

**First Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 19-0880.01 Brita Darling x2241

HOUSE BILL 19-1206

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A BILL FOR AN ACT

101 **CONCERNING REMOVING EQUITY GAPS IN HIGHER EDUCATION BY**
102 **ENSURING MORE STUDENTS HAVE ACCESS TO SUPPLEMENTAL**
103 **ACADEMIC INSTRUCTION.**

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>.)

The bill directs the Colorado commission on higher education (commission) to adopt a developmental education policy requiring the governing boards of state institutions of higher education (institutions) to maximize the likelihood of success in entry-level (gateway) college-level course work when placing students into developmental education. The

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.*

HOUSE
3rd Reading Unamended
March 19, 2019

HOUSE
Amended 2nd Reading
March 18, 2019

bill also specifies that institutions cannot place a student into developmental education based on a single instrument or test.

For institutions authorized to offer developmental education, this bill requires that, by 2022, such institutions shall not directly enroll a student into stand-alone developmental education courses that may extend the student's time to degree. Instead, a student should be enrolled in a gateway college-level course with additional supports through supplemental academic instruction (SAI) or co-requisite remediation.

The bill allows institutions to pilot new approaches to remediate students who may not benefit from SAI or co-requisite remediation and to seek waivers from the commission to expand or duplicate successful pilots.

The bill authorizes all 4-year institutions to offer SAI, without approval from the commission, to students who need additional supports to be successful in college-level courses.

The bill clarifies and adds reporting requirements relating to developmental education and SAI.

The bill changes the term "basic skills" in statute to "developmental education" and makes conforming amendments throughout.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 hereby finds and declares that:

4 (a) Colorado has set an ambitious educational attainment goal to
5 ensure that the state is able to meet its workforce needs;

6 (b) Thirty-five percent of all Colorado high school graduates and
7 more than half of Colorado high school graduates who attend community
8 college are assessed as not being academically ready for gateway English
9 and mathematics courses upon enrollment in a postsecondary institution;

10 (c) Low-income and minority students are disproportionately
11 placed into developmental education courses;

12 (d) Students who are assessed as not college-ready have
13 historically been required to enroll in one or more developmental
14 education courses that cost them money, do not count toward their degree

1 requirements, and extend the time needed to graduate;

2 (e) There are serious adverse consequences when a student is
3 placed into developmental education courses. These adverse
4 consequences include discouraging some students from pursuing a
5 postsecondary education, as well as burdening other students with higher
6 educational costs and delaying the student's degree plan.

7 (f) Many students successfully complete developmental education
8 courses but fail to enroll in and complete their gateway courses,
9 indicating that alternative approaches to developmental education are
10 necessary;

11 (g) Institutions that deliver supplemental academic supports while
12 students are enrolled in college-level gateway courses as supplemental
13 academic instruction, rather than a stand-alone prerequisite
14 developmental education course, reduce student attrition;

15 (h) Colorado data shows that a higher percentage of students who
16 receive supplemental academic support complete a gateway course than
17 do those who are placed in traditional developmental education courses;
18 and

19 (i) Instruction in English as a second language (ESL) is distinct
20 from remediation in English. Students enrolled in ESL credit course work
21 are foreign language learners who require additional language training in
22 English, require support to successfully complete degree and college-level
23 course work in English, or require both.

24 **SECTION 2.** In Colorado Revised Statutes, 23-1-113, **amend**
25 (1)(c), (1.5), (8)(b), (8)(c), (8)(d), (9), (10), (11)(b), and (11)(e); and **add**
26 (11)(b.5) as follows:

27 **23-1-113. Commission directive - admission standards for**

1 **baccalaureate and graduate institutions of higher education - policy**

2 **- report - definitions.** (1) (c) The standards established for transfer

3 students ~~shall~~ MUST use college academic performance indicators as the
4 eligibility criteria for admitted transfer students. The academic
5 performance indicators may include but are not limited to grade point
6 average, credit hours completed, and successful completion of ~~basic skills~~
7 DEVELOPMENTAL EDUCATION courses, if required and as appropriate
8 considering the role and mission of the receiving institution. In lieu of
9 such criteria, additional criteria may be used for up to twenty percent of
10 the admitted transfer students. The academic admission standards and
11 policies established for transfer students ~~shall~~ MUST be consistent with the
12 student transfer agreements established by the commission pursuant to
13 section 23-1-108 (7)(f). Students who meet the minimum criteria for
14 admission ~~shall~~ ARE not ~~be~~ guaranteed admission to the institution to
15 which they have applied, but they ~~shall be~~ ARE eligible for consideration.

16 (1.5) (a) (I) The commission shall establish and the governing
17 boards shall implement a policy pursuant to section 23-1-113.3 to identify
18 matriculated students who need ~~basic skills courses in~~ ADDITIONAL
19 SUPPORTS TO BE SUCCESSFUL IN GATEWAY COURSES IN English and
20 mathematics and standards and procedures whereby state institutions of
21 higher education may offer ~~basic skills~~ SUPPLEMENTAL ACADEMIC
22 INSTRUCTION OR DEVELOPMENTAL EDUCATION courses as provided in
23 section 23-1-113.3. THE COMMISSION'S POLICY MUST PROHIBIT THE
24 PLACEMENT OF A STUDENT IN DEVELOPMENTAL EDUCATION COURSES
25 BASED ON A SINGLE INSTRUMENT OR TEST, AND MUST BE DESIGNED TO
26 MAXIMIZE THE LIKELIHOOD THAT A STUDENT WILL COMPLETE GATEWAY
27 COURSES IN ENGLISH AND MATHEMATICS WITHIN ONE YEAR. IN ADDITION,

1 THE COMMISSION'S POLICY MUST REQUIRE STATE INSTITUTIONS TO USE AN
2 EVIDENCE-BASED PLACEMENT APPROACH TO PLACING STUDENTS INTO
3 ENGLISH AS A SECOND LANGUAGE COURSES, AND PLACEMENT OF THESE
4 STUDENTS MUST BE DESIGNED TO MAXIMIZE THE LIKELIHOOD THAT A
5 STUDENT PLACED IN ENGLISH AS A SECOND LANGUAGE COURSES WILL
6 COMPLETE GATEWAY COURSES IN ENGLISH WITHIN THREE YEARS. The
7 commission, in consultation with the governing boards, shall ensure that
8 the policy aligns with the admission policy adopted pursuant to subsection
9 (1) of this section. In identifying the standards for ~~basic skills~~
10 DEVELOPMENTAL EDUCATION, the commission may differentiate
11 requirements for mathematics based on the prerequisite skills needed for
12 required courses within a student's declared program of study.

