

First Regular Session
Seventy-third General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 21-0661.01 Richard Sweetman x4333

HOUSE BILL 21-1306

HOUSE SPONSORSHIP

Garnett and Geitner, Esgar, McLachlan

SENATE SPONSORSHIP

Rodriguez and Lundein, Bridges, Buckner, Pettersen, Zenzinger

House Committees

Education

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING APPROVALS OF CERTAIN ENTITIES TO OPERATE AS**
102 **POSTSECONDARY EDUCATIONAL ENTITIES IN THE STATE.**

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://leg.colorado.gov>.)

Current law requires a private college or university operating in the state to be institutionally accredited on the basis of an on-site review by a regional or national accrediting body recognized by the United States department of education (DOE). The bill allows private colleges and universities and private occupational schools to be accredited by:

- Institutional accrediting bodies recognized by the DOE or

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

- by the Council for Higher Education Accreditation (CHEA); or
- Programmatic accrediting bodies that may accredit freestanding, single-purpose institutions.

If an institution intends to seek institutional accreditation from a programmatic accrediting body, the scope of such recognition must reflect the accrediting body's ability, as recognized by the DOE or the CHEA, to accredit a freestanding, single-purpose institution.

The bill states it is a deceptive trade or sales practice for a private occupational school to advertise or otherwise represent that it is accredited unless the school is accredited by an accrediting body that is recognized by the DOE or the CHEA.

The bill allows an educational institution or educational service that is exempt from the requirements of the "Private Occupational Education Act of 1981" to waive its exempt status in order to apply for authorization to operate a private occupational school, subject to certain conditions.

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

2 **SECTION 1.** In Colorado Revised Statutes, 23-2-103.3, **amend**
3 (1)(b), (2), and (3); and **add** (1)(c) as follows:

4 **23-2-103.3. Authorization to operate in Colorado - renewal -**
5 **definitions.** (1) (b) After receiving an application, the department shall
6 review the application to determine whether the private college or
7 university is institutionally accredited by ~~a regional or national~~ AN
8 INSTITUTIONAL OR PROGRAMMATIC accrediting body recognized by the
9 United States department of education OR THE COUNCIL FOR HIGHER
10 EDUCATION ACCREDITATION. IF AN INSTITUTION INTENDS TO SEEK
11 INSTITUTIONAL ACCREDITATION FROM A PROGRAMMATIC ACCREDITING
12 BODY, THE SCOPE OF SUCH RECOGNITION MUST REFLECT THE ACCREDITING
13 BODY'S ABILITY, AS RECOGNIZED BY THE UNITED STATES DEPARTMENT OF
14 EDUCATION OR THE COUNCIL FOR HIGHER EDUCATION ACCREDITATION,
15 TO ACCREDIT A FREESTANDING, SINGLE-PURPOSE INSTITUTION. The
16 department shall not recommend and the commission shall not approve

1 an application from a private college or university that, in the two years
2 preceding submission of the application, has had its accreditation
3 suspended or withdrawn or has been prohibited from operating in another
4 state or that has substantially the same owners, governing board, or
5 principal officers as a private college or university that, in the two years
6 preceding submission of the application, has had its accreditation
7 suspended or withdrawn or has been prohibited from operating in another
8 state.

9 (c) AS USED IN SUBSECTIONS (1) AND (2) OF THIS SECTION:

10 (I) "ACCREDITED" MEANS THAT AN INSTITUTION IS
11 INSTITUTIONALLY ACCREDITED BY:

12 (A) AN INSTITUTIONAL ACCREDITING BODY RECOGNIZED BY THE
13 UNITED STATES DEPARTMENT OF EDUCATION OR THE COUNCIL FOR
14 HIGHER EDUCATION ACCREDITATION; OR

15 (B) A PROGRAMMATIC ACCREDITING BODY THAT MAY
16 INSTITUTIONALLY ACCREDIT A FREESTANDING, SINGLE-PURPOSE
17 INSTITUTION.

18 (II) "PROGRAMMATIC ACCREDITING BODY" MEANS AN
19 ACCREDITING BODY THAT IS RECOGNIZED BY THE UNITED STATES
20 DEPARTMENT OF EDUCATION OR THE COUNCIL FOR HIGHER EDUCATION
21 ACCREDITATION AND:

22 (A) ACCREDITS ACADEMIC PROGRAMS THAT ARE WITHIN THE
23 ACCREDITING BODY'S SCOPE OF RECOGNITION AND WITHIN AN
24 INSTITUTIONALLY ACCREDITED INSTITUTION; OR

25 (B) PURSUANT TO THE SCOPE OF SUCH RECOGNITION, MAY
26 INSTITUTIONALLY ACCREDIT A FREESTANDING, SINGLE-PURPOSE
27 INSTITUTION.

25 **SECTION 2.** In Colorado Revised Statutes, 23-2-103.4, amend
26 (2)(d) as follows:

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

1 (2) With regard to the authorization of a private college or university, the
2 commission may:

3 (d) Revoke the private college's or university's authorization or
4 place the private college or university on probationary status if the United
5 States department of education OR THE COUNCIL FOR HIGHER EDUCATION
6 ACCREDITATION ceases to recognize the institution's accrediting body OR
7 IF THE ACCREDITING BODY'S SCOPE OF RECOGNITION CEASES TO INCLUDE
8 THE ABILITY TO ACCREDIT A FREESTANDING, SINGLE-PURPOSE
9 INSTITUTION.

