

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 18-0230.01 Brita Darling x2241

HOUSE BILL 18-1052

HOUSE SPONSORSHIP

Lundeen,

SENATE SPONSORSHIP

Todd,

House Committees
Education

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING LOCAL EDUCATION PROVIDERS' RECEIPT OF**
102 **CONCURRENT ENROLLMENT COURSES FROM A TWO-YEAR**
103 **INSTITUTION OF HIGHER EDUCATION OUTSIDE OF THE**
104 **INSTITUTION'S APPROVED SERVICE AREA WHEN THE**
105 **INSTITUTION APPROVED TO SERVE THE LOCAL EDUCATION**
106 **PROVIDER DECLINES TO PROVIDE CONCURRENT ENROLLMENT**
107 **COURSES.**

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://leg.colorado.gov>.)

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

Under current law, a 2-year institution of higher education may provide a concurrent enrollment program or course to local education providers that are located within the institution's college service area approved by the Colorado commission on higher education (commission). The bill requires the commission to establish a policy that allows a 2-year institution of higher education to provide a concurrent enrollment program or course to a local education provider that is not within its college service area if the designated 2-year institution of higher education chooses not to provide a concurrent enrollment program or course requested by the local education provider.

The bill specifies how concurrent enrollment programs or courses provided by a 2-year institution outside of its service area will be funded.

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

2 **SECTION 1.** In Colorado Revised Statutes, 23-1-109, **add** (6) as
3 follows:

4 **23-1-109. Duties and powers of the commission with regard to**
5 **off-campus instruction - provision of concurrent enrollment**
6 **programs - legislative declaration - definitions.** (6) (a) AS USED IN THIS
7 SUBSECTION (6), UNLESS THE CONTEXT OTHERWISE REQUIRES:

8 (I) "COMMISSION-APPROVED TWO-YEAR INSTITUTION" MEANS THE
9 TWO-YEAR INSTITUTION OF HIGHER EDUCATION IN WHOSE COLLEGE
10 SERVICE AREA THE LOCAL EDUCATION PROVIDER IS LOCATED.

11 (II) "TWO-YEAR INSTITUTION OF HIGHER EDUCATION" MEANS A
12 STATE-SUPPORTED INSTITUTION OF HIGHER EDUCATION WITH A TWO-YEAR
13 ROLE AND MISSION, INCLUDING THE COMMUNITY COLLEGE ROLE AND
14 MISSION OF ADAMS STATE UNIVERSITY AND COLORADO MESA UNIVERSITY.

15 (b) THE COMMISSION SHALL ESTABLISH A POLICY THAT
16 FACILITATES LOCAL EDUCATION PROVIDER PARTICIPATION IN A
17 CONCURRENT ENROLLMENT PROGRAM OR COURSE, PURSUANT TO ARTICLE
18 35 OF TITLE 22, WITH A TWO-YEAR INSTITUTION OF HIGHER EDUCATION

1 THAT IS OUTSIDE OF THE GEOGRAPHIC BOUNDARIES OF THE
2 COMMISSION-APPROVED COLLEGE SERVICE AREA IN WHICH THE LOCAL
3 EDUCATION PROVIDER IS LOCATED. THE COMMISSION'S POLICY SHALL
4 APPLY WHEN A LOCAL EDUCATION PROVIDER HAS REQUESTED IN WRITING,
5 AFTER THE ADOPTION OF THE COMMISSION POLICY PURSUANT TO THIS
6 SUBSECTION (6)(b), A CONCURRENT ENROLLMENT PROGRAM OR COURSE
7 FROM THE COMMISSION-APPROVED TWO-YEAR INSTITUTION AND THE
8 COMMISSION-APPROVED TWO-YEAR INSTITUTION DECLINES IN WRITING TO
9 PROVIDE THE REQUESTED CONCURRENT ENROLLMENT PROGRAM OR
10 COURSE. A TWO-YEAR INSTITUTION OF HIGHER EDUCATION THAT FAILS TO
11 AGREE OR DECLINE IN WRITING TO PROVIDE A CONCURRENT ENROLLMENT
12 PROGRAM OR COURSE IN RESPONSE TO A WRITTEN REQUEST WITHIN
13 FORTY-FIVE DAYS OF RECEIVING THE REQUEST SHALL BE DEEMED TO HAVE
14 DECLINED TO PROVIDE THE PROGRAM OR COURSE.

15 (c) NOTHING IN THIS SECTION REQUIRES A LOCAL EDUCATION
16 PROVIDER TO ENTER INTO A COOPERATIVE AGREEMENT FOR A
17 CONCURRENT ENROLLMENT PROGRAM OR COURSE OR PRECLUDES
18 TWO-YEAR INSTITUTIONS OF HIGHER EDUCATION FROM ENTERING INTO
19 VOLUNTARY SERVICE AREA WAIVER AGREEMENTS UNDER WHICH A
20 TWO-YEAR INSTITUTION OF HIGHER EDUCATION AGREES TO ALLOW
21 ANOTHER TWO-YEAR INSTITUTION OF HIGHER EDUCATION TO PROVIDE A
22 CONCURRENT ENROLLMENT PROGRAM OR COURSE WITHIN ITS
23 COMMISSION-APPROVED COLLEGE SERVICE AREA.

24 (d) WHEN A TWO-YEAR INSTITUTION OF HIGHER EDUCATION
25 PROVIDES A CONCURRENT ENROLLMENT PROGRAM OR COURSE OUTSIDE OF
26 ITS COMMISSION-APPROVED COLLEGE SERVICE AREA IN ACCORDANCE WITH
27 COMMISSION POLICIES ESTABLISHED PURSUANT TO SUBSECTION (6)(b) OF

1 THIS SECTION OR PURSUANT TO A VOLUNTARY SERVICE AREA WAIVER
2 AGREEMENT WITH ANOTHER TWO-YEAR INSTITUTION OF HIGHER
3 EDUCATION, THE CONCURRENT ENROLLMENT PROGRAM OR COURSE SHALL
4 BE FUNDED AS THOUGH OFFERED AS ON-CAMPUS INSTRUCTION WITHIN THE
5 COMMISSION-APPROVED COLLEGE SERVICE AREA OF THE TWO-YEAR
6 INSTITUTION OF HIGHER EDUCATION PROVIDING THE CONCURRENT
7 ENROLLMENT PROGRAM OR COURSE.

8 (e) NOTHING IN THIS SUBSECTION (6) AFFECTS PROVISIONS
9 CONTAINED IN ARTICLE 35 OF TITLE 22 RELATING TO THE TUITION RATE
10 PAID FOR A CONCURRENT ENROLLMENT PROGRAM OR COURSE.

11 **SECTION 2. Act subject to petition - effective date.** This act
12 takes effect at 12:01 a.m. on the day following the expiration of the
13 ninety-day period after final adjournment of the general assembly (August
14 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a
15 referendum petition is filed pursuant to section 1 (3) of article V of the
16 state constitution against this act or an item, section, or part of this act
17 within such period, then the act, item, section, or part will not take effect
18 unless approved by the people at the general election to be held in
19 November 2018 and, in such case, will take effect on the date of the
20 official declaration of the vote thereon by the governor.