

SECTION II

PART D POLICY FOR PUBLIC INSTITUTIONAL REPORTING COLLEGE OPPORTUNITY FUND STUDENT CREDIT HOUR STIPEND ENROLLMENT, EFFECTIVE JULY 1, 2005

1.00 Introduction

This policy applies to all participating public institutions of higher education, as defined in C.R.S. 23-18-102 (10)(a).

This version of the Policy for Reporting Colorado Opportunity Fund (COF) Student Credit Hour Stipend Enrollment, hereafter called the “COF Stipend Policy” is effective July 1, 2005.

The Commission recognizes that the COF Stipend Policy may not address every possible circumstance. Institutions shall request an interpretation from the Commission when encountering a circumstance that the policy does not explicitly address. The Commission will provide the requested interpretation in writing within a reasonable time period.

2.00 Statutory Authority

The Commission, in cooperation with education, has the responsibility to maintain a record of the number of credit hours of each eligible undergraduate student participating in the program and to report back to the institutions on the number of credit hours accumulated by each eligible undergraduate student against the number of lifetime-credit-hour limitations. (C.R.S. 23-18-203)

The Commission shall annually make recommendations to the governor and the joint budget committee of the General Assembly regarding any adjustment to the amount appropriated to the Colorado student loan program for the stipends to reflect at least inflation and enrollment growth in the state institutions of higher education. (C.R.S. 23-18-202(2)(a)(c)(d))

3.00 Goals, Principles, Roles and Responsibilities

To bring awareness to Colorado resident students that state funds exist to help finance their college education and ensure that the per-credit hour stipend shall be the same for each eligible undergraduate student.

To recognize the needs of individual students and state priorities in the policies for counting and classifying student and credit hour eligibility for trust fund payments established by the COF.

The policy recognizes the statutory role and mission of an institution or institutional type.

Statutory intent will determine COF eligible student credit hours. The Commission is responsible for adopting, applying, and interpreting the COF Student Enrollment Policy.

The governing boards are responsible for implementing CCHE's COF Stipend Policy, adopting policies and procedures to facilitate requests for interpretation.

Compliance with the policy is subject to annual audit by the Colorado Commission on Higher Education and/or the State Auditor's Office. The Commission and/or the State Auditor's Office will report any eligibility deviations to the governing board of the institution in question.

4.00 College Opportunity Fund Stipend Payments

4.01 Stipend Allocation

All eligible undergraduate students shall receive a pro rata share of the amount specified by the General Assembly per eligible credit hour. Eligible credit hours include both whole and partial credit hours.

The amount of the disbursement may change annually based on the General Assembly's allocation to the College Opportunity Fund. A public institution must be designated as an enterprise under C.R.S. 23-5-101.7. A public institution of higher education shall not increase the student's share of in-state tuition to make up for a reduction during the same fiscal year in the stipend amount from which budgetary calculations were made for establishing tuition rates.

A public institution of higher education may not require a payment due from the student for the Total Tuition (tuition without consideration of the COF stipend offset) until the student has had adequate opportunity to apply for the stipend. "Adequate opportunity" is defined as the date that the institution submits the final reconciliation to the Colorado Access Network for the first semester, in the first year, the student enrolled under the COF program.

A stipend payment may not constitute a state grant pursuant to Article X, Section 20 (2) (d) of the Colorado Constitution (C.R.S. 23-18-202 (7)) nor may the stipend count as a resource in the calculation of financial aid.

4.02 Student Eligibility Parameters

Students who meet the following qualifications may receive a stipend from the College Opportunity Fund if they are "enrolled at a state institution of higher education and ... classified as an in-state student for tuition purposes" (C.R.S. 23-18-102 (5) (a) (I)); have applied for and been accepted into the

College Opportunity Fund program (C.R.S. 12-18-201 (4)); have requested that a payment from the College Opportunity Fund is made on their behalf to the institution(s) they are attending (C.R.S. 23-18-202 (5) (a)); are receiving undergraduate instruction and have not exceeded their lifetime-credit-hour limitation (145 credit hours) or have already completed their baccalaureate degree and are eligible to receive stipend payments for an additional thirty undergraduate credit hours” (C.R.S. 23-18-202 (5) (c) (I)).

