

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

REVISED

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

LLS NO. 21-0573.01 Brita Darling x2241

SENATE BILL 21-106

SENATE SPONSORSHIP

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Education
Appropriations

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A BILL FOR AN ACT

101 **CONCERNING MEASURES TO IMPROVE SUCCESSFUL TRANSITIONS FROM**
102 **HIGH SCHOOL TO POST-HIGH SCHOOL TRAINING, AND, IN**
103 **CONNECTION THEREWITH, MAKING AN 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 amends the high school innovative learning pilot program (ILOP) that authorized school districts, district charter schools, and institute charter schools (local education providers) to count as full-time students high school students participating in innovative learning opportunities regardless of whether they meet the number of teacher-pupil

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

HOUSE
2nd Reading Unamended
May 26, 2021

SENATE
3rd Reading Unamended
May 3, 2021

SENATE
Amended 2nd Reading
April 30, 2021

instruction and contact hours for full-time enrollment. The bill allows a school of a school district to participate in an ILOP with a district or independently and requires all applicants to demonstrate how their innovative learning plan disproportionately benefits underserved students.

In selecting applicants to participate in the pilot program, the bill requires the department of education (department) and the state board of education (state board) to consider whether the innovative learning plan includes opportunities for students to participate in registered or unregistered apprenticeships, internships, and technical training or skills programs through an industry provider, teacher training opportunities, concurrent enrollment, and industry certificates.

Further, subject to available appropriations, the state board is encouraged to select up to 20 applicants and is not limited to choosing applicants that had part-time students in the prior year and that enroll fewer than 5,000 students.

The bill creates the fourth year innovation pilot program (pilot program) in the department of higher education to disburse state funding to postsecondary education and training programs on behalf of low-income students who graduate early from a high school participating in the pilot program prior to enrolling in the fourth year of high school or prior to enrolling in the second semester of their fourth year in high school.

The state funding awarded to a student graduating prior to enrolling in the fourth year of high school is equal to the greater of 75% of the average state share amount of the statewide average per-pupil funding for public elementary and secondary schools or \$3,500. The state funding for a student graduating prior to the second semester of their fourth year in high school is equal to the greater of 45% of the average state share amount of the statewide average per-pupil funding for public elementary and secondary schools or \$2,000. The state funding is disbursed to the postsecondary program on behalf of the eligible graduate and may be used for the eligible graduate's cost of attendance for the postsecondary program, as determined by the department of higher education. The local education provider from which the student graduated early prior to the fourth year of high school receives a portion of the state savings for school finance obligations due to the early graduation.

An eligible graduate must enroll in a postsecondary program and use the state funding award before the eligible graduate's twenty-first birthday, at which time the unused portion of the state funding is forfeited.

The bill requires the department of higher education to report annually to certain committees of the general assembly certain information relating to the pilot program. The bill creates a fund for the pilot program.

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

2 **SECTION 1.** In Colorado Revised Statutes, 22-35.6-102, **amend**
3 (6) as follows:

4 **22-35.6-102. Definitions.** As used in this article 35.6, unless the
5 context otherwise requires:

6 (6) "Local education provider" means:

7 (a) A school district organized pursuant to article 30 of this title
8 22;

9 (b) A SCHOOL OF A SCHOOL DISTRICT, AS DESCRIBED IN
10 SUBSECTION (6)(a) OF THIS SECTION;

11 (c) A board of cooperative services created pursuant to article 5
12 of this title 22;

13 (d) A charter school authorized by a school district pursuant to
14 part 1 of article 30.5 of this title 22; or

15 (e) An institute charter school authorized by the state charter
16 school institute pursuant to part 5 of article 30.5 of this title 22.

17 **SECTION 2.** In Colorado Revised Statutes, 22-35.6-103, **amend**
18 (2) as follows:

19 **22-35.6-103. High school innovative learning pilot program -**
20 **created - rules.** (2) The state board shall promulgate rules as necessary
21 to implement the pilot program, including, at a minimum, application
22 timelines and any information to be included in the application in addition
23 to the information required in section 22-35.6-104 (1). In adopting rules,
24 the state board shall ensure, to the extent possible, that a local education
25 provider that is a school district that enrolls fewer than two thousand
26 students, A SCHOOL OF A SCHOOL DISTRICT OR OF A BOARD OF

1 COOPERATIVE SERVICES, a district charter school, or an institute charter
2 school may submit a simplified application.

3 **SECTION 3.** In Colorado Revised Statutes, 22-35.6-104, **amend**
4 (1) introductory portion and (1)(d); and **add** (4) as follows:

