

**MINUTES OF THE
COLORADO COMMISSION ON HIGHER EDUCATION
February 2, 2006**

Chairperson Terry Farina called the meeting to order at 10:00 a.m.

Commissioners Terry Farina, Judy Altenberg, Ray Baker, Richard Garcia, Dean Quamme, Richard Ramirez, Edward Robinson, Greg Stevinson, James Stewart and Judy Weaver were present. Commissioner Joel Farkas was excused. Commission Staff members attending were Jenna Langer, Matt Gianneschi, Diane Lindner, and Mary Lou Lawrence. Advisory Council Member Stuart Hilweg was in attendance.

Hank Brown, President of the University of Colorado System, welcomed the Commissioners to the Health Sciences Facility. The medical and research development at the Fitzsimons campus is a model for redevelopment of former military installations. It will provide public and private research opportunities and prospective employment benefiting Colorado's economic growth and citizens. Chancellor Gregory Stiegmann welcomed the Commissioners to the Nighthorse Campbell Native Health Center which provides on-line medical service and treatment to Indian tribes in western states and Alaska

Mr. Baker moved to approve minutes of the January 5, 2006, meeting and Mr. Ramirez seconded the motion. The minutes were unanimously approved.

Chairman Farina reported on his and Executive Director O'Donnell's appearance before the Joint Education Committee on January 26, 2006, and a copy of the presentation was given to each Commissioner. He commended Commissioners for their work on Commission Sub-Committees.

There was no public comment.

PRESENTATION AND DISCUSSION

ATTORNEY GENERAL OPINION REGARDING CCHE TUITION CLASSIFICATION

POWERS: Ms. Langer said the issue of in-state tuition for undocumented aliens was of great interest to Commissioners and, because of its complexity and various rulings in other states, a formal Attorney General Opinion was requested, delineating the Commission's powers. Cynthia Coffman, Chief Deputy Attorney General, said informal opinions had been issued and a formal opinion becomes public record. Assistant Attorney General Anthony Dyl authored the opinion and she, Attorney General Suthers and Solicitor General Allison Eid had reviewed and approved the opinion.

Mr. Dyl said the specific question for which the opinion was issued was "Whether CCHE has the statutory authority to, by policy or regulation, grant in-state tuition status to undocumented aliens". The answer is "No. CCHE lacks statutory authority to establish a policy or regulation granting in-state tuition status to undocumented aliens."

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The question arises from 1996 Federal legislation limiting state public benefits to undocumented aliens and the 1996 Welfare Act declaring undocumented aliens not eligible for public benefits, including post secondary education benefits, unless a state, by statute, affirmatively provides for them. A portion of the 1996 Immigration Reform Act addresses in-state tuition and states undocumented aliens are not eligible for post-secondary education benefits unless any citizen of the United States would be eligible for the same benefit. Most states offer lower tuition based on residency. The Colorado Commission on Higher Education (CCHE) has limited power, either by statute or regulation, to vary the way Colorado determines residency classification based on domicile in the state. CCHE did have authority to make exception to that rule, but that authority was removed from statute in 1996. Currently, it would take a change in the law to render undocumented aliens eligible for in-state tuition status. Quite a few states have enacted enabling legislation that separates in-state tuition from residency requirements, basing eligibility on graduation from a state high school. The one Federal Court case challenging this alternative approach, in Kansas, was dismissed on the grounds Plaintiffs did not have standing to challenge and there has no definitive ruling on the legality of the statute.

Mr. Farina commented that the Commission is not trying aggregate power, but wanted clarification of their responsibility. Ms. Altenberg asked if the enactment of Federal Dream Act would affect the Commission's authority and if a state would have an affirmative action to comply with the Act. Mr. Dyl responded that unless the Dream Act is enacted, it is not possible to speculate if affirmative action would be required. Mr. Quamme asked if state legislatures had authority to act beyond federal law. Mr. Dyl said, since enacted laws basing qualification for in-state tuition premised on location of high school of graduation had not been successfully tested, it is not clear what state legislatures can do to provide undocumented aliens in-state tuition rates. Finding plaintiffs with standing to litigate and who have suffered injury is difficult and there may not be successful challenges to the laws. Mr. Hilweg asked if there was action in the legislature to change classification in Colorado. Mr. Dyl said Representative Vigil has unsuccessfully attempted to pass similar legislation in Colorado. Mr. Garcia asked if Mr. Dyl had reviewed the New Mexico Attorney General Opinion regarding the New Mexico higher education system's authority to make changes. Mr. Dyl had not, noting New Mexico probably has a different system and statutes. Mr. Garcia asked him to review the New Mexico opinion and advise the Commission of his determination.

