

## CHAPTER 387

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**EDUCATION - PUBLIC SCHOOLS**


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**SENATE BILL 23-003**

BY SENATOR(S) Buckner and Gardner, Coleman, Cutter, Exum, Fields, Hinrichsen, Lundeen, Priola, Winter F.;  
 also REPRESENTATIVE(S) Weissman and Wilson, Amabile, Bacon, Bird, Boesenecker, Brown, Dickson, English, Frizell,  
 Gonzales-Gutierrez, Hamrick, Herod, Jodeh, Joseph, Kipp, Lieder, Lindsay, Lindstedt, Lukens, Mabrey, McCormick, McLachlan,  
 Michaelson Jenet, Sharbini, Story, Titone, Valdez, Velasco, Vigil, Willford, Young, McCluskie.

**AN ACT**

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

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

**SECTION 1.** In Colorado Revised Statutes, **add** part 2 of article 10 of title 22 as follows:

**PART 2  
 COLORADO ADULT  
 HIGH SCHOOL PROGRAM**

**22-10-201. Definitions.** AS USED IN THIS PART 2, UNLESS THE CONTEXT OTHERWISE REQUIRES:

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

(a) HAS REACHED TWENTY-ONE YEARS OF AGE BEFORE THE PUPIL ENROLLMENT COUNT DATE, AS DEFINED IN SECTION 22-54-103 (10.5);

(b) HAS REACHED TWENTY-ONE YEARS OF AGE DURING THE SEMESTER THAT INCLUDES THE PUPIL ENROLLMENT COUNT DAY AS DEFINED IN SECTION 22-54-103 (10.5) BUT DOES NOT RECEIVE SERVICES UNDER AN INDIVIDUALIZED EDUCATION PROGRAM AS DEFINED IN SECTION 22-20-103 (15); OR

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

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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.*

(d) IS ENROLLED IN THE COLORADO ADULT HIGH SCHOOL PROGRAM AS DEFINED IN SUBSECTION (2) OF THIS SECTION.

(2) "COLORADO ADULT HIGH SCHOOL PROGRAM" OR "PROGRAM" MEANS THE COLORADO ADULT HIGH SCHOOL PROGRAM CREATED IN SECTION 22-10-202.

(3) "COLORADO COMMUNITY-BASED NONPROFIT ORGANIZATION" OR "NONPROFIT ORGANIZATION" MEANS A COLORADO COMMUNITY-BASED, TAX-EXEMPT CHARITABLE OR SOCIAL WELFARE ORGANIZATION OPERATING UNDER SECTION 501(c)(3) OR 501(c)(4) OF THE FEDERAL "INTERNAL REVENUE CODE OF 1986", 26 U.S.C. SEC. 501, AS AMENDED.

(4) "DEPARTMENT" MEANS THE DEPARTMENT OF EDUCATION CREATED AND EXISTING PURSUANT TO SECTION 24-1-115.

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

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

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

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

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

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

(c) THE DEPARTMENT SHALL AWARD A GRANT PURSUANT TO SECTION 22-10-203 TO A COLORADO COMMUNITY-BASED NONPROFIT ORGANIZATION TO OPERATE THE PROGRAM AS AN EDUCATION PROVIDER. A NONPROFIT ORGANIZATION THAT PARTICIPATES IN THE ADULT EDUCATION AND LITERACY GRANT PROGRAM CREATED IN SECTION 22-10-104 IS ALSO ELIGIBLE FOR A GRANT WITH THE DEPARTMENT TO OPERATE AS AN EDUCATION PROVIDER.

(2) AN EDUCATION PROVIDER SHALL:

- (a) SECURE AND MAINTAIN A BUILDING FOR THE PROGRAM;
- (b) CONTRIBUTE FUNDING ANNUALLY FOR OPERATING AND FACILITY COSTS;
- (c) HIRE EDUCATORS AND OTHER SCHOOL PERSONNEL, INCLUDING LIFE COACHES TO HELP STUDENTS NAVIGATE ACADEMIC AND PERSONAL CHALLENGES;
- (d) PROPOSE AN ACADEMIC ACCOUNTABILITY SYSTEM;
- (e) ESTABLISH MINIMUM GRADUATION REQUIREMENTS, AS DESCRIBED IN SUBSECTION (3) OF THIS SECTION;
- (f) USE AN EVIDENCE-BASED EDUCATIONAL MODEL THAT A THIRD-PARTY EVALUATOR HAS PROVEN EFFECTIVE THROUGH A RANDOMIZED CONTROL TRIAL OR AN EXPERIMENTAL STUDY;
- (g) DEVELOP COURSES THAT MAY BE OFFERED TO STUDENTS IN PERSON;
- (h) DEVELOP ONLINE COURSES THAT MAY BE OFFERED TO A STUDENT WHO TAKES AT LEAST FIFTY PERCENT OF THE STUDENT'S CLASSES IN PERSON AND WHO DEMONSTRATES ACADEMIC READINESS FOR REMOTE COURSE WORK;
- (i) CONSULT WITH A NONPROFIT ORGANIZATION THAT HAS IMPLEMENTED AN EVIDENCE-BASED EDUCATIONAL MODEL FOR ADULTS WITH PROVEN EFFECTIVENESS IN ANOTHER STATE;
- (j) SERVE ALL STUDENTS, REGARDLESS OF IMMIGRATION STATUS;
- (k) ENROLL NO MORE THAN FOUR HUNDRED STUDENTS AT ONE TIME;
- (l) CREATE AN ENROLLMENT PLAN FOR STUDENTS;
- (m) 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", 29 U.S.C. SEC. 701 ET SEQ., AS AMENDED;
- (n) CREATE INDIVIDUALIZED EDUCATION PROGRAMS FOR STUDENTS WITH DISABILITIES;
- (o) COLLABORATE WITH LOCAL DISTRICT COLLEGES AS DEFINED IN SECTION 23-71-102, COMMUNITY COLLEGES AS DEFINED IN SECTION 22-35.3-102, AREA TECHNICAL COLLEGES AS DEFINED IN SECTION 23-60-103, OR POSTSECONDARY CAREER AND TECHNICAL EDUCATION PROGRAMS AS DEFINED IN SECTION 22-35-103, TO ENSURE STUDENTS HAVE ACCESS TO COURSES THAT CAN LEAD TO GRADUATION WITH INDUSTRY-RECOGNIZED CERTIFICATES;
- (p) FUND INDUSTRY-RECOGNIZED AND CAREER AND TECHNICAL EDUCATION CERTIFICATE PROGRAMS AT NO COST TO STUDENTS;
- (q) CREATE A PLAN IN COLLABORATION WITH INSTITUTIONS OF HIGHER

EDUCATION TO AUTHORIZE TEACHERS TO TEACH COURSES FOR COLLEGE CREDIT AND ALIGN TEACHER QUALIFICATION REQUIREMENTS WITH THE CONCURRENT ENROLLMENT PROGRAM PURSUANT TO ARTICLE 35 OF THIS TITLE 22;

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

(s) OFFER TRANSPORTATION ASSISTANCE TO STUDENTS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) PROPOSED CURRICULUM AND ACADEMIC ACCOUNTABILITY STANDARDS FOR A STUDENT-CENTERED COURSE OF STUDY THAT RESULTS IN A COLORADO HIGH SCHOOL DIPLOMA;

(c) EVIDENCE OF THE EFFECTIVENESS OF THE EVIDENCE-BASED EDUCATIONAL MODEL TO BE IMPLEMENTED;

(d) A PLAN TO HIRE AND MAINTAIN A STAFF OF EDUCATORS AND OTHER SCHOOL PERSONNEL;

(e) PROOF OF ACCESS TO THE MONEY ANNUALLY REQUIRED TO CONTRIBUTE TO THE PROGRAM;

(f) A PLAN TO ESTABLISH AND OPERATE A LICENSED, ON-SITE CHILD CARE CENTER; AND

(g) A PLAN TO OFFER TRANSPORTATION SERVICES TO STUDENTS.

(3) (a) ON OR BEFORE NOVEMBER 1, 2023, THE DEPARTMENT SHALL SELECT AN EDUCATION PROVIDER AS A GRANT RECIPIENT.

(b) ON OR BEFORE JANUARY 15, 2024, THE DEPARTMENT SHALL AWARD A GRANT TO THE EDUCATION PROVIDER SELECTED TO IMPLEMENT THE PROGRAM AND CARRY OUT THE RESPONSIBILITIES DESCRIBED IN SECTION 22-10-202 (2) AND (3).

**22-10-204. Reporting requirements.** (1) ON OR BEFORE NOVEMBER 30, 2025, NOVEMBER 30, 2026, AND JUNE 30, 2027, THE DEPARTMENT SHALL REPORT TO THE HOUSE OF REPRESENTATIVES EDUCATION COMMITTEE AND THE SENATE EDUCATION COMMITTEE, OR THEIR SUCCESSOR COMMITTEES, THE FOLLOWING:

(a) DEMOGRAPHIC DATA OF STUDENTS CURRENTLY ENROLLED IN THE PROGRAM;

(b) DEMOGRAPHIC DATA OF STUDENTS WHO GRADUATED FROM THE PROGRAM;

(c) ACCOUNTABILITY MEASURE DATA DESCRIBED IN SECTION 22-10-202 (3)(c);

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

(e) ANY RECOMMENDATIONS FOR LEGISLATION.

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

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

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

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

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

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

Approved: June 6, 2023