

HOUSE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

Date

Committee on Education.

After consideration on the merits, the Committee recommends the following:

HB09-1270 be amended as follows:

1 Amend printed bill, strike everything below the enacting clause and  
2 substitute the following:

3 "SECTION 1. Title 22, Colorado Revised Statutes, is amended  
4 BY THE ADDITION OF A NEW ARTICLE to read:

5 **ARTICLE 35.7**

6 **Postsecondary Enrollment Options for Private School**  
7 **and Home School Students Act of 2009**

8 **22-35.7-101. Short title.** THIS ARTICLE SHALL BE KNOWN AND  
9 MAY BE CITED AS THE "POSTSECONDARY ENROLLMENT OPTIONS FOR  
10 PRIVATE SCHOOL AND HOME SCHOOL STUDENTS ACT OF 2009".

11 **22-35.7-102. Legislative declaration.** (1) THE GENERAL  
12 ASSEMBLY HEREBY FINDS, DETERMINES, AND DECLARES THAT HIGH  
13 SCHOOL STUDENTS NEED TO BE CONTINUALLY CHALLENGED IN ORDER TO  
14 MAINTAIN THEIR ACADEMIC INTERESTS; THAT THESE CHALLENGES MUST  
15 INCLUDE RIGOROUS ACADEMIC PURSUITS; THAT, FOR SOME STUDENTS,  
16 EXPOSURE TO ACADEMIC CHALLENGES DECLINES DURING THE LAST TWO  
17 YEARS OF HIGH SCHOOL AS STUDENTS COMPLETE THEIR GRADUATION  
18 REQUIREMENTS; THAT THERE IS A HIGH DROPOUT RATE AT THE ELEVENTH-  
19 AND TWELFTH-GRADE LEVELS; THAT, FOR SOME STUDENTS, COURSES  
20 OFFERED OUTSIDE THE HIGH-SCHOOL SETTING MAY STIMULATE OR  
21 MAINTAIN THEIR INTEREST; THAT PROVIDING A WIDER VARIETY OF  
22 OPTIONS TO HIGH SCHOOL STUDENTS BY ENCOURAGING AND ENABLING

1 THE STUDENTS TO ENROLL IN COURSES OFFERED BY STATE INSTITUTIONS  
2 OF HIGHER EDUCATION PROVIDES NEW AND EXCITING ACADEMIC  
3 CHALLENGES TO STUDENTS; AND THAT THESE ENROLLMENT  
4 OPPORTUNITIES PROVIDE ACCESS TO EXCELLENCE IN EDUCATION.

5 (2) THE GENERAL ASSEMBLY FURTHER FINDS THAT THE STATE  
6 CURRENTLY OFFERS A VARIETY OF POSTSECONDARY ENROLLMENT OPTIONS  
7 TO PUBLIC SCHOOL STUDENTS, BUT THESE OPTIONS REMAIN UNAVAILABLE  
8 TO STUDENTS IN PRIVATE SCHOOLS AND HOME SCHOOL ENVIRONMENTS.

9 (3) THE GENERAL ASSEMBLY FURTHER FINDS THAT ANY STUDENT  
10 WHO ENROLLS IN POSTSECONDARY COURSES PURSUANT TO THIS ARTICLE  
11 SHOULD BE EXPECTED TO SHOW A HIGH DEGREE OF MATURITY AND  
12 RESPONSIBILITY, ESPECIALLY WITH REGARD TO THE SUCCESSFUL  
13 COMPLETION OF THE POSTSECONDARY COURSES.

14 (4) THE GENERAL ASSEMBLY FURTHER FINDS THAT AN IMPORTANT  
15 METHOD OF FOSTERING THIS RESPONSIBILITY IS TO REQUIRE THE STUDENT,  
16 OR HIS OR HER FAMILY, TO PAY THE TUITION COSTS ASSOCIATED WITH  
17 POSTSECONDARY COURSES IN WHICH THE STUDENT IS ENROLLED  
18 PURSUANT TO THIS ARTICLE, SUBJECT TO REIMBURSEMENT BY THE  
19 DEPARTMENT OF EDUCATION UPON SUCCESSFUL COMPLETION OF THE  
20 POSTSECONDARY COURSES.

