecology*
- *ED 589: Voyage from the Sun*
- *ED 589: Elly Jelly Looks at Marine Animals*
- *ED 589: Certified Trainer/Pablo Python*
- *ED 589: Teachers for Tigers*
- *ED 589: Wild Explorations*
- *MAED 589: Data Analysis – Grades 6-8*
- *MAED 589: From Patterns to Discrete Functions – Grade 6-8*
- *MAED 589: Introduction to Continuous Functions – Grades 6-8*

The Trustees of Adams State College submitted a request to offer an out-of-state course to be delivered by Adams State College Extended Studies in San Diego, CA.

- *ED 589: SDAIE/Sheltered Instruction*

The Trustees of Metro State College of Denver submitted a request to offer an out-of-country course to be delivered by Metro State College of Denver Faculty at various locations in the Caribbean.

- *HMT 390I Cruise Tourism: Caribbean, Caves and Caldrons*

IV. 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: UPDATE ON PERFORMANCE CONTRACT REPORTING REQUIREMENTS

PREPARED BY: MATT GIANNESCHI/KIMBERLY THOMPSON

I. SUMMARY

Performance contracts, a requirement for participation in the College Opportunity Fund, have been finalized with all public institutions of higher education in Colorado. There are a variety of data and reporting requirements contained within each contract including student unit and aggregate data, narrative reports, and statements of assurance indicating on-going compliance with the contract requirements.

In order to facilitate consistent reporting and compliance with performance contract requirements, staff developed handbooks containing general reporting guidelines, a summary of the reporting requirements, and a reporting calendar for all standard reporting requirements. Because each contract also contains reporting requirements unique to each governing board, customized guidelines were also developed along with individual templates for the required annual governing board statement of assurances. Copies of these handbooks were provided to each governing board chair, chief executive officer, and chief academic officer. Additionally, the guidelines will be published on the CCHE website.