

Second Regular Session  
Seventieth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 16-0639.01 Julie Pelegrin x2700

HOUSE BILL 16-1128

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HOUSE SPONSORSHIP

Lundeen, Carver, Priola, Becker J.

SENATE SPONSORSHIP

(None),

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House Committees  
Education

Senate Committees

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A BILL FOR AN ACT

101 CONCERNING EQUALIZING STUDENT ACCESS TO CONCURRENT  
102 ENROLLMENT.

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Bill Summary

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)*

The bill amends the existing "Concurrent Enrollment Programs Act" to require all school districts, charter schools, and BOCES schools (local education providers) and all public institutions of higher education to provide concurrent enrollment opportunities for qualified students enrolled in high school. A qualified student who seeks to concurrently enroll in one or more postsecondary courses must apply to the school

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

district superintendent or, if the qualified student is enrolled in a charter school or school operated by a board of cooperative services (BOCES school), to the school principal, specifying the institution of higher education and the postsecondary course or courses in which the qualified student seeks to enroll. The superintendent or principal may deny the qualified student's request to concurrently enroll only on the basis of documented evidence that the qualified student is not behaviorally or academically prepared to enroll in postsecondary courses.

If a superintendent or principal denies a qualified student's request to enroll, the denial must be in writing with the reasons for the denial. The qualified student may appeal the denial to the governing board of the local education provider, and the governing board shall consider the appeal no later than the next regular meeting. If the governing board denies the appeal, the qualified student may appeal the denial to the state board of education, and the state board shall consider the appeal no later than its next regular meeting.

Each local education provider must publicize the availability of concurrent enrollment to students and parents at least twice each school year.

Under existing law, a local education provider may enter into a cooperative agreement with one or more institutions of higher education. In addition to other provisions, the terms of the cooperative agreement must specify the amount of tuition that the local education provider pays to the institution of higher education, which generally does not exceed the local community college tuition rate. Under the bill, cooperative agreements are no longer required, and issues that were previously required to be addressed in cooperative agreements are specified in the bill.

If a qualified student concurrently enrolls, the local education provider that enrolls the qualified student must pay to the enrolling institution of higher education an amount equal to 5% of the local education provider's per pupil revenue for each credit hour in which the qualified student enrolls.

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

2 **SECTION 1.** In Colorado Revised Statutes, 22-35-102, **amend**

3 (1) (g) as follows:

4 **22-35-102. Legislative declaration.** (1) The general assembly  
5 hereby finds that:

6 (g) All of the state's high schools ~~should eventually~~ **MUST** develop

1 equitable access to concurrent enrollment programs to provide the  
2 infrastructure necessary to improve high school retention, to motivate  
3 young people to take seriously the need to become postsecondary- and  
4 workforce-ready, and to accelerate students' progress toward a  
5 postsecondary credential.

6 **SECTION 2.** In Colorado Revised Statutes, 22-35-103, **add**  
7 (13.3) as follows:

8 **22-35-103. Definitions.** As used in this article, unless the context  
9 otherwise requires:

10 (13.3) "PER PUPIL REVENUE" MEANS:

11 (a) FOR A SCHOOL DISTRICT, THE AMOUNT OF THE SCHOOL  
12 DISTRICT'S TOTAL PROGRAM FOR THE APPLICABLE BUDGET YEAR, AS  
13 CALCULATED PURSUANT TO SECTION 22-54-104, DIVIDED BY THE SCHOOL  
14 DISTRICT'S FUNDED PUPIL COUNT, AS DEFINED IN SECTION 22-54-103, FOR  
15 THE APPLICABLE BUDGET YEAR;

16 (b) FOR A BOCES, THE PER PUPIL REVENUE OF THE SCHOOL  
17 DISTRICT THAT INCLUDES THE STUDENT WHO IS ENROLLED IN THE HIGH  
18 SCHOOL OPERATED BY THE BOCES IN ITS PUPIL ENROLLMENT FOR THE  
19 APPLICABLE BUDGET YEAR;

20 (c) FOR A DISTRICT CHARTER SCHOOL, THE AMOUNT OF FUNDING  
21 THAT THE DISTRICT CHARTER SCHOOL RECEIVES FOR THE APPLICABLE  
22 BUDGET YEAR, AS CALCULATED PURSUANT TO SECTION 22-30.5-112 OR  
23 22-30.5-112.1, WHICHEVER APPLIES, DIVIDED BY THE NUMBER OF PUPILS  
24 ENROLLED IN THE DISTRICT CHARTER SCHOOL FOR THE APPLICABLE  
25 BUDGET YEAR; AND

26 (d) FOR AN INSTITUTE CHARTER SCHOOL, THE AMOUNT OF FUNDING  
27 THAT THE INSTITUTE CHARTER SCHOOL RECEIVES FOR THE APPLICABLE

1 BUDGET YEAR, AS CALCULATED PURSUANT TO SECTION 22-30.5-513,  
2 DIVIDED BY THE NUMBER OF PUPILS ENROLLED IN THE INSTITUTE CHARTER  
3 SCHOOL FOR THE APPLICABLE BUDGET YEAR.