5 **22-35.6-104. High school innovative learning pilot program -**
6 **application - requirements - rules.** (1) To participate in the pilot
7 program, a local education provider or a group of local education
8 providers must apply to the department in accordance with the timelines
9 and procedures established by rule of the state board. A SCHOOL OF A
10 SCHOOL DISTRICT MAY PARTICIPATE IN THE PILOT PROGRAM AS PART OF
11 THE SCHOOL DISTRICT OR APPLY TO PARTICIPATE IN THE PILOT PROGRAM
12 INDEPENDENTLY. A district charter school may participate in the pilot
13 program as part of its authorizing school district or apply to participate in
14 the pilot program independently. A board of cooperative services may
15 apply on behalf of its member school districts or to implement an
16 innovative learning plan in a public high school operated by the board of
17 cooperative services. An application must include:

18 (d) A description of the innovative learning plan that the applicant
19 expects to implement, including an explanation of how it aligns with at
20 least two of the principles specified in subsection (2) of this section and
21 why those principles were selected or an explanation of how it meets the
22 research-based design principles described in subsection (3) of this
23 section, AND HOW THE APPLICANT'S INNOVATIVE LEARNING PLAN
24 DISPROPORTIONATELY BENEFITS UNDERSERVED STUDENTS.

25 (4) IN SELECTING APPLICANTS TO PARTICIPATE IN THE PILOT
26 PROGRAM, THE DEPARTMENT AND STATE BOARD SHALL CONSIDER
27 WHETHER THE INNOVATIVE LEARNING PLAN INCLUDES OPPORTUNITIES FOR

1 STUDENTS TO PARTICIPATE IN REGISTERED OR UNREGISTERED
2 APPRENTICESHIPS, INTERNSHIPS, TECHNICAL TRAINING OR SKILLS
3 PROGRAMS THROUGH AN INDUSTRY PROVIDER, TEACHER TRAINING
4 OPPORTUNITIES, CONCURRENT ENROLLMENT, AND PROGRAMS LEADING TO
5 INDUSTRY-RECOGNIZED CERTIFICATES.

6 **SECTION 4.** In Colorado Revised Statutes, 22-35.6-105, **amend**
7 (2)(b), (2)(c), and (3)(b); and **add** (2)(d) as follows:

8 **22-35.6-105. High school innovative learning pilot program -**
9 **department - state board - duties - legislative declaration.** (2) The
10 department shall review the applications received and recommend to the
11 state board applicants to participate in the pilot program. The state board,
12 taking into account the recommendations of the department, shall select
13 the applicants to participate in the pilot program beginning in the 2020-21
14 budget year. In recommending and selecting the local education providers
15 to participate in the pilot program, the department and the state board
16 shall consider:

17 (b) The quality of the innovative learning plan and the likelihood
18 that it will result in meaningful innovative learning opportunities for
19 students that will significantly support them in the transition from high
20 school to postsecondary education or the workforce; ~~and~~

21 (c) The degree to which the innovative learning plan aligns with
22 at least two of the principles specified in section 22-35.6-104 (2) or meets
23 the research-based design principles described in section 22-35.6-104 (3);

24 AND

25 (d) THE DEGREE TO WHICH THE INNOVATIVE LEARNING PLAN
26 OFFERS STUDENTS ONE OR MORE OPPORTUNITIES DESCRIBED IN SECTION
27 22-35.6-104 (4).

1 (3) (b) (I) Beginning in the 2021-22 budget year, it is the intent of
2 the general assembly to increase annually the number of local education
3 providers that participate in the pilot program and, by the 2025-26 budget
4 year, to achieve one hundred percent participation by local education
5 providers that meet the requirements of this article 35.6.

6 (II) FOR THE 2021-22 BUDGET YEAR, AND EACH BUDGET YEAR
7 THEREAFTER IN WHICH THE STATE BOARD SELECTS PARTICIPATING LOCAL
8 EDUCATION PROVIDERS, SUBJECT TO AVAILABLE APPROPRIATIONS, THE
9 STATE BOARD IS ENCOURAGED TO SELECT UP TO TWENTY APPLICANTS AND
10 IS NOT LIMITED TO THE CRITERIA SPECIFIED IN SUBSECTION (3)(a)(I) OF
11 THIS SECTION.

