

CHAPTER 312

EDUCATION - PUBLIC SCHOOLS

SENATE BILL 23-007

BY SENATOR(S) Zenzinger and Kirkmeyer, Bridges, Buckner, Coleman, Exum, Gardner, Ginal, Hansen, Moreno, Mullica, Priola, Roberts, Will;
also REPRESENTATIVE(S) Kipp and Catlin, Amabile, Bacon, Bird, Boesenecker, Brown, Duran, Epps, Garcia, Hamrick, Joseph, Lieder, Lindsay, Lukens, Marshall, McLachlan, Michaelson Jenet, Ortiz, Ricks, Sirota, Snyder, Story, Titone, Velasco, Weissman, Willford, Young, McCluskie.

AN ACT

**CONCERNING ENHANCING ADULT EDUCATION IN COLORADO, 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, 22-10-102, **amend** (1)(e), (1)(e.5), (1)(e.7), (1)(f), and (1)(g) as follows:

22-10-102. Legislative declaration. (1) The general assembly finds that:

(e) Before Colorado can meet its workforce, educational attainment, and poverty-reduction goals, the state must address the need for adult education. A significant percentage of the state's working-age population lacks a high school diploma or its equivalent. Many of these individuals do not have basic literacy, DIGITAL LITERACY, or numeracy skills and are unprepared for participation in postsecondary education and for participation in the twenty-first-century workforce. Further, these individuals are unprepared to provide the learning support and advocacy that their own children or the children they care for require.

(e.5) Literacy and level of educational attainment not only impact an individual's ability to gain employment at a self-sufficiency level, but extensive research shows that they are also key determining factors in the educational success and future employment potential of the individual's children or children for whom the individual is a caregiver. A two-generation approach to increasing literacy, DIGITAL LITERACY, and numeracy skills is essential for the workforce of today and tomorrow and for helping to break the cycle of poverty.

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.

(e.7) While some adults require educational programs that will improve their literacy, DIGITAL LITERACY, or numeracy skills to gain higher-paying levels of employment, many adults have not completed ninth grade or may otherwise be identified as lowest-level learners. Before these adults can aspire to higher-level employment, they require more basic educational programs that specialize in English language skills and assistance in obtaining a high school DIPLOMA OR AN equivalency certificate.

(f) Effectively addressing the need for adult education requires the appropriation of state money to fund adult education and literacy programs that participate in workforce development partnerships or education attainment partnerships and that enable individuals to acquire the basic and more advanced skills needed to function effectively as parents, caregivers, employees, and citizens of the United States. Although there are several postsecondary programs that focus on workforce development and skills acquisition, these programs typically assume that participants are or have been in the workforce in some capacity and have already attained a base level of literacy, DIGITAL LITERACY, and numeracy. Adult education and literacy programs, however, are typically designed for adults who have been unable to enter the workforce in a meaningful capacity or are limited in their ability to support their children's education or participate in society due to a lack of basic literacy, DIGITAL LITERACY, and numeracy skills.

(g) In return for state investment in adult education and literacy programs, these programs must refocus their mission to ensure that more low-skilled, low-income adults attain the basic literacy, DIGITAL LITERACY, and numeracy skills that they lack so that they may improve their own and the next generation's ability to participate in the current and future in-demand sectors of employment, function effectively in supporting and advocating for their children's education, and actively participate in society; and

SECTION 2. In Colorado Revised Statutes, 22-10-103, **amend** (1), (2.5), (3)(c)(III), and (11)(a); and **add** (2.3) as follows:

22-10-103. Definitions. As used in this article 10, unless the context otherwise requires:

(1) "Adult education and literacy programs" means programs that provide adult basic education, adult education leading to a high school DIPLOMA OR AN equivalency credential, English as a second language instruction, or integrated basic education, DIGITAL LITERACY, and skills training.

(2.3) "DIGITAL LITERACY" MEANS THE SKILLS ASSOCIATED WITH USING TECHNOLOGY THAT ENABLES USERS TO FIND, EVALUATE, ORGANIZE, CREATE, DISSEMINATE, AND COMMUNICATE INFORMATION ONLINE.

(2.5) "Education attainment partnership" means a collaboration that assists adults in attaining basic literacy, DIGITAL LITERACY, and numeracy skills that lead to additional skill acquisition and may lead to postsecondary credentials and employment. At a minimum, an education attainment partnership must consist of at least one adult education provider that is not listed in subsection (1.5)(a) of this

section that partners with at least one elementary or secondary school or school district, a public or private institution of higher education, a local district college, or an area technical college.

(3) "Eligible adult" means a person who:

(c) (III) Lacks sufficient mastery of the basic literacy, DIGITAL LITERACY, and numeracy skills necessary to enable the person to function effectively in the workplace.