21 **22-35.7-103. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE  
22 CONTEXT OTHERWISE REQUIRES:

23 (1) "COURSE" MEANS A COURSE OFFERED BY AN INSTITUTION OF  
24 HIGHER EDUCATION.

25 (2) "DEPARTMENT" MEANS THE DEPARTMENT OF EDUCATION  
26 CREATED AND EXISTING PURSUANT TO SECTION 24-1-115, C.R.S.

27 (3) "ELIGIBLE STUDENT" MEANS A STUDENT WHO IS NOT MORE  
28 THAN TWENTY-ONE YEARS OF AGE AND WHO IS:

29 (a) ENROLLED IN:

30 (I) THE ELEVENTH OR TWELFTH GRADE OF A PRIVATE SCHOOL; OR

31 (II) A NONPUBLIC, HOME-BASED EDUCATIONAL PROGRAM



1 PURSUANT TO SECTION 22-33-104.5 AT A LEVEL COMPARABLE TO  
2 ELEVENTH OR TWELFTH GRADE; AND

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

9 (4) "INSTITUTION OF HIGHER EDUCATION" MEANS THE COLORADO  
10 STATE UNIVERSITY - PUEBLO, ADAMS STATE COLLEGE, MESA STATE  
11 COLLEGE, METROPOLITAN STATE COLLEGE OF DENVER, FORT LEWIS  
12 COLLEGE, WESTERN STATE COLLEGE OF COLORADO, ALL INDEPENDENT  
13 AREA VOCATIONAL SCHOOLS, ALL JUNIOR COLLEGE DISTRICT COLLEGES,  
14 THE UNIVERSITY OF NORTHERN COLORADO, THE COLORADO SCHOOL OF  
15 MINES, THE UNIVERSITY OF COLORADO AT DENVER, THE UNIVERSITY OF  
16 COLORADO AT COLORADO SPRINGS, THE UNIVERSITY OF COLORADO AT  
17 BOULDER, COLORADO STATE UNIVERSITY, ALL COMMUNITY COLLEGES  
18 GOVERNED BY THE STATE BOARD FOR COMMUNITY COLLEGES AND  
19 OCCUPATIONAL EDUCATION, AND ALL NONPUBLIC INSTITUTIONS OF HIGHER  
20 EDUCATION.

21 (5) "NONPUBLIC INSTITUTION OF HIGHER EDUCATION" MEANS AN  
22 INSTITUTION OF HIGHER EDUCATION OPERATING IN THIS STATE THAT:

23 (a) RECEIVES NO SUPPORT FROM STATE GENERAL FUND MONEYS IN  
24 SUPPORT OF ITS OPERATING COSTS;

25 (b) ADMITS AS REGULAR STUDENTS ONLY PERSONS HAVING A  
26 CERTIFICATION OF GRADUATION FROM A SCHOOL PROVIDING SECONDARY  
27 EDUCATION OR THE RECOGNIZED EQUIVALENT OF SUCH A CERTIFICATE;

28 (c) IS ACCREDITED BY A NATIONALLY RECOGNIZED ACCREDITING  
29 AGENCY OR ASSOCIATION;

30 (d) PROVIDES AN EDUCATIONAL PROGRAM FOR WHICH IT AWARDS  
31 A BACHELOR'S DEGREE OR A GRADUATE DEGREE;

32 (e) IS NEITHER A PROPRIETARY INSTITUTION NOR AN INSTITUTION  
33 OPERATED FOR PROFIT; AND



1 (f) IS NOT A BRANCH PROGRAM OR CAMPUS OF AN INSTITUTION OF  
2 HIGHER EDUCATION WHOSE PRINCIPAL CAMPUS AND FACILITIES ARE  
3 LOCATED OUTSIDE THIS STATE.

