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An Act

HOUSE BILL 09-1319

BY REPRESENTATIVE(S) Merrifield and Massey, Todd, Baumgardner, Benefield, Carroll T., Casso, Ferrandino, Fischer, Green, Kerr A., Levy, Middleton, Miklosi, Murray, Peniston, Primavera, Priola, Riesberg, Scanlan, Schafer S., Solano, Summers, Gerou, Kefalas, Labuda, May, Pace, Rice, Roberts, Ryden, Sonnenberg, Soper, Vigil, Weissmann, Acree, Frangas, Marostica, Stephens;
also SENATOR(S) Williams, King K., Hudak, Penry, Bacon, Boyd, Heath, Romer, Scheffel, Schwartz, Shaffer B., Tapia, Cadman, Gibbs, Groff, Hodge, Isgar, Kester, Kopp, Mitchell, Morse, Newell, Sandoval, Spence, White.

CONCERNING CONCURRENT ENROLLMENT OF PUBLIC HIGH SCHOOL STUDENTS IN COURSES OFFERED BY INSTITUTIONS OF HIGHER EDUCATION, AND MAKING AN APPROPRIATION THEREFOR.

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

SECTION 1. Article 35 of title 22, Colorado Revised Statutes, is REPEALED AND REENACTED, WITH AMENDMENTS, to read:

ARTICLE 35 **Concurrent Enrollment Programs Act**

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

22-35-101. Short title. THIS ARTICLE SHALL BE KNOWN AND MAY BE CITED AS THE "CONCURRENT ENROLLMENT PROGRAMS ACT".

22-35-102. Legislative declaration. (1) THE GENERAL ASSEMBLY HEREBY FINDS THAT:

(a) CREATING PATHWAYS BETWEEN HIGH SCHOOLS AND INSTITUTIONS OF HIGHER EDUCATION IS ESSENTIAL TO FULFILLING THE COLORADO PROMISE OF DOUBLING THE NUMBER OF POSTSECONDARY DEGREES EARNED BY COLORADANS AND REDUCING BY HALF THE NUMBER OF STUDENTS WHO DROP OUT OF HIGH SCHOOLS IN THE STATE;

(b) CONCURRENT ENROLLMENT PROGRAMS HAVE THE POTENTIAL TO HELP ADVANCE THE VISION FOR AN ALIGNED SYSTEM OF HIGH SCHOOL AND POSTSECONDARY STANDARDS AND ASSESSMENTS, AS DESCRIBED IN THE "COLORADO PRESCHOOL TO POSTSECONDARY EDUCATION ALIGNMENT ACT OF 2008", PART 10 OF ARTICLE 7 OF THIS TITLE;

(c) CONCURRENT ENROLLMENT PROGRAMS HAVE EXISTED FOR MANY YEARS BUT WITH LITTLE STATE COORDINATION, LIMITED ATTENTION TO QUALITY AND CONSISTENCY, AND NO ACCOUNTABILITY. AS A RESULT, ACCESS HAS BEEN NECESSARILY LIMITED.

(d) HISTORICALLY, THE BENEFICIARIES OF CONCURRENT ENROLLMENT PROGRAMS HAVE OFTEN BEEN HIGH-ACHIEVING STUDENTS. THE EXPANDED MISSION OF CONCURRENT ENROLLMENT PROGRAMS IS TO SERVE A WIDER RANGE OF STUDENTS, PARTICULARLY THOSE WHO REPRESENT COMMUNITIES WITH HISTORICALLY LOW COLLEGE PARTICIPATION RATES.

(e) THE STATE SHOULD IMPROVE TEACHERS', ADMINISTRATORS', AND PARENTS' ACCESS TO INFORMATION CONCERNING CONCURRENT ENROLLMENT PROGRAMS;

(f) THE EMERGING ECONOMIC REALITY IS THAT A POSTSECONDARY CREDENTIAL OF SOME KIND IS THE MINIMUM EDUCATIONAL REQUIREMENT FOR A JOB THAT EARNS A LIVING WAGE IN COLORADO. IN SPITE OF THIS, THE NUMBER OF STUDENTS IN COLORADO WHO EARN A POSTSECONDARY CREDENTIAL IS DISPROPORTIONATELY LOW WHEN COMPARED TO OTHER STATES.

(g) ALL OF THE STATE'S HIGH SCHOOLS SHOULD EVENTUALLY DEVELOP EQUITABLE ACCESS TO CONCURRENT ENROLLMENT PROGRAMS TO PROVIDE THE INFRASTRUCTURE NECESSARY TO IMPROVE HIGH SCHOOL RETENTION, TO MOTIVATE YOUNG PEOPLE TO TAKE SERIOUSLY THE NEED TO BECOME POSTSECONDARY- AND WORKFORCE-READY, AND TO ACCELERATE STUDENTS' PROGRESS TOWARD A POSTSECONDARY CREDENTIAL.

(2) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT, FOR PURPOSES OF SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION, PROVIDING FUNDING FOR CONCURRENT ENROLLMENT PROGRAMS IS A PERMISSIBLE USE OF THE MONEYS IN THE STATE EDUCATION FUND BECAUSE THE MONEYS ARE BEING USED FOR ACCOUNTABLE SCHOOL REFORM, FOR ACCOUNTABLE PROGRAMS TO MEET STATE ACADEMIC STANDARDS, AND FOR CLASS SIZE REDUCTION.

(3) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES ITS INTENTION THAT THE ADMINISTRATIVE COSTS INCURRED BY THE DEPARTMENT OF EDUCATION IN ITS IMPLEMENTATION OF THE ACCELERATING STUDENTS THROUGH CONCURRENT ENROLLMENT PROGRAM CREATED IN SECTION 22-35-108 SHALL BE SUPPORTED BY FEDERAL FUNDS AVAILABLE FOR GOVERNMENT SERVICES PURSUANT TO SECTION 14002 OF TITLE XIV OF THE FEDERAL "AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009", PUBLIC LAW 111-5 OF THE ONE HUNDRED ELEVENTH UNITED STATES CONGRESS.

(4) NOW, THEREFORE, TO BROADEN ACCESS TO AND IMPROVE THE QUALITY OF CONCURRENT ENROLLMENT PROGRAMS, THE GENERAL ASSEMBLY CONCLUDES THAT IT IS APPROPRIATE AND IN THE BEST INTERESTS OF THE STATE TO SUPPORT POLICIES DESIGNED TO IMPROVE COORDINATION BETWEEN INSTITUTIONS OF SECONDARY EDUCATION AND INSTITUTIONS OF HIGHER EDUCATION AND TO ENSURE FINANCIAL TRANSPARENCY AND ACCOUNTABILITY.

22-35-103. Definitions. AS USED IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "ASCENT PROGRAM" MEANS THE ACCELERATING STUDENTS THROUGH CONCURRENT ENROLLMENT PROGRAM CREATED IN SECTION 22-35-108.

(2) "BASIC SKILLS COURSE" SHALL HAVE THE SAME MEANING AS SET FORTH IN SECTION 23-1-113 (1) (b) (II) (A.7), C.R.S.

(3) "BOARD" MEANS THE CONCURRENT ENROLLMENT ADVISORY BOARD CREATED IN SECTION 22-35-107.

(4) "BOARD OF COOPERATIVE SERVICES" OR "BOCES" MEANS A BOARD OF COOPERATIVE SERVICES CREATED AND OPERATING PURSUANT TO ARTICLE 5 OF THIS TITLE THAT OPERATES ONE OR MORE PUBLIC SCHOOLS.

(5) "COMMISSION" MEANS THE COLORADO COMMISSION ON HIGHER EDUCATION CREATED PURSUANT TO SECTION 23-1-102, C.R.S.

(6) "CONCURRENT ENROLLMENT" MEANS THE SIMULTANEOUS ENROLLMENT OF A QUALIFIED STUDENT IN A LOCAL EDUCATION PROVIDER AND IN AN INSTITUTION OF HIGHER EDUCATION PURSUANT TO THE PROVISIONS OF THIS ARTICLE.

(7) "COOPERATIVE AGREEMENT" MEANS AN AGREEMENT ENTERED INTO BY A LOCAL EDUCATION PROVIDER AND AN INSTITUTION OF HIGHER EDUCATION PURSUANT TO SECTION 22-35-104 (6).

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

(9) "DISTRICT CHARTER SCHOOL" MEANS A CHARTER SCHOOL AUTHORIZED BY A SCHOOL DISTRICT PURSUANT TO PART 1 OF ARTICLE 30.5 OF THIS TITLE THAT SERVES ANY OF GRADES NINE THROUGH TWELVE.

(10) "EARLY COLLEGE" MEANS A SECONDARY SCHOOL THAT PROVIDES ONLY A CURRICULUM THAT IS DESIGNED IN A MANNER THAT ENSURES THAT A STUDENT WHO SUCCESSFULLY COMPLETES THE CURRICULUM WILL HAVE COMPLETED EITHER AN ASSOCIATE'S DEGREE OR SIXTY CREDITS TOWARD THE COMPLETION OF A POSTSECONDARY CREDENTIAL. "EARLY COLLEGE" INCLUDES ONLY THE FOLLOWING:

(a) DOLORES HUERTA PREPARATORY HIGH SCHOOL IN PUEBLO;

(b) SOUTHWEST EARLY COLLEGE CHARTER HIGH SCHOOL IN DENVER;

(c) FRONT RANGE EARLY COLLEGE IN DENVER;

(d) COLORADO SPRINGS EARLY COLLEGES IN COLORADO SPRINGS;

(e) EARLY COLLEGE HIGH SCHOOL IN ARVADA;

(f) A SECONDARY SCHOOL THAT SATISFIES THE PROVISIONS OF THIS SUBSECTION (8) AND IDENTIFIES ITSELF AS AN "EARLY COLLEGE" ON THE EFFECTIVE DATE OF THIS ARTICLE; AND

(g) A SECONDARY SCHOOL THAT IS DESIGNATED, AFTER THE EFFECTIVE DATE OF THIS ARTICLE, AS AN EARLY COLLEGE BY THE STATE BOARD OF EDUCATION.

(11) "INSTITUTE CHARTER SCHOOL" MEANS A CHARTER SCHOOL AUTHORIZED BY THE STATE CHARTER SCHOOL INSTITUTE PURSUANT TO PART 5 OF ARTICLE 30.5 OF THIS TITLE THAT SERVES ANY OF GRADES NINE THROUGH TWELVE.

(12) "INSTITUTION OF HIGHER EDUCATION" MEANS:

(a) A STATE UNIVERSITY OR COLLEGE, COMMUNITY COLLEGE, JUNIOR COLLEGE, LOCAL DISTRICT COLLEGE, OR AREA VOCATIONAL SCHOOL DESCRIBED IN TITLE 23, C.R.S.; OR

(b) AN EDUCATIONAL INSTITUTION OPERATING IN THIS STATE THAT:

(I) DOES NOT RECEIVE STATE GENERAL FUND MONEYS IN SUPPORT OF ITS OPERATING COSTS;

(II) ADMITS AS REGULAR STUDENTS ONLY PERSONS HAVING A HIGH SCHOOL DIPLOMA OR THE RECOGNIZED EQUIVALENT OF SUCH A CERTIFICATE;

(III) IS ACCREDITED BY A REGIONAL ACCREDITING AGENCY OR ASSOCIATION;

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

(V) IS AUTHORIZED BY THE DEPARTMENT OF HIGHER EDUCATION TO

DO BUSINESS IN COLORADO PURSUANT TO SECTION 23-2-103.3, C.R.S.;

(VI) MAINTAINS A PHYSICAL CAMPUS OR INSTRUCTIONAL FACILITY IN COLORADO; AND

(VII) HAS BEEN DETERMINED BY THE UNITED STATES DEPARTMENT OF EDUCATION TO BE ELIGIBLE TO ADMINISTER FEDERAL FINANCIAL AID PROGRAMS PURSUANT TO TITLE IV OF THE FEDERAL "HIGHER EDUCATION ACT OF 1965", AS AMENDED.