4 **SECTION 3.** In Colorado Revised Statutes, **add** 22-35-103.5 as  
5 follows:

6 **22-35-103.5. Concurrent enrollment - availability.** (1) EACH  
7 LOCAL EDUCATION PROVIDER SHALL ALLOW QUALIFIED STUDENTS  
8 ENROLLED BY THE LOCAL EDUCATION PROVIDER TO CONCURRENTLY  
9 ENROLL IN INSTITUTIONS OF HIGHER EDUCATION IN ACCORDANCE WITH  
10 THIS ARTICLE. EACH LOCAL EDUCATION PROVIDER SHALL PAY TO THE  
11 ENROLLING INSTITUTION OF HIGHER EDUCATION THE AMOUNT DESCRIBED  
12 IN SECTION 22-35-105 FOR EACH QUALIFIED STUDENT WHO ENROLLS IN A  
13 POSTSECONDARY COURSE; EXCEPT THAT THIS ARTICLE DOES NOT REQUIRE  
14 A LOCAL EDUCATION PROVIDER TO EXPEND AN AMOUNT OF MONEY FOR  
15 CONCURRENT ENROLLMENT IN A BUDGET YEAR THAT EXCEEDS THE  
16 AMOUNT THE LOCAL EDUCATION PROVIDER RECEIVES AS THE STATE SHARE  
17 OF TOTAL PROGRAM PURSUANT TO THE "PUBLIC SCHOOL FINANCE ACT OF  
18 1994", ARTICLE 54 OF THIS TITLE, FOR THE BUDGET YEAR. A LOCAL  
19 EDUCATION PROVIDER THAT IS A DISTRICT CHARTER SCHOOL IS DEEMED TO  
20 RECEIVE FROM THE STATE A PERCENTAGE OF ITS PER PUPIL REVENUE, AS  
21 CALCULATED PURSUANT TO SECTION 22-30.5-112 OR 22-30.5-112.1, THAT  
22 IS EQUAL TO THE PERCENTAGE OF TOTAL PROGRAM THAT THE DISTRICT  
23 CHARTER SCHOOL'S AUTHORIZER RECEIVES AS STATE SHARE PURSUANT TO  
24 SECTION 22-54-106.

25 (2) EACH PUBLIC INSTITUTION OF HIGHER EDUCATION SHALL  
26 ALLOW QUALIFIED STUDENTS TO CONCURRENTLY ENROLL IN  
27 POSTSECONDARY COURSES, INCLUDING ACADEMIC OR CAREER AND

1 TECHNICAL EDUCATION COURSES, WHICH MAY INCLUDE COURSE WORK  
2 RELATED TO APPRENTICESHIP PROGRAMS OR INTERNSHIP PROGRAMS, IN  
3 ACCORDANCE WITH THIS ARTICLE. EACH PUBLIC INSTITUTION OF HIGHER  
4 EDUCATION THAT CONCURRENTLY ENROLLS A QUALIFIED STUDENT IS  
5 ELIGIBLE TO RECEIVE PAYMENT OF A STIPEND FROM THE COLLEGE  
6 OPPORTUNITY FUND PROGRAM, PART 2 OF ARTICLE 18 OF TITLE 23, C.R.S.,  
7 ON BEHALF OF THE QUALIFIED STUDENT IN ADDITION TO THE AMOUNT PAID  
8 BY THE LOCAL EDUCATION PROVIDER PURSUANT TO SECTION 22-35-105.

9 (3) EACH PRIVATE INSTITUTION OF HIGHER EDUCATION IS  
10 ENCOURAGED TO ALLOW QUALIFIED STUDENTS TO CONCURRENTLY ENROLL  
11 IN POSTSECONDARY COURSES, INCLUDING ACADEMIC OR CAREER AND  
12 TECHNICAL EDUCATION COURSES, WHICH MAY INCLUDE COURSE WORK  
13 RELATED TO APPRENTICESHIP PROGRAMS OR INTERNSHIP PROGRAMS, IN  
14 ACCORDANCE WITH THIS ARTICLE. A PRIVATE INSTITUTION OF HIGHER  
15 EDUCATION THAT CONCURRENTLY ENROLLS A QUALIFIED STUDENT IS  
16 ELIGIBLE TO RECEIVE PAYMENT OF FIFTY PERCENT OF A STIPEND FROM THE  
17 COLLEGE OPPORTUNITY FUND PROGRAM, PART 2 OF ARTICLE 18 OF TITLE  
18 23, C.R.S., ON BEHALF OF THE QUALIFIED STUDENT, IF THE PRIVATE  
19 INSTITUTION OF HIGHER EDUCATION IS PARTICIPATING IN THE COLLEGE  
20 OPPORTUNITY FUND PROGRAM, IN ADDITION TO THE AMOUNT PAID BY THE  
21 LOCAL EDUCATION PROVIDER PURSUANT TO SECTION 22-35-105.

