

HOUSE COMMITTEE OF REFERENCE REPORT

April 21, 2022

Chair of Committee

Date

Committee on Education.

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

HB22-1390 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

1 Amend printed bill, page 6, line 11, strike "JANUARY 1, 2022," and
2 substitute "MAY 1, 2022, BUT BEFORE JUNE 1, 2022,".

3 Page 7, strike line 6 and substitute "~~during the 2021-22 state fiscal year~~
4 FROM JULY 1, 2021, THROUGH DECEMBER 31, 2022, before".

5 Page 7, line 14, strike "for the" and substitute "~~for the~~".

6 Page 7, strike line 15 and substitute "~~2021-22 school year~~ THROUGH
7 DECEMBER 31, 2022.".

8 Page 10, after line 8 insert:

9 **"SECTION 9.** In Colorado Revised Statutes, 22-33-104.5, **amend**
10 **(6)(a) as follows:**

11 **22-33-104.5. Home-based education - legislative declaration -**
12 **guidelines - definitions.** (6) (a) (I) If a child is participating in a
13 nonpublic home-based educational program but also attending a public
14 school OR PUBLIC PROGRAM for a portion of the school day, the school
15 district ~~of the public school shall be~~ IS entitled to count such child in
16 accordance with the provisions of section 22-54-103 (10) for purposes of
17 determining pupil enrollment under the "Public School Finance Act of
18 1994", article 54 of this ~~title~~ TITLE 22.

19 (II) THE DEPARTMENT OF EDUCATION SHALL, UPON REQUEST OF A
20 SCHOOL DISTRICT, ASSIGN A SEPARATE SCHOOL CODE TO A PROGRAM
21 OFFERED THROUGH A PUBLIC SCHOOL, SCHOOL DISTRICT, OR BOARD OF
22 COOPERATIVE SERVICES, DESIGNED TO PROVIDE ENRICHMENT SUPPORTS
23 AND SERVICES TO STUDENTS PARTICIPATING IN NONPUBLIC HOME-BASED

1 EDUCATIONAL PROGRAMS. SUCH PROGRAMS ARE COMMONLY REFERRED
2 TO AS HOMESCHOOL PROGRAMS OR HOMESCHOOL ENRICHMENT
3 PROGRAMS. THE PURPOSE OF PROVIDING A SEPARATE SCHOOL CODE IS TO
4 FACILITATE THE AUTONOMY OF HOMESCHOOL FAMILIES AND TO EMPOWER
5 THEM TO ACCESS ADDITIONAL OPPORTUNITIES, SUPPORTS, AND RESOURCES
6 FOR THEIR CHILDREN."

7 Renumber succeeding sections accordingly.

8 Page 12, strike lines 1 through 9 and substitute:

9 "pursuant to subsection (1) of this section shall provide written
10 documentation from one or more private or corporate donors, OR ONE OR
11 MORE SCHOOL DISTRICTS OR OTHER LOCAL GOVERNMENTS, that pledge to
12 make gifts, grants, ~~or~~ donations, OR OTHER PLEDGES OF MONEY, WHICH
13 MAY INCLUDE IMPACT INCOME, SUCCESS PAYMENTS, AND SPONSORSHIP
14 AND EVENT INCOME, BUT SHALL NOT INCLUDE MONEY RECEIVED FROM
15 PROGRAM PARTICIPANTS, to the vendor that, in total, equal at least the
16 amount that the department has specified will be available for the
17 purposes of a contract pursuant to subsection (1) of this section for the
18 applicable fiscal year. The written documentation must also include the
19 date by which the vendor will receive the gifts, grants, ~~or~~ donations, OR
20 OTHER MONEY to be used in furtherance of the requirements of this ~~article~~
21 ARTICLE 94."

