

## CHAPTER 133

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**EDUCATION - POSTSECONDARY**


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**HOUSE BILL 19-1206**

BY REPRESENTATIVE(S) Coleman and Larson, Benavidez, Bird, Buckner, Buentello, Cutter, Duran, Esgar, Exum, Herod, Hooton, Jaquez Lewis, Kipp, Lontine, McCluskie, McLachlan, Melton, Michaelson Jenet, Roberts, Sirota, Snyder, Titone, Valdez A., Will, Becker;  
also SENATOR(S) Bridges and Lundeen, Court, Crowder, Gardner, Gonzales, Hisey, Moreno, Rodriguez, Story, Todd, Winter, Woodward, Garcia.

**AN ACT**

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

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

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

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

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

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

(d) Students who are assessed as not college-ready have historically been required to enroll in one or more developmental education courses that cost them money, do not count toward their degree requirements, and extend the time needed to graduate;

(e) There are serious adverse consequences when a student is placed into developmental education courses. These adverse consequences include discouraging

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

some students from pursuing a postsecondary education, as well as burdening other students with higher educational costs and delaying the student's degree plan.

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

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

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

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

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

**23-1-113. Commission directive - admission standards for baccalaureate and graduate institutions of higher education - policy - report - definitions.**

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

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

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

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

(b) Each governing board shall adopt policies and procedures that are aligned with the policy established by the commission pursuant to ~~paragraph (a) of this subsection (1.5)~~ SUBSECTION (1.5)(a) OF THIS SECTION and that ensure that, to the extent required by the commission policy, each matriculated student ~~takes or has taken basic skills placement or assessment tests in~~ WHO MAY NEED ADDITIONAL SUPPORTS TO BE SUCCESSFUL IN GATEWAY COURSES IN English and mathematics HAS ACCESS TO SUPPLEMENTAL ACADEMIC INSTRUCTION. The institution that enrolls the student shall select which ~~tests~~ MEASURES to use from among those that meet the standards established in the commission policy. ~~and shall administer the tests.~~ The commission, in consultation with the governing boards, shall ~~ensure the comparability of the placement or assessment tests for the purpose of providing consistent reporting~~ COLLECT INFORMATION REGARDING THE MEASURES USED BY THE INSTITUTIONS FOR PLACEMENT TO HELP ANALYZE THE ~~data as such data are required~~ REPORTED PURSUANT TO SUBSECTION (9) OF THIS SECTION AND by section 23-1-113.3 (4).

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

(8) (b) On or before December 15, 2013, the commission shall review the policy

established pursuant to ~~paragraph (a) of subsection (1.5)~~ SUBSECTION (1.5)(a) of this section and the ~~basic skills~~ DEVELOPMENTAL EDUCATION placement or assessment tests administered pursuant to subsection (1.5) of this section to ensure that the policy and tests are aligned with the postsecondary and workforce readiness description.

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

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

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

(I) ~~The enrollment, placement and completion of basic skills courses~~ NEED FOR ADDITIONAL SUPPORTS FOR STUDENTS TO BE SUCCESSFUL IN GATEWAY COURSES IN ENGLISH AND MATHEMATICS, THE SUBJECT FOR WHICH THE STUDENTS ARE IDENTIFIED AS NEEDING ADDITIONAL SUPPORTS TO BE SUCCESSFUL IN GATEWAY COURSES, STUDENT SUCCESS IN GATEWAY COURSES;

(II) First-year college grades; and

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

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

(10) On or before February 15, 2009, and on or before ~~February~~ APRIL 15 each year thereafter, the department of higher education shall submit to the department of education the unit records used for its reporting purposes under this section to enable the department of education to evaluate the effectiveness of the alignment of the preschool through postsecondary education systems in preparing students

who demonstrate postsecondary and workforce readiness and subsequently succeed in postsecondary education and to enable the department of higher education to disseminate the unit records to the appropriate school districts.

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

(b) ~~"Basic skills"~~ "DEVELOPMENTAL EDUCATION courses" means courses that are prerequisites to the level of work expected at a postsecondary institution and include academic skills courses and preparatory courses.

