A BILL FOR AN ACT

CONCERNING CREATING AN OPTIONAL CATEGORY OF TUITION AT STATE INSTITUTIONS OF HIGHER EDUCATION.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at http://www.leg.state.co.us/billsummaries.)

Unless the governing board of an institution of higher education (institution) adopts a policy stating that it will not offer standard-rate tuition, the bill requires an institution of higher education to classify a student, other than certain foreign students or trainees defined in federal law, as a standard-rate student for tuition purposes so long as the student:

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment. Capital letters indicate new material to be added to existing statute. Dashes through the words indicate deletions from existing statute.
Attended a public or private high school in Colorado for 3 or more years immediately preceding the date the student graduated from a Colorado high school or earned a general educational development certificate (certificate) in Colorado; and

Is admitted to an institution in Colorado within 12 months after graduating from high school or earning a certificate.

The bill provides a one-year exception to the eligibility requirements for a student who meets all of the eligibility requirements but was not admitted to an institution within 12 months after graduating from high school or earning a certificate. The exception is repealed after one year.

A student applying for the tuition classification who does not have documentation of lawful immigration or nationality status shall submit an affidavit to the institution stating that he or she is requesting documentation of, has applied for, or will be applying for, lawful status as soon as he or she is eligible. The information contained in the affidavit is confidential and is a protected education record of the student.

A student classified as a standard-rate student is not eligible for a college opportunity fund stipend or for any state-funded, need-based financial aid.

Eligibility for the tuition classification is not based upon residency. A student classified as a standard-rate student for tuition purposes shall not be counted as a resident, and the tuition classification shall not be deemed to establish residency or domicile for any purpose.

A student paying standard-rate tuition shall pay the student's share of in-state tuition plus an amount equal to the college opportunity fund stipend awarded to in-state students.

Verification of lawful presence in the United States is not required for persons applying for the tuition classification.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, add 23-7-112 as follows:

23-7-112. Classification for standard-rate tuition - repeal.

(1) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE TO THE CONTRARY, AN INSTITUTION THAT HAS NOT ADOPTED A POLICY DESCRIBED IN SUBSECTION (6) OF THIS SECTION SHALL Classify A STUDENT WHO MEETS ALL OF THE FOLLOWING REQUIREMENTS AS A STANDARD-RATE
STUDENT FOR TUITION PURPOSES:

(a) The student attended a public or private high school in Colorado for three or more years immediately preceding the date that the student either graduated from a Colorado high school or earned a general educational development certificate in Colorado; and

(b) The student is admitted to an institution in Colorado within twelve months after graduating from a Colorado high school or earning a general educational development certificate in Colorado.

(2) (a) Notwithstanding any provision of subsection (1) of this section to the contrary, an institution that has not adopted a policy described in subsection (6) of this section shall classify a student as a standard-rate student for tuition purposes if the student meets the requirements specified in subsection (1) of this section; except that the student was not admitted to an institution within twelve months after graduating from a Colorado high school or earning a general educational development certificate in Colorado.

(b) This subsection (2) is repealed, effective July 1, 2013.

(3) (a) Prior to classifying a student as a standard-rate student for tuition purposes, the institution shall require a student who does not have documentation of lawful immigration or nationality status to submit an affidavit to the institution to which the student is admitted stating that the student has requested documentation of, has applied for, or will file an application for lawful status as soon as he or she is
(b) Information obtained from a student for the purposes of implementing this section is confidential. An institution that receives an affidavit described in paragraph (a) of this subsection (3) shall treat the affidavit as an education record of the student under the provisions of the federal "Family Educational Rights and Privacy Act of 1974", 20 U.S.C. sec. 1232g.

(4) A student who is classified as a standard-rate student for tuition purposes pursuant to this section is not eligible for a stipend pursuant to the College Opportunity Fund Program created in section 23-18-201 and is not eligible to receive state-funded, need-based financial aid.

(5) (a) Eligibility for classification as a standard-rate student for tuition purposes pursuant to this section is not based upon residency.

(b) A student classified as a standard-rate student for tuition purposes pursuant to this section shall not be counted as a resident and shall not be deemed a resident or domiciliary as a result of his or her tuition classification pursuant to this section.

(c) The provisions of this section are intended to satisfy the provisions of 8 U.S.C. sec. 1621(d) to the extent that it may be applicable.

(6) The governing board of an institution may adopt a policy stating that the institution will not offer the standard-rate tuition classification.
(7) A student who pays standard-rate tuition pursuant to
this section shall pay the student's share of in-state tuition, as
defined in section 23-18-102, plus an amount equal to the college
opportunity fund stipend awarded to in-state students.

SECTION 2. In Colorado Revised Statutes, 24-76.5-103, amend
(3) (g) and (3) (h); and add (3) (i) as follows:

24-76.5-103. Verification of lawful presence - exceptions -
reporting - rules. (3) Verification of lawful presence in the United
States shall not be required:

(g) For individuals over the age of eighteen years and under the
age of nineteen years who continue to be eligible for medical assistance
programs after their eighteenth birthday; or

(h) For renewing an educator license pursuant to article 60.5 of
title 22, C.R.S.; or

(i) For classification as a standard-rate student for
tuition purposes pursuant to section 23-7-112, C.R.S.

SECTION 3. Safety clause. The general assembly hereby finds,
determines, and declares that this act is necessary for the immediate
preservation of the public peace, health, and safety.