13 (II) As part of the policy established pursuant to this ~~paragraph~~
14 ~~(a), the commission may authorize a~~ SUBSECTION (1.5)(a), ALL state
15 ~~institution~~ INSTITUTIONS of higher education ARE AUTHORIZED to provide
16 supplemental academic instruction even ~~though~~ IF the institution is not
17 authorized to provide ~~basic skills~~ DEVELOPMENTAL EDUCATION courses
18 pursuant to section 23-1-113.3. The institution may receive stipend
19 payments from the state pursuant to section 23-18-202 on behalf of an
20 eligible undergraduate student, as defined in section 23-18-102 (5), who
21 is enrolled in a college-level course that includes supplemental academic
22 instruction OR CO-REQUISITE SUPPORT OR WHO IS ENROLLED IN A PILOT
23 PROGRAM PURSUANT TO SECTION 23-1-113.3 (1)(a)(III).

24 (b) Each governing board shall adopt policies and procedures that
25 are aligned with the policy established by the commission pursuant to
26 ~~paragraph (a) of this subsection (1.5)~~ SUBSECTION (1.5)(a) OF THIS
27 SECTION and that ensure that, to the extent required by the commission

1 policy, each matriculated student ~~takes or has taken basic skills placement~~
2 ~~or assessment tests in~~ WHO MAY NEED ADDITIONAL SUPPORTS TO BE
3 SUCCESSFUL IN GATEWAY COURSES IN English and mathematics HAS
4 ACCESS TO SUPPLEMENTAL ACADEMIC INSTRUCTION. The institution that
5 enrolls the student shall select which ~~tests~~ MEASURES to use from among
6 those that meet the standards established in the commission policy. ~~and~~
7 ~~shall administer the tests.~~ The commission, in consultation with the
8 governing boards, shall ~~ensure the comparability of the placement or~~
9 ~~assessment tests for the purpose of providing consistent reporting~~
10 COLLECT INFORMATION REGARDING THE MEASURES USED BY THE
11 INSTITUTIONS FOR PLACEMENT TO HELP ANALYZE THE ~~data as such data~~
12 ~~are required~~ REPORTED PURSUANT TO SUBSECTION (9) OF THIS SECTION
13 AND by section 23-1-113.3 (4).

14 (c) ~~Students identified by institutions as needing basic skills~~
15 ~~courses based on their test scores shall complete the appropriate basic~~
16 ~~skills courses by the time~~ ALL STUDENTS ENROLLED IN PROGRAMS THAT
17 REQUIRE GATEWAY COURSES IN ENGLISH AND MATHEMATICS AT STATE
18 INSTITUTIONS OF HIGHER EDUCATION SHOULD COMPLETE GATEWAY
19 COURSES BY THE TIME the student completes thirty college-level credit
20 hours. ~~The commission, in consultation with the governing boards, shall~~
21 ~~ensure that each student identified as needing basic skills courses receives~~
22 ~~written notification identifying which state institutions offer basic skills~~
23 ~~courses and the approximate cost and relative availability of the basic~~
24 ~~skills courses, including any online courses.~~

25 (8) (b) On or before December 15, 2013, the commission shall
26 review the policy established pursuant to ~~paragraph (a) of subsection (1.5)~~
27 SUBSECTION (1.5)(a) of this section and the ~~basic skills~~ DEVELOPMENTAL

1 EDUCATION placement or assessment tests administered pursuant to
2 subsection (1.5) of this section to ensure that the policy and tests are
3 aligned with the postsecondary and workforce readiness description.

4 (c) Consistent with any revisions adopted pursuant to this section
5 to the description of postsecondary and workforce readiness, the
6 commission shall, if necessary, adopt revisions to the minimum academic
7 admission standards, the policy established pursuant to ~~paragraph (a) of~~
8 ~~subsection (1.5)~~ SUBSECTION (1.5)(a) of this section, and the ~~basic skills~~
9 DEVELOPMENTAL EDUCATION placement or assessment tests to ensure
10 continued alignment with the postsecondary and workforce readiness
11 description.

12 (d) In revising the minimum academic admission standards, the
13 policy established pursuant to ~~paragraph (a) of subsection (1.5)~~
14 SUBSECTION (1.5)(a) of this section, and the ~~basic skills~~ DEVELOPMENTAL
15 EDUCATION placement or assessment tests pursuant to this subsection (8),
16 the commission shall consult with the governing boards of the state
17 institutions of higher education.

18 (9) (a) Notwithstanding section 24-1-136 (11)(a)(I) TO THE
19 CONTRARY, on or before February 15, 2012, and on or before ~~February~~
20 APRIL 15 each year thereafter, the department of higher education shall
21 submit to the state board of education, the department of education, and
22 the education committees of the house of representatives and the senate,
23 or any successor committees, a report, subject to available data, FOR THE
24 HIGH SCHOOL GRADUATING CLASSES OF THE PRECEDING SIX ACADEMIC
25 YEARS concerning:

26 (I) The ~~enrollment, placement and completion of basic skills~~
27 ~~courses~~ NEED FOR ADDITIONAL SUPPORTS FOR STUDENTS TO BE

1 SUCCESSFUL IN GATEWAY COURSES IN ENGLISH AND MATHEMATICS, THE
2 SUBJECT FOR WHICH THE STUDENTS ARE IDENTIFIED AS NEEDING
3 ADDITIONAL SUPPORTS TO BE SUCCESSFUL IN GATEWAY COURSES,
4 STUDENT SUCCESS IN GATEWAY COURSES;

5 (II) First-year college grades; and

6 (III) Types of academic certificates and degrees attained at all
7 postsecondary institutions in Colorado and the United States. ~~for the high~~
8 ~~school graduating classes of the preceding six academic years.~~

9 (b) The department of higher education shall report the
10 information disaggregated by high school and school district of
11 graduation, to the extent practicable, and by ethnicity, gender, financial
12 aid status, and any other characteristic deemed relevant by the
13 commission. The department of higher education and the department of
14 education shall also make the report available on their respective
15 websites.

