

**Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

PREAMENDED

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

LLS NO. 22-0436.01 Julie Pelegrin x2700

HOUSE BILL 22-1002

HOUSE SPONSORSHIP

Weissman and Bacon,

SENATE SPONSORSHIP

Buckner,

House Committees

Education
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING EXPANDING STUDENT ACCESS TO ENROLLMENT IN**
102 **POSTSECONDARY COURSES WHILE THE STUDENT IS ENROLLED IN**
103 **HIGH SCHOOL.**

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>.)

Under current law, a qualified student who is selected to participate in the accelerating students through concurrent enrollment (ASCENT) program by the department of education (department) may enroll in postsecondary courses and be included in the pupil enrollment of a school district, board of cooperative services, or charter school (local

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.*

education provider) for funding during the year following the student's fourth year of high school. The number of students who are selected to participate in the ASCENT program is limited each year through the budget process.

The bill removes the limit on the number of program participants and allows each qualified student selected by the enrolling local education provider to participate in the program. The bill reduces the number of postsecondary credits a qualified student must have completed to be eligible to participate in the ASCENT program. The bill directs the department to distribute to each local education provider for each ASCENT program participant an amount equal to 3% of the per-pupil extended high school funding amount to pay for non-tuition expenses the qualified student incurs in participating in the postsecondary courses.

Under existing law, a qualified student who fails to complete a concurrent enrollment course must repay the local education provider for the amount of tuition, and a local education provider may require a qualified student to repay the tuition amount if the qualified student earns a failing grade for a concurrent enrollment course. The bill repeals these provisions.

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

2 **SECTION 1.** In Colorado Revised Statutes, **amend** 22-35-108 as
3 follows:

4 **22-35-108. Accelerating students through concurrent**
5 **enrollment program - objectives - non-tuition expenses - rules.**

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

14 (I) Increase the percentage of students who participate in

1 postsecondary education, especially among low-income and traditionally
2 underserved populations;

3 (II) Decrease the number of students who do not complete high
4 school;

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

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

8 (V) Increase the number of educational pathways available to
9 students.

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

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

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

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

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

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

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

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

8 ~~(b)~~ Repealed.

9 ~~(c)~~ (I) Repealed.

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

18 ~~(H)~~ Repealed.

19 ~~(IV)~~ The department shall not designate a greater number of
20 ASCENT program participants for a school year than the number of
21 participants that the general assembly approves for funding in the annual
22 general appropriation act for the applicable budget year.

23 (3) (a) ~~The local education provider of a qualified student who is~~
24 ~~designated by the department as an ASCENT program participant may~~
25 ~~include the student~~ A LOCAL EDUCATION PROVIDER MAY INCLUDE EACH
26 QUALIFIED STUDENT WHOM THE LOCAL EDUCATION PROVIDER DESIGNATES
27 TO PARTICIPATE IN THE ASCENT PROGRAM PURSUANT TO THIS SECTION

1 in the district's funded pupil count, or, in the case of a QUALIFIED student
2 enrolled in an institute charter school, in the FUNDED PUPIL COUNT OF THE
3 school's accounting district, as provided in section 22-54-103 (7).

4 ~~(b) A local education provider that receives extended high school~~
5 ~~funding, as described in section 22-54-104 (4.7), in a budget year for~~
6 ~~ASCENT program participants may expend the funding on behalf of~~
7 ~~ASCENT program participants who enroll in an institution of higher~~
8 ~~education during that budget year and on behalf of ASCENT program~~
9 ~~participants who, by May 1 of that budget year, are admitted to an~~
10 ~~institution of higher education to participate in the ASCENT program~~
11 ~~during the next budget year.~~

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

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

26 (5) For the purposes of part 5 of article 11 of this title 22
27 concerning school accountability reports, the department shall include

1 ASCENT program participants in the reporting requirements, regardless
2 of whether an ASCENT program participant has completed ~~his or her~~ THE
3 PARTICIPANT'S graduation requirements.

4 ~~(6)(a) Repealed.~~

5 ~~(b)~~ (6) For purposes of applying the provisions of article 11 of this
6 title 22 concerning school accountability and reporting graduation rates,
7 a qualified student who is an ASCENT program participant ~~shall~~ MUST
8 be counted in the enrolling school district's or institute charter school's
9 graduation rate in the school year in which the student completes the
10 school district's or institute charter school's minimum high school
11 graduation requirements. The state board ~~of education~~ shall promulgate
12 rules for schools and school districts to follow in satisfying state and
13 federal reporting requirements concerning the enrollment status of
14 ASCENT program participants. To the extent practicable, the rules must
15 ensure that schools and school districts are not adversely affected in
16 calculating and reporting the completion of high school graduation
17 requirements by qualified students who have been designated by ~~the~~
18 ~~department~~ LOCAL EDUCATION PROVIDERS as ASCENT program
19 participants. The rules must include, at a minimum, reporting
20 requirements relating to:

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

23 ~~(H)~~ (b) The provisions of article 11 of this title 22 concerning
24 educational accreditation.

