

**Second 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. 22-0703.03 Conrad Imel x2313

HOUSE BILL 22-1349

HOUSE SPONSORSHIP

Duran and Will, Bacon, Bernett, Bird, Boesenecker, Esgar, Exum, Gonzales-Gutierrez, Herod, Hooton, Jodeh, Kennedy, Kipp, Lindsay, Lontine, McCluskie, McLachlan, Michaelson Jenet, Mullica, Ortiz, Titone, Valdez A., Valdez D.

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House Committees

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A BILL FOR AN ACT

101 **CONCERNING IMPROVING DECISION-MAKING TO ENHANCE**
102 **POSTSECONDARY STUDENT SUCCESS, AND, IN CONNECTION**
103 **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 requires the Colorado commission on higher education (commission) to enact a policy directing the department of higher education (department) to develop student success measures that measure the progression of students through postsecondary education and the impact of postsecondary pathways on a student's career opportunities and

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.

SENATE
Amended 2nd Reading
May 4, 2022

HOUSE
3rd Reading Unamended
April 22, 2022

HOUSE
Amended 2nd Reading
April 20, 2022

success. The student success measures must include postsecondary success measures and workforce success measures.

The bill requires the department to create and maintain a statewide student success data system that includes institution-specific interfaces and a public interface. The data system includes student success information aligned with the student success measures. An institution interface includes student success data that is more timely, more granular, appears in a different format, or includes functionality that is different from information provided on the public interface. The public interface must allow a user to view and compare student workforce success information for specific institutions of higher education in Colorado. The commission determines the information included in the public interface and how that information is disaggregated by various student populations, such as populations identified by race, ethnicity, gender, and socioeconomic factors. The bill requires the commission to use the data included in the institution and statewide data system to examine educational and workforce success disparities among various student populations.

The department may enter into an agreement with a third party to create and maintain the data system. The bill requires the department to update and modernize its data collection systems to facilitate the collection of student success data. The bill requires the general assembly to appropriate \$3 million to create the data system.

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

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

4 (a) The COVID-19 pandemic created economic disruption across
5 almost every industry, posing significant challenges to students pursuing
6 postsecondary education in preparation to enter the job market and build
7 their careers;

8 (b) With the infusion of one-time federal funds, Colorado has a
9 unique opportunity to drive improvements in the education-to-career
10 pipeline and put higher education and workforce development at the
11 center of the economic recovery agenda;

12 (c) By using these funds to address near-term needs, Colorado can

1 invest in structural solutions and make progress on a long-term vision for
2 postsecondary success;

3 (d) Information about higher education in Colorado is limited for
4 the public and consumers, including students and the people who may
5 employ them;

6 (e) Improving statewide education and workforce outcomes is
7 contingent upon data-informed decision-making made possible with
8 publicly accessible data;

9 (f) The task force created pursuant to House Bill 21-1330, enacted
10 in 2021, recommended investing in a statewide data system to enhance
11 public transparency of postsecondary and workforce data, with the
12 ultimate goal of maintaining a longitudinal framework to connect K-12,
13 postsecondary, and workforce data; and

14 (g) A data system will better equip faculty, staff, and leadership
15 at postsecondary institutions with granular, timely data to inform
16 decision-making; uncover equity gaps; increase student success; and
17 identify, communicate, and showcase promising practices.

18 (2) Therefore, the general assembly declares that the creation of
19 a statewide student success data system will provide institutions of higher
20 education with actionable metrics of student success and make available
21 robust economic opportunity data to empower students as they navigate
22 all available education and training options.

23 **SECTION 2.** In Colorado Revised Statutes, **add** 23-1-139 as
24 follows:

25 **23-1-139. Commission directive - statewide student success**
26 **measures - definitions.** (1) (a) NO LATER THAN DECEMBER 31, 2022, THE
27 COMMISSION SHALL ENACT A POLICY DIRECTING THE DEPARTMENT TO

1 DEVELOP STUDENT SUCCESS MEASURES THAT MEASURE THE PROGRESSION
2 OF STUDENTS THROUGH POSTSECONDARY EDUCATION AND THE IMPACT OF
3 POSTSECONDARY PATHWAYS ON A STUDENT'S CAREER OPPORTUNITIES AND
4 SUCCESS.

