

NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.

An Act

SENATE BILL 22-192

BY SENATOR(S) Zenzinger and Simpson, Bridges, Buckner, Fields, Ginal, Gonzales, Hinrichsen, Jaquez Lewis, Lee, Moreno, Pettersen, Rankin, Rodriguez, Winter, Fenberg;
also REPRESENTATIVE(S) Esgar and Catlin, Bennett, Bird, Boesenecker, Caraveo, Duran, Exum, Froelich, Herod, Hooton, Kipp, Lindsay, Lontine, McLachlan, Michaelson Jenet, Mullica, Titone, Valdez D., Young.

CONCERNING THE CREATION OF OPPORTUNITIES FOR CREDENTIAL ATTAINMENT, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

SECTION 1. Legislative declaration. (1) The general assembly finds and declares that:

(a) The COVID-19 pandemic has exacerbated the existing gaps between workers with postsecondary education and those with a high school diploma or less;

(b) Colorado's unemployment rate is consistently higher for adults without a high school diploma, industry credential, higher education

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.

credential or degree, or apprenticeship;

(c) The support of Colorado adults and youth in attaining a credential of value is a key strategy for people to earn a job that pays a living wage, and may accelerate the economic recovery from the COVID-19 pandemic;

(d) The expansion of nondegree credentials aligned to postsecondary education programs may provide opportunities for workers to upskill and reskill in high-wage, in-demand jobs;

(e) The COVID-19 pandemic exacerbated workforce challenges and institutions of higher education were required to pivot and accelerate a response to workforce demands by creating short-term programs to respond to immediate workforce needs. There is a continued need to ensure that these short-term programs have value and transparency and can be incorporated into degree pathways to best serve learner and earner needs.

(f) Credentials are increasingly earned by individuals in various stages and settings of their lives and careers, including high school; postsecondary institutions; trade and occupational schools; on-the-job, work-based learning; apprenticeships; and self-study; and

(g) Nondegree credentials may be combined with postsecondary programs to create stackable credential pathways that facilitate career and professional advancement when aligned with growing and high-demand industries.

(2) Therefore, the general assembly declares that the COVID-19 pandemic has generated broad workforce disruption and that programs and services described in this act are necessary for providing better opportunities for economic advancement, such as higher wages and more opportunities for career and educational advancement.

(3) The general assembly further declares that the programs and services described in this act are important government services.

SECTION 2. In Colorado Revised Statutes, **add** 23-5-145.6 as follows:

23-5-145.6. Opportunities for credential attainment - fund - report - definitions - repeal. (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "APPRENTICESHIP CERTIFICATE" MEANS VERIFICATION OF COMPLETION OF AN APPRENTICESHIP PROGRAM. APPRENTICESHIP CERTIFICATES ARE APPLICABLE TO INDUSTRY TRADES AND PROFESSIONS.

(b) "COLORADO TALENT REPORT" MEANS THE REPORT PREPARED PURSUANT TO SECTION 24-46.3-103.

(c) "COMMISSION ON HIGHER EDUCATION" OR "COMMISSION" HAS THE SAME MEANING AS SET FORTH IN SECTION 23-1-101.1 (1).

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

(e) "GUARANTEED-TRANSFER PATHWAYS" OR "GT PATHWAYS" MEANS THE STATEWIDE ARTICULATION MATRIX SYSTEM OF COMMON COURSE NUMBERING FOR GENERAL EDUCATION COURSES DESCRIBED IN SECTION 23-1-108.5 (3)(c).

(f) "INDUSTRY CERTIFICATION" MEANS A CREDENTIAL AWARDED BY AN INDUSTRY-RECOGNIZED THIRD-PARTY OR INDUSTRY-GOVERNING BOARD BASED ON AN INDIVIDUAL DEMONSTRATING BY ASSESSMENT THAT THE INDIVIDUAL HAS ACQUIRED THE DESIGNATED KNOWLEDGE, SKILLS, AND ABILITIES TO PERFORM A SPECIFIC OCCUPATION OR SKILL. INDUSTRY CERTIFICATIONS MAY BE TIME-LIMITED DEPENDENT UPON THE OCCUPATION OR INDUSTRY.