22 Page 17, after line 19 insert:

23 "SECTION 20. In Colorado Revised Statutes, **amend** 22-35-108
24 as follows:

25 **22-35-108. Accelerating students through concurrent**
26 **enrollment program - objectives - non-tuition expenses - rules.**

27 (1) (a) There is ~~hereby~~ established the accelerating students through
28 concurrent enrollment program, ~~Beginning in the 2010-11 school year,~~
29 ~~the department shall administer the ASCENT program pursuant to the~~
30 ~~provisions of this section and guidelines established by the board pursuant~~
31 ~~to subsection (4) of this section.~~ WHICH IS AVAILABLE TO ALL QUALIFIED
32 STUDENTS WHO ARE DESIGNATED BY THEIR ENROLLING LOCAL EDUCATION
33 PROVIDERS PURSUANT TO SUBSECTION (2)(a) OF THIS SECTION. The
34 objectives of the ASCENT program are to:

35 (I) Increase the percentage of students who participate in
36 postsecondary education, especially among low-income and traditionally
37 underserved populations;

38 (II) Decrease the number of students who do not complete high
39 school;

1 (III) Decrease the amount of time that is required for a student to
2 complete a postsecondary degree or certificate;

3 (IV) Reduce state expenditures for public education; and

4 (V) Increase the number of educational pathways available to
5 students.

6 (b) Notwithstanding any ~~other~~ provision of this ~~article~~ ARTICLE 35
7 TO THE CONTRARY, a qualified student who is designated by ~~the~~
8 ~~department~~ A LOCAL EDUCATION PROVIDER to be an ASCENT program
9 participant pursuant to subsection (2) of this section may concurrently
10 enroll in postsecondary courses, including academic courses and career
11 and technical education courses, in the year directly following the year in
12 which ~~he or she~~ THE QUALIFIED STUDENT was enrolled in the twelfth
13 grade of ~~a~~ THE local education provider.

14 (2) (a) ~~Subject to available appropriations, the department may~~
15 ~~designate as an ASCENT program participant any qualified student who~~
16 A LOCAL EDUCATION PROVIDER MAY DESIGNATE A QUALIFIED STUDENT AS
17 AN ASCENT PROGRAM PARTICIPANT IF THE QUALIFIED STUDENT:

18 (I) Has completed or is on schedule to complete at least ~~twelve~~
19 NINE credit hours of postsecondary course work prior to the completion
20 of ~~his or her~~ THE QUALIFIED STUDENT'S twelfth-grade year;

21 (II) Is not in need of a developmental education course;

22 ~~(III) Has been selected for participation in the ASCENT program~~
23 ~~by his or her high school principal or equivalent school administrator;~~

24 ~~(IV)~~ (III) Has been accepted into a postsecondary degree program
25 at an institution of higher education; AND

26 ~~(V) Has satisfied any other selection criteria established by~~
27 ~~guidelines established by the board pursuant to subsection (4) of this~~
28 ~~section; and~~

29 ~~(VI)~~ (IV) Has not been designated AS an ASCENT program
30 participant in any A prior year.

31 ~~(b) Repealed.~~

32 ~~(c) (I) Repealed.~~

33 ~~(H)~~ (b) EACH LOCAL EDUCATION PROVIDER THAT DESIGNATES
34 QUALIFIED STUDENTS TO PARTICIPATE IN THE ASCENT PROGRAM SHALL,
35 AS PROVIDED BY STATE BOARD RULE, REPORT TO THE DEPARTMENT THE
36 ESTIMATED NUMBER OF ASCENT PROGRAM PARTICIPANTS THAT THE
37 LOCAL EDUCATION PROVIDER WILL ENROLL FOR THE FOLLOWING SCHOOL
38 YEAR. The department, as part of its annual budget request to the general
39 assembly, shall report the ESTIMATED total number of ~~potential~~ ASCENT
40 program participants for the following school year.

41 ~~(H) Repealed.~~

42 ~~(IV) The department shall not designate a greater number of~~
43 ~~ASCENT program participants for a school year than the number of~~

1 participants that the general assembly approves for funding in the annual
2 general appropriation act for the applicable budget year.

3 (3) (a) ~~The local education provider of a qualified student who is~~
4 ~~designated by the department as an ASCENT program participant may~~
5 ~~include the student~~ A LOCAL EDUCATION PROVIDER MAY INCLUDE EACH
6 QUALIFIED STUDENT WHOM THE LOCAL EDUCATION PROVIDER DESIGNATES
7 TO PARTICIPATE IN THE ASCENT PROGRAM PURSUANT TO THIS SECTION
8 in the district's funded pupil count, or, in the case of a QUALIFIED student
9 enrolled in an institute charter school, in the FUNDED PUPIL COUNT OF THE
10 school's accounting district, as provided in section 22-54-103 (7).

