

Second Regular Session  
Sixty-eighth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 12-0486.01 Julie Pelegrin x2700

SENATE BILL 12-164

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SENATE SPONSORSHIP

Heath and King K.,

HOUSE SPONSORSHIP

Massey and Todd,

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Senate Committees  
Education

House Committees

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A BILL FOR AN ACT

101 CONCERNING THE OPERATION OF PRIVATE POSTSECONDARY  
102 INSTITUTIONS IN COLORADO.

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**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>.)*

The bill makes several changes to the existing statutes concerning authorization of private colleges and universities and seminaries and bible colleges (private institutions) in the state, including changing the term "bible college" to "religious training institution". The changes generally clarify the types of institutions that are subject to authorization and

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.*

specifically require the Colorado commission on higher education (commission) and the department of higher education (department) to set procedures for authorizing, renewing, and revoking the authorizations for private institutions. The commission must also set the amount of the fees that a private institution pays for the administration of the authorization process, including a separate fee if a private institution seeks approval of an educator preparation program. Each private institution must also report specified student information.

Each private institution must obtain authorization for each campus, branch, or site that is separately accredited and operates in Colorado. Authorizations for private colleges and universities are based on the institution's accreditation and are subject to renewal every 3 years or on the same schedule that applies for renewing the institution's accreditation, whichever is longer. Authorizations for seminaries and religious training institutions are based on whether the institution continues to meet the definition for seminary or religious training institution. The bill clarifies the process and standards for renewing authorizations and the conditions and procedures under which the commission may revoke a private institution's authorization or place the authorization on probationary status.

Under current law, a private institution that ceases operations must tell the department where it will store its records. The bill requires the private institution to turn its records over to the department, authorizes the commission to seek a court order to seize the records in certain circumstances, and makes the records subject to the open records statutes. The department must keep the records for specified periods.

Private colleges or universities that meet specified criteria are not required to file a surety or to otherwise demonstrate financial integrity. Each private college or university that does not meet the criteria must demonstrate financial integrity based on evidence that it meets other criteria. If the private college or university cannot demonstrate financial integrity, it must post surety in a specified amount, which surety may be in the form of a bond, that the commission can use to reimburse students for a loss of tuition or fees or to provide services if the institution ceases to operate in Colorado or a student files a claim against the institution. If a private college or university that does not post surety ceases operations in the state, the attorney general may file a claim on behalf of students to recover any unearned, prepaid tuition.

The department must maintain a list of authorized private institutions and establish a process for reviewing and acting on complaints against a private institution. The commission may negotiate reciprocal agreements with other states to assist in implementing authorizations for private institutions.

The bill changes the terms of members appointed to the private occupational schools board (board) so that fewer members will be

appointed at one time. The current law authorizes a student enrolled in a private occupational school to file with the board a complaint against the school. Under the bill, the student must first exhaust any complaint procedures that the school has in place.

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

2 **SECTION 1.** In Colorado Revised Statutes, **amend** 23-2-102 as  
3 follows:

4 **23-2-102. Definitions.** As used in this article, unless the context  
5 otherwise requires:

6 (1) "ALTERNATE ENROLLMENT" MEANS THE OPPORTUNITY FOR A  
7 STUDENT ENROLLED IN A PRIVATE COLLEGE OR UNIVERSITY THAT CEASES  
8 OPERATION TO MEET THE STUDENT'S EDUCATIONAL OBJECTIVES THROUGH  
9 EDUCATION PROVIDED BY ANOTHER AUTHORIZED PRIVATE COLLEGE OR  
10 UNIVERSITY, A COMMUNITY COLLEGE, AN AREA VOCATIONAL SCHOOL, OR  
11 ANY OTHER EDUCATIONAL ARRANGEMENT ACCEPTABLE TO THE  
12 DEPARTMENT AND THE COMMISSION.

13 (2) "AUTHORIZATION" MEANS THE AUTHORIZATION GRANTED TO  
14 A PRIVATE COLLEGE OR UNIVERSITY OR SEMINARY OR RELIGIOUS TRAINING  
15 INSTITUTION BY THE COMMISSION AS PROVIDED IN THIS ARTICLE AND THE  
16 POLICIES ADOPTED PURSUANT TO THIS ARTICLE. AUTHORIZATION IS NOT  
17 AN ENDORSEMENT OF THE INSTITUTION BY EITHER THE COMMISSION OR  
18 THE DEPARTMENT.

19 ~~(1)~~ (3) "Commission" means the Colorado commission on higher  
20 education created pursuant to section 23-1-102.

21 ~~(1.3)~~ (4) "Degree" means ~~any~~ A statement, diploma, certificate, or  
22 other writing in any language ~~which~~ THAT indicates or represents, or  
23 ~~which~~ THAT is intended to indicate or represent, that the person named

1 thereon is learned in or has satisfactorily completed a prescribed course  
2 of study in a particular field of endeavor or that the person named thereon  
3 has demonstrated proficiency in ~~any~~ A field of endeavor as a result of  
4 formal preparation or training.

5 ~~(1.5)~~ (5) "Department" means the department of higher education  
6 created and existing pursuant to section 24-1-114, C.R.S.

7 (6) "ENROLLMENT AGREEMENT" MEANS THE CONTRACT PREPARED  
8 BY A PRIVATE COLLEGE OR UNIVERSITY OR SEMINARY OR RELIGIOUS  
9 TRAINING INSTITUTION THAT A STUDENT SIGNS TO INDICATE AGREEMENT  
10 TO THE TERMS OF ADMISSION, DELIVERY OF INSTRUCTION, AND MONETARY  
11 TERMS AS OUTLINED IN THE INSTITUTION'S STUDENT HANDBOOK OR  
12 CATALOG.

13 (7) "GOVERNING BOARD" MEANS THE ELECTED OR APPOINTED  
14 GROUP OF PERSONS THAT OVERSEES AND CONTROLS A PRIVATE COLLEGE  
15 OR UNIVERSITY OR A SEMINARY OR RELIGIOUS TRAINING INSTITUTION.

16 ~~(2)~~ (8) "Honorary degree" means ~~any~~ A statement, diploma,  
17 certificate, or other writing in any language ~~which~~ THAT indicates or  
18 represents, or ~~which~~ THAT is intended to indicate or represent, that the  
19 person named thereon is learned in ~~any~~ A field of public service or has  
20 performed outstanding public service or that the person named thereon  
21 has demonstrated proficiency in ~~any~~ A field of endeavor without having  
22 completed formal courses of instruction or study or formal preparation or  
23 training.

24 (9) "OUT-OF-STATE PUBLIC INSTITUTION" MEANS AN INSTITUTION  
25 OF HIGHER EDUCATION THAT IS ESTABLISHED BY STATUTE IN A STATE  
26 OTHER THAN COLORADO.

27 (10) "OWNER" MEANS:

1 (a) AN INDIVIDUAL, IF A PRIVATE FOR-PROFIT COLLEGE OR  
2 UNIVERSITY IS STRUCTURED AS A SOLE PROPRIETORSHIP;

3 (b) PARTNERS, IF A PRIVATE FOR-PROFIT COLLEGE OR UNIVERSITY  
4 IS STRUCTURED AS A PARTNERSHIP;

5 (c) MEMBERS IN A LIMITED LIABILITY COMPANY, IF A PRIVATE  
6 FOR-PROFIT COLLEGE OR UNIVERSITY IS STRUCTURED AS A LIMITED  
7 LIABILITY COMPANY; OR

8 (d) SHAREHOLDERS IN A CORPORATION THAT HOLD A  
9 CONTROLLING INTEREST, IF A PRIVATE FOR-PROFIT COLLEGE OR  
10 UNIVERSITY IS STRUCTURED AS A CORPORATION.

11 ~~(3)~~ (11) "Private college or university" means a postsecondary  
12 educational institution doing business or maintaining a place of business  
13 in the state of Colorado, which ~~offers courses of instruction or study~~  
14 ~~wherein credits may be earned and applied toward a degree in a field of~~  
15 ~~endeavor~~ INSTITUTION ENROLLS THE MAJORITY OF ITS STUDENTS IN A  
16 BACCALAUREATE OR POSTGRADUATE DEGREE PROGRAM.

17 (12) "PRIVATE NONPROFIT COLLEGE OR UNIVERSITY" MEANS A  
18 PRIVATE COLLEGE OR UNIVERSITY THAT MAINTAINS TAX-EXEMPT STATUS  
19 PURSUANT TO 26 U.S.C. SEC. 501 (c) (3).

20 ~~(3.5)~~ (13) "Private occupational school" means an institution  
21 authorized by the private occupational school division ~~to confer associate~~  
22 ~~degrees~~, under the provisions of article 59 of title 12, C.R.S.

23 ~~(4)~~ (14) "Seminary" or ~~"bible college"~~ "RELIGIOUS TRAINING  
24 INSTITUTION" means a bona fide religious postsecondary educational  
25 institution ~~doing business~~ THAT IS OPERATING or maintaining a place of  
26 business in the state of Colorado, ~~and~~ that is exempt from property  
27 taxation under the laws of this state, and that offers ~~bachelor's, master's~~

1 BACCALAUREATE, MASTER'S, or doctoral degrees or diplomas.

2 ~~(5)~~ (15) "State college or university" means a postsecondary  
3 educational institution, including A community ~~and~~ OR junior colleges  
4 COLLEGE, established and existing pursuant to law as an agency of the  
5 state of Colorado and supported wholly or in part by tax revenues.

6 **SECTION 2.** In Colorado Revised Statutes, **add** 23-2-102.5 as  
7 follows:

8 **23-2-102.5. Applicability of article.** (1) (a) A PRIVATE COLLEGE  
9 OR UNIVERSITY THAT ENROLLS A MAJORITY OF ITS STUDENTS AT THE  
10 CERTIFICATE OR ASSOCIATE LEVEL IS REGULATED BY THE DIVISION OF  
11 PRIVATE OCCUPATIONAL SCHOOLS AND THE PRIVATE OCCUPATIONAL  
12 SCHOOL BOARD PURSUANT TO ARTICLE 59 OF TITLE 12, C.R.S., AND IS NOT  
13 SUBJECT TO THE PROVISIONS OF THIS ARTICLE.