25 (7) (a) FOR THE 2022-23 BUDGET YEAR AND FOR EACH BUDGET
26 YEAR THEREAFTER, THE GENERAL ASSEMBLY SHALL APPROPRIATE MONEY
27 TO THE DEPARTMENT THAT THE DEPARTMENT SHALL DISTRIBUTE TO EACH

1 LOCAL EDUCATION PROVIDER THAT DESIGNATES QUALIFIED STUDENTS FOR
2 THE ASCENT PROGRAM FOR THE APPLICABLE BUDGET YEAR. THE
3 DEPARTMENT SHALL DISTRIBUTE TO EACH LOCAL EDUCATION PROVIDER
4 AN AMOUNT EQUAL TO THREE PERCENT OF THE PER-PUPIL EXTENDED HIGH
5 SCHOOL FUNDING AMOUNT, ESTABLISHED FOR THE APPLICABLE BUDGET
6 YEAR PURSUANT TO SECTION 22-54-104 (4.7), FOR EACH ASCENT
7 PROGRAM PARTICIPANT DESIGNATED BY THE LOCAL EDUCATION PROVIDER
8 FOR THE APPLICABLE BUDGET YEAR. IN A BUDGET YEAR IN WHICH THE
9 GENERAL ASSEMBLY DOES NOT APPROPRIATE A SUFFICIENT AMOUNT TO
10 FULLY FUND THE DISTRIBUTIONS DESCRIBED IN THIS SUBSECTION (7)(a),
11 THE DEPARTMENT SHALL REDUCE THE AMOUNT OF EACH LOCAL
12 EDUCATION PROVIDER'S DISTRIBUTION BY THE SAME PERCENTAGE THAT
13 THE DEFICIT BEARS TO THE AMOUNT REQUIRED TO FULLY FUND THE
14 DISTRIBUTIONS AUTHORIZED BY THIS SUBSECTION (7)(a).

15 (b) IN DISTRIBUTING MONEY PURSUANT TO SUBSECTION (7)(a) OF
16 THIS SECTION TO A LOCAL EDUCATION PROVIDER THAT IS A CHARTER
17 SCHOOL, THE DEPARTMENT SHALL DISTRIBUTE THE AMOUNT FOR ASCENT
18 PROGRAM PARTICIPANTS WHO ARE ENROLLED BY THE CHARTER SCHOOL TO
19 THE CHARTER SCHOOL'S AUTHORIZER. THE AUTHORIZER SHALL
20 DISTRIBUTE TO THE CHARTER SCHOOL ONE HUNDRED PERCENT OF THE
21 MONEY RECEIVED FOR THE CHARTER SCHOOL'S ASCENT PROGRAM
22 PARTICIPANTS.

23 (c) A LOCAL EDUCATION PROVIDER THAT RECEIVES A
24 DISTRIBUTION OF MONEY PURSUANT TO THIS SUBSECTION (7) SHALL MAKE
25 THE ENTIRE AMOUNT OF THE PER-PUPIL DISTRIBUTION AVAILABLE TO EACH
26 ASCENT PROGRAM PARTICIPANT TO USE FOR NON-TUITION EXPENSES
27 DIRECTLY INCURRED IN PARTICIPATING IN THE ASCENT PROGRAM,

1 INCLUDING BOOKS, FEES, AND TRANSPORTATION. EACH ASCENT
2 PROGRAM PARTICIPANT SHALL SUBMIT RECEIPTS TO THE LOCAL
3 EDUCATION PROVIDER FOR THE QUALIFYING NON-TUITION EXPENSES THAT
4 THE PARTICIPANT INCURS, AND THE LOCAL EDUCATION PROVIDER SHALL
5 REIMBURSE THE PARTICIPANT UP TO THE AMOUNT OF THE PER-PUPIL
6 DISTRIBUTION. AT THE END OF A SCHOOL YEAR, IF THE LOCAL EDUCATION
7 PROVIDER HAS NOT DISTRIBUTED ALL OF THE MONEY RECEIVED PURSUANT
8 TO THIS SUBSECTION (7), THE LOCAL EDUCATION PROVIDER SHALL
9 DISTRIBUTE THE REMAINDER IN AN EQUITABLE MANNER TO FULLY
10 REIMBURSE, TO THE EXTENT POSSIBLE, ALL ASCENT PROGRAM
11 PARTICIPANTS WHO SUBMITTED RECEIPTS FOR QUALIFYING NON-TUITION
12 EXPENSES THAT EXCEEDED THE PER-PUPIL DISTRIBUTION AMOUNT. IF ANY
13 AMOUNT REMAINS AFTER ALL ASCENT PROGRAM PARTICIPANTS ARE
14 FULLY REIMBURSED FOR QUALIFYING NON-TUITION EXPENSES, THE LOCAL
15 EDUCATION PROVIDER MAY RETAIN THE REMAINDER TO USE ONLY FOR
16 ASCENT PROGRAM EXPENSES IN SUBSEQUENT BUDGET YEARS.