16 (10) On or before February 15, 2009, and on or before ~~February~~
17 APRIL 15 each year thereafter, the department of higher education shall
18 submit to the department of education the unit records used for its
19 reporting purposes under this section to enable the department of
20 education to evaluate the effectiveness of the alignment of the preschool
21 through postsecondary education systems in preparing students who
22 demonstrate postsecondary and workforce readiness and subsequently
23 succeed in postsecondary education and to enable the department of
24 higher education to disseminate the unit records to the appropriate school
25 districts.

26 (11) As used in this section, unless the context otherwise requires:

27 (b) ~~"Basic skills "~~DEVELOPMENTAL EDUCATION courses" means

1 courses that are prerequisites to the level of work expected at a
2 postsecondary institution and include academic skills courses and
3 preparatory courses.

4 (b.5) "GATEWAY COURSE" MEANS THE FIRST COLLEGE-LEVEL
5 COURSE IN ENGLISH OR MATHEMATICS THAT IS APPROVED FOR STATEWIDE
6 TRANSFER PURSUANT TO SECTION 23-1-125 (3) AND THAT A STUDENT
7 TAKES TO FULFILL THE ENGLISH OR MATHEMATICS REQUIREMENT FOR THE
8 STUDENT'S PROGRAM OF STUDY.

9 (e) (I) "Supplemental academic instruction" means ACADEMIC
10 SUPPORT MODELS THAT USE PEER OR INSTRUCTOR STUDY SESSIONS OR
11 INDIVIDUALIZED IN-CLASS ACADEMIC SUPPORT TO IMPROVE STUDENT
12 LEARNING, RETENTION, OR SUCCESS. "SUPPLEMENTAL ACADEMIC
13 INSTRUCTION" ALSO INCLUDES ~~co-requisite instruction in reading, writing,~~
14 ~~or mathematics for students with limited academic deficiencies who are~~
15 ~~placed into college-level course work that is approved for statewide~~
16 ~~transfer pursuant to section 23-1-125 (3)~~ AND MODIFIED CO-REQUISITE
17 SUPPORTS. "Supplemental academic instruction" does not include
18 prerequisite ~~basic skills~~ DEVELOPMENTAL EDUCATION courses.

19 (II) AS REFERENCED IN SUBSECTION (11)(e)(I) OF THIS SECTION,
20 CO-REQUISITE OR MODIFIED CO-REQUISITE SUPPORTS ARE DESIGNED FOR
21 STUDENTS IDENTIFIED AS NEEDING ADDITIONAL SUPPORTS TO BE
22 SUCCESSFUL IN COLLEGE-LEVEL GATEWAY COURSES. CO-REQUISITE
23 MODELS PAIR A TRANSFER-LEVEL COURSE WITH A SUPPORT COURSE,
24 EXTENDING THE INSTRUCTIONAL TIME THROUGH ADDITIONAL LECTURE OR
25 LAB HOURS, OR REQUIRE STUDENTS TO PARTICIPATE IN ACADEMIC SUPPORT
26 SERVICES IN MATHEMATICS, ENGLISH, OR WRITING.

27 **SECTION 3.** In Colorado Revised Statutes, **amend 23-1-113.3**

1 as follows:

2 **23-1-113.3. Commission directive - developmental education**
3 **courses - report.** (1) (a) (I) As part of the policy adopted by the
4 commission pursuant to section 23-1-113 (1.5)(a), the commission shall
5 adopt and the governing boards shall implement standards and procedures
6 whereby state institutions of higher education may offer ~~basic skills~~
7 DEVELOPMENTAL EDUCATION courses, as defined in section 23-1-113
8 (11)(b), pursuant to this section, AS PREREQUISITES TO A GATEWAY
9 COURSE IN ENGLISH AND MATHEMATICS, AS DEFINED IN SECTION 23-1-113
10 (11)(b.5). BEGINNING IN THE 2022-23 ACADEMIC YEAR, NO MORE THAN
11 TEN PERCENT OF STUDENTS ENROLLING IN A STATE INSTITUTION OF HIGHER
12 EDUCATION SHALL BE ENROLLED DIRECTLY INTO A DEVELOPMENTAL
13 EDUCATION COURSE, AS DEFINED IN SECTION 23-1-113 (11)(b), THAT IS
14 PREREQUISITE TO A GATEWAY COURSE IN ENGLISH OR MATHEMATICS IF
15 THE DEVELOPMENTAL EDUCATION COURSE LENGTHENS THE STUDENT'S
16 TIME TO DEGREE BEYOND THE TIME IT WOULD TAKE THE STUDENT TO
17 COMPLETE THE DEGREE IF THE STUDENT HAD ENROLLED DIRECTLY INTO A
18 GATEWAY COURSE.

19 (II) ON OR BEFORE AUGUST 1, 2021, EACH STATE INSTITUTION OF
20 HIGHER EDUCATION AUTHORIZED PURSUANT TO SUBSECTION (2)(a) OF THIS
21 SECTION TO OFFER DEVELOPMENTAL EDUCATION COURSES, AS DEFINED IN
22 SECTION 23-1-113 (11)(b), SHALL HAVE A PLAN IN PLACE TO MEET THE
23 REQUIREMENTS DESCRIBED IN SUBSECTION (1)(a)(I) OF THIS SECTION. THE
24 COMMISSION'S STANDARDS AND PROCEDURES MUST ALLOW AN
25 INSTITUTION OF HIGHER EDUCATION TO REQUEST AN EXTENSION FROM THE
26 COMMISSION OF UP TO TWO YEARS TO MEET THE REQUIREMENTS
27 DESCRIBED IN SUBSECTION (1)(a)(I) OF THIS SECTION, UPON

1 DEMONSTRATING EXCEPTIONAL CIRCUMSTANCES.

2 (III) THE COMMISSION'S STANDARDS AND PROCEDURES ADOPTED
3 PURSUANT TO SUBSECTION (1)(a)(I) OF THIS SECTION MUST ALLOW STATE
4 INSTITUTIONS OF HIGHER EDUCATION SERVING GROUPS OF STUDENTS WHO
5 ARE NOT SUCCESSFUL IN SUPPLEMENTAL ACADEMIC INSTRUCTION TO PILOT
6 DIFFERENT APPROACHES THAT ARE MORE SUCCESSFUL FOR THOSE
7 STUDENTS AND TO REQUEST A WAIVER FROM THE COMMISSION'S
8 STANDARDS AND PROCEDURES IN ORDER TO DUPLICATE OR EXPAND
9 SUCCESSFUL APPROACHES.

