

## CHAPTER 425

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**EDUCATION - PUBLIC SCHOOLS**


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**SENATE BILL 09-285**

BY SENATOR(S) Heath, Mitchell, Schwartz, Foster, Gibbs, Groff, Isgar, King K., Newell, Romer, Spence, Tapia, Veiga, White, Williams, Bacon, Boyd, Cadman, Hodge, Keller, Kester, Kopp, Lundberg, Morse, Penry, Sandoval, Scheffel, Shaffer B., Tochtrop, Hudak;  
 also REPRESENTATIVE(S) Summers and Solano, McFadyen, Rice, Benefield, Casso, Court, Frangas, Gerou, Kerr J., Labuda, Massey, Merrifield, Pace, Priola, Roberts, Ryden, Scanlan, Schafer S., Todd, Carroll T., Middleton, Baumgardner.

**AN ACT**

**CONCERNING THE INCLUSION OF CAREER AND TECHNICAL EDUCATION PROGRAM PROVIDERS AMONG THE INSTITUTIONS OF HIGHER EDUCATION THAT ARE PERMITTED TO OFFER CONCURRENT ENROLLMENT OPPORTUNITIES TO HIGH SCHOOL STUDENTS.**

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

**SECTION 1.** 22-35-103 (6), Colorado Revised Statutes, as enacted by House Bill 09-1319, is amended, and the said 22-35-103 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

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

(6)(a) "Concurrent enrollment" means the simultaneous enrollment of a qualified student in a local education provider and in ONE OR MORE POSTSECONDARY COURSES, INCLUDING ACADEMIC OR CAREER AND TECHNICAL EDUCATION COURSES, AT an institution of higher education pursuant to the provisions of this article.

(b) "CONCURRENT ENROLLMENT" DOES NOT INCLUDE A STUDENT'S SIMULTANEOUS ENROLLMENT IN A LOCAL EDUCATION PROVIDER AND IN ONE OR MORE SECONDARY CAREER AND TECHNICAL EDUCATION COURSES.

(13.5) "POSTSECONDARY CAREER AND TECHNICAL EDUCATION PROGRAM" MEANS A CAREER AND TECHNICAL EDUCATION PROGRAM THAT OFFERS POSTSECONDARY COURSES AND IS APPROVED BY THE STATE BOARD FOR COMMUNITY COLLEGES AND OCCUPATIONAL EDUCATION PURSUANT TO SECTION 23-8-103, C.R.S.

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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.*

**SECTION 2.** 22-35-103 (12) (a), Colorado Revised Statutes, as enacted by House Bill 09-1319, is amended, and the said 22-35-103 (12) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

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

(12) "Institution of higher education" means:

(a) A state university or college, community college, junior college, local district college, or area vocational school described in title 23, C.R.S.; ~~or~~

(a.5) A POSTSECONDARY CAREER AND TECHNICAL EDUCATION PROGRAM; OR

**SECTION 3.** 22-35-104 (1) (b), (1) (d), (1) (e), and (4) (a), the introductory portion to 22-35-104 (4) (b), and 22-35-104 (6), Colorado Revised Statutes, as enacted by House Bill 09-1319, are amended, and the said 22-35-104 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

**22-35-104. Enrollment in institution of higher education - cooperative agreement.** (1) (b) Each local education provider shall annually notify all students and parents or legal guardians of students enrolled in the local education provider of the opportunity for concurrent enrollment by qualified students in ~~college~~ POSTSECONDARY courses, INCLUDING ACADEMIC COURSES AND CAREER AND TECHNICAL EDUCATION COURSES.

(d) Notwithstanding the provisions of paragraph (a) of this subsection (1), if a qualified student is not a participant in the ASCENT program and has not satisfied the minimum requirements for graduation established by ~~the~~ his or her local education provider by the end of his or her twelfth-grade year and is therefore retained by the local education provider for additional instruction, the qualified student shall not concurrently enroll in ~~college~~ POSTSECONDARY courses, INCLUDING ACADEMIC OR CAREER AND TECHNICAL EDUCATION COURSES, that are worth more than a total of nine credit hours, including basic skills courses. Furthermore, the qualified student shall not concurrently enroll in more than:

(I) Six credit hours of ~~college~~ POSTSECONDARY courses, INCLUDING ACADEMIC COURSES AND CAREER AND TECHNICAL EDUCATION COURSES, in any academic semester if the student is registered as a full-time pupil in his or her local education provider; or

(II) Three credit hours of ~~college~~ POSTSECONDARY courses, INCLUDING ACADEMIC COURSES AND CAREER AND TECHNICAL EDUCATION COURSES, in any academic semester if the student is registered as a part-time pupil in his or her local education provider.