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

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

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

**SECTION 3.** In Colorado Revised Statutes, **amend 23-1-113.3** as follows:

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

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

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

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

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

(c) Notwithstanding the provisions of ~~paragraph (b) of this subsection (2)~~ SUBSECTION (2)(b) OF THIS SECTION, Metropolitan state university of Denver and the university of Colorado at Denver are prohibited from offering ~~basic skills~~ DEVELOPMENTAL EDUCATION courses. ~~either directly or through contract with an institution specified in paragraph (a) of this subsection (2).~~

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

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

~~(b) Compile data regarding student performance that describes with regard to~~

~~students who take basic skills courses pursuant to section 23-1-113 (1.5):~~

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

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

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

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

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

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

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

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

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

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

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

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

**22-2-112. Commissioner - duties - report - legislative declaration.** (4)(a) The commissioner shall ensure that the department, subject to available appropriations, annually allocates ~~moneys~~ MONEY to school districts, district charter schools, and institute charter schools to reimburse them for the costs of administering ~~basic skills~~

DEVELOPMENTAL EDUCATION placement or assessment tests pursuant to sections 22-32-109.5, 22-30.5-117, and 22-30.5-526, respectively, to students enrolled in grades nine through twelve. The department shall allocate ~~moneys~~ MONEY to offset the costs incurred in administering each of the test units only once per student while the student is enrolled in grades nine through twelve.

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

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

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

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

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

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

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

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

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

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

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



in section 23-1-113.

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

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

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

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

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

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

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

**22-32-109.5. Board of education - specific duties - testing requirements - developmental education placement or assessment tests - intervention plans.**

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

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

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

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

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

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

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

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

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

(d) Notwithstanding the provisions of ~~paragraph (a) of this subsection (1)~~ SUBSECTION (1)(a) OF THIS SECTION, if a qualified student is not a participant in the ASCENT program and has not satisfied the minimum requirements for graduation established by 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 postsecondary courses, including academic or career and technical education courses, which may include course work related to apprenticeship programs or internship programs, that are worth more than a total of nine credit hours, including ~~basic skills~~ GATEWAY courses, AS DEFINED IN SECTION 23-1-113 (11)(b.5), WITH ADDITIONAL SUPPORTS THROUGH SUPPLEMENTAL ACADEMIC INSTRUCTION, AS DEFINED IN SECTION 23-1-113 (11)(e). Furthermore, the qualified student shall not concurrently enroll in more than:

(2) (b) If a superintendent of a school district, the superintendent's designee, or a chief administrator of a district charter school, institute charter school, or high school of a BOCES receives a timely application from a qualified student pursuant to ~~paragraph (a) of this subsection (2)~~ SUBSECTION (2)(a) OF THIS SECTION, the superintendent, superintendent's designee, or chief administrator of a district charter

school, institute charter school, or high school of a BOCES shall approve or disapprove the application and notify the student of the decision. In considering applications, the superintendent, designee, or chief administrator shall give priority consideration to qualified students who, by the time they would concurrently enroll, will have completed the high school graduation requirements and are applying for concurrent enrollment to begin earning credits toward a postsecondary degree or certificate. ~~or, if required to complete basic skills courses, to complete the courses during the remainder of the twelfth-grade year.~~

(4) (b) If a qualified student who has applied for concurrent enrollment in a 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:~~ GATEWAY COURSE, AS DEFINED IN SECTION 23-1-113 (11)(b.5), WITH ADDITIONAL SUPPORTS THROUGH SUPPLEMENTAL ACADEMIC INSTRUCTION, AS DEFINED IN SECTION 23-1-113 (11)(e).

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

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

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

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

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

**22-35-108. Accelerating students through concurrent enrollment program - objectives - selection criteria - rules.** (2) (a) Subject to available appropriations, the department may designate as an ASCENT program participant any qualified student who:

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

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

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

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

~~grade level;~~

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

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

**22-35-112. Reports.** (2) On or before February 1, 2011, and on or before February 1 each year thereafter through 2016, and on or before April 1, 2017, and on or before April 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 postsecondary courses, including academic courses and career and technical education courses, and courses related to apprenticeship programs and internship programs. The report must include, but need not be limited to:

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

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

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

(B) For credit hours initiated on or after July 1, 2006, an eligible undergraduate student may receive stipend payments for ~~basic skills~~ DEVELOPMENTAL EDUCATION courses, as defined in section 23-1-113 (11)(b), and courses taken pursuant to the "Concurrent Enrollment Programs Act", article 35 of title 22, ~~C.R.S.~~ For a student who enrolls in a course at an institution of higher education pursuant to the "Concurrent Enrollment Programs Act", article 35 of title 22, ~~C.R.S.~~, the student loan division in the department shall record the student's uniquely identifying student number before submitting a stipend payment on behalf of the student. Stipend payments received for the ~~basic skills~~ DEVELOPMENTAL EDUCATION courses specified in this ~~sub-subparagraph (B)~~ shall ~~not apply~~ SUBSECTION (5)(c)(I)(B) DO not apply to the lifetime limitation of one hundred forty-five credit hours.

