

**First Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 09-0767.01 Richard Sweetman

HOUSE BILL 09-1270

HOUSE SPONSORSHIP

Waller,

SENATE SPONSORSHIP

(None),

House Committees
Education

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING EXTENDING CONCURRENT ENROLLMENT OPPORTUNITIES**
102 **TO STUDENTS WHO ARE NOT ENROLLED IN PUBLIC SCHOOLS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Amends the "Postsecondary Enrollment Options Act" to extend concurrent enrollment opportunities to pupils enrolled in private schools and nonpublic, home-based educational programs.

Requires the department of education (department) to enter into a cooperative agreement with both the school district of a pupil who enrolls in courses at an institution of higher education and said institution. Requires the department to reimburse any pupil who enrolls in courses at

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

an institution of higher education for the amount of tuition paid for such courses. Requires the department to make information available on its web site and to all schools, public and private, within the boundaries of the state concerning the postsecondary enrollment options for eligible pupils.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** Article 35 of title 22, Colorado Revised Statutes, is
3 amended to read:

4 **ARTICLE 35**

5 **Universal Postsecondary Enrollment Options Act of 2009**

6 **22-35-101. Short title.** This article shall be known and may be
7 cited as the "UNIVERSAL Postsecondary Enrollment Options Act OF
8 2009".

9 **22-35-102. Legislative declaration.** (1) The general assembly
10 hereby finds, determines, and declares that:

11 (a) High school pupils need to be continually challenged in order
12 to maintain their academic interests; that such challenges must include
13 rigorous academic pursuits; that, for some students, exposure to such
14 academic challenges declines during the last two years of high school as
15 pupils complete their graduation requirements; that there is a high rate of
16 dropouts at the eleventh and twelfth grade levels; that, for some students,
17 courses ~~not~~ THAT CANNOT BE offered in A high school, HOME SCHOOL, OR
18 PRIVATE SCHOOL ENVIRONMENT or courses offered in a different setting
19 may stimulate or maintain their interest; that providing a wider variety of
20 options to high school pupils by encouraging and enabling secondary
21 pupils to enroll in courses offered by state institutions of higher education
22 provides new and exciting academic challenges to such pupils; and that
23 such CONCURRENT enrollment opportunities provide access to excellence

1 in education; AND

2 (b) PUBLIC HIGH SCHOOL STUDENTS ARE ALREADY PERMITTED
3 ACCESS TO CONCURRENT ENROLLMENT OPPORTUNITIES THROUGH THE
4 "POSTSECONDARY ENROLLMENT OPTIONS ACT", AS IT EXISTED PRIOR TO
5 THE EFFECTIVE DATE OF THIS ARTICLE, AS AMENDED, AND THIS ACT
6 SHOULD BE EXPANDED TO ALLOW STUDENTS OF HOME SCHOOL AND
7 PRIVATE SCHOOL ENVIRONMENTS EQUAL ACCESS TO SUCH OPPORTUNITIES.

8 (2) The general assembly further finds that any student who
9 enrolls in postsecondary courses pursuant to this article should be
10 expected to show a high degree of maturity and responsibility, especially
11 with regard to the successful completion of such postsecondary courses.
12 The general assembly therefore finds that an important method of
13 fostering such responsibility is to require the student, or his or her family,
14 to pay the tuition costs associated with such postsecondary courses,
15 subject to reimbursement by the school district upon successful
16 completion of such postsecondary courses.

