

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 22-0436.01 Julie Pelegrin x2700

HOUSE BILL 22-1002

HOUSE SPONSORSHIP

Weissman and Bacon,

SENATE SPONSORSHIP

Buckner,

House Committees
Education

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.

7 **SECTION 2.** In Colorado Revised Statutes, 22-35-105, **repeal** (4)
8 as follows:

9 **22-35-105. Financial provisions - payment of tuition.**

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

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

26 ~~(c) A local education provider may adopt a policy that requires a~~
27 ~~qualified student and his or her parent or legal guardian to sign a~~

1 document prior to the student's concurrent enrollment in a course, which
2 document commits the student or his or her parent or legal guardian to
3 reimburse the local education provider for the tuition paid by the local
4 education provider for the course in the event that the student receives a
5 failing grade in the course.

6 **SECTION 3.** In Colorado Revised Statutes, 22-35-103, **amend**
7 (6)(a) as follows:

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

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

1 degree transfer agreement pursuant to section 23-1-108 (7)(a).

2 **SECTION 4.** In Colorado Revised Statutes, 22-35-107, **amend**
3 (6) introductory portion, (6)(c), and (6)(d) as follows:

4 **22-35-107. Concurrent enrollment advisory board - created -**
5 **membership - duties - reports - repeal.** (6) The board ~~shall have~~ HAS
6 the following duties:

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

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

1 QUALIFYING STUDENT:

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

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

7 (III) Is eligible for free or ~~reduced-cost~~ REDUCED-PRICE lunch
8 pursuant to the federal "Richard B. Russell National School Lunch Act",
9 42 U.S.C. sec. 1751 et seq.;

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

12 **22-35-112. Reports.** (2) On or before February 1, 2011, and on
13 or before February 1 each year thereafter through 2016, and on or before
14 April 1, 2017, and on or before April 1 each year thereafter, the
15 department and the department of higher education shall collaborate to
16 prepare and submit to the education committees of the senate and house
17 of representatives, or any successor committees, a report concerning the
18 concurrent enrollment of qualified students in postsecondary courses,
19 including academic courses and career and technical education courses,
20 and courses related to apprenticeship programs and internship programs.

21 The report must include, but need not be limited to:

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

1 PREPARATION PROGRAM;

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

4 **22-35-113. Concurrent enrollment - website.** (1) By July 1,
5 2020, the department of education and the department of higher
6 education, with advice from the state board, shall make available to the
7 public a concurrent enrollment website to provide information to students,
8 parents, and legal guardians concerning concurrent enrollment options
9 and requirements. The departments must ensure that the website is clear,
10 easy to navigate, and generally user-friendly. In addition, the website
11 must at a minimum:

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

17 **SECTION 7.** In Colorado Revised Statutes, 22-54-114, **amend**
18 (4)(a) as follows:

19 **22-54-114. State public school fund.** (4) (a) For the 1997-98
20 fiscal year and fiscal years thereafter, the net amount recovered by the
21 department of education during the applicable fiscal year, pursuant to
22 school district and institute charter school audits, as overpayments made
23 to school districts and institute charter schools ~~and any amount remitted~~
24 ~~by a school district or institute charter school pursuant to section~~
25 ~~22-35-108 (3)(c)~~, that would otherwise be transmitted to the state
26 treasurer for deposit in the general fund shall instead be transmitted to the
27 state treasurer for deposit in the state public school fund. The amount

1 shall be available for appropriation to the department of education in
2 subsequent fiscal years.

3 **SECTION 8.** In Colorado Revised Statutes, 23-18-202, **amend**
4 (5)(c)(III) as follows:

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

19 **SECTION 9. Safety clause.** The general assembly hereby finds,
20 determines, and declares that this act is necessary for the immediate
21 preservation of the public peace, health, or safety.