

TOPIC: DEGREE AUTHORIZATION ACT – AUGUSTINE INSTITUTE

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I. SUMMARY

This item is a follow-up to an action item from the September 2005 regular meeting of the Colorado Commission on Higher Education. This item corrects a minor oversight by the Department of Higher Education (DHE) and the Augustine Institute regarding the status of Augustine Institute's conditional approval for authorization to offer degrees in Colorado. No action is necessary by the Commission.

II. BACKGROUND

The Colorado Commission on Higher Education (CCHE) has statutory responsibility for administration of Title 23, Article 2 of the Colorado Revised Statutes, commonly referred to as the Degree Authorization Act, which sets out the terms under which certain types of institutions¹ may offer degrees or degree credits. Persons or 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, seminaries and bible colleges are required to register with the Colorado Department of Higher Education (DHE) and to meet criteria in CCHE Policy Section I Part J, 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, academic credits, or degrees; opening a place of business; soliciting students or enrollees; or offering educational support services.

The Commission administers the Degree Authorization Act by determining an institution's eligibility to operate pursuant to statute and CCHE policy. Policy requires Commission action for institutions to be authorized at any level.

II. STAFF ANALYSIS

The Augustine Institute applied in 2005 to operate as a Seminary or Bible College in the State of Colorado. At the September 9, 2005 meeting of the CCHE, the Commission voted to conditionally approve Augustine Institute with Religious Authorization, noting that the Institute

¹ (1) Colorado publicly supported colleges and universities; (2) properly accredited private colleges and universities; (3) postsecondary seminaries and bible colleges; and (4) private occupational schools authorized by the Division of Private Occupational Schools.

had met all requirements to operate but one: The institution had applied for 501(c)(3) non-profit corporation status but had not yet received its official letter of determination from the Secretary of State. CCHE granted Augustine Institute conditional approval, allowing the institution to enroll and instruct students, with the qualification that the Institute provide its final 501(c)(3) letter of determination as a not for profit corporation from the Secretary of State. DHE staff and the Institution recently discovered that although the Institution had been granted not-for-profit status in 2006, the CCHE had not been formally notified of the Institution having met its requirement.

The Colorado Department of Higher Education is now in receipt of a copy of the letter of determination for Augustine Institute's tax exempt status from the Secretary of State. Augustine Institute has met the requirement of the conditional approval made in 2005.

IV. STAFF RECOMMENDATION

This is an information item only; no formal action is required by the Commission.

STATUTORY AUTHORITY

C.R.S. §23-2-102
C.R.S. §23-2-103.3(4)