

HB06S-1023 Implementation FAQs

Colorado Commission on Higher Education March 14, 2007

1. Must out-of-state students demonstrate lawful presence in the United States?

Any student who applies for and receives any form of federal, state or local public benefits, including merit, need, or other institutional financial assistance through a state institution of higher education must demonstrate lawful presence in accordance with HB 1023. This includes the in-state tuition benefit. If a student does not receive any form of public benefit and pays the full non-resident tuition and fees, then no.

2. How does the "over 18" rule affect high school students enrolled in PSEO, Fast Track courses or undergraduate students that turn 18 during a semester?

Students enrolled in PSEO, Fast Track courses or undergraduates who are under the age of 18 are exempt from the requirements of HB06S-1023. However, students will become subject to the HB06S-1023 at the time they turn 18 years of age and will be required to demonstrate lawful presence in order to authorize payment of the stipend on their behalf at an institution of higher education. If a student turns 18 during an academic semester for which the use of the stipend has already been authorized, the stipend will apply to this term but for subsequent use of the stipend in future academic terms the student must demonstrate lawful presence.

3. Is a tuition discount or in-state tuition a form of state benefits?

Yes.

4. Are students who are enrolled at Colorado colleges and universities through reciprocal programs like the Western Undergraduate Exchange and New Mexico/Colorado Reciprocity Agreement subject to the requirements of HB 06S-1023?

Yes, unless within the agreement the students pay the full cost of their education. If the student is responsible for paying the full cost of education, the student will not need to be verified for lawful presence.

5. Are students who were enrolled prior to August 1, 2006 exempt from the verification requirement?

Students who applied for a postsecondary education benefit and were enrolled prior to August 1, 2006 will not be required to demonstrate lawful presence for benefits they are receiving for that academic year. However, a student who applies or re-applies for postsecondary education benefits such as in-state tuition or financial aid after August 1, 2006 will be required to demonstrate lawful presence. Institutions should utilize waivers granted by the Department of Revenue for transfer students or students who have been verified by the Department or other institutions under HB 1023.

6. How will an institution know if a resident transfer or graduate student has been verified?

CCHE is developing a database to track students as they demonstrate lawful presence and are verified by the Department or institutions. Once functional, institutions will be able to query the database to determine whether a student is eligible for a waiver from the Department of Revenue or must be verified by the institution.

7. Must recipients of private scholarships demonstrate lawful presence?

Institutions should consult with the attorney general's office to determine whether institutional aid or private scholarship require verification of lawful presence. In general, scholarships paid directly to the student by a private entity would not be impacted by HB 1023.

8. Will payment of 2006 fall COF stipends be held until students are verified by CSLP as demonstrating lawful presence?

No. Given the fact that the verification procedures are new, payments will be made under current policy. All students must be verified by the date of the reconciliation file deadline. CSLP shall timely notify any student who fails the verification process. Students who cannot demonstrate lawful presence by the final reconciliation file deadline will be determined ineligible for COF for that term and must pay out-of-state tuition until such time as their presence can be lawfully demonstrated. The institution will be notified and a correction file will be submitted by the institution taking that student(s) out of the COF file for that term.

9. Under the emergency rules, are there any other acceptable forms of identification other than a passport or military ID for the 17 states that are not listed in Rule 2.1.2.3?

Only the forms of identification listed in the statute or emergency rules are acceptable. Because the emergency rules are subject to further revision, applicants and institutions should check the Department of Revenue website [<http://www.revenue.state.co.us/main/home.asp>] for the most recent version of the rules and list of alternative forms of identification.

10. What records must an institution of higher education keep after verifying the lawful presence of a student? Any?

Institutions must maintain an auditable record of all verifications. Institutions do not necessarily need to photocopy the ID form; however, they should keep a record that the ID was reviewed.

11. When must applicants for state benefits be verified by colleges and universities?

Pursuant to statute, verification must take place at the time of application for a state benefit. So, all students who apply as in-state residents must have their status verified at the time of application to the institution. This rule also applies to non-resident students who apply for financial assistance. Institutions may determine whether a student meets the substantive qualification for the benefit prior to verifying lawful presence.

12. How will colleges and universities report information concerning their verification efforts to the state?

Commission staff are currently preparing the layout for a new SURDS-like file that will be due to CCHE at the end of each academic term. The final version of the layout of this file will be available in September.

13. Has the Department of Revenue granted the Department of Higher Education's request for a waiver?

Yes. The waiver allows an applicant for postsecondary education benefits to be verified once as lawfully present under C.R.S. 24-76.5-101, et seq., thus enabling a student who applies for residency, state financial aid, and COF to demonstrate lawful presence one time only. Applicants of postsecondary education benefits who are verified as lawfully present through the federal FAFSA process are also included in the waiver. Agencies or institutions of higher education must verify and document that an applicant for benefits was verified by another agency or institution of higher education.

14. Does the Department of Revenue waiver granted to the Department of Higher Education allow the use of institutions' certification of lawful presence for COF verification of ID for lawful presence?

Yes. The waiver allows the COF administrator to verify the ID of an applicant by using an institution's certification of verification of ID for lawful presence. The use of this type of verification needs to be done only once. Using an institutions' certification of verification will be noted by the COF administrator for audit purposes.