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# Blueprint for Opportunity

No. 7

## Implementation Memo

TO: Governor-elect Ritter  
Members of the 66th Colorado General Assembly

FROM: The Bell Policy Center – Frank Waterous, Senior Policy Analyst

DATE: December 4, 2006

**RE: Implementing Bell's Blueprint recommendation No. 7  
to remove bureaucratic barriers to dual enrollment programs**

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In the 2006 Blueprint for Opportunity, the Bell Policy Center recommends:

### **Remove the bureaucratic barriers to dual enrollment programs that help high school students earn post-secondary certificates or degrees**

We must encourage the development and expansion of dual enrollment and other innovative programs throughout the state. If the state Department of Education and Department of Higher Education and their governing boards cannot agree on how to do this, the legislature should by-pass them and make it happen (see *Blueprint*, page 13).

This memorandum briefly discusses the issues surrounding this proposal, describes steps for implementing it, outlines some of the factors to consider and lists sources for additional information and resources.

If you are interested in pursuing this issue further, we are prepared to work with you. Please contact the author of this memo directly at (303) 297-0456 or [waterous@thebell.org](mailto:waterous@thebell.org), or Rich Jones, director of policy and research, at (303) 297-0456 or [jones@thebell.org](mailto:jones@thebell.org).

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### **Overview of the issue**

Certain dual enrollment programs — sometimes referred to as “fifth year,” “early college,” or “middle college” programs — offer high school students the opportunity to voluntarily extend their high school education for one year (or in some cases more) to concurrently earn a diploma and a post-secondary certificate or degree.<sup>1</sup>

These programs are increasingly being offered in various states to encourage at-risk, low-income, and minority students to stay in high school, earn a diploma and go to college. Research suggests dual enrollment programs can lower dropout rates, improve academic performance and lower the costs of post-secondary education.<sup>2</sup>

Colorado has an established and well-recognized Post-secondary Enrollment Options (PSEO) program, which offers many high school students the chance to take college courses while still in school.

However, a State Board of Education (SBE) rule 2254-R-5.18 currently bars school districts from offering fifth year dual enrollment programs. The rule was passed following a State Auditor’s report issued in 2001, but appears to misinterpret the audit findings and recommendations.

The audit report noted disagreement regarding the need for specific statutory authority related to fifth year programs, and called on the Colorado Commission on Higher Education and the Colorado Department of



Education to bring the policy question to the General Assembly.

During the 2006 regular legislative session, House Bill 06-1358 (sponsored by Rep. Fran Coleman, D-Denver, and substantially modified with the help of Rep. Keith King, R-Colorado Springs) would have allowed school districts to offer fifth year dual enrollment programs.

The bill passed the House, but died in the Senate State, Veterans and Military Affairs Committee, in part due to financing concerns.

### Implementation steps

To clear the way for school districts to provide dual enrollment fifth year programs for students who might not otherwise stay in school and go on to college, several policy options are available.

- **Rescind the SBE rule through board action.** SBE members are split on whether the rule should be retained or rescinded, and it is a highly charged issue. It seems unlikely that the SBE, as currently constituted, would take this action.  
[🔗 SBE rule 2254-R-5.18 in 1 CCR 301-39](#)
- **The governor could request a formal opinion from the attorney general regarding the legality of fifth year programs,** a matter left unresolved in the 2001 audit report. Formal opinions are binding on state government entities, and may be requested by the governor, executive branch departments such as CDE or the Department of Higher Education, boards such as SBE or the legislature. As an interim, non-binding step, the governor could request an informal opinion from the attorney general seeking guidance on this issue.  
[🔗 State auditor's report](#)
- **Enact legislation to allow school districts to offer fifth year dual enrollment programs.** An effort to pass legislation on this issue failed in 2006. We encourage the legislature to reintroduce a bill with similar goals during the 2007 session, and suggest an initial investment of up to \$20 million a year.

### Factors to consider

The matter of fifth year program legality was left ambiguous in the 2001 audit report. The report noted that Colorado Commission on Higher Education staff believed such dual enrollment programs were illegal, but also cited the opinion of Legislative Legal Services staff that they are legal.

Additionally, an informal attorney general opinion indicated it is legal for students to take advantage of the state's Post-secondary Enrollment Options program until age 21, although this informal opinion appears not to have specifically addressed fifth year programs.

The fifth year program issue remains a highly charged political debate in Colorado, as evidenced by the strong feelings within the SBE. Nevertheless, a broad coalition of K-12, higher education, community and student advocacy groups supported last year's bill and would likely rally around a similar effort this year.

A primary concern in the debate over HB06-1358 was about financing — who should pay and how much new money should be appropriated for these programs. Points of disagreement included:

- Whether Per Pupil Operating Revenues (PPOR) should be used.
- What role College Opportunity Fund (COF) stipend moneys should play.
- Whether a separate state trust fund should be established for the new moneys appropriated.
- How many students should be allowed to participate.

So that funding disagreements do not stand in the way of a promising approach to helping more Colorado students achieve educational success, the Bell Policy Center urges the various parties involved to negotiate a workable resolution, and offers its assistance in facilitating the discussions.

## Information and resources

For information on the 2006 legislative effort to pass a fifth year program bill, Rep. Fran Coleman and former Rep. Keith King are valuable contacts.

☎ Gully Stanford director of Pre-collegiate Programs for CollegeInColorado, (720-264-8563) could offer more insights into the groups that provided input on Rep. Coleman's bill.

Among the groups involved in the dual enrollment discussions last year were the Colorado Association of School Boards, Colorado Children's Campaign, Colorado Community College System, Colorado Education Association, Denver Public Schools, Donnell-Kay Foundation, Jared Polis Foundation, Padres and Jovenes Unidos, and Sheridan School District No. 2. *(Please note that involvement does not necessarily imply support for fifth year programs.)*

☎ [Versions of HB 06-1358 and its fiscal notes on the General Assembly web site.](#)

☎ [Bell Policy Center Opportunity Note, HB 06-1358.](#)

## End notes

<sup>1</sup> *High School Reform in Colorado: Meeting the Expectations of a New Era*, Final Report of the Colorado Commission for High School Improvement, December 2005.

☎ [www.coloradosmallschools.org/docs/Reports/HighSchoolReforminColorado.pdf](http://www.coloradosmallschools.org/docs/Reports/HighSchoolReforminColorado.pdf)

Jennifer Jacobson, "The Early-College Experiment," *The Chronicle of Higher Education*, March 11, 2005.

☎ [chronicle.com/free/v51/i27/27a03601.htm](http://chronicle.com/free/v51/i27/27a03601.htm)

<sup>2</sup> Katherine L. Hughes, et.al., "Pathways to College Access and Success," U.S. Department of Education, Office of Vocational and Adult Education, September 2005.

☎ [www.ed.gov/about/offices/list/ovae/pi/clo/cbtrans/finalreport.pdf](http://www.ed.gov/about/offices/list/ovae/pi/clo/cbtrans/finalreport.pdf)

Carl Krueger, "Dual Enrollment: Policy Issues Confronting State Policymakers," Education Commission of the States, Policy Brief, March 2006.

☎ [www.ecs.org/clearinghouse/67/87/6787.htm](http://www.ecs.org/clearinghouse/67/87/6787.htm)

"Accelerated Learning Options: A Promising Strategy for States," *Policy Insights*, Western Interstate Commission for Higher Education, August 2006.

☎ [www.wiche.edu/policy/PolicyInsights/Accelerated Learning Options 0806.pdf](http://www.wiche.edu/policy/PolicyInsights/AcceleratedLearningOptions_0806.pdf)