

CHAPTER 486

EDUCATION - PUBLIC SCHOOLS

SENATE BILL 21-106

BY SENATOR(S) Coleman and Priola, Bridges, Buckner, Danielson, Donovan, Fenberg, Gonzales, Hansen, Jaquez Lewis, Lee, Moreno, Pettersen, Rankin, Rodriguez, Scott, Simpson, Smallwood, Sonnenberg, Story, Winter, Zenzinger, Garcia; also REPRESENTATIVE(S) McLachlan and Baisley, Amabile, Bernett, Bird, Esgar, Exum, Herod, Jodeh, Lontine, McCluskie, McCormick, Michaelson Jenet, Mullica, Ortiz, Ricks, Young.

AN ACT

CONCERNING MEASURES TO IMPROVE SUCCESSFUL TRANSITIONS FROM HIGH SCHOOL TO POST-HIGH SCHOOL TRAINING, 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, 22-35.6-102, **amend** (6) as follows:

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

(6) "Local education provider" means:

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

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

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

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

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

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

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.

22-35.6-103. High school innovative learning pilot program - created - rules.

(2) The state board shall promulgate rules as necessary to implement the pilot program, including, at a minimum, application timelines and any information to be included in the application in addition to the information required in section 22-35.6-104 (1). In adopting rules, the state board shall ensure, to the extent possible, that a local education provider that is a school district that enrolls fewer than two thousand students, A SCHOOL OF A SCHOOL DISTRICT OR OF A BOARD OF COOPERATIVE SERVICES, a district charter school, or an institute charter school may submit a simplified application.

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

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

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

(4) IN SELECTING APPLICANTS TO PARTICIPATE IN THE PILOT PROGRAM, THE DEPARTMENT AND STATE BOARD SHALL CONSIDER WHETHER THE INNOVATIVE LEARNING PLAN INCLUDES OPPORTUNITIES FOR STUDENTS TO PARTICIPATE IN REGISTERED OR UNREGISTERED APPRENTICESHIPS, INTERNSHIPS, TECHNICAL TRAINING OR SKILLS PROGRAMS THROUGH AN INDUSTRY PROVIDER, TEACHER TRAINING OPPORTUNITIES, CONCURRENT ENROLLMENT, AND PROGRAMS LEADING TO INDUSTRY-RECOGNIZED CERTIFICATES.

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

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

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

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

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

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

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

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

PART 13
FOURTH-YEAR INNOVATION PILOT PROGRAM

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

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

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

(c) A STATE-FUNDED FOURTH-YEAR INNOVATION PILOT PROGRAM WOULD HELP LOW-INCOME STUDENTS WITH THE DRIVE AND AMBITION TO COMPLETE HIGH SCHOOL EARLY TO PAY FOR CAREER AND POSTSECONDARY TRAINING AND EDUCATION.

(2) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT LOW-INCOME STUDENTS WHO GRADUATE EARLY FROM A HIGH SCHOOL PARTICIPATING IN THE PILOT PROGRAM SHOULD BE AWARDED STATE FUNDING THROUGH THE FOURTH-YEAR

INNOVATION PILOT PROGRAM TO BE USED TO PURSUE CAREER AND POSTSECONDARY TRAINING AND EDUCATION AFTER HIGH SCHOOL.

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

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

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

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

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

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

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

(7) "LOCAL EDUCATION PROVIDER" MEANS:

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

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

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

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

(8) "LOW-INCOME STUDENT" MEANS A STUDENT WHO WAS ELIGIBLE FOR FREE OR REDUCED-PRICE LUNCH PURSUANT TO THE PROVISIONS OF THE FEDERAL "RICHARD B. RUSSELL NATIONAL SCHOOL LUNCH ACT", 42 U.S.C. SEC. 1751 ET SEQ., IN ANY OF GRADES EIGHT THROUGH TWELVE OR WHO SATISFIES THE INCOME REQUIREMENTS FOR A GRANT FROM THE FEDERAL PELL GRANT PROGRAM OR A SUCCESSOR GRANT

PROGRAM BASED ON THE SCHOOL YEAR IN WHICH THE ELIGIBLE GRADUATE GRADUATED EARLY.

(9) "PILOT PROGRAM" MEANS THE FOURTH-YEAR INNOVATION PILOT PROGRAM CREATED IN SECTION 23-3.3-1303.