4 **22-35.7-104. Enrollment in institution of higher education -**  
5 **cooperative agreement.** (1) AN ELIGIBLE STUDENT MAY APPLY TO AN  
6 INSTITUTION OF HIGHER EDUCATION TO ALLOW THE STUDENT TO ENROLL  
7 IN THE INSTITUTION IN ACCORDANCE WITH THE PROVISIONS OF THIS  
8 ARTICLE. THE DEPARTMENT SHALL MAKE AVAILABLE ON ITS WEB SITE A  
9 NOTIFICATION TO ALL ELIGIBLE STUDENTS AND PARENTS OR LEGAL  
10 GUARDIANS OF ELIGIBLE STUDENTS OF THE OPPORTUNITY FOR  
11 POSTSECONDARY ENROLLMENT.

12 (2) AN ELIGIBLE STUDENT DESIRING TO ENROLL IN AN INSTITUTION  
13 OF HIGHER EDUCATION PURSUANT TO THE PROVISIONS OF THIS ARTICLE  
14 SHALL GIVE WRITTEN NOTICE TO THE DEPARTMENT OF THE INTENT TO  
15 ENROLL AT LEAST TWO MONTHS PRIOR TO ENROLLMENT.

16 (3) THE ELIGIBLE STUDENT SHALL SPECIFY IN THE WRITTEN NOTICE  
17 GIVEN PURSUANT TO SUBSECTION (2) OF THIS SECTION THE COURSES IN  
18 WHICH THE ELIGIBLE STUDENT INTENDS TO ENROLL. THE COURSES SHALL  
19 COUNT FOR CREDIT TOWARD THE ELIGIBLE STUDENT'S GRADUATION  
20 REQUIREMENTS UNLESS THE CREDIT IS DENIED BY THE PRINCIPAL OF THE  
21 HIGH SCHOOL IN WHICH THE ELIGIBLE STUDENT IS ENROLLED OR BY THE  
22 PARENT OR OTHER ADMINISTRATOR OF THE NONPUBLIC, HOME-BASED  
23 EDUCATIONAL PROGRAM IN WHICH THE STUDENT IS PARTICIPATING,  
24 WHICHEVER IS APPLICABLE.

25 (4) WHEN AN ELIGIBLE STUDENT ENROLLS IN COURSES AT AN  
26 INSTITUTION OF HIGHER EDUCATION FOR HIGH SCHOOL CREDIT PURSUANT  
27 TO THIS ARTICLE, THE DEPARTMENT AND THE INSTITUTION OF HIGHER  
28 EDUCATION IN WHICH THE STUDENT ENROLLS SHALL ENTER INTO A  
29 COOPERATIVE AGREEMENT REGARDING THE ENROLLMENT OF AND THE  
30 FUNDING METHOD FOR THE STUDENT AT THE INSTITUTION OF HIGHER  
31 EDUCATION, INCLUDING BUT NOT LIMITED TO:

32 (a) THE ACADEMIC CREDIT THE INSTITUTION WILL GRANT FOR  
33 COURSE WORK THAT THE ELIGIBLE STUDENT SUCCESSFULLY COMPLETES,  
34 WHICH CREDIT SHALL QUALIFY AS HIGH SCHOOL CREDIT OR, FOR A  
35 STUDENT PARTICIPATING IN A NONPUBLIC, HOME-BASED EDUCATIONAL  
36 PROGRAM, THE EQUIVALENT THEREOF;



1 (b) THE REQUIREMENT THAT THE ELIGIBLE STUDENT'S COURSE  
2 WORK QUALIFY AS CREDIT APPLICABLE TOWARD EARNING A DEGREE OR  
3 CERTIFICATE AT THE INSTITUTION OF HIGHER EDUCATION;

4 (c) THE REQUIREMENT THAT THE DEPARTMENT SHALL REIMBURSE  
5 AN ELIGIBLE STUDENT ENROLLED PURSUANT TO THE PROVISIONS OF THIS  
6 ARTICLE FOR THE AMOUNT OF TUITION PAID FOR THE COURSES IN WHICH  
7 HE OR SHE ENROLLS, AS PROVIDED IN SECTION 22-35.7-105 (6); AND

8 (d) THE FINANCIAL PROVISIONS TO BE INCLUDED IN THE  
9 AGREEMENT PURSUANT TO THE PROVISIONS OF SECTION 22-35.7-105.