(13) "LOCAL EDUCATION PROVIDER" MEANS A SCHOOL DISTRICT, A BOARD OF COOPERATIVE SERVICES, A DISTRICT CHARTER SCHOOL, OR AN INSTITUTE CHARTER SCHOOL.

(14) "POSTSECONDARY EDUCATION" MEANS ALL FORMAL PUBLIC EDUCATION THAT REQUIRES AS A PREREQUISITE THE ACQUISITION OF A HIGH SCHOOL DIPLOMA, ITS EQUIVALENT, OR THE ACHIEVEMENT OF A MINIMUM SCORE ON A PLACEMENT ASSESSMENT THAT IS ADMINISTERED BY AN INSTITUTION OF HIGHER EDUCATION, WHICH MINIMUM SCORE IS DETERMINED BY THE INSTITUTION. "POSTSECONDARY EDUCATION" INCLUDES PROGRAMS RESULTING IN THE ACQUISITION OF A CERTIFICATE, AN ASSOCIATE DEGREE OF APPLIED SCIENCES, AN ASSOCIATE DEGREE OF GENERAL STUDIES, AN ASSOCIATE DEGREE OF ARTS, OR AN ASSOCIATE DEGREE OF SCIENCE AND ALL BACCALAUREATE DEGREE PROGRAMS.

(15) "QUALIFIED STUDENT" MEANS A PERSON WHO IS LESS THAN TWENTY-ONE YEARS OF AGE AND IS ENROLLED IN THE NINTH GRADE OR A HIGHER GRADE LEVEL IN A LOCAL EDUCATION PROVIDER.

(16) "STATE BOARD" MEANS THE STATE BOARD OF EDUCATION CREATED PURSUANT TO SECTION 1 OF ARTICLE IX OF THE STATE CONSTITUTION.

22-35-104. Enrollment in an institution of higher education - cooperative agreement. (1) (a) A QUALIFIED STUDENT ENROLLED IN A HIGH SCHOOL OF A SCHOOL DISTRICT WHO HAS APPLIED TO AND RECEIVED APPROVAL FROM THE SUPERINTENDENT OF THE SCHOOL DISTRICT OR HIS OR HER DESIGNEE, OR A QUALIFIED STUDENT ENROLLED IN A DISTRICT CHARTER SCHOOL, AN INSTITUTE CHARTER SCHOOL, OR A HIGH SCHOOL OF A BOCES WHO HAS APPLIED TO AND RECEIVED APPROVAL FROM THE CHIEF

ADMINISTRATOR OF THE DISTRICT CHARTER SCHOOL, AN INSTITUTE CHARTER SCHOOL, OR A HIGH SCHOOL OF A BOCES, PURSUANT TO SUBSECTION (2) OF THIS SECTION MAY REGISTER WITH AND CONCURRENTLY ENROLL IN AN INSTITUTION OF HIGHER EDUCATION IN ACCORDANCE WITH THE PROVISIONS OF THIS ARTICLE.

(b) EACH LOCAL EDUCATION PROVIDER SHALL ANNUALLY NOTIFY ALL STUDENTS AND PARENTS OR LEGAL GUARDIANS OF STUDENTS ENROLLED IN THE LOCAL EDUCATION PROVIDER OF THE OPPORTUNITY FOR CONCURRENT ENROLLMENT BY QUALIFIED STUDENTS IN COLLEGE COURSES.

(c) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (a) OF THIS SUBSECTION (1), A QUALIFIED STUDENT SHALL NOT CONCURRENTLY ENROLL IN A BASIC SKILLS COURSE UNLESS HE OR SHE IS ENROLLED IN THE TWELFTH GRADE IN A LOCAL EDUCATION PROVIDER.

(d) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (a) OF THIS SUBSECTION (1), IF A QUALIFIED STUDENT IS NOT A PARTICIPANT IN THE ASCENT PROGRAM AND HAS NOT SATISFIED THE MINIMUM REQUIREMENTS FOR GRADUATION ESTABLISHED BY HIS OR HER LOCAL EDUCATION PROVIDER BY THE END OF HIS OR HER TWELFTH-GRADE YEAR AND IS THEREFORE RETAINED BY THE LOCAL EDUCATION PROVIDER FOR ADDITIONAL INSTRUCTION, THE QUALIFIED STUDENT SHALL NOT CONCURRENTLY ENROLL IN COLLEGE COURSES THAT ARE WORTH MORE THAN A TOTAL OF NINE CREDIT HOURS, INCLUDING BASIC SKILLS COURSES. FURTHERMORE, THE QUALIFIED STUDENT SHALL NOT CONCURRENTLY ENROLL IN MORE THAN:

(I) SIX CREDIT HOURS OF COLLEGE COURSES IN ANY ACADEMIC SEMESTER IF THE STUDENT IS REGISTERED AS A FULL-TIME PUPIL IN HIS OR HER LOCAL EDUCATION PROVIDER; OR

(II) THREE CREDIT HOURS OF COLLEGE COURSES IN ANY ACADEMIC SEMESTER IF THE STUDENT IS REGISTERED AS A PART-TIME PUPIL IN HIS OR HER LOCAL EDUCATION PROVIDER.

(e) EXCEPT AS DESCRIBED IN PARAGRAPHS (c) AND (d) OF THIS SUBSECTION (1) AND SECTIONS 22-35-108 AND 22-35-109, THE STATE BOARD BY RULE SHALL NOT LIMIT THE NUMBER OF COLLEGE COURSES IN WHICH A QUALIFIED STUDENT MAY CONCURRENTLY ENROLL DURING THE NINTH, TENTH, ELEVENTH, OR TWELFTH GRADE.

(2) (a) (I) A QUALIFIED STUDENT ENROLLED IN A HIGH SCHOOL OF A SCHOOL DISTRICT WHO SEEKS TO CONCURRENTLY ENROLL IN AN INSTITUTION OF HIGHER EDUCATION SHALL APPLY TO THE SUPERINTENDENT OF THE STUDENT'S SCHOOL DISTRICT, OR THE SUPERINTENDENT'S DESIGNEE, FOR APPROVAL OF CONCURRENT ENROLLMENT NOT LATER THAN SIXTY DAYS BEFORE THE END OF THE ACADEMIC TERM THAT IMMEDIATELY PRECEDES THE INTENDED TERM OF CONCURRENT ENROLLMENT; EXCEPT THAT A SUPERINTENDENT OR SUPERINTENDENT'S DESIGNEE MAY WAIVE THE TIME LIMITATION AT HIS OR HER DISCRETION.

(II) A QUALIFIED STUDENT ENROLLED IN A DISTRICT CHARTER SCHOOL, AN INSTITUTE CHARTER SCHOOL, OR A HIGH SCHOOL OF A BOCES WHO SEEKS TO CONCURRENTLY ENROLL IN AN INSTITUTION OF HIGHER EDUCATION SHALL APPLY TO THE CHIEF ADMINISTRATOR OF THE DISTRICT CHARTER SCHOOL, INSTITUTE CHARTER SCHOOL, OR HIGH SCHOOL OF A BOCES FOR APPROVAL OF CONCURRENT ENROLLMENT NO LATER THAN SIXTY DAYS BEFORE THE END OF THE ACADEMIC TERM THAT IMMEDIATELY PRECEDES THE INTENDED TERM OF CONCURRENT ENROLLMENT; EXCEPT THAT THE CHIEF ADMINISTRATOR MAY WAIVE THE TIME LIMITATION AT HIS OR HER DISCRETION.

(III) IN APPLYING FOR CONCURRENT ENROLLMENT APPROVAL, A QUALIFIED STUDENT SHALL USE THE STANDARD APPLICATION FORM CREATED AND MADE PUBLICLY AVAILABLE BY HIS OR HER LOCAL EDUCATION PROVIDER PURSUANT TO PARAGRAPH (c) OF THIS SUBSECTION (2).

(b) IF A SUPERINTENDENT OF A SCHOOL DISTRICT, THE SUPERINTENDENT'S DESIGNEE, OR A CHIEF ADMINISTRATOR OF A DISTRICT CHARTER SCHOOL, INSTITUTE CHARTER SCHOOL, OR HIGH SCHOOL OF A BOCES RECEIVES A TIMELY APPLICATION FROM A QUALIFIED STUDENT PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (2), THE SUPERINTENDENT, SUPERINTENDENT'S DESIGNEE, OR CHIEF ADMINISTRATOR OF A DISTRICT CHARTER SCHOOL, INSTITUTE CHARTER SCHOOL, OR HIGH SCHOOL OF A BOCES SHALL APPROVE OR DISAPPROVE THE APPLICATION AND NOTIFY THE STUDENT OF THE DECISION.

(c) ON OR BEFORE JULY 1, 2011, AND THEREAFTER, EACH LOCAL EDUCATION PROVIDER THAT HAS ENTERED INTO A COOPERATIVE AGREEMENT SHALL CREATE AND MAKE PUBLICLY AVAILABLE A STANDARD CONCURRENT ENROLLMENT APPLICATION FORM FOR USE BY A QUALIFIED STUDENT

PURSUANT TO THIS SUBSECTION (2). IN CREATING THE APPLICATION FORM, THE LOCAL EDUCATION PROVIDER SHALL REFER TO THE GUIDELINES ESTABLISHED BY RULES PROMULGATED BY THE STATE BOARD PURSUANT TO SECTION 22-35-111 (1) (a). THE APPLICATION FORM SHALL REQUIRE, AT A MINIMUM, A QUALIFIED STUDENT TO SPECIFY THE COURSES IN WHICH HE OR SHE SEEKS TO CONCURRENTLY ENROLL.

(3) A QUALIFIED STUDENT WHO SEEKS TO CONCURRENTLY ENROLL IN AN INSTITUTION OF HIGHER EDUCATION SHALL ESTABLISH, IN CONSULTATION WITH THE ADMINISTRATION OF HIS OR HER LOCAL EDUCATION PROVIDER, AN ACADEMIC PLAN OF STUDY THAT DESCRIBES ALL OF THE COURSES THAT THE STUDENT INTENDS TO COMPLETE TO SATISFY HIS OR HER REMAINING REQUIREMENTS FOR GRADUATION FROM THE LOCAL EDUCATION PROVIDER. PRIOR TO THE QUALIFIED STUDENT'S CONCURRENT ENROLLMENT IN THE INSTITUTION OF HIGHER EDUCATION, THE PRINCIPAL, A COUNSELOR, OR A TEACHER ADVISOR OF THE QUALIFIED STUDENT'S LOCAL EDUCATION PROVIDER SHALL APPROVE THE ACADEMIC PLAN OF STUDY. IN APPROVING AN ACADEMIC PLAN OF STUDY, A PRINCIPAL, COUNSELOR, OR TEACHER ADVISOR SHALL APPLY THE GUIDELINES ESTABLISHED BY RULES PROMULGATED BY THE STATE BOARD PURSUANT TO SECTION 22-35-111 (1) (b).

