

TOPIC: RESOLUTIONS REGARDING THE AUTHORIZATION OF COLORADO COLLEGE, REGIS UNIVERSITY, AND THE UNIVERSITY OF DENVER TO OPERATE IN COLORADO.

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I. SUMMARY

This agenda item recommends approval of resolution requested by Colorado College, Regis University, and University of Denver that informs the United States Department of Education (USDOE) of the institutions' authorization to operate in Colorado.

II. BACKGROUND

The Colorado Commission on Higher Education has statutory responsibility for administration of Title 23, Article 2 of the Colorado Revised Statutes, which authorizes certain types of institutions to offer degrees and/or degree credits. These are: (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 School. 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 a State agency prior to offering instruction. The authorization process is the first step within the triad of state agencies, accrediting bodies, and the U.S. Department of Education. The U.S. Department of Education's Title IV, HEA program requires state authorization and accreditation by a recognized accrediting body to determine eligibility for Title IV funds.

III. STAFF ANALYSIS

On October 29, 2010, the Department of Education published in the Federal Register final regulations on program integrity issues (75 FR 66832). More recently, a "Dear Colleague Letter" released in April 2011 by the USDOE provided guidance on three areas of those final regulations: State authorization, incentive compensation, and misrepresentation.

A specific issue addressed in the April Dear Colleague Letter was State authorization in the context of distance education, including correspondence study and online learning. Under the State authorization regulations, a student that is enrolled in an educational program offered by an institution cannot use Title IV, HEA program funds for that program if the institution the student is attending does not have State authorization in the State in which the student resides.

The guidance provided by the USDOE regarding State authorization addressed questions surrounding an authorized institution established by name as an educational institution by Colorado through a charter, statute, constitutional provision, or other action by an appropriate State agency or State entity and is authorized to operate educational programs beyond secondary education.

The attached resolutions are intended to inform the United States Department of Education that Colorado College, Regis University, and University of Denver are operating in Colorado with authorization to operate as postsecondary education institutions.

IV. STAFF RECOMMENDATION

Staff recommends that the Commission approve the attached resolutions regarding the authorization of Colorado College, Regis University, and University of Denver to operate in Colorado.

STATUTORY AUTHORITY

C.R.S. 23-2-103.3