

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

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 22-0586.01 Conrad Imel x2313

HOUSE BILL 22-1009

HOUSE SPONSORSHIP

Gray and Sullivan,

SENATE SPONSORSHIP

Zenzinger,

House Committees

Education
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING CONTINUING THE WORKFORCE DIPLOMA PILOT**
102 **PROGRAM AS THE WORKFORCE DIPLOMA PROGRAM.**

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 workforce diploma pilot program was established in 2019 as a pilot program scheduled to repeal on July 1, 2022. The bill continues the pilot program indefinitely as the workforce diploma program (program). The bill requires the department of education to annually adjust the amounts paid to qualified providers under the program in accordance with the corresponding percentage change in the consumer price index.

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.

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

2 **SECTION 1.** In Colorado Revised Statutes, 22-10.3-101, **amend**
3 (2) as follows:

4 **22-10.3-101. Legislative declaration.** (2) Therefore, the general
5 assembly declares that by creating a workforce diploma ~~pilot~~ program that
6 provides Colorado adults with the opportunity to complete a high school
7 diploma, while transferring the risk to providers who receive performance
8 payments only when those students meet performance milestones, the
9 state can better meet its workforce goals for future economic growth.

10 **SECTION 2.** In Colorado Revised Statutes, 22-10.3-102, **amend**
11 (1) and (3); and **add** (1.3), (1.5), (1.7), (2.2) and (2.4) as follows:

12 **22-10.3-102. Definitions.** As used in this article 10.3, unless the
13 context otherwise requires:

14 (1) ~~"Department" means the department of education created and~~
15 ~~existing pursuant to section 24-1-115~~ "AVERAGE COST PER GRADUATE"
16 MEANS THE TOTAL PROGRAM FUNDING RECEIVED BY A QUALIFIED
17 PROVIDER FOR A COHORT DURING THE TIME PERIOD FROM THE BEGINNING
18 OF THE COHORT THROUGH THE END OF THE COHORT PERIOD DIVIDED BY
19 THE TOTAL NUMBER OF STUDENTS WHO GRADUATED FROM THE COHORT
20 DURING THE COHORT PERIOD.

21 (1.3) "COHORT" MEANS THE GROUP OF STUDENTS WHO ENTER THE
22 PROGRAM DURING A TWELVE-MONTH PERIOD BEGINNING JULY 1 OF EACH
23 YEAR.

24 (1.5) "COHORT PERIOD" MEANS THE TWO-YEAR PERIOD BEGINNING
25 JULY 1 OF THE YEAR THE COHORT BEGINS THROUGH JUNE 30 OF THE
26 SUBSEQUENT STATE FISCAL YEAR.

1 (1.7) "DEPARTMENT" MEANS THE DEPARTMENT OF EDUCATION
2 CREATED AND EXISTING PURSUANT TO SECTION 24-1-115.

3 (2.2) "GRADUATE" MEANS A STUDENT WHO HAS SUCCESSFULLY
4 COMPLETED ALL OF THE STATE AND QUALIFIED PROVIDER REQUIREMENTS
5 NECESSARY TO OBTAIN A HIGH SCHOOL DIPLOMA.

6 (2.4) "GRADUATION RATE" MEANS THE NUMBER OF GRADUATES
7 FROM A COHORT WHO GRADUATED DURING THE COHORT PERIOD DIVIDED
8 BY THE TOTAL NUMBER OF STUDENTS IN THE COHORT.

9 (3) "Program" means the workforce diploma ~~pilot~~ program created
10 in section 22-10.3-103.

11 **SECTION 3.** In Colorado Revised Statutes, 22-10.3-103, **amend**
12 (1), (3)(a), (3)(i), (5)(a) introductory portion (5)(a)(I), and (7)(a); and **add**
13 (5)(c) as follows:

14 **22-10.3-103. Workforce diploma program - creation -**
15 **payments - rules.** (1) There is created in the department, in the office
16 within the department that is responsible for adult education, the
17 workforce diploma ~~pilot~~ program to provide performance payments to
18 qualified providers for eligible students enrolled in a qualified provider's
19 programs who attain certain outcomes, as described in subsection (5) of
20 this section.