17 (d) EACH LOCAL EDUCATION PROVIDER THAT ENROLLS ASCENT
18 PROGRAM PARTICIPANTS SHALL, AT THE BEGINNING OF EACH SCHOOL
19 YEAR, PROVIDE NOTICE TO THE PARTICIPANTS THAT, AT A MINIMUM,
20 SPECIFIES THE AMOUNT OF THE PER-PUPIL DISTRIBUTION AVAILABLE TO
21 EACH PARTICIPANT, THE TYPES OF QUALIFYING NON-TUITION EXPENSES
22 FOR WHICH A PARTICIPANT MAY CLAIM REIMBURSEMENT, AND THE
23 PROCEDURE AND TIMING FOR CLAIMING AND RECEIVING REIMBURSEMENTS,
24 INCLUDING ANY ADDITIONAL REIMBURSEMENT AMOUNTS DISTRIBUTED AT
25 THE END OF THE SCHOOL YEAR AS PROVIDED IN SUBSECTION (7)(c) OF THIS
26 SECTION.

27 **SECTION 2.** In Colorado Revised Statutes, 22-35-105, **repeal** (4)

1 as follows:

2 **22-35-105. Financial provisions - payment of tuition.**

3 ~~(4) (a) Before paying the tuition for a course in which a qualified student~~
4 ~~concurrently enrolls, the local education provider in which the qualified~~
5 ~~student is enrolled shall require the qualified student and his or her parent~~
6 ~~or legal guardian to sign a document requiring repayment of the amount~~
7 ~~of tuition paid by the local education provider for the course on the~~
8 ~~qualified student's behalf if the qualified student does not complete the~~
9 ~~course for any reason without the consent of the principal of the student's~~
10 ~~high school.~~

11 ~~(b) If a qualified student concurrently enrolled in a course for~~
12 ~~whom a local education provider pays tuition does not complete the~~
13 ~~course for any reason without the consent of the principal of the high~~
14 ~~school in which the qualified student is enrolled, the qualified student or~~
15 ~~the qualified student's parent or legal guardian shall reimburse the local~~
16 ~~education provider, as provided in the document signed pursuant to~~
17 ~~paragraph (a) of this subsection (4), for the amount of tuition paid by the~~
18 ~~local education provider for the course.~~

19 ~~(c) A local education provider may adopt a policy that requires a~~
20 ~~qualified student and his or her parent or legal guardian to sign a~~
21 ~~document prior to the student's concurrent enrollment in a course, which~~
22 ~~document commits the student or his or her parent or legal guardian to~~
23 ~~reimburse the local education provider for the tuition paid by the local~~
24 ~~education provider for the course in the event that the student receives a~~
25 ~~failing grade in the course.~~

26 **SECTION 3.** In Colorado Revised Statutes, 22-35-103, **amend**

27 (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 4.** 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

1 assembly, the state board, and the commission concerning the
2 improvement or updating of state policies relating to concurrent
3 enrollment programs, including but not limited to recommendations of
4 policies that will allow every local education provider in the state to have
5 adequate resources to enter into at least one cooperative agreement; ~~and~~
6 ~~recommendations of a funding allocation model, to be approved by the~~
7 ~~state board on or before July 1, 2013, in the event that the number of~~
8 ~~qualified students identified by local education providers exceeds~~
9 ~~available appropriations pursuant to section 22-35-108 (2);~~

10 (d) On or before ~~December 1, 2010~~ DECEMBER 1, 2022,
11 considering and making recommendations to the state board and the
12 education committees of the house of representatives and senate, or any
13 successor committees, regarding the feasibility of a waiver process
14 whereby a LOCAL EDUCATION PROVIDER, ON BEHALF OF A qualified
15 student, could apply to the department for a waiver of certain provisions
16 of section 22-35-108, which waiver would allow the LOCAL EDUCATION
17 PROVIDER TO DESIGNATE THE student ~~to be designated by the department~~
18 as an ASCENT program participant in the second year following the year
19 in which ~~he or she~~ THE QUALIFIED STUDENT was enrolled in the twelfth
20 grade of ~~a~~ THE local education provider so long as ~~he or she~~ THE
21 QUALIFYING STUDENT:

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

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

27 (III) Is eligible for free or ~~reduced-cost~~ REDUCED-PRICE lunch

1 pursuant to the federal "Richard B. Russell National School Lunch Act",
2 42 U.S.C. sec. 1751 et seq.;