(11) (a) "Workforce development partnership" means a collaboration that assists adults in attaining basic literacy, DIGITAL LITERACY, and numeracy skills leading to additional skill acquisition, postsecondary credentials, and employment. At a minimum, a workforce development partnership must include at least one adult education provider AND at least ~~one postsecondary education or training provider~~ and at least one workforce development provider.

SECTION 3. In Colorado Revised Statutes, 22-10-104, **amend** (1)(a), (1)(c), (1)(d)(I), (3)(c.5), and (3)(d); and **add** (3)(e) as follows:

22-10-104. Adult education and literacy grant program - created - rules.

(1) (a) (I) There is created in the office the adult education and literacy grant program to provide funding for adult education providers that are members of workforce development partnerships, through which eligible adults receive basic education in literacy, DIGITAL LITERACY, and numeracy that leads to additional skills acquisition, A HIGH SCHOOL DIPLOMA OR AN EQUIVALENCY CERTIFICATE, postsecondary credential attainment, and employment; or education attainment partnerships that assist adults in attaining basic literacy, DIGITAL LITERACY, and numeracy skills that lead to additional skill acquisition, and may lead to A HIGH SCHOOL DIPLOMA OR AN EQUIVALENCY CERTIFICATE, postsecondary credentials and employment, for the participating adults and their children or the children for whom they provide care.

(II) ADULT EDUCATION AND LITERACY PROGRAMS MAY INCLUDE:

(A) IN-PERSON OR ONLINE INSTRUCTION;

(B) THE DEVELOPMENT OF DOCUMENTED LEARNING PLANS DESCRIBING COURSES OR CREDITS AN ELIGIBLE ADULT NEEDS TO COMPLETE AN ADULT EDUCATION AND LITERACY PROGRAM AND FULFILL THE GRADUATION REQUIREMENTS OF THE PROGRAM;

(C) COACHING BETWEEN AN ADULT EDUCATION PROVIDER AND AN ELIGIBLE ADULT RELATED TO THE STUDENT'S PACE AND PROGRESS WITH THE LEARNING PLAN DESCRIBED IN SUBSECTION (1)(a)(II)(B) OF THIS SECTION; AND

(D) MENTORSHIP BETWEEN A COACH AND AN ELIGIBLE ADULT TO FACILITATE THE COMPLETION OF THE ELIGIBLE ADULT'S LEARNING PLAN DESCRIBED IN SUBSECTION (1)(a)(II)(B) OF THIS SECTION TO PREPARE THE STUDENT TO SUCCEED IN THE ADULT EDUCATION AND LITERACY PROGRAM AND IN THE ELIGIBLE ADULT'S FUTURE ENDEAVORS.

(c) Subject to available appropriations, the state board, taking into consideration the recommendations of the office, shall award adult education and literacy grants to adult education providers. In awarding grants payable from state appropriations, the state board may give preference to adult education programs that serve populations that are underserved by federal funding. The grants awarded are payable from appropriations from the general fund and from the adult education and literacy grant fund created in section 22-10-107. The state board shall establish the amount and duration of each grant awarded and may award a grant for multiple fiscal years, subject to annual renewal BY THE OFFICE. A grant recipient that receives a multi-year grant must annually submit to the office the necessary information to determine whether the grant recipient is making sufficient progress toward achieving the goals of the adult education and literacy program that were specified in the grant application. If the office finds that a grant recipient is not making sufficient progress toward achieving the goals, the ~~state board~~ OFFICE shall not renew the grant for subsequent fiscal years.

(d) An adult education provider may use grant money received pursuant to this article 10 in combination with any money received from other public or private sources. An adult education provider may use grant money received pursuant to this article 10 on behalf of a student who:

(I) Lacks basic literacy, DIGITAL LITERACY, or numeracy skills;

(3) The office, in evaluating grant applications, and the state board, in awarding grants, may consider, at a minimum, the following factors:

(c.5) Whether the adult education provider serves eligible adults who have not completed ninth grade or may otherwise be identified as lowest-level learners and the adult education provider's demonstrated success in serving these learners; ~~and~~

(d) The demonstrated success of the adult education provider in enabling adults to attain basic literacy, DIGITAL LITERACY, and numeracy skills and in assisting them to attain additional skills, postsecondary credentials, employment, and increased capacity to support the academic achievement of their own children or children for whom they provide care; AND

(e) THE AVERAGE COST PER ELIGIBLE ADULT SERVED BY THE ADULT EDUCATION PROVIDER IN ASSISTING THE ELIGIBLE ADULT IN ATTAINING ADDITIONAL SKILLS, A HIGH SCHOOL DIPLOMA OR AN EQUIVALENCY CERTIFICATE, POSTSECONDARY CREDENTIALS, EMPLOYMENT, OR INCREASED CAPACITY TO SUPPORT THE ACADEMIC ACHIEVEMENT OF THE ELIGIBLE ADULT'S OWN CHILDREN OR CHILDREN FOR WHOM THE ELIGIBLE ADULT PROVIDES CARE.