(g) "NONDEGREE CREDENTIAL" MEANS A POSTSECONDARY CERTIFICATE, APPRENTICESHIP CERTIFICATE, PROFESSIONAL LICENSE, OR INDUSTRY CERTIFICATION.

(h) "POSTSECONDARY CERTIFICATE" MEANS A CREDENTIAL AWARDED BY AN INSTITUTION OF HIGHER EDUCATION AT AN UNDERGRADUATE LEVEL BASED ON COMPLETION OF ALL REQUIREMENTS FOR A PROGRAM OF STUDY, INCLUDING COURSE WORK AND EXAMS. POSTSECONDARY CERTIFICATES ARE NOT TIME-LIMITED AND DO NOT REQUIRE RENEWAL. "POSTSECONDARY CERTIFICATE" DOES NOT INCLUDE A

DEGREE AND DOES NOT INCLUDE A CREDENTIAL AWARDED BY AN INSTITUTION OF HIGHER EDUCATION AFTER COMPLETION OF A BACHELOR'S DEGREE IN THE SAME PATHWAY.

(i) "STACKABLE CREDENTIAL PATHWAY" MEANS A SEQUENCE OF CREDENTIALS EARNED THROUGH VARIOUS MEANS, INCLUDING THROUGH ASSESSMENT OF PRIOR LEARNING, THAT MAY BE ACCUMULATED OVER TIME AND MOVE AN INDIVIDUAL ALONG A CAREER PATHWAY OR UP A CAREER LADDER.

(j) "STATE INSTITUTION OF HIGHER EDUCATION" OR "INSTITUTION" HAS THE SAME MEANING AS SET FORTH IN SECTION 23-1-135 (2).

(k) "STATEWIDE DEGREE TRANSFER AGREEMENT" MEANS A STATEWIDE DEGREE TRANSFER AGREEMENT DESCRIBED IN SECTION 23-1-108 (7).

(2) BY JUNE 15, 2023, THE DEPARTMENT, IN CONSULTATION WITH INSTITUTIONS AND AT LEAST ONE BUSINESS ORGANIZATION OR REPRESENTATIVE OF INDUSTRY, SHALL DEVELOP AND IMPLEMENT A PROCESS THAT ENCOURAGES INSTITUTIONS TO IDENTIFY INCREMENTAL ACHIEVEMENTS ON THE PATH TO DEGREE COMPLETION, AND ORGANIZE STACKABLE CREDENTIALS THAT BUILD UPON EACH OTHER TOWARD DEGREES AND MAY ARTICULATE TO PATHWAYS IN HIGH-DEMAND INDUSTRIES. THE DEPARTMENT AND INSTITUTIONS SHALL COLLABORATE TO IDENTIFY HOW CREDENTIALS MAY BE EVALUATED FOR THEIR COMPONENT SKILLS, COMPETENCIES, AND LEARNING OUTCOMES, AND THEN MAY BECOME STACKED INTO A STACKABLE CREDENTIAL PATHWAY TO PROVIDE INCREASED ACCESS TO EMPLOYMENT AND MAY RESULT IN A DEGREE. AS A PART OF THE PROCESS, THE DEPARTMENT AND INSTITUTIONS SHALL:

(a) EVALUATE THE QUALITY OF NONDEGREE CREDENTIALS THAT ARE CURRENTLY AVAILABLE THAT LEAD TO IN-DEMAND LIVING WAGE JOBS IDENTIFIED IN THE MOST RECENT COLORADO TALENT REPORT AND RESPOND TO CRITICAL JOB SHORTAGES IN COLORADO. THE DEPARTMENT, IN COLLABORATION WITH INSTITUTIONS, SHALL EVALUATE THE QUALITY OF NONDEGREE CREDENTIALS USING THE FRAMEWORK AND PROCESS CREATED IN THIS SUBSECTION (2) AND INFORMED BY ONE OR MORE QUALITY STANDARDS FRAMEWORKS DEVELOPED BY NATIONAL ORGANIZATIONS.