12 **SECTION 5.** In Colorado Revised Statutes, **add** part 13 to article
13 3.3 of title 23 as follows:

14 **PART 13**

15 **FOURTH-YEAR INNOVATION PILOT PROGRAM**

16 **23-3.3-1301. Legislative declaration.** (1) THE GENERAL
17 ASSEMBLY FINDS AND DECLARES THAT:

18 (a) THROUGH THE INNOVATIVE LEARNING OPPORTUNITIES PILOT
19 PROGRAM, CONCURRENT ENROLLMENT, APPRENTICESHIPS, INTERNSHIPS,
20 AND OTHER HIGH SCHOOL TRANSITION PROGRAMS AND OPPORTUNITIES,
21 STUDENTS ARE ABLE TO PURSUE MULTIPLE PATHWAYS TO CAREER AND
22 POSTSECONDARY TRAINING AND EDUCATION;

23 (b) SOME STUDENTS WHO HAVE MET HIGH SCHOOL GRADUATION
24 REQUIREMENTS EARLY AND WANT TO PURSUE CAREER AND
25 POSTSECONDARY TRAINING AND EDUCATION OUTSIDE OF THE SCHOOL
26 SETTING FACE SIGNIFICANT FINANCIAL BARRIERS TO DOING SO; AND

27 (c) A STATE-FUNDED FOURTH-YEAR INNOVATION PILOT PROGRAM

1 WOULD HELP LOW-INCOME STUDENTS WITH THE DRIVE AND AMBITION TO
2 COMPLETE HIGH SCHOOL EARLY TO PAY FOR CAREER AND POSTSECONDARY
3 TRAINING AND EDUCATION.

4 (2) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT
5 LOW-INCOME STUDENTS WHO GRADUATE EARLY FROM A HIGH SCHOOL
6 PARTICIPATING IN THE PILOT PROGRAM SHOULD BE AWARDED STATE
7 FUNDING THROUGH THE FOURTH-YEAR INNOVATION PILOT PROGRAM TO BE
8 USED TO PURSUE CAREER AND POSTSECONDARY TRAINING AND EDUCATION
9 AFTER HIGH SCHOOL.

10 **23-3.3-1302. Definitions.** AS USED IN THIS PART 13, UNLESS THE
11 CONTEXT OTHERWISE REQUIRES:

12 (1) "DEPARTMENT" MEANS THE DEPARTMENT OF HIGHER
13 EDUCATION CREATED PURSUANT TO SECTION 24-1-114.

14 (2) "DEPARTMENT OF EDUCATION" MEANS THE DEPARTMENT OF
15 EDUCATION CREATED IN SECTION 24-1-115.

16 (3) "ELIGIBLE GRADUATE" MEANS A LOW-INCOME STUDENT WHO
17 HAS GRADUATED EARLY FROM A HIGH SCHOOL PARTICIPATING IN THE
18 PILOT PROGRAM AND WHO HAS MET THE REQUIREMENTS OF THIS PART 13
19 TO RECEIVE STATE FUNDING UNDER THE PILOT PROGRAM.

20 (4) "FOURTH-YEAR INNOVATION PILOT PROGRAM FUND" OR "FUND"
21 MEANS THE FOURTH-YEAR INNOVATION PILOT PROGRAM FUND CREATED
22 IN SECTION 23-3.3-1306.

23 (5) "GRADUATE EARLY" MEANS BEING AWARDED A HIGH SCHOOL
24 DIPLOMA FROM A HIGH SCHOOL PARTICIPATING IN THE PILOT PROGRAM,
25 PRIOR TO ENROLLING IN THE FOURTH YEAR OF HIGH SCHOOL OR PRIOR TO
26 THE SECOND SEMESTER OF THE FOURTH YEAR OF HIGH SCHOOL.

27 (6) "INSTITUTION OF HIGHER EDUCATION" MEANS A STATE

1 INSTITUTION OF HIGHER EDUCATION, AS DEFINED IN SECTION 23-18-102
2 (10), OR ANY ACCREDITED CAMPUS OF A STATE INSTITUTION OF HIGHER
3 EDUCATION; A LOCAL DISTRICT COLLEGE, AS DEFINED IN SECTION
4 23-71-102 (1)(a); AN AREA TECHNICAL COLLEGE, AS DEFINED IN SECTION
5 23-60-103 (1); OR A PRIVATE OCCUPATIONAL SCHOOL, AS DEFINED IN
6 SECTION 23-64-103 (20), THAT IS AUTHORIZED BY THE PRIVATE
7 OCCUPATIONAL SCHOOL DIVISION PURSUANT TO ARTICLE 64 OF THIS TITLE
8 23.

9 (7) "LOCAL EDUCATION PROVIDER" MEANS:

10 (a) A SCHOOL DISTRICT ORGANIZED PURSUANT TO ARTICLE 30 OF
11 TITLE 22;

12 (b) A BOARD OF COOPERATIVE SERVICES CREATED PURSUANT TO
13 ARTICLE 5 OF TITLE 22 THAT OPERATES A HIGH SCHOOL;

14 (c) A CHARTER SCHOOL AUTHORIZED BY A SCHOOL DISTRICT
15 PURSUANT TO PART 1 OF ARTICLE 30.5 OF TITLE 22; OR

16 (d) AN INSTITUTE CHARTER SCHOOL AUTHORIZED BY THE STATE
17 CHARTER SCHOOL INSTITUTE PURSUANT TO PART 5 OF ARTICLE 30.5 OF
18 TITLE 22.

