# Minutes of the Colorado Commission on Higher Education (CCHE) Meeting Colorado Community College System October 7, 2010

Chairman Jim Polsfut called the meeting to order at 1:05 pm.

Commissioners Jim Polsfut, Larry Beckner, Dave Edwards, Happy Haynes, Richard Kaufman, Patty Pacey, BJ Scott and Greg Stevinson were in attendance. Also in attendance were Advisory Committee members Senator Evie Hudak, Representative Nancy Todd, Michael Mincic, Kelly Fox, Ruth Annette Carter and Dr. Abe Harraf.

Commissioner Stevinson moved to approve the minutes of the September 8, 2010 CCHE meeting. The motion was seconded by Commissioner Beckner and unanimously passed.

Dr. Nancy McCallin, President of the Colorado Community College System, welcomed the Commission to the Lowry campus.

## **COMMISSION WORKPLAN ITEM**

Workplan for Performance Contract Review for the Colorado School of Mines - Dr. Cheryl Lovell, Chief Academic Officer, summarized for the Commission a report on the Colorado School of Mines' performance contract. She was joined by President Bill Scoggins, who made brief comments. He said that applications and enrollment to the school continue to reach new heights. President Scoggins stated that performance contracts should contain key measurements towards an institution successfully fulfilling its role and mission. In looking at the School of Mines' contract, he believes it contains a good blueprint for moving forward. President Scoggins said the performance contracts must incorporate some flexibility to respond to the changing environment and for all to be cognizant that the dramatic changes in the economic condition of the state and the nation may have significant impact on an institution's ability to fulfill goals and objectives within a specific time period.

The Commissioners asked that Dr. Lovell present a summary document of the ten performance contract reviews at the January CCHE meeting.

## **CONSENT ITEMS**

Degree Authorization Act – Harvest Baptist Bible College Reauthorization of Teacher Preparation Programs at Mesa State College Financial Need Fund MOU New and Continuing State Funded Capital Projects and Priority list for FY2011- 2012 Commissioner Edwards moved to approve the consent items. The motion was seconded by Commissioner Stevinson and unanimously passed.

## **ACTION ITEMS**

**Degree Authorization Act** – **Westwood College** – Dr. Cheryl Lovell and Heather DeLange explained to the Commission that this item recommends changing Westwood College's status from full authorization to probationary authorization. Dr. Lovell informed the CCHE that Westwood College's Denver North Campus was placed on probation by the Accrediting Commission of Career Schools and Colleges (ACCS) on September 1<sup>st</sup> of this year. Westwood College is required to respond to the ACCSC Summary of Grounds for Probation for review by ACCSC's November 2010 meeting. Westwood College will be required to provide this response to the Department by December 15, 2010. The Commission will have the opportunity to review the response at its January 2011 meeting. Pending the results from the Accrediting Commission of Career Schools and Colleges in November; if Westwood College – Denver North is reinstated by the ACCSC in good standing, Department staff may make a recommendation to CCHE to change the status of Westwood College back to Full Authorization.

The CCHE considered the following options: request that department staff review Westwood College to determine whether to revoke authorization or place the school on a probationary status: place the school on probationary status, based on the ASSCS having done so; defer action until the November ACCSC meeting and review the outcome; or, take no action.

Six students, either currently enrolled at or recently graduated from Westwood College, testified and asked the Commission to defer a decision regarding placing the school on probation until after the November 10<sup>th</sup> ASSCS meeting. The students believed that having the school placed on probation by the CCHE would have a detrimental effect on the students attending the college as well as students who have graduated and are looking for employment. They argued that if Westwood is put on probation, potential employers would question the qualifications of Westwood graduates and current students would question the quality of their education.

Mr. Michael Feeley, an attorney representing Westwood College, in giving the background on an undercover investigation performed by the General Accounting Office and reported in a U. S. Senate hearing, noted that 15 separate Westwood campuses or schools were identified as having problems. Westwood College's Denver North campus was not among them. Westwood's Dallas, Texas campus was the subject of the investigation and the findings were taken seriously by the North Campus. The ACCSC asked Westwood College to provide information and answer questions put forth by the ACCSC, which the college proceeded to do. When the ACCSC met in early August, they determined that the information and answers provided were insufficient. Additional information came to ACCSC's attention that needed to be considered during the accrediting process, and Westwood was asked to address the new issues, as well. Westwood was asked to provide their response on or before October 5<sup>th</sup>, which they did. Mr. Feeley noted that

the information before the Commission about the ACCSC's ruling is very limited. All that is known is the school has been placed on probation due to concerns and allegations. The school is taking this very seriously and asks the Commissioner to defer their decision until after the school meets with the ACCSC on November 10<sup>th</sup>.