(4) (a) A QUALIFIED STUDENT WHO INTENDS TO CONCURRENTLY ENROLL IN A COLLEGE COURSE AT AN INSTITUTION OF HIGHER EDUCATION SHALL SATISFY THE MINIMUM PREREQUISITES FOR THE COURSE PRIOR TO HIS OR HER ENROLLMENT IN THE COURSE.

(b) IF A QUALIFIED STUDENT WHO HAS APPLIED FOR CONCURRENT ENROLLMENT IN A COLLEGE COURSE HAS NOT SATISFIED THE MINIMUM PREREQUISITES FOR THE COURSE, HE OR SHE MAY CONCURRENTLY ENROLL IN A BASIC SKILLS COURSE AT THE INSTITUTION ONLY IF:

(I) THE QUALIFIED STUDENT IS ENROLLED IN THE TWELFTH GRADE IN A LOCAL EDUCATION PROVIDER; AND

(II) THE INSTITUTION OF HIGHER EDUCATION OFFERS THE BASIC SKILLS COURSE PURSUANT TO SECTION 23-1-113.3, C.R.S.

(c) AN INSTITUTION OF HIGHER EDUCATION THAT REFUSES TO ALLOW A QUALIFIED STUDENT TO CONCURRENTLY ENROLL IN A COURSE FOR WHICH

THE STUDENT HAS NOT SATISFIED THE MINIMUM PREREQUISITES MAY ALLOW THE STUDENT TO CONCURRENTLY ENROLL IN ANOTHER COURSE FOR WHICH THE STUDENT APPEARS TO BE PREPARED.

(5) A COURSE SUCCESSFULLY COMPLETED BY A QUALIFIED STUDENT THROUGH CONCURRENT ENROLLMENT AT AN INSTITUTION OF HIGHER EDUCATION SHALL COUNT FOR CREDIT TOWARD THE QUALIFIED STUDENT'S HIGH SCHOOL GRADUATION REQUIREMENTS AT HIS OR HER LOCAL EDUCATION PROVIDER.

(6) (a) A LOCAL EDUCATION PROVIDER THAT SEEKS TO ALLOW STUDENTS TO CONCURRENTLY ENROLL IN COLLEGE COURSES AT AN INSTITUTION OF HIGHER EDUCATION SHALL ENTER INTO A COOPERATIVE AGREEMENT WITH THE INSTITUTION OF HIGHER EDUCATION.

(b) A COOPERATIVE AGREEMENT SHALL INCLUDE, BUT NEED NOT BE LIMITED TO:

(I) THE AMOUNT OF ACADEMIC CREDIT TO BE GRANTED FOR COURSE WORK SUCCESSFULLY COMPLETED BY A QUALIFIED STUDENT CONCURRENTLY ENROLLED IN THE INSTITUTION OF HIGHER EDUCATION;

(II) A REQUIREMENT THAT COURSE WORK COMPLETED BY A QUALIFIED STUDENT THROUGH CONCURRENT ENROLLMENT AT THE INSTITUTION OF HIGHER EDUCATION QUALIFY AS BASIC SKILLS CREDIT OR ACADEMIC CREDIT APPLICABLE TOWARD EARNING A DEGREE AT THE INSTITUTION;

(III) A REQUIREMENT THAT THE LOCAL EDUCATION PROVIDER PAY THE TUITION FOR EACH COURSE COMPLETED BY A QUALIFIED STUDENT THROUGH CONCURRENT ENROLLMENT AT THE INSTITUTION OF HIGHER EDUCATION IN AN AMOUNT THAT SHALL BE NEGOTIATED BY THE LOCAL EDUCATION PROVIDER AND THE INSTITUTION PURSUANT TO THE PROVISIONS OF SECTION 22-35-105 (3);

(IV) A REQUIREMENT THAT THE LOCAL EDUCATION PROVIDER AND THE INSTITUTION OF HIGHER EDUCATION ESTABLISH AN ACADEMIC PROGRAM OF STUDY FOR EACH QUALIFIED STUDENT WHO CONCURRENTLY ENROLLS IN THE INSTITUTION, WHICH ACADEMIC PROGRAM OF STUDY SHALL INCLUDE THE ACADEMIC PLAN OF STUDY ESTABLISHED PURSUANT TO SUBSECTION (3)

OF THIS SECTION AND A PLAN BY WHICH THE LOCAL EDUCATION PROVIDER SHALL MAKE AVAILABLE TO THE STUDENT ONGOING COUNSELING AND CAREER PLANNING;

(V) A CONFIRMATION BY THE SCHOOL DISTRICT OF THE QUALIFIED STUDENT'S UNIQUELY IDENTIFYING STUDENT NUMBER, WHICH SHALL BE RETAINED BY THE INSTITUTION OF HIGHER EDUCATION FOR THE PURPOSES DESCRIBED IN SECTION 23-18-202 (5) (c) (I) (B), C.R.S.;

(VI) LANGUAGE AUTHORIZING THE PAYMENT OF STIPENDS FROM THE COLLEGE OPPORTUNITY FUND PROGRAM, PART 2 OF ARTICLE 18 OF TITLE 23, C.R.S., ON BEHALF OF THE QUALIFIED STUDENT; EXCEPT THAT A COOPERATIVE AGREEMENT NEED NOT INCLUDE THIS LANGUAGE IF THE INSTITUTION OF HIGHER EDUCATION THAT IS A PARTY TO THE COOPERATIVE AGREEMENT DOES NOT RECEIVE STIPENDS FROM THE COLLEGE OPPORTUNITY FUND PROGRAM;

(VII) CONSIDERATION AND IDENTIFICATION OF WAYS IN WHICH QUALIFIED STUDENTS WHO CONCURRENTLY ENROLL IN COLLEGE COURSES CAN REMAIN ELIGIBLE FOR INTERSCHOLASTIC HIGH SCHOOL ACTIVITIES; AND

(VIII) OTHER FINANCIAL PROVISIONS THAT THE LOCAL EDUCATION PROVIDER AND THE INSTITUTION OF HIGHER EDUCATION MAY ELECT TO INCLUDE IN THE AGREEMENT PURSUANT TO THE PROVISIONS OF SECTION 22-35-105 (5).

(c) AN INSTITUTION OF HIGHER EDUCATION THAT ENTERS INTO A COOPERATIVE AGREEMENT WITH A LOCAL EDUCATION PROVIDER SHALL PROVIDE A COPY OF THE COOPERATIVE AGREEMENT TO THE DEPARTMENT OF HIGHER EDUCATION, WHICH SHALL RETAIN THE COPY.

(7) A POSTSECONDARY INSTRUCTOR SHALL NOT BE REQUIRED TO HOLD A TEACHER'S LICENSE OR AUTHORIZATION ISSUED PURSUANT TO THE PROVISIONS OF ARTICLE 60.5 OF THIS TITLE IN ORDER TO INSTRUCT A QUALIFIED STUDENT WHO IS CONCURRENTLY ENROLLED IN A COURSE OFFERED BY AN INSTITUTION OF HIGHER EDUCATION.

(8) (a) A DISTRICT CHARTER SCHOOL MAY ELECT TO ALLOW A QUALIFIED STUDENT OF THE DISTRICT CHARTER SCHOOL TO CONCURRENTLY ENROLL PURSUANT TO THE PROVISIONS OF A COOPERATIVE AGREEMENT

THAT IS ENTERED INTO BY EITHER:

(I) THE SCHOOL DISTRICT OF THE DISTRICT CHARTER SCHOOL AND AN INSTITUTION OF HIGHER EDUCATION; OR

(II) THE DISTRICT CHARTER SCHOOL AND AN INSTITUTION OF HIGHER EDUCATION.

(b) IF A DISTRICT CHARTER SCHOOL ELECTS TO ALLOW A QUALIFIED STUDENT OF THE DISTRICT CHARTER SCHOOL TO CONCURRENTLY ENROLL PURSUANT TO THE PROVISIONS OF A COOPERATIVE AGREEMENT THAT IS ENTERED INTO BY THE SCHOOL DISTRICT OF THE DISTRICT CHARTER SCHOOL AND AN INSTITUTION OF HIGHER EDUCATION:

(I) THE DISTRICT CHARTER SCHOOL SHALL BE RESPONSIBLE FOR PAYING THE TUITION FOR EACH COURSE THAT IS COMPLETED BY THE QUALIFIED STUDENT PURSUANT TO THE COOPERATIVE AGREEMENT; AND

(II) THE QUALIFIED STUDENT OF THE DISTRICT CHARTER SCHOOL SHALL NOT CONCURRENTLY ENROLL UNLESS, NOT LATER THAN SIXTY DAYS BEFORE THE END OF THE ACADEMIC TERM THAT IMMEDIATELY PRECEDES THE INTENDED TERM OF CONCURRENT ENROLLMENT, HE OR SHE APPLIES FOR APPROVAL OF CONCURRENT ENROLLMENT FROM THE SUPERINTENDENT OF THE SCHOOL DISTRICT OR HIS OR HER DESIGNEE, AND THE SUPERINTENDENT OR HIS OR HER DESIGNEE GRANTS SUCH APPROVAL OR WAIVES THIS TIME LIMITATION, AS DESCRIBED IN SUBSECTION (2) OF THIS SECTION.

(c) IF A DISTRICT CHARTER SCHOOL ELECTS TO ALLOW A QUALIFIED STUDENT OF THE DISTRICT CHARTER SCHOOL TO CONCURRENTLY ENROLL AS DESCRIBED IN SUBPARAGRAPH (I) OR (II) OF PARAGRAPH (a) OF THIS SUBSECTION (8), NOTHING IN THIS ARTICLE SHALL BE INTERPRETED TO ENTITLE THE DISTRICT CHARTER SCHOOL TO ANY MONEYS FROM THE SCHOOL DISTRICT OF THE DISTRICT CHARTER SCHOOL OTHER THAN THOSE MONEYS TO WHICH THE DISTRICT CHARTER SCHOOL IS ENTITLED PURSUANT TO THE PROVISIONS OF THIS TITLE.

(9) A STUDENT WHO CONCURRENTLY ENROLLS AT AN INSTITUTION OF HIGHER EDUCATION PURSUANT TO THIS ARTICLE SHALL NOT BE DISQUALIFIED OR OTHERWISE RENDERED INELIGIBLE FOR ANY STATE-BASED FINANCIAL ASSISTANCE FOR WHICH HE OR SHE WOULD OTHERWISE BE

ELIGIBLE AS AN ENTERING STUDENT AT THE INSTITUTION.

(10) (a) EACH PUBLIC INSTITUTION OF HIGHER EDUCATION IS STRONGLY ENCOURAGED TO ALLOW THE CONCURRENT ENROLLMENT OF QUALIFIED STUDENTS PURSUANT TO THIS ARTICLE.

(b) NOTHING IN THIS ARTICLE SHALL BE INTERPRETED TO REQUIRE AN INSTITUTION OF HIGHER EDUCATION TO ALLOW THE CONCURRENT ENROLLMENT OF QUALIFIED STUDENTS PURSUANT TO THIS ARTICLE OR TO REQUIRE AN INSTITUTION OF HIGHER EDUCATION TO ENTER INTO A COOPERATIVE AGREEMENT WITH A LOCAL EDUCATION PROVIDER; EXCEPT THAT AN INSTITUTION OF HIGHER EDUCATION THAT ELECTS TO ALLOW THE CONCURRENT ENROLLMENT OF A QUALIFIED STUDENT PURSUANT TO THIS ARTICLE SHALL ENTER INTO A COOPERATIVE AGREEMENT WITH THE LOCAL EDUCATION PROVIDER OF THE STUDENT AS DESCRIBED IN SUBSECTION (6) OF THIS SECTION.