5 (b) THE STUDENT SUCCESS MEASURES MUST INCLUDE
6 POSTSECONDARY SUCCESS MEASURES AND WORKFORCE SUCCESS
7 MEASURES. THE COMMISSION SHALL PRIORITIZE DEVELOPMENT OF THE
8 POSTSECONDARY SUCCESS MEASURES. POSTSECONDARY SUCCESS
9 MEASURES MAY INCLUDE, BUT ARE NOT LIMITED TO, CREDIT
10 ACCUMULATION, COURSE PASSAGE, COST OF ATTENDANCE, RETENTION
11 RATES, CREDENTIAL COMPLETION RATES, STUDENT SUPPORT ACCESS AND
12 EFFECTIVENESS, GRADUATE PROGRAM ENROLLMENT, AND STUDENT
13 MOBILITY. THE STUDENT SUCCESS MEASURES MUST INCLUDE DATA ON
14 NONTRADITIONAL STUDENTS WHO ARE NOT FIRST- TIME, FULL-TIME
15 FRESHMAN STUDENTS, INCLUDING GRADUATION RATES FOR
16 NONTRADITIONAL STUDENTS, AND CREDENTIAL AND CERTIFICATE
17 COMPLETION RATES FOR TRANSFER STUDENTS. THE STUDENT SUCCESS
18 MEASURES MUST ALSO INCLUDE MEASURES FOR STUDENT ENROLLMENT
19 STATUS TWO, FOUR, AND SIX YEARS AFTER A STUDENT ENROLLS IN AN
20 INSTITUTION OF HIGHER EDUCATION. WORKFORCE SUCCESS MEASURES
21 MAY INCLUDE, BUT ARE NOT LIMITED TO, POSTSECONDARY EMPLOYMENT
22 OUTCOMES FOR STUDENTS, JOB PLACEMENTS, EARNINGS, AND THE LENGTH
23 OF TIME IT TAKES A STUDENT TO RECOUP THE COST OF COMPLETING A
24 CREDENTIAL AT AN INSTITUTION BASED ON THE STUDENT'S INCREASED
25 EARNINGS, KNOWN AS THE PRICE-TO-EARNINGS PREMIUM. THE
26 COMMISSION SHALL DETERMINE WHICH SPECIFIC POSTSECONDARY AND
27 WORKFORCE SUCCESS MEASURES ARE INCLUDED IN ITS POLICY.

1 (2) (a) IN DEVELOPING THE STUDENT SUCCESS MEASURES, THE
2 DEPARTMENT SHALL COLLABORATE WITH THE COMMISSION, EACH
3 INSTITUTION OF HIGHER EDUCATION, THE COLORADO WORKFORCE
4 DEVELOPMENT COUNCIL, THE DEPARTMENT OF LABOR AND EMPLOYMENT,
5 THE DEPARTMENT OF EDUCATION, THE OFFICE OF ECONOMIC
6 DEVELOPMENT AND INTERNATIONAL TRADE, REPRESENTATIVES FROM
7 INDUSTRY, AND ORGANIZATIONS THAT SUPPORT CURRENT OR POTENTIAL
8 STUDENTS AND PARENTS.

9 (b) THE DEPARTMENT, IN CONSULTATION WITH INSTITUTIONS OF
10 HIGHER EDUCATION AND SUBJECT TO THE APPROVAL OF THE COMMISSION,
11 SHALL DETERMINE THE METHODOLOGY USED TO CALCULATE THE
12 MEASURES.

13 **SECTION 3.** In Colorado Revised Statutes, **add** 23-1-140 as
14 follows:

15 **23-1-140. Student success data system - student success data**
16 **transparency - appropriation - definition - repeal.** (1) AS USED IN THIS
17 SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES, "INSTITUTION OF
18 HIGHER EDUCATION" OR "INSTITUTION" MEANS THE STATE INSTITUTIONS,
19 AS DEFINED IN SECTION 23-18-102 (10)(a), THE LOCAL DISTRICT
20 COLLEGES, AND THE AREA TECHNICAL COLLEGES.

21 (2) (a) THE DEPARTMENT SHALL CREATE AND MAINTAIN A
22 STATEWIDE DATA SYSTEM OF STUDENT SUCCESS INFORMATION TO
23 ENHANCE DATA-BASED DECISION-MAKING BY INSTITUTIONS AND THE
24 PUBLIC IN ORDER TO INCREASE STUDENT SUCCESS USING THE STUDENT
25 SUCCESS MEASURES DETERMINED BY THE COMMISSION. THE DATA SYSTEM
26 INCLUDES INSTITUTION INTERFACES DESCRIBED IN SUBSECTION (3) OF THIS
27 SECTION AND A PUBLIC INTERFACE. THE DATA SYSTEM MUST HAVE THE

1 FUNCTIONALITY TO BE DEVELOPED INTO A LONGITUDINAL DATA SYSTEM
2 OVER TIME THAT CONNECTS K-12, POSTSECONDARY, AND WORKFORCE
3 INFORMATION.