10 (5) EXCEPT AS DESCRIBED IN SUBSECTION (3) OF THIS SECTION,  
11 EACH ELIGIBLE STUDENT ENROLLED IN A COURSE FOR HIGH SCHOOL CREDIT  
12 OFFERED BY AN INSTITUTION OF HIGHER EDUCATION WHO SUCCESSFULLY  
13 COMPLETES THE REQUIREMENTS OF THE COURSE SHALL RECEIVE  
14 APPROPRIATE CREDIT TOWARD A HIGH SCHOOL DIPLOMA.

15 (6) A PERSON SHALL NOT BE REQUIRED TO HOLD A TEACHER'S  
16 LICENSE OR AUTHORIZATION ISSUED PURSUANT TO THE PROVISIONS OF  
17 ARTICLE 60.5 OF THIS TITLE IN ORDER TO INSTRUCT AN ELIGIBLE STUDENT  
18 WHO IS ENROLLED IN A COURSE OFFERED BY AN INSTITUTION OF HIGHER  
19 EDUCATION PURSUANT TO THE PROVISIONS OF THIS ARTICLE.

20 **22-35.7-105. Financial provisions - payment of tuition.** (1) A  
21 COOPERATIVE AGREEMENT ENTERED INTO PURSUANT TO THE PROVISIONS  
22 OF THIS ARTICLE ON OR AFTER THE EFFECTIVE DATE OF THIS ARTICLE  
23 SHALL INCLUDE FINANCIAL PROVISIONS THAT SATISFY THE REQUIREMENTS  
24 OF THIS SECTION.

25 (2) IF AN ELIGIBLE STUDENT IS ENROLLED PURSUANT TO THE  
26 PROVISIONS OF THIS ARTICLE IN ONE OR TWO COURSES PER ACADEMIC  
27 TERM OFFERED BY AN INSTITUTION OF HIGHER EDUCATION FOR  
28 POSTSECONDARY STUDENTS AND:

29 (a) (I) IF THE ELIGIBLE STUDENT IS RECEIVING HIGH SCHOOL  
30 CREDIT FOR THE COURSES:

31 (A) THE INSTITUTION OF HIGHER EDUCATION IN WHICH THE  
32 ELIGIBLE STUDENT IS ENROLLED SHALL INCLUDE THE ELIGIBLE STUDENT  
33 IN COUNTING FULL-TIME EQUIVALENT STUDENTS PURSUANT TO THE



1 PROVISIONS OF TITLE 23, C.R.S.; AND

2 (B) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (6) OF THIS  
3 SECTION, THE ELIGIBLE STUDENT OR THE ELIGIBLE STUDENT'S PARENT OR  
4 GUARDIAN SHALL PAY TO THE INSTITUTION OF HIGHER EDUCATION THE  
5 AMOUNT OF TUITION TO WHICH THE INSTITUTION OF HIGHER EDUCATION  
6 WOULD BE ENTITLED ON BEHALF OF A REGULARLY ENROLLED STUDENT  
7 TAKING SUCH COURSES; EXCEPT THAT, FOR ANY STATE-SUPPORTED  
8 INSTITUTION OF HIGHER EDUCATION, THE AMOUNT OF TUITION SHALL NOT  
9 EXCEED THE IN-STATE TUITION RATE CHARGED BY THE STATE-SUPPORTED  
10 INSTITUTION OF HIGHER EDUCATION, AND, FOR ANY NONPUBLIC  
11 INSTITUTION OF HIGHER EDUCATION, THE AMOUNT OF TUITION SHALL NOT  
12 EXCEED THE AVERAGE IN-STATE TUITION CHARGED BY THE  
13 REPRESENTATIVE GROUP OF COMPARABLE STATE INSTITUTIONS USED FOR  
14 PURPOSES OF SECTION 23-3.3-101 (1.5) (a), C.R.S. PAYMENT OF TUITION  
15 PURSUANT TO THIS SUB-SUBPARAGRAPH (B) SHALL BE SUBJECT TO  
16 REIMBURSEMENT BY THE DEPARTMENT AS PROVIDED IN SUBSECTION (4) OF  
17 THIS SECTION.

