

STATE OF COLORADO



DEPARTMENT OF HIGHER EDUCATION
Colorado Commission on Higher Education

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Governor

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No CCHE Appeal of Court Decision for Colorado Christian U

The Department of Higher Education (DHE) and Colorado Attorney General John Suthers today announced that the Colorado Commission on Higher Education (CCHE) has decided not to appeal to the U. S. Supreme Court the recent decision of the U. S. Court of Appeals for the 10th Circuit in a case brought by Colorado Christian University (CCU). CCU asked the court to invalidate a state statute that excluded from the state's higher education scholarship programs any institution that was deemed "pervasively sectarian." The U.S. District Court for Colorado dismissed CCU's claim last year. CCU appealed and prevailed before the 10th Circuit.

The DHE Executive Director David Skaggs stated that the department will of course comply with the final order, expected from the District Court for Colorado, to carry out the decision of the 10th Circuit and will then process CCU's application to participate in COF in accordance with the statutory provisions not affected by the Court's decision. CCHE was represented in the case by the Attorney General's Office, and Skaggs noted that CCHE had followed Attorney General John Suthers' recommendation that the case not be appealed.

Colorado Solicitor General Dan Domenico, who argued the State's case, remarked, "As we were obliged to do, we presented the strongest case we could to the court. The court has now made clear, though, that Colorado's law is outdated and must be changed. We are glad that the CCHE has agreed with our recommendation not to ask the Supreme Court to overturn this decision, and we look forward to working with interested parties to craft a solution that complies with the court's decision."

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