SECTION 4. In Colorado Revised Statutes, 22-10-105, **amend** (1)(c) and (2)(a) as follows:

22-10-105. Evaluation of grants - report. (1) (c) (I) ~~Upon completing an adult education and literacy program funded, in whole or in part, by a grant awarded pursuant to this article 10, an adult education provider shall report to the department information concerning the state-funded program that the department specifically requests from the information required by Title II of the federal "Workforce~~

~~Innovation and Opportunity Act", as amended, 29 U.S.C. sec. 3101 et seq., for federally funded programs. The department may request such additional information as may be required by rule of the state board.~~ THE DEPARTMENT SHALL ESTABLISH REASONABLE REPORTING AND DOCUMENTATION REQUIREMENTS FOR PROVIDERS. AN ADULT EDUCATION PROVIDER'S ADMINISTRATIVE COSTS ASSOCIATED WITH REPORTING AND DOCUMENTATION REQUIREMENTS MUST NOT EXCEED TEN PERCENT OF THE AWARDED FUNDS. THE DEPARTMENT MAY REQUIRE DOCUMENTATION OF REPORTED OUTCOMES ON A SAMPLE OF ELIGIBLE ADULTS SERVED BY AN ADULT EDUCATION PROVIDER. AN ADULT EDUCATION PROVIDER SHALL, AT A MINIMUM, REPORT TO THE DEPARTMENT ON THE FOLLOWING:

(A) THE NUMBER OF ELIGIBLE ADULTS ENROLLED IN AN ADULT EDUCATION AND LITERACY PROGRAM;

(B) DEMOGRAPHIC INFORMATION OF EACH ELIGIBLE ADULT ENROLLED IN AN ADULT EDUCATION AND LITERACY PROGRAM, INCLUDING AGE, GENDER, RACE, ETHNICITY, NATIVE LANGUAGE, ZIP CODE, AND INCOME; AND

(C) LITERACY SKILLS GAINED BY AN ELIGIBLE ADULT ENROLLED IN AN ADULT EDUCATION AND LITERACY PROGRAM.

(II) EACH ADULT EDUCATION PROVIDER SHALL REPORT DATA IN COMPLIANCE WITH THE "COLORADO PRIVACY ACT", ESTABLISHED PURSUANT TO PART 13 OF ARTICLE 1 OF TITLE 6; THE FEDERAL "FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT OF 1974", 20 U.S.C. SEC. 1232g; AND THE "STUDENT DATA TRANSPARENCY AND SECURITY ACT", CREATED IN ARTICLE 16 OF THIS TITLE 22.

(2) (a) The office shall prepare an annual report concerning the grant program that, at a minimum, addresses the use, allocation, and outcomes of the grant money, including the effectiveness of each program that receives a grant and the continuing level of unmet need for adult education within the state. In evaluating program outcomes, the office may consider, but need not be limited to considering, student participation, completion, educational attainment, employment, and poverty-reduction data and analysis. THE OFFICE MAY USE DATA MATCHING WITH RELEVANT STATE AGENCIES TO DETERMINE POST-PROGRAM PARTICIPATION OUTCOMES, INCLUDING, BUT NOT LIMITED TO, EMPLOYMENT OBTAINED BY AN ELIGIBLE ADULT ENROLLED IN AN ADULT EDUCATION AND LITERACY PROGRAM, FUTURE ADJUSTMENTS TO AN ELIGIBLE ADULT'S WAGES BASED ON THE ELIGIBLE ADULT'S PARTICIPATION IN AN ADULT EDUCATION AND LITERACY PROGRAM, POSTSECONDARY CREDENTIALS EARNED BY AN ELIGIBLE ADULT, AND DEVELOPMENT OF GENERATIONAL SKILLS AND THE CAPACITY OF AN ELIGIBLE ADULT TO SUPPORT THE ACADEMIC ACHIEVEMENTS OF THE ELIGIBLE ADULT'S CHILDREN OR CHILDREN FOR WHOM THE ELIGIBLE ADULT PROVIDES CARE. The report must also include an overview of the collaboration efforts of the office, the department of higher education, the department of labor and employment, the community college system, other adult education providers, other postsecondary education or training providers, and other workforce development providers in meeting the state's need for adult education and literacy programs and workforce development.