19 (8) "LOW-INCOME STUDENT" MEANS A STUDENT WHO WAS
20 ELIGIBLE FOR FREE OR REDUCED-PRICE LUNCH PURSUANT TO THE
21 PROVISIONS OF THE FEDERAL "RICHARD B. RUSSELL NATIONAL SCHOOL
22 LUNCH ACT", 42 U.S.C. SEC. 1751 ET SEQ., IN ANY OF GRADES EIGHT
23 THROUGH TWELVE OR WHO SATISFIES THE INCOME REQUIREMENTS FOR A
24 GRANT FROM THE FEDERAL PELL GRANT PROGRAM OR A SUCCESSOR
25 GRANT PROGRAM BASED ON THE SCHOOL YEAR IN WHICH THE ELIGIBLE
26 GRADUATE GRADUATED EARLY.

27 (9) "PILOT PROGRAM" MEANS THE FOURTH-YEAR INNOVATION

1 PILOT PROGRAM CREATED IN SECTION 23-3.3-1303.

2 (10) "POSTSECONDARY PROGRAM" MEANS A DEGREE OR
3 CERTIFICATE PROGRAM, OTHER THAN A PROFESSIONAL DEGREE IN
4 THEOLOGY, AS DEFINED IN SECTION 23-18-102 (9.5), OFFERED BY AN
5 INSTITUTION OF HIGHER EDUCATION, AND A TRAINING PROGRAM OFFERED
6 THROUGH AN APPROVED PROVIDER INCLUDED ON THE LIST OF APPROVED
7 PROVIDERS DISSEMINATED BY THE DEPARTMENT OF LABOR AND
8 EMPLOYMENT PURSUANT TO SECTION 8-83-225, AND THAT MEETS THE
9 REQUIREMENTS SET FORTH IN SECTION 23-3.3-1304 (3).

10 (11) (a) "STATE FUNDING" MEANS:

11 (I) FOR AN ELIGIBLE GRADUATE GRADUATING PRIOR TO THE
12 GRADUATE'S FOURTH YEAR IN HIGH SCHOOL, THE AMOUNT OF MONEY THAT
13 AN ELIGIBLE GRADUATE RECEIVES, CALCULATED AS THE GREATER OF:

14 (A) SEVENTY-FIVE PERCENT OF AN AMOUNT EQUAL TO THE
15 AVERAGE STATE SHARE OF THE STATE AVERAGE PER-PUPIL REVENUES FOR
16 THE 2021-22 BUDGET YEAR; OR

17 (B) THREE THOUSAND FIVE HUNDRED DOLLARS; AND

18 (II) FOR AN ELIGIBLE GRADUATE GRADUATING PRIOR TO THE
19 SECOND SEMESTER OF THE GRADUATE'S FOURTH YEAR OF HIGH SCHOOL,
20 THE AMOUNT OF MONEY THAT AN ELIGIBLE GRADUATE RECEIVES,
21 CALCULATED AS THE GREATER OF:

22 (A) FORTY-FIVE PERCENT OF AN AMOUNT EQUAL TO THE AVERAGE
23 STATE SHARE OF THE STATE AVERAGE PER-PUPIL REVENUES FOR THE
24 2021-22 BUDGET YEAR; OR

25 (B) TWO THOUSAND DOLLARS.

26 (b) FOR PURPOSES OF THE CALCULATIONS IN SUBSECTION (10)(a)
27 OF THIS SECTION, "THE AVERAGE STATE SHARE OF THE STATE AVERAGE

1 PER-PUPIL REVENUES FOR THE 2021-22 BUDGET YEAR" IS THE AMOUNT
2 CALCULATED DURING THE 2021 REGULAR LEGISLATIVE SESSION.

3 **23-3.3-1303. Fourth-year innovation pilot program - creation**
4 **- eligibility - award of state funding - commission policies.**

5 (1) (a) THERE IS CREATED IN THE DEPARTMENT THE FOURTH-YEAR
6 INNOVATION PILOT PROGRAM. THE PURPOSE OF THE PILOT PROGRAM IS TO
7 PROVIDE STATE FUNDING TO LOW-INCOME STUDENTS WHO GRADUATE
8 EARLY FROM A HIGH SCHOOL PARTICIPATING IN THE PILOT PROGRAM.