18 (II) FOR PURPOSES OF THIS PARAGRAPH (a), NOTWITHSTANDING  
19 ANY LAW TO THE CONTRARY, EVERY ELIGIBLE STUDENT ENROLLED IN AN  
20 INSTITUTION OF HIGHER EDUCATION PURSUANT TO THE PROVISIONS OF  
21 THIS ARTICLE WHO WOULD OTHERWISE NOT BE CLASSIFIED AS AN IN-STATE  
22 STUDENT FOR TUITION PURPOSES AT A STATE-SUPPORTED INSTITUTION OF  
23 HIGHER EDUCATION SHALL BE CLASSIFIED AS AN IN-STATE STUDENT FOR  
24 PURPOSES OF TUITION.

25 (b) IF THE ELIGIBLE STUDENT IS NOT RECEIVING HIGH SCHOOL  
26 CREDIT FOR THE COURSES:

27 (I) THE INSTITUTION OF HIGHER EDUCATION IN WHICH THE  
28 ELIGIBLE STUDENT IS ENROLLED SHALL INCLUDE THE ELIGIBLE STUDENT  
29 IN COUNTING FULL-TIME EQUIVALENT STUDENTS PURSUANT TO THE  
30 PROVISIONS OF TITLE 23, C.R.S.;

31 (II) IT SHALL BE THE RESPONSIBILITY OF THE ELIGIBLE STUDENT OR  
32 THE STUDENT'S PARENT OR GUARDIAN TO PAY THE AMOUNT OF TUITION TO  
33 WHICH THE INSTITUTION OF HIGHER EDUCATION WOULD BE ENTITLED ON  
34 BEHALF OF A REGULARLY ENROLLED STUDENT TAKING SUCH COURSES.

35 (3) IF AN ELIGIBLE STUDENT IS ENROLLED PURSUANT TO THE



1 PROVISIONS OF THIS ARTICLE IN THREE OR MORE COURSES PER ACADEMIC  
2 TERM OFFERED BY AN INSTITUTION OF HIGHER EDUCATION FOR  
3 POSTSECONDARY STUDENTS:

4 (a) THE INSTITUTION OF HIGHER EDUCATION IN WHICH THE  
5 ELIGIBLE STUDENT IS ENROLLED SHALL INCLUDE THE ELIGIBLE STUDENT  
6 IN COUNTING FULL-TIME EQUIVALENT STUDENTS PURSUANT TO THE  
7 PROVISIONS OF TITLE 23, C.R.S.;

8 (b) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (6) OF THIS  
9 SECTION, IT SHALL BE THE RESPONSIBILITY OF THE ELIGIBLE STUDENT OR  
10 THE ELIGIBLE STUDENT'S PARENT OR GUARDIAN TO PAY THE AMOUNT OF  
11 TUITION TO WHICH THE INSTITUTION OF HIGHER EDUCATION WOULD BE  
12 ENTITLED ON BEHALF OF A REGULARLY ENROLLED STUDENT TAKING THE  
13 COURSES. TUITION PAID PURSUANT TO THIS PARAGRAPH (b) FOR THE FIRST  
14 TWO COURSES PER ACADEMIC TERM SHALL BE SUBJECT TO  
15 REIMBURSEMENT BY THE DEPARTMENT PURSUANT TO SUBSECTION (4) OF  
16 THIS SECTION. IN ADDITION, THE DEPARTMENT MAY CHOOSE TO  
17 REIMBURSE THE ELIGIBLE STUDENT OR THE ELIGIBLE STUDENT'S PARENT  
18 OR GUARDIAN FOR THE AMOUNT OF TUITION PAID FOR THE THIRD AND  
19 EACH ADDITIONAL COURSE PER ACADEMIC TERM.

20 (4) UPON SUCCESSFULLY COMPLETING A POSTSECONDARY COURSE  
21 IN WHICH AN ELIGIBLE STUDENT ENROLLS PURSUANT TO THIS SECTION, THE  
22 ELIGIBLE STUDENT, OR THE ELIGIBLE STUDENT'S PARENT OR GUARDIAN,  
23 SHALL PRESENT EVIDENCE OF COMPLETION TO THE DEPARTMENT AND  
24 SHALL RECEIVE REIMBURSEMENT FROM THE DEPARTMENT FOR THE  
25 AMOUNT OF TUITION PAID FOR THE COURSE.