17 **22-35-103. Definitions.** For the purposes of this article:

18 (1) "ELIGIBLE PUPIL" MEANS A STUDENT WHO IS NOT MORE THAN
19 TWENTY-ONE YEARS OF AGE AND WHO IS:

20 (a) ENROLLED IN:

21 (I) THE ELEVENTH OR TWELFTH GRADE OF A SCHOOL DISTRICT, AS
22 DEFINED IN SECTION 22-30-103 (13);

23 (II) THE ELEVENTH OR TWELFTH GRADE IN A PUBLIC SCHOOL OF A
24 PRIVATE SCHOOL; OR

25 (III) A NONPUBLIC, HOME-BASED EDUCATIONAL PROGRAM
26 PURSUANT TO SECTION 22-33-104.5 AT A LEVEL COMPARABLE TO
27 ELEVENTH OR TWELFTH GRADE; AND

1 (b) DEEMED BY THE PUPIL AND THE PUPIL'S PARENT OR LEGAL
2 GUARDIAN, WITH THE ADVICE AND COUNSEL OF THE PRINCIPAL OF THE
3 HIGH SCHOOL IN WHICH THE PUPIL IS ENROLLED, IF APPLICABLE, TO BE IN
4 NEED OF COURSE WORK AT A HIGHER ACADEMIC LEVEL THAN THE COURSE
5 WORK THAT IS AVAILABLE TO THE STUDENT.

6 ~~(1)~~ (2) "Institution of higher education" means the Colorado state
7 university - Pueblo, Adams state college, Mesa state college,
8 Metropolitan state college of Denver, Fort Lewis college, Western state
9 college of Colorado, all independent area vocational schools, all junior
10 college district colleges, the university of northern Colorado, Colorado
11 school of mines, the university of Colorado at Denver, the university of
12 Colorado at Colorado Springs, the university of Colorado at Boulder,
13 Colorado state university, all community colleges governed by the state
14 board for community colleges and occupational education, and all
15 nonpublic institutions of higher education.

16 ~~(2)~~ (3) "Nonpublic institution of higher education" means an
17 institution of higher education operating in this state that:

18 (a) Receives no support from general fund moneys in support of
19 its operating costs;

20 (b) Admits as regular students only persons having a certification
21 of graduation from a school providing secondary education or the
22 recognized equivalent of such a certificate;

23 (c) Is accredited by a nationally recognized accrediting agency or
24 association;

25 (d) Provides an educational program for which it awards a
26 bachelor's degree or a graduate degree;

27 (e) Is not either a proprietary institution or an institution operated

1 for profit; and

2 (f) Is not a pervasively sectarian or theological institution or any
3 branch program or campus of an institution of higher education whose
4 principal campus and facilities are located outside this state.

5 **22-35-104. Enrollment in institution of higher education -**
6 **cooperative agreement.** (1) Any ELIGIBLE pupil ~~who is not more than~~
7 ~~twenty-one years old and who is enrolled in the eleventh or twelfth grade~~
8 ~~of a school district, as defined in section 22-30-103 (13), and who is~~
9 ~~deemed by the pupil and the pupil's parent or legal guardian, with the~~
10 ~~advice and counsel of the principal of the high school in which such pupil~~
11 ~~is enrolled, to be in need of course work at a higher academic level than~~
12 ~~that available at the pupil's school or is deemed by the high school to be~~
13 ~~in need of a different environment is eligible to~~ MAY apply to an
14 institution of higher education to allow ~~such~~ THE pupil to enroll in ~~such~~
15 THE institution in accordance with the provisions of this article. ~~The~~
16 EACH school district shall notify all students ENROLLED IN THE PUBLIC
17 SCHOOLS OF THE SCHOOL DISTRICT OR RESIDING IN THE SCHOOL DISTRICT
18 and THEIR parents of the opportunity for postsecondary enrollment. This
19 notification shall be given with sufficient time to allow the students and
20 parents to consider this option.

21 (1.5) Notwithstanding the provisions of subsection (1) of this
22 section, a student who is enrolled in any of grades nine through twelve
23 and who demonstrates attainment of postsecondary and workforce
24 readiness pursuant to section 22-7-1016 is eligible to apply to an
25 institution of higher education and enroll in courses at the institution in
26 accordance with the provisions of this article.

27 (2) Any pupil desiring to enroll in an institution of higher

1 education pursuant to the provisions of subsection (1) of this section shall
2 give written notice to the ~~school district of the pupil~~ DEPARTMENT OF
3 EDUCATION of the intent to enroll at least two months prior to such
4 enrollment.