22 **SECTION 4.** In Colorado Revised Statutes, 22-35-104, **amend**  
23 (1) (a), (1) (b), (2) (a) (III), (2) (b), (2) (c), (3), (4) (a), (6), (7), (8), and  
24 (9); **repeal** (10); and **add** (2) (b.3) and (2) (b.5) as follows:

25 **22-35-104. Enrollment in an institution of higher education.**  
26 (1) (a) A qualified student enrolled in a high school of a school district  
27 who has applied to and received approval from the superintendent of the

1 school district or his or her designee, or a qualified student enrolled in a  
2 district charter school, an institute charter school, or a high school of a  
3 BOCES who has applied to and received approval from the chief  
4 administrator of the district charter school, an institute charter school, or  
5 a high school of a BOCES, pursuant to subsection (2) of this section may,  
6 IN ACCORDANCE WITH THE PROVISIONS OF THIS ARTICLE, register with and  
7 concurrently enroll in an institution of higher education ~~in accordance~~  
8 ~~with the provisions of this article~~ SELECTED BY THE QUALIFIED STUDENT.

9 (b) Each local education provider shall ~~annually~~ notify all students  
10 and parents or legal guardians of students enrolled in the local education  
11 provider of the opportunity for concurrent enrollment by qualified  
12 students in postsecondary courses, including academic courses and career  
13 and technical education courses, which may include course work related  
14 to apprenticeship programs and internship programs. EACH LOCAL  
15 EDUCATION PROVIDER SHALL PROVIDE THE NOTICE AT LEAST TWICE  
16 DURING EACH SCHOOL YEAR.

17 (2) (a) (III) In applying for concurrent enrollment approval, a  
18 qualified student shall use the standard application form created and made  
19 publicly available by his or her local education provider pursuant to  
20 paragraph (c) of this subsection (2). AT A MINIMUM, THE QUALIFIED  
21 STUDENT MUST SPECIFY IN THE APPLICATION THE INSTITUTION OF HIGHER  
22 EDUCATION AND THE COURSE OR COURSES IN WHICH THE QUALIFIED  
23 STUDENT SEEKS TO ENROLL.

24 (b) If a superintendent of a school district, the superintendent's  
25 designee, or a chief administrator of a district charter school, institute  
26 charter school, or high school of a BOCES receives a timely application  
27 from a qualified student pursuant to paragraph (a) of this subsection (2),

1 the superintendent, superintendent's designee, or chief administrator of a  
2 district charter school, institute charter school, or high school of a  
3 BOCES shall approve or disapprove the application and notify the student  
4 of the decision WITHIN THIRTY DAYS AFTER RECEIVING THE APPLICATION.  
5 In considering applications, the superintendent, designee, or chief  
6 administrator ~~shall give priority consideration to qualified students who,~~  
7 ~~by the time they would concurrently enroll, will have completed the high~~  
8 ~~school graduation requirements and are applying for concurrent~~  
9 ~~enrollment to begin earning credits toward a postsecondary degree or~~  
10 ~~certificate or, if required to complete basic skills courses, to complete the~~  
11 ~~courses during the remainder of the twelfth-grade year~~ MAY DENY A  
12 STUDENT'S APPLICATION ONLY IF THERE IS VALID, DOCUMENTED EVIDENCE  
13 THAT THE STUDENT IS BEHAVIORALLY OR ACADEMICALLY UNPREPARED TO  
14 ENROLL IN POSTSECONDARY COURSE WORK. IF A SUPERINTENDENT,  
15 DESIGNEE, OR CHIEF ADMINISTRATOR DENIES A STUDENT'S APPLICATION,  
16 THE SUPERINTENDENT, DESIGNEE, OR CHIEF ADMINISTRATOR MUST  
17 PROVIDE THE DENIAL AND THE REASONS FOR THE DENIAL IN WRITING TO  
18 THE STUDENT AND THE STUDENT'S PARENTS.

19 (b.3) WITHIN TEN DAYS AFTER A SUPERINTENDENT, DESIGNEE, OR  
20 CHIEF ADMINISTRATOR DENIES A STUDENT'S APPLICATION, THE STUDENT  
21 MAY SUBMIT TO THE GOVERNING BOARD OF THE LOCAL EDUCATION  
22 PROVIDER IN WHICH THE STUDENT IS ENROLLED A NOTICE OF APPEAL THAT  
23 INCLUDES THE WRITTEN DENIAL OF THE STUDENT'S APPLICATION. THE  
24 STUDENT MUST ALSO FILE THE NOTICE OF APPEAL WITH THE  
25 SUPERINTENDENT, DESIGNEE, OR CHIEF ADMINISTRATOR WITHIN TEN DAYS  
26 AFTER THE DENIAL. WITHIN FIVE DAYS AFTER RECEIVING THE NOTICE OF  
27 APPEAL, THE SUPERINTENDENT, DESIGNEE, OR CHIEF ADMINISTRATOR

1 SHALL SUBMIT TO THE GOVERNING BOARD THE DOCUMENTED EVIDENCE  
2 UPON WHICH THE DENIAL IS BASED. THE GOVERNING BOARD SHALL DECIDE  
3 WHETHER TO REVERSE OR UPHOLD THE DENIAL NO LATER THAN THE NEXT  
4 REGULAR MEETING OF THE GOVERNING BOARD. THE GOVERNING BOARD  
5 MAY UPHOLD THE DENIAL ONLY IF IT FINDS AFTER A DE NOVO REVIEW  
6 THAT THERE IS VALID, DOCUMENTED EVIDENCE THAT THE STUDENT IS  
7 BEHAVIORALLY OR ACADEMICALLY UNPREPARED TO ENROLL IN  
8 POSTSECONDARY COURSE WORK. IF THE GOVERNING BOARD REVERSES THE  
9 DENIAL, IT SHALL NOTIFY THE SUPERINTENDENT, DESIGNEE, OR CHIEF  
10 ADMINISTRATOR, AND THE SUPERINTENDENT, DESIGNEE, OR CHIEF  
11 ADMINISTRATOR SHALL APPROVE THE STUDENT'S APPLICATION.