There was no public comment.

FINANCIAL AID REFORM: PROS/CONS OF VARIOUS OPTIONS: Ms. Linder recapped the reform options presented to the Commission at the January meeting and the purposes of reformation goals. In the interim, staff has met with the Financial Aid Advisory Group, reviewed institutional perspectives of the alternatives and revised fiscal documents, considered viable insight and options presented by institutions and determined more work needs to be done with the institutions. Ms. Lindner reviewed the present funding model that demonstrates parity has been compromised and the state funds

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institutions instead of students. Minimally, the formula needs review and revision to fund students.

In response to Mr. Farina's question, Ms. Linder stated a change in the model policies are needed to attain parity. Ms. Weaver asked which schools would be most affected and Ms. Linder stated revision would favor schools with growing, need based enrollment and some schools maybe over funded and held harmless. Mr. Farina noted changes in policy based on state wide fairness would not be universally appreciated. Ms. Linder said the Financial Aid Advisory committee is willing to compromise.

Ms. Linder stated that institutions do not favor centralizing financial aid and that work-study programs have to stay with the schools for administrative purposes. Outsourcing is not popular, although some schools are considering outsourcing segments part or all of their of financial aid program, and should be voluntary. Schools felt graduated financial aid encourages achievement but adds complexity beyond their abilities to address and there is not enough money for gradation. Mr. Farina stated gradation could be addressed when additional funds are available. Ms. Weaver asked if gradation equated to front/back loading of student aid. Ms. Lindner said it did not and front/back loading needs further examination because there is no institutional agreement about what works best. Some schools say attract students and, if they are successful, give them aid; others provide financial aid to attract students and provide those who succeed grants to complete their education. Institutions want to keep funding flexibility based on their individual mission, role and student body.

At Ms. Weaver's request, a study of each schools funding pattern and resulting retention and graduation will be conducted and presented at the next Commission meeting. Mr. Hilweg asked if impending reduction in Federal Financial Aid would have an impact Ms. Linder stated federal guidelines are followed for administrative purposes but focus is on the impact of state aid. Ms. Linder said Financial Aid Directors were concerned a "Stipend Plus" option, the College Opportunity Fund (COF) stipend plus a certain need based, transferable and transparent, amount could confuse students and families. Clarification of each stipend would be imperative. Institutions suggested multiple sources of funding and Ms. Linder said there is mutual agreement to target students with the greatest need with the greatest amount of funding.

Ms. Linder told Mr. Quamme there was no consensus but institutions were agreeable to further study and compromise. She told Mr. Stevenson institutions agreed with combining multiple sources.

Ms. Linder said cost of living is a major educational expense. Pell Grants are not meeting all of this need and there is no material cost fluctuation between students residing at home or elsewhere. The University of Colorado System, (CU) offers additional institutional aid. She said schools are making policy strides to increase access. It is necessary to meet the needs of part-time, employed students who's earning disqualify them for some aid and this will be discussed with the financial aid community.

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Staff recommends additional study of aid as a percent of cost of attendance, guaranteed tuition and fees at access schools and stipend plus awards. Guaranteed aid could preclude students from attending schools other than access schools. Determining a viable COF Stipend Plus award, its portability and transparency need to be reviewed. Some conclusions and policy parameters will be presented at the next Commission meeting. Ms. Linder asked the Commissioners to add their thoughts and ideas to the study.

Mr. Hilweg stated it maybe necessary to redefine what constitutes full time attendance. Ms. Lindner agreed stating that, increasingly, students do not adhere to the traditional definition of a student and corresponding adjustments have not been addressed. Mr. Quamme wanted assurance that students with the greatest potential for success and need received aid. Ms. Lindner stated that had been discussed with Financial Aid officers and noted the most qualified usually are fully funded by scholarships, grants, etc. The greatest need is the next tier and institutional funding flexibility maybe the best way to meet their need.