5 (2.5) The written notice given pursuant to subsection (2) of this
6 section shall specify the courses in which the pupil intends to enroll.
7 Such courses shall count for credit ~~towards such~~ TOWARD THE pupil's
8 graduation requirements unless ~~such~~ THE credit is denied by the principal
9 of the high school in which the pupil is enrolled ~~and such denial is upheld~~
10 ~~by the superintendent and the local board of education on the basis that~~
11 ~~high school credit is inappropriate~~ OR BY THE PARENT OR OTHER
12 ADMINISTRATOR OF A NONPUBLIC, HOME-BASED EDUCATIONAL PROGRAM
13 IN WHICH THE PUPIL IS PARTICIPATING.

14 (3) When a pupil enrolls in courses at an institution of higher
15 education for high school credit pursuant to ~~section 22-35-105 (2) or (3)~~
16 ~~(a)~~ THIS ARTICLE, the school district ~~of~~ IN WHICH the pupil RESIDES OR IN
17 WHICH THE PUPIL IS ENROLLED, THE DEPARTMENT OF EDUCATION, and the
18 institution of higher education in which the pupil desires to enroll shall
19 enter into a cooperative agreement regarding the enrollment of and the
20 funding method for the pupil in such institution of higher education,
21 including, but not limited to:

22 (a) The academic credit to be granted for course work successfully
23 completed by the pupil enrolled in the institution of higher education,
24 which credit shall qualify as high school credit OR, FOR A PUPIL
25 PARTICIPATING IN A NONPUBLIC, HOME-BASED EDUCATIONAL PROGRAM,
26 THE EQUIVALENT THEREOF;

27 (b) The requirement that such course work qualify as credit

1 applicable toward earning a degree or certificate at the institution of
2 higher education;

3 (c) The requirement that any pupil enrolled pursuant to the
4 provisions of section 22-35-105 (2) or (3) (a) shall be reimbursed by the
5 ~~school district~~ DEPARTMENT OF EDUCATION for the amount of tuition paid
6 for such courses, as provided in section 22-35-105 (6); and

7 (d) The financial provisions to be included in ~~such~~ THE
8 COOPERATIVE agreement pursuant to the provisions of section 22-35-105.

9 (4) EXCEPT AS PROVIDED IN SUBSECTION (2.5) OF THIS SECTION,
10 each high school pupil enrolled in a course for high school credit offered
11 by an institution of higher education who satisfactorily completes the
12 requirements of the course shall receive appropriate credit toward a high
13 school diploma.

14 (4.5) ~~No~~ A person shall NOT be required to hold a teacher's license
15 or authorization issued pursuant to the provisions of article 60.5 of this
16 title in order to instruct any pupil who is enrolled in any course offered by
17 an institution of higher education pursuant to the provisions of this article.

18 (5) For purposes of this article, unless the context otherwise
19 requires, "course" means a course offered by an institution of higher
20 education.

21 **22-35-105. Financial provisions - payment of tuition.** (1) Any
22 cooperative agreement entered into pursuant to the provisions of this
23 article on or after June 8, 1991, shall include financial provisions which
24 satisfy the requirements of this section.

25 (2) If pupils are enrolled pursuant to the provisions of this article
26 in a course section offered by an institution of higher education SOLELY
27 for high school pupils, either at the request of the school district or upon

1 the initiative of the institution of higher education, the institution of
2 higher education shall be responsible for course content and the quality
3 of instruction and shall be reimbursed by the ~~school district~~ DEPARTMENT
4 OF EDUCATION for costs pursuant to the cooperative agreement between
5 ~~such~~ THE institution, THE DEPARTMENT OF EDUCATION, and ~~such~~ THE
6 school district OF THE PUPIL. In addition, because any such pupil is
7 receiving high school credit for ~~such~~ THE course pursuant to the
8 provisions of this subsection (2),