(11) ON OR BEFORE JANUARY 1, 2010, THE DEPARTMENT SHALL EXPLORE STRATEGIES BY WHICH THE STATE MAY PROVIDE OPPORTUNITIES FOR CHILDREN WHO ARE PARTICIPATING IN A HOME-BASED EDUCATIONAL PROGRAM PURSUANT TO SECTION 22-33-104.5 TO PARTICIPATE IN A CONCURRENT ENROLLMENT PROGRAM.

(12) ON AND AFTER JULY 1, 2012, EXCEPT AS PROVIDED IN SECTION 22-35-110(4), THE CONCURRENT ENROLLMENT OF A STUDENT IS PROHIBITED EXCEPT AS PERMITTED BY THE PROVISIONS OF THIS ARTICLE.

22-35-105. Financial provisions - payment of tuition. (1) A COOPERATIVE AGREEMENT SHALL INCLUDE FINANCIAL PROVISIONS THAT SATISFY THE REQUIREMENTS OF THIS SECTION.

(2) IF A QUALIFIED STUDENT CONCURRENTLY ENROLLS IN A COURSE OFFERED BY AN INSTITUTION OF HIGHER EDUCATION, THE INSTITUTION SHALL BE RESPONSIBLE FOR COURSE CONTENT, PLACEMENT OF THE STUDENT IN THE COURSE, AND THE QUALITY OF INSTRUCTION. IN ADDITION, BECAUSE THE QUALIFIED STUDENT IS RECEIVING ACADEMIC CREDIT AT HIS OR HER LOCAL EDUCATION PROVIDER FOR THE COURSE PURSUANT TO SECTION 22-35-104 (5):

(a) THE QUALIFIED STUDENT SHALL BE INCLUDED IN THE FUNDED

PUPIL COUNT OF HIS OR HER SCHOOL DISTRICT OR, IN THE CASE OF A STUDENT ENROLLED IN AN INSTITUTE CHARTER SCHOOL, OF THE SCHOOL'S ACCOUNTING DISTRICT, PROVISIONS OF SECTION 22-54-103 (7); AND

(b) THE INSTITUTION OF HIGHER EDUCATION SHALL INCLUDE THE QUALIFIED STUDENT IN DETERMINING THE NUMBER OF FULL-TIME EQUIVALENT STUDENTS ENROLLED IN THE INSTITUTION PURSUANT TO THE PROVISIONS OF TITLE 23, C.R.S.

(3) (a) A COOPERATIVE AGREEMENT SHALL ESTABLISH THE TUITION RATE AT WHICH THE LOCAL EDUCATION PROVIDER SHALL PAY THE INSTITUTION OF HIGHER EDUCATION FOR ANY COURSES IN WHICH A QUALIFIED STUDENT OF THE LOCAL EDUCATION PROVIDER CONCURRENTLY ENROLLS AT THE INSTITUTION. THE TUITION RATE SHALL NOT EXCEED:

(I) FOR A COURSE OFFERED BY A PUBLIC COMMUNITY COLLEGE, A PUBLIC JUNIOR COLLEGE, OR AN AREA VOCATIONAL SCHOOL, THE STUDENT SHARE OF THE TUITION RATE ESTABLISHED FOR COLORADO RESIDENTS ENROLLED IN THE COURSE, WHICH TUITION RATE IS ESTABLISHED BY THE STATE BOARD FOR COMMUNITY COLLEGES AND OCCUPATIONAL EDUCATION PURSUANT TO SECTION 23-60-202 (1) (c) (I), C.R.S.; EXCEPT THAT, IF THE LOCAL EDUCATION PROVIDER IS LOCATED OUTSIDE THE BOUNDARIES OF EVERY COMMUNITY COLLEGE SERVICE AREA, AS ASSIGNED BY THE COMMISSION PURSUANT TO SECTION 23-60-207, C.R.S., THE TUITION RATE SHALL NOT EXCEED THE ACTUAL STUDENT SHARE OF THE RESIDENT TUITION RATE OF THE NEAREST COLORADO PUBLIC INSTITUTION OF HIGHER EDUCATION.

(II) FOR A COURSE OFFERED BY ANY OTHER INSTITUTION OF HIGHER EDUCATION, THE STUDENT SHARE OF THE TUITION RATE ESTABLISHED FOR COLORADO RESIDENTS ENROLLED IN A GENERAL STUDIES COURSE AT A COMMUNITY COLLEGE, WHICH TUITION RATE IS ESTABLISHED BY THE STATE BOARD FOR COMMUNITY COLLEGES AND OCCUPATIONAL EDUCATION PURSUANT TO SECTION 23-60-202 (1) (c) (I), C.R.S.; EXCEPT THAT, IF THE LOCAL EDUCATION PROVIDER IS LOCATED OUTSIDE THE BOUNDARIES OF EVERY COMMUNITY COLLEGE SERVICE AREA, AS ASSIGNED BY THE COMMISSION PURSUANT TO SECTION 23-60-207, C.R.S., THE TUITION RATE SHALL NOT EXCEED THE ACTUAL STUDENT SHARE OF THE RESIDENT TUITION RATE OF THE NEAREST COLORADO PUBLIC INSTITUTION OF HIGHER EDUCATION.

(b) NOTHING IN THIS SUBSECTION (3) SHALL BE INTERPRETED TO PROHIBIT AN INSTITUTION OF HIGHER EDUCATION FROM CHARGING TUITION OR ASSOCIATED FEES TO A QUALIFIED STUDENT OR HIS OR HER PARENT OR LEGAL GUARDIAN IN ADDITION TO THE TUITION PAID BY THE STUDENT'S LOCAL EDUCATION PROVIDER TO THE INSTITUTION PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (3).

(4) (a) BEFORE PAYING THE TUITION FOR A POSTSECONDARY COURSE IN WHICH A QUALIFIED STUDENT CONCURRENTLY ENROLLS, THE LOCAL EDUCATION PROVIDER OF THE HIGH SCHOOL IN WHICH THE QUALIFIED STUDENT IS ENROLLED SHALL REQUIRE THE QUALIFIED STUDENT AND HIS OR HER PARENT OR LEGAL GUARDIAN TO SIGN A DOCUMENT REQUIRING REPAYMENT OF THE AMOUNT OF TUITION PAID BY THE LOCAL EDUCATION PROVIDER FOR THE COURSE ON THE QUALIFIED STUDENT'S BEHALF IF THE QUALIFIED STUDENT DOES NOT COMPLETE THE POSTSECONDARY COURSE FOR ANY REASON WITHOUT THE CONSENT OF THE PRINCIPAL OF THE STUDENT'S HIGH SCHOOL.

(b) IF A QUALIFIED STUDENT CONCURRENTLY ENROLLED IN A LOCAL EDUCATION PROVIDER PAYS TUITION DOES NOT COMPLETE THE POSTSECONDARY COURSE FOR ANY REASON WITHOUT THE CONSENT OF THE PRINCIPAL OF THE HIGH SCHOOL IN WHICH THE QUALIFIED STUDENT IS ENROLLED, THE QUALIFIED STUDENT OR THE QUALIFIED STUDENT'S PARENT OR LEGAL GUARDIAN SHALL REIMBURSE THE LOCAL EDUCATION PROVIDER, AS PROVIDED IN THE DOCUMENT SIGNED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (4), FOR THE AMOUNT OF TUITION PAID BY THE LOCAL EDUCATION PROVIDER FOR THE COURSE.

(c) A LOCAL EDUCATION PROVIDER MAY ADOPT A POLICY THAT REQUIRES A QUALIFIED STUDENT AND HIS OR HER PARENT OR LEGAL GUARDIAN TO SIGN A DOCUMENT PRIOR TO THE STUDENT'S CONCURRENT ENROLLMENT IN A COLLEGE COURSE, WHICH DOCUMENT COMMITS THE STUDENT OR HIS OR HER PARENT OR LEGAL GUARDIAN TO REIMBURSE THE LOCAL EDUCATION PROVIDER FOR THE TUITION PAID BY THE LOCAL EDUCATION PROVIDER FOR THE COURSE IN THE EVENT THAT THE STUDENT RECEIVES A FAILING GRADE IN THE COURSE.

(5) A LOCAL EDUCATION PROVIDER AND AN INSTITUTION OF HIGHER EDUCATION MAY ELECT TO INCLUDE IN THEIR COOPERATIVE AGREEMENT OTHER FINANCIAL PROVISIONS THAT ARE NOT INCONSISTENT WITH THE

PROVISIONS OF THIS SECTION.

22-35-106. Transportation. A LOCAL EDUCATION PROVIDER OF A QUALIFIED STUDENT WHO IS CONCURRENTLY ENROLLED AT AN INSTITUTION OF HIGHER EDUCATION SHALL NOT BE REQUIRED TO PROVIDE OR PAY FOR TRANSPORTATION FOR THE QUALIFIED STUDENT TO OR FROM THE INSTITUTION.

22-35-107. Concurrent enrollment advisory board - created - membership - duties - reports - repeal. (1) THERE IS HEREBY CREATED WITHIN THE DEPARTMENT THE CONCURRENT ENROLLMENT ADVISORY BOARD. THE BOARD SHALL CONSIST OF MEMBERS APPOINTED AS PROVIDED IN THIS SECTION AND SHALL HAVE THE POWERS AND DUTIES SPECIFIED IN THIS SECTION. THE BOARD SHALL EXERCISE ITS POWERS AND PERFORM ITS DUTIES AND FUNCTIONS UNDER THE DEPARTMENT, THE COMMISSIONER OF EDUCATION, AND THE STATE BOARD AS IF THE SAME WERE TRANSFERRED TO THE DEPARTMENT BY A **TYPE 2** TRANSFER AS DEFINED IN THE "ADMINISTRATIVE ORGANIZATION ACT OF 1968", ARTICLE 1 OF TITLE 24, C.R.S.

(2) THE BOARD SHALL CONSIST OF THE FOLLOWING TEN MEMBERS:

(a) THREE REPRESENTATIVES FROM THE STATE SYSTEM OF ELEMENTARY AND SECONDARY EDUCATION APPOINTED BY THE COMMISSIONER OF EDUCATION, INCLUDING AT LEAST ONE MEMBER WHO REPRESENTS A RURAL PUBLIC SCHOOL OR SCHOOL DISTRICT AND AT LEAST ONE MEMBER WHO REPRESENTS A SCHOOL DISTRICT WHERE A RELATIVELY LOW PERCENTAGE OF RECENT HIGH SCHOOL GRADUATES HAVE ENROLLED IN INSTITUTIONS OF HIGHER EDUCATION;

(b) FOUR REPRESENTATIVES FROM THE STATE SYSTEMS OF HIGHER EDUCATION APPOINTED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HIGHER EDUCATION, INCLUDING AT LEAST TWO MEMBERS WHO REPRESENT THE COLORADO COMMUNITY COLLEGE SYSTEM, ONE MEMBER WHO REPRESENTS A PUBLIC, FOUR-YEAR INSTITUTION OF HIGHER EDUCATION, AND ONE MEMBER WHO REPRESENTS A LOCAL DISTRICT COLLEGE;

(c) THREE REPRESENTATIVES APPOINTED BY THE GOVERNOR, INCLUDING AT LEAST ONE MEMBER WHO HAS EXPERIENCE IN POSTSECONDARY STUDENT COUNSELING, STUDENT ADMISSIONS, AND

FINANCIAL AID AND AT LEAST ONE MEMBER WHO HAS EXPERIENCE IN PUBLIC BUDGETING AND FINANCE; AND

(d) THE DIRECTOR OF ACCREDITATION AND REGIONAL SERVICES WITHIN THE DEPARTMENT OR HIS OR HER DESIGNEE.