12 (b.5) WITHIN TEN DAYS AFTER A GOVERNING BOARD UPHOLDS THE  
13 DENIAL OF A STUDENT'S APPLICATION, THE STUDENT MAY SUBMIT TO THE  
14 STATE BOARD A NOTICE OF APPEAL THAT INCLUDES THE ORIGINAL  
15 WRITTEN DENIAL OF THE APPLICATION. THE STUDENT MUST ALSO FILE THE  
16 NOTICE OF APPEAL WITH THE SUPERINTENDENT, DESIGNEE, OR CHIEF  
17 ADMINISTRATOR WITHIN TEN DAYS AFTER THE GOVERNING BOARD  
18 UPHOLDS THE DENIAL. WITHIN FIVE DAYS AFTER RECEIVING THE NOTICE  
19 OF APPEAL, THE SUPERINTENDENT, DESIGNEE, OR CHIEF ADMINISTRATOR  
20 SHALL SUBMIT TO THE STATE BOARD THE DOCUMENTED EVIDENCE UPON  
21 WHICH THE DENIAL IS BASED. THE STATE BOARD SHALL DECIDE WHETHER  
22 TO REVERSE OR UPHOLD THE DENIAL NO LATER THAN THE NEXT REGULAR  
23 MEETING OF THE STATE BOARD. THE STATE BOARD MAY UPHOLD THE  
24 DENIAL ONLY IF IT FINDS AFTER A DE NOVO REVIEW THAT THERE IS VALID,  
25 DOCUMENTED EVIDENCE THAT THE STUDENT IS BEHAVIORALLY OR  
26 ACADEMICALLY UNPREPARED TO ENROLL IN POSTSECONDARY COURSE  
27 WORK. IF THE STATE BOARD REVERSES THE DENIAL, IT SHALL NOTIFY THE

1 SUPERINTENDENT, DESIGNEE, OR CHIEF ADMINISTRATOR, AND THE  
2 SUPERINTENDENT, DESIGNEE, OR CHIEF ADMINISTRATOR SHALL APPROVE  
3 THE STUDENT'S APPLICATION.

4 (c) ~~On or before July 1, 2011, and thereafter,~~ Each local education  
5 provider ~~that has entered into a cooperative agreement~~ shall create and  
6 make publicly available a standard concurrent enrollment application  
7 form for use by a qualified student pursuant to this subsection (2). In  
8 creating the application form, the local education provider shall refer to  
9 the guidelines established by rules promulgated by the state board  
10 pursuant to section 22-35-111 (1) (a). The application form ~~shall~~ MUST  
11 require, at a minimum, a qualified student to specify the INSTITUTION OF  
12 HIGHER EDUCATION AND THE courses in which he or she seeks to  
13 concurrently enroll.

14 (3) A qualified student who seeks to concurrently enroll in an  
15 institution of higher education ~~shall~~ MUST establish, in consultation with  
16 the administration of his or her local education provider, an academic  
17 plan of study that describes all of the courses that the student intends to  
18 complete to satisfy his or her remaining requirements for graduation from  
19 the local education provider. ~~Prior to~~ BEFORE the qualified ~~student's~~  
20 ~~concurrent enrollment~~ STUDENT MAY CONCURRENTLY ENROLL in the  
21 institution of higher education, the principal, a counselor, or a teacher  
22 advisor of the qualified student's local education provider ~~shall~~ MUST  
23 approve the academic plan of study. In approving an academic plan of  
24 study, a principal, counselor, or teacher advisor shall apply the guidelines  
25 established by rules promulgated by the state board pursuant to section  
26 22-35-111 (1) (b). IF A QUALIFIED STUDENT'S PLAN OF STUDY IS NOT  
27 APPROVED, THE STUDENT MAY REWRITE THE PLAN OF STUDY TO CURE THE

1 DEFECTS AND RESUBMIT THE PLAN OF STUDY FOR APPROVAL.

2 (4) (a) A qualified student who intends to concurrently enroll in  
3 a postsecondary course, including an academic course or a career and  
4 technical education course, at an institution of higher education shall  
5 MUST satisfy the minimum prerequisites for the course prior to his or her  
6 enrollment BEFORE ENROLLING in the course.

7 (6) (a) A local education provider that seeks to allow students to  
8 concurrently enroll in postsecondary courses, including academic courses  
9 and career and technical education courses, which may include course  
10 work related to apprenticeship programs and internship programs, at an  
11 institution of higher education shall MAY enter into a cooperative  
12 agreement AGREEMENTS with the institution ONE OR MORE INSTITUTIONS  
13 of higher education TO ADDRESS ISSUES THAT ARE NOT GOVERNED BY THIS  
14 ARTICLE AND THAT ARE RELATED TO THE CONCURRENT ENROLLMENT OF  
15 QUALIFIED STUDENTS ENROLLED BY THE LOCAL EDUCATION PROVIDER.