14 (b) IF, AS A RESULT OF CHANGES IN STUDENT ENROLLMENT, A  
15 PRIVATE COLLEGE OR UNIVERSITY AT TIMES MEETS THE DEFINITION  
16 PROVIDED IN SECTION 23-2-102 (11) AND SHOULD THEREFORE BE  
17 REGULATED BY THE DEPARTMENT AND THE COMMISSION, AND AT OTHER  
18 TIMES MEETS THE REQUIREMENTS OF PARAGRAPH (a) OF THIS SUBSECTION  
19 (1) AND SHOULD THEREFORE BE REGULATED BY THE DIVISION OF PRIVATE  
20 OCCUPATIONAL SCHOOLS AND THE PRIVATE OCCUPATIONAL SCHOOLS  
21 BOARD, THE PRIVATE COLLEGE OR UNIVERSITY IS SUBJECT TO REGULATION  
22 BY THE ENTITY THAT IS APPROPRIATE AS OF JULY 1, 2012, IF THE PRIVATE  
23 COLLEGE OR UNIVERSITY IS AUTHORIZED AS OF SAID DATE, OR AS OF THE  
24 DATE THE INSTITUTION APPLIES FOR AUTHORIZATION, AND THE  
25 INSTITUTION SHALL BE REGULATED BY THE SAME ENTITY FOR THE  
26 FOLLOWING THREE YEARS. THE DEPARTMENT SHALL REVIEW THE STATUS  
27 OF THE PRIVATE COLLEGE OR UNIVERSITY EVERY THREE YEARS AFTER

1 JULY 1, 2012, OR EVERY THREE YEARS AFTER INITIAL AUTHORIZATION,  
2 WHICHEVER IS APPROPRIATE, TO DETERMINE WHETHER THE INSTITUTION  
3 SHOULD BE SUBJECT TO REGULATION BY THE DEPARTMENT AND THE  
4 COMMISSION OR BY THE DIVISION OF PRIVATE OCCUPATIONAL SCHOOLS  
5 AND THE PRIVATE OCCUPATIONAL SCHOOL BOARD.

6 (2) AN OUT-OF-STATE PUBLIC INSTITUTION MAY REQUEST  
7 AUTHORIZATION PURSUANT TO THE PROVISIONS OF THIS ARTICLE FROM  
8 THE DEPARTMENT AND THE COMMISSION. IN SEEKING AND MAINTAINING  
9 AUTHORIZATION PURSUANT TO THIS ARTICLE, AN OUT-OF-STATE PUBLIC  
10 INSTITUTION IS SUBJECT TO THE SAME CRITERIA AND REQUIREMENTS THAT  
11 APPLY TO A PRIVATE COLLEGE OR UNIVERSITY.

12 **SECTION 3.** In Colorado Revised Statutes, **amend** 23-2-103 as  
13 follows:

14 **23-2-103. Awarding degrees.** Notwithstanding the provisions of  
15 section 7-50-105, C.R.S., or any other law to the contrary, ~~no~~ A person,  
16 partnership, corporation, company, society, or association doing business  
17 in the state of Colorado shall NOT award, bestow, confer, give, grant,  
18 convey, or sell to any other person a degree or honorary degree upon  
19 which is inscribed, in any language, the word "associate", "bachelor",  
20 "baccalaureate", "master", or "doctor", or any abbreviation thereof, or  
21 offer courses of instruction or credits purporting to lead to any such  
22 degree, ~~except~~ UNLESS THE PERSON, PARTNERSHIP, CORPORATION,  
23 COMPANY, SOCIETY, OR ASSOCIATION IS a state college or university; a  
24 private college or university THAT IS AUTHORIZED PURSUANT TO THIS  
25 ARTICLE; a private occupational school; ~~or a seminary or bible college and~~  
26 ~~except~~ RELIGIOUS TRAINING INSTITUTION THAT IS AUTHORIZED PURSUANT  
27 TO THIS ARTICLE; OR a school, college, or university ~~which~~ THAT offers

1 courses of instruction or study in compliance with standards prescribed  
2 by articles 2, ~~4~~, 22, 25, 32, 33, 35, 36, 38, 40, 41, 43, and 64 of title 12,  
3 C.R.S.

4 **SECTION 4.** In Colorado Revised Statutes, **add** 23-2-103.1 as  
5 follows:

6 **23-2-103.1. Commission - department - duties - limitation -**  
7 **reciprocity.** (1) THE COMMISSION SHALL:

8 (a) ESTABLISH PROCEDURES FOR AUTHORIZING, REAUTHORIZING,  
9 AND REVOKING THE AUTHORIZATION OF PRIVATE COLLEGES AND  
10 UNIVERSITIES AND SEMINARIES AND RELIGIOUS TRAINING INSTITUTIONS IN  
11 ACCORDANCE WITH THE PROVISIONS OF THIS ARTICLE, INCLUDING BUT NOT  
12 LIMITED TO PROCEDURES BY WHICH AN INSTITUTION MAY APPLY FOR  
13 AUTHORIZATION OR REAUTHORIZATION AND THE PROCEDURES THE  
14 DEPARTMENT SHALL FOLLOW IN REVIEWING APPLICATIONS AND MAKING  
15 RECOMMENDATIONS TO THE COMMISSION;

16 (b) GRANT OR DENY AUTHORIZATIONS, RENEW AUTHORIZATIONS,  
17 AND REVOKE AUTHORIZATIONS PURSUANT TO SECTIONS 23-2-103.3 AND  
18 23-2-103.4;

19 (c) ESTABLISH THE TYPES AND AMOUNTS OF FEES THAT A PRIVATE  
20 COLLEGE OR UNIVERSITY OR SEMINARY OR RELIGIOUS TRAINING  
21 INSTITUTION SHALL PAY AS REQUIRED IN SECTION 23-2-104.5; AND

22 (d) ESTABLISH POLICIES TO REQUIRE PRIVATE COLLEGES AND  
23 UNIVERSITIES AND SEMINARIES AND RELIGIOUS TRAINING INSTITUTIONS TO  
24 SUBMIT TO THE DEPARTMENT, UPON REQUEST, DATA THAT IS DIRECTLY  
25 RELATED TO STUDENT ENROLLMENT AND DEGREE COMPLETION AND, IF  
26 APPLICABLE, STUDENT FINANCIAL AID AND EDUCATOR PREPARATION  
27 PROGRAMS AS DESCRIBED IN SECTION 23-1-121. THE DIRECTOR OF THE



1 COMMISSION AND AN EMPLOYEE OF THE DEPARTMENT OF HIGHER  
2 EDUCATION SHALL NOT DIVULGE OR MAKE KNOWN IN ANY WAY DATA FOR  
3 INDIVIDUAL STUDENTS OR PERSONNEL, EXCEPT IN ACCORDANCE WITH  
4 JUDICIAL ORDER OR AS OTHERWISE PROVIDED BY LAW. A PERSON WHO  
5 VIOLATES THIS PARAGRAPH (d) COMMITS A CLASS 1 MISDEMEANOR AND  
6 SHALL BE PUNISHED AS PROVIDED IN SECTION 18-1.3-501, C.R.S., AND  
7 SHALL BE REMOVED OR DISMISSED FROM PUBLIC SERVICE ON THE  
8 GROUNDS OF MALFEASANCE IN OFFICE.

9 (2) THE DEPARTMENT SHALL ADMINISTER THE PROVISIONS OF THIS  
10 ARTICLE IN ACCORDANCE WITH THE PROVISIONS OF THIS ARTICLE AND THE  
11 POLICIES, GUIDELINES, AND PROCEDURES ADOPTED BY THE COMMISSION  
12 FOR THE ADMINISTRATION OF THIS ARTICLE. TO ADMINISTER THIS ARTICLE,  
13 THE DEPARTMENT SHALL HAVE, BUT NEED NOT BE LIMITED TO, THE  
14 FOLLOWING DUTIES:

15 (a) RECOMMENDING THAT THE COMMISSION GRANT, DENY,  
16 REVOKE, OR RENEW AN AUTHORIZATION TO OPERATE A PRIVATE COLLEGE  
17 OR UNIVERSITY OR SEMINARY OR RELIGIOUS TRAINING INSTITUTION;

18 (b) MAINTAINING A LIST OF THE PRIVATE COLLEGES AND  
19 UNIVERSITIES AND SEMINARIES AND RELIGIOUS TRAINING INSTITUTIONS  
20 THAT HAVE AUTHORIZATIONS ON FILE WITH THE DEPARTMENT; AND

21 (c) ESTABLISHING AND MAINTAINING A PROCESS IN ACCORDANCE  
22 WITH SECTION 23-2-104 FOR REVIEWING AND APPROPRIATELY ACTING ON  
23 A COMPLAINT CONCERNING A PRIVATE COLLEGE OR UNIVERSITY OR  
24 SEMINARY OR RELIGIOUS TRAINING INSTITUTION OPERATING IN THIS  
25 STATE, INCLUDING ENFORCING APPLICABLE STATE LAWS IF THE COMPLAINT  
26 IS BASED ON A CLAIM OF DECEPTIVE TRADE PRACTICE.

27 (3) THE COMMISSION AND THE DEPARTMENT ARE NOT AUTHORIZED

1 TO REGULATE THE OPERATIONS OF, INCLUDING BUT NOT LIMITED TO THE  
2 CONTENT OF COURSES PROVIDED BY, A PRIVATE COLLEGE OR UNIVERSITY  
3 OR SEMINARY OR RELIGIOUS TRAINING INSTITUTION EXCEPT TO THE  
4 EXTENT EXPRESSLY SET FORTH IN THIS ARTICLE.

5 (4) THE COMMISSION MAY NEGOTIATE AND ENTER INTO  
6 INTERSTATE RECIPROcity AGREEMENTS WITH OTHER STATES IF, IN THE  
7 JUDGMENT OF THE COMMISSION, THE AGREEMENTS DO NOT OBLIGATE A  
8 PRIVATE COLLEGE OR UNIVERSITY OR SEMINARY OR RELIGIOUS TRAINING  
9 INSTITUTION TO COMPLY WITH STANDARDS OR REQUIREMENTS THAT  
10 EXCEED THE STANDARDS AND REQUIREMENTS SPECIFIED IN THIS ARTICLE  
11 AND THE AGREEMENTS WILL ASSIST IN ACCOMPLISHING THE PURPOSES OF  
12 THIS ARTICLE.

