

**TOPIC: DEGREE AUTHORIZATION ACT – AMENDMENT TO CCHE
POLICY: SECTION I, PART J**

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I. SUMMARY

This item seeks Colorado Commission on Higher Education approval for an amendment to CCHE policy, Section I, Part J of The Degree Authorization Act: Statutes and Policies Pertaining to Authorization to Operate as a Postsecondary Education Institution and to Award Credits and Degrees in Colorado. This change is requested for purposes of addressing the special case of when an institution authorized under the Division of Private Occupational Schools seeks joint authorization from the Colorado Commission on Higher Education to offer degrees at the baccalaureate level and higher as permitted by the Degree Authorization Act.

II. BACKGROUND

When the Colorado Commission on Higher Education was reorganized in 1986, the prevailing opinion was that non-public institutions could be organized into one of two distinct classifications: occupational schools, which would be regulated by the Division of Private Occupational Schools (DPOS), and degree granting colleges and universities, which would be authorized by the Colorado Commission on Higher Education. More recently, it has become possible for institutions to be classified under both definitions. In other words, several “occupational schools” have successfully been authorized and accredited to deliver baccalaureate and higher degrees.

Existing laws in Colorado concerning the oversight and authorization of non-public institutions have, heretofore, not been joined in such a way that would allow Department staff to effectively advise institutions on the process for receiving authorization or to properly guide the decisions of the DPOS board and CCHE.

II. STAFF ANALYSIS

Current policies do not explicitly contemplate joint authorization for institutions wishing to operate simultaneously under both the Private Occupational Schools Act and the Degree Authorization Act. While DPOS authorizes institutions that offer certificate and associate level programs, the DAA (C.R.S. 23-2-101 et seq) authorizes nonpublic institutions to offer baccalaureate and higher degrees. Current policy does not allow an institution to fall under the DAA until such time that the majority of its programs are at the baccalaureate level or above. The DPOS “majority rule” is an exemption defined in Title 12, Article 59, Section 104 that reads

as follows: *“a college or university which: confers four-year baccalaureate or higher degrees; and offers programs or courses in this state, the majority of which are not occupational in nature, as defined by the division, or are at the graduate level.”*

As a result of this rule, institutions classified as “occupational” could not offer baccalaureate degrees until such time that the majority of programs at the institution were at the baccalaureate level or higher. Consequently, DPOS institutions that wished to offer baccalaureate and higher programs but could not meet DPOS’ “majority” rule could not receive authorization from the CCHE to offer baccalaureate or higher degrees.

After reviewing the requirements and limitations of the Occupational Schools Act and the Degree Authorization Act, Department staff recommend modifying CCHE policy I, section J (see changes in Addendum A) to provide DPOS schools that wish to offer baccalaureate or higher programs, but do not fully satisfy the majority rule, an opportunity to receive limited authorization from the Colorado Commission on Higher Education to deliver baccalaureate and higher programs at that school. The recommended modifications are as follows:

The creation of a new section 2.02.03:

2.02.03 *Joint Authorization*

Under special circumstances, institutions otherwise authorized by the Division of Private Occupational Schools (DPOS) that elect to offer baccalaureate degrees, and have received or will receive authorization to do so by an approved accrediting body, may hold joint authorization between the DPOS and the CCHE. Under these circumstances, the Division of Private Occupational Schools will remain the primary authorizing body of the institution and the institution will continue to follow all DPOS rules and procedures; the Colorado Commission on Higher Education will authorize the baccalaureate and higher degree programs only.

And the creation of a new section 3.02.03:

3.02.03 *Joint Authorization Under Special Circumstances*

3.02.03.01. *In the special instance that a school authorized under C.R.S., Title 12, Article 59, otherwise known as the Division of Private Occupational Schools, offers baccalaureate degree programs but does not meet the majority rule (12-59-104(d)(II)), the Colorado Commission on Higher Education will have authority to authorize the baccalaureate and higher level programs at the school under the Degree Authorization Act (C.R.S. 23, 2). However, under such circumstances, the school will*

continue to follow the DPOS rule and statute until such time that the majority of its programs are at the baccalaureate level or higher.

3.02.03.02 *Under the special circumstances, as stated in 3.02.03.01, department staff will address complaints received by students enrolled in the baccalaureate and higher degree programs pursuant to the process outlined in section 6.0.*

A. In the event that the department receives complaints by baccalaureate and sub-baccalaureate degree seeking students enrolled at an institution jointly authorized by the DPOS board and the CCHE, department staff may coordinate the review of these complaints and include all relevant information derived during the investigation of them in preparing recommendations for board action, whether the DPOS board, the CCHE, or both.

Importantly, DHE staff recommend that schools authorized to offer baccalaureate degrees, but unable to meet the majority rule in C.R.S. 12-59-104(d)(II), should remain under the Private Occupational Schools Act and thus continue to follow all DPOS rules and statutes until such time that the majority of its programs are offered at the baccalaureate level or higher.

IV. STAFF RECOMMENDATION

Staff recommends that the Commission approve the attached amendments to CCHE policy Section I, Part J of The Degree Authorization Act: Statutes and Policies Pertaining to Authorization to Operate as a Postsecondary Education Institution and to Award Credits and Degrees in Colorado.

STATUTORY AUTHORITY

C.R.S. §23-2-101, et seq.

C.R.S. §12-59-101, et seq. (DPOS board policy)