Commissioner Pacey asked how many of the career schools have been put on probation this past year. Department staff answered that six colleges, out of some 800, were either put on probation or had their accreditation revoked. She said she believes the CCHE has a duty to alert students about the situation.

Commissioner Kaufman moved to defer any action by CCHE until after the ACCSC meets. The motion was seconded by Commissioner Stevinson and passed by a vote of seven to one.

Revision of CCHE Policy Regarding The Advisory Committee And Approval of New CCHE Advisory Committee Member – Executive Director, Rico Munn, presented the Commissioners with a revision of the CCHE policy regarding the composition of the CCHE Advisory Committee and a recommendation that the Commission approve the nomination of Dr. Diana Sirko to the CCHE Advisory Committee to represent K-12 education.

CCHE policy adopted in October 2007 calls for two representatives from K-12 on the Advisory Committee. Statute states the committee 'shall consist of not less than thirteen members." The addition by statute in 2009 of a parent representative suggests that there only be one representative from K-12 to hold Advisory Committee members to thirteen. Mr. Darryl Bonds had represented K-12; his two year term expired in January 2010. Executive Director Munn said that the Department, after consultation with the Colorado Association of School Boards, the Colorado Association of School Executives and Commissioner Dwight Jones, nominates Dr. Diana Sirko to fill the K-12 position.

Commissioner Pacey moved to approve the change in CCHE policy to specify only one member representing K-12 education on the Advisory Committee. The motion was seconded by Commissioner Scott and passed unanimously.

Commissioner Stevinson moved to approve the nomination of Dr. Diana Sirko to fill the K-12 position for a two year term. The motion was seconded by Commissioner Edwards and passed unanimously.

Consideration of Adoption of the HESP Draft Recommendations –Dr. Kim Poast, Deputy Director, presented the draft higher education strategic plan (HESP) for adoption as the Commission's draft master plan. By statute, the CCHE must develop and submit to the Governor and General Assembly a higher education master plan on or before December 15, 2010. The HESP 46-page draft is in the editing stage and will be likely adopted by the HESP steering group at their October 27<sup>th</sup> meeting after receiving feedback from the institutions governing boards. The Steering Group will present the final report to the CCHE and the

Governor on November 4<sup>th</sup>. DHE staff recommend that the CCHE accept the strategic plan as a draft master plan.

Commissioner Beckner moved to approve the draft strategic plan as the CCHE's draft master plan. The motion was seconded by Commissioner Scott and passed unanimously.

**FY 2011-2012 Commission Budget Request** – Andy Carlson, Budget and Financial Aid Director, presented a recommendation to the Joint Budget Committee (JBC) for FY 2011-2012 overall funding levels for the state's financial aid programs. Staff recommend that the state's financial aid be held to FY 2010-11 appropriated levels in FY 2011-12 for need-based, workbased, and most of the categorical financial aid programs. The only change staff recommend is an increase of \$937,624 to fund increased participation in the Fort Lewis College Native American Tuition Waivers program. The total amount recommended for state funding levels will be \$105,515,770.

Commissioner Beckner moved to approve the financial aid program budget. The motion was seconded by Commissioner Haynes and passed unanimously.

Capital Assets Sub-Committee Vacancy Appointments – Dan Krug, Director of Capital Assets and Compliance, informed the Commission that the capital assets sub-committee currently has only two members. He suggested the sub-committee membership be increased to between three and five members. Commissioner Pacey, a current member of the sub-committee, suggested that the term for the sub-committee members be raised from two to three years.

Commissioner Pacey moved to have a capital assets sub-committee of no less than three members and as many as five with terms of three years ending in July of 2013. The motion was seconded by Commissioner Beckner and passed unanimously.

Commissioners Haynes, Edwards and Kaufman expressed interest in becoming members.

Commissioner Scott moved to appoint the above Commissioners to the Capital Assets Sub-committee. The motion was seconded by Commissioner Stevinson and passed unanimously.

#### **DISCUSSION ITEM**

CCHE's Involvement With The 50% Plans – Chad Marturano, Director of Legislative Affairs, gave an update to the CCHE on the 50% plans. Senate Bill 10-03 charged governing boards with submitting to the CCHE and the JBC a plan in the subsequent fiscal year for how the institutions would respond to a 50% cut in funding to higher education institutions. The plan is to address how institutions would accommodate incoming first year students, low-income students, students from the underrepresented population and students with limited access to technologies to support learning. The Department's role is to be a conduit in bringing all the governing boards to one multi-district report. To this end, the Department created a standardized template for the governing boards to use and is compiling all information received from Governing Boards. The Department will also provide an overview summary document about the impact of a 50% cut to

the system and the state as a whole. Department staff have provided a draft of this summary to the institution CEOs. Feedback from the CEOs is due October 18<sup>th</sup> and the deadline for the final plans is November 10<sup>th</sup>.

