



SECTION VI

PART N The Exonerated Persons Tuition Waiver

1.00 Introduction

Colorado Revised Statutes (C.R.S) 23-1-132 directs the Commission to implement a policy whereby an exonerated person or an eligible child or custodial child of an exonerated person shall have all tuition costs, including any mandatory fees associated with attendance, waived by any state-supported institution of higher education.

2.00 Definitions

2.01 An Exonerated Person is any individual:
Who has been determined by a district court pursuant to section 13-65-102 C.R.S. to be actually innocent.

2.02 A Custodial Child is any individual:

1. Who was conceived or adopted prior to the date upon which the exonerated person was incarcerated for the act or offense that served as the basis for his or her conviction, which conviction and incarceration is the subject of his or her petition;
2. Whose principal residence is the home of an exonerated person;
3. Who receives more than half of his or her financial support from the exonerated person each year; and
4. Who is either:
 - (I) Less than nineteen years of age at the end of the current year; or
 - (II) Less than twenty-four years of age at the end of the current year and a full-time student.

3.00 Eligible Participants

To qualify for tuition waiver under this policy, the applicant must be either:

1. An exonerated person; or
2. The child or custodial child of an exonerated person. No other immediate family member of an exonerated person is eligible for tuition waiver under this policy..

3.01 Pursuant to C.R.S. 13-65-103(2)(e)(II)(B), an exonerated person or a custodial child of an exonerated person shall not be eligible for a tuition waiver under this policy unless the exonerated person was wrongfully incarcerated for at least three years.

4.00 The eligible individual is required to provide the documentation proving their eligibility to the institution. The institution shall confirm the eligibility.

4.01

Institutions Required to Develop a Waiver

4.02 All state-supported institutions of higher education, including but not limited to all postsecondary institutions in the state, supported in whole or in part by state funds, including junior colleges and community colleges, extension programs of the state-supported universities and colleges, local district colleges, and area technical colleges, shall implement a tuition waiver policy providing tuition and fees to exonerated persons and eligible custodial children.

5.00 Each institution is required to implement a waiver program that is in compliance with this policy, and the Department’s established guidelines regarding necessary documentation for verification.

Reporting Requirements

Institutions shall annually report to the Department the number of eligible exonerated persons or custodial children attending the institution and receiving tuition waiver benefits as outlined in this policy.

HISTORY: (CCHE Agenda Item IV A)