9 (b) THE PILOT PROGRAM IS LIMITED TO FIVE LOCAL EDUCATION
10 PROVIDERS OR GROUP OF PROVIDERS WITH THE FIRST COHORT OF
11 GRADUATES GRADUATING EARLY DURING THE 2021-22 SCHOOL YEAR AND
12 THE LAST COHORT OF GRADUATES GRADUATING EARLY DURING THE
13 2025-26 SCHOOL YEAR. A LOCAL EDUCATION PROVIDER OR A GROUP OF
14 LOCAL EDUCATION PROVIDERS MAY APPLY TO THE DEPARTMENT TO
15 PARTICIPATE IN THE PILOT PROGRAM. THE COMMISSION SHALL SELECT
16 PILOT PROGRAM PARTICIPANTS, INCLUDING A MIX OF URBAN, SUBURBAN,
17 AND RURAL LOCAL EDUCATION PROVIDERS. IN THE PILOT PROGRAM
18 APPLICATION, THE APPLICANT OR APPLICANTS SHALL INDICATE WHICH
19 HIGH SCHOOLS ARE PARTICIPATING IN THE PILOT PROGRAM. WITH
20 APPROVAL OF THE CHARTER SCHOOL, A SCHOOL DISTRICT THAT IS
21 SELECTED TO PARTICIPATE IN THE PILOT PROGRAM MAY ALSO INCLUDE A
22 CHARTER SCHOOL AUTHORIZED BY THE SCHOOL DISTRICT AS ONE OF ITS
23 DESIGNATED HIGH SCHOOLS.

24 (2) THE COMMISSION SHALL ADOPT ANY NECESSARY POLICIES AND
25 THE DEPARTMENT SHALL ADOPT ANY NECESSARY GUIDELINES TO
26 IMPLEMENT AND ADMINISTER THE PILOT PROGRAM.

27 (3) (a) NO LATER THAN JULY 1, 2022, AND NO LATER THAN JULY

1 1 EACH YEAR THEREAFTER, THE LOCAL EDUCATION PROVIDER OF A
2 LOW-INCOME STUDENT WHO HAS GRADUATED EARLY DURING THE
3 IMMEDIATELY PRECEDING BUDGET YEAR SHALL NOTIFY THE DEPARTMENT
4 AND THE DEPARTMENT OF EDUCATION OF THE STUDENT'S EARLY
5 GRADUATION, THE NAME OF THE HIGH SCHOOL, AND THE GRADUATION
6 DATE. THE LOCAL EDUCATION PROVIDER SHALL NOTIFY THE DEPARTMENT
7 AND THE DEPARTMENT OF EDUCATION IF THERE IS A CORRECTION TO THE
8 INFORMATION PROVIDED PURSUANT TO THIS SUBSECTION (3)(a).

9 (b) (I) IN THE ANNUAL GENERAL APPROPRIATION ACT ENACTED
10 FOR THE BUDGET YEAR THAT COMMENCES IN JULY FOLLOWING THE
11 STUDENT'S EARLY GRADUATION DATE, THE GENERAL ASSEMBLY SHALL
12 APPROPRIATE TO THE FOURTH-YEAR INNOVATION PILOT PROGRAM FUND,
13 ON BEHALF OF EACH ELIGIBLE GRADUATE, AN AMOUNT OF MONEY
14 SUFFICIENT FOR PAYMENT OF THE STATE FUNDING FOR EACH ELIGIBLE
15 GRADUATE.

16 (II) THE GENERAL ASSEMBLY SHALL ALSO APPROPRIATE TO THE
17 DEPARTMENT OF EDUCATION IN THE BUDGET YEAR THAT COMMENCES IN
18 JULY FOLLOWING THE STUDENT'S EARLY GRADUATION AN AMOUNT
19 SUFFICIENT FOR PAYMENT OF TWENTY-FIVE PERCENT OF THE AVERAGE
20 STATE SHARE OF THE STATE AVERAGE PER-PUPIL REVENUES FOR THE
21 2021-22 BUDGET YEAR, AS CALCULATED DURING THE 2021 REGULAR
22 LEGISLATIVE SESSION, FOR DISTRIBUTION TO THE LOCAL EDUCATION
23 PROVIDER FROM WHICH THE ELIGIBLE GRADUATE GRADUATED EARLY
24 PRIOR TO COMPLETION OF THEIR FOURTH YEAR OF HIGH SCHOOL. THE
25 LOCAL EDUCATION PROVIDER IS ENCOURAGED TO DIRECT A PORTION OF
26 THE MONEY RECEIVED PURSUANT TO THIS SUBSECTION (3)(b)(II) TO
27 HIGH-QUALITY CAREER AND POSTSECONDARY COUNSELING AND SUPPORTS

1 TO ENSURE THAT STUDENTS WHO MAY BE ELIGIBLE FOR STATE FUNDING
2 ARE AWARE OF THE PILOT PROGRAM AND RECEIVE APPROPRIATE
3 ASSISTANCE IN DETERMINING HOW TO ALLOCATE STATE FUNDING
4 RECEIVED PURSUANT TO THE PILOT PROGRAM TO THEIR INTENDED
5 POSTSECONDARY PROGRAM.

