

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

PREAMENDED

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

LLS NO. 21-0573.01 Brita Darling x2241

SENATE BILL 21-106

SENATE SPONSORSHIP

Coleman and Priola, Bridges

HOUSE SPONSORSHIP

McLachlan and Baisley,

Senate Committees

Education
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING MEASURES TO IMPROVE SUCCESSFUL TRANSITIONS FROM**
102 **HIGH SCHOOL TO POST-HIGH SCHOOL TRAINING.**

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 amends the high school innovative learning pilot program (ILOP) that authorized school districts, district charter schools, and institute charter schools (local education providers) to count as full-time students high school students participating in innovative learning opportunities regardless of whether they meet the number of teacher-pupil instruction and contact hours for full-time enrollment. The bill allows a

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.

school of a school district to participate in an ILOP with a district or independently and requires all applicants to demonstrate how their innovative learning plan disproportionately benefits underserved students.

In selecting applicants to participate in the pilot program, the bill requires the department of education (department) and the state board of education (state board) to consider whether the innovative learning plan includes opportunities for students to participate in registered or unregistered apprenticeships, internships, and technical training or skills programs through an industry provider, teacher training opportunities, concurrent enrollment, and industry certificates.

Further, subject to available appropriations, the state board is encouraged to select up to 20 applicants and is not limited to choosing applicants that had part-time students in the prior year and that enroll fewer than 5,000 students.

The bill creates the fourth year innovation pilot program (pilot program) in the department of higher education to disburse state funding to postsecondary education and training programs on behalf of low-income students who graduate early from a high school participating in the pilot program prior to enrolling in the fourth year of high school or prior to enrolling in the second semester of their fourth year in high school.

The state funding awarded to a student graduating prior to enrolling in the fourth year of high school is equal to the greater of 75% of the average state share amount of the statewide average per-pupil funding for public elementary and secondary schools or \$3,500. The state funding for a student graduating prior to the second semester of their fourth year in high school is equal to the greater of 45% of the average state share amount of the statewide average per-pupil funding for public elementary and secondary schools or \$2,000. The state funding is disbursed to the postsecondary program on behalf of the eligible graduate and may be used for the eligible graduate's cost of attendance for the postsecondary program, as determined by the department of higher education. The local education provider from which the student graduated early prior to the fourth year of high school receives a portion of the state savings for school finance obligations due to the early graduation.

An eligible graduate must enroll in a postsecondary program and use the state funding award before the eligible graduate's twenty-first birthday, at which time the unused portion of the state funding is forfeited.

The bill requires the department of higher education to report annually to certain committees of the general assembly certain information relating to the pilot program. The bill creates a fund for the pilot program.

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

2 **SECTION 1.** In Colorado Revised Statutes, 22-35.6-102, **amend**
3 (6) as follows:

4 **22-35.6-102. Definitions.** As used in this article 35.6, unless the
5 context otherwise requires:

6 (6) "Local education provider" means:

7 (a) A school district organized pursuant to article 30 of this title
8 22;

9 (b) A SCHOOL OF A SCHOOL DISTRICT, AS DESCRIBED IN
10 SUBSECTION (6)(a) OF THIS SECTION;

11 (c) A board of cooperative services created pursuant to article 5
12 of this title 22;

13 (d) A charter school authorized by a school district pursuant to
14 part 1 of article 30.5 of this title 22; or

15 (e) An institute charter school authorized by the state charter
16 school institute pursuant to part 5 of article 30.5 of this title 22.

17 **SECTION 2.** In Colorado Revised Statutes, 22-35.6-103, **amend**
18 (2) as follows:

19 **22-35.6-103. High school innovative learning pilot program -**
20 **created - rules.** (2) The state board shall promulgate rules as necessary
21 to implement the pilot program, including, at a minimum, application
22 timelines and any information to be included in the application in addition
23 to the information required in section 22-35.6-104 (1). In adopting rules,
24 the state board shall ensure, to the extent possible, that a local education
25 provider that is a school district that enrolls fewer than two thousand
26 students, A SCHOOL OF A SCHOOL DISTRICT OR OF A BOARD OF
27 COOPERATIVE SERVICES, a district charter school, or an institute charter

1 school may submit a simplified application.

2 **SECTION 3.** In Colorado Revised Statutes, 22-35.6-104, **amend**
3 (1) introductory portion and (1)(d); and **add** (4) as follows:

4 **22-35.6-104. High school innovative learning pilot program -**
5 **application - requirements - rules.** (1) To participate in the pilot
6 program, a local education provider or a group of local education
7 providers must apply to the department in accordance with the timelines
8 and procedures established by rule of the state board. A SCHOOL OF A
9 SCHOOL DISTRICT MAY PARTICIPATE IN THE PILOT PROGRAM AS PART OF
10 THE SCHOOL DISTRICT OR APPLY TO PARTICIPATE IN THE PILOT PROGRAM
11 INDEPENDENTLY. A district charter school may participate in the pilot
12 program as part of its authorizing school district or apply to participate in
13 the pilot program independently. A board of cooperative services may
14 apply on behalf of its member school districts or to implement an
15 innovative learning plan in a public high school operated by the board of
16 cooperative services. An application must include:

17 (d) A description of the innovative learning plan that the applicant
18 expects to implement, including an explanation of how it aligns with at
19 least two of the principles specified in subsection (2) of this section and
20 why those principles were selected or an explanation of how it meets the
21 research-based design principles described in subsection (3) of this
22 section, AND HOW THE APPLICANT'S INNOVATIVE LEARNING PLAN
23 DISPROPORTIONATELY BENEFITS UNDERSERVED STUDENTS.

