

**TOPIC: DEGREE AUTHORIZATION ACT: ASPEN CHRISTIAN COLLEGE & SEMINARY– REQUEST FOR REAUTHORIZATION AS A SEMINARY/RELIGIOUS TRAINING INSTITUTION**

**PREPARED BY: HEATHER DELANGE, ACADEMIC POLICY OFFICER**

**I. SUMMARY**

This item recommends the reauthorization for Aspen Christian College & Seminary (ACCS) as a Seminary or Religious Training Institution pursuant to the provisions of the Degree Authorization Act. Staff, based on the guidance and recommendation of the Office of the Attorney General, recommends reauthorization be retroactive to 2008.

**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. The Act sets out the terms by which the Commission may authorize properly accredited private colleges and universities, out-of-state public colleges and universities, and seminaries and religious training institutions to offer degrees or degree credits in Colorado. Persons or organizations that violate the provisions of the statute are subject to legal penalties. These institutions must receive authorization by the Commission 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. Pursuant to state law, a private college or university is required to be accredited on the basis of an on-site review in Colorado by a nationally recognized regional or national accrediting association.

Pursuant to Colorado Revised Statutes, 23-2-103.3 (4), “to operate in Colorado, a seminary or religious training institution shall apply for and receive authorization from the department and establish that it qualifies as a bona fide religious training institution and as an institution of postsecondary education, as defined by rules promulgated by the Commission.”

ACCS is an inter-denominational religious training institution that has operated in the state since the 1990s. As stated in the catalog, “The founders have worked to establish religious based educational programs for pastors and Christian leaders. The mission of the school aims to serve the needs of ministers and urban ministry leaders and other Christian professionals across many denominations.”

According to Department files, ACCS received authorization to operate as a Bible College/Seminary in 1990 and did so until the end of 1993. At that time, the President of the Seminary informed Department staff that it was undergoing a restructuring process as directed

by the board. The Seminary subsequently informed staff that as of September 1, 1993, all operations of Aspen Christian College & Seminary had ceased.

During the latter part of 2012, staff learned that Aspen Christian College & Seminary was operating. It is unclear (due to changes in institutional leadership) exactly when the school resumed operations, however the school has been operating at least since 2008. Staff sent a notification in 2012 informing the school that the old authorization had expired and outlined the process to obtain a new authorization for operation in Colorado.

## **II. STAFF ANALYSIS**

Since notifying ACCS in 2012 of the requirement to be authorized, DHE staff have been working with the school's leadership to clarify the process for reauthorization and obtain all required documentation. Due to the somewhat unique nature of this case—that is, that the institution had been authorized at one point, had then failed to obtain reauthorization but continued or restarted operations—staff contacted the Office of the Attorney General to ensure legal compliance.

After receiving required documentation, department staff and Assistant Attorney Tony Dyl met with the administration of the Seminary to discuss the options for addressing the years that the school had operated without authorization. Mr. Dyl and Ms. DeLange conducted a site visit at the school's location and reviewed all degrees awarded since resuming operations. Mr. Dyl and Ms. DeLange confirmed that the majority of diplomas that ACCS has awarded have been consistent with CCHE policy, Section I, Part J, in that the diplomas clearly articulate the religious nature of the degree program on the face of the diploma. Six diplomas awarded in 2010 name the degree program as "Christian Counseling/Organizational Psychology." Staff requested ACCS to reissue those diplomas to the graduates without the Organizational Psychology language to ensure compliance. With this change, staff determined that the degree conferred was religious in nature and met the provisions of the Seminary/Religious Training Institution requirements.

Statute does not require accreditation for Seminary or Religious Training Institutions as they provide education and training for work within religious organizations or they meet a personal need of an interested party. Hence, the state does not recognize degrees issued by institutions authorized under this provision of statute. The Department's role for institutions authorized under this status is to ensure that the institution offering postsecondary education under the auspice of religion is truly a bona fide religious postsecondary educational institution. The requirements to determine the bona fide status of a Seminary/Religious Training Institutions include:

- operation within the state;
- exemption from property tax; and,
- only offering degrees of a religious nature.

Based on the institution's programs and clear religious affiliation and the statute under which it operates, Mr. Dyl suggested reauthorizing the institution back to the time when it resumed instructing students. It is the opinion of the AG that this course of action recognizes that ACCS has been operating in good faith and meeting the requirements of a religious training institution, and is the least disruptive to students who have received degrees since 2008.

#### **IV. STAFF RECOMMENDATION**

**Staff recommends that the Commission approve reauthorization for Aspen Christian College & Seminary as a Seminary or Religious Training Institution, and that the reauthorization be retroactive to 2008.**

#### **STATUTORY AUTHORITY**

C.R.S. §23-2-103.3 (4) To operate in Colorado, a seminary or religious training institution shall apply for and receive authorization from the department and establish that it qualifies as a bona fide religious institution and as an institution of postsecondary education, as defined by rules promulgated by the commission. A seminary or religious training institution that meets the criteria and rules established by this subsection (4) is exempt from the provisions of subsections (1), (2), and (3) of this section. A bona fide religious institution and an institution of postsecondary education that applies for authorization pursuant to this subsection (4) shall pay the fee established according to [section 23-2-104.5](#).