(b) (I) IDENTIFY WHERE ALIGNMENT CURRENTLY EXISTS ALONG A DEGREE PATHWAY BETWEEN NONDEGREE AND DEGREE CREDENTIALS AND WORK-BASED LEARNING AND APPRENTICESHIPS; AND

(II) IDENTIFY OPPORTUNITIES TO DEVELOP WHERE FURTHER ALIGNMENT MAY BE CREATED BETWEEN NONDEGREE AND DEGREE CREDENTIALS, AND WORK-BASED LEARNING AND APPRENTICESHIPS; AND

(c) ARTICULATE WHERE THE VARIOUS ALIGNMENTS IDENTIFIED IN SUBSECTION (1)(b) OF THIS SECTION MAY INCORPORATE INTO STACKABLE CREDENTIAL PATHWAYS THAT MAY LEAD TO A DEGREE AND OPPORTUNITIES FOR CREDITS TO BE TRANSFERRED IN ORDER FOR PERSONS TO BE ABLE TO ATTAIN NONDEGREE OR DEGREE CREDENTIALS THAT LEAD TO IN-DEMAND OR LIVING WAGE JOBS.

(3) BY JANUARY 1, 2024, THE DEPARTMENT, IN CONSULTATION WITH THE REPRESENTATIVES DESCRIBED IN SECTION 23-5-145.5 (5), SHALL FACILITATE THE CREATION OF STACKABLE CREDENTIAL PATHWAYS FOR AT LEAST THREE GROWING INDUSTRIES IDENTIFIED BY THE MOST RECENT COLORADO TALENT REPORT. BY JANUARY 1, 2025, THE DEPARTMENT, IN CONSULTATION WITH THE REPRESENTATIVES DESCRIBED IN SECTION 23-5-145.5 (5), SHALL FACILITATE THE CREATION OF STACKABLE CREDENTIAL PATHWAYS FOR AT LEAST TWO ADDITIONAL GROWING INDUSTRIES IDENTIFIED BY THE MOST RECENT COLORADO TALENT REPORT. THE DEPARTMENT SHALL FACILITATE THE CREATION OF AT LEAST TWO STACKABLE CREDENTIAL PATHWAYS FOR EACH INDUSTRY. THE STACKABLE CREDENTIAL PATHWAYS MUST INCLUDE:

(a) A COMPETENCY FRAMEWORK THAT ARTICULATES THE KNOWLEDGE, SKILLS, LEARNING OUTCOMES, NONDEGREE CREDENTIALS, AND DEGREES ASSOCIATED WITH THE PATHWAY, AND IDENTIFIES THE CAREER AND PROFESSIONAL DEVELOPMENT OPPORTUNITIES ASSOCIATED WITH THE PATHWAY;

(b) AN INVENTORY OF CREDENTIALS THAT ARE A PART OF THE PATHWAY, OFFERED BY ACCREDITED AND NON-ACCREDITED PROVIDERS, INCLUDING TRAINING AND INDUSTRY CREDENTIAL PROVIDERS, HIGH SCHOOLS, PROGRAMS RECOGNIZED BY THE CAREER DEVELOPMENT SUCCESS PROGRAM PURSUANT TO SECTION 22-54-138, POSTSECONDARY INSTITUTIONS, AND NONPROFIT ORGANIZATIONS;

(c) CREDENTIALS THAT ARE A PART OF THE PATHWAY EVALUATED PURSUANT TO SECTION 23-5-145.5 (3), INCLUDING CREDIT AWARDED FOR COURSES IN GT PATHWAYS OR A STATEWIDE DEGREE TRANSFER AGREEMENT; AND

(d) CREDITS THAT ARE AWARDED FOR OTHER COURSES WITH A CAREER AND TECHNICAL EDUCATION FOCUS IN A POSTSECONDARY DEGREE, NON-CREDIT PROGRAM, OR INDUSTRY CERTIFICATION PROGRAM.