24 (4) IN SELECTING APPLICANTS TO PARTICIPATE IN THE PILOT
25 PROGRAM, THE DEPARTMENT AND STATE BOARD SHALL CONSIDER
26 WHETHER THE INNOVATIVE LEARNING PLAN INCLUDES OPPORTUNITIES FOR
27 STUDENTS TO PARTICIPATE IN REGISTERED OR UNREGISTERED

1 APPRENTICESHIPS, INTERNSHIPS, TECHNICAL TRAINING OR SKILLS
2 PROGRAMS THROUGH AN INDUSTRY PROVIDER, TEACHER TRAINING
3 OPPORTUNITIES, CONCURRENT ENROLLMENT, AND PROGRAMS LEADING TO
4 INDUSTRY-RECOGNIZED CERTIFICATES.

5 **SECTION 4.** In Colorado Revised Statutes, 22-35.6-105, **amend**
6 (2)(b), (2)(c), and (3)(b); and **add** (2)(d) as follows:

7 **22-35.6-105. High school innovative learning pilot program -**
8 **department - state board - duties - legislative declaration.** (2) The
9 department shall review the applications received and recommend to the
10 state board applicants to participate in the pilot program. The state board,
11 taking into account the recommendations of the department, shall select
12 the applicants to participate in the pilot program beginning in the 2020-21
13 budget year. In recommending and selecting the local education providers
14 to participate in the pilot program, the department and the state board
15 shall consider:

16 (b) The quality of the innovative learning plan and the likelihood
17 that it will result in meaningful innovative learning opportunities for
18 students that will significantly support them in the transition from high
19 school to postsecondary education or the workforce; ~~and~~

20 (c) The degree to which the innovative learning plan aligns with
21 at least two of the principles specified in section 22-35.6-104 (2) or meets
22 the research-based design principles described in section 22-35.6-104 (3);

23 AND

24 (d) THE DEGREE TO WHICH THE INNOVATIVE LEARNING PLAN
25 OFFERS STUDENTS ONE OR MORE OPPORTUNITIES DESCRIBED IN SECTION
26 22-35.6-104 (4).

27 (3) (b) (I) Beginning in the 2021-22 budget year, it is the intent of

1 the general assembly to increase annually the number of local education
2 providers that participate in the pilot program and, by the 2025-26 budget
3 year, to achieve one hundred percent participation by local education
4 providers that meet the requirements of this article 35.6.

5 (II) FOR THE 2021-22 BUDGET YEAR, AND EACH BUDGET YEAR
6 THEREAFTER IN WHICH THE STATE BOARD SELECTS PARTICIPATING LOCAL
7 EDUCATION PROVIDERS, SUBJECT TO AVAILABLE APPROPRIATIONS, THE
8 STATE BOARD IS ENCOURAGED TO SELECT UP TO TWENTY APPLICANTS AND
9 IS NOT LIMITED TO THE CRITERIA SPECIFIED IN SUBSECTION (3)(a)(I) OF
10 THIS SECTION.

11 **SECTION 5.** In Colorado Revised Statutes, **add** part 13 to article
12 3.3 of title 23 as follows:

13 PART 13

14 FOURTH-YEAR INNOVATION PILOT PROGRAM

15 **23-3.3-1301. Legislative declaration.** (1) THE GENERAL
16 ASSEMBLY FINDS AND DECLARES THAT:

17 (a) THROUGH THE INNOVATIVE LEARNING OPPORTUNITIES PILOT
18 PROGRAM, CONCURRENT ENROLLMENT, APPRENTICESHIPS, INTERNSHIPS,
19 AND OTHER HIGH SCHOOL TRANSITION PROGRAMS AND OPPORTUNITIES,
20 STUDENTS ARE ABLE TO PURSUE MULTIPLE PATHWAYS TO CAREER AND
21 POSTSECONDARY TRAINING AND EDUCATION;

22 (b) SOME STUDENTS WHO HAVE MET HIGH SCHOOL GRADUATION
23 REQUIREMENTS EARLY AND WANT TO PURSUE CAREER AND
24 POSTSECONDARY TRAINING AND EDUCATION OUTSIDE OF THE SCHOOL
25 SETTING FACE SIGNIFICANT FINANCIAL BARRIERS TO DOING SO; AND

26 (c) A STATE-FUNDED FOURTH-YEAR INNOVATION PILOT PROGRAM
27 WOULD HELP LOW-INCOME STUDENTS WITH THE DRIVE AND AMBITION TO

1 COMPLETE HIGH SCHOOL EARLY TO PAY FOR CAREER AND POSTSECONDARY
2 TRAINING AND EDUCATION.

3 (2) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT
4 LOW-INCOME STUDENTS WHO GRADUATE EARLY FROM A HIGH SCHOOL
5 PARTICIPATING IN THE PILOT PROGRAM SHOULD BE AWARDED STATE
6 FUNDING THROUGH THE FOURTH-YEAR INNOVATION PILOT PROGRAM TO BE
7 USED TO PURSUE CAREER AND POSTSECONDARY TRAINING AND EDUCATION
8 AFTER HIGH SCHOOL.