16 (b) A cooperative agreement must include, but need not be limited  
17 to: A LOCAL EDUCATION PROVIDER AND AN INSTITUTION OF HIGHER  
18 EDUCATION SHALL JOINTLY ESTABLISH AN ACADEMIC PROGRAM OF STUDY  
19 FOR EACH QUALIFIED STUDENT ENROLLED BY THE LOCAL EDUCATION  
20 PROVIDER WHO CONCURRENTLY ENROLLS IN THE INSTITUTION. THE  
21 ACADEMIC PROGRAM OF STUDY MUST INCLUDE THE ACADEMIC PLAN OF  
22 STUDY APPROVED UNDER SUBSECTION (3) OF THIS SECTION AND A PLAN BY  
23 WHICH THE LOCAL EDUCATION PROVIDER MUST MAKE AVAILABLE TO THE  
24 STUDENT ONGOING COUNSELING AND CAREER PLANNING.

25 (f) The amount of academic credit to be granted for course work  
26 successfully completed by a qualified student concurrently enrolled in the  
27 institution of higher education;

1           ~~(H) A requirement that course work completed by a qualified~~  
2 ~~student through concurrent enrollment at the institution of higher~~  
3 ~~education qualify as basic skills credit or academic credit applicable~~  
4 ~~toward earning a degree or certificate at the institution;~~

5           ~~(HH) A requirement that the local education provider pay the~~  
6 ~~tuition for each course completed by a qualified student through~~  
7 ~~concurrent enrollment at the institution of higher education in an amount~~  
8 ~~that shall be negotiated by the local education provider and the institution~~  
9 ~~pursuant to the provisions of section 22-35-105 (3);~~

10           ~~(IV) A requirement that the local education provider and the~~  
11 ~~institution of higher education establish an academic program of study for~~  
12 ~~each qualified student who concurrently enrolls in the institution, which~~  
13 ~~academic program of study shall include the academic plan of study~~  
14 ~~established pursuant to subsection (3) of this section and a plan by which~~  
15 ~~the local education provider shall make available to the student ongoing~~  
16 ~~counseling and career planning;~~

17           ~~(V) A confirmation by the local education provider of the~~  
18 ~~qualified student's uniquely identifying student number, which shall be~~  
19 ~~retained by the institution of higher education for the purposes described~~  
20 ~~in section 23-18-202 (5) (c) (I) (B), C.R.S.;~~

21           ~~(VI) Language authorizing the payment of stipends from the~~  
22 ~~college opportunity fund program, part 2 of article 18 of title 23, C.R.S.,~~  
23 ~~on behalf of the qualified student; except that a cooperative agreement~~  
24 ~~need not include this language if the institution of higher education that~~  
25 ~~is a party to the cooperative agreement does not receive stipends from the~~  
26 ~~college opportunity fund program;~~

27           ~~(VII) Consideration and identification of ways in which qualified~~

1 ~~students who concurrently enroll in postsecondary courses, including~~  
2 ~~academic courses or career and technical education courses, which may~~  
3 ~~include course work related to apprenticeship programs and internship~~  
4 ~~programs, can remain eligible for interscholastic high school activities;~~  
5 ~~and~~

6 ~~(VIII) Other financial provisions that the local education provider~~  
7 ~~and the institution of higher education may elect to include in the~~  
8 ~~agreement pursuant to the provisions of section 22-35-105 (5).~~

9 ~~(c) An institution of higher education that enters into a~~  
10 ~~cooperative agreement with a local education provider shall provide a~~  
11 ~~copy of the cooperative agreement to the department of higher education,~~  
12 ~~which shall retain the copy. If the cooperative agreement contemplates the~~  
13 ~~provision of career and technical education courses, which may include~~  
14 ~~course work related to apprenticeship programs or internship programs,~~  
15 ~~to qualified students, the institution shall also provide a copy of the~~  
16 ~~cooperative agreement to the state board for community colleges and~~  
17 ~~occupational education, which shall retain the copy~~ EACH LOCAL  
18 EDUCATION PROVIDER SHALL IDENTIFY WAYS IN WHICH QUALIFIED  
19 STUDENTS WHO CONCURRENTLY ENROLL IN POSTSECONDARY COURSES,  
20 INCLUDING ACADEMIC COURSES AND CAREER AND TECHNICAL EDUCATION  
21 COURSES, WHICH MAY INCLUDE COURSE WORK RELATED TO  
22 APPRENTICESHIP PROGRAMS AND INTERNSHIP PROGRAMS, CAN REMAIN  
23 ELIGIBLE FOR INTERSCHOLASTIC HIGH SCHOOL ACTIVITIES.

24 ~~(d) (I) THE LOCAL EDUCATION PROVIDER THAT ENROLLS A~~  
25 ~~QUALIFIED STUDENT WHO CONCURRENTLY ENROLLS IN AN INSTITUTION OF~~  
26 ~~HIGHER EDUCATION SHALL CONFIRM THE QUALIFIED STUDENT'S UNIQUELY~~  
27 ~~IDENTIFYING STUDENT NUMBER TO THE ENROLLING INSTITUTION OF~~

1 HIGHER EDUCATION. THE INSTITUTION OF HIGHER EDUCATION SHALL  
2 RETAIN THE UNIQUELY IDENTIFYING STUDENT NUMBER FOR THE PURPOSES  
3 DESCRIBED IN SECTION 23-18-202 (5) (c) (I) (B), C.R.S.