21 (3) The criteria necessary to be a qualified provider includes:

22 (a) Experience providing dropout recovery services; ~~as provided~~
23 ~~in section 22-10.3-102 (4);~~

24 (i) The ability to provide preparation for industry-recognized
25 ~~credentials~~ OR CREDENTIALS THAT ALIGN WITH THE CAREER
26 DEVELOPMENT SUCCESS PROGRAM'S QUALIFIED PROGRAM LIST PUBLISHED
27 BY THE WORK FORCE DEVELOPMENT COUNCIL PURSUANT TO SECTION

1 22-54-138 (3)(a);

2 (5) (a) Except as provided in subsection (5)(b) of this section, AND
3 AS ADJUSTED PURSUANT TO SUBSECTION (5)(c) OF THIS SECTION, in any
4 fiscal year in which the general assembly appropriates money for the
5 program, the department shall disburse payments to qualified providers
6 in the following amounts for each eligible student's completion or
7 attainment of the following outcomes:

8 (I) ~~Two hundred fifty~~ FIVE HUNDRED dollars for completion of
9 each ~~half-credit~~; CREDIT, WHICH MAY INCLUDE COMPLETION OF TWO
10 HALF-CREDITS;

11 (c) ON JULY 1, 2022, AND ON JULY 1 OF EACH YEAR THEREAFTER,
12 THE DEPARTMENT SHALL ADJUST THE AMOUNT OF THE PAYMENTS TO
13 QUALIFIED PROVIDERS DESCRIBED IN SUBSECTION (5)(a) OF THIS SECTION
14 IN ACCORDANCE WITH THE CORRESPONDING PERCENTAGE CHANGE IN THE
15 DENVER-AURORA-LAKEWOOD CONSUMER PRICE INDEX, OR ITS
16 APPLICABLE SUCCESSOR INDEX, PUBLISHED BY THE UNITED STATES
17 DEPARTMENT OF LABOR BUREAU OF LABOR STATISTICS. THE DEPARTMENT
18 SHALL PUBLISH THE ADJUSTED AMOUNT ON ITS WEBSITE NO LATER THAN
19 JULY 15 OF EACH YEAR.

20 (7) (a) (I) The department shall review data from each qualified
21 provider to ensure the programs offered by each qualified provider are
22 meeting minimum program performance standards, including, FOR EACH
23 COHORT THAT BEGINS ON OR AFTER JULY 1, 2022, a minimum fifty percent
24 ~~high school~~ AVERAGE graduation rate from the qualified provider's
25 programs, ~~calculated one year in arrears~~ AND AN AVERAGE COST PER
26 GRADUATE OF NO MORE THAN SEVEN THOUSAND DOLLARS.

27 (II) ~~For purposes of subsection (7)(a)(I) of this section:~~ ON JULY

1 1, 2022, AND ON JULY 1 OF EACH YEAR THEREAFTER, THE DEPARTMENT
2 SHALL ADJUST THE AMOUNT OF THE MAXIMUM AVERAGE COST PER
3 GRADUATE DESCRIBED IN SUBSECTION (7)(a)(I) OF THIS SECTION IN
4 ACCORDANCE WITH THE CORRESPONDING PERCENTAGE CHANGE IN THE
5 DENVER-AURORA-LAKEWOOD CONSUMER PRICE INDEX, OR ITS
6 APPLICABLE SUCCESSOR INDEX, PUBLISHED BY THE UNITED STATES
7 DEPARTMENT OF LABOR BUREAU OF LABOR STATISTICS. THE DEPARTMENT
8 SHALL PUBLISH THE ADJUSTED AMOUNT ON ITS WEBSITE NO LATER THAN
9 JULY 15 OF EACH YEAR. FOR EACH COHORT, THE APPLICABLE MAXIMUM
10 AVERAGE COST PER GRADUATE IS THE AMOUNT IN EFFECT AT THE END OF
11 THE COHORT PERIOD.

