

# STATE OF COLORADO



DEPARTMENT OF HIGHER EDUCATION  
*Colorado Commission on Higher Education*

Bill Ritter, Jr.  
Governor

D. Rico Munn  
Executive Director

## Implications of HB09-1319 on Instate Tuition Residency Requirements

### Introduction

HB09-1319 repealed Post Secondary Enrollment Options (PSEO), Fast Tracks, and Fast College Fast Jobs programs, all of which provided mechanism for high school students to enroll in college course for dual credit. There are two aspects of the legislation that impact the tuition paid for the courses. The first is a requirement that the tuition is paid by the school district on behalf of the student. The second is required cooperative agreement that the school district and the institution of higher education are required to enter into. These two components of the legislation lead to the establishment of a tuition rate through an agreement that should not distinguish between resident and non-resident tuition rates.

### Background

HB09-1319 is a comprehensive reform to dual enrollment programs in Colorado. The legislation created two distinct programs, concurrent enrollment and ASCENT. Concurrent enrollment programs concern those students that are enrolling in college courses while in high school. ASCENT concerns those students that are enrolling in college course as a high school student after they have completed all requirements for high school graduation, but are being held back for a fifth year to participate in the program.

The legislation defines a qualified student as “a person who is less than twenty-one years of age and enrolled in the ninth grade or a higher grade level in a local education provider.” In addition there are requirements that the student be approved by the high school for participation, that the high school pay the tuition on behalf of the student, and that the student shall be eligible for the Colorado Opportunity Fund benefit.

### Analysis

HB09-1319 requires the development of a cooperative agreement between the school district and the institution of higher education. The cooperative agreement will establish the tuition rate that the local education provider will pay to the institution of higher education. Limitations on the tuition rate in the cooperative agreement are listed in statute below (emphasis mine):

22-35-105(3) (a) A cooperative agreement shall **establish the tuition rate at which the local education provider shall pay the institution of higher education** for any courses in which a qualified student of the local education provider concurrently enrolls at the institution. **The tuition rate shall not exceed:**

(I) For a course offered by a public community college, a public junior college, or an area vocational school, **the student share of the tuition rate established for Colorado residents enrolled in the course**, which tuition rate is established by the state board for community colleges and occupational education pursuant to section 23-60-202 (1) (c) (I), C.R.S.; except that, if the local education provider is located outside the boundaries of every community college service area, as assigned by the commission pursuant to section 23-60-207, C.R.S., the tuition rate **shall not exceed the actual student share of the resident tuition rate** of the nearest Colorado public institution of higher education.

(II) For a course offered by any other institution of higher education, **the student share of the tuition rate established for Colorado residents enrolled in a general studies course at a community college**, which tuition rate is established by the state board for community colleges and occupational education pursuant to section 23-60-202 (1) (c) (I), C.R.S.; except that, if the local education provider is located outside the boundaries of every community college service area, as assigned by the commission pursuant to section 23-60-207, C.R.S., the **tuition rate shall not exceed the actual student share of the resident tuition rate of the nearest Colorado public institution of higher education.**

(b) Nothing in this subsection (3) shall be interpreted to prohibit an institution of higher education from charging tuition or associated fees to a qualified student or his or her parent or legal guardian in addition to the tuition paid by the student's local education provider to the institution pursuant to paragraph (a) of this subsection (3).

## **Conclusion**

The legislation clarifies that the tuition payment is from the local education provider to the institution of higher education at a rate agreed in contract. The student does not pay the tuition or sign a contract to pay the tuition. Additionally the tuition shall not exceed the resident rate at the community college system, local district college, or public institution of higher education depending on the geographical location of the local education provider. Based on the contractual nature of the tuition level, the residency of the student should not be a consideration when charging tuition.