(4) THE STACKABLE CREDENTIAL PATHWAYS MUST BE APPROVED BY THE COMMISSION, IN CONSULTATION WITH THE COLORADO WORK FORCE DEVELOPMENT COUNCIL.

(5) (a) THE CREDENTIALS TO SUPPORT COLORADO JOBS CASH FUND, REFERRED TO IN THIS SECTION AS THE "FUND", IS CREATED IN THE STATE TREASURY. THE FUND CONSISTS OF MONEY CREDITED TO THE FUND PURSUANT TO SUBSECTION (5)(b) OF THIS SECTION AND ANY OTHER MONEY THAT THE GENERAL ASSEMBLY APPROPRIATES OR TRANSFERS TO THE FUND.

(b) FOR THE 2022-23 STATE FISCAL YEAR, THE GENERAL ASSEMBLY SHALL APPROPRIATE ONE MILLION DOLLARS TO THE DEPARTMENT FROM THE WORKERS, EMPLOYERS, AND WORKFORCE CENTERS CASH FUND CREATED IN SECTION 24-75-231. THE DEPARTMENT SHALL USE THIS APPROPRIATION FOR THE PURPOSES DESCRIBED IN THIS SECTION.

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

(d) SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY, THE DEPARTMENT MAY EXPEND MONEY FROM THE FUND FOR THE PURPOSES DESCRIBED IN THIS SECTION.

(6) ON OR BEFORE DECEMBER 29, 2023, AND ON OR BEFORE DECEMBER 31, 2025, THE DEPARTMENT OF HIGHER EDUCATION SHALL SUBMIT A REPORT TO THE EDUCATION COMMITTEES OF THE SENATE AND HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES, REGARDING THE IMPLEMENTATION OF THIS SECTION. THE REPORT MUST INCLUDE DATA COLLECTED BY INSTITUTIONS TO MEASURE THE TOTAL NUMBER OF CREDITS, CREDENTIALS, CERTIFICATES, AND PROFESSIONAL LICENSES EARNED IN EACH

PATHWAY AT EACH INSTITUTION, AS PRACTICABLE. THE REPORT MUST INCLUDE THE DATA FOR THE STATE AS A WHOLE AND FOR EACH INSTITUTION, IN TOTAL AND DISAGGREGATED BY RACE, ETHNICITY, AND GENDER.

(7) (a) NOTHING IN THIS SECTION SUPERCEDES OR REPLACES THE CURRICULUM OR PROGRAM STANDARDS OF A CONSTRUCTION INDUSTRY REGISTERED APPRENTICESHIP PROGRAM THAT IS REGISTERED AND APPROVED BY THE UNITED STATES DEPARTMENT OF LABOR OR THE STATE APPRENTICESHIP AGENCY.

(b) NOTHING IN THIS SECTION SUPERCEDES OR REPLACES ANY STATUTORY OR REGULATORY TRAINING REQUIREMENT FOR A PROFESSIONAL LICENSE OR CREDENTIAL REGULATED BY THE DEPARTMENT OF REGULATORY AGENCIES.

(8) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2026.

SECTION 3. In Colorado Revised Statutes, **add** 23-5-145.7 as follows:

23-5-145.7. Funding for nondegree credential programs - duty - policy - appropriation - report - definitions - repeal. (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "APPRENTICESHIP CERTIFICATE" MEANS VERIFICATION OF COMPLETION OF AN APPRENTICESHIP PROGRAM. APPRENTICESHIP CERTIFICATES ARE APPLICABLE TO INDUSTRY TRADES AND PROFESSIONS.

