

STATE OF COLORADO

DEPARTMENT OF HIGHER EDUCATION



John Hickenlooper
Governor

Lt. Gov. Joseph A. Garcia
Executive Director

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FREQUENTLY ASKED QUESTIONS REGARDING SENATE BILL 13-033:

CONCERNING IN-STATE CLASSIFICATION AT INSTITUTIONS OF HIGHER EDUCATION FOR STUDENTS WHO COMPLETE HIGH SCHOOL IN COLORADO ("COLORADO ASSET")

Overview: In March 2013, the Colorado General Assembly passed Senate Bill 13-033, often referred to as the Colorado ASSET legislation. This legislation modified several procedures concerning the classification of students for tuition purposes. This document is intended to serve as a general reference for commonly asked questions concerning SB 13-033. This guidance will be revised as new, unique questions are received by the Department of Higher Education.

Is Senate Bill 13-033 law? Governor Hickenlooper signed the Bill into law on April 29, 2013. Students who meet the ASSET requirements are eligible to qualify for in-state tuition for courses beginning on or after April 29th.

Whom should we contact for questions regarding ASSET?

General Questions:

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Tuition Classification Questions:

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When will the Department of Higher Education issue official tuition classification guidance to campuses? The Department of Higher Education is working with the Office of the Attorney General to provide official tuition classification guidance as questions arise.

How will potential beneficiaries of SB 13-033 demonstrate eligibility for the program?

The application is formatted such that the applicant can determine whether they can be classified under ASSET or DACA. (<https://cof.college-assist.org/>) The COF site is the primary vehicle through which students will complete their COF application and affidavit. The campuses will continue to control the process for determining residency classification.

QUALIFYING FOR ASSET

What are the specific criteria to qualify for in-state tuition classification under ASSET? A student (other than a nonimmigrant alien) who meets the below criteria is eligible for in-state tuition classification. This includes U.S. citizens, permanent resident aliens, and students without lawful immigration status.

- Enrolled for at least three years at a public/private Colorado high school immediately preceding graduation or earning a GED;
- Admission into Colorado institution of higher education/attends a reciprocal program within 12 months of high school graduation or earning a GED.
- Students without lawful immigration status are required to submit an affidavit (onetime on the COF website) stating that the student has applied for lawful presence or will apply as soon as he or she is eligible to do so.

Students who graduated from a Colorado high school or completed GED prior to September 1, 2013 and were not admitted to an institution of higher education within 12 months, but meet all other eligibility criteria, may qualify for in-state tuition by providing documentation to the school proving that the student has been physically present in Colorado for eighteen months prior to enrolling.

What is the start date or start term for this law? The law became effective on April 29, 2013 upon signature by the Governor.

It appears that ASSET will help streamline the registration process for students so that COF is automatically authorized for students. Is that correct?

No, the ASSET legislation allows students without lawful presence to qualify for in-state tuition and the College Opportunity Fund. ASSET students will need to complete a COF application and authorize COF like any other student eligible for COF.

Will ASSET students at COF participating non-profit private institutions (Regis, DU, and Colorado Christian University) be eligible for COF in the same way that other resident students are eligible?

No. Under current law, all students attending non-profit private institutions must qualify as Pell eligible in order to receive COF. Federal law does not extend Pell eligibility to undocumented students.

SB 08-079 addresses US citizens with 3 years of high school and SB 13-033 seems to address the undocumented student. Are we to treat a permanent resident with three years of high school as a Colorado resident without information to confirm that their parent or court appointed legal guardian is a resident the state? Yes. Senate Bill 08-079 created a path to in-state tuition classification for U.S. citizens whose parents were undocumented. Senate Bill 13-033 does not affect SB 08-079.

What is the maximum length of time between when the student graduated from high school or received a GED and when they must enroll in a college? To qualify for in-state tuition under the Bill, students who attend a Colorado high school for at least three years and then graduate from a Colorado high school or earn a GED on or after September 1, 2013 must be admitted into a Colorado institution, or attend an institution of higher education under a reciprocity agreement, within 12 months of graduating or earning a GED.

Any student who does not have lawful immigration status and attended a Colorado high school for at least three years and then graduated from a Colorado high school or earned a GED prior to September 1, 2013, but was *not* admitted to an institution within 12 months of graduating or earning a GED, is eligible for in-state tuition if the student can document 18 months of continuous physical presence in Colorado prior to enrolling in an institution.