13 **SECTION 5.** In Colorado Revised Statutes, **amend** 23-2-103.3  
14 as follows:

15 **23-2-103.3. Authorization to operate in Colorado - renewal.**

16 (1) (a) To ~~do business~~ OPERATE in Colorado, a private college or  
17 university shall apply for and receive authorization from the ~~department~~  
18 COMMISSION. A PRIVATE COLLEGE OR UNIVERSITY SHALL OBTAIN A  
19 SEPARATE AUTHORIZATION FOR EACH CAMPUS, BRANCH, OR SITE THAT IS  
20 SEPARATELY ACCREDITED. A PRIVATE, NONPROFIT COLLEGE OR  
21 UNIVERSITY SHALL SUBMIT WITH ITS APPLICATION VERIFICATION OF  
22 NONPROFIT STATUS, INCLUDING A COPY OF THE INSTITUTION'S  
23 TAX-EXEMPT CERTIFICATE ISSUED BY THE COLORADO DEPARTMENT OF  
24 REVENUE.

25 (b) After receiving an application, the department shall review the  
26 application to determine ~~the compliance of a private college or university~~  
27 ~~with the provisions of this article and other applicable law~~ WHETHER THE

1 PRIVATE COLLEGE OR UNIVERSITY IS INSTITUTIONALLY ACCREDITED BY A  
2 REGIONAL OR NATIONAL ACCREDITING BODY RECOGNIZED BY THE UNITED  
3 STATES DEPARTMENT OF EDUCATION. The department shall not  
4 recommend and the commission shall not approve an application from a  
5 private college or university that, in the ~~preceding~~ two years PRECEDING  
6 SUBMISSION OF THE APPLICATION, has had its accreditation suspended or  
7 withdrawn OR has been prohibited from ~~doing business~~ OPERATING in  
8 another state or THAT has substantially the same ~~ownership~~ OWNERS,  
9 GOVERNING BOARD, or principal officers as a private college or university  
10 that, IN THE TWO YEARS PRECEDING SUBMISSION OF THE APPLICATION, has  
11 had its accreditation suspended or withdrawn or ~~that~~ has been prohibited  
12 from ~~doing business~~ OPERATING in another state. ~~An application shall~~  
13 ~~include payment of the fee determined according to section 23-2-104.5.~~

14 (b) (c) The provisions of ~~paragraph (a)~~ PARAGRAPHS (a) AND (b)  
15 of this subsection (1) shall not apply to a private college or university  
16 that, as of May 29, 2008, was authorized to ~~do business~~ OPERATE in  
17 Colorado and that awarded degrees.

18 (d) IF A PRIVATE COLLEGE OR UNIVERSITY OFFERS A DEGREE OR  
19 CERTIFICATE PROGRAM THAT IS INTENDED TO LEAD TO PROFESSIONAL  
20 CERTIFICATION OR LICENSURE AND IS SUBJECT TO APPROVAL BY A  
21 PROFESSIONAL STANDARDS BOARD IN THIS STATE, THE INSTITUTION SHALL  
22 OBTAIN THE APPROVAL OF THE PROGRAM BY THE PROFESSIONAL  
23 STANDARDS BOARD BEFORE ENROLLING STUDENTS IN THE PROGRAM.

24 (2) To ~~do business~~ OPERATE in Colorado, a private college or  
25 university ~~is required to~~ SHALL be INSTITUTIONALLY accredited on the  
26 basis of an on-site review ~~in Colorado by a nationally recognized regional~~  
27 ~~accrediting association, by an accrediting agency or association~~ BY A

1 REGIONAL OR NATIONAL ACCREDITING BODY recognized by the United  
2 States department of education; ~~or by an accrediting agency determined~~  
3 ~~by the commission to be in accordance with its educational purposes and~~  
4 ~~programs~~; except that a private college or university may operate for an  
5 initial period without accreditation if the commission determines, in  
6 accordance with standards established by the commission, that the private  
7 college or university is likely to become accredited in a reasonable period  
8 of time or is making ~~reasonable and timely~~ progress toward accreditation  
9 IN ACCORDANCE WITH THE ACCREDITING BODY'S POLICIES. THE  
10 COMMISSION MAY GRANT A PROVISIONAL AUTHORIZATION TO A PRIVATE  
11 COLLEGE OR UNIVERSITY TO OPERATE FOR AN INITIAL PERIOD WITHOUT  
12 ACCREDITATION. THE PRIVATE COLLEGE OR UNIVERSITY SHALL ANNUALLY  
13 RENEW ITS PROVISIONAL AUTHORIZATION AND REPORT ANNUALLY TO THE  
14 COMMISSION CONCERNING THE INSTITUTION'S PROGRESS IN OBTAINING  
15 ACCREDITATION.

16 (3) A private college or university shall immediately notify the  
17 department of any ~~communication from its accrediting agency that~~  
18 ~~indicates it may be at risk of losing accreditation, not being awarded~~  
19 ~~accreditation, or being awarded a lesser accreditation status~~ MATERIAL  
20 INFORMATION RELATED TO A DETERMINATION BY THE INSTITUTION'S  
21 ACCREDITING BODY CONCERNING THE INSTITUTION'S ACCREDITATION  
22 STATUS OR IF THE INSTITUTION'S ACCREDITING BODY IS NO LONGER  
23 RECOGNIZED BY THE UNITED STATES DEPARTMENT OF EDUCATION.

24 (4) To ~~do business~~ OPERATE in Colorado, a ~~bible college or~~  
25 ~~seminary~~ OR RELIGIOUS TRAINING INSTITUTION shall apply for and receive  
26 authorization from the department and establish that it qualifies as a bona  
27 fide religious institution and as an institution of postsecondary education,

1 as defined by rules promulgated by the ~~Colorado~~ commission. ~~on higher~~  
2 ~~education.~~ A ~~bible college or~~ seminary OR RELIGIOUS TRAINING  
3 INSTITUTION that meets the criteria and rules established by this  
4 subsection (4) ~~shall be~~ IS exempt from the provisions of subsections (1),  
5 (2), and (3) of this section. ~~An application from~~ A bona fide religious  
6 institution and an institution of postsecondary education ~~made~~ THAT  
7 APPLIES FOR AUTHORIZATION pursuant to this subsection (4) shall ~~not~~  
8 ~~include a payment of~~ PAY the fee ~~determined~~ ESTABLISHED according to  
9 section 23-2-104.5. The provisions of this subsection (4) shall not apply  
10 to a ~~bible college or~~ seminary OR RELIGIOUS TRAINING INSTITUTION that,  
11 as of May 29, 2008, was authorized to ~~do business~~ OPERATE in Colorado  
12 and that awarded degrees.

13 (5) (a) ~~The commission may order the department, for cause, to~~  
14 ~~review a private college or university, bible college, or seminary to~~  
15 ~~determine whether to revoke the private college's or university's, bible~~  
16 ~~college's, or seminary's authorization or to place it on probationary status.~~  
17 ~~A review conducted pursuant to this subsection (5) shall ensure that the~~  
18 ~~private college or university or bible college or seminary meets the~~  
19 ~~requirements adopted pursuant to this article.~~ A PRIVATE COLLEGE OR  
20 UNIVERSITY THAT HAS AUTHORIZATION FROM THE COMMISSION PURSUANT  
21 TO THIS SECTION AND MAINTAINS ITS ACCREDITATION SHALL APPLY TO THE  
22 DEPARTMENT FOR REAUTHORIZATION IN ACCORDANCE WITH THE  
23 SCHEDULE FOR REACCREDITATION BY ITS ACCREDITING BODY OR EVERY  
24 THREE YEARS, WHICHEVER IS LONGER. A SEMINARY OR RELIGIOUS  
25 TRAINING INSTITUTION SHALL APPLY FOR REAUTHORIZATION EVERY THREE  
26 YEARS. A PRIVATE COLLEGE OR UNIVERSITY OR SEMINARY OR RELIGIOUS  
27 TRAINING INSTITUTION THAT SEEKS REAUTHORIZATION SHALL SUBMIT AN

1 APPLICATION IN ACCORDANCE WITH THE PROCEDURES AND POLICIES  
2 ADOPTED BY THE COMMISSION AND SHALL PAY THE REAUTHORIZATION FEE  
3 ESTABLISHED BY THE COMMISSION PURSUANT TO SECTION 23-2-104.5.

4 ~~(b) The commission may revoke the private college's or~~  
5 ~~university's authorization if it finds that the private college or university~~  
6 ~~is no longer accredited. The commission may place the private college or~~  
7 ~~university on probationary status if the commission finds the private~~  
8 ~~college or university has been placed on probation or the equivalent by an~~  
9 ~~accrediting agency.~~

10 ~~(c) The commission may revoke the bible college's or seminary's~~  
11 ~~authorization or place it on probationary status only if it finds that the~~  
12 ~~bible college or seminary no longer meets the definition of bible college~~  
13 ~~or seminary as defined under section 23-2-102 or no longer meets the~~  
14 ~~requirements adopted pursuant to this article.~~

15 (6) Nothing in this section shall preclude a seminary or bible  
16 college RELIGIOUS TRAINING INSTITUTION from seeking accreditation.

17 (7) (a) BY JANUARY 1, 2013, THE COMMISSION SHALL ADOPT  
18 PROCEDURES BY WHICH A PRIVATE COLLEGE OR UNIVERSITY OR SEMINARY  
19 OR RELIGIOUS TRAINING INSTITUTION MAY RENEW ITS AUTHORIZATION TO  
20 OPERATE IN COLORADO. TO RENEW ITS AUTHORIZATION TO OPERATE IN  
21 COLORADO, A PRIVATE COLLEGE OR UNIVERSITY OR SEMINARY OR  
22 RELIGIOUS TRAINING INSTITUTION SHALL DEMONSTRATE THAT IT  
23 CONTINUES TO MEET THE MINIMUM OPERATING STANDARDS SPECIFIED IN  
24 THIS SECTION AND SECTION 23-2-103.8.