9 ~~(a) The pupil shall be included in the pupil enrollment of the~~
10 ~~school district in which such pupil is enrolled as determined pursuant to~~
11 ~~the provisions of section 22-54-103 (10)~~ THE DEPARTMENT OF
12 EDUCATION, ON BEHALF OF THE PUPIL, SHALL FORWARD TO THE
13 INSTITUTION OF HIGHER EDUCATION THE AMOUNT THAT IS SPECIFIED IN
14 THE COOPERATIVE AGREEMENT ENTERED INTO BY THE DEPARTMENT, THE
15 SCHOOL DISTRICT OF THE PUPIL, AND THE INSTITUTION OF HIGHER
16 EDUCATION PURSUANT TO SECTION 22-35-104 (3); EXCEPT THAT THE
17 DEPARTMENT SHALL NOT FORWARD ANY MONEYS IN EXCESS OF THOSE
18 MONEYS THAT ARE SUFFICIENT TO REIMBURSE THE PUPIL FOR HIS OR HER
19 TUITION AND TEXTBOOK EXPENSES AT THE INSTITUTION OF HIGHER
20 EDUCATION;

21 ~~(b) The institution of higher education in which such pupil is~~
22 ~~enrolled shall not include such pupil in determining the number of~~
23 ~~full-time equivalent students enrolled in said institution pursuant to the~~
24 ~~provisions of title 23, C.R.S.~~

25 ~~(c) The school district shall forward to the institution of higher~~
26 ~~education the amount which is specified in the cooperative agreement~~
27 ~~made by the school district and the institution of higher education.~~

1 (3) If pupils ENROLLED IN A SCHOOL of any school district are
2 enrolled pursuant to the provisions of this article in one or two courses
3 per academic term offered by any institution of higher education for
4 postsecondary students and:

5 (a) If the pupil so enrolled is receiving high school credit for ~~such~~
6 ~~course~~ THE COURSES:

7 (I) The pupil shall be included in the pupil enrollment of the
8 school district in which ~~such~~ THE pupil is enrolled as determined pursuant
9 to the provisions of section 22-54-103 (10);

10 (II) The institution of higher education in which ~~such~~ THE pupil
11 is enrolled shall include ~~such~~ THE pupil in counting full-time equivalent
12 students pursuant to the provisions of title 23, C.R.S.;

13 (III) Except as otherwise provided in subsection (8) of this
14 section, the pupil or the pupil's parent or guardian shall pay to the
15 institution of higher education the amount of tuition to which the
16 institution of higher education would be entitled on behalf of a regularly
17 enrolled student taking such courses; except that, for any state-supported
18 institution of higher education, such amount of tuition shall not exceed
19 the in-state tuition rate charged by ~~such~~ THE state-supported institution of
20 higher education, and, for any nonpublic institution of higher education,
21 ~~such~~ THE amount of tuition shall not exceed the average in-state tuition
22 charged by the representative group of comparable state institutions used
23 for purposes of section 23-3.3-101 (1.5) (a), C.R.S. Payment of tuition
24 pursuant to this subparagraph (III) shall be subject to reimbursement by
25 the ~~school district~~ DEPARTMENT OF EDUCATION as provided in subsection
26 (6) of this section.

27 (IV) For purposes of this paragraph (a), notwithstanding any law

1 to the contrary, every pupil enrolled in an institution of higher education
2 pursuant to the provisions of this article who otherwise would not be
3 classified as an in-state student for tuition purposes at any state-supported
4 institution of higher education shall be classified as an in-state student for
5 purposes of tuition;

6 (b) (Deleted by amendment, L. 93, p. 1315, § 3, effective June 6,
7 1993.)

