

CHAPTER 253

EDUCATION - PUBLIC SCHOOLS

SENATE BILL 20-009

BY SENATOR(S) Zenzinger and Rankin, Bridges, Coram, Crowder, Danielson, Donovan, Foote, Ginal, Moreno, Pettersen, Priola, Story, Tate, Todd, Winter, Garcia;
 also REPRESENTATIVE(S) McLachlan and Catlin, Bird, Buckner, Buentello, Caraveo, Champion, Coleman, Cutter, Duran, Esgar, Exum, Gonzales-Gutierrez, Gray, Herod, Jackson, Jaquez Lewis, Kipp, McCluskie, Michaelson Jenet, Roberts, Singer, Sirota, Snyder, Titone, Valdez A., Valdez D., Woodrow, Young.

AN ACT**CONCERNING EXPANSION OF THE ADULT EDUCATION AND LITERACY GRANT PROGRAM.**

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

SECTION 1. In Colorado Revised Statutes, **amend** 22-10-101 as follows:

22-10-101. Short title. ~~This article shall be known and may be cited as~~ THE SHORT TITLE OF THIS ARTICLE 10 IS THE "Adult Education and Literacy Act". ~~of 2014~~.

SECTION 2. In Colorado Revised Statutes, 22-10-102, **amend** (1)(e), (1)(f), (1)(g), (1)(h), and (2); and **add** (1)(e.5) and (1)(e.7) 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 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

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.

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 AND NUMERACY SKILLS IS ESSENTIAL FOR THE WORKFORCE OF TODAY AND TOMORROW AND FOR HELPING TO BREAK THE CYCLE OF POVERTY.

(e.7) WHILE SOME ADULTS REQUIRE EDUCATIONAL PROGRAMS THAT WILL IMPROVE THEIR 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 EQUIVALENCY CERTIFICATE.

(f) Effectively addressing the need for adult education requires the appropriation of state ~~moneys~~ 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 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 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 ~~not only~~ attain the basic literacy and numeracy skills that they lack ~~but that they move as quickly as possible from skill acquisition to postsecondary credential attainment to employment~~ 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

(h) Successfully refocusing the mission of adult education and literacy programs requires the active collaboration and coordination of a variety of state agencies and organizations that are involved in adult education and literacy; ELEMENTARY, SECONDARY, AND postsecondary education; training and credential attainment; workforce development; economic development; and human services.

(2) The general assembly finds, therefore, that it is in the best interests of the state to establish an adult education and literacy grant program to provide state funding for public and private nonprofit adult education and literacy programs. Investing in these programs will enable them to serve a larger share of the state's eligible adult population and ensure that more adults can reach and complete the next level of education and training, thereby leading to better employment outcomes that enable

more low-income, low-literacy adults to ultimately achieve economic self-sufficiency AND LEADING TO AN ADULT POPULATION THAT IS BETTER PREPARED TO SUPPORT THE EDUCATIONAL ATTAINMENT OF THE NEXT GENERATION AND ACTIVELY PARTICIPATE AS CITIZENS IN A DEMOCRATIC SOCIETY.

SECTION 3. In Colorado Revised Statutes, 22-10-103, **amend** the introductory portion and (11)(a); **repeal** (7); and **add** (1.5) and (2.5) as follows:

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

(1.5) "ADULT EDUCATION PROVIDER" MEANS ONE OF THE FOLLOWING ENTITIES THAT THE DEPARTMENT RECOGNIZES AS PROVIDING APPROPRIATE AND EFFECTIVE ADULT EDUCATION AND LITERACY PROGRAMS:

(a) A SECONDARY OR POSTSECONDARY, PUBLIC OR PRIVATE, NONPROFIT EDUCATIONAL ENTITY, INCLUDING BUT NOT LIMITED TO A SCHOOL DISTRICT, CHARTER SCHOOL, BOARD OF COOPERATIVE SERVICES, STATE INSTITUTION OF HIGHER EDUCATION, LOCAL DISTRICT COLLEGE, AND AREA TECHNICAL COLLEGE;

(b) A COMMUNITY-BASED NONPROFIT AGENCY OR ORGANIZATION;

(c) AN INDIAN TRIBE OR NATION;

(d) A LIBRARY;

(e) A LITERACY COUNCIL OR OTHER LITERACY INSTITUTE;