10 (2) (a) SUBJECT TO THE PROVISIONS OF THIS SECTION, Adams state
11 university, Colorado Mesa university, Western state Colorado university
12 in Chaffee and Gunnison counties, any local community college, and any
13 community college governed by the state board for community colleges
14 and occupational education may offer ~~basic skills~~ DEVELOPMENTAL
15 EDUCATION courses, as defined in section 23-1-113 (11)(b), and receive
16 stipend payments from the state on behalf of eligible undergraduate
17 students, as defined in section 23-18-102 (5). ~~enrolled in basic skills~~
18 ~~courses.~~

19 (b) Except as otherwise provided in subsection (5) of this section,
20 any state institution of higher education not specified in ~~paragraph (a) of~~
21 ~~this subsection (2)~~ SUBSECTION (2)(a) OF THIS SECTION is prohibited from
22 offering a ~~basic skills~~ DEVELOPMENTAL EDUCATION course, unless the
23 course is offered by contract through any of the institutions of higher
24 education specified in ~~paragraph (a) of this subsection (2)~~ SUBSECTION
25 (2)(a) OF THIS SECTION.

26 (c) Notwithstanding the provisions of ~~paragraph (b) of this~~
27 ~~subsection (2)~~ SUBSECTION (2)(b) OF THIS SECTION, Metropolitan state

1 university of Denver and the university of Colorado at Denver are
2 prohibited from offering ~~basic skills~~ DEVELOPMENTAL EDUCATION
3 courses. ~~either directly or through contract with an institution specified~~
4 ~~in paragraph (a) of this subsection (2).~~

5 (3) ~~The state board for community colleges and occupational~~
6 ~~education, local community colleges, Adams state university, Colorado~~
7 ~~Mesa university, and Western state Colorado university shall:~~ EACH
8 STATE INSTITUTION OF HIGHER EDUCATION SHALL

9 (a) ~~track all students who are required to take basic skills~~
10 IDENTIFIED AS NEEDING ADDITIONAL SUPPORTS TO BE SUCCESSFUL IN
11 GATEWAY courses IN ENGLISH OR MATHEMATICS pursuant to section
12 23-1-113 (1.5) in order to determine whether those students successfully
13 complete requirements for graduation.

14 (b) ~~Compile data regarding student performance that describes~~
15 ~~with regard to students who take basic skills courses pursuant to section~~
16 ~~23-1-113 (1.5):~~

17 (I) ~~The school districts from which said students graduated;~~

18 (II) ~~The number of said students graduating from each school~~
19 ~~district; and~~

20 (III) ~~The basic skills for which said students require remediation;~~
21 ~~and~~

22 (c) ~~Report annually to the department the data compiled pursuant~~
23 ~~to paragraphs (a) and (b) of this subsection (3).~~

24 (4) (a) Notwithstanding section 24-1-136 (11)(a)(I) TO THE
25 CONTRARY, the department shall transmit annually to the education
26 committees of the senate and the house of representatives, or any
27 successor committees, the joint budget committee, the commission, and

1 the department of education an analysis of the data:

2 (I) Regarding students who ~~take basic skills~~ ARE IDENTIFIED AS
3 NEEDING ADDITIONAL SUPPORTS TO BE SUCCESSFUL IN GATEWAY courses
4 IN ENGLISH AND MATHEMATICS, pursuant to section 23-1-113 (1.5), AND
5 WHO RECEIVE SUPPLEMENTAL ACADEMIC INSTRUCTION OR ARE ENROLLED
6 IN DEVELOPMENTAL EDUCATION COURSES; and

7 (II) Regarding the costs of providing ~~basic skills~~ SUPPLEMENTAL
8 ACADEMIC INSTRUCTION OR DEVELOPMENTAL EDUCATION courses
9 pursuant to section 23-1-113 (1.5) and whether students who ~~complete~~
10 ~~said basic skills~~ RECEIVE SUPPLEMENTAL ACADEMIC INSTRUCTION OR
11 COMPLETE DEVELOPMENTAL EDUCATION courses successfully complete
12 the requirements for graduation.

13 (b) ~~The department shall disseminate the analysis to each school~~
14 ~~district and to public high schools within each district.~~

15 (5) Any state institution of higher education not specified in
16 ~~paragraph (a) of subsection (2)~~ SUBSECTION (2)(a) of this section offering
17 a ~~basic skills~~ DEVELOPMENTAL EDUCATION course on a cash-funded basis
18 shall report annually to the department the same data that is required to
19 be compiled and ~~reported~~ TRACKED pursuant to ~~paragraphs (a) and (b) of~~
20 ~~subsection (3)~~ SUBSECTION (3) of this section.

21 (5.5) The institution and the department shall report the
22 information specified in subsections (3) and (4) of this section on an
23 individual student basis, using each student's unique student identifier.

24 (6) For purposes of this section, "local community college" ~~shall~~
25 ~~include~~ INCLUDES Aims community college and Colorado mountain
26 college.

27 **SECTION 4.** In Colorado Revised Statutes, 22-2-112, **amend** (4)

1 as follows:

2 **22-2-112. Commissioner - duties - report - legislative**
3 **declaration.** (4) (a) The commissioner shall ensure that the department,
4 subject to available appropriations, annually allocates ~~moneys~~ MONEY to
5 school districts, district charter schools, and institute charter schools to
6 reimburse them for the costs of administering ~~basic—skills~~
7 DEVELOPMENTAL EDUCATION placement or assessment tests pursuant to
8 sections 22-32-109.5, 22-30.5-117, and 22-30.5-526, respectively, to
9 students enrolled in grades nine through twelve. The department shall
10 allocate ~~moneys~~ MONEY to offset the costs incurred in administering each
11 of the test units only once per student while the student is enrolled in
12 grades nine through twelve.

13 (b) The general assembly finds that, for purposes of section 17 of
14 article IX of the state constitution, administering ~~basic—skills~~
15 DEVELOPMENTAL EDUCATION placement or assessment tests to students
16 in grades nine through twelve is an accountable program to meet state
17 academic standards and is a component of accountability reporting and
18 may therefore receive funding from the state education fund created in
19 section 17 (4) of article IX of the state constitution.