12 ~~(A) The high school graduation rate for a qualified provider is~~
13 ~~determined by dividing the total number of high school graduates for the~~
14 ~~cohort year by the total number of all students for the cohort year for~~
15 ~~which the qualified provider has received payments; and~~

16 ~~(B) The qualified provider's cost per graduate is not more than~~
17 ~~seven thousand dollars, determined by dividing the total payments~~
18 ~~received by the qualified provider for the cohort year divided by the total~~
19 ~~number of students earning a high school diploma.~~

20 **SECTION 4.** In Colorado Revised Statutes, 22-10.3-104, **amend**
21 (1) introductory portion, (1)(d), and (2); and **add** (1)(f), (1)(g), (1)(h), and
22 (3) as follows:

23 **22-10.3-104. Program reporting.** (1) On or before August 15 of
24 each year in which program payments were disbursed for the prior state
25 fiscal year, each qualified provider that received payments pursuant to
26 section 22-10.3-103 under the pilot program for the preceding state fiscal
27 year shall report the following information to the department, BY COHORT:

1 (d) The total number of industry-recognized credentials earned for
2 each tier of funding described in section 22-10.3-103 (5)(a) by eligible
3 students for whom the qualified provider is receiving payments; and

4 (f) THE AVERAGE COST PER GRADUATE FOR THE COHORT FOR
5 WHICH THE COHORT PERIOD ENDED IN THE PRIOR STATE FISCAL YEAR AND
6 UPDATED COST PER GRADUATE INFORMATION FOR ANY OTHER COHORT FOR
7 WHICH THE COHORT PERIOD HAS ENDED BUT A STUDENT FROM THE
8 COHORT ACHIEVED ONE OF THE OUTCOMES DESCRIBED IN SECTION
9 22-10.3-103 (5)(a) IN THE PRIOR STATE FISCAL YEAR;

10 (g) THE GRADUATION RATE FOR THE COHORT FOR WHICH THE
11 COHORT PERIOD ENDED IN THE PRIOR STATE FISCAL YEAR AND UPDATED
12 GRADUATION RATE INFORMATION FOR ANY OTHER COHORT FOR WHICH THE
13 COHORT PERIOD HAS ENDED BUT A STUDENT FROM THE COHORT ACHIEVED
14 ONE OF THE OUTCOMES DESCRIBED IN SECTION 22-10.3-103 (5)(a) IN THE
15 PRIOR STATE FISCAL YEAR; AND

16 (h) TO THE EXTENT AVAILABLE, THE DEMOGRAPHIC INFORMATION
17 OF STUDENTS ENROLLED IN THE QUALIFIED PROVIDER'S PROGRAM,
18 INCLUDING AGE, GENDER, RACE, AND ETHNICITY. PROVIDING
19 DEMOGRAPHIC INFORMATION IS VOLUNTARY AND A STUDENT IS NOT
20 REQUIRED TO PROVIDE DEMOGRAPHIC INFORMATION TO A QUALIFIED
21 PROVIDER. EACH QUALIFIED PROVIDER SHALL DEVELOP PROCEDURES FOR
22 REQUESTING, COMPLETING, AND UPDATING STUDENTS' DEMOGRAPHIC
23 INFORMATION.

24 (2) On or before October 15 of each year in which program
25 payments were disbursed for the prior state fiscal year, the department
26 shall submit to the education and the business affairs and labor
27 committees of the house of representatives, or any successor committees;

1 and to the education and the business, labor, and technology committees
2 of the senate, or any successor committees, a report listing THAT
3 INCLUDES A LIST OF program qualified providers, and summarizing the
4 information received from qualified providers pursuant to subsection (1)
5 of this section, and other workforce and postsecondary outcomes,
6 including employment and college enrollment.

7 (3) ON OR BEFORE OCTOBER 15 OF EACH YEAR IN WHICH PROGRAM
8 PAYMENTS WERE DISBURSED FOR THE PRIOR STATE FISCAL YEAR, THE
9 DEPARTMENT SHALL PUBLISH ON THE DEPARTMENT'S WEBSITE A REPORT
10 OF EACH QUALIFIED PROVIDER'S PROGRAM REPORT FOR EACH INDIVIDUAL
11 COHORT MADE PURSUANT TO SUBSECTION (1) OF THIS SECTION.

12 **SECTION 5.** In Colorado Revised Statutes, **amend 22-10.3-105**
13 as follows:

14 **22-10.3-105. Repeal of article.** This article 10.3 is repealed,
15 effective July 1, 2022 2027.

16 **SECTION 6. Safety clause.** The general assembly hereby finds,
17 determines, and declares that this act is necessary for the immediate
18 preservation of the public peace, health, or safety.