6 (c) NOTWITHSTANDING ANY PROVISION OF THIS SUBSECTION (3) TO
7 THE CONTRARY, AN ELIGIBLE GRADUATE IS NOT DISQUALIFIED FROM
8 RECEIVING STATE FUNDING DUE SOLELY TO THE LOCAL EDUCATION
9 PROVIDER'S FAILURE TO SEND THE REQUIRED NOTICE TO THE DEPARTMENT
10 BY THE DEADLINE SET FORTH IN SUBSECTION (3)(a) OF THIS SECTION. THE
11 DEPARTMENT SHALL REQUEST SUPPLEMENTAL MONEY, AS NECESSARY, TO
12 DISBURSE STATE FUNDING ON BEHALF OF ALL ELIGIBLE GRADUATES.

13 **23-3.3-1304. Receipt and use of state funding.** (1) TO RECEIVE
14 STATE FUNDING PURSUANT TO THE PILOT PROGRAM, AN ELIGIBLE
15 GRADUATE MUST GRADUATE EARLY FROM A HIGH SCHOOL PARTICIPATING
16 IN THE PILOT PROGRAM. THE ELIGIBLE GRADUATE MUST COMMENCE A
17 POSTSECONDARY PROGRAM WITHIN EIGHTEEN MONTHS AFTER
18 GRADUATING EARLY, OR THE ELIGIBLE GRADUATE FORFEITS THE STATE
19 FUNDING.

20 (2) (a) THE DEPARTMENT SHALL DISBURSE STATE FUNDING ON
21 BEHALF OF THE ELIGIBLE GRADUATE TO THE ELIGIBLE GRADUATE'S
22 POSTSECONDARY PROGRAM WITHIN THIRTY BUSINESS DAYS AFTER A
23 REQUEST IS MADE IN THE MANNER DETERMINED PURSUANT TO
24 COMMISSION POLICIES AND DEPARTMENT GUIDELINES. THE ELIGIBLE
25 GRADUATE'S POSTSECONDARY PROGRAM SHALL REMIT TO THE ELIGIBLE
26 GRADUATE THAT PORTION OF STATE FUNDING REMAINING AFTER PAYMENT
27 OF TUITION, FEES, AND OTHER EXPENSES RELATED TO THE STUDENT'S COST

1 OF ATTENDANCE THAT ARE PAYABLE TO THE POSTSECONDARY PROGRAM.
2 THE ELIGIBLE GRADUATE SHALL USE REMAINING STATE FUNDING FOR THE
3 PURPOSES DESCRIBED IN SUBSECTION (2)(b) OF THIS SECTION.

4 (b) STATE FUNDING RECEIVED PURSUANT TO THE PILOT PROGRAM
5 MUST BE USED FOR TUITION, FEES, BOOKS, TRANSPORTATION, AND OTHER
6 EXPENSES ASSOCIATED WITH THE ELIGIBLE GRADUATE'S COST OF
7 ATTENDANCE, AS DEFINED IN SECTION 23-3.3-1002, AT THE
8 POSTSECONDARY PROGRAM, AS DETERMINED BY THE DEPARTMENT
9 PURSUANT TO FEDERAL LAW, AS WELL ANY EQUIPMENT NEEDED TO
10 PURSUE WORK-BASED LEARNING TRAINING.

11 (c) THE POSTSECONDARY PROGRAM SHALL ENSURE THAT THE
12 STATE FUNDING IS USED IN ACCORDANCE WITH THE REQUIREMENTS OF
13 THIS SECTION. THE DEPARTMENT SHALL DISSEMINATE GUIDELINES TO
14 PARTICIPATING POSTSECONDARY PROGRAMS CLEARLY DESCRIBING THE
15 ALLOWABLE USES OF STATE FUNDING UNDER THIS SECTION AND
16 ESTABLISHING THE EXPECTATION THAT THE POSTSECONDARY PROGRAMS
17 ENSURE APPROPRIATE USE OF STATE FUNDING.