20 **SECTION 5.** In Colorado Revised Statutes, 22-2-136, **amend**
21 (2)(a)(III) as follows:

22 **22-2-136. Additional duty - state board - individual career and**
23 **academic plans - standards - rules.** (2) In establishing the standards for
24 individual career and academic plans, the state board shall ensure, at a
25 minimum, that:

26 (a) Each individual career and academic plan includes a career
27 planning and guidance component and a portfolio that reflects, at a

1 minimum:

2 (III) For school districts and charter schools that choose to
3 administer the ~~basic skills~~ DEVELOPMENTAL EDUCATION placement or
4 assessment tests, the student's scores on the ~~basic skills~~ DEVELOPMENTAL
5 EDUCATION placement or assessment tests administered pursuant to
6 section 22-30.5-117, 22-30.5-526, or 22-32-109.5 (4), any intervention
7 plan created for the student pursuant to ~~said~~ THOSE sections, and the
8 student's progress in meeting the intervention plan;

9 **SECTION 6.** In Colorado Revised Statutes, 22-11-103, **repeal**
10 (6); and **add** (11.5) as follows:

11 **22-11-103. Definitions.** As used in this article 11, unless the
12 context otherwise requires:

13 (6) ~~"Basic skills courses" has the same meaning as provided in~~
14 ~~section 23-1-113 (11)(b), C.R.S.~~

15 (11.5) "DEVELOPMENTAL EDUCATION COURSES" HAS THE SAME
16 MEANING AS PROVIDED IN SECTION 23-1-113 (11)(b).

17 **SECTION 7.** In Colorado Revised Statutes, 22-11-104, **amend**
18 (2)(b) as follows:

19 **22-11-104. Rules - college and career readiness achievement**
20 **standards.** (2) (b) Subsection (2)(a) of this section does not affect the
21 authority of the Colorado commission on higher education and governing
22 boards of the institutions of higher education to establish and implement
23 the academic admission standards for students for all state-supported
24 institutions of higher education and the policies and procedures for
25 determining a student's need for ~~basic skills~~ ADDITIONAL SUPPORTS TO BE
26 SUCCESSFUL IN GATEWAY courses IN ENGLISH AND MATHEMATICS as
27 provided in section 23-1-113.

1 **SECTION 8.** In Colorado Revised Statutes, **amend** 22-30.5-117
2 as follows:

3 **22-30.5-117. Developmental education placement or**
4 **assessment tests - intervention plans.** (1) Each charter school that
5 includes any of grades nine through twelve may administer to students
6 enrolled in those grades the ~~basic skills~~ DEVELOPMENTAL EDUCATION
7 placement or assessment tests that are administered to matriculated
8 first-time freshman students pursuant to section 23-1-113. ~~C.R.S.~~ The
9 charter school may administer the tests to a student at any time and as
10 often as it deems necessary while the student is enrolled in any of grades
11 nine through twelve, but the department of education shall allocate
12 ~~moneys~~ MONEY to each charter school to offset the costs incurred in
13 administering each of the test units only once per student while he or she
14 is enrolled in those grades.

15 (2) If a charter school chooses to administer the ~~basic skills~~
16 DEVELOPMENTAL EDUCATION placement or assessment tests, each
17 student's individual career and academic plan ~~shall~~ MUST include the
18 scores achieved by the student on the ~~basic skills~~ DEVELOPMENTAL
19 EDUCATION placement or assessment tests and, based on an analysis of the
20 scores, the student's level of postsecondary and workforce readiness at the
21 time he or she takes the tests. If a student's scores indicate that he or she
22 is at risk of being unable to demonstrate postsecondary and workforce
23 readiness prior to or upon graduating from high school, school personnel
24 shall work with the student and the student's parent or legal guardian to
25 create an intervention plan that identifies the necessary courses and
26 education support services the student requires to be able to achieve
27 postsecondary and workforce readiness prior to or upon graduating from

1 high school and to be prepared to continue into the postsecondary
2 education option, if any, selected by the student in his or her individual
3 career and academic plan without need for ~~remedial~~ DEVELOPMENTAL
4 educational services. If appropriate, the charter school, the student, and
5 the student's parent or legal guardian may choose to enroll the student in
6 ~~one or more basic skills~~ GATEWAY courses IN ENGLISH OR MATHEMATICS,
7 AS DEFINED IN SECTION 23-1-113 (11)(b.5), WITH ADDITIONAL SUPPORTS
8 THROUGH SUPPLEMENTAL ACADEMIC INSTRUCTION, AS DEFINED IN
9 SECTION 23-1-113 (11)(e), at an institution of higher education, through
10 the "Concurrent Enrollment Programs Act", article 35 of this title, ~~if the~~
11 ~~student is enrolled in twelfth grade~~ TITLE 22.

12 **SECTION 9.** In Colorado Revised Statutes, **amend** 22-30.5-526
13 as follows:

14 **22-30.5-526. Developmental education placement or**
15 **assessment tests - intervention plans.** (1) Each institute charter school
16 that includes any of grades nine through twelve may administer to
17 students enrolled in those grades the ~~basic skills~~ DEVELOPMENTAL
18 EDUCATION placement or assessment tests that are administered to
19 matriculated first-time freshman students pursuant to section 23-1-113.
20 ~~C.R.S.~~ The institute charter school may administer the tests to a student
21 at any time and as often as it deems necessary while the student is
22 enrolled in any of grades nine through twelve, but the department of
23 education shall allocate ~~moneys~~ MONEY to each institute charter school to
24 offset the costs incurred in administering each of the test units only once
25 per student while he or she is enrolled in those grades.

26 (2) If an institute charter school chooses to administer the ~~basic~~
27 ~~skills~~ DEVELOPMENTAL EDUCATION placement or assessment tests, each

1 student's individual career and academic plan ~~shall~~ MUST include the
2 scores achieved by the student on the ~~basic skills~~ DEVELOPMENTAL
3 EDUCATION placement or assessment tests and, based on an analysis of the
4 scores, the student's level of postsecondary and workforce readiness at the
5 time he or she takes the tests. If a student's scores indicate that he or she
6 is at risk of being unable to demonstrate postsecondary and workforce
7 readiness prior to or upon graduating from high school, school personnel
8 shall work with the student and the student's parent or legal guardian to
9 create an intervention plan that identifies the necessary courses and
10 education support services the student requires to be able to achieve
11 postsecondary and workforce readiness prior to or upon graduating from
12 high school and to be prepared to continue into the postsecondary
13 education option, if any, selected by the student in his or her individual
14 career and academic plan without need for remedial educational services.
15 If appropriate, the school, the student, and the student's parent or legal
16 guardian may choose to enroll the student in ~~one or more basic skills~~
17 GATEWAY courses IN ENGLISH OR MATHEMATICS, AS DEFINED IN SECTION
18 23-1-113 (11)(b.5), WITH ADDITIONAL SUPPORTS THROUGH
19 SUPPLEMENTAL ACADEMIC INSTRUCTION, AS DEFINED IN SECTION 23-1-113
20 (11)(e), at an institution of higher education through the "Concurrent
21 Enrollment Programs Act", article 35 of this title, ~~if the student is enrolled~~
22 ~~in twelfth grade~~ TITLE 22.