Students who are receiving undergraduate instruction that exceeds their lifetime-credit-hour limitation (145 credit hours) after being granted a one-year waiver are also eligible as are undergraduate students attending eligible public institutions taking graduate level courses.

Military personnel or their dependents and Olympic trainees whose out-of-state tuition is waived under C.R.S 23-7-103 (c) (I) are eligible for COF stipend payments.

Students may not receive stipend payments for instruction that is funded under an institution’s fee-for-service contract.

Colorado law requires state agencies and institutions of higher education to verify the lawful presence in the United States of all persons 18 years of age or older for receipt of public benefits, such as financial aid, by requiring the applicant to produce one of the following forms of identification:

- (1) Valid Colorado Driver’s License or a Colorado Identification Card
- (2) U.S. Military Card or a Military Dependent’s Identification Card
- (3) U.S. Coast Guard Merchant Mariner Card
- (4) Native American Tribal Document
- (5) An alternative form of identification as listed in the Department of Revenue’s Rules for Evidence of Lawful Presence, 1 CCR 201-17.

An applicant also must execute an affidavit stating that he or she is a U.S. citizen or legal permanent resident; or that he or she is otherwise lawfully present in the U.S. pursuant to federal law. (C.R.S. §24-76.5-103(4)).

All students over the age of 18 years will be required to produce one of the forms of identification set forth in C.R.S. §24-76.5-103(4) and complete the affidavit regarding lawful presence either on-line or by paper application. After August 1, 2006, students under the age of 18 years may apply for and receive the COF stipend but they will be required to meet the requirements of C.R.S. §24-76.5-103(4) when they reach the age of 18 years in order to continue to receive the COF stipend benefit. Students under the age of 18 years may provide information required by C.R.S. §24-76.5-103(4) and be verified at the time of application.

Each applicant for the COF stipend shall be verified by the Colorado Student

Loan Program (CSLP) in accordance with C.R.S. §24-76.5-103(4). CCHE and CSLP shall establish official guidelines for the verification process and standards and shall notify applicants who do not pass the verification process. Applicants who are successfully verified as lawfully present in the United States through the COF Stipend process shall be eligible for all public benefits provided by the Department of Higher Education and the state institutions of higher education.

All applicants for state-funded financial aid must meet the identification requirements of C.R.S. §24-76.5-103(4) or the Department of Revenue's Rules for Evidence of Lawful Presence, 1 CCR 201-17, which are effective as of August 1, 2007. Institutions must satisfy the verification requirements of C.R.S. §24-76.5 103(4) in a manner consistent with statutory requirements, Attorney General Guidance and CCHE policy. CCHE shall audit institutions to ensure compliance.

Applicants for the COF stipend may also meet the requirements of C.R.S. §24 76.5-103(4) through any waivers granted by the Department of Revenue as provided for in the Department of Revenue's Rules for Evidence of Lawful Presence, 1 CCR 201-17, which are effective as of August 1, 2007.

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 (C.R.S. 23-7) are not eligible for stipend payment.

“Off-campus, extended campus, or continuing education” courses “not supported by state general fund” (C.R.S. 23-18-102 (5) (a) (II) (D) (b)) are not eligible for payment from COF stipends. Enrollments for which students are not charged full tuition, e.g., tuition waivers, excluding enrollment of children and grandchildren of the original residents of Ninth Street on the Auraria campus who are granted free tuition and Native American students at Fort Lewis College.

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 that are separately appropriated (C.R.S. 23-60-304, 23-60-306, and 23-60-307) are not eligible for a student's stipend payments.

Transcripted credits that are not directly attributed to college instruction (e.g., AP, ACE, IB, and CLEP) are not eligible for the COF stipend payments. 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 institution's 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 public institution of higher education.

~~Beginning July 1, 2006, courses taken pursuant to the “Postsecondary Enrollment Options Act”, article 35 of title 22, C.R.S. and high school fast track courses taken pursuant to section 22-34-101, C.R.S., are eligible for stipend course credit and will count towards the student’s 145 credit hour limitation. Basic Skills courses defined in C.R.S. 23-1-113(1)(b)(II)(A.7) are eligible for stipend course credit and will not count against the student’s 145 credit hour limitation.~~

Course credit hours earned pursuant to the Concurrent Enrollment Programs Act, C.R.S. 22-35-101, are eligible for student stipend payments and will count towards the student’s 145 credit hour limitation. Confirmation of the student’s uniquely identifying student number is required prior to payment of the stipend for those student earning credit hours.