18 (3) IN ORDER TO RECEIVE FUNDING AS A POSTSECONDARY
19 PROGRAM PURSUANT TO THIS PART 13, THE POSTSECONDARY PROGRAM
20 MUST HAVE QUALIFIED INSTRUCTORS CONSISTENT WITH THE
21 POSTSECONDARY PROGRAM'S ACCREDITATION OR AUTHORIZATION, AND:

22 (a) A TRAINING PROGRAM PROVIDER MUST BE IN COMPLIANCE
23 WITH ALL ELIGIBILITY AND QUALITY REQUIREMENTS FOR FUNDING UNDER
24 THE FEDERAL "WORKFORCE INNOVATION AND OPPORTUNITY ACT", 29
25 U.S.C. SEC. 3101 ET SEQ., REFERRED TO IN THIS SECTION AS "WIOA", AND
26 BE SUBJECT TO THE EQUAL OPPORTUNITY AND NONDISCRIMINATION
27 REQUIREMENTS OF WIOA AND ITS IMPLEMENTING REGULATIONS AT 29

1 CFR PART 38; AND

2 (b) AN INSTITUTION OF HIGHER EDUCATION SHALL COMPLY WITH
3 ALL STATE AND LOCAL SAFETY REQUIREMENTS AND WITH FEDERAL LAWS
4 PROHIBITING DISCRIMINATING AGAINST STUDENTS, INCLUDING TITLE IX
5 OF THE "EDUCATION AMENDMENTS OF 1972", THE "AMERICANS WITH
6 DISABILITIES ACT", SECTION 504 OF THE "REHABILITATION ACT OF 1973",
7 TITLE VI OF THE "CIVIL RIGHTS ACT OF 1964", AND THE "AGE
8 DISCRIMINATION ACT OF 1975", AND ANY OTHER FEDERAL
9 DISCRIMINATION STATUTES.

10 **23-3.3-1305. Reporting requirements.** (1) ON OR BEFORE
11 NOVEMBER 1, 2022, AND ON OR BEFORE NOVEMBER 1 OF EACH YEAR
12 THEREAFTER IN WHICH STATE FUNDING IS DISBURSED ON BEHALF OF AN
13 ELIGIBLE GRADUATE, THE DEPARTMENT SHALL SUBMIT A REPORT TO THE
14 DEPARTMENT OF EDUCATION, THE GOVERNOR'S OFFICE OF STATE
15 PLANNING AND BUDGETING, THE JOINT BUDGET COMMITTEE, AND THE
16 EDUCATION COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND OF THE
17 SENATE, OR THEIR SUCCESSOR COMMITTEES, WHICH REPORT MUST
18 INCLUDE, AT A MINIMUM, THE FOLLOWING DATA AND INFORMATION, AS
19 APPLICABLE:

20 (a) THE NUMBER OF ELIGIBLE GRADUATES RECEIVING STATE
21 FUNDING IN THE CURRENT BUDGET YEAR AND THE HIGH SCHOOLS FROM
22 WHICH THE ELIGIBLE GRADUATES GRADUATED;

23 (b) THE AMOUNT OF STATE FUNDING AWARDED TO EACH ELIGIBLE
24 GRADUATE FOR THE APPLICABLE BUDGET YEAR AND THE AMOUNT OF
25 STATE FUNDING, IF ANY, REMITTED TO AN ELIGIBLE GRADUATE BY THE
26 POSTSECONDARY PROGRAM PURSUANT TO SECTION 23-3.3-1304 (2)(a);

27 (c) DEMOGRAPHIC DATA OF ELIGIBLE GRADUATES RECEIVING

1 STATE FUNDING;

2 (d) THE AMOUNT OF MONEY DISBURSED TO A LOCAL EDUCATION
3 PROVIDER FOR STUDENTS WHO GRADUATED EARLY IN THE PRIOR BUDGET
4 YEAR;

5 (e) THE POSTSECONDARY PROGRAM FOR WHICH THE ELIGIBLE
6 GRADUATE USED THE STATE FUNDING;

7 (f) THE NUMBER OF STUDENTS WHO HAVE REQUESTED STATE
8 FUNDING FOR THE CURRENT BUDGET YEAR PRIOR TO THE DATE OF THE
9 REPORT, THE TOTAL AMOUNT OF STATE FUNDING REQUESTED, THE
10 ESTIMATED TOTAL EXPENDITURES FROM THE FUND IN THE CURRENT
11 BUDGET YEAR, AND THE AMOUNT OF STATE FUNDING THAT HAS BEEN
12 FORFEITED OR IS PROJECTED TO BE FORFEITED FOR THE CURRENT BUDGET
13 YEAR; ==

14 (g) REQUESTED ADJUSTMENTS TO THE APPROPRIATION FOR THE
15 PILOT PROGRAM AND RECOMMENDATIONS FOR CHANGES TO THE
16 IMPLEMENTATION OF THE PILOT PROGRAM OR STATUTORY LANGUAGE, IF
17 ANY; AND

18 (h) OUTCOMES AND DATA DESCRIBED IN SUBSECTION (3) OF THIS
19 SECTION FOR ELIGIBLE GRADUATES WHO RECEIVED STATE FUNDING.