(3) EACH APPOINTING AUTHORITY SHALL MAKE ITS INITIAL APPOINTMENTS NO LATER THAN OCTOBER 1, 2009. EACH MEMBER OF THE BOARD SHALL SERVE AT THE PLEASURE OF THE MEMBER'S APPOINTING AUTHORITY FOR A TERM OF THREE YEARS. THE APPROPRIATE APPOINTING AUTHORITY SHALL FILL ANY VACANCIES ARISING DURING A MEMBER'S TERM ON THE BOARD.

(4) THE COMMISSIONER OF EDUCATION SHALL CALL THE FIRST MEETING OF THE BOARD TO BE HELD NO LATER THAN NOVEMBER 15, 2009. AT ITS FIRST MEETING, AND ANNUALLY THEREAFTER, THE BOARD SHALL SELECT FROM AMONG ITS MEMBERS A PERSON TO SERVE AS CHAIR OF THE BOARD. THE BOARD SHALL MEET UPON CALL OF THE CHAIR AS OFTEN AS NECESSARY TO ACCOMPLISH ITS DUTIES AS SPECIFIED IN THIS SECTION.

(5) THE BOARD MEMBERS SHALL SERVE WITHOUT COMPENSATION AND WITHOUT REIMBURSEMENT FOR EXPENSES. UPON REQUEST OF THE BOARD CHAIR, THE DEPARTMENT, TO THE EXTENT POSSIBLE WITHIN EXISTING RESOURCES, SHALL PROVIDE MEETING SPACE, EQUIPMENT, AND STAFF SERVICES AS MAY BE NECESSARY FOR THE BOARD TO CARRY OUT ITS DUTIES UNDER THIS SECTION.

(6) THE BOARD SHALL HAVE THE FOLLOWING DUTIES:

(a) ESTABLISHING GUIDELINES FOR THE ADMINISTRATION OF THE ASCENT PROGRAM PURSUANT TO SECTION 22-35-108 (4);

(b) ADVISING AND ASSISTING LOCAL EDUCATION PROVIDERS AND INSTITUTIONS OF HIGHER EDUCATION IN PREPARING COOPERATIVE AGREEMENTS;

(c) MAKING RECOMMENDATIONS AS NECESSARY TO THE GENERAL ASSEMBLY, THE STATE BOARD, AND THE COMMISSION CONCERNING THE IMPROVEMENT OR UPDATING OF STATE POLICIES RELATING TO CONCURRENT ENROLLMENT PROGRAMS, INCLUDING BUT NOT LIMITED TO

RECOMMENDATIONS OF POLICIES THAT WILL ALLOW EVERY LOCAL EDUCATION PROVIDER IN THE STATE TO HAVE ADEQUATE RESOURCES TO ENTER INTO AT LEAST ONE COOPERATIVE AGREEMENT; AND

(d) ON OR BEFORE DECEMBER 1, 2010, CONSIDERING AND MAKING RECOMMENDATIONS TO THE STATE BOARD AND THE EDUCATION COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND SENATE, OR ANY SUCCESSOR COMMITTEES, REGARDING THE FEASIBILITY OF A WAIVER PROCESS WHEREBY A QUALIFIED STUDENT COULD APPLY TO THE DEPARTMENT FOR A WAIVER OF CERTAIN PROVISIONS OF SECTION 22-35-108, WHICH WAIVER WOULD ALLOW THE STUDENT TO BE DESIGNATED BY THE DEPARTMENT AS AN ASCENT PROGRAM PARTICIPANT IN THE SECOND YEAR FOLLOWING THE YEAR IN WHICH HE OR SHE WAS ENROLLED IN THE TWELFTH GRADE OF A LOCAL EDUCATION PROVIDER SO LONG AS HE OR SHE:

(I) WAS SO DESIGNATED IN THE YEAR DIRECTLY FOLLOWING THE YEAR IN WHICH HE OR SHE WAS ENROLLED IN THE TWELFTH GRADE OF A LOCAL EDUCATION PROVIDER;

(II) REQUIRES FIFTEEN OR FEWER CREDIT HOURS OF POSTSECONDARY COURSE WORK TO ACHIEVE A POSTSECONDARY CREDENTIAL; AND

(III) IS ELIGIBLE FOR FREE OR REDUCED-COST LUNCH PURSUANT TO THE FEDERAL "NATIONAL SCHOOL LUNCH ACT", 42 U.S.C. SEC. 1751 ET SEQ.

(7) ON OR BEFORE DECEMBER 1, 2010, AND ON OR BEFORE DECEMBER 1 EACH YEAR THEREAFTER, THE BOARD SHALL PREPARE A REPORT AND SUBMIT IT TO THE STATE BOARD AND THE COMMISSION. THE REPORT, AT A MINIMUM, SHALL INCLUDE:

(a) ANY GUIDELINES THAT THE BOARD HAS ESTABLISHED PURSUANT TO PARAGRAPH (a) OF SUBSECTION (6) OF THIS SECTION; AND

(b) ANY RECOMMENDATIONS THAT THE BOARD MAKES PURSUANT TO PARAGRAPH (c) OF SUBSECTION (6) OF THIS SECTION.

(8) (a) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2019.

(b) PRIOR TO SAID REPEAL, THE BOARD SHALL BE REVIEWED AS PROVIDED IN SECTION 2-3-1203, C.R.S.

22-35-108. Accelerating students through concurrent enrollment program - objectives - selection criteria - rules - repeal. (1) (a) THERE IS HEREBY ESTABLISHED THE ACCELERATING STUDENTS THROUGH CONCURRENT ENROLLMENT PROGRAM. BEGINNING IN THE 2010-11 SCHOOL YEAR, THE DEPARTMENT SHALL ADMINISTER THE ASCENT PROGRAM PURSUANT TO THE PROVISIONS OF THIS SECTION AND POLICIES ESTABLISHED BY RULES PROMULGATED BY THE BOARD PURSUANT TO SUBSECTION (4) OF THIS SECTION. THE OBJECTIVES OF THE ASCENT PROGRAM ARE TO:

(I) INCREASE THE PERCENTAGE OF STUDENTS WHO PARTICIPATE IN POSTSECONDARY EDUCATION, ESPECIALLY AMONG LOW-INCOME AND TRADITIONALLY UNDERSERVED POPULATIONS;

(II) DECREASE THE NUMBER OF STUDENTS WHO DO NOT COMPLETE HIGH SCHOOL;

(III) DECREASE THE AMOUNT OF TIME THAT IS REQUIRED FOR A STUDENT TO COMPLETE A POSTSECONDARY DEGREE;

(IV) REDUCE STATE EXPENDITURES FOR PUBLIC EDUCATION; AND

(V) INCREASE THE NUMBER OF EDUCATIONAL PATHWAYS AVAILABLE TO STUDENTS.

(b) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, A QUALIFIED STUDENT WHO IS DESIGNATED BY THE DEPARTMENT TO BE AN ASCENT PROGRAM PARTICIPANT PURSUANT TO SUBSECTION (2) OF THIS SECTION MAY CONCURRENTLY ENROLL IN COLLEGE COURSES IN THE YEAR DIRECTLY FOLLOWING THE YEAR IN WHICH HE OR SHE WAS ENROLLED IN THE TWELFTH GRADE OF A LOCAL EDUCATION PROVIDER.

(2) (a) SUBJECT TO AVAILABLE APPROPRIATIONS AND THE DETERMINATIONS OF THE STATE BOARD PURSUANT TO SUBPARAGRAPH (III) OF PARAGRAPH (c) OF THIS SUBSECTION (2), THE DEPARTMENT MAY DESIGNATE AS AN ASCENT PROGRAM PARTICIPANT ANY QUALIFIED STUDENT WHO:

(I) HAS COMPLETED OR IS ON SCHEDULE TO COMPLETE AT LEAST TWELVE CREDIT HOURS OF POSTSECONDARY COURSE WORK PRIOR TO THE COMPLETION OF HIS OR HER TWELFTH-GRADE YEAR;

(II) IS NOT IN NEED OF A BASIC SKILLS COURSE;

(III) HAS BEEN SELECTED FOR PARTICIPATION IN THE ASCENT PROGRAM BY HIS OR HER HIGH SCHOOL PRINCIPAL OR EQUIVALENT SCHOOL ADMINISTRATOR;

(IV) HAS BEEN ACCEPTED INTO A POSTSECONDARY DEGREE PROGRAM AT AN INSTITUTION OF HIGHER EDUCATION;

(V) HAS SATISFIED ANY OTHER SELECTION CRITERIA ESTABLISHED BY GUIDELINES ESTABLISHED BY THE BOARD PURSUANT TO SUBSECTION (4) OF THIS SECTION; AND

(VI) HAS NOT BEEN DESIGNATED AN ASCENT PROGRAM PARTICIPANT IN ANY PRIOR YEAR.

(b) (I) IN DESIGNATING ASCENT PROGRAM PARTICIPANTS, THE DEPARTMENT SHALL GIVE PRIORITY TO ANY QUALIFIED STUDENT WHO SATISFIES THE REQUIREMENTS DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (2) AND IS PARTICIPATING IN THE FAST COLLEGE FAST JOBS PILOT PROGRAM PURSUANT TO SECTION 22-35.5-104 AS SUCH SECTION EXISTED PRIOR TO THE EFFECTIVE DATE OF THIS ARTICLE, AS AMENDED.

(II) THIS PARAGRAPH (b) IS REPEALED, EFFECTIVE JULY 1, 2012.

(c) (I) ON OR BEFORE SEPTEMBER 1, 2009, AND ON OR BEFORE SEPTEMBER 1 EACH YEAR THEREAFTER, EACH LOCAL EDUCATION PROVIDER SHALL SUBMIT TO THE DEPARTMENT AND THE STATE BOARD AN ESTIMATE OF THE NUMBER OF STUDENTS IN THE LOCAL EDUCATION PROVIDER WHO WILL SEEK TO BE DESIGNATED BY THE DEPARTMENT AS ASCENT PROGRAM PARTICIPANTS FOR THE FOLLOWING SCHOOL YEAR.

(II) THE DEPARTMENT, AS PART OF ITS ANNUAL BUDGET REQUEST TO THE GENERAL ASSEMBLY, SHALL REPORT THE TOTAL NUMBER OF STUDENTS WHO HAVE BEEN IDENTIFIED BY LOCAL EDUCATION PROVIDERS AS POTENTIAL ASCENT PROGRAM PARTICIPANTS FOR THE FOLLOWING SCHOOL YEAR.