26 (5) THE PROVISIONS OF THIS ARTICLE SHALL NOT APPLY TO A  
27 COURSE THAT IS OFFERED BY AN INSTITUTION OF HIGHER EDUCATION AS  
28 PART OF A PROGRAM OF OFF-CAMPUS INSTRUCTION AS DESCRIBED IN  
29 SECTION 23-1-109, C.R.S.

30 (6) (a) THE DEPARTMENT SHALL PAY THE TUITION REQUIRED  
31 UNDER SUBPARAGRAPH (II) OF PARAGRAPH (a) OF SUBSECTION (2) OF THIS  
32 SECTION AND TUITION FOR THE FIRST TWO COURSES PER ACADEMIC TERM  
33 UNDER PARAGRAPH (b) OF SUBSECTION (3) OF THIS SECTION FOR ANY  
34 ELIGIBLE STUDENT WHO IS ELIGIBLE FOR FREE OR REDUCED-COST LUNCH  
35 PURSUANT TO THE PROVISIONS OF THE FEDERAL "NATIONAL SCHOOL  
36 LUNCH ACT", 42 U.S.C. SEC. 1751 ET SEQ.



1 (b) IN ADDITION, THE DEPARTMENT MAY ENTER INTO AN  
2 AGREEMENT WITH AN ELIGIBLE STUDENT OR THE STUDENT'S PARENT OR  
3 GUARDIAN TO PAY THE TUITION REQUIRED UNDER SUBPARAGRAPH (II) OF  
4 PARAGRAPH (a) OF SUBSECTION (2) OF THIS SECTION AND PARAGRAPH (b)  
5 OF SUBSECTION (3) OF THIS SECTION IN SITUATIONS WHERE:

6 (I) PAYMENT OF THE TUITION WOULD CONSTITUTE A FINANCIAL  
7 HARDSHIP FOR THE ELIGIBLE STUDENT OR THE ELIGIBLE STUDENT'S PARENT  
8 OR GUARDIAN; AND

9 (II) THE ELIGIBLE STUDENT HAS SHOWN EVIDENCE OF  
10 RESPONSIBILITY FOR AND COMMITMENT TO SUCCESSFULLY COMPLETING  
11 POSTSECONDARY COURSES.

12 (c) PRIOR TO PAYING THE TUITION FOR AN ELIGIBLE STUDENT  
13 PURSUANT TO THIS SUBSECTION (6), THE DEPARTMENT SHALL REQUIRE THE  
14 STUDENT AND HIS OR HER PARENT OR GUARDIAN TO SIGN A PROMISE TO  
15 REPAY THE AMOUNT OF TUITION PAID BY THE DEPARTMENT ON THE  
16 STUDENT'S BEHALF IF THE STUDENT FAILS OR OTHERWISE DOES NOT  
17 COMPLETE THE POSTSECONDARY COURSE FOR ANY REASON, WITHOUT  
18 CONSENT OF THE PRINCIPAL OF THE HIGH SCHOOL IN WHICH THE STUDENT  
19 IS ENROLLED OR, IF APPLICABLE, THE PARENT OR OTHER ADMINISTRATOR  
20 OF THE NONPUBLIC, HOME-BASED EDUCATIONAL PROGRAM IN WHICH THE  
21 STUDENT IS PARTICIPATING.

