

HB 1163 Implications for Tuition Classification

HB06-1163: Concerns in-state tuition for persons in the military, and changes the existing military exception in the following ways:

1. In addition to the old exception for active-duty military on permanent duty station in Colorado, provides for in-state tuition for temporary duty in Colorado. In military parlance, this involves TDY duty as well as PCS (permanent change of station) duty. New TDY eligibility is for military person and dependents. Like the PCS provision, I assume this should be for duty as of the first day of class for each academic term. TDYs are, I believe, limited by the military to 180 days.
2. Unlike PCS situations, TDY eligibility does not include COF eligibility.
3. For purposes of HB06-1023 (lawfully present requirement), signature of "an authorized United States military education services official" on a tuition classification certification form is sufficient for all military exceptions. Presumably the ID requirement must also be met.
4. Members of the Colorado National Guard and dependents qualify for in-state tuition if member "maintains his or her sole residence in Colorado." This extends the active-duty exception to Guard members, but with the additional requirement of a "sole residence in Colorado." Absent a definition of "sole residence," I presume this to mean "domicile."
5. Persons qualifying through the Guard exception are not counted as residents for financial aid or COF.
6. It should be noted that military reserve units are not covered by the Guard exception. National guard and army (or air force, marines, etc.) reserves are different organizations, and this exception appears to be clearly and intentionally limited to members of the Colorado National Guard.
7. TDY and Guard exceptions take effect July 1, 2007 meaning that eligibility will be for any academic term beginning on or after that date.

HB 1256 Implications for Tuition Classification

HB07-1256: Concerns in-state tuition classification as economic development incentives.

1. Grants in-state status to employees and employee's children (NOT spouses) if employee moved to Colorado as the result of the employer's moving "all or a portion of its operations to Colorado as a result of receiving an incentive from the Colorado Office of Economic Development or an incentive from a local government economic incentive program. Employee must have been working for the employer prior to the relocation.
2. Grants in-state tuition to the child of a new faculty member (but NOT to the faculty member or spouse) at "a state-supported institution of higher education."
3. Student does not qualify for state financial aid.
4. Student does qualify for COF.
5. Requires each institution to develop a policy to verify eligibility under each of these exceptions.
6. Appears to require action by the governing boards to allow in-state status under these exceptions at each institution.
7. Takes effect August 8, 2007.

HB 1023 Implications on Tuition Classification (Updated 12/3/07)

On August 1, 2006 the Colorado legislature enacted HB06S-1023 which requires that all persons eighteen years of age or older must provide proof that they are lawfully present in the United States prior to receiving public funds from the state. The law states all public institutions of higher education must verify each student's legal presence within the United States before granting them in-state tuition. The state has enacted permanent rules that allow for alternative forms of ID to help ease the implementation.

The information below outlines the tools each public college or university must use in order to verify each student's legal presence.

Persons this applies to:

- Any person eighteen years or older seeking in-state tuition status or the COF stipend.
- Any person enrolled in the Western Undergraduate Exchange and New Mexico/Colorado Reciprocity Agreement.
- Any person enrolled in PSEO/Fast Track courses or undergraduates that turn 18 years old during a current semester must provide proof of law presence before the beginning of the next semester to continue receiving the COF stipend. However, students in the PSEO program, and who are earning high school credits from their classes at an institution of higher education, can receive reimbursement from their school district, or payment in advance to the institution of higher education from their school district, for their postsecondary tuition without having to provide proof of lawful presence in the United States.

Proof of lawful presence can be proven by supplying your college or university of choice with one of the following:

- A valid Colorado driver's license or state ID card.
- A United States Military card or military dependent's ID card
- A United States Coast Guard merchant mariner card
- A Native American tribal document

The following identification documents are acceptable forms of identification pursuant to AG Order Number 2129-97 referenced in 2.1.3 of Department of Revenue 1 CCR 201-17 Rules for Evidence of Lawful Presence, Effective August 1 2007.

A copy of one of the following documents is an acceptable form of identification:

___ A valid Driver's License or Identification Card bearing applicant's photograph from any one of the United States that requires evidence of lawful presence prior to issuance. Those states are: AL, AZ, AR, CA, CT, DE, DC, FL, GA, ID, IN, IA, KS, KY, LA, ME, MN, MS, MO, MT, NV, NH, NJ, NY, ND, OH, OK, PA, RI, SC, SD, VA, WV, and WY.

___ Electronic Identification Indicator issued by the Department of Revenue

___ Applicant's birth certificate from any state, the District of Columbia and all United States territories

___ United States Passport, except for "limited" passports, issued for less than five years

___ Report of Birth Abroad of a United States Citizen, Form FS-20

___ Certificate of Birth issued by a foreign service post (FS-545) or Certification of Report of Birth (DS-1350)

___ Certification of Naturalization (N-550 or N-570)

___ Certificate of Citizenship (N-560 or N-561)

___ U. S. Citizen Identification Card (I-97) - last issued in 1974

___ Northern Mariana Identification Card

___ Statement provided by a US consular officer certifying that the individual is a US citizen

___ American Indian Card with Classification code "KIC" and a statement on the back identifying US Citizen members of the Texas Band of Kickapoos

Additional forms of identification documents are accepted and can be found in the Department of Revenue's Permanent Rules for Lawful Presence at:

http://www.revenue.state.co.us/EDO_dir/wrap.asp?incl=LawfulPresenceRules

AND

- Sign an affidavit stating that you are a United States citizen or legal permanent resident or that you are otherwise lawfully present in the United States.

If you do not have a valid form of ID from the list above this is the process you must perform:

- Sign an affidavit stating that you are a United States citizen or legal permanent resident or that you are otherwise lawfully present in the United States.
- Fill out a waiver given by the Department of Revenue which will be put through the Electronic Identification Indicator (EII) system to verify your lawful presence.
- The Department of Revenue may ask you to provide further proof, found within the emergency rules, that you are lawfully present within the United States for the verification process.
- The Department of Revenue will then contact you and inform you of their decision.