

CHAPTER 49

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**EDUCATION - PUBLIC SCHOOLS**

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**HOUSE BILL 98-1162**

BY REPRESENTATIVES Bacon, Dean, Gotlieb, S. Johnson, Mace, Reeser, Tool, Tupa, S. Williams, and Young;  
also SENATORS Matsunaka and Tebedo.

**AN ACT**

CONCERNING PAYMENT OF TUITION FOR STUDENTS ENROLLED IN INSTITUTIONS OF HIGHER EDUCATION  
THROUGH THE "POSTSECONDARY ENROLLMENT OPTIONS ACT".

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

**SECTION 1.** 22-35-102, Colorado Revised Statutes, is amended to read:

**22-35-102. Legislative declaration.** (1) The general assembly hereby finds, determines, and declares that high school pupils need to be continually challenged in order to maintain their academic interests; that such challenges must include rigorous academic pursuits; that, for some students, exposure to such academic challenges declines during the last two years of high school as pupils complete their graduation requirements; that there is a high rate of dropouts at the eleventh and twelfth grade levels; that, for some students, courses not offered in high school or courses offered in a different setting may stimulate or maintain their interest; that providing a wider variety of options to high school pupils by encouraging and enabling secondary pupils to enroll in courses offered by state institutions of higher education provides new and exciting academic challenges to such pupils; and that such enrollment opportunities provide access to excellence in education.

(2) THE GENERAL ASSEMBLY FURTHER FINDS THAT ANY STUDENT WHO ENROLLS IN POSTSECONDARY COURSES PURSUANT TO THIS ARTICLE SHOULD BE EXPECTED TO SHOW A HIGH DEGREE OF MATURITY AND RESPONSIBILITY, ESPECIALLY WITH REGARD TO THE SUCCESSFUL COMPLETION OF SUCH POSTSECONDARY COURSES. THE GENERAL ASSEMBLY THEREFORE FINDS THAT AN IMPORTANT METHOD OF FOSTERING SUCH RESPONSIBILITY IS TO REQUIRE THE STUDENT, OR HIS OR HER FAMILY, TO PAY THE

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

TUITION COSTS ASSOCIATED WITH SUCH POSTSECONDARY COURSES, SUBJECT TO REIMBURSEMENT BY THE SCHOOL DISTRICT UPON SUCCESSFUL COMPLETION OF SUCH POSTSECONDARY COURSES.

**SECTION 2.** 22-35-104 (3) (c), Colorado Revised Statutes, is amended to read:

**22-35-104. Enrollment in institution of higher education - cooperative agreement.** (3) When a pupil enrolls in courses at an institution of higher education for high school credit pursuant to section 22-35-105 (2) or (3) (a), the school district of the pupil and the institution of higher education in which the pupil desires to enroll shall enter into a cooperative agreement regarding the enrollment of and the funding method for the pupil in such institution of higher education, including, but not limited to:

(c) The requirement that any pupil enrolled pursuant to the provisions of section 22-35-105 (2) or (3) (a) ~~shall not be required to pay any~~ SHALL BE REIMBURSED BY THE SCHOOL DISTRICT FOR THE AMOUNT OF tuition PAID for such courses, AS PROVIDED IN SECTION 22-35-105 (6); and

**SECTION 3.** 22-35-105 (3) (a) (III), (4) (b), and (4) (b.5), Colorado Revised Statutes, are amended to read:

**22-35-105. Financial provisions - payment of tuition.** (3) If pupils of any school district are enrolled pursuant to the provisions of this article in one or two courses per academic term offered by any institution of higher education for postsecondary students and:

(a) If the pupil so enrolled is receiving high school credit for such course:

(III) ~~The school district shall forward~~ EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (8) OF THIS SECTION, THE PUPIL OR THE PUPIL'S PARENT OR GUARDIAN SHALL PAY to the institution of higher education the amount of tuition to which the institution of higher education would be entitled on behalf of a regularly enrolled student taking such courses; except that, for any state-supported institution of higher education, such amount of tuition shall not exceed the in-state tuition rate charged by such state-supported institution of higher education, and, for any nonpublic institution of higher education, such amount of tuition shall not exceed the average in-state tuition charged by the representative group of comparable state institutions used for purposes of section 23-3.3-101 (1.5) (a), C.R.S. PAYMENT OF TUITION PURSUANT TO THIS SUBPARAGRAPH (III) SHALL BE SUBJECT TO REIMBURSEMENT BY THE SCHOOL DISTRICT AS PROVIDED IN SUBSECTION (6) OF THIS SECTION.

(4) If pupils of any school district are enrolled pursuant to the provisions of this article in three or more courses per academic term offered by any institution of higher education for postsecondary students:

(b) Unless otherwise provided by the school district AND EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (8) OF THIS SECTION, it shall be the responsibility of the pupil OR THE PUPIL'S PARENT OR GUARDIAN ~~for the third and each additional course per academic term;~~ to pay the amount of tuition to which the institution of higher education would be entitled on behalf of a regularly enrolled ~~student~~ PUPIL taking

such courses. TUITION PAID PURSUANT TO THIS PARAGRAPH (b) FOR THE FIRST TWO COURSES PER ACADEMIC TERM SHALL BE SUBJECT TO REIMBURSEMENT BY THE SCHOOL DISTRICT PURSUANT TO SUBSECTION (6) OF THIS SECTION. IN ADDITION, THE SCHOOL DISTRICT MAY CHOOSE TO REIMBURSE THE PUPIL OR THE PUPIL'S PARENT OR GUARDIAN FOR THE AMOUNT OF TUITION PAID FOR THE THIRD AND EACH ADDITIONAL COURSE PER ACADEMIC TERM.