(e) Except as described in paragraphs (c) and (d) of this subsection (1) and sections 22-35-108 and 22-35-109, the state board by rule shall not limit the number of ~~college~~ POSTSECONDARY courses, INCLUDING ACADEMIC COURSES AND CAREER

AND TECHNICAL EDUCATION COURSES, in which a qualified student may concurrently enroll during the ninth, tenth, eleventh, or twelfth grade.

(4) (a) A qualified student who intends to concurrently enroll in a ~~college~~ POSTSECONDARY course, INCLUDING AN ACADEMIC COURSE OR A CAREER AND TECHNICAL EDUCATION COURSE, at an institution of higher education shall satisfy the minimum prerequisites for the course prior to his or her enrollment in the course.

(b) If a qualified student who has applied for concurrent enrollment in a ~~college~~ POSTSECONDARY course, INCLUDING AN ACADEMIC COURSE OR A CAREER AND TECHNICAL EDUCATION COURSE, has not satisfied the minimum prerequisites for the course, he or she may concurrently enroll in a basic skills course at the institution only if:

(6) (a) A local education provider that seeks to allow students to concurrently enroll in ~~college~~ POSTSECONDARY courses, INCLUDING ACADEMIC COURSES AND CAREER AND TECHNICAL EDUCATION COURSES, at an institution of higher education shall enter into a cooperative agreement with the institution of higher education.

(b) A cooperative agreement shall include, but need not be limited to:

(I) The amount of academic credit to be granted for course work successfully completed by a qualified student concurrently enrolled in the institution of higher education;

(II) A requirement that course work completed by a qualified student through concurrent enrollment at the institution of higher education qualify as basic skills credit or academic credit applicable toward earning a degree OR CERTIFICATE at the institution;

(III) A requirement that the local education provider pay the tuition for each course completed by a qualified student through concurrent enrollment at the institution of higher education in an amount that shall be negotiated by the local education provider and the institution pursuant to the provisions of section 22-35-105 (3);

(IV) A requirement that the local education provider and the institution of higher education establish an academic program of study for each qualified student who concurrently enrolls in the institution, which academic program of study shall include the academic plan of study established pursuant to subsection (3) of this section and a plan by which the local education provider shall make available to the student ongoing counseling and career planning;

(V) A confirmation by the ~~school district~~ LOCAL EDUCATION PROVIDER of the qualified student's uniquely identifying student number, which shall be retained by the institution of higher education for the purposes described in section 23-18-202 (5) (c) (I) (B), C.R.S.;

(VI) Language authorizing the payment of stipends from the college opportunity fund program, part 2 of article 18 of title 23, C.R.S., on behalf of the qualified student; except that a cooperative agreement need not include this language if the

institution of higher education that is a party to the cooperative agreement does not receive stipends from the college opportunity fund program;

(VII) Consideration and identification of ways in which qualified students who concurrently enroll in ~~college~~ POSTSECONDARY courses, INCLUDING ACADEMIC COURSES OR CAREER AND TECHNICAL EDUCATION COURSES, can remain eligible for interscholastic high school activities; and

(VIII) Other financial provisions that the local education provider and the institution of higher education may elect to include in the agreement pursuant to the provisions of section 22-35-105 (5).

(c) An institution of higher education that enters into a cooperative agreement with a local education provider shall provide a copy of the cooperative agreement to the department of higher education, which shall retain the copy. IF THE COOPERATIVE AGREEMENT CONTEMPLATES THE PROVISION OF CAREER AND TECHNICAL EDUCATION COURSES TO QUALIFIED STUDENTS, THE INSTITUTION SHALL ALSO PROVIDE A COPY OF THE COOPERATIVE AGREEMENT TO THE STATE BOARD FOR COMMUNITY COLLEGES AND OCCUPATIONAL EDUCATION, WHICH SHALL RETAIN THE COPY.