Is there a “Grandfathering” clause to the above? No. Undocumented students who attended high school in Colorado for fewer than three years, regardless of the time they have been physically present in the state, are not eligible to qualify for in-state tuition classification under SB 13-033.

How does ASSET work for GED students? Exactly the same as it does for students with a High School Diploma: students must have completed three years of high school and be admitted into a state institution of higher education. Students without lawful immigration status must also complete an affidavit stating that the student has applied for lawful presence or will apply as soon as he or she is eligible to do so.

If a student only attends two years of high school in Colorado, could they qualify for resident tuition under Senate Bill 13-033? No. Students must attend at least three years to be considered for in-state tuition under SB 13-033.

How is “at least three years of high school attended” defined? Is summer term included? As long as a student attended six academic terms from three separate academic years—and then graduated or received a GED—the student would satisfy the high school requirement.

Can a student’s ASCENT (5th year) be used to satisfy the three-year academic residency requirement? Yes. ASCENT is considered part of a student’s high school program, and therefore may be counted toward the three-year academic residency requirement.

Do students need to have three consecutive years of high school to satisfy the three-year academic residency requirement? Not necessarily. Students must participate in three years of high school enrollment “immediately prior” to graduation; however the terms need not be consecutive.

Is documentation required to prove graduation? The registering authority (institution of higher education) is charged with collecting documentation as needed.

AFFIDAVITS (C.R.S. §23-7-110 [2][a])

What is required? Beginning in May 2013, students complete an affidavit at the College Opportunity Fund site <https://cof.college-assist.org/COFApp/COFApp/Default.aspx>. The affidavit requires applicants who do not have lawful immigration status to affirm that s/he has applied for lawful presence or will do so as soon as he or she is able to do so.

Is there documentation or a written statement that needs to be collected with the affidavit to show students are taking steps to become documented? No additional documentation besides the affidavit is required to be submitted to complete the process.

Local district and area vocational institutions do not participate in COF. How would students attending a non-COF institution provide an affidavit? Students enrolling at Aims Community College, Colorado Mountain College, Emily Griffith, Pickens Tech, or Delta-Montrose Area Technical College should complete an affidavit on the COF website once it is available, though the completion and submission of paper-based affidavits will be permitted

Is the affidavit a onetime requirement or must it be completed every academic term? The affidavit is a onetime requirement that will be maintained centrally by the Colorado Department of Higher Education. Evidence of completion of the affidavit will be provided to campuses electronically. This will allow ASSET students to complete and submit the affidavit only once.

Who will prepare the required language for the “affidavit stating that the student has applied for lawful presence” referred to in SB 13-033? The Colorado Office of the Attorney General has provided the language for the affidavit.

Is documentation required to prove graduation from a Colorado high school or is graduation and attendance self-reported on an application for admission sufficient?

Verification of attendance and graduation from a Colorado high school shall be determined by the registering authority (institution of higher education). If the student self-reports that he/she attended a Colorado high school for three years and either graduated or completed a GED within one year of enrolling at an institution of higher education, it is up to the registering authority to determine when and how that information would need to be verified.

What documentation are institutions expected to collect from students? If the registering authority has reason to believe that the self-reported information on the application is inaccurate, the registering authority must verify the information. It is up to the registering

authority which documents to collect, whether that is an official high school transcript (or transcripts) and, if necessary, an official copy of the student's General Equivalency Diploma. The registering authority shall determine if the evidence is satisfactory.

Record retention policies at each governing board apply for ASSET students should be consistent with other tuition classification retention policies to support the registering authority's decision in the event of an audit.

If documentation is required, is that a transcript or a diploma? A high school transcript with the graduation date is compelling evidence for graduation and three years of attendance. A diploma would also serve as adequate evidence of completion.

Does the high school have to be accredited and recognized by Colorado Department of Education? What about proof for home-schooled students? Colorado home schooled students should provide evidence of their registration with a Colorado school district and a copy of that district's high school diploma.