11 (b) ~~A local education provider that receives extended high school~~
12 ~~funding, as described in section 22-54-104 (4.7), in a budget year for~~
13 ~~ASCENT program participants may expend the funding on behalf of~~
14 ~~ASCENT program participants who enroll in an institution of higher~~
15 ~~education during that budget year and on behalf of ASCENT program~~
16 ~~participants who, by May 1 of that budget year, are admitted to an~~
17 ~~institution of higher education to participate in the ASCENT program~~
18 ~~during the next budget year.~~

19 (c) ~~The local education provider shall certify to the department by~~
20 ~~May 10 of each year the list of ASCENT program participants who are~~
21 ~~admitted to an institution of higher education to participate in the~~
22 ~~ASCENT program during the next budget year. At the end of the budget~~
23 ~~year in which the local education provider receives the extended high~~
24 ~~school funding for ASCENT program participants, the local education~~
25 ~~provider shall remit to the department any remaining amount of the~~
26 ~~funding that the local education provider is not using for an ASCENT~~
27 ~~program participant who is included on the certified list.~~

28 (4) The board shall establish guidelines AS NECESSARY for the
29 administration of the ASCENT program. ~~including but not limited to~~
30 ~~selection criteria that the department may use pursuant to subparagraph~~
31 ~~(V) of paragraph (a) of subsection (2) of this section to designate~~
32 ~~qualified students as ASCENT program participants.~~

33 (5) For the purposes of part 5 of article 11 of this title 22
34 concerning school accountability reports, the department shall include
35 ASCENT program participants in the reporting requirements, regardless
36 of whether an ASCENT program participant has completed his or her THE
37 PARTICIPANT'S graduation requirements.

38 (6) (a) ~~Repealed.~~

39 (b) (6) For purposes of applying the provisions of article 11 of this
40 title 22 concerning school accountability and reporting graduation rates,
41 a qualified student who is an ASCENT program participant ~~shall~~ MUST
42 be counted in the enrolling school district's or institute charter school's
43 graduation rate in the school year in which the student completes the

1 school district's or institute charter school's minimum high school
2 graduation requirements. The state board of education shall promulgate
3 rules for schools and school districts to follow in satisfying state and
4 federal reporting requirements concerning the enrollment status of
5 ASCENT program participants. To the extent practicable, the rules must
6 ensure that schools and school districts are not adversely affected in
7 calculating and reporting the completion of high school graduation
8 requirements by qualified students who have been designated by the
9 ~~department~~ LOCAL EDUCATION PROVIDERS as ASCENT program
10 participants. The rules must include, at a minimum, reporting
11 requirements relating to:

12 (H) (a) The provisions of article 7 of this title 22 concerning
13 educational accountability; and

14 (H) (b) The provisions of article 11 of this title 22 concerning
15 educational accreditation.

16 **SECTION 21.** In Colorado Revised Statutes, 22-35-105, **repeal**
17 (4) as follows:

18 **22-35-105. Financial provisions - payment of tuition.**

19 ~~(4) (a) Before paying the tuition for a course in which a qualified student~~
20 ~~concurrently enrolls, the local education provider in which the qualified~~
21 ~~student is enrolled shall require the qualified student and his or her parent~~
22 ~~or legal guardian to sign a document requiring repayment of the amount~~
23 ~~of tuition paid by the local education provider for the course on the~~
24 ~~qualified student's behalf if the qualified student does not complete the~~
25 ~~course for any reason without the consent of the principal of the student's~~
26 ~~high school.~~

27 ~~(b) If a qualified student concurrently enrolled in a course for~~
28 ~~whom a local education provider pays tuition does not complete the~~
29 ~~course for any reason without the consent of the principal of the high~~
30 ~~school in which the qualified student is enrolled, the qualified student or~~
31 ~~the qualified student's parent or legal guardian shall reimburse the local~~
32 ~~education provider, as provided in the document signed pursuant to~~
33 ~~paragraph (a) of this subsection (4), for the amount of tuition paid by the~~
34 ~~local education provider for the course.~~