(b) "COLORADO TALENT REPORT" MEANS THE REPORT PREPARED PURSUANT TO SECTION 24-46.3-103.

(c) "COMMISSION ON HIGHER EDUCATION" OR "COMMISSION" HAS THE SAME MEANING AS SET FORTH IN SECTION 23-1-101.1 (1).

(d) "COMMUNITY AND TECHNICAL COLLEGE" MEANS THE COMMUNITY AND TECHNICAL COLLEGES DESCRIBED IN SECTION 23-60-205 OR INSTITUTIONS OF HIGHER EDUCATION THAT OFFER CAREER AND TECHNICAL EDUCATION PROGRAMS OR ASSOCIATE DEGREES.

(e) "DEPARTMENT" MEANS THE DEPARTMENT OF HIGHER EDUCATION

CREATED AND EXISTING PURSUANT TO SECTION 24-1-114.

(f) "INDUSTRY CERTIFICATION" MEANS A CREDENTIAL AWARDED BY AN INDUSTRY-RECOGNIZED THIRD-PARTY OR INDUSTRY-GOVERNING BOARD BASED ON AN INDIVIDUAL DEMONSTRATING BY ASSESSMENT THAT THE INDIVIDUAL HAS ACQUIRED THE DESIGNATED KNOWLEDGE, SKILLS, AND ABILITIES TO PERFORM A SPECIFIC OCCUPATION OR SKILL. INDUSTRY CERTIFICATIONS MAY BE TIME-LIMITED DEPENDENT UPON THE OCCUPATION OR INDUSTRY.

(g) "LOCAL DISTRICT COLLEGE" HAS THE SAME MEANING AS DEFINED IN SECTION 23-71-102 (1).

(h) "NONDEGREE CREDENTIAL" MEANS A POSTSECONDARY CERTIFICATE, APPRENTICESHIP CERTIFICATE, PROFESSIONAL LICENSE, OR INDUSTRY CERTIFICATION.

(i) "POSTSECONDARY CERTIFICATE" MEANS A CREDENTIAL AWARDED BY AN INSTITUTION OF HIGHER EDUCATION AT AN UNDERGRADUATE LEVEL BASED ON COMPLETION OF ALL REQUIREMENTS FOR A PROGRAM OF STUDY, INCLUDING COURSE WORK AND EXAMS. POSTSECONDARY CERTIFICATES ARE NOT TIME-LIMITED AND DO NOT REQUIRE RENEWAL. "POSTSECONDARY CERTIFICATE" DOES NOT INCLUDE A DEGREE AND DOES NOT INCLUDE A CREDENTIAL AWARDED BY AN INSTITUTION OF HIGHER EDUCATION AFTER COMPLETION OF A BACHELOR'S DEGREE IN THE SAME PATHWAY.

(2) SUBJECT TO THE APPROPRIATION IN SUBSECTION (6) OF THIS SECTION, THE COMMISSION SHALL ALLOCATE AND DISBURSE FUNDS TO COMMUNITY AND TECHNICAL COLLEGES AND LOCAL DISTRICT COLLEGES TO FUND STUDENT ACCESS TO NONDEGREE CREDENTIAL PROGRAMS.

(3) THE COMMISSION SHALL CREATE A POLICY CONCERNING THE ALLOCATION AND DISBURSEMENT OF FUNDS. THE POLICY MUST PRIORITIZE FUNDING NONDEGREE CREDENTIAL PROGRAMS THAT:

(a) ARE PART OF AN INDUSTRY-ALIGNED PATHWAY;

(b) ARE ASSOCIATED WITH INDUSTRIES IDENTIFIED IN THE MOST RECENT COLORADO TALENT REPORT;

(c) ARE STACKABLE IN ALIGNMENT WITH SECTION 23-5-145.6; AND

(d) ADDRESS CRITICAL JOB SHORTAGES IN COLORADO.