8 (c) If the pupil so enrolled is not receiving high school credit for
9 ~~such~~ THE course:

10 (I) The institution of higher education in which the pupil is
11 enrolled shall include ~~such~~ THE pupil in counting full-time equivalent
12 students pursuant to the provisions of title 23, C.R.S.;

13 (II) It shall be the responsibility of the pupil to pay the amount of
14 tuition to which the institution of higher education would be entitled on
15 behalf of a regularly enrolled student taking such courses.

16 (4) If pupils of any school district are enrolled pursuant to the
17 provisions of this article in three or more courses per academic term
18 offered by any institution of higher education for postsecondary students:

19 (a) The institution of higher education in which ~~such~~ THE pupil is
20 enrolled shall include ~~such~~ THE pupil in counting full-time equivalent
21 students pursuant to the provisions of title 23, C.R.S.;

22 (b) Unless otherwise provided by the school district and except as
23 otherwise provided in subsection (8) of this section, it shall be the
24 responsibility of the pupil or the pupil's parent or guardian to pay the
25 amount of tuition to which the institution of higher education would be
26 entitled on behalf of a regularly enrolled pupil taking such courses.
27 Tuition paid pursuant to this paragraph (b) for the first two courses per

1 academic term shall be subject to reimbursement by the ~~school district~~
2 DEPARTMENT OF EDUCATION pursuant to subsection (6) of this section.
3 In addition, the ~~school district~~ DEPARTMENT OF EDUCATION may choose
4 to reimburse the pupil or the pupil's parent or guardian for the amount of
5 tuition paid for the third and each additional course per academic term.

6 (b.5) (Deleted by amendment, L. 98, p. 131, § 3, effective March
7 27, 1998.)

8 (c) It shall be the decision of the school district whether or not the
9 student should receive high school credit for the courses offered by the
10 institution of higher education.

11 (5) Nothing in this article shall be construed to restrict the ability
12 of institutions of higher education to offer ~~independently~~ courses for
13 college credit INDEPENDENTLY AND outside of the regular school day
14 using school district facilities.

15 (6) Upon passage of any postsecondary course in which a pupil
16 enrolls pursuant to this section, the pupil, or the pupil's parent or
17 guardian, shall present evidence of such passage to the ~~school district~~
18 DEPARTMENT OF EDUCATION and shall receive reimbursement from the
19 ~~school district~~ DEPARTMENT OF EDUCATION for the amount of tuition paid
20 for ~~such~~ THE course.

21 (7) The provisions of this article shall not apply to any course that
22 is offered under the statewide extended studies program established under
23 section 23-1-109, C.R.S.

24 (8) (a) The ~~school district~~ DEPARTMENT OF EDUCATION shall pay
25 the tuition required under subparagraph (III) of paragraph (a) of
26 subsection (3) of this section and tuition for the first two courses per
27 academic term under paragraph (b) of subsection (4) of this section for

1 any pupil who:

2 (I) Is eligible for free or reduced-cost lunch pursuant to the
3 provisions of the federal "National School Lunch Act", 42 U.S.C. sec.
4 1751 et seq.; OR

5 (II) IS ENROLLED IN A NONPUBLIC, HOME-BASED EDUCATIONAL
6 PROGRAM PURSUANT TO SECTION 22-33-104.5.

7 (b) In addition, the ~~school-district~~ DEPARTMENT OF EDUCATION
8 may enter into an agreement with a pupil to pay the tuition required under
9 subparagraph (III) of paragraph (a) of subsection (3) of this section and
10 paragraph (b) of subsection (4) of this section in situations where:

11 (I) Payment of such tuition would constitute a financial hardship
12 for the pupil or the pupil's parent or guardian; and

13 (II) The pupil has shown evidence of responsibility for and
14 commitment to successfully completing postsecondary courses.