20 (2) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I) TO THE
21 CONTRARY, THE REPORTING REQUIREMENTS SET FORTH IN SUBSECTION (1)
22 OF THIS SECTION CONTINUE INDEFINITELY.

23 (3) (a) THE DEPARTMENT OF LABOR AND EMPLOYMENT SHALL
24 COMMUNICATE THE REPORTING EXPECTATIONS UNDER THE FEDERAL
25 "WORKFORCE INNOVATION AND OPPORTUNITY ACT", 29 U.S.C. SEC. 3101
26 ET SEQ., TO ALL APPROVED TRAINING PROVIDERS RECEIVING STATE
27 FUNDING PURSUANT TO THIS PART 13 TO ENSURE THAT PARTICIPATION AND

1 EMPLOYMENT OUTCOMES FOR EARLY GRADUATES ARE INCLUDED IN
2 EXISTING DEPARTMENT OF LABOR AND EMPLOYMENT REPORTING.

3 (b) THE DEPARTMENT SHALL COMMUNICATE REPORTING
4 EXPECTATIONS TO INSTITUTIONS OF HIGHER EDUCATION RECEIVING STATE
5 FUNDING PURSUANT TO THIS PART 13 TO ENSURE THAT EARLY GRADUATES
6 ARE INCLUDED IN EXISTING DEPARTMENT DATA COLLECTIONS REGARDING
7 OUTCOMES SUCH AS COMPLETION RATES, EARNINGS, AND EMPLOYMENT
8 OUTCOMES.

9 (c) TO THE EXTENT PRACTICABLE, POSTSECONDARY PROGRAMS
10 RECEIVING STATE FUNDING PURSUANT TO THIS PART 13 SHALL CONDUCT
11 AN ASSESSMENT TO DETERMINE WHY AN EARLY GRADUATE WHO LEFT THE
12 POSTSECONDARY PROGRAM PRIOR TO COMPLETION LEFT THE
13 POSTSECONDARY PROGRAM.

14 **23-3.3-1306. Fourth-year innovation pilot program fund -**
15 **creation - reversion.** (1) THERE IS CREATED IN THE STATE TREASURY THE
16 FOURTH-YEAR INNOVATION PILOT PROGRAM FUND. THE FUND CONSISTS OF
17 MONEY APPROPRIATED OR TRANSFERRED TO THE FUND BY THE GENERAL
18 ASSEMBLY ON BEHALF OF ELIGIBLE GRADUATES.

19 (2) THE STATE TREASURER SHALL CREDIT ALL INTEREST AND
20 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE
21 FUND TO THE FUND.

22 (3) THE DEPARTMENT SHALL NOTIFY THE STATE TREASURER OF
23 THE AMOUNT OF ANY FORFEITED STATE FUNDING FOR ELIGIBLE
24 GRADUATES REMAINING IN THE FUND AT THE END OF THE FISCAL YEAR.
25 THE STATE TREASURER SHALL TRANSFER THE AMOUNT OF ANY FORFEITED
26 STATE FUNDING REMAINING IN THE FUND AT THE END OF A FISCAL YEAR TO
27 THE GENERAL FUND. OTHER THAN FORFEITED STATE FUNDING

1 TRANSFERRED TO THE GENERAL FUND PURSUANT TO THIS SUBSECTION (3),
2 MONEY IN THE FUND AT THE END OF THE FISCAL YEAR REMAINS IN THE
3 FUND AND IS NOT TRANSFERRED TO THE GENERAL FUND UNTIL THE REPEAL
4 OF THIS PART 13 PURSUANT TO SECTION 23-3.3-1307.

5 (4) MONEY IN THE FUND IS CONTINUOUSLY APPROPRIATED TO THE
6 DEPARTMENT FOR DISBURSEMENTS OF STATE FUNDING ON BEHALF OF
7 ELIGIBLE GRADUATES.

8 **23-3.3-1307. Repeal of part.** THIS PART 13 IS REPEALED,
9 EFFECTIVE DECEMBER 31, 2027.

10 **SECTION 6. Appropriation.** (1) For the 2021-22 state fiscal
11 year, \$220,115 is appropriated to the department of education. This
12 appropriation is from the general fund and is based on the assumption that
13 the department will require an additional 0.3 FTE. To implement this act,
14 the department may use this appropriation for the high school innovative
15 learning pilot program.

16 (2) For the 2021-22 state fiscal year, \$44,222 is appropriated to
17 the department of higher education. This appropriation is from the general
18 fund, and is based on an assumption that the department will require an
19 additional 0.6 FTE. To implement this act, the department may use this
20 appropriation for the fourth-year innovation pilot program.

21 **SECTION 7. Safety clause.** The general assembly hereby finds,
22 determines, and declares that this act is necessary for the immediate
23 preservation of the public peace, health, or safety.