Pursuant to Concurrent Enrollment Programs Act, C.R.S. 22-35-101, Basic Skills courses, defined in C.R.S. 23-1-113(1)(b)(II)(A.7), taken while in high school, are eligible for stipend course credit only if the student is in the 12th grade. These credit hours will not count against the student’s 145 credit hour limitation.

Basic Skills courses, defined in C.R.S. 23-1-113(1)(b)(II)(A.7), taken as college students, are eligible for stipend course credit and will not count against the student’s 145 credit hour limitation.

Students are eligible to receive COF stipend payments generated when 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 is 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.

4.04 Waivers

There are two types of waivers from the 145 lifetime credit hour limitation: waivers granted by institutions and waivers granted by the Commission.

“A state institution of higher education may annually grant a one-year waiver of the lifetime-credit-hour limitation for up to five percent of the eligible undergraduate students enrolled in the state institution of higher education” (C.R.S. 23-18-202 (5) (f)). Institutions must calculate their five percent limit based on the previous year’s credit hours converted to student FTE. In granting the waivers, institutions shall give priority to students who participated in the Postsecondary Enrollment Options Act (PSEO) or the Fast Track program after

July 1, 2006 and need a waiver to complete the requirements of their degree program. For any remaining portion of the institution's five percent of eligible undergraduate students limit, priority shall be given to a student who is receiving instruction for the purpose of job retraining.

The institutional waiver process shall precede the CCHE waiver; there will be a one-time waiver by an institution for a student. As part of their lifetime credit hour limitation waiver application process, institutions must notify students of the availability of waivers through the Commission.

An eligible undergraduate student may apply to the commission for a waiver of the lifetime-credit-hour limitation (C.R.S. 23-18-202 (5) (e)). The commission may grant such a waiver if a student has "extenuating circumstances that exist related to his/her health or physical ability to complete the degree program within the lifetime-credit-hour limit; if the student's enrolled degree program requires more than 120 credit hours to complete and if this degree program has been approved by the Commission. Approval for a waiver can also be given if, while the eligible undergraduate student was enrolled in a specific degree program the Commission approved and the institution implemented an alteration of degree requirements or standards for the specific degree; or

That requiring the eligible undergraduate student to pay the full amount of total in-state tuition for credit hours that exceeded the limitation would cause substantial economic hardship on the student and the student's family."

In order for a student to receive a Commission waiver from the lifetime credit hour limitation, he/she must first submit a written application to the Commission.

A student may apply once to the Commission for a waiver, unless extenuating circumstances occur after the waiver is denied which significantly affect the student's need and/or eligibility for the waiver. The decision by the Commission to grant or deny the waiver shall be final. The Commission will grant or deny the waiver and notify the student within 30 days of receipt of the waiver application. The Commission shall also notify the student's institution and the College Access Network division of its decision to grant or deny the waiver. If granted, the waiver shall only be valid for courses needed in order to complete the requirements for the degree program in which the student is enrolled at the time he/she applied for the waiver.

4.05 College Opportunity Fund Cash Advances

In accordance with 23-18-208, Colorado Revised Statutes, the College Access Network division may authorize an advance from the College Opportunity Trust Fund to help a governing board in managing its cash flow.

In order for a governing board to receive a cash advance it must first make written

application to the Commission and provide the following information:

- Purpose of the advance;
- Reason and justification for the need for the advance;
- A cash flow statement that demonstrates the need;
- The expected term of repayment; and
- A statement signed by a member of the governing board certifying that such advance will be paid back in full to the trust fund no later than the end of the fiscal year in which it was made.

Upon such application by the governing board, the Commission shall allow staff to review the application to ensure its completeness and need for such advance. If approved by staff, they shall forward their recommendation to the College Access Network for consideration. If approved, the advance will be completed when the State Treasurer's Office makes such money available to the trust fund. The purpose of the review by staff is to allow an independent review of the need by an entity that does not control the trust fund.

In order to ensure that a cash advance does not interfere with payments from the trust fund, or short the fund money, the Commission shall only allow governing boards to make application for advances during the three months in which stipend payment disbursements are made to institutions.

In all cases, such advances must be repaid in full to the trust fund by the last day of the fiscal year in which the advance was made.