4 (b) (I) THE COMMISSION SHALL PROVIDE GUIDANCE TO THE
5 DEPARTMENT ON THE INFORMATION THAT SHOULD BE INCLUDED IN THE
6 DATA SYSTEM TO ALIGN THE DATA SYSTEM WITH THE STUDENT SUCCESS
7 MEASURES DEVELOPED PURSUANT TO SECTION 23-1-139.

8 (II) EACH INSTITUTION SHALL REPORT POSTSECONDARY SUCCESS
9 INFORMATION TO THE DEPARTMENT THAT THE DEPARTMENT DETERMINES
10 NECESSARY FOR INCLUSION IN THE STATEWIDE DATA SYSTEM.

11 (III) THE DEPARTMENT SHALL OBTAIN STUDENT WORKFORCE DATA
12 NECESSARY FOR THE DATA SYSTEM BY THE BEST MEANS POSSIBLE,
13 INCLUDING OBTAINING EMPLOYMENT INFORMATION AND EARNINGS FROM
14 THE DEPARTMENT OF LABOR AND EMPLOYMENT, THE COLORADO
15 WORKFORCE DEVELOPMENT COUNCIL, OR ANY OTHER INITIATIVE OR
16 DATA-SHARING PLATFORM THAT ALLOWS THE DEPARTMENT TO OBTAIN
17 WORKFORCE DATA. THE DEPARTMENT OF LABOR AND EMPLOYMENT, THE
18 COLORADO WORKFORCE DEVELOPMENT COUNCIL, AND THE DEPARTMENT
19 OF EDUCATION SHALL PROVIDE TO THE DEPARTMENT THE INFORMATION
20 THAT THE DEPARTMENT DEEMS NECESSARY TO IMPLEMENT AND OPERATE
21 THE DATA SYSTEM.

22 (c) THE DEPARTMENT MAY INCLUDE IN THE STATEWIDE DATA
23 SYSTEM EMPLOYMENT AND WAGE OUTCOME DATA OF A WORKFORCE
24 DEVELOPMENT OR TRAINING PROGRAM THAT JOINS THE DATA SYSTEM. IN
25 ORDER TO JOIN THE DATA SYSTEM, A WORKFORCE DEVELOPMENT OR
26 TRAINING PROGRAM MUST BE LISTED IN THE ELIGIBLE TRAINING PROVIDER
27 LISTS DESCRIBED IN SECTION 8-83-225 (1)(c) OR RECEIVING FUNDING

1 UNDER TITLE I OF THE FEDERAL "WORKFORCE INNOVATION AND
2 OPPORTUNITY ACT", 29 U.S.C. SEC. 3101 ET SEQ. THE DEPARTMENT MAY
3 PROVIDE A USER-FRIENDLY AND ACCESSIBLE OPTION FOR A PROGRAM
4 DESCRIBED IN THIS SUBSECTION (2)(c) TO DELIVER DATA TO THE
5 DEPARTMENT.

6 (d) IN DEVELOPING THE DATA SYSTEM, THE DEPARTMENT SHALL
7 COLLABORATE WITH THE COLORADO WORKFORCE DEVELOPMENT
8 COUNCIL, THE DEPARTMENT OF LABOR AND EMPLOYMENT, THE
9 DEPARTMENT OF EDUCATION, AND THE OFFICE OF ECONOMIC
10 DEVELOPMENT AND INTERNATIONAL TRADE. THE DEPARTMENT SHALL
11 ALSO SEEK INPUT FROM EACH INSTITUTION OF HIGHER EDUCATION,
12 COLORADO EMPLOYERS, COLORADO STUDENTS, AND OTHER WORKFORCE
13 TRAINING PROVIDERS OFFERING AN INDUSTRY RECOGNIZED CREDENTIAL.

14 (e) THE DEPARTMENT MAY ENTER INTO AN AGREEMENT WITH A
15 THIRD PARTY TO CREATE AND MAINTAIN THE DATA SYSTEM AND ANY
16 MATERIALS DERIVED FROM THE SYSTEM. IF THE DEPARTMENT ENTERS INTO
17 AN AGREEMENT WITH A THIRD PARTY, THE DEPARTMENT SHALL ENSURE
18 THAT BOTH THE DEPARTMENT AND THE THIRD PARTY COMPLY WITH ALL
19 STATE AND FEDERAL LAWS AND REGULATIONS CONCERNING THE PRIVACY
20 OF STUDENT INFORMATION, INCLUDING THE FEDERAL "FAMILY
21 EDUCATIONAL RIGHTS AND PRIVACY ACT OF 1974", 20 U.S.C. SEC.
22 1232g, AS AMENDED.

