

## CHAPTER 48

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**EDUCATION - POSTSECONDARY**

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**HOUSE BILL 18-1052**

BY REPRESENTATIVE(S) Lundeen and Bridges, Becker K., Buckner, Covarrubias, Esgar, Exum, Garnett, Hamner, Hooton, Kraft-Tharp, Lebsack, Lee, Liston, Neville P., Pettersen, Rankin, Rosenthal, Saine, Sias, Weissman, Wilson, Young; also SENATOR(S) Todd, Aguilar, Baumgardner, Cooke, Court, Crowder, Donovan, Fenberg, Fields, Gardner, Hill, Jahn, Jones, Kefalas, Lambert, Marble, Martinez Humenik, Merrifield, Moreno, Neville T., Priola, Scott, Sonnenberg, Tate, Williams A., Zenzinger.

**AN ACT**

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

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

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

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

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

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

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

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*Capital letters or bold & italic numbers indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

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

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

(d) WHEN A TWO-YEAR INSTITUTION OF HIGHER EDUCATION PROVIDES A CONCURRENT ENROLLMENT PROGRAM OR COURSE OUTSIDE OF ITS COMMISSION-APPROVED COLLEGE SERVICE AREA IN ACCORDANCE WITH COMMISSION POLICIES ESTABLISHED PURSUANT TO SUBSECTION (6)(b) OF THIS SECTION OR PURSUANT TO A VOLUNTARY SERVICE AREA WAIVER AGREEMENT WITH ANOTHER TWO-YEAR INSTITUTION OF HIGHER EDUCATION, THE CONCURRENT ENROLLMENT PROGRAM OR COURSE SHALL BE FUNDED AS THOUGH OFFERED AS ON-CAMPUS INSTRUCTION WITHIN THE COMMISSION-APPROVED COLLEGE SERVICE AREA OF THE TWO-YEAR INSTITUTION OF HIGHER EDUCATION PROVIDING THE CONCURRENT ENROLLMENT PROGRAM OR COURSE.

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

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

Approved: March 22, 2018