25 (b) (I) A PRIVATE COLLEGE OR UNIVERSITY THAT HAS HAD ITS  
26 ACCREDITATION REAFFIRMED WITHOUT SANCTION IS IN COMPLIANCE WITH  
27 SECTION 23-2-103.8, AND IS NOT SUBJECT TO INVESTIGATION PURSUANT

1 TO SECTION 23-2-103.4 IS PRESUMED QUALIFIED FOR RENEWAL OF  
2 AUTHORIZATION, AND THE DEPARTMENT SHALL RECOMMEND RENEWAL  
3 FOR A PERIOD OF THREE YEARS OR THE LENGTH OF THE INSTITUTION'S  
4 ACCREDITATION, IF APPLICABLE, WHICHEVER IS LONGER.

5 (II) A SEMINARY OR RELIGIOUS TRAINING INSTITUTION THAT  
6 CONTINUES TO MEET THE MINIMUM OPERATING STANDARDS SPECIFIED IN  
7 THIS SECTION IS PRESUMED QUALIFIED FOR RENEWAL OF AUTHORIZATION,  
8 AND THE DEPARTMENT SHALL RECOMMEND THAT THE COMMISSION RENEW  
9 THE INSTITUTION'S AUTHORIZATION FOR THREE ADDITIONAL YEARS.

10 (c) IF A PRIVATE COLLEGE OR UNIVERSITY OR SEMINARY OR  
11 RELIGIOUS TRAINING INSTITUTION CANNOT DEMONSTRATE THAT IT MEETS  
12 THE MINIMUM OPERATING STANDARDS SPECIFIED IN THIS SECTION OR  
13 SECTION 23-2-103.8, IF APPLICABLE, THE DEPARTMENT SHALL  
14 RECOMMEND THAT THE COMMISSION DENY THE INSTITUTION'S  
15 APPLICATION FOR RENEWAL OF THE AUTHORIZATION. IF, WITHIN SIX  
16 MONTHS AFTER RECEIVING THE NOTICE OF DENIAL OF THE APPLICATION  
17 FOR RENEWAL, THE INSTITUTION CORRECTS THE ACTION OR CONDITION  
18 THAT RESULTED IN DENIAL OF THE APPLICATION FOR RENEWAL, THE  
19 INSTITUTION MAY REAPPLY FOR RENEWAL OF THE AUTHORIZATION. IF THE  
20 INSTITUTION DOES NOT CORRECT THE ACTION OR CONDITION WITHIN THE  
21 SIX-MONTH PERIOD, IT MAY SUBMIT A NEW APPLICATION FOR  
22 AUTHORIZATION AFTER CORRECTING THE ACTION OR CONDITION.

23 (d) IF A PRIVATE COLLEGE OR UNIVERSITY IS UNDER A SANCTION  
24 FROM ITS ACCREDITING BODY AT THE TIME IT FILES AN APPLICATION FOR  
25 RENEWAL OF AUTHORIZATION TO OPERATE IN COLORADO, THE  
26 DEPARTMENT MAY RECOMMEND THAT THE COMMISSION GRANT A  
27 PROBATIONARY RENEWAL OF THE INSTITUTION'S AUTHORIZATION. IF AN

1 INSTITUTION RECEIVES A PROBATIONARY RENEWAL OF ITS  
2 AUTHORIZATION, THE INSTITUTION SHALL REAPPLY FOR RENEWAL OF ITS  
3 AUTHORIZATION ANNUALLY UNTIL THE ACCREDITING BODY LIFTS THE  
4 SANCTION, AND THE INSTITUTION SHALL ANNUALLY REPORT TO THE  
5 COMMISSION CONCERNING THE INSTITUTION'S PROGRESS IN REMOVING THE  
6 SANCTION.

7 (e) IF THE DEPARTMENT RECOMMENDS THAT THE COMMISSION  
8 GRANT A PROBATIONARY RENEWAL OF AUTHORIZATION OR DENY AN  
9 APPLICATION FOR RENEWAL OF AUTHORIZATION, THE COMMISSION SHALL  
10 NOTIFY THE PRIVATE COLLEGE OR UNIVERSITY OR SEMINARY OR RELIGIOUS  
11 TRAINING INSTITUTION CONCERNING THE RECOMMENDATION AND PROVIDE  
12 THE INSTITUTION A PUBLIC HEARING AT WHICH THE INSTITUTION MAY  
13 ADDRESS THE DEPARTMENT'S RECOMMENDATION. FOLLOWING THE PUBLIC  
14 HEARING, IF THE COMMISSION GRANTS A PROBATIONARY RENEWAL OR  
15 DENIES THE APPLICATION FOR RENEWAL, THE INSTITUTION MAY APPEAL  
16 THE COMMISSION'S DECISION WITHIN THIRTY DAYS FOLLOWING NOTICE OF  
17 THE ACTION, BUT ONLY IF THE INSTITUTION HAS NEWLY DISCOVERED,  
18 MATERIAL INFORMATION THAT WAS NOT AVAILABLE TO THE DEPARTMENT  
19 OR THE INSTITUTION AT THE TIME OF THE PUBLIC HEARING. IF THE  
20 COMMISSION DENIES THE APPEAL, THE INSTITUTION MAY SEEK DE NOVO  
21 REVIEW PURSUANT TO THE "STATE ADMINISTRATIVE PROCEDURE ACT",  
22 ARTICLE 4 OF TITLE 24, C.R.S.

23 **SECTION 6.** In Colorado Revised Statutes, **add** 23-2-103.4 as  
24 follows:

25 **23-2-103.4. Authorization - revocation - probationary status.**

26 (1) (a) IF THE COMMISSION HAS REASON TO BELIEVE THAT A PRIVATE  
27 COLLEGE OR UNIVERSITY OR SEMINARY OR RELIGIOUS TRAINING



1 INSTITUTION MEETS ONE OR MORE THE GROUNDS SPECIFIED IN SUBSECTION  
2 (2) OF THIS SECTION FOR REVOCATION OF AUTHORIZATION OR FOR PLACING  
3 AN INSTITUTION ON PROBATIONARY STATUS, THE COMMISSION MAY ORDER  
4 THE DEPARTMENT TO INVESTIGATE THE PRIVATE COLLEGE OR UNIVERSITY  
5 OR SEMINARY OR RELIGIOUS TRAINING INSTITUTION AND MAKE A  
6 RECOMMENDATION CONCERNING WHETHER TO REVOKE THE INSTITUTION'S  
7 AUTHORIZATION OR TO PLACE THE INSTITUTION ON PROBATIONARY  
8 STATUS.

9 (b) TO ASSIST THE DEPARTMENT IN CONDUCTING AN  
10 INVESTIGATION PURSUANT TO THIS SUBSECTION (1), THE COMMISSION MAY  
11 SUBPOENA ANY PERSONS, BOOKS, RECORDS, OR DOCUMENTS PERTAINING  
12 TO THE INVESTIGATION, REQUIRE ANSWERS IN WRITING, UNDER OATH, TO  
13 QUESTIONS THE COMMISSION OR THE DEPARTMENT MAY ASK, AND  
14 ADMINISTER AN OATH OR AFFIRMATION TO ANY PERSON IN CONNECTION  
15 WITH THE INVESTIGATION. IN CONDUCTING THE INVESTIGATION, THE  
16 DEPARTMENT MAY PHYSICALLY INSPECT AN INSTITUTION'S FACILITIES AND  
17 RECORDS. A SUBPOENA ISSUED BY THE COMMISSION PURSUANT TO THIS  
18 PARAGRAPH (b) IS ENFORCEABLE BY ANY COURT OF RECORD IN THIS  
19 STATE.

20 (c) BASED ON THE FINDINGS OF AN INVESTIGATION PURSUANT TO  
21 THIS SUBSECTION (1), THE DEPARTMENT SHALL RECOMMEND TO THE  
22 COMMISSION THAT THE COMMISSION SHOULD OR SHOULD NOT REVOKE THE  
23 INSTITUTION'S AUTHORIZATION OR PLACE THE INSTITUTION ON  
24 PROBATIONARY STATUS. IF THE DEPARTMENT RECOMMENDS REVOCATION  
25 OR PROBATIONARY STATUS, IT SHALL IDENTIFY THE APPLICABLE GROUNDS  
26 FOR REVOCATION OR PROBATIONARY STATUS SPECIFIED IN SUBSECTION (2)  
27 OF THIS SECTION.

1           (2) WITH REGARD TO THE AUTHORIZATION OF A PRIVATE COLLEGE  
2 OR UNIVERSITY, THE COMMISSION MAY:

3           (a) REVOKE THE PRIVATE COLLEGE'S OR UNIVERSITY'S  
4 AUTHORIZATION OR PLACE THE INSTITUTION ON PROBATIONARY STATUS  
5 IF THE PRIVATE COLLEGE OR UNIVERSITY:

6           (I) FAILS TO MEET ANY OF THE MINIMUM STANDARDS SET FORTH  
7 IN THIS ARTICLE OR IN THE COMMISSION'S POLICIES OR RULES ADOPTED TO  
8 IMPLEMENT THIS ARTICLE;

9           (II) FAILS TO SUBSTANTIALLY COMPLY WITH THE APPLICABLE  
10 LAWS OR RULES ADOPTED OR IMPLEMENTED BY OTHER STATE-LEVEL  
11 BOARDS OR AGENCIES THAT HAVE JURISDICTION OVER THE INSTITUTION;  
12 OR

13           (III) VIOLATES THE FEDERAL CRIMINAL LAWS OR THE CRIMINAL  
14 LAWS OF THIS STATE OR ANY OTHER STATE IN WHICH THE INSTITUTION  
15 OPERATES;

16           (b) REVOKE THE PRIVATE COLLEGE'S OR UNIVERSITY'S  
17 AUTHORIZATION IF THE INSTITUTION LOSES ITS ACCREDITATION;

18           (c) PLACE THE PRIVATE COLLEGE OR UNIVERSITY ON  
19 PROBATIONARY STATUS IF THE INSTITUTION'S ACCREDITING BODY PLACES  
20 THE INSTITUTION ON PROBATION OR THE EQUIVALENT; OR

21           (d) REVOKE THE PRIVATE COLLEGE'S OR UNIVERSITY'S  
22 AUTHORIZATION OR PLACE THE PRIVATE COLLEGE OR UNIVERSITY ON  
23 PROBATIONARY STATUS IF THE UNITED STATES DEPARTMENT OF  
24 EDUCATION CEASES TO RECOGNIZE THE INSTITUTION'S ACCREDITING BODY.