SECTION 5. In Colorado Revised Statutes, **add** 23-60-111 as follows:

23-60-111. Community colleges - high school diplomas - approval. (1) A COMMUNITY COLLEGE MAY DEVELOP AND IMPLEMENT MINIMUM GRADUATION REQUIREMENTS FOR A HIGH SCHOOL DIPLOMA BASED ON THE HIGH SCHOOL GRADUATION REQUIREMENTS OF A SCHOOL DISTRICT WITHIN THE GEOGRAPHIC AREA OF THE COMMUNITY COLLEGE. THE COMMUNITY COLLEGE SHALL AWARD A HIGH SCHOOL DIPLOMA TO A STUDENT WHO SUCCESSFULLY COMPLETES THE HIGH SCHOOL GRADUATION REQUIREMENTS IMPLEMENTED BY THE COMMUNITY COLLEGE.

(2) A SERVICE PROVIDER MAY PARTNER WITH A COMMUNITY COLLEGE TO PROVIDE COURSES THAT LEAD TO A HIGH SCHOOL DIPLOMA OR AN INDUSTRY-RECOGNIZED CREDENTIAL.

(3) AS USED IN THIS SECTION, "SERVICE PROVIDER" MEANS A NONPROFIT ENTITY OR FOR-PROFIT ENTITY THAT ENTERS INTO A FORMAL, NEGOTIATED CONTRACT FOR EDUCATIONAL SERVICES WITH A COMMUNITY COLLEGE.

SECTION 6. In Colorado Revised Statutes, **add 23-60-803** as follows:

23-60-803. Area technical colleges - high school diplomas - approval. (1) AN AREA TECHNICAL COLLEGE MAY DEVELOP AND IMPLEMENT MINIMUM GRADUATION REQUIREMENTS FOR A HIGH SCHOOL DIPLOMA BASED ON THE HIGH SCHOOL GRADUATION REQUIREMENTS OF A SCHOOL DISTRICT WITHIN THE GEOGRAPHIC AREA OF THE AREA TECHNICAL COLLEGE. THE AREA TECHNICAL COLLEGE SHALL AWARD A HIGH SCHOOL DIPLOMA TO A STUDENT WHO SUCCESSFULLY COMPLETES THE HIGH SCHOOL GRADUATION REQUIREMENTS IMPLEMENTED BY THE AREA TECHNICAL COLLEGE.

(2) A SERVICE PROVIDER MAY PARTNER WITH AN AREA TECHNICAL COLLEGE TO PROVIDE COURSES THAT LEAD TO A HIGH SCHOOL DIPLOMA OR AN INDUSTRY-RECOGNIZED CREDENTIAL.

(3) AS USED IN THIS SECTION, "SERVICE PROVIDER" MEANS A NONPROFIT ENTITY OR FOR-PROFIT ENTITY THAT ENTERS INTO A FORMAL, NEGOTIATED CONTRACT FOR EDUCATIONAL SERVICES WITH AN AREA TECHNICAL COLLEGE.

SECTION 7. In Colorado Revised Statutes, **add 23-71-135** as follows:

23-71-135. Local district colleges - high school diplomas - approval. (1) A LOCAL DISTRICT COLLEGE MAY DEVELOP AND IMPLEMENT MINIMUM GRADUATION REQUIREMENTS FOR A HIGH SCHOOL DIPLOMA BASED ON THE HIGH SCHOOL GRADUATION REQUIREMENTS OF A SCHOOL DISTRICT WITHIN THE GEOGRAPHIC AREA OF THE LOCAL DISTRICT COLLEGE. THE LOCAL DISTRICT COLLEGE SHALL AWARD A HIGH SCHOOL DIPLOMA TO A STUDENT WHO SUCCESSFULLY COMPLETES THE HIGH SCHOOL GRADUATION REQUIREMENTS IMPLEMENTED BY THE LOCAL DISTRICT COLLEGE.

(2) A SERVICE PROVIDER MAY PARTNER WITH A LOCAL DISTRICT COLLEGE TO PROVIDE COURSES THAT LEAD TO A HIGH SCHOOL DIPLOMA OR AN INDUSTRY-RECOGNIZED CREDENTIAL.

(3) AS USED IN THIS SECTION, "SERVICE PROVIDER" MEANS A NONPROFIT ENTITY

OR FOR-PROFIT ENTITY THAT ENTERS INTO A FORMAL, NEGOTIATED CONTRACT FOR EDUCATIONAL SERVICES WITH A LOCAL DISTRICT COLLEGE.

SECTION 8. Appropriation. For the 2023-24 state fiscal year, \$2,000,000 is appropriated to the department of education. This appropriation is from the general fund and is based on an assumption that the department will require an additional 1.7 FTE. To implement this act, the department may use this appropriation for the adult education and literacy grant program.

SECTION 9. 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 2, 2023