(4) ON OR BEFORE SEPTEMBER 1, 2023, EACH COMMUNITY AND TECHNICAL COLLEGE OR LOCAL DISTRICT COLLEGE THAT RECEIVES FUNDING PURSUANT TO THIS SECTION SHALL SUBMIT A REPORT TO THE DEPARTMENT. AT A MINIMUM, THE REPORT MUST INCLUDE DATA TO MEASURE THE TOTAL NUMBER OF CREDENTIALS EARNED AND SUBSEQUENT PLACEMENTS IN JOBS THAT ARE RESPONSIVE TO WORKFORCE DEMANDS PURSUANT TO THE NONDEGREE CREDENTIAL PROGRAM. THE REPORT MUST INCLUDE THE DATA FOR THE STATE AS A WHOLE AND FOR EACH RECIPIENT, IN TOTAL AND DISAGGREGATED BY RACE, ETHNICITY, AND GENDER.

(5) ON OR BEFORE JANUARY 5, 2024, THE DEPARTMENT SHALL SUBMIT A REPORT TO THE EDUCATION COMMITTEES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES, REGARDING THE FUNDING ALLOCATED AND DISTRIBUTED PURSUANT TO THIS SECTION. AT A MINIMUM, THE REPORT MUST SUMMARIZE THE INFORMATION PROVIDED TO THE DEPARTMENT PURSUANT TO SUBSECTION (4) OF THIS SECTION.

(6) FOR THE 2022-23 STATE FISCAL YEAR, THE GENERAL ASSEMBLY SHALL APPROPRIATE ONE MILLION EIGHT HUNDRED THOUSAND DOLLARS TO THE DEPARTMENT FOR THE PURPOSES OF THIS SECTION. THE DEPARTMENT SHALL NOT USE MORE THAN THREE PERCENT OF THE APPROPRIATION TO ADMINISTER THE REQUIREMENTS OF THIS SECTION.

(7) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2024.

SECTION 4. In Colorado Revised Statutes, 23-3.3-1006, **amend** (1)(a)(I) as follows:

23-3.3-1006. Colorado opportunity scholarship initiative - federal money - institutional allocations - purposes - reporting - rules - definitions - repeal. (1) As used in this section, unless the context otherwise requires:

(a) "Eligible student" means an undergraduate, in-state student who:

(I) Earned some postsecondary credits from a public or private

higher education institution but did not complete a credential REQUIRING THIRTY CREDITS OR MORE before deciding not to enroll for two or more consecutive semesters; or

SECTION 5. Appropriation. (1) For the 2022-23 state fiscal year, \$800,000 is appropriated to the department of education. This appropriation is from the general fund. To implement this act, the department may use this appropriation for the adult education and literacy grant program.

(2) For the 2022-23 state fiscal year, \$1,800,000 is appropriated to the department of higher education for use by the Colorado commission on higher education. This appropriation is from the general fund. To implement this act, the commission may use this appropriation for allocations to community and technical colleges and local district colleges to fund student access to nondegree credential programs.

(3) For the 2022-23 state fiscal year, \$1,000,000 is appropriated to the credentials to support Colorado jobs cash fund created in section 23-5-145.6 (5)(a), C.R.S. This appropriation is from the workers, employers, and workforce centers cash fund created in section 24-75-231(2)(a), C.R.S., and is of money that originates from the general fund. The department of higher education is responsible for the accounting related to this appropriation.

(4) For the 2022-23 state fiscal year, \$475,275 is appropriated to the department of higher education, which amount is based on an assumption that the department will require an additional 1.5 FTE. This appropriation is from reappropriated funds in the credentials to support Colorado jobs cash fund under subsection (3) of this section. To implement this act, the department may use the appropriation for development and implementation of stackable credentials.

SECTION 6. 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.

Steve Fenberg
PRESIDENT OF
THE SENATE

Alec Garnett
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO