

**First Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 09-0331.01 Julie Pelegrin

SENATE BILL 09-170

SENATE SPONSORSHIP

Romer, Bacon, Sandoval, Tapia, Groff

HOUSE SPONSORSHIP

(None),

Senate Committees

Education

Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING NONDISCRIMINATION IN DETERMINING THE AMOUNT**
102 **PAID FOR HIGHER EDUCATION.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Requires that a person, regardless of immigration status, who attends a Colorado high school for at least 3 years and enrolls in a Colorado institute of higher education within 5 years after either graduating from a Colorado high school or earning a general education diploma in Colorado shall be charged the same tuition rate and shall be eligible for tuition assistance under the same criteria as a person who establishes domicile in Colorado.

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.

Makes conforming amendments.

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

SECTION 1. 23-7-110, Colorado Revised Statutes, is amended
to read:

23-7-110. Tuition classification for persons who attend and
graduate from Colorado high schools or complete a Colorado general
educational development certificate - repeal. (1) Notwithstanding any
other provision of this article to the contrary a student who is a United
States citizen AND REGARDLESS OF IMMIGRATION STATUS, A PERSON shall
be classified as an in-state student for tuition purposes if:

(a) The student graduated from PERSON ATTENDED a public or
private high school in this state FOR AT LEAST THREE ACADEMIC YEARS;
and

(b) (I) The student attended PERSON IS ADMITTED TO AN
INSTITUTION WITHIN THE NEXT ACADEMIC YEAR FOLLOWING GRADUATION
FROM a public or private high school in this state; for at least three years
immediately preceding the date the student enrolled in a Colorado
institution of higher education; or

(II) The student completed PERSON IS ADMITTED TO AN
INSTITUTION WITHIN THE NEXT ACADEMIC YEAR AFTER EARNING a general
equivalency diploma EDUCATIONAL DEVELOPMENT CERTIFICATE in this
state. and resided in this state for at least three years immediately
preceding the date the student enrolled in a Colorado institution of higher
education.

(1.5) (a) NOTWITHSTANDING ANY PROVISION OF SUBSECTION (1)
OF THIS SECTION TO THE CONTRARY, FOR THE 2009-10 ACADEMIC YEAR,

1 A PERSON SHALL BE CLASSIFIED AS AN IN-STATE STUDENT FOR TUITION
2 PURPOSES IF:

3 (I) THE PERSON IS A MINOR AT THE TIME OF APPLYING FOR
4 IN-STATE STUDENT CLASSIFICATION; AND

5 (II) THE PERSON MEETS THE REQUIREMENTS SPECIFIED IN
6 SUBSECTION (1) OF THIS SECTION; EXCEPT THAT THE PERSON WAS NOT
7 ADMITTED TO AN INSTITUTION WITHIN THE NEXT ACADEMIC YEAR
8 FOLLOWING GRADUATION OR RECEIPT OF A GENERAL EDUCATIONAL
9 DEVELOPMENT CERTIFICATE.

10 (b) THIS SUBSECTION (1.5) IS REPEALED, EFFECTIVE JULY 1, 2010.

11 (2) Any information provided to satisfy the criteria specified in
12 this section shall be confidential unless disclosure is explicitly required
13 by law.

14 (3) ~~This section provides an additional option for a student~~
15 ~~seeking to be classified as an in-state student for tuition purposes.~~ This
16 section shall not be interpreted to impose additional requirements upon
17 a student seeking to be classified as an in-state student for tuition
18 purposes under any other section of this article.

19 (4) (a) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (b) OF
20 THIS SUBSECTION (4), A PERSON WHO IS CLASSIFIED AS AN IN-STATE
21 STUDENT FOR TUITION PURPOSES SOLELY PURSUANT TO THIS SECTION IS
22 NOT ELIGIBLE FOR A STIPEND PURSUANT TO THE COLLEGE OPPORTUNITY
23 FUND PROGRAM CREATED IN SECTION 23-18-201 AND IS NOT ELIGIBLE TO
24 RECEIVE STATE-FUNDED, NEED-BASED FINANCIAL AID.

25 (b) THE PROVISIONS OF PARAGRAPH (a) OF THIS SUBSECTION (4)
26 SHALL NOT APPLY TO A PERSON WHO PROVIDES VERIFICATION OF LAWFUL
27 PRESENCE IN THE UNITED STATES PURSUANT TO SECTION 24-76.5-103,

1 C.R.S.

2 (5) (a) A PERSON SHALL CONTINUE TO BE CLASSIFIED AS AN
3 IN-STATE STUDENT FOR TUITION PURPOSES PURSUANT TO THIS SECTION SO
4 LONG AS:

5 (I) THE PERSON IS A MINOR; OR

6 (II) IF THE PERSON IS NO LONGER A MINOR, THE PERSON PROVIDES
7 TO THE INSTITUTION AN AFFIDAVIT INDICATING THAT THE PERSON HAS
8 FILED AN APPLICATION TO BECOME A PERMANENT RESIDENT OR WILL FILE
9 THE APPLICATION AS SOON AS HE OR SHE IS ELIGIBLE TO DO SO; OR

10 (III) THE PERSON PROVIDES VERIFICATION OF LAWFUL PRESENCE
11 IN THE UNITED STATES PURSUANT TO SECTION 24-76.5-103, C.R.S.

12 (b) AN INSTITUTION THAT RECEIVES AN AFFIDAVIT DESCRIBED IN
13 SUBPARAGRAPH (II) OF PARAGRAPH (a) OF THIS SUBSECTION (5) SHALL
14 TREAT THE AFFIDAVIT AS AN EDUCATION RECORD OF THE PERSON UNDER
15 THE PROVISIONS OF THE FEDERAL "FAMILY EDUCATIONAL RIGHTS AND
16 PRIVACY ACT OF 1974", 20 U.S.C. SEC. 1232g.

17 **SECTION 2.** 23-18-102 (5), Colorado Revised Statutes, is
18 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

19 **23-18-102. Definitions.** As used in this article, unless the context
20 otherwise requires:

21 (5) (c) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (a) OF
22 THIS SUBSECTION (5), "ELIGIBLE UNDERGRADUATE STUDENT" DOES NOT
23 INCLUDE A STUDENT WHO IS CLASSIFIED AS AN IN-STATE STUDENT FOR
24 TUITION PURPOSES SOLELY PURSUANT TO SECTION 23-7-110, UNLESS THE
25 PERSON PROVIDES VERIFICATION OF LAWFUL PRESENCE IN THE UNITED
26 STATES PURSUANT TO SECTION 24-76.5-103, C.R.S.

27 **SECTION 3.** 24-76.5-103 (3) (f) and (3) (g), Colorado Revised

1 Statutes, are amended, and the said 24-76.5-103 (3) is further amended
2 BY THE ADDITION OF A NEW PARAGRAPH, to read:

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

6 (f) For pregnant women; ~~or~~

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

10 (h) FOR PERSONS DESCRIBED IN SECTION 23-7-110, C.R.S., WHO
11 ARE CLASSIFIED AS IN-STATE STUDENTS FOR TUITION PURPOSES SOLELY
12 PURSUANT TO SAID SECTION.

13 **SECTION 4. Effective date - applicability.** This act shall take
14 effect upon passage and shall apply to persons admitted to an institution
15 of higher education prior to, on, or after said date.

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