

**First Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 19-0955.01 Brita Darling x2241

HOUSE BILL 19-1236

HOUSE SPONSORSHIP

Gray and Sullivan, Buckner, Galindo, Van Winkle, Arndt, Becker, Buentello, Duran, Esgar, Exum, Gonzales-Gutierrez, Herod, Kennedy, Lontine, Melton, Michaelson Jenet, Roberts, Valdez D.

SENATE SPONSORSHIP

Todd,

House Committees

Education
Appropriations

Senate Committees

State, Veterans, & Military Affairs
Appropriations

A BILL FOR AN ACT

101 **CONCERNING THE CREATION OF A WORKFORCE DIPLOMA PILOT**
102 **PROGRAM, AND, IN CONNECTION THEREWITH, MAKING AN**
103 **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 creates the workforce diploma pilot program (program) in the department of education (department) to award completion payments to qualified providers for the attainment of certain outcomes achieved by eligible students enrolled in the courses or programs, including earning high school diplomas, course credits, or industry-recognized training

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 2, 2019

HOUSE
3rd Reading Unamended
April 26, 2019

HOUSE
Amended 2nd Reading
April 25, 2019

certificates. The department shall administer the program.

Based on criteria listed in the bill, the department shall prepare a list of qualified providers. A qualified provider may be a public, nonprofit, or private accredited, degree-granting organization with at least 2 years of experience in providing adult dropout recovery services resulting in an accredited high school diploma, as well as other criteria.

The bill includes performance standards for qualified providers and allows the department to suspend or remove providers from the list of qualified providers for failing to meet those standards.

The bill sets forth the amount of the payments qualified providers receive for each performance goal met by their eligible students.

Qualified providers receiving payments must report certain information to the department. The department shall report to certain committees of the general assembly summarizing the information reported by qualified providers.

The bill repeals the program in 2022.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** article 10.3 to
3 title 22 as follows:

4 **ARTICLE 10.3**

5 **Workforce Diploma Pilot Program**

6 **22-10.3-101. Legislative declaration.** (1) THE GENERAL
7 ASSEMBLY FINDS AND DECLARES THAT:

8 (a) IN COLORADO, APPROXIMATELY **THREE HUNDRED FIFTY**
9 THOUSAND ADULTS DO NOT HAVE A HIGH SCHOOL CREDENTIAL;

10 (b) RESEARCH SHOWS THAT AS MANY AS EIGHTY PERCENT OF THE
11 INDIVIDUALS WHO LEFT HIGH SCHOOL WITHOUT A DIPLOMA DID SO FOR
12 NONACADEMIC REASONS, INCLUDING THE NEED TO WORK TO SUPPORT
13 THEMSELVES OR THEIR FAMILIES; BECOMING PARENTS; BULLYING OR
14 SOCIAL ANXIETY; OR FALLING TOO FAR BEHIND TO GRADUATE ON TIME;

15 (c) EDUCATION IS A SIGNIFICANT ECONOMIC DRIVER; ACCORDING
16 TO COLUMBIA UNIVERSITY ECONOMIST, HENRY LEVIN, THE AVERAGE

1 COST TO THE STATE FOR A STUDENT WHO DROPS OUT OF HIGH SCHOOL IS
2 TWO HUNDRED FIFTY-EIGHT THOUSAND TWO HUNDRED FORTY DOLLARS IN
3 SOCIAL SERVICES, INCARCERATION EXPENSES, AND LOST INCOME FROM
4 TAXES OVER THE INDIVIDUAL'S LIFETIME; AND

5 (d) WHEN COMBINED WITH LOST WAGES, THE TOTAL OPPORTUNITY
6 COST FOR ONE HIGH SCHOOL DROPOUT IS SEVEN HUNDRED FIFTY-FIVE
7 THOUSAND NINE HUNDRED DOLLARS.

8 (2) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT BY
9 CREATING A WORKFORCE DIPLOMA PILOT PROGRAM THAT PROVIDES
10 COLORADO ADULTS WITH THE OPPORTUNITY TO COMPLETE A HIGH SCHOOL
11 DIPLOMA, WHILE TRANSFERRING THE RISK TO PROVIDERS WHO RECEIVE
12 PERFORMANCE PAYMENTS ONLY WHEN THOSE STUDENTS MEET
13 PERFORMANCE MILESTONES, THE STATE CAN BETTER MEET ITS
14 WORKFORCE GOALS FOR FUTURE ECONOMIC GROWTH.