25           (3) THE COMMISSION MAY REVOKE A SEMINARY'S OR RELIGIOUS  
26 TRAINING INSTITUTION'S AUTHORIZATION OR PLACE THE INSTITUTION ON  
27 PROBATIONARY STATUS IF THE SEMINARY OR RELIGIOUS TRAINING

1 INSTITUTION:

2 (a) NO LONGER MEETS THE DEFINITION OF A SEMINARY OR  
3 RELIGIOUS TRAINING INSTITUTION SPECIFIED IN SECTION 23-2-102;

4 (b) FAILS TO MEET ANY OF THE OTHER MINIMUM STANDARDS SET  
5 FORTH IN THIS ARTICLE OR IN THE COMMISSION'S POLICIES OR RULES  
6 ADOPTED TO IMPLEMENT THIS ARTICLE; OR

7 (c) VIOLATES THE FEDERAL CRIMINAL LAWS OR THE CRIMINAL  
8 LAWS OF THIS STATE OR ANY OTHER STATE IN WHICH THE INSTITUTION  
9 OPERATES.

10 (4) IF THE DEPARTMENT RECOMMENDS THAT THE COMMISSION  
11 REVOKE THE AUTHORIZATION OF A PRIVATE COLLEGE OR UNIVERSITY OR  
12 SEMINARY OR RELIGIOUS TRAINING INSTITUTION DUE TO A FAILURE TO  
13 MEET ANY OF THE MINIMUM STANDARDS SET FORTH IN THIS ARTICLE OR IN  
14 THE COMMISSION'S POLICIES OR RULES ADOPTED TO IMPLEMENT THIS  
15 ARTICLE, THE COMMISSION SHALL NOTIFY THE PRIVATE COLLEGE OR  
16 UNIVERSITY OR SEMINARY OR RELIGIOUS TRAINING INSTITUTION  
17 CONCERNING THE RECOMMENDATION AND PROVIDE THE INSTITUTION A  
18 PUBLIC HEARING AT WHICH THE INSTITUTION MAY ADDRESS THE  
19 DEPARTMENT'S RECOMMENDATION. FOLLOWING THE PUBLIC HEARING, IF  
20 THE COMMISSION REVOKES THE INSTITUTION'S AUTHORIZATION, THE  
21 INSTITUTION MAY APPEAL THE COMMISSION'S DECISION WITHIN THIRTY  
22 DAYS FOLLOWING NOTICE OF THE REVOCATION, BUT ONLY IF THE  
23 INSTITUTION HAS NEWLY DISCOVERED, MATERIAL INFORMATION THAT WAS  
24 NOT AVAILABLE TO THE DEPARTMENT OR THE INSTITUTION AT THE TIME OF  
25 THE PUBLIC HEARING. IF THE COMMISSION DENIES THE APPEAL, THE  
26 INSTITUTION MAY SEEK DE NOVO REVIEW PURSUANT TO THE "STATE  
27 ADMINISTRATIVE PROCEDURE ACT", ARTICLE 4 OF TITLE 24, C.R.S.

1           **SECTION 7.** In Colorado Revised Statutes, **repeal and reenact,**  
2 **with amendments,** 23-2-103.5 as follows:

3           **23-2-103.5. Deposit of records upon discontinuance.** (1) (a) IF  
4 A PRIVATE COLLEGE OR UNIVERSITY OR SEMINARY OR RELIGIOUS TRAINING  
5 INSTITUTION CEASES OPERATING WITHIN THIS STATE, THE OWNER OF THE  
6 INSTITUTION OR HIS OR HER DESIGNEE SHALL DEPOSIT WITH THE  
7 DEPARTMENT THE ORIGINAL OR LEGIBLE TRUE COPIES OF ALL  
8 EDUCATIONAL RECORDS OF THE INSTITUTION.

9           (b) IF THE COMMISSION DETERMINES THAT THE RECORDS OF A  
10 PRIVATE COLLEGE OR UNIVERSITY OR SEMINARY OR RELIGIOUS TRAINING  
11 INSTITUTION THAT CEASES OPERATING WITHIN THE STATE ARE IN DANGER  
12 OF BEING DESTROYED, SECRETED, MISLAID, OR OTHERWISE MADE  
13 UNAVAILABLE TO THE DEPARTMENT, THE COMMISSION MAY SEEK A COURT  
14 ORDER AUTHORIZING THE DEPARTMENT TO SEIZE AND TAKE POSSESSION  
15 OF THE RECORDS.

16           (c) THE DEPARTMENT OR THE ATTORNEY GENERAL MAY ENFORCE  
17 THE PROVISIONS OF THIS SUBSECTION (1) BY FILING A REQUEST FOR AN  
18 INJUNCTION WITH A COURT OF COMPETENT JURISDICTION.

19           (d) THE COMMISSION SHALL ADOPT POLICIES FOR THE  
20 IMPLEMENTATION OF THIS SUBSECTION (1).

21           (2) A PERSON MAY REQUEST, IN ACCORDANCE WITH THE  
22 PROVISIONS OF THE "COLORADO OPEN RECORDS ACT", PART 2 OF ARTICLE  
23 72 OF TITLE 24, C.R.S., A COPY OF A RECORD HELD BY THE DEPARTMENT  
24 PURSUANT TO THIS SECTION.

25           (3) THE DEPARTMENT SHALL PERMANENTLY RETAIN ANY STUDENT  
26 TRANSCRIPTS RECEIVED PURSUANT TO THIS SECTION. THE DEPARTMENT  
27 SHALL RETAIN ANY OTHER RECORDS RECEIVED PURSUANT TO THIS SECTION

1 FOR TEN YEARS FOLLOWING THE DATE ON WHICH IT RECEIVES OR OBTAINS  
2 THE RECORDS. AFTER THE REQUIRED RETENTION PERIOD, THE  
3 DEPARTMENT SHALL DISPOSE OF THE RECORDS IN A MANNER THAT WILL  
4 ADEQUATELY PROTECT THE PRIVACY OF PERSONAL INFORMATION  
5 INCLUDED IN THE RECORDS.

6 **SECTION 8.** In Colorado Revised Statutes, **add** 23-2-103.7 and  
7 23-2-103.8 as follows:

8 **23-2-103.7. Authorized institutions - responsibilities.** (1) A  
9 PRIVATE COLLEGE OR UNIVERSITY OR SEMINARY OR RELIGIOUS TRAINING  
10 INSTITUTION THAT IS AUTHORIZED PURSUANT TO THIS ARTICLE:

11 (a) SHALL NOT MAKE OR CAUSE TO BE MADE ANY ORAL, WRITTEN,  
12 OR VISUAL STATEMENT OR REPRESENTATION THAT THE INSTITUTION  
13 KNOWS OR SHOULD KNOW TO BE FALSE, MATERIALLY FALSE,  
14 SUBSTANTIALLY INACCURATE, OR MATERIALLY MISLEADING;

15 (b) SHALL ANNUALLY PROVIDE TO THE DEPARTMENT A COPY OF  
16 THE INSTITUTION'S ENROLLMENT AGREEMENT IF THE INSTITUTION USES AN  
17 ENROLLMENT AGREEMENT;

18 (c) SHALL PROVIDE BONA FIDE INSTRUCTION, IN ACCORDANCE  
19 WITH THE STANDARDS AND CRITERIA SET BY THE INSTITUTION'S  
20 ACCREDITING BODY; AND

21 (d) IF THE OWNERSHIP OF THE INSTITUTION CHANGES, SHALL  
22 PROVIDE TO THE DEPARTMENT, WITHIN THIRTY DAYS AFTER THE CHANGE,  
23 ANY MATERIAL INFORMATION CONCERNING THE TRANSACTION THAT IS  
24 REQUESTED BY THE DEPARTMENT.

25 (2) IF A PRIVATE COLLEGE OR UNIVERSITY OR SEMINARY OR  
26 RELIGIOUS TRAINING INSTITUTION VIOLATES ANY OF THE REQUIREMENTS  
27 SPECIFIED IN SUBSECTION (1) OF THIS SECTION, THE DEPARTMENT MAY

1 RECOMMEND TO THE COMMISSION THAT THE INSTITUTION'S  
2 AUTHORIZATION BE REVOKED OR PLACED ON PROBATIONARY STATUS.

3 **23-2-103.8. Financial integrity - surety.** (1) A PRIVATE COLLEGE  
4 OR UNIVERSITY IS EXEMPT FROM THE PROVISIONS OF THIS SECTION IF:

5 (a) THE PRIVATE COLLEGE OR UNIVERSITY IS A PARTY TO A  
6 PERFORMANCE CONTRACT WITH THE COMMISSION UNDER SECTION  
7 23-5-129; OR

8 (b) THE PRIVATE COLLEGE OR UNIVERSITY:

9 (I) HAS BEEN ACCREDITED FOR AT LEAST TWENTY YEARS BY AN  
10 ACCREDITING AGENCY THAT IS RECOGNIZED BY THE UNITED STATES  
11 DEPARTMENT OF EDUCATION;

12 (II) HAS OPERATED CONTINUOUSLY IN THIS STATE FOR AT LEAST  
13 TWENTY YEARS; AND

14 (III) HAS NOT AT ANY TIME FILED FOR BANKRUPTCY PROTECTION  
15 PURSUANT TO TITLE 11 OF THE UNITED STATES CODE.

16 (2) (a) IF A PRIVATE COLLEGE OR UNIVERSITY IS NOT EXEMPT FROM  
17 THE REQUIREMENTS OF THIS SECTION PURSUANT TO SUBSECTION (1) OF  
18 THIS SECTION, THE COMMISSION SHALL DETERMINE THE FINANCIAL  
19 INTEGRITY OF THE PRIVATE COLLEGE OR UNIVERSITY BY CONFIRMING THAT  
20 THE INSTITUTION MEETS OR DOES NOT MEET ALL OF THE CRITERIA  
21 SPECIFIED IN PARAGRAPH (b) OF THIS SUBSECTION (2). THE PRIVATE  
22 COLLEGE OR UNIVERSITY SHALL PRESENT AS PART OF THE APPLICATION  
23 FOR AUTHORIZATION VERIFIABLE EVIDENCE THAT THE INSTITUTION MEETS  
24 ALL OF THE CRITERIA SPECIFIED IN PARAGRAPH (b) OF THIS SUBSECTION  
25 (2).

