

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

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 23-0189.01 Alana Rosen x2606

SENATE BILL 23-003

SENATE SPONSORSHIP

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Senate Committees

Education
Appropriations

House Committees

Education
Appropriations

A BILL FOR AN ACT

101 **CONCERNING A COLORADO DEPARTMENT OF EDUCATION PARTNERSHIP**
102 **WITH A NONPROFIT ENTITY TO CREATE A PROGRAM FOR ADULT**
103 **EDUCATION, AND, IN CONNECTION THEREWITH, MAKING AN**
104 **APPROPRIATION.**

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 creates the Colorado adult high school program (program) in the office responsible for adult education within the department of education (department). The purpose of the program is to create a

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

HOUSE
3rd Reading Unamended
May 6, 2023

HOUSE
Amended 2nd Reading
May 5, 2023

SENATE
3rd Reading Unamended
April 25, 2023

SENATE
Amended 2nd Reading
April 24, 2023

pathway for Coloradans who are 21 years of age or older and do not have a high school diploma to attend high school and earn a diploma at no cost. Students may also earn industry-recognized certificates or college credits at no cost.

The bill requires the department to partner with a Colorado community-based nonprofit organization (organization) to operate the program. The department is required to select an organization to act as the education provider for the program. The education provider is required to:

- Secure and maintain a building for the program;
- Contribute funding annually for operating and facility costs;
- Hire educators and school personnel, including life coaches who help students navigate academic and personal challenges;
- Establish an academic accountability system with the approval of the department;
- Establish minimum graduation requirements;
- Award Colorado high school diplomas to students who successfully complete the program;
- Use an evidence-based educational model that has proven effective through a randomized control trial or an experimental study;
- Develop in-person courses;
- Develop online courses for students who take classes in person but demonstrate academic readiness for remote course work;
- Consult with a nonprofit organization that has successfully implemented an evidence-based educational model for adults in another state;
- Serve all students, regardless of immigration status;
- Enroll no more than 400 students at one time;
- Comply with state and federal laws concerning students with disabilities, including students with accommodations pursuant to section 504 of the federal "Rehabilitation Act of 1973";
- Create individualized education programs for students with disabilities;
- Collaborate with local district colleges, community colleges, area technical colleges, or local career and technical education programs to ensure access to courses that can lead students to graduate with industry-recognized certificates;
- Fund industry-recognized certificate programs at no cost to students;

- Create a plan to authorize teachers to teach courses for college credit;
- Operate a licensed, on-site child care center for students with children; and
- Offer transportation assistance to students who enroll in the program.

The department is required to establish a fair and transparent request for proposal process in order to select an organization to operate the program. The request for proposal process must include input from the office within the department responsible for adult education.

The request for proposals must include:

- A plan for student enrollment, including students with disabilities;
- A plan to secure and maintain a building;
- Proposed curriculum and academic accountability standards for a student-centered course of study that can result in a Colorado high school diploma;
- Evidence of the effectiveness of the evidence-based educational model to be implemented by the program;
- A plan to hire and maintain a staff of educators and other school personnel;
- Proof of access to the money annually required to sustain the program;
- A plan to establish and operate an on-site licensed child care center; and
- A plan to offer transportation services to students.

On or before July 31, 2025, and every July 31 thereafter, an education provider is required to report to the department on the status of the program. On or before November 30, 2025, and every November 30 thereafter, the department is required to report the status of the program to the house of representatives education committee and the senate education committee, or their successor committees, including but not limited to:

- Student demographic data disaggregated by race, ethnicity, socioeconomic status, age, gender, and disability;
- Accountability measure outcomes; and
- The number of industry-recognized certificates, college credits, and overall average credit attainment that students earn each term.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** part 2 of article

1 10 of title 22 as follows:

2

PART 2

3

COLORADO ADULT

4

HIGH SCHOOL PROGRAM

5

22-10-201. Definitions. AS USED IN THIS PART 2, UNLESS THE

6

CONTEXT OTHERWISE REQUIRES:

7

(1) "ADULT HIGH SCHOOL STUDENT" OR "STUDENT" MEANS AN

8

ADULT WHO:

9

(a) HAS REACHED TWENTY-ONE YEARS OF AGE BEFORE THE PUPIL

10

ENROLLMENT COUNT DATE, AS DEFINED IN SECTION 22-54-103 (10.5);