15 **22-10.3-102. Definitions.** AS USED IN THIS ARTICLE 10.3, UNLESS
16 THE CONTEXT OTHERWISE REQUIRES:

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

19 (2) "ELIGIBLE STUDENT" MEANS A STUDENT WHO:

20 (a) IS AT LEAST TWENTY-ONE YEARS OF AGE;

21 (b) IS A RESIDENT OF THE STATE OF COLORADO; AND

22 (c) LACKS A HIGH SCHOOL DIPLOMA.

23 (3) "PROGRAM" MEANS THE WORKFORCE DIPLOMA PILOT
24 PROGRAM CREATED IN SECTION 22-10.3-103.

25 (4) "QUALIFIED PROVIDER" MEANS A PROVIDER THAT MEETS THE
26 CRITERIA SET FORTH IN SECTION 22-10.3-103 (3) AND THAT:

27 (a) IS A PUBLIC, NONPROFIT, OR PRIVATE ACCREDITED,

1 DIPLOMA-GRANTING INSTITUTION WITH AT LEAST TWO YEARS OF
2 EXPERIENCE PROVIDING ADULT DROPOUT RECOVERY SERVICES, INCLUDING
3 RECRUITMENT, LEARNING PLAN DEVELOPMENT, AND PROACTIVE
4 COACHING AND MENTORING; OR

5 (b) IS A LOCAL EDUCATION PROVIDER, AS DEFINED IN SECTION
6 22-10-103 (7).

7 **22-10.3-103. Workforce diploma pilot program - creation -**

8 **payments - rules.** (1) THERE IS CREATED IN THE DEPARTMENT, IN THE
9 OFFICE WITHIN THE DEPARTMENT THAT IS RESPONSIBLE FOR ADULT
10 EDUCATION, THE WORKFORCE DIPLOMA PILOT PROGRAM TO PROVIDE
11 PERFORMANCE PAYMENTS TO QUALIFIED PROVIDERS FOR ELIGIBLE
12 STUDENTS ENROLLED IN A QUALIFIED PROVIDER'S PROGRAMS WHO
13 ATTAIN CERTAIN OUTCOMES, AS DESCRIBED IN SUBSECTION (5) OF THIS
14 SECTION.

15 (2) ON OR BEFORE AUGUST 15 IN ANY FISCAL YEAR IN WHICH THE
16 GENERAL ASSEMBLY APPROPRIATES MONEY FOR THE PROGRAM, THE
17 DEPARTMENT SHALL ISSUE A REQUEST FOR QUALIFICATIONS FOR
18 PROVIDERS TO PARTICIPATE IN THE PROGRAM AS QUALIFIED PROVIDERS.

19 (3) THE CRITERIA NECESSARY TO BE A QUALIFIED PROVIDER
20 INCLUDES:

21 (a) EXPERIENCE PROVIDING DROPOUT RECOVERY SERVICES, AS
22 PROVIDED IN SECTION 22-10.3-102 (4);

23 (b) THE ABILITY TO PROVIDE ACADEMIC SKILL INTAKE
24 ASSESSMENT AND TRANSCRIPT EVALUATIONS;

25 (c) THE ABILITY TO DEVELOP A LEARNING PLAN THAT INTEGRATES
26 ACADEMIC REQUIREMENTS AND CAREER GOALS;

27 (d) THE ABILITY TO PROVIDE ALL INSTRUCTION NECESSARY TO

1 MEET OR EXCEED THE STATE BOARD OF EDUCATION'S HIGH SCHOOL
2 GRADUATION GUIDELINES TO ACHIEVE A HIGH SCHOOL DIPLOMA;

3 (e) THE ABILITY TO PROVIDE REMEDIAL COURSE WORK IN
4 LITERACY AND NUMERACY;

5 (f) THE ABILITY TO PROVIDE A RESEARCH-VALIDATED ACADEMIC
6 RESILIENCY ASSESSMENT AND INTERVENTION;

7 (g) THE ABILITY TO PROVIDE EMPLOYABILITY SKILLS
8 DEVELOPMENT ALIGNED TO EMPLOYER NEEDS;