23 **SECTION 10.** In Colorado Revised Statutes, 22-32-109.5,
24 **amend** (4) as follows:

25 **22-32-109.5. Board of education - specific duties - testing**
26 **requirements - developmental education placement or assessment**
27 **tests - intervention plans.** (4) (a) Each school district may administer to

1 students enrolled in grades nine through twelve in the schools of the
2 school district the ~~basic skills~~ DEVELOPMENTAL EDUCATION placement or
3 assessment tests that are administered to matriculated first-time freshman
4 students pursuant to section 23-1-113. ~~C.R.S.~~ The school district may
5 administer the tests to a student at any time and as often as it deems
6 necessary while the student is enrolled in any of grades nine through
7 twelve, but the department of education shall allocate ~~moneys~~ MONEY to
8 each school district to offset the costs incurred in administering each of
9 the test units only once per student while he or she is enrolled in those
10 grades.

11 (b) If a school district chooses to administer the ~~basic skills~~
12 DEVELOPMENTAL EDUCATION placement or assessment tests, each
13 student's individual career and academic plan ~~shall~~ MUST include the
14 scores achieved by the student on the ~~basic skills~~ DEVELOPMENTAL
15 EDUCATION placement or assessment tests and, based on an analysis of the
16 scores, the student's level of postsecondary and workforce readiness at the
17 time he or she takes the tests. If a student's scores indicate that he or she
18 is at risk of being unable to demonstrate postsecondary and workforce
19 readiness prior to or upon graduating from high school, school personnel
20 shall work with the student and the student's parent or legal guardian to
21 create an intervention plan that identifies the necessary courses and
22 education support services that the student requires to be able to achieve
23 postsecondary and workforce readiness prior to or upon graduating from
24 high school and to be prepared to continue into the postsecondary
25 education option, if any, selected by the student in his or her individual
26 career and academic plan without need for remedial educational services.
27 If appropriate, the school, the student, and the student's parent or legal

1 guardian may choose to enroll the student in ~~one or more basic skills~~
2 GATEWAY courses IN ENGLISH OR MATHEMATICS, AS DEFINED IN SECTION
3 23-1-113 (11)(b.5), WITH ADDITIONAL SUPPORTS THROUGH
4 SUPPLEMENTAL ACADEMIC INSTRUCTION, AS DEFINED IN SECTION 23-1-113
5 (11)(e), at an institution of higher education through the "Concurrent
6 Enrollment Programs Act", article 35 of this title, ~~if the student is enrolled~~
7 ~~in twelfth grade~~ TITLE 22.

8 **SECTION 11.** In Colorado Revised Statutes, 22-35-103, **repeal**
9 (2); and **add** (8.5) as follows:

10 **22-35-103. Definitions.** As used in this article 35, unless the
11 context otherwise requires:

12 (2) ~~"Basic skills course" has the same meaning as set forth in~~
13 ~~section 23-1-113 (11)(b), C.R.S.~~

14 (8.5) "DEVELOPMENTAL EDUCATION COURSE" HAS THE SAME
15 MEANING AS SET FORTH IN SECTION 23-1-113 (11)(b).

16 **SECTION 12.** In Colorado Revised Statutes, 22-35-104, **amend**
17 (1)(c), (1)(d) introductory portion, (2)(b), (4)(b), and (6)(b)(II) as follows:

18 **22-35-104. Enrollment in an institution of higher education -**
19 **cooperative agreement.** (1) (c) Notwithstanding the provisions of
20 ~~paragraph (a) of this subsection (1)~~ SUBSECTION (1)(a) OF THIS SECTION,
21 a qualified student shall not concurrently enroll in a ~~basic skills~~
22 DEVELOPMENTAL EDUCATION course. ~~unless he or she is enrolled in the~~
23 ~~twelfth grade in a local education provider~~ A QUALIFIED STUDENT MAY
24 ENROLL IN GATEWAY COURSES IN ENGLISH OR MATHEMATICS, AS DEFINED
25 IN SECTION 23-1-113 (11)(b.5), WITH ADDITIONAL SUPPORTS, IF NEEDED,
26 THROUGH SUPPLEMENTAL ACADEMIC INSTRUCTION, AS DEFINED IN
27 SECTION 23-1-113 (11)(e).

1 (d) Notwithstanding the provisions of ~~paragraph (a) of this~~
2 ~~subsection (1)~~ SUBSECTION (1)(a) OF THIS SECTION, if a qualified student
3 is not a participant in the ASCENT program and has not satisfied the
4 minimum requirements for graduation established by his or her local
5 education provider by the end of his or her twelfth-grade year and is
6 therefore retained by the local education provider for additional
7 instruction, the qualified student shall not concurrently enroll in
8 postsecondary courses, including academic or career and technical
9 education courses, which may include course work related to
10 apprenticeship programs or internship programs, that are worth more than
11 a total of nine credit hours, including ~~basic skills~~ GATEWAY courses, AS
12 DEFINED IN SECTION 23-1-113 (11)(b.5), WITH ADDITIONAL SUPPORTS
13 THROUGH SUPPLEMENTAL ACADEMIC INSTRUCTION, AS DEFINED IN
14 SECTION 23-1-113 (11)(e). Furthermore, the qualified student shall not
15 concurrently enroll in more than:

16 (2) (b) If a superintendent of a school district, the superintendent's
17 designee, or a chief administrator of a district charter school, institute
18 charter school, or high school of a BOCES receives a timely application
19 from a qualified student pursuant to ~~paragraph (a) of this subsection (2)~~
20 SUBSECTION (2)(a) OF THIS SECTION, the superintendent, superintendent's
21 designee, or chief administrator of a district charter school, institute
22 charter school, or high school of a BOCES shall approve or disapprove
23 the application and notify the student of the decision. In considering
24 applications, the superintendent, designee, or chief administrator shall
25 give priority consideration to qualified students who, by the time they
26 would concurrently enroll, will have completed the high school
27 graduation requirements and are applying for concurrent enrollment to

1 begin earning credits toward a postsecondary degree or certificate. ~~or, if~~
2 ~~required to complete basic skills courses, to complete the courses during~~
3 ~~the remainder of the twelfth-grade year.~~

4 (4) (b) If a qualified student who has applied for concurrent
5 enrollment in a postsecondary course, including an academic course or a
6 career and technical education course, has not satisfied the minimum
7 prerequisites for the course, he or she may concurrently enroll in a ~~basic~~
8 ~~skills course at the institution only if:~~ GATEWAY COURSE, AS DEFINED IN
9 SECTION 23-1-113 (11)(b.5), WITH ADDITIONAL SUPPORTS THROUGH
10 SUPPLEMENTAL ACADEMIC INSTRUCTION, AS DEFINED IN SECTION 23-1-113
11 (11)(e).

12 ~~(I) The qualified student is enrolled in the twelfth grade in a local~~
13 ~~education provider; and~~

14 ~~(II) The institution of higher education offers the basic skills~~
15 ~~course pursuant to section 23-1-113.3, C.R.S.~~

16 (6) (b) A cooperative agreement must include, but need not be
17 limited to:

18 (II) A requirement that course work completed by a qualified
19 student through concurrent enrollment at the institution of higher
20 education qualify as ~~basic skills~~ A GATEWAY COURSE, AS DEFINED IN
21 SECTION 23-1-113 (11)(b.5), WITH ACADEMIC INSTRUCTION credit or
22 academic credit applicable toward earning a degree or certificate at the
23 institution;

24 **SECTION 13.** In Colorado Revised Statutes, 22-35-108, **amend**
25 (2)(a)(II) as follows:

26 **22-35-108. Accelerating students through concurrent**
27 **enrollment program - objectives - selection criteria - rules.**

1 (2) (a) Subject to available appropriations, the department may designate
2 as an ASCENT program participant any qualified student who:

3 (II) Is not in need of a ~~basic skills~~ DEVELOPMENTAL EDUCATION
4 course;

5 **SECTION 14.** In Colorado Revised Statutes, 22-35-109.5,
6 **amend** (2)(b) introductory portion and (2)(b)(IV); and **repeal** (2)(b)(I) as
7 follows:

8 **22-35-109.5. Community colleges - dropout recovery**
9 **programs - definitions.** (2) (b) Notwithstanding any provision of this
10 ~~article~~ ARTICLE 35 or of article 54 of this ~~title~~ TITLE 22 or any rules
11 adopted for the implementation of ~~said article~~ ARTICLE 54 to the contrary:

12 (I) ~~A student enrolled in a dropout recovery program pursuant to~~
13 ~~this section may enroll in basic skills courses, as necessary, regardless of~~
14 ~~the student's high school grade level;~~

15 (IV) A student enrolled in a dropout recovery program pursuant
16 to this section may enroll in courses at the community college that qualify
17 for credit toward completion of the local education provider's
18 requirements for high school graduation, even if the courses do not
19 qualify for ~~basic skills credit~~ or academic credit applicable toward earning
20 a degree or certificate at the community college.

21 **SECTION 15.** In Colorado Revised Statutes, 22-35-112, **amend**
22 (2)(e) as follows:

23 **22-35-112. Reports.** (2) On or before February 1, 2011, and on
24 or before February 1 each year thereafter through 2016, and on or before
25 April 1, 2017, and on or before April 1 each year thereafter, the
26 department and the department of higher education shall collaborate to
27 prepare and submit to the education committees of the senate and house

1 of representatives, or any successor committees, a report concerning the
2 concurrent enrollment of qualified students in postsecondary courses,
3 including academic courses and career and technical education courses,
4 and courses related to apprenticeship programs and internship programs.

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

6 (e) The total number of ~~basic skills~~ DEVELOPMENTAL EDUCATION
7 courses completed at each institution of higher education in the previous
8 school year by qualified students participating in a concurrent enrollment
9 program;

10 **SECTION 16.** In Colorado Revised Statutes, 23-18-202, **amend**
11 (5)(c)(I)(B) and (5)(c)(III) as follows:

12 **23-18-202. College opportunity fund - appropriations -**
13 **payment of stipends - reimbursement - report.** (5) (c) (I) An eligible
14 undergraduate student shall not receive a stipend from the college
15 opportunity fund for more than one hundred forty-five credit hours during
16 the eligible undergraduate student's lifetime; except that:

17 (B) For credit hours initiated on or after July 1, 2006, an eligible
18 undergraduate student may receive stipend payments for ~~basic skills~~
19 DEVELOPMENTAL EDUCATION courses, as defined in section 23-1-113
20 (11)(b), and courses taken pursuant to the "Concurrent Enrollment
21 Programs Act", article 35 of title 22, ~~C.R.S.~~ For a student who enrolls in
22 a course at an institution of higher education pursuant to the "Concurrent
23 Enrollment Programs Act", article 35 of title 22, ~~C.R.S.~~, the student loan
24 division in the department shall record the student's uniquely identifying
25 student number before submitting a stipend payment on behalf of the
26 student. Stipend payments received for the ~~basic skills~~ DEVELOPMENTAL
27 EDUCATION courses specified in this ~~sub-subparagraph (B)~~ shall

1 SUBSECTION (5)(c)(I)(B) DO not apply to the lifetime limitation of one
2 hundred forty-five credit hours.

3 (III) For an eligible undergraduate student who has completed one
4 or more college courses while enrolled in high school pursuant to the
5 "Concurrent Enrollment Programs Act", article 35 of title 22, ~~C.R.S.~~, or
6 while designated by the department of education as an ASCENT program
7 participant pursuant to section 22-35-108, ~~C.R.S.~~, or while enrolled in a
8 pathways in technology early college high school pursuant to article 35.3
9 of title 22, ~~C.R.S.~~, all college-level credit hours earned by the student
10 while so enrolled count against the lifetime limitation described in
11 ~~subparagraph (I) of this paragraph (c)~~ SUBSECTION (5)(c)(I) OF THIS
12 SECTION; except that credit hours earned from enrollment in a ~~basic skills~~
13 DEVELOPMENTAL EDUCATION course, as defined in section 23-1-113
14 (11)(b), ~~shall~~ DO not count against the lifetime limitation.