Mr. Garcia asked if out-of-state tuition money subsidize resident students education and the effect of minimal out-of-state enrollment at Community Colleges. Ms. Lindner stated out-of-state tuition money assists educating resident students and Community Colleges are disadvantaged by low out-of-state student enrollment. The guaranteed tuition and fees option could benefit students attending access institutions. Ms. Weaver asked if participation in work study programs was required to receive state or federal aid and Ms. Lindner said it was not. However, income received from work study employment is not considered part of income and, therefore, does not impact financial aid eligibility. Mr. Garcia wanted to know the best way to inform prospective students and families of the necessity of applying for financial aid. College in Colorado, along with a collaborative efforts by the entire educational community, are informing all affected of this necessity. Ms. Weaver asked if linking financial aid to study of community need profession was considered. Ms. Lindner stated it had been done to encourage nursing students. It is difficult, however, as students change courses of study and financial aid adjustments must be made accordingly. She told Mr. Baker and Ms. Weaver educating for high need professions is addressed in Fee for Services contracts. She told Mr. Quamme there is no information if medical schools provide incentives for students to become faculty members.

Ms. Lindner said staff would collaborate with the institutions on various options and return with recommendations on how to move forward at the next Commissionmeeting.

There was no public comment.

2006 TEACHER EDUCATION REPORT: Mr. Gianneschi thanked Kimberly Thompson for her hard work preparing the report. He stated all teacher preparation programs are meeting statutorily based standards and 11,000 students are enrolled in undergraduate and post-graduate teacher education programs. All graduates passed state licensure

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assessments, a requirement to graduate. Teacher candidates are 87% Caucasian or classified as race unknown and the majority are female. Colorado requires science teachers to have degree in any science discipline, not the specific discipline they teach. Currently, there are five prospective teachers majoring in physics. Over one-half of the students are non-traditional students and a greater number are attending proprietary schools such as University of Phoenix.

Mr. Quamme wanted to know the teacher turnover rate and Mr. Gianneschi said it was about 25%. He said 1/3 of Colorado teachers were not trained in Colorado. Ms. Weaver asked if there had been further discussions with CDE in the past 3 years to make the teacher licensure exams more rigorous. Mr. Gianneschi said CCHE relies on CDE to establish the licensure assessment criteria. Ms. Weaver asked to re-institute conversations with CDE to increase exam rigor. Mr. Stevinson said more rigorous exams may result in less need for college student remediation.

Mr. Ramirez stated as important to educator academic and professional preparation are the intangible and unquantifiable qualities that teachers bring to a classroom to motivate students. He cautioned against placing undue emphasis on rigor when the unquantifiable qualities are extremely important. Mr. Farina thanked him for his comments and thinks Ms. Weaver would agree after her experience on the school board. Mr. Ramirez said his teachers are dedicated and focused on being the best teachers and mentor new teachers despite the societal negative comments about teachers. Mr. Stevinson agrees many factors constitute a good teacher but the extraordinary costs of college remediation demonstrates there are problems that need to be addressed. Mr. Hilweg wondered if dual majors, in education and in content area should be considered. He supports Mr. Ramirez' assertion that there are un-quantifiable elements that make good teachers.

There was no public comment.

ACTION ITEMS

STUDENT BUDGET PARAMETERS: Ms. Lindner said the Commission is required to set parameters every February. Staff researches the costs of relevant items in Denver, Grand Junction and Boulder and averages the research results to ascertain the costs. The data is analyzed by three categories: students living on campus, students living off campus and students living with parents. The research is shared with the institutions and they may request modifications. Schools can petition CCHE to make parameter changes if they believe their situation is unique. These parameters determine part of the basic cost of attendance, affecting financial aid. The costs of books and supplies increased this year. The average cost of monthly childcare and an allowance for computers are included. If students do not live near the school, round trip travel costs maybe included.

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Mr. Stewart made a motion to approve the staff recommendation and Ms. Weaver and Mr. Quamme seconded the Motion which was unanimously approved.

CONSENT ITEMS

- **DEGREE AUTHORIZATION ACT – PROVIDENCE THEOLOGICAL INSTITUTE**
- **DEGREE AUTHORIZATION ACT – WILLIAM HOWARD TAFT UNIVERSITY**
- **GE-25 INTERIM REVIEW (GIANNESCHI/LEAL)**
- **VACANT BUILDINGS REPORT (JOHNSON)**

There was no public or Commissioner discussion on the Consent Items.

Mr. Stewart moved to approve all Consent Items as presented and Mr. Quamme and Ms. Weaver seconded the motion which was unanimously approved.

WRITTEN REPORTS – NO DISCUSSION

2005-06 NO CHILD LEFT BEHIND GRANT REPORT

There was no discussion and no action was taken

The meeting was adjourned.