15 (c) Prior to paying the tuition for any pupil pursuant to this
16 subsection (8), the ~~school-district~~ DEPARTMENT OF EDUCATION shall
17 require the pupil and his or her parent or guardian to sign a promise to
18 repay the amount of tuition paid by the ~~school-district~~ DEPARTMENT OF
19 EDUCATION on the pupil's behalf if the pupil fails or otherwise does not
20 complete the postsecondary course for any reason, without consent of the
21 principal of the high school in which the pupil is enrolled OR, IF
22 APPLICABLE, THE PARENT OR OTHER ADMINISTRATOR OF THE PUPIL'S
23 NONPUBLIC, HOME-BASED EDUCATIONAL PROGRAM.

24 (d) If any pupil for whom the ~~school-district~~ DEPARTMENT OF
25 EDUCATION pays tuition pursuant to this subsection (8) does not complete
26 the postsecondary course for any reason, without consent of the principal
27 of the high school in which the pupil is enrolled OR, IF APPLICABLE, THE

1 PARENT OR OTHER ADMINISTRATOR OF THE PUPIL'S NONPUBLIC,
2 HOME-BASED EDUCATIONAL PROGRAM, or otherwise fails to pass the
3 course, it shall be the responsibility of the pupil, or ~~such~~ THE pupil's
4 parent or guardian, to reimburse the ~~school-district~~ DEPARTMENT OF
5 EDUCATION, as provided in the promise signed pursuant to paragraph (c)
6 of this subsection (8), for the amount of tuition paid by the ~~school-district~~
7 DEPARTMENT OF EDUCATION to the institution of higher education
8 pursuant to this article.

9 **22-35-106. Transportation.** NEITHER the school district of a
10 pupil who is enrolled in an institution of higher education pursuant to the
11 provisions of this article NOR THE DEPARTMENT OF EDUCATION shall ~~not~~
12 be required to provide or to pay for transportation for such pupil to or
13 from said institution of higher education.

14 **22-35-107. Institution of higher education - enrollment -**
15 **limitations.** Any institution of higher education to which a pupil has
16 applied for enrollment pursuant to the provisions of this article may allow
17 ~~such~~ THE pupil to enroll in courses offered by ~~such~~ THE institution of
18 higher education. Any institution of higher education may limit the
19 number of such pupils ~~which~~ THAT the institution allows to enroll.
20 Except as otherwise provided in section 22-35-105 (2), any pupil who is
21 allowed to enroll pursuant to the provisions of this article shall be
22 included in the number of full-time equivalent students enrolled in the
23 institution of higher education for the purpose of any limitation imposed
24 on the total number of full-time equivalent students which may enroll in
25 ~~such~~ THE institution of higher education.

26 **22-35-108. Exclusion - summer school.** The provisions of this
27 article shall not apply to pupils enrolled in institutions of higher education

1 during the period from the termination of the regular school term in the
2 spring until the regular school term convenes in the fall.

3 **22-35-109. Department of education - distribution of**
4 **information.** ~~Every school district~~ THE DEPARTMENT OF EDUCATION
5 shall make information available ON ITS WEB SITE AND to ~~the pupils~~
6 ~~enrolled in the school district and to their parents about~~ ALL SCHOOLS,
7 PUBLIC AND PRIVATE, WITHIN THE BOUNDARIES OF THE STATE
8 CONCERNING the postsecondary enrollment options for eligible pupils
9 pursuant to the provisions of this article.

10 **22-35-110. Report to general assembly. (Repealed)**

11 **22-35-111. Rules.** The state board of education may make such
12 reasonable rules ~~and regulations~~ as it deems necessary for the
13 administration of this article.

14 **SECTION 2. Act subject to petition - effective date.** This act
15 shall take effect at 12:01 a.m. on the day following the expiration of the
16 ninety-day period after final adjournment of the general assembly that is
17 allowed for submitting a referendum petition pursuant to article V,
18 section 1 (3) of the state constitution, (August 4, 2009, if adjournment
19 sine die is on May 6, 2009); except that, if a referendum petition is filed
20 against this act or an item, section, or part of this act within such period,
21 then the act, item, section, or part, if approved by the people, shall take
22 effect on the date of the official declaration of the vote thereon by
23 proclamation of the governor.