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

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

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

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

(B) THREE THOUSAND FIVE HUNDRED DOLLARS; AND

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

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

(B) TWO THOUSAND DOLLARS.

(b) FOR PURPOSES OF THE CALCULATIONS IN SUBSECTION (10)(a) OF THIS SECTION, "THE AVERAGE STATE SHARE OF THE STATE AVERAGE PER-PUPIL REVENUES FOR THE 2021-22 BUDGET YEAR" IS THE AMOUNT CALCULATED DURING THE 2021 REGULAR LEGISLATIVE SESSION.

23-3.3-1303. Fourth-year innovation pilot program - creation - eligibility - award of state funding - commission policies. (1) (a) THERE IS CREATED IN THE DEPARTMENT THE FOURTH-YEAR INNOVATION PILOT PROGRAM. THE PURPOSE OF THE PILOT PROGRAM IS TO PROVIDE STATE FUNDING TO LOW-INCOME STUDENTS WHO GRADUATE EARLY FROM A HIGH SCHOOL PARTICIPATING IN THE PILOT PROGRAM.

(b) THE PILOT PROGRAM IS LIMITED TO FIVE LOCAL EDUCATION PROVIDERS OR GROUP OF PROVIDERS WITH THE FIRST COHORT OF GRADUATES GRADUATING EARLY DURING THE 2021-22 SCHOOL YEAR AND THE LAST COHORT OF GRADUATES GRADUATING EARLY DURING THE 2025-26 SCHOOL YEAR. A LOCAL EDUCATION PROVIDER OR A GROUP OF LOCAL EDUCATION PROVIDERS MAY APPLY TO THE

DEPARTMENT TO PARTICIPATE IN THE PILOT PROGRAM. THE COMMISSION SHALL SELECT PILOT PROGRAM PARTICIPANTS, INCLUDING A MIX OF URBAN, SUBURBAN, AND RURAL LOCAL EDUCATION PROVIDERS. IN THE PILOT PROGRAM APPLICATION, THE APPLICANT OR APPLICANTS SHALL INDICATE WHICH HIGH SCHOOLS ARE PARTICIPATING IN THE PILOT PROGRAM. WITH APPROVAL OF THE CHARTER SCHOOL, A SCHOOL DISTRICT THAT IS SELECTED TO PARTICIPATE IN THE PILOT PROGRAM MAY ALSO INCLUDE A CHARTER SCHOOL AUTHORIZED BY THE SCHOOL DISTRICT AS ONE OF ITS DESIGNATED HIGH SCHOOLS.

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

(3) (a) NO LATER THAN JULY 1, 2022, AND NO LATER THAN JULY 1 EACH YEAR THEREAFTER, THE LOCAL EDUCATION PROVIDER OF A LOW-INCOME STUDENT WHO HAS GRADUATED EARLY DURING THE IMMEDIATELY PRECEDING BUDGET YEAR SHALL NOTIFY THE DEPARTMENT AND THE DEPARTMENT OF EDUCATION OF THE STUDENT'S EARLY GRADUATION, THE NAME OF THE HIGH SCHOOL, AND THE GRADUATION DATE. THE LOCAL EDUCATION PROVIDER SHALL NOTIFY THE DEPARTMENT AND THE DEPARTMENT OF EDUCATION IF THERE IS A CORRECTION TO THE INFORMATION PROVIDED PURSUANT TO THIS SUBSECTION (3)(a).

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

(II) THE GENERAL ASSEMBLY SHALL ALSO APPROPRIATE TO THE DEPARTMENT OF EDUCATION IN THE BUDGET YEAR THAT COMMENCES IN JULY FOLLOWING THE STUDENT'S EARLY GRADUATION AN AMOUNT SUFFICIENT FOR PAYMENT OF TWENTY-FIVE PERCENT OF THE AVERAGE STATE SHARE OF THE STATE AVERAGE PER-PUPIL REVENUES FOR THE 2021-22 BUDGET YEAR, AS CALCULATED DURING THE 2021 REGULAR LEGISLATIVE SESSION, FOR DISTRIBUTION TO THE LOCAL EDUCATION PROVIDER FROM WHICH THE ELIGIBLE GRADUATE GRADUATED EARLY PRIOR TO COMPLETION OF THEIR FOURTH YEAR OF HIGH SCHOOL. THE LOCAL EDUCATION PROVIDER IS ENCOURAGED TO DIRECT A PORTION OF THE MONEY RECEIVED PURSUANT TO THIS SUBSECTION (3)(b)(II) TO HIGH-QUALITY CAREER AND POSTSECONDARY COUNSELING AND SUPPORTS TO ENSURE THAT STUDENTS WHO MAY BE ELIGIBLE FOR STATE FUNDING ARE AWARE OF THE PILOT PROGRAM AND RECEIVE APPROPRIATE ASSISTANCE IN DETERMINING HOW TO ALLOCATE STATE FUNDING RECEIVED PURSUANT TO THE PILOT PROGRAM TO THEIR INTENDED POSTSECONDARY PROGRAM.