26 (b) A PRIVATE COLLEGE OR UNIVERSITY HAS FINANCIAL INTEGRITY  
27 IF IT MEETS ALL OF THE FOLLOWING CRITERIA:

1 (I) THE INSTITUTION HAS BEEN ACCREDITED FOR AT LEAST TEN  
2 YEARS BY AN ACCREDITING AGENCY THAT IS RECOGNIZED BY THE UNITED  
3 STATES DEPARTMENT OF EDUCATION;

4 (II) THE INSTITUTION HAS OPERATED CONTINUOUSLY IN THIS  
5 STATE FOR AT LEAST TEN YEARS;

6 (III) DURING ITS EXISTENCE, THE INSTITUTION HAS NOT FILED FOR  
7 BANKRUPTCY PROTECTION PURSUANT TO TITLE 11 OF THE UNITED STATES  
8 CODE;

9 (IV) THE INSTITUTION MAINTAINS A COMPOSITE SCORE OF AT  
10 LEAST 1.5 ON ITS EQUITY, PRIMARY RESERVE, AND NET INCOME RATIOS, AS  
11 REQUIRED IN 34 CFR 668.172; AND

12 (V) THE INSTITUTION MEETS OR EXCEEDS THE PRO RATA REFUND  
13 POLICIES REQUIRED BY THE FEDERAL DEPARTMENT OF EDUCATION IN 34  
14 CFR 668 OR, IF THE INSTITUTION DOES NOT PARTICIPATE IN FEDERAL  
15 FINANCIAL AID PROGRAMS, THE INSTITUTION'S REFUND AND TERMINATION  
16 PROCEDURES HAVE BEEN APPROVED BY ITS ACCREDITING BODY.

17 (3) (a) EACH PRIVATE COLLEGE OR UNIVERSITY THAT IS NOT  
18 EXEMPT FROM THE REQUIREMENTS OF THIS SECTION PURSUANT TO  
19 SUBSECTION (1) OF THIS SECTION AND CANNOT DEMONSTRATE FINANCIAL  
20 INTEGRITY AS PROVIDED IN SUBSECTION (2) OF THIS SECTION, AS  
21 DETERMINED BY THE COMMISSION, SHALL FILE EVIDENCE OF SURETY IN  
22 THE AMOUNT CALCULATED PURSUANT TO SUBSECTION (5) OF THIS SECTION  
23 PRIOR TO RECEIVING AUTHORIZATION TO OPERATE IN COLORADO. THE  
24 SURETY MAY BE IN THE FORM OF A SAVINGS ACCOUNT, DEPOSIT, OR  
25 CERTIFICATE OF DEPOSIT THAT MEETS THE REQUIREMENTS OF SECTION  
26 11-35-101, C.R.S., OR AN ALTERNATIVE METHOD APPROVED BY THE  
27 COMMISSION, OR ONE BOND AS SET FORTH IN THIS SECTION COVERING THE

1 APPLYING INSTITUTION. THE COMMISSION MAY DISAPPROVE AN  
2 INSTITUTION'S SURETY IF THE COMMISSION FINDS THE SURETY IS NOT  
3 SUFFICIENT TO PROVIDE STUDENTS WITH THE INDEMNIFICATION AND  
4 ALTERNATIVE ENROLLMENT REQUIRED BY THIS SECTION.

5 (b) IF A PRIVATE COLLEGE OR UNIVERSITY FILES A BOND, THE BOND  
6 SHALL BE EXECUTED BY THE INSTITUTION AS PRINCIPAL AND BY A SURETY  
7 COMPANY AUTHORIZED TO DO BUSINESS IN THIS STATE. THE BOND SHALL  
8 BE CONTINUOUS UNLESS THE SURETY IS RELEASED AS SET FORTH IN THIS  
9 SECTION.

10 (4) THE SURETY SHALL BE CONDITIONED TO PROVIDE  
11 INDEMNIFICATION TO ANY STUDENT OR ENROLLEE, OR TO ANY PARENT OR  
12 LEGAL GUARDIAN OF A STUDENT OR ENROLLEE, THAT THE COMMISSION  
13 FINDS TO HAVE SUFFERED LOSS OF TUITION OR ANY FEES AS A RESULT OF  
14 ANY ACT OR PRACTICE THAT IS A VIOLATION OF THIS ARTICLE AND TO  
15 PROVIDE ALTERNATE ENROLLMENT AS PROVIDED IN SUBSECTION (7) OF  
16 THIS SECTION FOR STUDENTS ENROLLED IN AN INSTITUTION THAT CEASES  
17 OPERATION.

18 (5) THE AMOUNT OF THE SURETY THAT A PRIVATE COLLEGE OR  
19 UNIVERSITY SUBMITS PURSUANT TO SUBSECTION (3) OF THIS SECTION IS  
20 THE GREATER OF FIVE THOUSAND DOLLARS OR AN AMOUNT EQUAL TO A  
21 REASONABLE ESTIMATE OF THE MAXIMUM PREPAID, UNEARNED TUITION  
22 AND FEES OF THE INSTITUTION FOR THE PERIOD OR TERM DURING THE  
23 APPLICABLE ACADEMIC YEAR FOR WHICH PROGRAMS OF INSTRUCTION ARE  
24 OFFERED INCLUDING, BUT NOT LIMITED TO, PROGRAMS OFFERED ON A  
25 SEMESTER, QUARTER, MONTHLY, OR CLASS BASIS; EXCEPT THAT THE  
26 INSTITUTION SHALL USE THE PERIOD OR TERM OF GREATEST DURATION  
27 AND EXPENSE IN DETERMINING THIS AMOUNT IF THE INSTITUTION'S



1 ACADEMIC YEAR CONSISTS OF ONE OR MORE PERIODS OR TERMS.  
2 FOLLOWING THE INITIAL FILING OF THE SURETY WITH THE DEPARTMENT,  
3 THE PRIVATE COLLEGE OR UNIVERSITY SHALL RECALCULATE THE AMOUNT  
4 OF THE SURETY ANNUALLY BASED ON A REASONABLE ESTIMATE OF THE  
5 MAXIMUM PREPAID, UNEARNED TUITION AND FEES RECEIVED BY THE  
6 INSTITUTION FOR THE APPLICABLE PERIOD OR TERM.

7 (6) (a) A STUDENT OR ENROLLEE, OR A PARENT OR GUARDIAN OF  
8 THE STUDENT OR ENROLLEE, WHO CLAIMS LOSS OF TUITION OR FEES MAY  
9 FILE A CLAIM WITH THE COMMISSION IF THE CLAIM RESULTS FROM AN ACT  
10 OR PRACTICE THAT VIOLATES A PROVISION OF THIS ARTICLE. THE CLAIMS  
11 THAT ARE FILED WITH THE COMMISSION ARE PUBLIC RECORDS AND ARE  
12 SUBJECT TO THE PROVISIONS OF ARTICLE 72 OF TITLE 24, C.R.S.; EXCEPT  
13 THAT THE DEPARTMENT SHALL NOT MAKE THE CLAIMS RECORDS PUBLIC IF  
14 THE RELEASE WOULD VIOLATE A FEDERAL PRIVACY LAW.

15 (b) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (a) OF  
16 THIS SUBSECTION (6), THE COMMISSION SHALL NOT CONSIDER A CLAIM  
17 THAT IS FILED MORE THAN TWO YEARS AFTER THE DATE THE STUDENT  
18 DISCONTINUES HIS OR HER ENROLLMENT WITH THE INSTITUTION.

19 (7) (a) IF A PRIVATE COLLEGE OR UNIVERSITY CEASES OPERATION,  
20 THE COMMISSION MAY MAKE DEMAND ON THE SURETY OF THE INSTITUTION  
21 UPON THE DEMAND FOR A REFUND BY A STUDENT OR THE  
22 IMPLEMENTATION OF ALTERNATE ENROLLMENT FOR THE STUDENTS  
23 ENROLLED IN THE INSTITUTION, AND THE HOLDER OF THE SURETY OR, IF  
24 THE SURETY IS A BOND, THE PRINCIPAL ON THE BOND SHALL PAY THE  
25 CLAIM DUE IN A TIMELY MANNER. TO THE EXTENT PRACTICABLE, THE  
26 COMMISSION SHALL USE THE AMOUNT OF THE SURETY TO PROVIDE  
27 ALTERNATE ENROLLMENT FOR STUDENTS OF THE INSTITUTION THAT

1 CEASES OPERATION THROUGH A CONTRACT WITH ANOTHER AUTHORIZED  
2 PRIVATE COLLEGE OR UNIVERSITY, A COMMUNITY COLLEGE, AN AREA  
3 VOCATIONAL SCHOOL, OR ANY OTHER ARRANGEMENT THAT IS  
4 ACCEPTABLE TO THE DEPARTMENT. THE ALTERNATE ENROLLMENT  
5 PROVIDED TO A STUDENT SHALL REPLACE THE ORIGINAL ENROLLMENT  
6 AGREEMENT, IF ANY, BETWEEN THE STUDENT AND THE PRIVATE COLLEGE  
7 OR UNIVERSITY; EXCEPT THAT THE STUDENT SHALL MAKE THE TUITION  
8 AND FEE PAYMENTS AS REQUIRED BY THE ORIGINAL ENROLLMENT  
9 AGREEMENT, IF ANY.

10 (b) A STUDENT WHO IS ENROLLED IN A PRIVATE COLLEGE OR  
11 UNIVERSITY THAT CEASES OPERATION AND WHO DECLINES THE ALTERNATE  
12 ENROLLMENT REQUIRED TO BE OFFERED PURSUANT TO PARAGRAPH (a) OF  
13 THIS SUBSECTION (7) MAY FILE A CLAIM WITH THE COMMISSION FOR THE  
14 STUDENT'S PRORATED SHARE OF THE PREPAID, UNEARNED TUITION AND  
15 FEES THAT THE STUDENT PAID, SUBJECT TO THE LIMITATIONS OF  
16 PARAGRAPH (c) OF THIS SUBSECTION (7). THE COMMISSION SHALL NOT  
17 MAKE A SUBSEQUENT PAYMENT TO A STUDENT UNLESS THE STUDENT  
18 SUBMITS PROOF OF SATISFACTION OF ANY PRIOR DEBT TO A FINANCIAL  
19 INSTITUTION IN ACCORDANCE WITH THE COMMISSION'S RULES  
20 CONCERNING THE ADMINISTRATION OF THIS SECTION.