(III) For an eligible undergraduate student who has completed one or more college courses while enrolled in high school pursuant to the "Concurrent Enrollment Programs Act", article 35 of title 22, ~~C.R.S.~~, or while designated by the department of education as an ASCENT program participant pursuant to section 22-35-108, ~~C.R.S.~~, or while enrolled in a pathways in technology early college high

school pursuant to article 35.3 of title 22, ~~C.R.S.~~; all college-level credit hours earned by the student while so enrolled count against the lifetime limitation described in ~~subparagraph (f) of this paragraph (e)~~ SUBSECTION (5)(c)(I) OF THIS SECTION; except that credit hours earned from enrollment in a ~~basic skills~~ DEVELOPMENTAL EDUCATION course, as defined in section 23-1-113 (11)(b), ~~shall~~ DO not count against the lifetime limitation.

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

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

(d) **Remediation.** Role and mission funding must include an amount for each eligible governing board to offset the costs incurred in providing effective ~~basic skills~~ DEVELOPMENTAL EDUCATION courses for students enrolled at an institution that is authorized to provide ~~basic skills~~ DEVELOPMENTAL EDUCATION courses and the costs incurred in providing approved supplemental academic instruction pursuant to section 23-1-113 (1.5)(a)(II). In establishing the components of this factor, the commission shall determine how to measure successful remediation, which measure may include a student's successful completion of a first-level college course in the area of remediation, including English or math. The commission may also include components relating to the speed of a student's remediation and the cost of remediation to the student.

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

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

**23-31.3-101. University established - role and mission.** (1) (b) CSU global campus shall not offer associate of arts, associate of science, or associate of applied science degrees, bachelor of applied science degrees, or career and technical certificate programs. Additionally, CSU global campus will not offer concurrent enrollment programs, state-funded supplemental academic instruction, or state-funded ~~basic skills~~ DEVELOPMENTAL EDUCATION courses.

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

**23-56-101. University established - role and mission.** There is hereby established a university at Gunnison, which shall be known as Western state Colorado university. Western state Colorado university shall be a general baccalaureate institution with selective admission standards. Western state Colorado university shall offer undergraduate liberal arts and sciences and professional degree programs, ~~basic skills~~ DEVELOPMENTAL EDUCATION courses receiving resident

credit pursuant to section 23-1-113.3, and a limited number of graduate programs. Western state Colorado university shall also serve as a regional education provider.

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

**23-60-201. State system of community and technical colleges established - local district colleges - role and mission.** There is established a state system of community and technical colleges that is under the management and jurisdiction of the state board for community colleges and occupational education. The mission of the community colleges is to serve Colorado residents who reside in their service areas by offering a broad range of general, personal, career, and technical education programs, as well as bachelor of science in nursing completion programs that result in the awarding of a bachelor of science in nursing degree to successful candidates pursuant to section 23-60-211 (5). Except as provided in section 23-60-211, each college must be a two-year college. Each community college may offer two-year degree programs with or without academic designation, and, upon approval of the board pursuant to section 23-60-211, may offer technical, career, and workforce development bachelor of applied science degree programs. A community college shall not impose admission requirements upon any student. Admission to a community college does not guarantee enrollment in a specific program that has prerequisites. The objects of the community and technical colleges are to provide educational programs to fill the occupational needs of youth and adults in career and technical fields, two-year transfer educational programs to qualify students for admission to the junior year at other colleges and universities, ~~basic skills~~ DEVELOPMENTAL EDUCATION COURSES, workforce development, and a broad range of personal and career education for adults, and technical, career, and workforce development bachelor of applied science degree programs established pursuant to section 23-60-211, that address the needs of the community within each community college service area.

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

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

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

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

**23-1-119.1. Department directive - notice of postsecondary educational opportunities and higher education admission guidelines.** (1) Annually, beginning in the spring of 2006, upon receipt of the names and mailing addresses of students enrolled in the eighth grade from the board of education of each school

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

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

**SECTION 23. 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: April 25, 2019