23 (3) (a) THE DEPARTMENT SHALL WORK WITH AN INSTITUTION TO
24 INCLUDE INFORMATION ON AN INTERFACE THAT IS INTERNAL TO THAT
25 INSTITUTION. INFORMATION AVAILABLE ON AN INSTITUTION INTERFACE
26 MAY PROVIDE STUDENT SUCCESS DATA THAT IS MORE TIMELY, MORE
27 GRANULAR, APPEARS IN A DIFFERENT FORMAT, OR INCLUDES

1 FUNCTIONALITY THAT IS DIFFERENT FROM INFORMATION PROVIDED ON THE
2 PUBLIC INTERFACE.

3 (b) IF AN INSTITUTION MAINTAINS OR INTENDS TO CREATE ITS OWN
4 DATA SYSTEM THAT ALIGNS WITH THE GOALS OF THE STATEWIDE DATA
5 SYSTEM AND THE DEPARTMENT DETERMINES THAT THERE IS SUFFICIENT
6 ALIGNMENT, THE DEPARTMENT MAY, WITH THE APPROVAL OF THE
7 COMMISSION, ALLOCATE MONEY TO THE INSTITUTION FOR THE CREATION,
8 IMPROVEMENT, OR MAINTENANCE OF THE INSTITUTION'S DATA SYSTEM
9 INSTEAD OF CREATING AN INTERFACE THAT IS INTERNAL TO THAT
10 INSTITUTION. THE DEPARTMENT SHALL NOT ALLOCATE TO THE
11 INSTITUTION AN AMOUNT GREATER THAN THE COST TO THE DEPARTMENT
12 FOR CREATING AN INTERFACE THAT IS INTERNAL TO THE INSTITUTION. AN
13 INSTITUTION THAT RECEIVES AN ALLOCATION IS NOT EXEMPT FROM THE
14 REQUIREMENT TO REPORT STUDENT EDUCATIONAL SUCCESS INFORMATION
15 TO THE DEPARTMENT PURSUANT TO SUBSECTION (2)(b)(II) OF THIS
16 SECTION.

17 (4) THE PUBLIC INTERFACE OF THE DATA SYSTEM INCLUDES
18 STUDENT SUCCESS INFORMATION THAT IS ALIGNED WITH THE STUDENT
19 SUCCESS MEASURES DEVELOPED PURSUANT TO SECTION 23-1-139. THE
20 COMMISSION SHALL DETERMINE THE SPECIFIC STUDENT SUCCESS
21 INFORMATION THAT MUST BE INCLUDED IN THE PUBLIC INTERFACE,
22 INCLUDING DETERMINING HOW THE INFORMATION IS DISAGGREGATED BY
23 STUDENT POPULATIONS, INCLUDING POPULATIONS IDENTIFIED BY RACE,
24 ETHNICITY, GENDER, FIRST-GENERATION STATUS, DISABILITY, AND
25 SOCIOECONOMIC FACTORS. THE PUBLIC INTERFACE MUST ALLOW A USER
26 TO CONDUCT AN INTERACTIVE SEARCH TO VIEW AND COMPARE STUDENT
27 SUCCESS INFORMATION FOR SPECIFIC INSTITUTIONS AND CREDENTIAL

1 PROGRAMS SO THAT THE USER MAY MAKE INFORMED DECISIONS
2 REGARDING THE ECONOMIC OPPORTUNITY AND TRADEOFFS OF VARIOUS
3 EDUCATIONAL AND CAREER TRAINING OPTIONS. THE DEPARTMENT SHALL
4 UPDATE THE DATA IN THE PUBLIC INTERFACE AS FREQUENTLY AS
5 PRACTICABLE, BUT AT LEAST ANNUALLY, TO ENSURE THAT COLORADO
6 STUDENTS AND THE PUBLIC HAVE THE MOST RELEVANT AND CURRENT
7 INFORMATION AVAILABLE.

8 (5) (a) THE COMMISSION SHALL, IN COLLABORATION WITH THE
9 OFFICE IN THE DEPARTMENT THAT IS RESPONSIBLE FOR DEVELOPING
10 POLICY TO REMOVE EQUITY GAPS IN POSTSECONDARY EDUCATION IN
11 COLORADO, USE THE DATA INCLUDED IN THE INSTITUTION AND STATEWIDE
12 DATA SYSTEM TO EXAMINE EDUCATIONAL AND WORKFORCE SUCCESS
13 DISPARITIES AMONG VARIOUS STUDENT POPULATIONS, INCLUDING
14 POPULATIONS IDENTIFIED BY RACE, ETHNICITY, GENDER,
15 FIRST-GENERATION STATUS, DISABILITY, AGE, AND SOCIOECONOMIC
16 FACTORS.