(13) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, A QUALIFIED STUDENT SHALL NOT CONCURRENTLY ENROLL IN A COURSE THAT IS OFFERED BY A POSTSECONDARY CAREER AND TECHNICAL EDUCATION PROGRAM UNLESS THE COURSE IS INCLUDED IN A POSTSECONDARY DEGREE OR CERTIFICATE PROGRAM THAT IS APPROVED BY THE STATE BOARD FOR COMMUNITY COLLEGES AND OCCUPATIONAL EDUCATION.

(14) IF A QUALIFIED STUDENT CONCURRENTLY ENROLLS IN A COURSE THAT IS PROVIDED BY A POSTSECONDARY CAREER AND TECHNICAL EDUCATION PROGRAM, THE INSTRUCTOR OF THE COURSE SHALL POSSESS A CAREER AND TECHNICAL EDUCATION TEACHING CREDENTIAL THAT HAS BEEN AUTHORIZED BY THE STATE BOARD FOR COMMUNITY COLLEGES AND OCCUPATIONAL EDUCATION.

**SECTION 4.** 22-35-105 (2) (a) and (4), Colorado Revised Statutes, as enacted by House Bill 09-1319, are amended to read:

**22-35-105. Financial provisions - payment of tuition.** (2) If a qualified student concurrently enrolls in a course offered by an institution of higher education, the institution shall be responsible for course content, placement of the student in the course, and the quality of instruction. In addition, because the qualified student is receiving academic credit at his or her local education provider for the course pursuant to section 22-35-104 (5):

(a) The qualified student shall be included in the funded pupil count of his or her school district or, in the case of a student enrolled in an institute charter school, of the school's accounting district, AS DETERMINED PURSUANT TO THE PROVISIONS OF SECTION 22-54-103 (7); and

(4) (a) Before paying the tuition for a ~~postsecondary~~ course in which a qualified student concurrently enrolls, the local education provider in which the qualified

student is enrolled shall require the qualified student and his or her parent or legal guardian to sign a document requiring repayment of the amount of tuition paid by the local education provider for the course on the qualified student's behalf if the qualified student does not complete the ~~postsecondary~~ course for any reason without the consent of the principal of the student's high school.

(b) If a qualified student concurrently enrolled in a COURSE FOR WHOM A local education provider pays tuition does not complete the ~~postsecondary~~ course for any reason without the consent of the principal of the high school in which the qualified student is enrolled, the qualified student or the qualified student's parent or legal guardian shall reimburse the local education provider, as provided in the document signed pursuant to paragraph (a) of this subsection (4), for the amount of tuition paid by the local education provider for the course.

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

**SECTION 5.** The introductory portion to 22-35-107 (2) and 22-35-107 (2) (c) and (2) (d), Colorado Revised Statutes, as enacted by House Bill 09-1319, are amended, and the said 22-35-107 (2) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

**22-35-107. Concurrent enrollment advisory board - created - membership - duties - reports - repeal.** (2) The board shall consist of the following ~~ten~~ THIRTEEN members:

(c) Three representatives appointed by the governor, including at least one member who has experience in postsecondary student counseling, student admissions, and financial aid and at least one member who has experience in public budgeting and finance; ~~and~~

(d) The director of accreditation and regional services within the department or his or her designee; AND

(e) TWO REPRESENTATIVES OF POSTSECONDARY CAREER AND TECHNICAL EDUCATION PROGRAMS, ONE OF WHOM IS THE DIRECTOR OF CAREER AND TECHNICAL EDUCATION WITHIN THE STATE SYSTEM OF COMMUNITY AND TECHNICAL COLLEGES AND ONE OF WHOM REPRESENTS THE STATE SYSTEM OF ELEMENTARY AND SECONDARY EDUCATION AND IS APPOINTED BY THE STATE BOARD FOR COMMUNITY COLLEGES AND OCCUPATIONAL EDUCATION.