4 (II) THE PROVISIONS OF SUBPARAGRAPH (I) OF THIS PARAGRAPH  
5 (d) DO NOT APPLY IF THE ENROLLING INSTITUTION OF HIGHER EDUCATION  
6 DOES NOT PARTICIPATE IN THE COLLEGE OPPORTUNITY FUND PROGRAM.

7 (e) COURSE WORK THAT A QUALIFIED STUDENT COMPLETES  
8 THROUGH CONCURRENT ENROLLMENT AT AN INSTITUTION OF HIGHER  
9 EDUCATION QUALIFIES AS BASIC SKILLS CREDIT OR ACADEMIC CREDIT  
10 APPLICABLE TOWARD EARNING A DEGREE OR CERTIFICATE AT THE  
11 INSTITUTION. THE INSTITUTION OF HIGHER EDUCATION SHALL CREDIT THE  
12 QUALIFIED STUDENT WITH THE SAME NUMBER OF CREDIT HOURS FOR THE  
13 COURSES COMPLETED THAT A STUDENT OTHERWISE ENROLLED AT THE  
14 INSTITUTION WOULD RECEIVE FOR THE SAME COURSES.

15 (7) A postsecondary instructor ~~shall not be~~ IS NOT required to hold  
16 a teacher's license or authorization issued pursuant to the provisions of  
17 article 60.5 of this title in order to instruct a qualified student who is  
18 concurrently enrolled in a course offered by an institution of higher  
19 education.

20 (8) ~~(a)~~ A district charter school ~~may elect to allow~~ THAT ENROLLS  
21 a qualified student ~~of the district charter school to~~ WHO concurrently  
22 ~~enroll pursuant to the provisions of a cooperative agreement that is~~  
23 ~~entered into by either:~~ ENROLLS IN AN INSTITUTION OF HIGHER EDUCATION  
24 IS RESPONSIBLE FOR PAYING TO THE INSTITUTION OF HIGHER EDUCATION  
25 THE AMOUNT DESCRIBED IN SECTION 22-35-105 FOR EACH COURSE THAT  
26 THE QUALIFIED STUDENT COMPLETES.

27 ~~(f) The school district of the district charter school and an~~

1 institution of higher education; or

2 ~~(H) The district charter school and an institution of higher~~  
3 ~~education.~~

4 ~~(b) If a district charter school elects to allow a qualified student~~  
5 ~~of the district charter school to concurrently enroll pursuant to the~~  
6 ~~provisions of a cooperative agreement that is entered into by the school~~  
7 ~~district of the district charter school and an institution of higher~~  
8 ~~education:~~

9 ~~(I) The district charter school shall be responsible for paying the~~  
10 ~~tuition for each course that is completed by the qualified student pursuant~~  
11 ~~to the cooperative agreement; and~~

12 ~~(II) The qualified student of the district charter school shall not~~  
13 ~~concurrently enroll unless, not later than sixty days before the end of the~~  
14 ~~academic term that immediately precedes the intended term of concurrent~~  
15 ~~enrollment, he or she applies for approval of concurrent enrollment from~~  
16 ~~the superintendent of the school district or his or her designee, and the~~  
17 ~~superintendent or his or her designee grants such approval or waives this~~  
18 ~~time limitation, as described in subsection (2) of this section.~~

19 ~~(c) If a district charter school elects to allow a qualified student of~~  
20 ~~the district charter school to concurrently enroll as described in~~  
21 ~~subparagraph (I) or (II) of paragraph (a) of this subsection (8), nothing in~~  
22 ~~this article shall be interpreted to entitle the district charter school to any~~  
23 ~~moneys from the school district of the district charter school other than~~  
24 ~~those moneys to which the district charter school is entitled pursuant to~~  
25 ~~the provisions of this title.~~

26 (9) A student who concurrently enrolls at an institution of higher  
27 education pursuant to this article shall not be IS NOT disqualified or

1 otherwise rendered ineligible for any state-based financial assistance for  
2 which he or she would otherwise be eligible as an entering student at the  
3 institution.

4 ~~(10) (a) Each public institution of higher education is strongly~~  
5 ~~encouraged to allow the concurrent enrollment of qualified students~~  
6 ~~pursuant to this article.~~

7 ~~(b) Nothing in this article shall be interpreted to require an~~  
8 ~~institution of higher education to allow the concurrent enrollment of~~  
9 ~~qualified students pursuant to this article or to require an institution of~~  
10 ~~higher education to enter into a cooperative agreement with a local~~  
11 ~~education provider; except that an institution of higher education that~~  
12 ~~elects to allow the concurrent enrollment of a qualified student pursuant~~  
13 ~~to this article shall enter into a cooperative agreement with the local~~  
14 ~~education provider of the student as described in subsection (6) of this~~  
15 ~~section.~~

16 **SECTION 5.** In Colorado Revised Statutes, **amend** 22-35-105 as  
17 follows:

18 **22-35-105. Financial provisions - payment of tuition.** (1) ~~A~~  
19 ~~cooperative agreement shall include financial provisions that satisfy the~~  
20 ~~requirements of this section.~~