11

(b) HAS REACHED TWENTY-ONE YEARS OF AGE DURING THE

12

SEMESTER THAT INCLUDES THE PUPIL ENROLLMENT COUNT DAY AS

13

DEFINED IN SECTION 22-54-103 (10.5) BUT DOES NOT RECEIVE SERVICES

14

UNDER AN INDIVIDUALIZED EDUCATION PROGRAM AS DEFINED IN SECTION

15

22-20-103 (15); OR

16

(c) IS OLDER THAN TWENTY-ONE YEARS OF AGE; AND

17

(d) IS ENROLLED IN THE COLORADO ADULT HIGH SCHOOL PROGRAM

18

AS DEFINED IN SUBSECTION (2) OF THIS SECTION.

19

(2) "COLORADO ADULT HIGH SCHOOL PROGRAM" OR "PROGRAM"

20

MEANS THE COLORADO ADULT HIGH SCHOOL PROGRAM CREATED IN

21

SECTION 22-10-202.

22

(3) "COLORADO COMMUNITY-BASED NONPROFIT ORGANIZATION"

23

OR "NONPROFIT ORGANIZATION" MEANS A COLORADO COMMUNITY-BASED,

24

TAX-EXEMPT CHARITABLE OR SOCIAL WELFARE ORGANIZATION OPERATING

25

UNDER SECTION 501(c)(3) OR 501(c)(4) OF THE FEDERAL "INTERNAL

26

REVENUE CODE OF 1986", 26 U.S.C. SEC. 501, AS AMENDED.

27

(4) "DEPARTMENT" MEANS THE DEPARTMENT OF EDUCATION

1 CREATED AND EXISTING PURSUANT TO SECTION 24-1-115.

2 (5) "EDUCATION PROVIDER" MEANS A COLORADO
3 COMMUNITY-BASED NONPROFIT ORGANIZATION THAT IS AWARDED A
4 GRANT BY THE DEPARTMENT.

5 (6) "OFFICE" MEANS THE OFFICE WITHIN THE DEPARTMENT THAT
6 IS RESPONSIBLE FOR ADULT EDUCATION.

7 (7) "RESIDENT" MEANS ANY INDIVIDUAL WHO IS LIVING, OTHER
8 THAN TEMPORARILY, WITHIN THE STATE VOLUNTARILY AND MAKES THE
9 STATE THE RESIDENT'S HOME.

10 (8) "STATE BOARD" MEANS THE STATE BOARD OF EDUCATION
11 CREATED IN SECTION 1 OF ARTICLE IX OF THE STATE CONSTITUTION.

12 **22-10-202. Colorado adult high school program - created -**
13 **standards - appropriation.** (1) (a) THERE IS CREATED IN THE OFFICE THE
14 COLORADO ADULT HIGH SCHOOL PROGRAM. THE PURPOSE OF THE
15 PROGRAM IS TO CREATE A PATHWAY FOR ADULTS IN COLORADO WHO HAVE
16 NOT EARNED A HIGH SCHOOL DIPLOMA TO ATTEND HIGH SCHOOL AND
17 EARN A HIGH SCHOOL DIPLOMA. STUDENTS OF THE PROGRAM MAY EARN
18 INDUSTRY-RECOGNIZED CERTIFICATES OR COLLEGE CREDITS. THE
19 PROGRAM OPERATES THROUGH A PUBLIC-PRIVATE PARTNERSHIP BETWEEN
20 THE DEPARTMENT AND A COLORADO COMMUNITY-BASED NONPROFIT
21 ORGANIZATION AND IS PROVIDED AT NO COST TO STUDENTS.

22 (b) ANY COLORADO RESIDENT WHO IS TWENTY-ONE YEARS OF AGE
23 OR OLDER AND HAS NOT COMPLETED HIGH SCHOOL IS ELIGIBLE TO ENROLL
24 IN THE PROGRAM.

25 (c) THE DEPARTMENT SHALL AWARD A GRANT PURSUANT TO
26 SECTION 22-10-203 TO A COLORADO COMMUNITY-BASED NONPROFIT
27 ORGANIZATION TO OPERATE THE PROGRAM AS AN EDUCATION PROVIDER.

1 A NONPROFIT ORGANIZATION THAT PARTICIPATES IN THE ADULT
2 EDUCATION AND LITERACY GRANT PROGRAM CREATED IN SECTION
3 22-10-104 IS ALSO ELIGIBLE FOR A GRANT WITH THE DEPARTMENT TO
4 OPERATE AS AN EDUCATION PROVIDER.