21 (c) IF THE AMOUNT OF THE SURETY IS LESS THAN THE TOTAL  
22 PREPAID, UNEARNED TUITION AND FEES THAT HAVE BEEN PAID BY  
23 STUDENTS AT THE TIME THE PRIVATE COLLEGE OR UNIVERSITY CEASES  
24 OPERATION, THE DEPARTMENT SHALL PRORATE THE AMOUNT OF THE  
25 SURETY AMONG THE STUDENTS.

26 (d) THE PROVISIONS OF THIS SUBSECTION (7) ARE APPLICABLE  
27 ONLY TO THOSE STUDENTS ENROLLED IN THE PRIVATE COLLEGE OR

1 UNIVERSITY AT THE TIME IT CEASES OPERATION, AND, ONCE AN  
2 INSTITUTION CEASES OPERATION, NO NEW STUDENTS SHALL BE ENROLLED  
3 THEREIN.

4 (e) THE COMMISSION IS THE TRUSTEE FOR ALL PREPAID, UNEARNED  
5 TUITION AND FEES, STUDENT LOANS, PELL GRANTS, AND OTHER STUDENT  
6 FINANCIAL AID ASSISTANCE IF AN AUTHORIZED PRIVATE COLLEGE OR  
7 UNIVERSITY CEASES OPERATION.

8 (f) THE COMMISSION SHALL DETERMINE WHETHER OFFERING  
9 ALTERNATE ENROLLMENT FOR STUDENTS ENROLLED IN AN AUTHORIZED  
10 PRIVATE COLLEGE OR UNIVERSITY THAT CEASES OPERATION IS  
11 PRACTICABLE WITHOUT FEDERAL GOVERNMENT DESIGNATION OF THE  
12 COMMISSION AS TRUSTEE FOR STUDENT LOANS, PELL GRANTS, AND OTHER  
13 STUDENT FINANCIAL AID ASSISTANCE PURSUANT TO PARAGRAPH (e) OF  
14 THIS SUBSECTION (7).

15 (8) FOR CLAIMS MADE PURSUANT TO THIS SECTION THAT DO NOT  
16 INVOLVE A PRIVATE COLLEGE OR UNIVERSITY THAT CEASES OPERATION,  
17 THE COMMISSION SHALL CONDUCT A HEARING TO DETERMINE WHETHER  
18 THERE IS LOSS OF TUITION OR FEES, AND, IF THE COMMISSION FINDS THAT  
19 A CLAIM IS VALID AND DUE THE CLAIMANT, THE COMMISSION SHALL MAKE  
20 DEMAND UPON THE SURETY. IF THE HOLDER OF THE SURETY OR, IF THE  
21 SURETY IS A BOND, THE PRINCIPAL ON THE BOND FAILS OR REFUSES TO PAY  
22 THE CLAIM DUE, THE COMMISSION SHALL COMMENCE AN ACTION ON THE  
23 SURETY IN A COURT OF COMPETENT JURISDICTION; EXCEPT THAT THE  
24 COMMISSION SHALL NOT FILE AN ACTION MORE THAN SIX YEARS AFTER  
25 THE DATE OF THE VIOLATION THAT GIVES RISE TO THE RIGHT TO FILE A  
26 CLAIM PURSUANT TO THIS SECTION.

27 (9) THE AUTHORIZATION FOR A PRIVATE COLLEGE OR UNIVERSITY

1 IS SUSPENDED BY OPERATION OF LAW WHEN THE INSTITUTION IS NO  
2 LONGER COVERED BY SURETY AS REQUIRED BY THIS SECTION. THE  
3 DEPARTMENT SHALL GIVE WRITTEN NOTICE TO THE INSTITUTION AT THE  
4 LAST-KNOWN ADDRESS, AT LEAST FORTY-FIVE DAYS BEFORE THE RELEASE  
5 OF THE SURETY, TO THE EFFECT THAT THE INSTITUTION'S AUTHORIZATION  
6 IS SUSPENDED BY OPERATION OF LAW UNTIL THE INSTITUTION FILES  
7 EVIDENCE OF SURETY IN LIKE AMOUNT AS THE SURETY BEING RELEASED.

8 (10) THE PRINCIPAL ON A BOND FILED UNDER THE PROVISIONS OF  
9 THIS SECTION IS RELEASED FROM THE BOND AFTER THE PRINCIPAL SERVES  
10 WRITTEN NOTICE THEREOF TO THE COMMISSION AT LEAST SIXTY DAYS  
11 BEFORE THE RELEASE. THE RELEASE DOES NOT DISCHARGE OR OTHERWISE  
12 AFFECT A CLAIM FILED BY A STUDENT OR ENROLLEE OR HIS OR HER PARENT  
13 OR LEGAL GUARDIAN FOR LOSS OF TUITION OR FEES THAT OCCURRED  
14 WHILE THE BOND WAS IN EFFECT OR THAT OCCURRED UNDER ANY NOTE OR  
15 CONTRACT EXECUTED DURING ANY PERIOD OF TIME WHEN THE BOND WAS  
16 IN EFFECT, EXCEPT WHEN ANOTHER BOND IS FILED IN A LIKE AMOUNT AND  
17 PROVIDES INDEMNIFICATION FOR ANY SUCH LOSS.

18 (11) EACH PRIVATE COLLEGE OR UNIVERSITY THAT FILES A SURETY  
19 PURSUANT TO SUBSECTION (3) OF THIS SECTION SHALL PROVIDE ANNUAL  
20 VERIFICATION OF CONTINUED COVERAGE BY SURETY AS REQUIRED BY THIS  
21 SECTION IN A REPORT TO THE COMMISSION DUE BY JANUARY 1 OF EACH  
22 YEAR. THE COMMISSION MAY DISAPPROVE A SURETY IF IT FINDS THAT THE  
23 SURETY IS NOT ADEQUATE TO PROVIDE STUDENTS WITH THE  
24 INDEMNIFICATION AND ALTERNATE ENROLLMENT REQUIRED BY THIS  
25 SECTION.

26 (12) IF A PRIVATE COLLEGE OR UNIVERSITY THAT IS EXEMPT FROM  
27 THE PROVISIONS OF THIS SECTION OR THAT DEMONSTRATES FINANCIAL

1 INTEGRITY PURSUANT TO SUBSECTION (2) OF THIS SECTION CEASES TO  
2 OPERATE IN THIS STATE, THE STATE ATTORNEY GENERAL MAY FILE A  
3 CLAIM AGAINST THE INSTITUTION ON BEHALF OF STUDENTS ENROLLED IN  
4 THE INSTITUTION AT THE TIME IT CEASES OPERATION TO RECOVER ANY  
5 AMOUNT OF UNEARNED, PREPAID TUITION THAT MAY BE OWED TO THE  
6 STUDENTS.

7 (13) A SEMINARY OR RELIGIOUS TRAINING INSTITUTION IS NOT  
8 SUBJECT TO THE REQUIREMENTS OF THIS SECTION.

9 **SECTION 9.** In Colorado Revised Statutes, **amend** 23-2-104 as  
10 follows:

11 **23-2-104. Administration of article - complaints - injunctive**  
12 **proceedings.** (1) The department ~~is charged with the administration of~~  
13 SHALL ADMINISTER this article pursuant to statute and appropriate policies  
14 adopted by the commission.

15 (2) (a) The commission shall specify procedures by which a  
16 student or former student of a private college or university ~~bible college~~  
17 or seminary OR RELIGIOUS TRAINING INSTITUTION may file a complaint  
18 with the department concerning the institution in which the student is or  
19 was enrolled. IF A FORMER STUDENT FILES A COMPLAINT, HE OR SHE MUST  
20 DO SO WITHIN TWO YEARS AFTER DISCONTINUING ENROLLMENT AT THE  
21 INSTITUTION. The department ~~is authorized to~~ MAY investigate complaints  
22 based on a claim of a deceptive trade practice as described in subsection  
23 (4) of this section. The department ~~shall~~ DOES not have jurisdiction to  
24 consider complaints that infringe on the academic freedom OR religious  
25 freedom OF, or question the curriculum content of, a private college or  
26 university ~~bible college~~ or seminary OR RELIGIOUS TRAINING INSTITUTION;  
27 except that the department ~~shall have~~ HAS jurisdiction to consider a

1 complaint that pertains to the general education core course requirements  
2 of a private college or university ~~bible college~~, or seminary OR RELIGIOUS  
3 TRAINING INSTITUTION, or to any of the specific core courses included in  
4 said requirements, if the private college or university ~~bible college~~ or  
5 seminary ~~has chosen~~ OR RELIGIOUS TRAINING INSTITUTION CHOOSES to  
6 seek transferability of its general education core courses pursuant to  
7 section 23-1-125 (5).

8 (b) Upon receipt of a complaint, the department shall verify that  
9 the complaint warrants investigation under the guidelines established by  
10 the commission and as a deceptive trade practice. A complaint will  
11 warrant investigation only when the student has exhausted all complaint  
12 and appeals processes available at the institution. THE DEPARTMENT  
13 SHALL DISMISS a complaint ~~shall be dismissed~~ if it does not warrant  
14 investigation under the commission's guidelines and is not a deceptive  
15 trade practice. If the complaint warrants investigation, the department  
16 shall first forward the complaint to the institution for a written response.  
17 The institution shall have thirty days to ~~forward its response~~ RESPOND IN  
18 WRITING to the department, and TO FORWARD a copy of the response ~~shall~~  
19 ~~be forwarded~~ to the student. During the thirty-day period, the institution  
20 may attempt to resolve the complaint with the student, and the department  
21 shall assist in the efforts to resolve the complaint. If the department  
22 determines at any time that a complaint no longer warrants investigation,  
23 the department shall dismiss the complaint.

24 (c) If a complaint is not resolved during the thirty-day period, the  
25 department may dismiss the complaint based on the institution's response,  
26 investigate the complaint further, or recommend that the commission  
27 evaluate the merits of the complaint. If the commission finds the

1 complaint is meritorious, it may recommend that the private college or  
2 university or ~~bible college~~ or seminary OR RELIGIOUS TRAINING  
3 INSTITUTION take appropriate action to remedy the complaint.