21 (2) If a qualified student concurrently enrolls in a course offered  
22 by an institution of higher education, the institution ~~shall be~~ IS responsible  
23 for course content, placement of the student in the course, and the quality  
24 of instruction. In addition, because the qualified student is receiving  
25 academic credit at his or her local education provider for the course  
26 pursuant to section 22-35-104 (5):

27 (a) The qualified student ~~shall be~~ IS included in the funded pupil

1 count of his or her school district or, in the case of a student enrolled in  
2 an institute charter school, of the school's accounting district, as  
3 determined pursuant to the provisions of section 22-54-103 (7); and

4 (b) The institution of higher education shall include the qualified  
5 student in determining the number of full-time equivalent students  
6 enrolled in the institution pursuant to the provisions of title 23, C.R.S.

7 (3) (a) ~~A cooperative agreement shall establish the tuition rate at~~  
8 ~~which the local education provider shall pay the institution of higher~~  
9 ~~education for any courses in which a qualified student of the local~~  
10 ~~education provider concurrently enrolls at the institution. The tuition rate~~  
11 ~~shall not exceed:~~ THE LOCAL EDUCATION PROVIDER THAT ENROLLS A  
12 QUALIFIED STUDENT WHO CONCURRENTLY ENROLLS IN ONE OR MORE  
13 POSTSECONDARY COURSES, INCLUDING ACADEMIC COURSES AND CAREER  
14 AND TECHNICAL EDUCATION COURSES, SHALL PAY TO THE ENROLLING  
15 INSTITUTION OF HIGHER EDUCATION AN AMOUNT EQUAL TO FIVE PERCENT  
16 OF THE LOCAL EDUCATION PROVIDER'S PER PUPIL REVENUE FOR THE  
17 APPLICABLE BUDGET YEAR FOR EACH CREDIT HOUR IN WHICH THE  
18 QUALIFIED STUDENT ENROLLS.

19 (f) ~~For a course offered by a public community college, a public~~  
20 ~~junior college, or an area vocational school, the student share of the~~  
21 ~~tuition rate established for Colorado residents enrolled in the course,~~  
22 ~~which tuition rate is established by the state board for community colleges~~  
23 ~~and occupational education pursuant to section 23-60-202 (1) (c) (f),~~  
24 ~~C.R.S., except that, if the local education provider is located outside the~~  
25 ~~boundaries of every community college service area, as assigned by the~~  
26 ~~commission pursuant to section 23-60-207, C.R.S., the tuition rate shall~~  
27 ~~not exceed the actual student share of the resident tuition rate of the~~

1 ~~nearest Colorado public institution of higher education.~~

2 ~~(H) For a course offered by any other institution of higher~~  
3 ~~education, the student share of the tuition rate established for Colorado~~  
4 ~~residents enrolled in a general studies course at a community college,~~  
5 ~~which tuition rate is established by the state board for community colleges~~  
6 ~~and occupational education pursuant to section 23-60-202 (1) (c) (I),~~  
7 ~~C.R.S.; except that, if the local education provider is located outside the~~  
8 ~~boundaries of every community college service area, as assigned by the~~  
9 ~~commission pursuant to section 23-60-207, C.R.S., the tuition rate shall~~  
10 ~~not exceed the actual student share of the resident tuition rate of the~~  
11 ~~nearest Colorado public institution of higher education.~~

12 (b) ~~Nothing in~~ This subsection (3) shall be interpreted to DOES  
13 NOT prohibit an institution of higher education from charging tuition or  
14 associated fees to a qualified student or his or her parent or legal guardian  
15 in addition to the ~~tuition~~ AMOUNT paid by the student's local education  
16 provider to the institution pursuant to paragraph (a) of this subsection (3).

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

25 (b) If a qualified student concurrently enrolled in a course ~~for~~  
26 ~~whom a local education provider pays tuition~~ does not complete the  
27 course for any reason without the consent of the principal of the high

1 school in which the qualified student is enrolled, the qualified student or  
2 the qualified student's parent or legal guardian shall reimburse the local  
3 education provider, as provided in the document signed pursuant to  
4 paragraph (a) of this subsection (4), for the amount of ~~tuition~~ paid by the  
5 local education provider for the course.

6 (c) A local education provider may adopt a policy that requires a  
7 qualified student and his or her parent or legal guardian to sign a  
8 document ~~prior to~~ BEFORE the student's concurrent enrollment in a course,  
9 which document commits the student or his or her parent or legal  
10 guardian to reimburse the local education provider for the ~~tuition~~ AMOUNT  
11 paid by the local education provider for the course in the event that the  
12 student receives a failing grade in the course.

13 (5) A local education provider and an institution of higher  
14 education may elect to include in ~~their~~ A cooperative agreement other  
15 financial provisions that are not inconsistent with the provisions of this  
16 section.