5 (2) AN EDUCATION PROVIDER SHALL:

6 (a) SECURE AND MAINTAIN A BUILDING FOR THE PROGRAM;

7 (b) CONTRIBUTE FUNDING ANNUALLY FOR OPERATING AND
8 FACILITY COSTS;

9 (c) HIRE EDUCATORS AND OTHER SCHOOL PERSONNEL, INCLUDING
10 LIFE COACHES TO HELP STUDENTS NAVIGATE ACADEMIC AND PERSONAL
11 CHALLENGES;

12 (d) PROPOSE AN ACADEMIC ACCOUNTABILITY SYSTEM;

13 (e) ESTABLISH MINIMUM GRADUATION REQUIREMENTS, AS
14 DESCRIBED IN SUBSECTION (3) OF THIS SECTION;

15 (f) USE AN EVIDENCE-BASED EDUCATIONAL MODEL THAT A
16 THIRD-PARTY EVALUATOR HAS PROVEN EFFECTIVE THROUGH A
17 RANDOMIZED CONTROL TRIAL OR AN EXPERIMENTAL STUDY;

18 (g) DEVELOP COURSES THAT MAY BE OFFERED TO STUDENTS IN
19 PERSON;

20 (h) DEVELOP ONLINE COURSES THAT MAY BE OFFERED TO A
21 STUDENT WHO TAKES AT LEAST FIFTY PERCENT OF THE STUDENT'S CLASSES
22 IN PERSON AND WHO DEMONSTRATES ACADEMIC READINESS FOR REMOTE
23 COURSE WORK;

24 (i) CONSULT WITH A NONPROFIT ORGANIZATION THAT HAS
25 IMPLEMENTED AN EVIDENCE-BASED EDUCATIONAL MODEL FOR ADULTS
26 WITH PROVEN EFFECTIVENESS IN ANOTHER STATE;

27 (j) SERVE ALL STUDENTS, REGARDLESS OF IMMIGRATION STATUS;

1 (k) ENROLL NO MORE THAN FOUR HUNDRED STUDENTS AT ONE
2 TIME;

3 (l) CREATE AN ENROLLMENT PLAN FOR STUDENTS;

4 (m) COMPLY WITH STATE AND FEDERAL LAWS CONCERNING
5 STUDENTS WITH DISABILITIES, INCLUDING STUDENTS WITH
6 ACCOMMODATIONS PURSUANT TO SECTION 504 OF THE FEDERAL
7 "REHABILITATION ACT OF 1973", 29 U.S.C. SEC. 701 ET SEQ., AS
8 AMENDED;

9 (n) CREATE INDIVIDUALIZED EDUCATION PROGRAMS FOR
10 STUDENTS WITH DISABILITIES;

11 (o) COLLABORATE WITH LOCAL DISTRICT COLLEGES AS DEFINED IN
12 SECTION 23-71-102, COMMUNITY COLLEGES AS DEFINED IN SECTION
13 22-35.3-102, AREA TECHNICAL COLLEGES AS DEFINED IN SECTION
14 23-60-103, OR POSTSECONDARY CAREER AND TECHNICAL EDUCATION
15 PROGRAMS AS DEFINED IN SECTION 22-35-103, TO ENSURE STUDENTS HAVE
16 ACCESS TO COURSES THAT CAN LEAD TO GRADUATION WITH
17 INDUSTRY-RECOGNIZED CERTIFICATES;

18 (p) FUND INDUSTRY-RECOGNIZED AND CAREER AND TECHNICAL
19 EDUCATION CERTIFICATE PROGRAMS AT NO COST TO STUDENTS;

20 (q) CREATE A PLAN IN COLLABORATION WITH INSTITUTIONS OF
21 HIGHER EDUCATION TO AUTHORIZE TEACHERS TO TEACH COURSES FOR
22 COLLEGE CREDIT AND ALIGN TEACHER QUALIFICATION REQUIREMENTS
23 WITH THE CONCURRENT ENROLLMENT PROGRAM PURSUANT TO ARTICLE 35
24 OF THIS TITLE 22;

25 (r) OPERATE AN ON-SITE CHILD CARE CENTER LICENSED PURSUANT
26 TO PART 3 OF ARTICLE 5 OF TITLE 26.5 FOR STUDENTS WITH CHILDREN;
27 AND

1 (s) OFFER TRANSPORTATION ASSISTANCE TO STUDENTS.