3 **SECTION 5.** In Colorado Revised Statutes, 22-35-112, **amend**
4 (2)(g) as follows:

5 **22-35-112. Reports.** (2) ~~On or before February 1, 2011, and on~~
6 ~~or before February 1 each year thereafter through 2016, and on or before~~
7 ~~April 1, 2017, and on or before April 1 each year thereafter, ON OR~~
8 ~~BEFORE APRIL 1, 2022, AND ON OR BEFORE MAY 1 EACH YEAR~~
9 ~~THEREAFTER,~~ the department and the department of higher education shall
10 collaborate to prepare and submit to the education committees of the
11 senate and house of representatives, or any successor committees, a report
12 concerning the concurrent enrollment of qualified students in
13 postsecondary courses, including academic courses and career and
14 technical education courses, and courses related to apprenticeship
15 programs and internship programs. The report must include, but need not
16 be limited to:

17 (g) ~~FOR THE PREVIOUS SCHOOL YEAR, the total number of qualified~~
18 ~~students designated by the department as ASCENT or TREP program~~
19 ~~participants in the previous school year~~ THAT LOCAL EDUCATION
20 PROVIDERS DESIGNATED AS ASCENT PROGRAM PARTICIPANTS AND THE
21 TOTAL NUMBER OF QUALIFIED STUDENTS THE DEPARTMENT DESIGNATED
22 AS PARTICIPANTS IN THE TEACHER RECRUITMENT EDUCATION AND
23 PREPARATION PROGRAM;

24 **SECTION 6.** In Colorado Revised Statutes, 22-35-113, **amend**
25 (1)(f) as follows:

26 **22-35-113. Concurrent enrollment - website.** (1) By July 1,
27 2020, the department of education and the department of higher

1 education, with advice from the state board, shall make available to the
2 public a concurrent enrollment website to provide information to students,
3 parents, and legal guardians concerning concurrent enrollment options
4 and requirements. The departments must ensure that the website is clear,
5 easy to navigate, and generally user-friendly. In addition, the website
6 must at a minimum:

7 (f) Provide information concerning the payment of the costs of
8 concurrent enrollment, including tuition, which is not chargeable to the
9 student or the student's parent or legal guardian ~~except as provided in~~
10 ~~section 22-35-105 (4)(c)~~, fees and books, which may be chargeable to the
11 student or the student's parent or legal guardian, and transportation;

12 **SECTION 7.** In Colorado Revised Statutes, 22-54-112, **amend**
13 **(2)(c)** as follows:

14 **22-54-112. Reports to the state board.** (2) (c) On or before
15 November 10 of each year, the secretary of the state charter school
16 institute board shall certify to the state board the pupil enrollment, ~~and the~~
17 ~~online pupil enrollment, AND THE EXTENDED HIGH SCHOOL PUPIL~~
18 ~~ENROLLMENT~~ of each institute charter school taken in the preceding
19 ~~October.~~

20 **SECTION 8.** In Colorado Revised Statutes, 22-54-114, **amend**
21 **(4)(a)** as follows:

22 **22-54-114. State public school fund.** (4) (a) For the 1997-98
23 fiscal year and fiscal years thereafter, the net amount recovered by the
24 department of education during the applicable fiscal year, pursuant to
25 school district and institute charter school audits, as overpayments made
26 to school districts and institute charter schools ~~and any amount remitted~~
27 ~~by a school district or institute charter school pursuant to section~~

1 22-35-108(3)(c), that would otherwise be transmitted to the state
2 treasurer for deposit in the general fund shall instead be transmitted to the
3 state treasurer for deposit in the state public school fund. The amount
4 shall be available for appropriation to the department of education in
5 subsequent fiscal years.

6 **SECTION 9.** In Colorado Revised Statutes, 23-18-202, **amend**
7 (5)(c)(III) as follows:

8 **23-18-202. College opportunity fund - appropriations -**
9 **payment of stipends - reimbursement - report.** (5) (c) (III) For an
10 eligible undergraduate student who has completed one or more college
11 courses while enrolled in high school pursuant to the "Concurrent
12 Enrollment Programs Act", article 35 of title 22, or while designated by
13 the department of education as an ASCENT program participant pursuant
14 to section 22-35-108 or as a TREP program participant pursuant to
15 section 22-35-108.5, or while enrolled in a pathways in technology early
16 college high school pursuant to article 35.3 of title 22, all college-level
17 credit hours earned by the student while so enrolled count against the
18 lifetime limitation described in subsection (5)(c)(I) of this section; except
19 that credit hours earned from enrollment in a developmental education
20 course, as defined in section 23-1-113 (11)(b), do not count against the
21 lifetime limitation.

22 **SECTION 10. Safety clause.** The general assembly hereby finds,
23 determines, and declares that this act is necessary for the immediate
24 preservation of the public peace, health, or safety.