4 (d) If the private college or university ~~bible college~~ or seminary  
5 OR RELIGIOUS TRAINING INSTITUTION does not take the action ~~on the~~  
6 ~~recommendation of~~ RECOMMENDED BY the commission, the commission  
7 may forward the complaint and findings to the attorney general.

8 (3) The commission, acting through the attorney general, may  
9 proceed by injunction against any violation of this article, but an  
10 injunction proceeding or an order issued therein or as a result thereof  
11 shall not bar the imposition of any other penalty ~~imposed~~ for violation of  
12 this article.

13 (4) It is a deceptive trade practice for:

14 (a) ~~A school~~ AN INSTITUTION or agent to make or cause to be  
15 made any statement or representation, oral, written, or visual, in  
16 connection with the offering of educational services if ~~such school~~ THE  
17 INSTITUTION or agent knows or reasonably should have known the  
18 statement or representation to be materially false, substantially inaccurate,  
19 or materially misleading;

20 (b) ~~A school~~ AN INSTITUTION or agent to represent falsely OR TO  
21 DECEPTIVELY CONCEAL, directly or by implication, through the use of a  
22 trade or business name, ~~to deceptively conceal~~ the fact that it AN  
23 INSTITUTION is a school;

24 (c) ~~A school~~ AN INSTITUTION or agent to adopt a name, trade  
25 name, or trademark that represents falsely, directly or by implication, the  
26 quality, scope, nature, size, or integrity of the ~~school~~ INSTITUTION or its  
27 educational services;

1           (d) ~~A school~~ AN INSTITUTION or agent to intentionally and  
2 materially represent falsely, directly or by implication, that students  
3 ~~completing~~ WHO SUCCESSFULLY COMPLETE a course or program of  
4 instruction ~~successfully~~ may transfer ~~credit therefor~~ THE CREDITS EARNED  
5 to any institution of higher education;

6           (e) ~~A school~~ AN INSTITUTION or agent to intentionally and  
7 materially represent falsely, directly or by implication, in its advertising  
8 or promotional materials or in any other manner, the size, location,  
9 facilities, or equipment of the ~~school~~ INSTITUTION; the number or  
10 educational experience qualifications of its faculty; the extent or nature  
11 of any approval received from any state agency; or the extent or nature of  
12 any accreditation received from any accrediting agency or association;

13           (f) ~~A school~~ AN INSTITUTION or agent to provide prospective  
14 students with ~~any~~ testimonials, endorsements, or other information that  
15 has the tendency to materially mislead or deceive prospective students or  
16 the public regarding current practices of the ~~school~~ INSTITUTION;

17           (g) An agent representing an out-of-state school to represent,  
18 directly or by implication, that ~~said~~ THE school is ~~approved or accredited~~  
19 AUTHORIZED by the state of Colorado OR APPROVED OR ACCREDITED BY  
20 AN ACCREDITING AGENCY OR BODY WHEN THE INSTITUTION HAS NOT BEEN  
21 AUTHORIZED, APPROVED, OR ACCREDITED;

22           (h) ~~A school or agent to designate titles to employees whose~~  
23 ~~primary job duties are to recruit students, which titles have the tendency~~  
24 ~~to mislead or deceive prospective students or the public regarding the~~  
25 ~~authority or qualifications of such employees~~ AN INSTITUTION TO  
26 DESIGNATE OR REFER TO ITS SALES REPRESENTATIVES BY TITLES THAT  
27 IMPLY THE SALES REPRESENTATIVES HAVE TRAINING IN ACADEMIC



1 COUNSELING OR ADVISING IF THEY DO NOT.

2 **SECTION 10.** In Colorado Revised Statutes, **amend** 23-2-104.5  
3 as follows:

4 **23-2-104.5. Fees - public hearing.** (1) The commission shall  
5 establish ~~a fee~~ FEES to be paid by a private college or university ~~that~~  
6 ~~submits an application pursuant to~~ OR SEMINARY OR RELIGIOUS TRAINING  
7 INSTITUTION FOR THE ADMINISTRATION OF this article. The amount of the  
8 ~~fee~~ FEES shall reflect the direct and indirect costs of ~~the administration of~~  
9 ADMINISTERING this article. The commission shall propose, as part of the  
10 department's annual budget request, an adjustment in the amount of the  
11 fees that it is authorized to collect pursuant to this section. The budget  
12 request and the adjusted fees shall reflect the direct and indirect costs of  
13 administering this article.

14 (2) THE COMMISSION MAY ESTABLISH A FEE TO BE PAID TO THE  
15 DEPARTMENT BY A PRIVATE COLLEGE OR UNIVERSITY THAT IS AUTHORIZED  
16 PURSUANT TO THIS ARTICLE AND THAT APPLIES FOR APPROVAL OF AN  
17 EDUCATOR PREPARATION PROGRAM PURSUANT TO SECTION 23-1-121. THE  
18 AMOUNT OF THE FEE SHALL REFLECT THE DIRECT AND INDIRECT COSTS OF  
19 THE DEPARTMENT IN ADMINISTERING THE PROVISIONS OF SECTION  
20 23-1-121.

21 (3) PRIOR TO ESTABLISHING A NEW FEE OR INCREASING THE  
22 AMOUNT OF AN EXISTING FEE, THE COMMISSION SHALL HOLD A PUBLIC  
23 HEARING TO DISCUSS AND TAKE TESTIMONY CONCERNING THE NEW FEE OR  
24 INCREASE IN FEES. THE COMMISSION SHALL PROVIDE NOTICE OF THE  
25 PUBLIC HEARING AND THE PROPOSED NEW FEE OR FEE INCREASE TO EACH  
26 PRIVATE COLLEGE OR UNIVERSITY AND SEMINARY AND RELIGIOUS  
27 TRAINING INSTITUTION AT LEAST THIRTY DAYS PRIOR TO THE DATE OF THE

1 PUBLIC HEARING.

2 **SECTION 11.** In Colorado Revised Statutes, 12-59-105.1,  
3 **amend** (5) as follows:

4 **12-59-105.1. Proprietary postsecondary education board -**  
5 **established - membership.** (5) (a) The board members shall serve  
6 four-year terms; except that, of the members first appointed to the board,  
7 three members to be selected by the governor shall serve two-year terms.  
8 ~~No~~ A member shall NOT serve more than two consecutive four-year  
9 terms.

10 (b) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (a) OF  
11 THIS SUBSECTION (5), OF THE THREE MEMBERS APPOINTED TO REPLACE  
12 PERSONS WHOSE TERMS EXPIRE ON JUNE 30, 2012, ONE MEMBER SELECTED  
13 BY THE GOVERNOR SHALL SERVE A TWO-YEAR TERM, ONE MEMBER  
14 SELECTED BY THE GOVERNOR SHALL SERVE A THREE-YEAR TERM, AND ONE  
15 MEMBER SELECTED BY THE GOVERNOR SHALL SERVE A FOUR-YEAR TERM.  
16 SUBSEQUENT APPOINTMENTS TO THE POSITIONS IDENTIFIED IN THIS  
17 PARAGRAPH (b) SHALL SERVE FOUR-YEAR TERMS.

18 (c) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (a) OF THIS  
19 SUBSECTION (5), OF THE FOUR MEMBERS APPOINTED TO REPLACE PERSONS  
20 WHOSE TERMS EXPIRE ON JUNE 30, 2014, ONE MEMBER SELECTED BY THE  
21 GOVERNOR SHALL SERVE A ONE-YEAR TERM, ONE MEMBER SELECTED BY  
22 THE GOVERNOR SHALL SERVE A TWO-YEAR TERM, ONE MEMBER SELECTED  
23 BY THE GOVERNOR SHALL SERVE A THREE-YEAR TERM, AND ONE MEMBER  
24 SELECTED BY THE GOVERNOR SHALL SERVE A FOUR-YEAR TERM.  
25 SUBSEQUENT APPOINTMENTS TO THE POSITIONS IDENTIFIED IN THIS  
26 PARAGRAPH (c) SHALL SERVE FOUR-YEAR TERMS.

27 **SECTION 12.** In Colorado Revised Statutes, 12-59-118, **amend**

1 (1) as follows:

2 **12-59-118. Complaints of deceptive trade or sales practices.**

3 (1) A person claiming pecuniary loss as a result of a deceptive trade or  
4 sales practice, pursuant to section 12-59-117, by a school or agent shall  
5 FIRST EXHAUST ALL COMPLAINT AND APPEALS PROCESSES AVAILABLE AT  
6 THE SCHOOL. IF THE PERSON'S COMPLAINT IS NOT RESOLVED TO THE  
7 PERSON'S SATISFACTION, THE PERSON MAY file with the board a written  
8 complaint against the school or agent. The complaint shall set forth the  
9 alleged violation and SUCH other relevant information as may be required  
10 by the board. A complaint filed under this section is a public record  
11 subject to the provisions of article 72 of title 24, C.R.S., and shall be filed  
12 within two years after the student discontinues his or her training at the  
13 school or at any time prior to the commencement of training.

14 **SECTION 13.** In Colorado Revised Statutes, 12-47-902.5,  
15 **amend** (5) (a) as follows:

16 **12-47-902.5. Alcohol-without-liquid devices - legislative**  
17 **declaration - unlawful acts.** (5) (a) Subsection (3) of this section shall  
18 not apply to a hospital, as defined in section 25.5-1-503 (3), C.R.S., that  
19 operates primarily for the purpose of conducting scientific research, a  
20 state institution conducting bona fide research, a private college or  
21 university, as defined in section 23-2-102 ~~(3)~~ (11), C.R.S., conducting  
22 bona fide research, or to a pharmaceutical company or biotechnology  
23 company conducting bona fide research and that complies with the  
24 provisions of this subsection (5).

25 **SECTION 14.** In Colorado Revised Statutes, 12-59-115, **amend**  
26 (13) as follows:

27 **12-59-115. Bonds.** (13) For the purposes of this section, "school"

1 and "private occupational school" shall include a for-profit private college  
2 or university, as defined in section 23-2-102 ~~(3)~~(11), C.R.S., in which the  
3 majority of students are enrolled in courses and programs that are  
4 occupational in nature, as defined by the board.

5 **SECTION 15. Safety clause.** The general assembly hereby finds,  
6 determines, and declares that this act is necessary for the immediate  
7 preservation of the public peace, health, and safety.