2 (3) (a) THE EDUCATION PROVIDER SHALL DEVELOP MINIMUM
3 GRADUATION REQUIREMENTS FOR THE PROGRAM BASED ON THE MINIMUM
4 HIGH SCHOOL GRADUATION GUIDELINES ADOPTED BY THE STATE BOARD
5 PURSUANT TO SECTION 22-2-106 (1)(a.5).

6 (b) THE EDUCATION PROVIDER SHALL AWARD A HIGH SCHOOL
7 DIPLOMA TO A STUDENT WHO SUCCESSFULLY COMPLETES THE
8 GRADUATION REQUIREMENTS DEVELOPED PURSUANT TO SUBSECTION
9 (3)(a) OF THIS SECTION.

10 (c) (I) THE EDUCATION PROVIDER SHALL PROPOSE ACADEMIC
11 ACCOUNTABILITY STANDARDS FOR THE PROGRAM TO THE DEPARTMENT
12 THAT INCLUDE, BUT ARE NOT LIMITED TO, THE FOLLOWING:

13 (A) GRADUATION RATE METRICS THAT MEASURE THE GRADUATION
14 RATIO FOR THE ENTIRE STUDENT POPULATION;

15 (B) POSTSECONDARY AND WORKFORCE READINESS METRICS THAT
16 MEASURE THE PERCENTAGE OF GRADUATES WHO EARN EITHER AN
17 INDUSTRY-RECOGNIZED CERTIFICATE OR AT LEAST THREE COLLEGE
18 CREDITS; AND

19 (C) STUDENT DEMOGRAPHIC DATA DISAGGREGATED BY RACE,
20 ETHNICITY, SOCIOECONOMIC STATUS, AGE, GENDER, AND DISABILITY.

21 (II) ON OR BEFORE JULY 1, 2024, THE DEPARTMENT SHALL
22 REVIEW AND APPROVE THE ACADEMIC ACCOUNTABILITY STANDARDS
23 DESCRIBED IN SUBSECTION (3)(c)(I) OF THIS SECTION AND RECOMMEND
24 REVISIONS AS NECESSARY TO THE OFFICE AND EDUCATION PROVIDER.

25 (4) ON OR BEFORE JULY 31, 2025, JULY 31, 2026, AND MARCH 30,
26 2027, AN EDUCATION PROVIDER SHALL REPORT PROGRAM DATA TO THE
27 DEPARTMENT, INCLUDING, BUT NOT LIMITED TO:

1 (a) STUDENT DEMOGRAPHIC DATA DISAGGREGATED BY RACE,
2 ETHNICITY, SOCIOECONOMIC STATUS, AGE, GENDER, AND DISABILITY;

3 (b) ACCOUNTABILITY MEASURE DATA DESCRIBED IN SUBSECTION
4 (3)(c) OF THIS SECTION; AND

5 (c) THE NUMBER OF INDUSTRY-RECOGNIZED CERTIFICATES,
6 COLLEGE CREDITS, AND OVERALL AVERAGE ATTAINMENT OF HIGH SCHOOL
7 CREDITS THAT STUDENTS EARN EACH TERM.

8 (5) (a) FOR THE 2023-24 BUDGET YEAR, THE GENERAL ASSEMBLY
9 SHALL APPROPRIATE FIVE MILLION DOLLARS TO THE DEPARTMENT FROM
10 THE GENERAL FUND FOR PURPOSES OF THE COLORADO ADULT HIGH
11 SCHOOL PROGRAM.

12 (b) ANY UNEXPENDED OR UNENCUMBERED MONEY APPROPRIATED
13 PURSUANT TO SUBSECTION (5)(a) OF THIS SECTION REMAINS AVAILABLE
14 FOR EXPENDITURE FOR THE SAME PURPOSE UNTIL THE CLOSE OF THE
15 2026-27 BUDGET YEAR WITHOUT FURTHER APPROPRIATION.

16 **22-10-203. Grant process - application process - selection**
17 **process.** (1) ON OR BEFORE SEPTEMBER 15, 2023, THE DEPARTMENT
18 SHALL ESTABLISH A FAIR AND TRANSPARENT APPLICATION PROCESS TO USE
19 WHEN SELECTING AN EDUCATION PROVIDER TO OPERATE THE COLORADO
20 ADULT HIGH SCHOOL PROGRAM. THE APPLICATION PROCESS MUST INCLUDE
21 INPUT FROM THE OFFICE.