22 (d) IF AN ELIGIBLE STUDENT FOR WHOM THE DEPARTMENT PAYS  
23 TUITION PURSUANT TO THIS SUBSECTION (6) DOES NOT COMPLETE THE  
24 POSTSECONDARY COURSE FOR ANY REASON, WITHOUT CONSENT OF THE  
25 PRINCIPAL OF THE HIGH SCHOOL IN WHICH THE STUDENT IS ENROLLED OR,  
26 IF APPLICABLE, THE PARENT OR OTHER ADMINISTRATOR OF THE  
27 NONPUBLIC, HOME-BASED EDUCATIONAL PROGRAM IN WHICH THE  
28 STUDENT IS PARTICIPATING, OR OTHERWISE FAILS TO PASS THE COURSE, IT  
29 SHALL BE THE RESPONSIBILITY OF THE STUDENT, OR THE STUDENT'S  
30 PARENT OR GUARDIAN, TO REIMBURSE THE DEPARTMENT, AS PROVIDED IN  
31 THE PROMISE SIGNED PURSUANT TO PARAGRAPH (c) OF THIS SUBSECTION  
32 (6), FOR THE AMOUNT OF TUITION PAID BY THE DEPARTMENT TO THE  
33 INSTITUTION OF HIGHER EDUCATION PURSUANT TO THIS ARTICLE.

34 **22-35.7-106. Transportation.** THE DEPARTMENT SHALL NOT BE  
35 REQUIRED TO PROVIDE OR TO PAY FOR TRANSPORTATION FOR AN ELIGIBLE  
36 STUDENT WHO IS ENROLLED IN AN INSTITUTION OF HIGHER EDUCATION





1 PURSUANT TO THE PROVISIONS OF THIS ARTICLE TO OR FROM SAID  
2 INSTITUTION.

3           **22-35.7-107. Institution of higher education - enrollment -**  
4 **limitations.** AN INSTITUTION OF HIGHER EDUCATION TO WHICH AN  
5 ELIGIBLE STUDENT HAS APPLIED FOR ENROLLMENT PURSUANT TO THE  
6 PROVISIONS OF THIS ARTICLE MAY ALLOW THE STUDENT TO ENROLL IN  
7 COURSES OFFERED BY THE INSTITUTION OF HIGHER EDUCATION. AN  
8 INSTITUTION OF HIGHER EDUCATION MAY LIMIT THE NUMBER OF ELIGIBLE  
9 STUDENTS THAT THE INSTITUTION ALLOWS TO ENROLL. EXCEPT AS  
10 OTHERWISE PROVIDED IN SECTION 22-35.7-105 (2), AN ELIGIBLE STUDENT  
11 WHO IS ALLOWED TO ENROLL PURSUANT TO THE PROVISIONS OF THIS  
12 ARTICLE SHALL BE INCLUDED IN THE NUMBER OF FULL-TIME EQUIVALENT  
13 STUDENTS ENROLLED IN THE INSTITUTION OF HIGHER EDUCATION FOR THE  
14 PURPOSE OF ANY LIMITATION IMPOSED ON THE TOTAL NUMBER OF  
15 FULL-TIME EQUIVALENT STUDENTS WHO MAY ENROLL IN THE INSTITUTION  
16 OF HIGHER EDUCATION.

17           **22-35.7-108. Exclusion - summer school.** THE PROVISIONS OF  
18 THIS ARTICLE SHALL NOT APPLY TO ELIGIBLE STUDENTS ENROLLED IN  
19 INSTITUTIONS OF HIGHER EDUCATION DURING THE PERIOD FROM THE  
20 TERMINATION OF THE REGULAR SCHOOL TERM IN THE SPRING UNTIL THE  
21 REGULAR SCHOOL TERM CONVENES IN THE FALL.

22           **22-35.7-109. Rules.** THE STATE BOARD OF EDUCATION MAY  
23 PROMULGATE SUCH REASONABLE RULES AS IT DEEMS NECESSARY FOR THE  
24 ADMINISTRATION OF THIS ARTICLE.

25           **SECTION 2. Act subject to petition - effective date.** This act  
26 shall take effect at 12:01 a.m. on the day following the expiration of the  
27 ninety-day period after final adjournment of the general assembly that is  
28 allowed for submitting a referendum petition pursuant to article V,  
29 section 1 (3) of the state constitution, (August 4, 2009, if adjournment  
30 sine die is on May 6, 2009); except that, if a referendum petition is filed  
31 against this act or an item, section, or part of this act within such period,  
32 then the act, item, section, or part, if approved by the people, shall take  
33 effect on the date of the official declaration of the vote thereon by  
34 proclamation of the governor."

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