(III) ON OR BEFORE JUNE 1, 2010, AND ON OR BEFORE JUNE 1 EACH YEAR THEREAFTER, THE STATE BOARD OF EDUCATION SHALL DETERMINE AND REPORT TO THE DEPARTMENT HOW MANY QUALIFIED STUDENTS THE

DEPARTMENT MAY DESIGNATE AS ASCENT PROGRAM PARTICIPANTS FROM EACH LOCAL EDUCATION PROVIDER FOR THE FOLLOWING SCHOOL YEAR.

(3) THE LOCAL EDUCATION PROVIDER OF A QUALIFIED STUDENT WHO IS DESIGNATED BY THE DEPARTMENT AS AN ASCENT PROGRAM PARTICIPANT MAY INCLUDE THE STUDENT IN THE DISTRICT'S FUNDED PUPIL COUNT, OR, IN THE CASE OF A STUDENT ENROLLED IN AN INSTITUTE CHARTER SCHOOL, IN THE SCHOOL'S ACCOUNTING DISTRICT, AS PROVIDED IN SECTION 22-54-103 (7).

(4) THE BOARD SHALL ESTABLISH GUIDELINES FOR THE ADMINISTRATION OF THE ASCENT PROGRAM, INCLUDING BUT NOT LIMITED TO SELECTION CRITERIA THAT THE DEPARTMENT MAY USE PURSUANT TO SUBPARAGRAPH (V) OF PARAGRAPH (a) OF SUBSECTION (2) OF THIS SECTION TO DESIGNATE QUALIFIED STUDENTS AS ASCENT PROGRAM PARTICIPANTS.

(5) FOR THE PURPOSES OF PART 6 OF ARTICLE 7 OF THIS TITLE CONCERNING SCHOOL ACCOUNTABILITY REPORTS, THE DEPARTMENT SHALL INCLUDE ASCENT PROGRAM PARTICIPANTS IN THE REPORTING REQUIREMENTS, REGARDLESS OF WHETHER AN ASCENT PROGRAM PARTICIPANT HAS COMPLETED HIS OR HER GRADUATION REQUIREMENTS.

(6) (a) A QUALIFIED STUDENT WHO IS DESIGNATED BY THE DEPARTMENT AS AN ASCENT PROGRAM PARTICIPANT SHALL NOT BE CONSIDERED A HIGH SCHOOL GRADUATE UNTIL HE OR SHE HAS COMPLETED HIS OR HER PARTICIPATION IN THE ASCENT PROGRAM AND ANY REMAINING GRADUATION REQUIREMENTS SPECIFIED BY HIS OR HER HIGH SCHOOL ADMINISTRATION.

(b) ON OR BEFORE JUNE 1, 2010, THE STATE BOARD OF EDUCATION SHALL PROMULGATE RULES FOR SCHOOLS AND SCHOOL DISTRICTS TO FOLLOW IN SATISFYING STATE AND FEDERAL REPORTING REQUIREMENTS CONCERNING THE ENROLLMENT STATUS OF ASCENT PROGRAM PARTICIPANTS. TO THE EXTENT PRACTICABLE, THE RULES SHALL ENSURE THAT SCHOOLS AND SCHOOL DISTRICTS ARE NOT ADVERSELY AFFECTED IN CALCULATING AND REPORTING THE COMPLETION OF HIGH SCHOOL GRADUATION REQUIREMENTS BY QUALIFIED STUDENTS WHO HAVE BEEN DESIGNATED BY THE DEPARTMENT AS ASCENT PROGRAM PARTICIPANTS. THE RULES SHALL INCLUDE, AT A MINIMUM, REPORTING REQUIREMENTS RELATING TO:

(I) THE PROVISIONS OF ARTICLE 7 OF THIS TITLE CONCERNING EDUCATIONAL ACCOUNTABILITY; AND

(II) THE PROVISIONS OF ARTICLE 11 OF THIS TITLE CONCERNING EDUCATIONAL ACCREDITATION.

22-35-109. Institution of higher education - enrollment - limitations. (1) AN INSTITUTION OF HIGHER EDUCATION TO WHICH A QUALIFIED STUDENT APPLIES FOR CONCURRENT ENROLLMENT MAY ALLOW THE STUDENT TO ENROLL IN COURSES OFFERED BY THE INSTITUTION. AN INSTITUTION OF HIGHER EDUCATION MAY LIMIT THE NUMBER OF QUALIFIED STUDENTS THAT THE INSTITUTION ALLOWS TO ENROLL.

(2) IF AN INSTITUTION OF HIGHER EDUCATION REFUSES TO ALLOW A QUALIFIED STUDENT TO CONCURRENTLY ENROLL, THE INSTITUTION SHALL PROVIDE A WRITTEN EXPLANATION OF ITS REFUSAL TO THE STUDENT AND THE STUDENT'S LOCAL EDUCATION PROVIDER.

22-35-110. Exclusions - repeal. (1) THE PROVISIONS OF THIS ARTICLE SHALL NOT APPLY TO ANY COURSE THAT IS OFFERED AS PART OF A PROGRAM OF OFF-CAMPUS INSTRUCTION ESTABLISHED PURSUANT TO SECTION 23-1-109, C.R.S.

(2) NOTHING IN THIS ARTICLE SHALL BE CONSTRUED TO RESTRICT THE ABILITY OF AN INSTITUTION OF HIGHER EDUCATION TO INDEPENDENTLY OFFER COURSES FOR COLLEGE CREDIT OUTSIDE OF THE REGULAR SCHOOL DAY USING SCHOOL DISTRICT FACILITIES.

(3) (a) NOTHING IN THIS ARTICLE SHALL BE CONSTRUED TO ABROGATE OBLIGATIONS ASSUMED BY A LOCAL EDUCATION PROVIDER OR AN INSTITUTION OF HIGHER EDUCATION PURSUANT TO THE HIGH SCHOOL FAST TRACK PROGRAM, ARTICLE 34 OF THIS TITLE; THE "POSTSECONDARY ENROLLMENT OPTIONS ACT", ARTICLE 35 OF THIS TITLE; OR THE "FAST COLLEGE FAST JOBS ACT", ARTICLE 35.5 OF THIS TITLE, AS SAID ARTICLES EXISTED PRIOR TO THE EFFECTIVE DATE OF THIS ARTICLE, AS AMENDED, WHICH OBLIGATIONS ENABLED A HIGH SCHOOL STUDENT TO ENROLL IN POSTSECONDARY COURSES PURSUANT TO THE PROVISIONS OF SAID ARTICLES.

(b) THIS SUBSECTION (3) IS REPEALED, EFFECTIVE JUNE 30, 2012.

(4) THE PROVISIONS OF THIS ARTICLE SHALL NOT APPLY TO AN EARLY COLLEGE.

22-35-111. Rules. (1) ON OR BEFORE JULY 1, 2010, THE STATE BOARD SHALL PROMULGATE RULES PURSUANT TO THE "STATE ADMINISTRATIVE PROCEDURE ACT", ARTICLE 4 OF TITLE 24, C.R.S., FOR THE ADMINISTRATION OF THIS ARTICLE. THE RULES, AT A MINIMUM, SHALL ESTABLISH:

(a) GUIDELINES FOR LOCAL EDUCATION PROVIDERS TO USE IN CREATING STANDARD CONCURRENT ENROLLMENT APPLICATION FORMS, AS DESCRIBED IN SECTION 22-35-104 (2) (c); AND

(b) GUIDELINES FOR PRINCIPALS, COUNSELORS, AND TEACHER ADVISORS TO USE IN APPROVING OR DISAPPROVING ACADEMIC PLANS OF STUDY, AS DESCRIBED IN SECTION 22-35-104 (3).

22-35-112. Reports - repeal. (1) (a) UPON REQUEST BY THE DEPARTMENT, A LOCAL EDUCATION PROVIDER SHALL SUBMIT TO THE DEPARTMENT ANY DATA THAT THE DEPARTMENT REASONABLY REQUIRES FOR THE PURPOSE OF PREPARING AND SUBMITTING THE REPORTS DESCRIBED IN SUBSECTION (2) OF THIS SECTION. IN SUBMITTING DATA TO THE DEPARTMENT, EACH LOCAL EDUCATION PROVIDER SHALL USE WHENEVER POSSIBLE THE STATE DATA REPORTING SYSTEM DESCRIBED IN SECTION 22-7-603. THE DEPARTMENT SHALL SEEK TO MINIMIZE AND ELIMINATE THE DUPLICATION OF DATA REPORTING REQUIRED UNDER THIS PARAGRAPH (a). THE DEPARTMENT IN PARTICULAR SHALL NOTE THE DATA COLLECTION AND REPORTING ALREADY REQUIRED AND CONDUCTED BY THE DEPARTMENT, PUBLIC SCHOOLS, AND LOCAL EDUCATION PROVIDERS.

(b) UPON REQUEST BY THE DEPARTMENT OF HIGHER EDUCATION, AN INSTITUTION OF HIGHER EDUCATION SHALL SUBMIT TO THE DEPARTMENT OF HIGHER EDUCATION ANY DATA THAT THE DEPARTMENT OF HIGHER EDUCATION REASONABLY REQUIRES FOR THE PURPOSE OF PREPARING AND SUBMITTING THE REPORTS DESCRIBED IN SUBSECTION (2) OF THIS SECTION.

(2) ON OR BEFORE FEBRUARY 1, 2011, AND ON OR BEFORE FEBRUARY 1 EACH YEAR THEREAFTER, THE DEPARTMENT AND THE DEPARTMENT OF HIGHER EDUCATION SHALL COLLABORATE TO PREPARE AND SUBMIT TO THE EDUCATION COMMITTEES OF THE SENATE AND HOUSE OF REPRESENTATIVES,

OR ANY SUCCESSOR COMMITTEES, A REPORT CONCERNING THE CONCURRENT ENROLLMENT OF QUALIFIED STUDENTS IN COLLEGE EDUCATION COURSES. THE REPORT SHALL INCLUDE, BUT NEED NOT BE LIMITED TO:

(a) THE NUMBER AND NAMES OF SCHOOL DISTRICTS AND INSTITUTIONS OF HIGHER EDUCATION THAT HAVE ENTERED INTO COOPERATIVE AGREEMENTS;

(b) THE NUMBER OF QUALIFIED STUDENTS WHO PARTICIPATED IN A CONCURRENT ENROLLMENT PROGRAM IN THE PREVIOUS SCHOOL YEAR, INCLUDING SUBTOTALS FOR EACH SCHOOL DISTRICT AND EACH INSTITUTION OF HIGHER EDUCATION;

(c) DEMOGRAPHIC INFORMATION ABOUT QUALIFIED STUDENTS WHO PARTICIPATED IN A CONCURRENT ENROLLMENT PROGRAM IN THE PREVIOUS SCHOOL YEAR;

(d) THE TOTAL NUMBER OF CREDIT HOURS COMPLETED AT EACH INSTITUTION OF HIGHER EDUCATION BY QUALIFIED STUDENTS WHO PARTICIPATED IN A CONCURRENT ENROLLMENT PROGRAM IN THE PREVIOUS SCHOOL YEAR;

(e) THE TOTAL NUMBER OF BASIC SKILLS COURSES COMPLETED AT EACH INSTITUTION OF HIGHER EDUCATION IN THE PREVIOUS SCHOOL YEAR BY QUALIFIED STUDENTS PARTICIPATING IN A CONCURRENT ENROLLMENT PROGRAM;