9 (h) THE ABILITY TO PROVIDE CAREER PATHWAYS COURSE WORK;

10 (i) THE ABILITY TO PROVIDE PREPARATION FOR
11 INDUSTRY-RECOGNIZED CREDENTIALS;

12 (j) THE ABILITY TO PROVIDE CAREER PLACEMENT SERVICES; AND

13 (k) HIGH SCHOOL DIPLOMA ACCREDITATION BY A RECOGNIZED
14 REGIONAL ACCREDITING BODY OR A CONSOLIDATION OF ONE OR MORE
15 REGIONAL ACCREDITING BODIES.

16 (4) (a) THE DEPARTMENT SHALL REVIEW QUALIFICATIONS FROM
17 PROVIDERS SUBMITTED PURSUANT TO SUBSECTION (2) OF THIS SECTION TO
18 DETERMINE WHETHER THE PROVIDER MEETS THE CRITERIA TO BE A
19 QUALIFIED PROVIDER UNDER THE PROGRAM. WITHIN SIXTY DAYS AFTER
20 SUBMISSION OF QUALIFICATIONS PURSUANT TO SUBSECTION (2) OF THIS
21 SECTION, THE DEPARTMENT SHALL PUBLISH A LIST OF PROVIDERS THAT
22 MEET THE CRITERIA FOR A QUALIFIED PROVIDER PURSUANT TO SUBSECTION
23 (3) OF THIS SECTION. A QUALIFIED PROVIDER IS ELIGIBLE FOR PROGRAM
24 PAYMENTS FOR OUTCOMES ACHIEVED THIRTY OR MORE DAYS AFTER THE
25 DEPARTMENT PUBLISHES THE LIST OF QUALIFIED PROVIDERS.

26 (b) ONCE THE DEPARTMENT DETERMINES THAT A PROVIDER IS A
27 QUALIFIED PROVIDER UNDER THE PROGRAM, THE PROVIDER REMAINS A

1 QUALIFIED PROVIDER WITHOUT THE NEED TO REAPPLY ANNUALLY, UNLESS
2 THE PROVIDER IS REMOVED BY THE DEPARTMENT FROM THE LIST OF
3 QUALIFIED PROVIDERS PURSUANT TO SUBSECTION (7) OF THIS SECTION.

4 (5) (a) EXCEPT AS PROVIDED IN SUBSECTION (5)(b) OF THIS
5 SECTION, IN ANY FISCAL YEAR IN WHICH THE GENERAL ASSEMBLY
6 APPROPRIATES MONEY FOR THE PROGRAM, THE DEPARTMENT SHALL
7 DISBURSE PAYMENTS TO QUALIFIED PROVIDERS IN THE FOLLOWING
8 AMOUNTS FOR EACH ELIGIBLE STUDENT'S COMPLETION OR ATTAINMENT OF
9 THE FOLLOWING OUTCOMES:

10 (I) TWO HUNDRED FIFTY DOLLARS FOR COMPLETION OF EACH
11 HALF-CREDIT;

12 (II) ONE THOUSAND DOLLARS FOR COMPLETION OF AN ACCREDITED
13 HIGH SCHOOL DIPLOMA;

14 (III) TWO HUNDRED FIFTY DOLLARS FOR COMPLETION OF AN
15 EMPLOYABILITY SKILLS CERTIFICATION PROGRAM EQUAL TO AT LEAST ONE
16 CARNEGIE UNIT;

17 (IV) TWO HUNDRED FIFTY DOLLARS FOR ATTAINMENT OF AN
18 INDUSTRY-RECOGNIZED CREDENTIAL REQUIRING UP TO FIFTY HOURS OF
19 TRAINING;

20 (V) FIVE HUNDRED DOLLARS FOR ATTAINMENT OF AN
21 INDUSTRY-RECOGNIZED CREDENTIAL REQUIRING BETWEEN FIFTY-ONE AND
22 ONE HUNDRED HOURS OF TRAINING; AND

23 (VI) SEVEN HUNDRED FIFTY DOLLARS FOR ATTAINMENT OF AN
24 INDUSTRY-RECOGNIZED CREDENTIAL REQUIRING MORE THAN ONE
25 HUNDRED HOURS OF TRAINING.