17 **SECTION 6.** In Colorado Revised Statutes, 22-35-107, **amend**  
18 (6) introductory portion, (6) (c), and (6) (f); and **repeal** (6) (b) as follows:

19 **22-35-107. Concurrent enrollment advisory board - created -**  
20 **membership - duties - reports - repeal.** (6) The board ~~shall have~~ HAS  
21 the following duties:

22 (b) ~~Advising and assisting local education providers and~~  
23 ~~institutions of higher education in preparing cooperative agreements;~~

24 (c) Making recommendations as necessary to the general  
25 assembly, the state board, and the commission concerning the  
26 improvement or updating of state policies relating to concurrent  
27 enrollment programs, including but not limited to ~~recommendations of~~

1 ~~policies that will allow every local education provider in the state to have~~  
2 ~~adequate resources to enter into at least one cooperative agreement and~~  
3 recommendations of a funding allocation model, to be approved by the  
4 state board on or before July 1, 2013, in the event that the number of  
5 qualified students identified by local education providers exceeds  
6 available appropriations pursuant to section 22-35-108 (2);

7 (f) Collaborating with persons from the department of education,  
8 the department of labor and employment, the community college system,  
9 the local district junior colleges, area vocational schools, and the  
10 Colorado work force development council created in section 24-46.3-101,  
11 C.R.S., to create a set of standard recommendations to advise and assist  
12 local education providers in ~~creating cooperative agreements to include~~  
13 APPROVING CONCURRENT ENROLLMENT IN course work related to  
14 apprenticeship programs and internship programs as options within a  
15 local education provider's concurrent enrollment program. The board  
16 shall complete the standard recommendations and make them available  
17 to local education providers by January 1, 2016.

18 **SECTION 7.** In Colorado Revised Statutes, **amend** 22-35-109 as  
19 follows:

20 **22-35-109. Institution of higher education - enrollment -**  
21 **limitations.** (1) ~~An~~ A PUBLIC institution of higher education to which a  
22 qualified student applies for concurrent enrollment ~~may~~ SHALL allow the  
23 student to enroll in courses offered by the institution, ~~An~~ SO LONG AS THE  
24 STUDENT MEETS THE ACADEMIC REQUIREMENTS FOR EACH COURSE IN  
25 WHICH THE STUDENT SEEKS TO CONCURRENTLY ENROLL. A PRIVATE  
26 INSTITUTION OF HIGHER EDUCATION TO WHICH A QUALIFIED STUDENT  
27 APPLIES FOR CONCURRENT ENROLLMENT MAY ALLOW THE STUDENT TO

1 ENROLL IN COURSES OFFERED BY THE INSTITUTION. A PRIVATE institution  
2 of higher education may limit the number of qualified students that the  
3 institution allows to enroll.

4 (2) If ~~an~~ A PUBLIC institution of higher education refuses to allow  
5 a qualified student to concurrently enroll IN A COURSE BECAUSE THE  
6 STUDENT DOES NOT MEET THE ACADEMIC REQUIREMENTS FOR THE  
7 COURSE, the institution shall provide a written explanation of its refusal  
8 to the student and the student's local education provider.

9 **SECTION 8.** In Colorado Revised Statutes, 22-35-112, **amend**  
10 (2) (f); and **repeal** (2) (a) as follows:

11 **22-35-112. Reports.** (2) On or before February 1, 2011, and on  
12 or before February 1 each year thereafter, the department and the  
13 department of higher education shall collaborate to prepare and submit to  
14 the education committees of the senate and house of representatives, or  
15 any successor committees, a report concerning the concurrent enrollment  
16 of qualified students in postsecondary courses, including academic  
17 courses and career and technical education courses, and courses related  
18 to apprenticeship programs and internship programs. The report must  
19 include, but need not be limited to:

20 (a) ~~The number and names of local education providers and~~  
21 ~~institutions of higher education that have entered into cooperative~~  
22 ~~agreements, including cooperative agreements concerning course work~~  
23 ~~related to apprenticeship programs and internship programs;~~

24 (f) The total ~~tuition costs~~ AMOUNTS paid by local education  
25 providers to institutions of higher education in the previous school year  
26 on behalf of qualified students who participated in concurrent enrollment  
27 programs in the previous school year, including subtotals for each local

1 education provider and each institution of higher education;

2 **SECTION 9.** In Colorado Revised Statutes, 22-35-109.5, **amend**  
3 (3) (e) as follows:

4 **22-35-109.5. Community colleges - dropout recovery**  
5 **programs - definitions.** (3) The agreement between a community  
6 college and a local education provider to operate a dropout recovery  
7 program pursuant to this section shall specify, at a minimum, that:

8 (e) The local education provider shall pay the student share of the  
9 tuition for each course in which a student enrolls through the dropout  
10 recovery program in an amount negotiated by the local education provider  
11 and the community college. The local education provider and the  
12 community college may agree to additional financial provisions. ~~that are~~  
13 ~~not inconsistent with the provisions of section 22-35-105.~~

14 **SECTION 10. Act subject to petition - effective date.** This act  
15 takes effect at 12:01 a.m. on the day following the expiration of the  
16 ninety-day period after final adjournment of the general assembly (August  
17 10, 2016, if adjournment sine die is on May 11, 2016); except that, if a  
18 referendum petition is filed pursuant to section 1 (3) of article V of the  
19 state constitution against this act or an item, section, or part of this act  
20 within such period, then the act, item, section, or part will not take effect  
21 unless approved by the people at the general election to be held in  
22 November 2016 and, in such case, will take effect on the date of the  
23 official declaration of the vote thereon by the governor.