#### **INFORMATION ITEMS**

**Update on SB08-212/CAP4K** – Dr. Cheryl Lovell and Vicki Leal presented this item in preparation for the upcoming joint CCHE and State Board of Education (SBE) meetings on October 21<sup>st</sup> and November 29<sup>th</sup>. Senate Bill 08-212, also known as Colorado's Achievement Plan for Kids or CAP4K, was designed to align Colorado's educational system from pre-school to college with a particular focus on the readiness of all children at key transition points and to prepare them for postsecondary and workforce readiness. The statute requires statewide co-convened tours for the public by the Colorado Department of Education (CDE) and the Department of Higher Education. These tours commenced in autumn 2008 and continued in 2009 and 2010. After this third public vetting process, both the SBE and CCHE will consider the new assessment design in advance of a formal December 2010 vote of both governing bodies (as stipulated in the 212/CAP4K legislation).

College Access Challenge Grant (CACG) For Colorado – Dr. Cheryl Lovell informed the Commission that the Department applied for federal funding under the College Access Challenge Grant Program to support the CCHE's Work Plan of Closing the Ethnic Achievement Gap. Beginning in August 2010 through the next five years, DHE is eligible to apply for annual funding at \$1.6 million each year for a total of \$8 million. The CACG Program is a formula grant program designed to foster partnerships among Federal, State, local government entities, and philanthropic organizations to significantly increase the number of underrepresented students who enter and remain in postsecondary education. CACG provides grants to States to meet the needs of underrepresented students and families. The scope of CACG Program is statewide with special attention given to rural and remote areas of the state. The focus is to build on existing services and partnerships rather than create new, stand-alone programs. The existing infrastructure of CACG will assure sustainability of services as well as leverage new and existing funding to meet the goals. The grant will also maximize dollars spent on direct services and aid to underrepresented students.

**FAP** Update – Dr. Kim Poast reported that the Department had received Financial Accountability Plans (FAPs) by the October 1<sup>st</sup> deadline. The Colorado School of Mines declined to submit a plan; they will not raise tuition more than 9 percent. The Department has not yet accepted Mesa State College's FAP.

Executive Director Munn explained that Mesa State's plan articulated three major points related to tuition rates; if the general funding rate for FY11-12 is at a \$550 million level, Mesa would not need to raise tuition more than 9%; if the general funding level is above \$550 million, Mesa would not need to raise tuition more than 9%; if the general funding level is below \$500 million,

Mesa reserves the right to reconsider its tuition rates once the allocation is known. Director Munn said that this plan does not comply with statute, nor does it follow the FAP template. The Department has asked Mesa State to amend its plan to articulate what authority it is requesting from the CCHE. The Department has consulted with the Attorney General's office to help determine whether or not the Department's reading of the statute was correct. The AG's office requested more information, including other institutional plans and all material pertaining to the CCHE's guidance and directives.

Tim Foster, Mesa State President, stated that Mesa had submitted its FAP with the assumption that it could amend the plan, if needed, after the general funding amounts allocated to higher education for FY11-12 were known when budget figure setting begins in March 2011. He said that the Department had given all institutions the option of amending their plans once the numbers were known. He stated that Mesa's objective was not to scare away students who are considering attending college with conjecture that Mesa State's tuition could go up 20% or 30%.

Director Munn said that the issue with Mesa State's submitted FAP is that it includes the request for Mesa to submit a revised plan for raising tuition above 9% after the general fund amounts are known, not amend an existing FAP that contains the necessary components, including how lower and middle income students will be protected. The Department staff and the CCHE FAP Subcommittee must do an analysis of whether or not low and middle income students are protected in the plans, under specific circumstances. They are evaluating plans based on the specific percentage of tuition increase. That objective cannot be achieved with Mesa's plan, which does not include a tuition rate.

The AG's office is reviewing Mesa States' FAP to determine if the plan meets statutory and CCHE guidance. If so it would come to the CCHE for approval or rejection. If the FAP is determined not to meet statutory and CCHE guidance, CCHE will allow Mesa State to submit a new plan posthaste.

Commissioner Stevinson moved to adjourn. The motion was seconded by Commissioner Pacey. The meeting was adjourned at 4:20 pm.