**TOPIC:** DEGREE AUTHORIZATION ACT: VERMONT COLLEGE OF FINE ARTS – REQUEST FOR PROVISIONAL AUTHORIZATION

**PREPARED BY:** HEATHER DELANGE, OFFICE OF PRIVATE POSTSECONDARY EDUCATION

1. **SUMMARY**

This agenda item recommends Provisional Authorization for Vermont College of Fine Arts to legally operate in Colorado pursuant to the Degree Authorization Act (§23-2-101 et seq.).

1. **BACKGROUND**

The Colorado Commission on Higher Education (CCHE) has statutory responsibility for administration of Title 23, Article 2 of the Colorado Revised Statutes, commonly referred to as the Degree Authorization Act (DAA). The Act sets out the terms by which the Commission may authorize accredited private colleges and universities, out-of-state public colleges and universities, and seminaries and bible colleges to operate in Colorado.

The DAA outlines the Department’s jurisdiction over private education programs available to the residents of the state of Colorado. The DAA establishes standards to (1) prevent misrepresentation, fraud, and collusion in offering educational programs to the public and (2) protect, preserve, foster, and encourage the educational programs offered by private educational institutions, which meet generally recognized criteria of quality and effectiveness as determined through voluntary accreditation.

Provisional authorization is the authorization level for institutions, new or new to Colorado, which have been evaluated by Department staff under Commission procedures and authorized by the Commission to enroll students, offer instruction, graduate students, and award degrees under the condition that the institution is continuously seeking and is making satisfactory progress toward accreditation at the local site. Institutions with provisional authorization are required to renew annually and must receive accreditation at the Colorado site within three years of initial authorization.

Vermont College of Fine Arts is a private, graduate-level art school in Montpelier, Vermont. The College is seeking authorization to offer a 9-day residency at Colorado College in July 2024, as part of its low-residency Master of Fine Arts programs.

Vermont College of Fine Arts is institutionally accredited by the New England Commission on Higher Education.

1. **STAFF ANALYSIS**

As required by the Degree Authorization Act, Vermont College of Fine Arts submitted the required documents concerning its organization, programs, faculty, accreditation, and finances. Department staff contracted an evaluation team to review the application materials. The team did provide some recommendations, which are binding in terms of requiring a response from the institution. The institution provided responses to the areas of concern and the team provided a recommendation that addressed the questions the evaluation team had and provided a recommendation to staff in support of moving forward with the authorization of Vermont College of Fine Arts to hold its residency program in Colorado.

The evaluation team has communicated to Department staff that it supports the recommendation for provisional authorization of Vermont College of Fine Arts. The team has stated that the College has demonstrated its compliance with the Degree Authorization Act and policy.

1. **STAFF RECOMMENDATIONS**

**Staff recommends the Commission approve provisional authorization for Vermont College of Fine Arts to hold its summer residency program in Colorado under the Degree Authorization Act.**

**STATUTORY AUTHORITY**

**C.R.S. §23-2-103.3 Authorization to operate in Colorado – renewal**

(1) (a) To operate in Colorado, a private college or university shall apply for and receive authorization from the commission. A private college or university shall obtain a separate authorization for each campus, branch, or site that is separately accredited. A private, nonprofit college or university shall submit with its application verification of nonprofit status, including a copy of the institution's tax-exempt certificate issued by the Colorado department of revenue.

(b) After receiving an application, the department shall review the application to determine whether the private college or university is institutionally accredited by a regional or national accrediting body recognized by the United States department of education. The department shall not recommend and the commission shall not approve an application from a private college or university that, in the two years preceding submission of the application, has had its accreditation suspended or withdrawn or has been prohibited from operating in another state or that has substantially the same owners, governing board, or principal officers as a private college or university that, in the two years preceding submission of the application, has had its accreditation suspended or withdrawn or has been prohibited from operating in another state.

(2) To operate in Colorado, a private college or university shall 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; except that a private college or university may operate for an initial period without accreditation if the commission determines, in accordance with standards established by the commission, that the private college or university is likely to become accredited in a reasonable period of time or is making progress toward accreditation in accordance with the accrediting body's policies. The commission may grant a provisional authorization to a private college or university to operate for an initial period without accreditation. The private college or university shall annually renew its provisional authorization and report annually to the commission concerning the institution's progress in obtaining accreditation.