

STATE OF COLORADO



DEPARTMENT OF HIGHER EDUCATION
Colorado Commission on Higher Education

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Governor

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Executive Director

§24-76.5-103(9) Lawful Presence Verification Compliance Report

January 15, 2012

§24-76.5-101 et seq., C.R.S. requires the Department of Higher Education to verify the lawful presence of anyone receiving a postsecondary education benefit, which is defined as in-state tuition, state financial aid, or the College Opportunity Fund (COF) stipend.

Pursuant to §24-76.5-103(9), C.R.S. the Colorado Department of Higher Education is required to submit this annual compliance report to the State, Veterans, and Military Affairs committees of the House of Representatives and the Senate.

Compliance:

The Colorado Commission on Higher Education (CCHE) incorporated the requirements of §24-76.5-101 et seq., C.R.S., into CCHE policies that institutions of higher education are required to follow regarding in-state tuition, state financial aid, and the College Opportunity Fund. These policies were first adopted in August, 2006, and subsequently updated to reflect rule changes made by the Department of Revenue in September, 2007. These policies and rules remain in place at the time of this report in January 2012.

As the administrator of the COF program the Department of Higher Education, through its College Assist division, has incorporated §24-76.5-101 et seq., C.R.S., verification and affirmation requirements into the application process for the COF stipend.

Compliance Timeline:

- August 2006- The Department of Higher Education requested and received a waiver from the Department of Revenue so that the verification of applicants by any Department of Higher Education agency or institution of higher education for one post-secondary benefit may be used by another DHE agency or institution for verification of other public postsecondary benefits. The waiver also allowed applicants of postsecondary benefits to be verified through the Free Application for Federal Student Aid (FAFSA) process.
- August 4, 2006- The CCHE approved changes to all policies governing public benefits provided through CCHE and institutions of higher education. Policies concerning the College Opportunity Fund Program, financial aid and in-state tuition classification were amended to include the necessary steps for verification and affirmation of lawful presence as required by HB06S-1023.

- August 2006- DHE issued a set of Frequently Ask Questions (FAQs) regarding the implementation of HB06S-1023. These FAQ's were posted on the Department's website and sent to institutions of higher education.
- August 2006- College Assist, the DHE division in charge of administering the COF stipend program, changed the application to the COF stipend to include the requirements of HB06S-1023. An alternative ID application was also developed to accommodate applicants that did not have a Colorado Driver's License.
- Fall 2006- DHE Information and Data Services met with representatives from institutions to create the parameters for a Student Unit Records Database System (SURDS) file containing HB06S-1023 verification information and a searchable database of verified students for use by all institutions.
- Fall 2006 to Feb. 2007- College Assist, worked with the Department of Revenue to set up a batch processing system to validate applicants' Colorado Driver's Licenses that were used to prove lawful presence.
- February 2007- DHE Information and Data Services received the Fall 2006 SURDS files from institutions of higher education which contained new data on student verification under HB06S-1023.
- March 2007- CollegeInvest, the DHE student loan division, received an opinion from the Attorney General's office to the effect that federal law concerning eligibility and verification requirements for a federal student loan preempt the requirements for eligibility and verification outlined in House Bill 06S-1023 and that loans made under the Federal Student Loan Program are not subject to the verification requirements of House Bill 06S-1023.
- May 2007- DHE Information and Data Service made the searchable database of verified students under HB06S-1023 available to the institutions.
- August 2007- College Assist updated their alternative ID application to reflect the additional identification documents allowed under the Department of Revenue's permanent rules for lawful presence that became effective August 1, 2007.
- August 2007- DHE received a renewed waiver from the Department of Revenue regarding the verification of applicants for postsecondary benefits and the use of the FAFSA for verification.
- September 2007- The CCHE approved changes to policies for COF, in-state tuition and financial aid that reflect the Department of Revenues permanent rules for lawful presence.

The Department of Higher Education and the Colorado Commission on Higher Education have maintained this policy since September 2007 and it remains in place at the time of this compliance report in January 2012.