26 (b) (I) THE TOTAL AMOUNT OF PAYMENTS DISBURSED TO ONE OR
27 MORE QUALIFIED PROVIDERS MUST NOT EXCEED SEVEN THOUSAND

1 DOLLARS FOR AN INDIVIDUAL ELIGIBLE STUDENT.

2 (II) A QUALIFIED PROVIDER THAT RECEIVES TUITION OR OTHER
3 PAYMENT FROM OR ON BEHALF OF AN ELIGIBLE STUDENT SHALL NOT ALSO
4 RECEIVE A PAYMENT FROM THE PROGRAM ON BEHALF OF THE ELIGIBLE
5 STUDENT FOR THE SAME COURSE OR PROGRAM.

6 (6) (a) QUALIFIED PROVIDERS SHALL SUBMIT INVOICES ON AN
7 ONGOING BASIS TO THE DEPARTMENT FOR PAYMENTS FOR STUDENT
8 COMPLETION OR ATTAINMENT OF GOALS SET FORTH IN SUBSECTION (5) OF
9 THIS SECTION. THE DEPARTMENT SHALL DETERMINE THE SUBMISSION
10 DATES FOR THE INVOICES. SUBJECT TO AVAILABLE APPROPRIATIONS,
11 QUALIFIED PROVIDERS WHO SUBMIT INVOICES ON OR BEFORE THE DATES
12 DETERMINED BY THE DEPARTMENT SHALL RECEIVE PAYMENTS. IF
13 AVAILABLE APPROPRIATIONS ARE INSUFFICIENT TO SATISFY ALL INVOICES
14 RECEIVED BY THE SUBMISSION DATE, THE DEPARTMENT SHALL REDUCE
15 ALL PAYMENTS BY THE SAME PERCENTAGE UNTIL THE MONEY IS
16 EXHAUSTED.

17 (b) THE DEPARTMENT SHALL PUBLISH MONTHLY REPORTS FOR
18 QUALIFIED PROVIDERS INDICATING THE TOTAL AMOUNT OF PAYMENTS
19 DISBURSED PURSUANT TO THE PROGRAM AND THE TOTAL NUMBER OF
20 STUDENTS ENROLLED IN THE PROGRAM.

21 (7) (a) (I) THE DEPARTMENT SHALL REVIEW DATA FROM EACH
22 QUALIFIED PROVIDER TO ENSURE THE PROGRAMS OFFERED BY EACH
23 QUALIFIED PROVIDER ARE MEETING MINIMUM PROGRAM PERFORMANCE
24 STANDARDS, INCLUDING A MINIMUM FIFTY PERCENT HIGH SCHOOL
25 GRADUATION RATE FROM THE QUALIFIED PROVIDER'S PROGRAMS,
26 CALCULATED ONE YEAR IN ARREARS.

27 (II) FOR PURPOSES OF SUBSECTION (7)(a)(I) OF THIS SECTION:

1 (A) THE HIGH SCHOOL GRADUATION RATE FOR A QUALIFIED
2 PROVIDER IS DETERMINED BY DIVIDING THE TOTAL NUMBER OF HIGH
3 SCHOOL GRADUATES FOR THE COHORT YEAR BY THE TOTAL NUMBER OF
4 ALL STUDENTS FOR THE COHORT YEAR FOR WHICH THE QUALIFIED
5 PROVIDER HAS RECEIVED PAYMENTS; AND

6 (B) THE QUALIFIED PROVIDER'S COST PER GRADUATE IS NOT MORE
7 THAN SEVEN THOUSAND DOLLARS, DETERMINED BY DIVIDING THE TOTAL
8 PAYMENTS RECEIVED BY THE QUALIFIED PROVIDER FOR THE COHORT YEAR
9 DIVIDED BY THE TOTAL NUMBER OF STUDENTS EARNING A HIGH SCHOOL
10 DIPLOMA.

11 (b) THE DEPARTMENT SHALL PLACE A QUALIFIED PROVIDER THAT
12 DOES NOT MEET THE PROGRAM PERFORMANCE STANDARDS ESTABLISHED
13 IN THIS SECTION ON PROBATIONARY STATUS FOR THE REMAINDER OF THE
14 STATE FISCAL YEAR.