~~(b.5) It shall be the responsibility of the school district to pay the amount of the tuition to which the institution of higher education would be entitled on behalf of a regularly enrolled student taking such courses for the first two courses per academic term; and~~

**SECTION 4.** 22-35-105 (6), Colorado Revised Statutes, is amended, and the said 22-35-105 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

**22-35-105. Financial provisions - payment of tuition.** ~~(6) Notwithstanding any other provision of this section, if a pupil, enrolled pursuant to the provisions of this article, voluntarily drops a course, without consent of the principal of the high school in which such pupil is enrolled, it shall be the responsibility of the pupil, or such pupil's parent or guardian, to reimburse the school district for the amount of tuition paid by the school district to the institution of higher education pursuant to this article to enroll such pupil in such course.~~ UPON PASSAGE OF ANY POSTSECONDARY COURSE IN WHICH A PUPIL ENROLLS PURSUANT TO THIS SECTION, THE PUPIL, OR THE PUPIL'S PARENT OR GUARDIAN, SHALL PRESENT EVIDENCE OF SUCH PASSAGE TO THE SCHOOL DISTRICT AND SHALL RECEIVE REIMBURSEMENT FROM THE SCHOOL DISTRICT FOR THE AMOUNT OF TUITION PAID FOR SUCH COURSE.

(8) (a) THE SCHOOL DISTRICT SHALL PAY THE TUITION REQUIRED UNDER SUBPARAGRAPH (III) OF PARAGRAPH (a) OF SUBSECTION (3) OF THIS SECTION AND TUITION FOR THE FIRST TWO COURSES PER ACADEMIC TERM UNDER PARAGRAPH (b) OF SUBSECTION (4) OF THIS SECTION FOR ANY PUPIL WHO IS ELIGIBLE FOR FREE OR REDUCED-COST LUNCH PURSUANT TO THE PROVISIONS OF THE FEDERAL "NATIONAL SCHOOL LUNCH ACT", 42 U.S.C. SEC. 1751, ET SEQ.

(b) IN ADDITION, THE SCHOOL DISTRICT MAY ENTER INTO AN AGREEMENT WITH A PUPIL TO PAY THE TUITION REQUIRED UNDER SUBPARAGRAPH (III) OF PARAGRAPH (a) OF SUBSECTION (3) OF THIS SECTION AND PARAGRAPH (b) OF SUBSECTION (4) OF THIS SECTION IN SITUATIONS WHERE:

(I) PAYMENT OF SUCH TUITION WOULD CONSTITUTE A FINANCIAL HARDSHIP FOR THE PUPIL OR THE PUPIL'S PARENT OR GUARDIAN; AND

(II) THE PUPIL HAS SHOWN EVIDENCE OF RESPONSIBILITY FOR AND COMMITMENT TO SUCCESSFULLY COMPLETING POSTSECONDARY COURSES.

(c) PRIOR TO PAYING THE TUITION FOR ANY PUPIL PURSUANT TO THIS SUBSECTION (8), THE SCHOOL DISTRICT SHALL REQUIRE THE PUPIL AND HIS OR HER PARENT OR GUARDIAN TO SIGN A PROMISE TO REPAY THE AMOUNT OF TUITION PAID BY THE SCHOOL DISTRICT ON THE PUPIL'S BEHALF IF THE PUPIL FAILS OR OTHERWISE DOES NOT COMPLETE THE POSTSECONDARY COURSE FOR ANY REASON, WITHOUT CONSENT OF

THE PRINCIPAL OF THE HIGH SCHOOL IN WHICH THE PUPIL IS ENROLLED.

(d) IF ANY PUPIL FOR WHOM THE SCHOOL DISTRICT PAYS TUITION PURSUANT TO THIS SUBSECTION (8) DOES NOT COMPLETE THE POSTSECONDARY COURSE FOR ANY REASON, WITHOUT CONSENT OF THE PRINCIPAL OF THE HIGH SCHOOL IN WHICH THE PUPIL IS ENROLLED, OR OTHERWISE FAILS TO PASS THE COURSE, IT SHALL BE THE RESPONSIBILITY OF THE PUPIL, OR SUCH PUPIL'S PARENT OR GUARDIAN, TO REIMBURSE THE SCHOOL DISTRICT, AS PROVIDED IN THE PROMISE SIGNED PURSUANT TO PARAGRAPH (c) OF THIS SUBSECTION (8), FOR THE AMOUNT OF TUITION PAID BY THE SCHOOL DISTRICT TO THE INSTITUTION OF HIGHER EDUCATION PURSUANT TO THIS ARTICLE.

**SECTION 5. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: March 27, 1998