**SECTION 6.** The introductory portion to 22-35-108 (1) (a) and 22-35-108 (1) (a) (III) and (1) (b), Colorado Revised Statutes, as enacted by House Bill 09-1319, are amended to read:

**22-35-108. Accelerating students through concurrent enrollment program - objectives - selection criteria - rules - repeal.** (1) (a) There is hereby established

the accelerating students through concurrent enrollment program. Beginning in the 2010-11 school year, the department shall administer the ASCENT program pursuant to the provisions of this section and ~~policies established by rules promulgated~~ GUIDELINES ESTABLISHED by the board pursuant to subsection (4) of this section. The objectives of the ASCENT program are to:

(III) Decrease the amount of time that is required for a student to complete a postsecondary degree OR CERTIFICATE;

(b) Notwithstanding any other provision of this article, a qualified student who is designated by the department to be an ASCENT program participant pursuant to subsection (2) of this section may concurrently enroll in ~~college~~ POSTSECONDARY courses, INCLUDING ACADEMIC COURSES AND CAREER AND TECHNICAL EDUCATION COURSES, in the year directly following the year in which he or she was enrolled in the twelfth grade of a local education provider.

**SECTION 7.** The introductory portion to 22-35-112 (2) and 22-35-112 (2) (a), (2) (b), (2) (h), (2) (i), and (2) (k) (I), Colorado Revised Statutes, as enacted by House Bill 09-1319, are amended to read:

**22-35-112. Reports.** (2) On or before February 1, 2011, and on or before February 1 each year thereafter, the department and the department of higher education shall collaborate to prepare and submit to the education committees of the senate and house of representatives, or any successor committees, a report concerning the concurrent enrollment of qualified students in ~~college education~~ POSTSECONDARY courses, INCLUDING ACADEMIC COURSES AND CAREER AND TECHNICAL EDUCATION COURSES. The report shall include, but need not be limited to:

(a) The number and names of ~~school districts~~ LOCAL EDUCATION PROVIDERS and institutions of higher education that have entered into cooperative agreements;

(b) The number of qualified students who participated in a concurrent enrollment program in the previous school year, including subtotals for each ~~school district~~ LOCAL EDUCATION PROVIDER and each institution of higher education;

(h) The postsecondary degree AND CERTIFICATE programs in which ASCENT program participants were concurrently enrolled in the previous school year, including subtotals indicating how many ASCENT program participants concurrently enrolled in each postsecondary degree AND CERTIFICATE program;

(i) Data indicating the total number and percentages of qualified students who failed to complete at least one ~~college~~ course in which they concurrently enrolled;

(k) (I) The results of the department's exploration, pursuant to section ~~22-35-104~~ ~~(10)~~ 22-35-104 (11), of strategies by which the state may provide opportunities for children who are participating in a home-based educational program as described in section 22-33-104.5 to participate in a concurrent enrollment program.

**SECTION 8.** 22-54-103 (5.2), Colorado Revised Statutes, as enacted by House Bill 09-1319, is amended to read:

**22-54-103. Definitions - repeal.** As used in this article, unless the context otherwise requires:

(5.2) "District ASCENT program pupil enrollment" means the number of pupils, on October 1 within the applicable budget year or the school day nearest said date, who are concurrently enrolled in a ~~college~~ POSTSECONDARY course, INCLUDING AN ACADEMIC COURSE OR A CAREER AND TECHNICAL EDUCATION COURSE, as a participant in the ASCENT program. An ASCENT program participant who is enrolled in at least twelve credit hours of ~~higher education~~ POSTSECONDARY courses, INCLUDING ACADEMIC COURSES AND CAREER AND TECHNICAL EDUCATION COURSES, as of October 1 of the applicable budget year shall be included in the district ASCENT program pupil enrollment as a full-time pupil. An ASCENT program participant who is enrolled in less than twelve credit hours of ~~higher education~~ POSTSECONDARY courses, INCLUDING ACADEMIC COURSES AND CAREER AND TECHNICAL EDUCATION COURSES, as of October 1 of the applicable budget year shall be included in the district ASCENT program pupil enrollment as a part-time pupil.

**SECTION 9. Effective date.** This act shall take effect only if House Bill 09-1319 is enacted and becomes law and shall take effect either upon passage or upon the applicable effective date of House Bill 09-1319, whichever is later.

**SECTION 10. 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: June 4, 2009