15 **SECTION 17.** In Colorado Revised Statutes, 23-18-303, **amend**
16 (3)(d) and (7) as follows:

17 **23-18-303. Fee-for-service contracts - authorization -**
18 **legislative declaration - definitions. (3) Role and mission funding.** The
19 institutional role and mission component of the fee-for-service contract
20 is based on the following factors, as determined by the commission
21 pursuant to section 23-18-306:

22 (d) **Remediation.** Role and mission funding must include an
23 amount for each eligible governing board to offset the costs incurred in
24 providing effective ~~basic skills~~ DEVELOPMENTAL EDUCATION courses for
25 students enrolled at an institution that is authorized to provide ~~basic skills~~
26 DEVELOPMENTAL EDUCATION courses and the costs incurred in providing
27 approved supplemental academic instruction pursuant to section 23-1-113

1 (1.5)(a)(II). In establishing the components of this factor, the commission
2 shall determine how to measure successful remediation, which measure
3 may include a student's successful completion of a first-level college
4 course in the area of remediation, including English or math. The
5 commission may also include components relating to the speed of a
6 student's remediation and the cost of remediation to the student.

7 (7) It is the intent of the general assembly that a state institution
8 of higher education that enters into a fee-for-service contract that includes
9 ~~basic skills~~ DEVELOPMENTAL EDUCATION courses shall not charge a
10 student more per credit hour for a ~~basic skills~~ DEVELOPMENTAL
11 EDUCATION course than the student would pay per credit hour for a
12 general education course.

13 **SECTION 18.** In Colorado Revised Statutes, 23-31.3-101,
14 **amend** (1)(b) as follows:

15 **23-31.3-101. University established - role and mission.**

16 (1) (b) CSU global campus shall not offer associate of arts, associate of
17 science, or associate of applied science degrees, bachelor of applied
18 science degrees, or career and technical certificate programs.
19 Additionally, CSU global campus will not offer concurrent enrollment
20 programs, state-funded supplemental academic instruction, or
21 state-funded ~~basic skills~~ DEVELOPMENTAL EDUCATION courses.

22 **SECTION 19.** In Colorado Revised Statutes, **amend** 23-56-101
23 as follows:

24 **23-56-101. University established - role and mission.** There is
25 hereby established a university at Gunnison, which shall be known as
26 Western state Colorado university. Western state Colorado university
27 shall be a general baccalaureate institution with selective admission

1 standards. Western state Colorado university shall offer undergraduate
2 liberal arts and sciences and professional degree programs, ~~basic skills~~
3 DEVELOPMENTAL EDUCATION courses receiving resident credit pursuant
4 to section 23-1-113.3, and a limited number of graduate programs.
5 Western state Colorado university shall also serve as a regional education
6 provider.

7 **SECTION 20.** In Colorado Revised Statutes, **amend** 23-60-201
8 as follows:

9 **23-60-201. State system of community and technical colleges**
10 **established - local district colleges - role and mission.** There is
11 established a state system of community and technical colleges that is
12 under the management and jurisdiction of the state board for community
13 colleges and occupational education. The mission of the community
14 colleges is to serve Colorado residents who reside in their service areas
15 by offering a broad range of general, personal, career, and technical
16 education programs, as well as bachelor of science in nursing completion
17 programs that result in the awarding of a bachelor of science in nursing
18 degree to successful candidates pursuant to section 23-60-211 (5). Except
19 as provided in section 23-60-211, each college must be a two-year
20 college. Each community college may offer two-year degree programs
21 with or without academic designation, and, upon approval of the board
22 pursuant to section 23-60-211, may offer technical, career, and workforce
23 development bachelor of applied science degree programs. A community
24 college shall not impose admission requirements upon any student.
25 Admission to a community college does not guarantee enrollment in a
26 specific program that has prerequisites. The objects of the community and
27 technical colleges are to provide educational programs to fill the

1 occupational needs of youth and adults in career and technical fields,
2 two-year transfer educational programs to qualify students for admission
3 to the junior year at other colleges and universities, ~~basic skills~~
4 DEVELOPMENTAL EDUCATION COURSES, workforce development, and a
5 broad range of personal and career education for adults, and technical,
6 career, and workforce development bachelor of applied science degree
7 programs established pursuant to section 23-60-211, that address the
8 needs of the community within each community college service area.

9 **SECTION 21.** In Colorado Revised Statutes, 23-60-902, **amend**
10 (2)(a) as follows:

11 **23-60-902. Accelerated education and skills training -**
12 **certificates.** (2) In implementing the accelerated certificates program, the
13 board must ensure that, at a minimum, the program:

14 (a) Is available to eligible adults who are seeking to enter or
15 re-enter the workforce or obtain better employment and who may benefit
16 from information or math literacy development programs, as indicated by
17 their scores on the ~~basic skills~~ DEVELOPMENTAL EDUCATION assessments
18 in English and mathematics adopted by the commission pursuant to
19 section 23-1-113.3 or by a referral from a local adult education program
20 or a local workforce development program;

21 **SECTION 22.** In Colorado Revised Statutes, 23-1-119.1, **amend**
22 (1)(c) as follows:

23 **23-1-119.1. Department directive - notice of postsecondary**
24 **educational opportunities and higher education admission guidelines.**

25 (1) Annually, beginning in the spring of 2006, upon receipt of the names
26 and mailing addresses of students enrolled in the eighth grade from the
27 board of education of each school district in Colorado and the state

1 charter school institute, the department shall provide notice of
2 postsecondary educational opportunities to the parents or legal guardians
3 of all eighth-grade students enrolled in public schools in the state. At a
4 minimum, the notice shall specify:

5 (c) A student who fails to pass a course listed in the higher
6 education admission guidelines may enroll in a ~~remedial~~ GATEWAY
7 course, AS DEFINED IN SECTION 23-1-113 (11)(b.5), WITH ADDITIONAL
8 SUPPORTS THROUGH SUPPLEMENTAL ACADEMIC INSTRUCTION, AS DEFINED
9 IN SECTION 23-1-113 (11)(e), successful completion of which will satisfy
10 the requirements of the higher education admission guidelines;

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