(f) THE TOTAL TUITION COSTS PAID BY LOCAL EDUCATION PROVIDERS TO INSTITUTIONS OF HIGHER EDUCATION IN THE PREVIOUS SCHOOL YEAR ON BEHALF OF QUALIFIED STUDENTS WHO PARTICIPATED IN CONCURRENT ENROLLMENT PROGRAMS IN THE PREVIOUS SCHOOL YEAR, INCLUDING SUBTOTALS FOR EACH LOCAL EDUCATION PROVIDER AND EACH INSTITUTION OF HIGHER EDUCATION;

(g) THE TOTAL NUMBER OF QUALIFIED STUDENTS DESIGNATED BY THE DEPARTMENT AS ASCENT PROGRAM PARTICIPANTS IN THE PREVIOUS SCHOOL YEAR;

(h) THE POSTSECONDARY DEGREE PROGRAMS IN WHICH ASCENT PROGRAM PARTICIPANTS WERE CONCURRENTLY ENROLLED IN THE PREVIOUS

SCHOOL YEAR, INCLUDING SUBTOTALS INDICATING HOW MANY ASCENT PROGRAM PARTICIPANTS CONCURRENTLY ENROLLED IN EACH POSTSECONDARY DEGREE PROGRAM;

(i) DATA INDICATING THE TOTAL NUMBER AND PERCENTAGES OF QUALIFIED STUDENTS WHO FAILED TO COMPLETE AT LEAST ONE COLLEGE COURSE IN WHICH THEY CONCURRENTLY ENROLLED;

(j) TO THE EXTENT POSSIBLE, DATA INDICATING THE TOTAL NUMBER AND PERCENTAGE OF QUALIFIED STUDENTS WHO CONCURRENTLY ENROLLED IN COLLEGE COURSES WHO HAVE COMPLETED A POSTSECONDARY DEGREE; AND

(k) (I) THE RESULTS OF THE DEPARTMENT'S EXPLORATION, PURSUANT TO SECTION 22-35-104 (10), OF STRATEGIES BY WHICH THE STATE MAY PROVIDE OPPORTUNITIES FOR CHILDREN WHO ARE PARTICIPATING IN A HOME-BASED EDUCATIONAL PROGRAM AS DESCRIBED IN SECTION 22-33-104.5 TO PARTICIPATE IN A CONCURRENT ENROLLMENT PROGRAM.

(II) THIS PARAGRAPH (k) IS REPEALED, EFFECTIVE FEBRUARY 2, 2011.

(3) THE REPORTS DESCRIBED IN SUBSECTION (2) OF THIS SECTION MAY INCLUDE QUANTITATIVE AND QUALITATIVE ANALYSES CONCERNING STUDENT AND ADMINISTRATOR ATTITUDES AND BEHAVIORS, PROGRAM COSTS AND PRODUCTIVITY, ACADEMIC AND ADMINISTRATIVE POLICIES, PROGRAM AVAILABILITY AND VARIETY, OR ANY OBJECTIVES OF THE ASCENT PROGRAM DESCRIBED IN SECTION 22-35-108 (1), WHICH STUDIES MAY BE PREPARED BY A PARTY OTHER THAN THE DEPARTMENT OR THE DEPARTMENT OF HIGHER EDUCATION.

SECTION 2. 2-3-1203 (3), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

2-3-1203. Sunset review of advisory committees. (3) The following dates are the dates for which the statutory authorization for the designated advisory committees is scheduled for repeal:

(ff) JULY 1, 2019: THE CONCURRENT ENROLLMENT ADVISORY BOARD CREATED IN SECTION 22-35-107, C.R.S.

SECTION 3. 22-2-103 (1) (g) and (1) (h), Colorado Revised Statutes, are amended, and the said 22-2-103 is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

22-2-103. Department of education. (1) The department of education shall include the following:

(g) The facility schools unit; and

(h) The facility schools board; AND

(k) THE CONCURRENT ENROLLMENT ADVISORY BOARD CREATED IN SECTION 22-35-107.

SECTION 4. 22-11-104 (2) (e), Colorado Revised Statutes, is amended to read:

22-11-104. Accreditation. (2) **Contents.** The accreditation indicators shall include but shall not be limited to the following:

(e) The percentage of students taking advanced placement courses, students enrolled in an international baccalaureate diploma program, or students enrolled in an institution of higher education pursuant to the "~~Postsecondary Enrollment Options Act~~" "CONCURRENT ENROLLMENT PROGRAMS ACT", ARTICLE 35 OF THIS TITLE;

SECTION 5. 22-54-103, Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to read:

22-54-103. Definitions - repeal. As used in this article, unless the context otherwise requires:

(1.4) "ASCENT PROGRAM" MEANS THE ACCELERATING STUDENTS THROUGH CONCURRENT ENROLLMENT PROGRAM CREATED IN SECTION 22-35-108.

(5.2) "DISTRICT ASCENT PROGRAM PUPIL ENROLLMENT" MEANS THE NUMBER OF PUPILS, ON OCTOBER 1 WITHIN THE APPLICABLE BUDGET YEAR OR THE SCHOOL DAY NEAREST SAID DATE, WHO ARE CONCURRENTLY ENROLLED IN A COLLEGE COURSE AS A PARTICIPANT IN THE ASCENT

PROGRAM. AN ASCENT PROGRAM PARTICIPANT WHO IS ENROLLED IN AT LEAST TWELVE CREDIT HOURS OF HIGHER EDUCATION COURSES AS OF OCTOBER 1 OF THE APPLICABLE BUDGET YEAR SHALL BE INCLUDED IN THE DISTRICT ASCENT PROGRAM PUPIL ENROLLMENT AS A FULL-TIME PUPIL. AN ASCENT PROGRAM PARTICIPANT WHO IS ENROLLED IN LESS THAN TWELVE CREDIT HOURS OF HIGHER EDUCATION COURSES AS OF OCTOBER 1 OF THE APPLICABLE BUDGET YEAR SHALL BE INCLUDED IN THE DISTRICT ASCENT PROGRAM PUPIL ENROLLMENT AS A PART-TIME PUPIL.

SECTION 6. The introductory portion to 22-54-103 (7) (d) (I) and 22-54-103 (10) (e.7) and (10) (f), Colorado Revised Statutes, are amended, and the said 22-54-103 (7) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

22-54-103. Definitions - repeal. As used in this article, unless the context otherwise requires:

(7) "Funded pupil count" means:

(d) (I) For budget years commencing on and after July 1, 2008, BUT PRIOR TO JULY 1, 2009, the district's on-line pupil enrollment for the applicable budget year plus the district's preschool program enrollment for the applicable budget year plus the district's supplemental kindergarten enrollment for the applicable budget year plus the greater of:

(e) (I) FOR BUDGET YEARS COMMENCING ON AND AFTER JULY 1, 2009, THE DISTRICT'S ON-LINE PUPIL ENROLLMENT FOR THE APPLICABLE BUDGET YEAR PLUS THE DISTRICT'S PRESCHOOL PROGRAM ENROLLMENT FOR THE APPLICABLE BUDGET YEAR PLUS THE DISTRICT'S SUPPLEMENTAL KINDERGARTEN ENROLLMENT FOR THE APPLICABLE BUDGET YEAR PLUS THE DISTRICT'S ASCENT PROGRAM PUPIL ENROLLMENT FOR THE APPLICABLE BUDGET YEAR, PLUS THE GREATER OF:

(A) THE DISTRICT'S PUPIL ENROLLMENT FOR THE APPLICABLE BUDGET YEAR; OR

(B) THE AVERAGE OF THE DISTRICT'S PUPIL ENROLLMENT FOR THE APPLICABLE BUDGET YEAR AND THE DISTRICT'S PUPIL ENROLLMENT FOR THE IMMEDIATELY PRECEDING BUDGET YEAR; OR

(C) THE AVERAGE OF THE DISTRICT'S PUPIL ENROLLMENT FOR THE APPLICABLE BUDGET YEAR AND THE DISTRICT'S PUPIL ENROLLMENT FOR THE TWO IMMEDIATELY PRECEDING BUDGET YEARS; OR

(D) THE AVERAGE OF THE DISTRICT'S PUPIL ENROLLMENT FOR THE APPLICABLE BUDGET YEAR AND THE DISTRICT'S PUPIL ENROLLMENT FOR THE THREE IMMEDIATELY PRECEDING BUDGET YEARS; OR

(E) THE AVERAGE OF THE DISTRICT'S PUPIL ENROLLMENT FOR THE APPLICABLE BUDGET YEAR AND THE DISTRICT'S PUPIL ENROLLMENT FOR THE FOUR IMMEDIATELY PRECEDING BUDGET YEARS.

(II) NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, FOR PURPOSES OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (e), A DISTRICT'S FUNDED PUPIL COUNT SHALL INCLUDE THE CERTIFIED PUPIL ENROLLMENT AND ON-LINE PUPIL ENROLLMENT OF EACH OPERATING INSTITUTE CHARTER SCHOOL FOR WHICH THE DISTRICT IS THE ACCOUNTING DISTRICT. THE DEPARTMENT OF EDUCATION SHALL ADD THE INSTITUTE CHARTER SCHOOL'S CERTIFIED PUPIL ENROLLMENT AND ON-LINE PUPIL ENROLLMENT TO THE FUNDED PUPIL COUNT OF THE DISTRICT PRIOR TO CALCULATING THE DISTRICT'S TOTAL PROGRAM PURSUANT TO SECTION 22-54-104.

(III) (A) NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, FOR PURPOSES OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (e), FOR THE 2005-06, 2006-07, AND 2007-08 BUDGET YEARS, A DISTRICT'S PUPIL ENROLLMENT SHALL NOT INCLUDE A PUPIL WHO WAS PLACED IN A FACILITY, AS DEFINED IN SECTION 22-54-129 (1) (c), AND RECEIVED SERVICES THROUGH AN APPROVED FACILITY SCHOOL, AS DEFINED IN SECTION 22-54-129 (1) (a).

(B) THIS SUBPARAGRAPH (III) IS REPEALED, EFFECTIVE JULY 1, 2012.

(IV) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT FOR THE PURPOSES OF SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION, AVERAGING A DISTRICT'S PUPIL ENROLLMENT FOR THE APPLICABLE BUDGET YEAR AND THE DISTRICT'S PUPIL ENROLLMENT FOR THE FOUR IMMEDIATELY PRECEDING BUDGET YEARS PURSUANT TO SUB-SUBPARAGRAPH (E) OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (e) IS A PROGRAM FOR ACCOUNTABLE EDUCATION REFORM AND MAY THEREFORE RECEIVE FUNDING FROM THE STATE EDUCATION FUND CREATED IN SECTION 17 (4) OF ARTICLE IX OF THE STATE CONSTITUTION.