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

GRADUATES.

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

(2) (a) THE DEPARTMENT SHALL DISBURSE STATE FUNDING ON BEHALF OF THE ELIGIBLE GRADUATE TO THE ELIGIBLE GRADUATE'S POSTSECONDARY PROGRAM WITHIN THIRTY BUSINESS DAYS AFTER A REQUEST IS MADE IN THE MANNER DETERMINED PURSUANT TO COMMISSION POLICIES AND DEPARTMENT GUIDELINES. THE ELIGIBLE GRADUATE'S POSTSECONDARY PROGRAM SHALL REMIT TO THE ELIGIBLE GRADUATE THAT PORTION OF STATE FUNDING REMAINING AFTER PAYMENT OF TUITION, FEES, AND OTHER EXPENSES RELATED TO THE STUDENT'S COST OF ATTENDANCE THAT ARE PAYABLE TO THE POSTSECONDARY PROGRAM. THE ELIGIBLE GRADUATE SHALL USE REMAINING STATE FUNDING FOR THE PURPOSES DESCRIBED IN SUBSECTION (2)(b) OF THIS SECTION.

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

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

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

(a) A TRAINING PROGRAM PROVIDER MUST BE IN COMPLIANCE WITH ALL ELIGIBILITY AND QUALITY REQUIREMENTS FOR FUNDING UNDER THE FEDERAL "WORKFORCE INNOVATION AND OPPORTUNITY ACT", 29 U.S.C. SEC. 3101 ET SEQ., REFERRED TO IN THIS SECTION AS "WIOA", AND BE SUBJECT TO THE EQUAL OPPORTUNITY AND NONDISCRIMINATION REQUIREMENTS OF WIOA AND ITS IMPLEMENTING REGULATIONS AT 29 CFR PART 38; AND

(b) AN INSTITUTION OF HIGHER EDUCATION SHALL COMPLY WITH ALL STATE AND LOCAL SAFETY REQUIREMENTS AND WITH FEDERAL LAWS PROHIBITING DISCRIMINATING AGAINST STUDENTS, INCLUDING TITLE IX OF THE "EDUCATION AMENDMENTS OF 1972", THE "AMERICANS WITH DISABILITIES ACT", SECTION 504 OF THE "REHABILITATION ACT OF 1973", TITLE VI OF THE "CIVIL RIGHTS ACT OF

1964", AND THE "AGE DISCRIMINATION ACT OF 1975", AND ANY OTHER FEDERAL DISCRIMINATION STATUTES.

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

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

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

(c) DEMOGRAPHIC DATA OF ELIGIBLE GRADUATES RECEIVING STATE FUNDING;

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

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

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

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

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

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

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

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

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

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

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

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

(3) THE DEPARTMENT SHALL NOTIFY THE STATE TREASURER OF THE AMOUNT OF ANY FORFEITED STATE FUNDING FOR ELIGIBLE GRADUATES REMAINING IN THE FUND AT THE END OF THE FISCAL YEAR. THE STATE TREASURER SHALL TRANSFER THE AMOUNT OF ANY FORFEITED STATE FUNDING REMAINING IN THE FUND AT THE END OF A FISCAL YEAR TO THE GENERAL FUND. OTHER THAN FORFEITED STATE FUNDING TRANSFERRED TO THE GENERAL FUND PURSUANT TO THIS SUBSECTION (3), MONEY IN THE FUND AT THE END OF THE FISCAL YEAR REMAINS IN THE FUND AND IS NOT TRANSFERRED TO THE GENERAL FUND UNTIL THE REPEAL OF THIS PART 13 PURSUANT TO SECTION 23-3.3-1307.

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

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

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

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

SECTION 7. 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: July 7, 2021