(f) A BUSINESS OR BUSINESS ASSOCIATION THAT PROVIDES ADULT EDUCATION AND LITERACY PROGRAMS EITHER ON SITE OR OFF SITE;

(g) A VOLUNTEER LITERACY ORGANIZATION;

(h) A LOCAL WORK FORCE BOARD, AS DEFINED IN SECTION 8-83-203, THAT OVERSEES A WORK FORCE DEVELOPMENT PROGRAM DESCRIBED IN THE "COLORADO CAREER ADVANCEMENT ACT", PART 2 OF ARTICLE 83 OF TITLE 8;

(i) A ONE-STOP PARTNER, AS DESCRIBED IN SECTION 8-83-216, UNDER THE "COLORADO CAREER ADVANCEMENT ACT", PART 2 OF ARTICLE 83 OF TITLE 8; OR

(j) A CONSORTIA OF ENTITIES DESCRIBED IN THIS SUBSECTION (1.5).

(2.5) "EDUCATION ATTAINMENT PARTNERSHIP" MEANS A COLLABORATION THAT ASSISTS ADULTS IN ATTAINING BASIC 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.

(7) ~~"Local education provider" means one of the following entities that the department recognizes as providing appropriate and effective adult education and literacy programs:~~

~~(a) A secondary or postsecondary, public or private, nonprofit educational entity, including but not limited to a school district, charter school, board of cooperative services, state institution of higher education, local district college, and area technical college;~~

~~(b) A community-based, nonprofit agency or organization;~~

~~(c) A library;~~

~~(d) A literacy council or other literacy institute;~~

~~(e) A business or business association that provides adult education and literacy programs either on-site or off-site;~~

~~(f) A volunteer literacy organization;~~

~~(g) A local work force board, as defined in section 8-83-203, C.R.S., that oversees a work force development program described in the "Colorado Career Advancement Act", part 2 of article 83 of title 8, C.R.S.;~~

~~(h) A one-stop partner, as described in section 8-83-216, C.R.S., under the "Colorado Career Advancement Act", part 2 of article 83 of title 8, C.R.S.; or~~

~~(i) A consortia of entities described in this subsection (7):~~

(11) (a) "Workforce development partnership" means a collaboration that assists adults in attaining basic 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 ~~local~~ ADULT education provider, at least one postsecondary education or training provider, and at least one workforce development provider.

SECTION 4. In Colorado Revised Statutes, 22-10-104, **amend** (1), (2) introductory portion, (2)(b), (3)(c)(II), and (3)(d); and **add** (3)(a.5) and (3)(c.5) as follows:

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

(1) (a) There is created in the office the adult education and literacy grant program to provide funding for ~~local~~ ADULT education providers that are members of workforce development partnerships, through which eligible adults receive basic education in literacy and numeracy that leads to additional skills acquisition, postsecondary credential attainment, and employment, OR EDUCATION ATTAINMENT PARTNERSHIPS THAT ASSIST ADULTS IN ATTAINING BASIC LITERACY AND NUMERACY SKILLS THAT LEAD TO ADDITIONAL SKILL ACQUISITION, AND MAY LEAD TO POSTSECONDARY CREDENTIALS AND EMPLOYMENT, FOR THE PARTICIPATING ADULTS AND THEIR CHILDREN OR THE CHILDREN FOR WHOM THEY PROVIDE CARE.

(b) ~~A local~~ AN ADULT education provider may apply to the office to receive a grant pursuant to this ~~article~~ ARTICLE 10 in accordance with the rules, procedures, forms, and timelines adopted by the state board. The office shall review each application and recommend appropriate grant recipients to the state board.

(c) Subject to available appropriations, the state board, taking into consideration the recommendations of the office, shall award adult education and literacy grants to ~~local~~ 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. 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 shall not renew the grant for subsequent fiscal years.

(d) ~~A local~~ AN ADULT education provider may use grant ~~moneys~~ MONEY received pursuant to this ~~article~~ ARTICLE 10 in combination with any ~~moneys~~ MONEY received from other public or private sources. ~~A local~~ AN ADULT education provider may use grant ~~moneys~~ MONEY received pursuant to this ~~article~~ ARTICLE 10 on behalf of a student WHO LACKS BASIC LITERACY OR NUMERACY SKILLS OR who is enrolled in or has completed the adult education and literacy program and OR is receiving training from a postsecondary education or training provider or from a workforce development provider that participates in ~~the~~ A workforce development partnership with the ~~local~~ ADULT education provider.