~~(10) (e.7) A pupil who is enrolled in a fast college fast jobs education program pursuant to article 35.5 of this title and who is enrolled in at least twelve credit hours of higher education courses as of October 1 of the applicable budget year shall be included in the district's pupil enrollment as an eighty-five-percent-time pupil.~~

(f) In certifying the district's pupil enrollment to the state board pursuant to the provisions of section 22-54-112, the district shall specify the number of pupils enrolled in half-day kindergarten; the number of pupils enrolled in first grade through twelfth grade, specifying those who are enrolled as full-time pupils and those who are enrolled as less than full-time pupils; the number of expelled pupils receiving educational services pursuant to section 22-33-203; the number of pupils enrolled in the district's preschool program; the number of pupils receiving educational programs under the "Exceptional Children's Educational Act", article 20 of this title; the number of at-risk pupils. ~~and the number of pupils enrolled in at least twelve credit hours of higher education courses as of October 1 of the applicable budget year through a fast college fast jobs education program pursuant to article 35.5 of this title.~~

SECTION 7. The introductory portion to 22-54-104 (2) (a) (VIII), Colorado Revised Statutes, is amended, and the said 22-54-104 (2) (a) is further amended BY THE ADDITION OF A NEW SUBPARAGRAPH, to read:

22-54-104. District total program. (2) (a) (VIII) Except as otherwise provided in this subsection (2), subsection (6) of this section, or section 22-54-104.3, a district's total program for the 2007-08 budget year ~~and budget years thereafter~~ AND THE 2008-09 BUDGET YEAR shall be the greater of the following:

(IX) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION (2), SUBSECTION (6) OF THIS SECTION, OR SECTION 22-54-104.3, A DISTRICT'S TOTAL PROGRAM FOR THE 2009-10 BUDGET YEAR AND BUDGET YEARS THEREAFTER SHALL BE THE GREATER OF THE FOLLOWING:

(A) (DISTRICT PER PUPIL FUNDING X (DISTRICT FUNDED PUPIL COUNT - DISTRICT ON-LINE PUPIL ENROLLMENT - DISTRICT ASCENT PROGRAM PUPIL ENROLLMENT)) + DISTRICT AT-RISK FUNDING + DISTRICT ON-LINE FUNDING + DISTRICT ASCENT PROGRAM FUNDING; OR

(B) (MINIMUM PER PUPIL FUNDING X (DISTRICT FUNDED PUPIL COUNT - DISTRICT ON-LINE PUPIL ENROLLMENT - DISTRICT ASCENT PROGRAM PUPIL ENROLLMENT)) + DISTRICT ON-LINE FUNDING + DISTRICT ASCENT PROGRAM FUNDING.

SECTION 8. 22-54-104 (3.5) (d) (II) (A), Colorado Revised Statutes, is amended, and the said 22-54-104 (3.5) (d) is further amended BY THE ADDITION OF A NEW SUBPARAGRAPH, to read:

22-54-104. District total program. (3.5) Minimum per pupil funding shall be:

(d) (II) (A) As used in this subsection (3.5), FOR THE 2008-09 BUDGET YEAR, "minimum per pupil funding base" means the total of the calculation specified in sub-subparagraph (B) of this subparagraph (II) for all districts for the budget year divided by the statewide funded pupil count minus the statewide on-line pupil enrollment, for said budget year.

(III) (A) AS USED IN THIS SUBSECTION (3.5), FOR THE 2009-10 BUDGET YEAR AND BUDGET YEARS THEREAFTER, "MINIMUM PER PUPIL FUNDING BASE" MEANS THE TOTAL OF THE CALCULATION SPECIFIED IN SUB-SUBPARAGRAPH (B) OF THIS SUBPARAGRAPH (III) FOR ALL DISTRICTS FOR THE BUDGET YEAR DIVIDED BY THE STATEWIDE FUNDED PUPIL COUNT MINUS THE STATEWIDE ON-LINE PUPIL ENROLLMENT AND MINUS THE STATEWIDE ASCENT PROGRAM PUPIL ENROLLMENT, FOR SAID BUDGET YEAR.

(B) THE FOLLOWING CALCULATION SHALL BE USED FOR THE PURPOSE OF DETERMINING THE MINIMUM PER PUPIL FUNDING BASE PURSUANT TO THIS SUBPARAGRAPH (III):

(DISTRICT PER PUPIL FUNDING X (DISTRICT FUNDED PUPIL COUNT - DISTRICT ON-LINE PUPIL ENROLLMENT - DISTRICT ASCENT PROGRAM PUPIL ENROLLMENT)) + DISTRICT AT-RISK FUNDING.

SECTION 9. 22-54-104, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

22-54-104. District total program. (4.7) (a) FOR THE 2009-10

BUDGET YEAR AND BUDGET YEARS THEREAFTER, A DISTRICT'S ASCENT PROGRAM FUNDING SHALL BE DETERMINED IN ACCORDANCE WITH THE FOLLOWING FORMULA:

(DISTRICT ASCENT PROGRAM PUPIL ENROLLMENT X \$6,135,
OR AN AMOUNT DETERMINED PURSUANT TO PARAGRAPH (b) OF
THIS SUBSECTION (4.7))

(b) FOR THE 2010-11 BUDGET YEAR AND BUDGET YEARS THEREAFTER, THE DOLLAR AMOUNT SET FORTH IN PARAGRAPH (a) OF THIS SUBSECTION (4.7) SHALL BE INCREASED BY THE PERCENTAGE BY WHICH THE STATEWIDE BASE PER PUPIL FUNDING FOR THAT BUDGET YEAR, AS SPECIFIED IN PARAGRAPH (a) OF SUBSECTION (5) OF THIS SECTION, IS INCREASED OVER THE STATEWIDE BASE PER PUPIL FUNDING FOR THE 2007-08 BUDGET YEAR, AS SPECIFIED IN SUBPARAGRAPH (XIV) OF PARAGRAPH (a) OF SUBSECTION (5) OF THIS SECTION. THE AMOUNT SHALL BE ROUNDED TO THE NEAREST DOLLAR.

SECTION 10. 22-54-112 (2) (a), Colorado Revised Statutes, is amended to read:

22-54-112. Reports to the state board. (2) (a) On or before November 10 of each year, the secretary of the board of education of each district shall certify to the state board the pupil enrollment, the on-line pupil enrollment, THE ASCENT PROGRAM PUPIL ENROLLMENT, and the preschool and kindergarten program enrollment of the district taken in the preceding October or previously in November.

SECTION 11. 23-18-202 (5) (c) (I) (B) and (5) (f), Colorado Revised Statutes, are amended, and the said 23-18-202 (5) (c) is further amended BY THE ADDITION OF A NEW SUBPARAGRAPH, to read:

23-18-202. College opportunity fund - appropriations - payment of stipends - reimbursement. (5) (c) (I) An eligible undergraduate student shall not receive a stipend from the college opportunity fund for more than one hundred forty-five credit hours during the eligible undergraduate student's lifetime; except that:

(B) For credit hours initiated on or after July 1, 2006, an eligible undergraduate student may receive stipend payments for basic skills courses, as defined in section 23-1-113 (1) (b) (II) (A.7) AND courses taken pursuant

to the ~~"Postsecondary Enrollment Options Act", article 35 of title 22, C.R.S., and high school fast-track courses taken pursuant to section 22-34-101, C.R.S.~~ "CONCURRENT ENROLLMENT PROGRAMS ACT", ARTICLE 35 OF TITLE 22, C.R.S. FOR A STUDENT WHO ENROLLS IN A COURSE AT AN INSTITUTION OF HIGHER EDUCATION PURSUANT TO THE "CONCURRENT ENROLLMENT PROGRAMS ACT", ARTICLE 35 OF TITLE 22, C.R.S., THE STUDENT LOAN DIVISION IN THE DEPARTMENT SHALL RECORD THE STUDENT'S UNIQUELY IDENTIFYING STUDENT NUMBER BEFORE SUBMITTING A STIPEND PAYMENT ON BEHALF OF THE STUDENT. Stipend payments received for the basic skills courses specified in this sub-subparagraph (B) shall not apply to the lifetime limitation of one hundred forty-five credit hours.

(III) FOR AN ELIGIBLE UNDERGRADUATE STUDENT WHO HAS COMPLETED ONE OR MORE COLLEGE COURSES WHILE ENROLLED IN HIGH SCHOOL PURSUANT TO THE "CONCURRENT ENROLLMENT PROGRAMS ACT", ARTICLE 35 OF TITLE 22, C.R.S., OR WHILE DESIGNATED BY THE DEPARTMENT OF EDUCATION AS AN ASCENT PROGRAM PARTICIPANT PURSUANT TO SECTION 22-35-108, C.R.S., ALL COLLEGE-LEVEL CREDIT HOURS EARNED BY THE STUDENT DURING SUCH ENROLLMENT SHALL COUNT AGAINST THE LIFETIME LIMITATION DESCRIBED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (c); EXCEPT THAT CREDIT HOURS EARNED FROM ENROLLMENT IN A BASIC SKILLS COURSE, AS DEFINED IN SECTION 23-1-113 (1) (b) (II) (A.7), SHALL NOT COUNT AGAINST THE LIFETIME LIMITATION.

(f) Notwithstanding the lifetime-credit-hour limitation established pursuant to paragraph (c) of this subsection (5) and in addition to the provisions of paragraph (e) of this subsection (5), a state institution of higher education may annually grant a one-year waiver of the lifetime-credit-hour limitation for up to five percent of the eligible undergraduate students enrolled in the state institution of higher education. In granting the waivers under this paragraph (f), the state institution of higher education shall, upon request, grant a waiver to an eligible undergraduate student for courses taken pursuant to the ~~"Postsecondary Enrollment Options Act", article 35 of title 22, C.R.S., and high school fast-track courses taken pursuant to section 22-34-101, C.R.S.~~ "CONCURRENT ENROLLMENT PROGRAMS ACT", ARTICLE 35 OF TITLE 22, C.R.S. For any remaining portion of the institution's five percent of eligible undergraduate students who may receive waivers, the institution shall give priority to students who are seeking job retraining.

SECTION 12. 24-1-115, Colorado Revised Statutes, is amended BY

THE ADDITION OF A NEW SUBSECTION to read:

24-1-115. Department of education - creation. (16) THE DEPARTMENT OF EDUCATION SHALL INCLUDE THE CONCURRENT ENROLLMENT ADVISORY BOARD CREATED IN SECTION 22-35-107, C.R.S., AND ITS POWERS, DUTIES, AND FUNCTIONS, AS IF THE BOARD WERE TRANSFERRED BY A **TYPE 2** TRANSFER TO THE DEPARTMENT OF EDUCATION.

SECTION 13. Repeal. Articles 34 and 35.5 of title 22, 23-1-107 (6), and 23-60-202 (1) (n), Colorado Revised Statutes, are repealed.

SECTION 14. Appropriation. (1) The general assembly anticipates that, for the fiscal year beginning July 1, 2009, the department of education will receive the sum of thirty thousand thirty-one dollars (\$30,031) in federal funds as determined by the governor from the government services fund pursuant to section 14002 of Title XIV of the federal "American Recovery and Reinvestment Act of 2009", Public Law 111-5 of the one hundred eleventh United States Congress, for the implementation of this act, including ten thousand one hundred thirty-nine dollars (\$10,139) for legal services and nineteen thousand eight hundred ninety-two dollars (\$19,892) and 0.3 FTE for administration of the accelerating students through concurrent enrollment program. Although these funds are not appropriated in this act, they are noted for the purpose of indicating the assumptions used relative to these funds.

(2) In addition to any other appropriation, there is hereby appropriated to the department of law, for the fiscal year beginning July 1, 2009, the sum of ten thousand one hundred thirty-nine dollars (\$10,139), or so much thereof as may be necessary, for the provision of legal services to the department of education related to the implementation of this act. Said sum shall be from reappropriated funds received from the department of education out of the appropriation made in subsection (1) of this section.

SECTION 15. Safety clause. The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Terrance D. Carroll
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Brandon C. Shaffer
PRESIDENT OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Karen Goldman
SECRETARY OF
THE SENATE

APPROVED _____

Bill Ritter, Jr.
GOVERNOR OF THE STATE OF COLORADO