15 (c) THE DEPARTMENT SHALL REMOVE A QUALIFIED PROVIDER
16 FROM THE LIST OF QUALIFIED PROVIDERS IF THE PROVIDER DOES NOT MEET
17 THE PERFORMANCE STANDARDS FOR TWO CONSECUTIVE YEARS.

18 (8) THE STATE BOARD OF EDUCATION MAY ADOPT RULES FOR THE
19 IMPLEMENTATION OF THE PROGRAM.

20 **22-10.3-104. Pilot program reporting.** (1) ON OR BEFORE
21 **AUGUST 15 OF EACH YEAR** IN WHICH PROGRAM PAYMENTS WERE
22 DISBURSED FOR THE PRIOR STATE FISCAL YEAR, EACH QUALIFIED PROVIDER
23 THAT RECEIVED PAYMENTS PURSUANT TO SECTION 22-10.3-103 UNDER
24 THE PILOT PROGRAM FOR THE PRECEDING STATE FISCAL YEAR SHALL
25 REPORT THE FOLLOWING INFORMATION TO THE DEPARTMENT:

26 (a) THE TOTAL NUMBER OF ELIGIBLE STUDENTS FOR WHOM THE
27 QUALIFIED PROVIDER HAS RECEIVED PAYMENTS;

1 (b) THE TOTAL NUMBER OF CREDITS EARNED BY ELIGIBLE
2 STUDENTS FOR WHOM THE QUALIFIED PROVIDER IS RECEIVING PAYMENTS;

3 (c) THE TOTAL NUMBER OF EMPLOYABILITY SKILLS
4 CERTIFICATIONS ISSUED TO ELIGIBLE STUDENTS FOR WHOM THE QUALIFIED
5 PROVIDER IS RECEIVING PAYMENTS;

6 (d) THE TOTAL NUMBER OF INDUSTRY-RECOGNIZED CREDENTIALS
7 EARNED FOR EACH TIER OF FUNDING DESCRIBED IN SECTION 22-10.3-103
8 (5)(a) BY ELIGIBLE STUDENTS FOR WHOM THE QUALIFIED PROVIDER IS
9 RECEIVING PAYMENTS; AND

10 (e) THE TOTAL NUMBER OF ELIGIBLE STUDENTS FOR WHOM THE
11 QUALIFIED PROVIDER IS RECEIVING PAYMENTS WHO RECEIVE HIGH SCHOOL
12 DIPLOMAS.

13 (2) ON OR BEFORE OCTOBER 15 OF EACH YEAR IN WHICH PROGRAM
14 PAYMENTS WERE DISBURSED FOR THE PRIOR STATE FISCAL YEAR, THE
15 DEPARTMENT SHALL SUBMIT TO THE EDUCATION AND THE BUSINESS
16 AFFAIRS AND LABOR COMMITTEES OF THE HOUSE OF REPRESENTATIVES, OR
17 ANY SUCCESSOR COMMITTEES; AND TO THE EDUCATION AND THE
18 BUSINESS, LABOR, AND TECHNOLOGY COMMITTEES OF THE SENATE, OR
19 ANY SUCCESSOR COMMITTEES, A REPORT LISTING PROGRAM QUALIFIED
20 PROVIDERS AND SUMMARIZING THE INFORMATION RECEIVED FROM
21 QUALIFIED PROVIDERS PURSUANT TO SUBSECTION (1) OF THIS SECTION,
22 AND OTHER WORKFORCE AND POSTSECONDARY OUTCOMES, INCLUDING
23 EMPLOYMENT AND COLLEGE ENROLLMENT.

24 **22-10.3-105. Repeal of article.** THIS ARTICLE 10.3 IS REPEALED,
25 EFFECTIVE JULY 1, 2022.

26 **SECTION 2. Appropriation.** For the 2019-20 state fiscal year,
27 \$1,012,201 is appropriated to the department of education. This

1 appropriation is from the general fund and is based on an assumption that
2 the department will require an additional 0.2 FTE. To implement this act,
3 the department may use this appropriation for the workforce diploma pilot
4 program.

5 **SECTION 3. Safety clause.** The general assembly hereby finds,
6 determines, and declares that this act is necessary for the immediate
7 preservation of the public peace, health, and safety.