The law may require schools to "classify a student as in-state for tuition purposes," but does that mean they should be "coded" in our systems the same way as (for example) a non-high school grad citizen who qualifies for in-state under other residency guidelines? Are they just "assessed" in-state but differentiated in our systems and for reporting purposes, or are they truly given full In-State classification? Beneficiaries of the ASSET program need not be coded uniquely.

HB 06-1023: DEMONSTRATION OF LAWFUL PRESENCE

How is House Bill 06-1023 affected by ASSET? Senate Bill 13-033 removes the lawful presence affidavit required by HB 06-1023. Therefore, after the Bill is signed, institutions are no longer required to verify lawful presence for persons who apply for educational services or benefits from state institutions of higher education.

Are there any portion(s) of HB 06-1023 that remain relevant? (i.e. If the student did NOT graduate from a Colorado high school, does he/she still have to prove lawful presence?) No, SB 13-033 strikes the language that requires institutions of higher education verify lawful presence for any person who applies for educational services or benefits from state institutions of higher education, including participation in the Colorado Opportunity Fund, college savings plans, and other aid relating to attendance at the institution.

Senate Bill 13-033 states that students may be eligible for institutional funds. Under HB 06-1023, institutions were told that students without lawful presence could not receive institutional aid. Has this changed?

Yes. While ASSET students are ineligible for federal or state funded financial aid, SB 13-033 eliminated the requirement that institutions verify lawful presence prior to awarding institutional financial benefits relating to the cost of attendance.

SENATE BILL 13-033 & DEFERRED ACTION

How does the ASSET legislation work compared to the federal Deferred Action rules?

Senate Bill 13-033 provides alternative options for demonstrating eligibility for in-state tuition classification only. It is not directly tied to Deferred Action. If a student can provide documentation that he or she resides in Colorado and has acceptable evidence of domicile, such as a valid driver's licensure and/or social security number, the student may qualify for in-state tuition under existing tuition classification laws and policies.

CHANGES TO EXISTING GUIDELINES

Does this new law change any of the other existing CCHE Residency Guidelines? Yes, the requirements for GED students changed. Students with a GED must complete three years of high school immediately preceding the test to qualify under this provision. There may be students in the system who qualified with three years in Colorado prior to receiving a GED who may be subject to domicile requirements if the student is unemancipated and under the age of 23 with parents living outside of Colorado. Permanent residents may now be considered for in-state tuition under this option. Previously, this pathway was only available to US citizens.

ADDITIONAL QUESTIONS (ADDED 5/31/13)

If a student can produce valid evidence of having received Deferred Action for Childhood Arrivals must he or she also complete the affidavit required by SB 13-033?

Yes. Any student seeking in-state under the Bill who does not have lawful immigration status must complete the affidavit. However, a student who has applied for or received Deferred Action for Childhood Arrivals, will have "applied for lawful presence," as set forth in the affidavit. In order to ensure that all students are in compliance with the law, the Department recommends that all students without a social security card and a driver's license with uncertain immigration status should complete and submit an affidavit.

For more information on Deferred Action for Childhood Arrivals, please see the following federal sites:

http://www.youtube.com/watch?feature=player_embedded&v=T9Lfqs8_Cak

or

<http://www.uscis.gov/portal/site/uscis/menuitem.eb1d4c2a3e5b9ac89243c6a7543f6d1a/?vgnextoid=f2ef2f19470f7310VgnVCM100000082ca60aRCRD&vgnnextchannel=f2ef2f19470f7310VgnVCM100000082ca60aRCRD>

How should campuses interpret “attendance” for purposes of satisfying the requirement to attend high school for at least three years prior to graduating or receiving a GED?

To satisfy the three-year attendance requirement, students must have enrolled in at least two academic terms (i.e., semesters) for three academic years in high school prior to receiving high school diploma or a GED. Campuses should count academic terms appearing on a student’s high school transcript (or transcripts) to establish attendance.

Are students who attended private Colorado high schools issued a SASID?

Students who attend private K-12 institutions are not assigned SASIDs. A student may be able to request an SASID from its local public school district, but the capacity for issuing SASIDs upon request may vary by district.

If the student attended any public school after SASIDs were introduced in 2003, the student would have been assigned a SASID and will be able to be matched in the database and thus will be eligible for COF. Students who attended private schools for their entire K-12 education and students who completed high school before 2003 would not have been assigned a SASID.