35 ~~(c) A local education provider may adopt a policy that requires a~~
36 ~~qualified student and his or her parent or legal guardian to sign a~~
37 ~~document prior to the student's concurrent enrollment in a course, which~~
38 ~~document commits the student or his or her parent or legal guardian to~~
39 ~~reimburse the local education provider for the tuition paid by the local~~
40 ~~education provider for the course in the event that the student receives a~~
41 ~~failing grade in the course.~~

42 **SECTION 22.** In Colorado Revised Statutes, 22-35-103, **amend**
43 (6)(a) as follows:

1 **22-35-103. Definitions.** As used in this article 35, unless the
2 context otherwise requires:

3 (6) (a) "Concurrent enrollment" means the simultaneous
4 enrollment of a qualified student in a local education provider and in one
5 or more postsecondary courses, including academic or career and
6 technical education courses, which may include course work related to
7 apprenticeship programs or internship programs, at an institution of
8 higher education pursuant to the provisions of this article 35, at no tuition
9 cost to the qualified student or the qualified student's parent or legal
10 guardian. ~~except as provided in section 22-35-105 (4)(c).~~ As provided in
11 section 22-35-104 (5) and (6)(b)(II), upon successfully completing a
12 concurrent enrollment postsecondary course, the qualified student must
13 receive credit that applies to completion of high school graduation
14 requirements and postsecondary credit that applies toward completion of
15 developmental education courses, applies toward earning a certificate or
16 degree awarded through an approved postsecondary career and technical
17 education program, is approved by the department of higher education for
18 transfer from a two-year institution to a four-year institution in
19 satisfaction of prerequisite courses for a specific major, is approved for
20 statewide transfer pursuant to section 23-1-125, or is part of a statewide
21 degree transfer agreement pursuant to section 23-1-108 (7)(a).

22 **SECTION 23.** In Colorado Revised Statutes, 22-35-107, **amend**
23 (6) introductory portion, (6)(c), and (6)(d) as follows:

24 **22-35-107. Concurrent enrollment advisory board - created -**
25 **membership - duties - reports - repeal.** (6) The board ~~shall have~~ HAS
26 the following duties:

27 (c) Making recommendations as necessary to the general
28 assembly, the state board, and the commission concerning the
29 improvement or updating of state policies relating to concurrent
30 enrollment programs, including but not limited to recommendations of
31 policies that will allow every local education provider in the state to have
32 adequate resources to enter into at least one cooperative agreement; ~~and~~
33 ~~recommendations of a funding allocation model, to be approved by the~~
34 ~~state board on or before July 1, 2013, in the event that the number of~~
35 ~~qualified students identified by local education providers exceeds~~
36 ~~available appropriations pursuant to section 22-35-108 (2);~~

37 (d) On or before ~~December 1, 2010~~ DECEMBER 1, 2022,
38 considering and making recommendations to the state board and the
39 education committees of the house of representatives and senate, or any
40 successor committees, regarding the feasibility of a waiver process
41 whereby a LOCAL EDUCATION PROVIDER, ON BEHALF OF A qualified
42 student, could apply to the department for a waiver of certain provisions
43 of section 22-35-108, which waiver would allow the LOCAL EDUCATION

1 PROVIDER TO DESIGNATE THE student ~~to be designated by the department~~
2 as an ASCENT program participant in the second year following the year
3 in which ~~he or she~~ THE QUALIFIED STUDENT was enrolled in the twelfth
4 grade of a THE local education provider so long as ~~he or she~~ THE
5 QUALIFYING STUDENT:

6 (I) Was so designated in the year directly following the year in
7 which ~~he or she~~ THE QUALIFIED STUDENT was enrolled in the twelfth
8 grade of a THE local education provider;

9 (II) Requires fifteen or fewer credit hours of postsecondary course
10 work to achieve a postsecondary credential; and

11 (III) Is eligible for free or ~~reduced-cost~~ REDUCED-PRICE lunch
12 pursuant to the federal "Richard B. Russell National School Lunch Act",
13 42 U.S.C. sec. 1751 et seq.;

14 **SECTION 24.** In Colorado Revised Statutes, 22-35-112, **amend**
15 (2)(g) as follows:

16 **22-35-112. Reports.** (2) On or before February 1, 2011, and on
17 or before February 1 each year thereafter through 2016, and on or before
18 April 1, 2017, and on or before April 1 each year thereafter, the
19 department and the department of higher education shall collaborate to
20 prepare and submit to the education committees of the senate and house
21 of representatives, or any successor committees, a report concerning the
22 concurrent enrollment of qualified students in postsecondary courses,
23 including academic courses and career and technical education courses,
24 and courses related to apprenticeship programs and internship programs.
25 The report must include, but need not be limited to:

26 (g) FOR THE PREVIOUS SCHOOL YEAR, the total number of qualified
27 students ~~designated by the department as ASCENT or TREP program~~
28 ~~participants in the previous school year~~ THAT LOCAL EDUCATION
29 PROVIDERS DESIGNATED AS ASCENT PROGRAM PARTICIPANTS AND THE
30 TOTAL NUMBER OF QUALIFIED STUDENTS THE DEPARTMENT DESIGNATED
31 AS PARTICIPANTS IN THE TEACHER RECRUITMENT EDUCATION AND
32 PREPARATION PROGRAM;

33 **SECTION 25.** In Colorado Revised Statutes, 22-35-113, **amend**
34 (1)(f) as follows:

35 **22-35-113. Concurrent enrollment - website.** (1) By July 1,
36 2020, the department of education and the department of higher
37 education, with advice from the state board, shall make available to the
38 public a concurrent enrollment website to provide information to students,
39 parents, and legal guardians concerning concurrent enrollment options
40 and requirements. The departments must ensure that the website is clear,
41 easy to navigate, and generally user-friendly. In addition, the website
42 must at a minimum:

43 (f) Provide information concerning the payment of the costs of

1 concurrent enrollment, including tuition, which is not chargeable to the
2 student or the student's parent or legal guardian, ~~except as provided in~~
3 ~~section 22-35-105 (4)(c)~~; fees and books, which may be chargeable to the
4 student or the student's parent or legal guardian, and transportation;

5 **SECTION 26.** In Colorado Revised Statutes, 22-54-114, **amend**
6 (4)(a) as follows:

7 **22-54-114. State public school fund.** (4) (a) For the 1997-98
8 fiscal year and fiscal years thereafter, the net amount recovered by the
9 department of education during the applicable fiscal year, pursuant to
10 school district and institute charter school audits, as overpayments made
11 to school districts and institute charter schools ~~and any amount remitted~~
12 ~~by a school district or institute charter school pursuant to section~~
13 ~~22-35-108 (3)(c)~~, that would otherwise be transmitted to the state
14 treasurer for deposit in the general fund shall instead be transmitted to the
15 state treasurer for deposit in the state public school fund. The amount
16 shall be available for appropriation to the department of education in
17 subsequent fiscal years.

18 **SECTION 27.** In Colorado Revised Statutes, 23-18-202, **amend**
19 (5)(c)(III) as follows:

20 **23-18-202. College opportunity fund - appropriations -**
21 **payment of stipends - reimbursement - report.** (5) (c) (III) For an
22 eligible undergraduate student who has completed one or more college
23 courses while enrolled in high school pursuant to the "Concurrent
24 Enrollment Programs Act", article 35 of title 22, or while designated ~~by~~
25 ~~the department of education~~ as an ASCENT program participant pursuant
26 to section 22-35-108 or as a TREP program participant pursuant to
27 section 22-35-108.5, or while enrolled in a pathways in technology early
28 college high school pursuant to article 35.3 of title 22, all college-level
29 credit hours earned by the student while so enrolled count against the
30 lifetime limitation described in subsection (5)(c)(I) of this section; except
31 that credit hours earned from enrollment in a developmental education
32 course, as defined in section 23-1-113 (11)(b), do not count against the
33 lifetime limitation.

34 **SECTION 28.** In Colorado Revised Statutes, 24-75-220, **add** (8)
35 as follows:

36 **24-75-220. State education fund - transfers - surplus -**
37 **legislative declaration.** (8) ON JULY 1, 2022, THE STATE TREASURER
38 SHALL TRANSFER THREE HUNDRED MILLION DOLLARS FROM THE GENERAL
39 FUND TO THE STATE EDUCATION FUND CREATED IN SECTION 17 (4) OF
40 ARTICLE IX OF THE STATE CONSTITUTION."

41 Renumber succeeding sections accordingly.

** ** ** ** **