10 **SECTION 3.** In Colorado Revised Statutes, 23-2-103.8, **amend**
11 (2)(b)(I)(A) and (2)(c)(I) as follows:

12 **23-2-103.8. Financial integrity - surety.** (2) (b) (I) A private
13 college or university may demonstrate financial integrity by meeting the
14 following criteria:

15 (A) The institution has been accredited for at least ten years by an
16 accrediting ~~agency~~ BODY that is recognized by the United States
17 department of education OR THE COUNCIL FOR HIGHER EDUCATION
18 ACCREDITATION;

19 (c) A private college or university may demonstrate financial
20 integrity by meeting the following criteria:

21 (I) The institution has received and maintains full accreditation
22 without sanction from an accrediting ~~agency~~ BODY that is recognized by
23 the United States department of education OR THE COUNCIL FOR HIGHER
24 EDUCATION ACCREDITATION, which accrediting ~~agency~~ BODY requires the
25 institution to maintain surety or an escrow account or has affirmatively
26 waived or otherwise removed the requirement for the institution;

27 **SECTION 4.** In Colorado Revised Statutes, 23-64-112, **amend**

1 (1)(s); and **add** (1)(t) as follows:

2 **23-64-112. Minimum standards.** (1) In establishing the criteria
3 required by section 23-64-108 (1)(a), (1)(b), and (1)(j), the board shall
4 observe and require compliance with at least the following minimum
5 standards for all schools:

6 (s) That the school shall not deny enrollment of a student or make
7 any distinction or classification of students on account of race, color,
8 creed, religion, national origin, ancestry, sex, sexual orientation, or
9 marital status; AND

10 (t) THAT A SCHOOL OFFERING AN ASSOCIATE DEGREE IS
11 ACCREDITED BY AN INSTITUTIONAL OR PROGRAMMATIC ACCREDITING
12 BODY THAT IS OFFICIALLY RECOGNIZED BY THE UNITED STATES
13 DEPARTMENT OF EDUCATION OR THE COUNCIL FOR HIGHER EDUCATION
14 ACCREDITATION.

15 **SECTION 5.** In Colorado Revised Statutes, 23-64-123, **amend**
16 (1)(k); and **add** (1)(l) as follows:

17 **23-64-123. Deceptive trade or sales practices.** (1) It is a
18 deceptive trade or sales practice for:

19 (k) A school or agent to designate or refer to its sales
20 representatives as "counselors" or "advisors" or to use words of similar
21 import that have the tendency to mislead or deceive prospective students
22 or the public regarding the authority or qualifications of the sales
23 representatives or agents; OR

24 (l) A SCHOOL TO ADVERTISE OR OTHERWISE REPRESENT THAT IT IS
25 ACCREDITED UNLESS THE SCHOOL IS ACCREDITED BY AN ACCREDITING
26 BODY THAT IS RECOGNIZED BY THE UNITED STATES DEPARTMENT OF
27 EDUCATION OR THE COUNCIL FOR HIGHER EDUCATION ACCREDITATION.

1 **SECTION 6.** In Colorado Revised Statutes, 23-64-104, **add** (2)
2 as follows:

3 **23-64-104. Exemptions.** (2) AN EDUCATIONAL INSTITUTION OR
4 EDUCATIONAL SERVICE DESCRIBED IN SUBSECTION (1) OF THIS SECTION
5 MAY WAIVE ITS EXEMPT STATUS IN ORDER TO APPLY FOR AUTHORIZATION
6 TO OPERATE A PRIVATE OCCUPATIONAL SCHOOL PURSUANT TO THIS
7 ARTICLE 64 BY SUBMITTING THE WAIVER IN WRITING TO THE BOARD. THE
8 FOLLOWING APPLIES TO AN EDUCATIONAL INSTITUTION OR EDUCATIONAL
9 SERVICE THAT WAIVES ITS EXEMPT STATUS:

10 (a) AN EDUCATIONAL INSTITUTION'S OR EDUCATIONAL SERVICE'S
11 WAIVER OF ITS EXEMPT STATUS DOES NOT GUARANTEE THE APPROVAL OF
12 THE EDUCATIONAL INSTITUTION OR EDUCATIONAL SERVICE AS A PRIVATE
13 OCCUPATIONAL SCHOOL, AND AN EDUCATIONAL INSTITUTION OR
14 EDUCATIONAL SERVICE THAT WAIVES EXEMPT STATUS PURSUANT TO THIS
15 SUBSECTION (2) MUST APPLY FOR A CERTIFICATE OF APPROVAL AS
16 DESCRIBED IN SECTION 23-64-114; AND

17 (b) UPON THE ISSUANCE OF A CERTIFICATE OF APPROVAL
18 PURSUANT TO SECTION 23-64-115, THE EDUCATIONAL INSTITUTION OR
19 EDUCATIONAL SERVICE SUBMITS TO ALL APPLICABLE PROVISIONS OF THIS
20 ARTICLE 64 AND ANY RULES PROMULGATED IN ASSOCIATION WITH THIS
21 ARTICLE 64 FOR THE FULL TERM OF THE CERTIFICATE OF APPROVAL.

22 **SECTION 7. Act subject to petition - effective date.** This act
23 takes effect at 12:01 a.m. on the day following the expiration of the
24 ninety-day period after final adjournment of the general assembly; except
25 that, if a referendum petition is filed pursuant to section 1 (3) of article V
26 of the state constitution against this act or an item, section, or part of this
27 act within such period, then the act, item, section, or part will not take

1 effect unless approved by the people at the general election to be held in
2 November 2022 and, in such case, will take effect on the date of the
3 official declaration of the vote thereon by the governor.