17 (b) IN ORDER TO FURTHER THE GOAL OF USING DATA TO IMPROVE
18 INSTITUTIONAL DECISION-MAKING AND BEST PRACTICES, THE COMMISSION
19 SHALL FACILITATE INFORMATION SHARING AMONG INSTITUTIONS ABOUT
20 PRACTICES IMPLEMENTED BY AN INSTITUTION BASED ON DATA LEARNED
21 FROM THE DATA SYSTEM.

22 (6) (a) IN ORDER TO FACILITATE THE COLLECTION OF STUDENT
23 SUCCESS DATA AND INFORMATION FROM INSTITUTIONS OF HIGHER
24 EDUCATION, THE DEPARTMENT SHALL UPDATE AND MODERNIZE ITS DATA
25 COLLECTION SYSTEMS, INCLUDING ITS STUDENT-UNIT RECORD DATA
26 SYSTEM.

27 (b) THE DEPARTMENT, IN COLLECTING DATA FROM INSTITUTIONS,

1 MAY USE, WHEN POSSIBLE, OPEN-SOURCE DATA TRANSPARENCY
2 LANGUAGES THAT UTILIZE OPEN, INTEROPERABLE DATA FORMATS.

3 (7) ON OR BEFORE JANUARY 15, 2023, AND ON OR BEFORE
4 JANUARY 15, 2024, THE COMMISSION SHALL SUBMIT A REPORT TO THE
5 HOUSE OF REPRESENTATIVES EDUCATION COMMITTEE AND SENATE
6 EDUCATION COMMITTEE ON THE WORK REQUIRED AND ANY BARRIERS
7 IDENTIFIED, INCLUDING RECOMMENDATIONS FOR LEGISLATIVE CHANGES
8 NECESSARY, TO DELIVER A STATEWIDE LONGITUDINAL DATA SYSTEM THAT
9 CONNECTS K-12, POSTSECONDARY EDUCATION, AND WORKFORCE
10 INFORMATION.

11 (8) (a) FOR THE 2022-23 STATE FISCAL YEAR, THE GENERAL
12 ASSEMBLY SHALL APPROPRIATE THREE MILLION DOLLARS FROM THE
13 WORKERS, EMPLOYERS, AND WORKFORCE CENTERS CASH FUND CREATED
14 IN SECTION 24-75-231 TO THE DEPARTMENT FOR THE PURPOSES OF THIS
15 SECTION. THE MONEY APPROPRIATED PURSUANT TO THIS SUBSECTION (8)
16 MUST BE FROM THE MONEY IN THE WORKERS, EMPLOYERS, AND
17 WORKFORCE CENTERS CASH FUND THAT ORIGINATED FROM THE GENERAL
18 FUND. ANY UNEXPENDED OR UNENCUMBERED MONEY APPROPRIATED
19 PURSUANT TO THIS SECTION REMAINS AVAILABLE FOR EXPENDITURE FOR
20 THE SAME PURPOSE IN THE 2023-24 STATE FISCAL YEAR WITHOUT FURTHER
21 APPROPRIATION.

22 (b) THIS SUBSECTION (8) IS REPEALED, EFFECTIVE DECEMBER 31,
23 2024.

24 **SECTION 4. Appropriation.** For the 2022-23 state fiscal year,
25 \$3,000,000 is appropriated to the department of higher education. This
26 appropriation is from the workers, employers, and workforce centers cash
27 fund created in section 24-75-231 (2)(a), C.R.S., is of money that

1 originates from the general fund, and is based on an assumption that the
2 department will require an additional 1.0 FTE in the FY 2022-23 and FY
3 2023-24 state fiscal years. To implement this act, the department may use
4 this appropriation for the student success data system. Any money
5 appropriated in this section not expended prior to July 1, 2023 is available
6 for expenditure in the 2023-24 state fiscal year for the same purpose.

7 **SECTION 5. Act subject to petition - effective date.** This act
8 takes effect at 12:01 a.m. on the day following the expiration of the
9 ninety-day period after final adjournment of the general assembly; except
10 that, if a referendum petition is filed pursuant to section 1 (3) of article V
11 of the state constitution against this act or an item, section, or part of this
12 act within such period, then the act, item, section, or part will not take
13 effect unless approved by the people at the general election to be held in
14 November 2022 and, in such case, will take effect on the date of the
15 official declaration of the vote thereon by the governor.