(2) The state board, in accordance with the "State Administrative Procedure Act", article 4 of title 24, ~~C.R.S.~~, shall promulgate rules to implement the grant program, which rules must include:

(b) The grant application requirements. At a minimum, EACH APPLICANT MUST:

(I) DEMONSTRATE THAT IT IS AN EXPERIENCED ADULT EDUCATION PROVIDER WITH A STRONG RECORD OF PROVIDING EDUCATION, CAREER, AND SUPPORTIVE SERVICE NAVIGATION TO ASSIST ADULT LEARNERS IN ATTAINING EMPLOYMENT, ENROLLING IN POSTSECONDARY EDUCATION, ENGAGING IN CIVIC ACTIVITIES, OR SUPPORTING THEIR OWN CHILDREN OR CHILDREN FOR WHOM THEY PROVIDE CARE IN ACHIEVING ACADEMIC SUCCESS;

~~(H)~~ (II) ~~Each applicant must~~ Demonstrate that it is an active member of a workforce development partnership through which students receive basic education in literacy and numeracy that leads to additional skills acquisition, postsecondary ~~credential attainment, and employment~~ OR AN EDUCATION ATTAINMENT PARTNERSHIP; and

~~(H)~~ (III) ~~Each application must~~ Specify the measurable goals of the adult

education and literacy program that the applying ~~local~~ ADULT education provider expects to achieve using the grant ~~moneys~~ MONEY;

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

(a.5) THE PERCENTAGE OF ADULTS IN THE AREA TO BE SERVED USING GRANT MONEY WHO HAVE NOT COMPLETED NINTH GRADE AND ARE NOT ENROLLED IN OR HAVE NOT COMPLETED ADULT EDUCATION AND LITERACY PROGRAMS;

(c) (II) The percentage of eligible adults in the area to be served who are unemployed workers; ~~and~~

(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 ~~local~~ ADULT education provider in enabling adults to attain basic literacy and numeracy skills and in assisting them ~~through collaboration with postsecondary education or training providers and workforce development providers, to achieve additional skills attainment, postsecondary eredential attainment, and employment~~ 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.

SECTION 5. In Colorado Revised Statutes, 22-10-105, **amend** (1)(b), (1)(c), and (2)(a) as follows:

22-10-105. Evaluation of grants - report. (1) (b) The department may audit the records and accounts of grant recipients relating to grants awarded pursuant to this ~~article. A local~~ ARTICLE 10. AN ADULT education provider shall make the records and accounts available to the department upon request.

(c) Upon completing an adult education and literacy program funded, in whole or in part, by a grant awarded pursuant to this ~~article, a local~~ ARTICLE 10, AN ADULT education provider shall report to the department ~~the same~~ information concerning the state-funded program ~~as is~~ THAT THE DEPARTMENT SPECIFICALLY REQUESTS FROM THE INFORMATION required by Title II of the federal "~~Workforce Investment Act of 1998~~" as amended, 20 U.S.C. sec. 9201 et seq. "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.

(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 ~~moneys~~ 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 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 ~~local~~ 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 6. In Colorado Revised Statutes, 22-10-106, **amend** (1) introductory portion and (1)(a) as follows:

22-10-106. Adult education and literacy - workforce development - meetings.

(1) The office shall convene periodic meetings of representatives of, at a minimum, the department of higher education, the department of labor and employment, the community college system, other ~~local~~ ADULT education providers, other postsecondary education or training providers, and other workforce development providers to discuss, at a minimum:

(a) Ways to increase the communication and collaboration among adult education and literacy programs, ELEMENTARY AND SECONDARY EDUCATION PROGRAMS, postsecondary education or training programs, and workforce development programs within the state; and

SECTION 7. In Colorado Revised Statutes, 22-10.3-102, **amend** (4)(b) as follows:

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

(4) "Qualified provider" means a provider that meets the criteria set forth in section 22-10.3-103 (3) and that:

(b) Is a ~~local~~ AN ADULT education provider, as defined in ~~section 22-10-103 (7)~~ SECTION 22-10-103 (1.5).

SECTION 8. 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 8, 2020