22 (2) THE APPLICATION MUST INCLUDE, BUT NEED NOT BE LIMITED
23 TO, THE FOLLOWING:

24 (a) A PLAN FOR STUDENT ENROLLMENT, INCLUDING STUDENTS
25 WITH DISABILITIES;

26 (b) PROPOSED CURRICULUM AND ACADEMIC ACCOUNTABILITY
27 STANDARDS FOR A STUDENT-CENTERED COURSE OF STUDY THAT RESULTS

- 1 IN A COLORADO HIGH SCHOOL DIPLOMA;
- 2 (c) EVIDENCE OF THE EFFECTIVENESS OF THE EVIDENCE-BASED
- 3 EDUCATIONAL MODEL TO BE IMPLEMENTED;
- 4 (d) A PLAN TO HIRE AND MAINTAIN A STAFF OF EDUCATORS AND
- 5 OTHER SCHOOL PERSONNEL;
- 6 (e) PROOF OF ACCESS TO THE MONEY ANNUALLY REQUIRED TO
- 7 CONTRIBUTE TO THE PROGRAM;
- 8 (f) A PLAN TO ESTABLISH AND OPERATE A LICENSED, ON-SITE
- 9 CHILD CARE CENTER; AND
- 10 (g) A PLAN TO OFFER TRANSPORTATION SERVICES TO STUDENTS.

11 (3) (a) ON OR BEFORE NOVEMBER 1, 2023, THE DEPARTMENT

12 SHALL SELECT AN EDUCATION PROVIDER AS A GRANT RECIPIENT.

13 (b) ON OR BEFORE JANUARY 15, 2024, THE DEPARTMENT SHALL

14 AWARD A GRANT TO THE EDUCATION PROVIDER SELECTED TO IMPLEMENT

15 THE PROGRAM AND CARRY OUT THE RESPONSIBILITIES DESCRIBED IN

16 SECTION 22-10-202 (2) AND (3).

17 ==

18 **22-10-204. Reporting requirements.** (1) ON OR BEFORE

19 NOVEMBER 30, 2025, NOVEMBER 30, 2026, AND JUNE 30, 2027, THE

20 DEPARTMENT SHALL REPORT TO THE HOUSE OF REPRESENTATIVES

21 EDUCATION COMMITTEE AND THE SENATE EDUCATION COMMITTEE, OR

22 THEIR SUCCESSOR COMMITTEES, THE FOLLOWING:

- 23 (a) DEMOGRAPHIC DATA OF STUDENTS CURRENTLY ENROLLED IN
- 24 THE PROGRAM;
- 25 (b) DEMOGRAPHIC DATA OF STUDENTS WHO GRADUATED FROM
- 26 THE PROGRAM;
- 27 (c) ACCOUNTABILITY MEASURE DATA DESCRIBED IN SECTION

1 22-10-202 (3)(c);

2 (d) THE NUMBER OF INDUSTRY-RECOGNIZED CERTIFICATES,
3 COLLEGE CREDITS, AND OVERALL AVERAGE ATTAINMENT OF HIGH SCHOOL
4 CREDITS THAT STUDENTS EARN EACH TERM; AND

5 (e) ANY RECOMMENDATIONS FOR LEGISLATION.

6 **22-10-205. Repeal of part. THIS PART 2 IS REPEALED, EFFECTIVE**
7 **JULY 1, 2027.**

8 **SECTION 2. Appropriation. (1) For the 2023-24 state fiscal**
9 **year, \$5,000,000 is appropriated to the department of education. This**
10 **appropriation is from the general fund. To implement this act, the**
11 **department may use this appropriation as follows:**

12 (a) \$4,798,852 for the Colorado adult high school program, which
13 amount is based on an assumption that the department will require an
14 additional 0.7 FTE; and

15 (b) \$21,148 for legal services.

16 (2) For the 2023-24 state fiscal year, \$21,148 is appropriated to
17 the department of law. This appropriation is from reappropriated funds
18 received from the department of education under subsection (1)(b) of this
19 section and is based on an assumption that the department of law will
20 require an additional 0.1 FTE. To implement this act, the department of
21 law may use this appropriation to provide legal services for the
22 department of education.

23 **SECTION 3. Safety clause.** The general assembly hereby finds,
24 determines, and declares that this act is necessary for the immediate
25 preservation of the public peace, health, or safety.