STATE OF COLORADO



DEPARTMENT OF HIGHER EDUCATION

John Hickenlooper Governor

Lt. Gov. Joseph A. Garcia Executive Director

2012-2013 COLORADO DEPARTMENT OF HIGHER EDCUATION REGULATORY AGENDA

Currently, within the Colorado Department of Higher Education, only one agency engages in rulemaking. Below is the anticipated 2013 rulemaking by the Division of Private Occupational Schools within the Department of Higher Education as required by HB 12-1008

| Title/Description | Basis and/or | Purpose of | Estimated | Stakeholders/Persons/Parties |
|-------------------------|------------------------|---------------------|---------------------------|--|
| Proposed Rule | Statutory Authority | Proposed Rule | Rule-making Schedule 2013 | that may be Affected Positively or Negatively by Adoption of |
| | | | | |
| Add under 8 CCR 1504-1, | Section 12-59- | The purpose of the | The Division | Affected positively: Members o |
| Section I – Definitions | 105.3(1), C.R.S., | proposed | will add this | general public; residents of |
| "valid high school | of the "Private | amendment is to | definition in the | Colorado desiring to seek |
| diploma" | Occupational | clarify and revise | Spring of 2013. | admission in an approved |
| | Education Act of | definitions; | | Private Occupational School; |
| | 1981" (Act) - | improve language; | | approved private occupational |
| | Powers and | correct technical | | school owners and staff. |
| | Duties of the | errors and | | |
| | Board. | omissions; and | | Affected negatively: Unlawful |
| | Specifically, the | reflect further | | high school diploma mills. |
| | Board has the | development of | | |
| | duty and | Board policies | | There is no anticipated fiscal |
| | authority to | regarding the | | impact. |
| | promulgate | conduct of its | | |
| | rules and to | work and the | | |
| | adopt | implementation of | | |
| | procedures | the Act. U.S. Dept. | | |
| | necessary or | of Education | | |
| | appropriate for | currently requires | | |
| | the conduct of | a student seeking | | |
| | its work and the | Federal Title IV | | |
| | implementation | financial aid to | | |
| | of article 59 of | have a valid high | | |
| | Title 12. | school diploma or | | |
| | | GED. A number of | | |
| | | DPOS schools offer | | |
| | | financial aid; | | |
| | | and/or require the | | |
| | | same for | | |
| | | admission. | | |
| | | Currently, there is | | |
| | | no definition | | |

| | | within the | | |
|--|--|---|--|---|
| Title/Description Proposed Rule | Basis and/or Statutory Authority | Purpose of Proposed Rule | Estimated Rule-making Schedule 2013 | Stakeholders/Persons/Parties that may be Affected Positively or Negatively by Adoption of Proposed Rule |
| Add under 8 CCR 1504-1, Section I – Definitions- "Apprenticeship" | Section 12-59- 105.3(1), C.R.S., of the "Private Occupational Education Act of 1981" (Act) — Powers and Duties of the Board. Specifically, the Board has the duty and authority to promulgate rules and to adopt procedures necessary or appropriate for the conduct of its work and the implementation of article 59 of Title 12. | The purpose of the proposed amendment is to clarify and revise definitions; improve language; correct technical errors and omissions; and reflect further development of Board policies regarding the conduct of its work and the implementation of the Act. Specifically, the Division wishes to clarify that the U.S. Department of Labor governs apprenticeships. | Spring of 2013. | Affected positively: Members of general public; residents of Colorado desiring to seek admission in an approved Private Occupational School; approved private occupational school owners and staff. Affected negatively: Schools who offer or seek to offer Apprenticeships in contravention of the U.S. Department of Labor. There is no anticipated fiscal impact. |
| Clarify through revision current phrase "student aid as inducement" found at 8 CCR 1504-1 VI. B. | Section 12-59- 105.3(1), C.R.S., of the "Private Occupational Education Act of 1981" (Act) — Powers and Duties of the Board. Specifically, the Board has the duty and authority to promulgate rules and to adopt procedures necessary or appropriate for the conduct of its work and the implementation | The purpose of the proposed amendment is to clarify and revise definitions; improve language; correct technical errors and omissions; and reflect further development of Board policies regarding the conduct of its work and the implementation of the Act. More specifically, the Board intends to prevent deceptive sales and trade practices though | The Division will amend this rule in the Spring of 2013. | Affected positively: Members of general public; residents of Colorado desiring to seek clarification on deceptive sales and trade practices. Occupational Schools and approved private occupational school owners and staff will be protected from any agent, owner or school who violated the law. Affected negatively: Schools who offer or seek to offer student aid as an inducement to enroll in contravention of the Private Occupational Schools Act and governing rules. There is no anticipated fiscal impact. |

| | of article 59 of Title 12. | improper use of student aid as inducement to enroll. | | |
|--|--|--|--|---|
| Add under 8 CCR 1504-1, Section I Definitions "Externship" | Section 12-59- 105.3(1), C.R.S., of the "Private Occupational Education Act of 1981" (Act) — Powers and Duties of the Board. Specifically, the Board has the duty and authority to promulgate rules and to adopt procedures necessary or appropriate for the conduct of its work and the implementation of article 59 of Title 12. | The purpose of the proposed amendment is to clarify and revise definitions; improve language; correct technical errors and omissions; and reflect further development of Board policies regarding the conduct of its work and the implementation of the Act. | The Division will amend this rule in the Spring of 2013. | Affected positively: Members of general public; residents of Colorado desiring to seek clarification on the requirements for externships under the Private Occupational Schools Act. Affected negatively: Schools who offer or seek to offer externships in contravention of the Private Occupational Schools Act and governing rules. There is no anticipated fiscal impact. |