9 **23-3.3-1302. Definitions.** AS USED IN THIS PART 13, UNLESS THE
10 CONTEXT OTHERWISE REQUIRES:

11 (1) "DEPARTMENT" MEANS THE DEPARTMENT OF HIGHER
12 EDUCATION CREATED PURSUANT TO SECTION 24-1-114.

13 (2) "ELIGIBLE GRADUATE" MEANS A LOW-INCOME STUDENT WHO
14 HAS GRADUATED EARLY FROM A HIGH SCHOOL PARTICIPATING IN THE
15 PILOT PROGRAM AND WHO HAS MET THE REQUIREMENTS OF THIS PART 13
16 TO RECEIVE STATE FUNDING UNDER THE PILOT PROGRAM.

17 (3) "FOURTH-YEAR INNOVATION PILOT PROGRAM FUND" OR "FUND"
18 MEANS THE FOURTH-YEAR INNOVATION PILOT PROGRAM FUND CREATED
19 IN SECTION 23-3.3-1306.

20 (4) "GRADUATE EARLY" MEANS BEING AWARDED A HIGH SCHOOL
21 DIPLOMA FROM A HIGH SCHOOL PARTICIPATING IN THE PILOT PROGRAM,
22 PRIOR TO ENROLLING IN THE FOURTH YEAR OF HIGH SCHOOL OR PRIOR TO
23 THE SECOND SEMESTER OF THE FOURTH YEAR OF HIGH SCHOOL.

24 (5) "INSTITUTION OF HIGHER EDUCATION" MEANS A STATE
25 INSTITUTION OF HIGHER EDUCATION, AS DEFINED IN SECTION 23-18-102
26 (10), OR ANY ACCREDITED CAMPUS OF A STATE INSTITUTION OF HIGHER
27 EDUCATION; A PRIVATE INSTITUTION OF HIGHER EDUCATION, AS DEFINED

1 IN SECTION 23-18-102 (9); A LOCAL DISTRICT COLLEGE, AS DEFINED IN
2 SECTION 23-71-102 (1)(a); AN AREA TECHNICAL COLLEGE, AS DEFINED IN
3 SECTION 23-60-103 (1); OR A PRIVATE OCCUPATIONAL SCHOOL, AS
4 DEFINED IN SECTION 23-64-103 (20), THAT IS AUTHORIZED BY THE PRIVATE
5 OCCUPATIONAL SCHOOL DIVISION PURSUANT TO ARTICLE 64 OF THIS TITLE
6 23.

7 (6) "LOCAL EDUCATION PROVIDER" MEANS:

8 (a) A SCHOOL DISTRICT ORGANIZED PURSUANT TO ARTICLE 30 OF
9 TITLE 22;

10 (b) A BOARD OF COOPERATIVE SERVICES CREATED PURSUANT TO
11 ARTICLE 5 OF TITLE 22 THAT OPERATES A HIGH SCHOOL;

12 (c) A CHARTER SCHOOL AUTHORIZED BY A SCHOOL DISTRICT
13 PURSUANT TO PART 1 OF ARTICLE 30.5 OF TITLE 22; OR

14 (d) AN INSTITUTE CHARTER SCHOOL AUTHORIZED BY THE STATE
15 CHARTER SCHOOL INSTITUTE PURSUANT TO PART 5 OF ARTICLE 30.5 OF
16 TITLE 22.

17 (7) "LOW-INCOME STUDENT" MEANS A STUDENT WHO WAS
18 ELIGIBLE FOR FREE OR REDUCED-PRICE LUNCH PURSUANT TO THE
19 PROVISIONS OF THE FEDERAL "RICHARD B. RUSSELL NATIONAL SCHOOL
20 LUNCH ACT", 42 U.S.C. SEC. 1751 ET SEQ., IN ANY OF GRADES EIGHT
21 THROUGH TWELVE OR WHO SATISFIES THE INCOME REQUIREMENTS FOR A
22 GRANT FROM THE FEDERAL PELL GRANT PROGRAM OR A SUCCESSOR
23 GRANT PROGRAM BASED ON THE SCHOOL YEAR IN WHICH THE ELIGIBLE
24 GRADUATE GRADUATED EARLY.

25 (8) "PILOT PROGRAM" MEANS THE FOURTH-YEAR INNOVATION
26 PILOT PROGRAM CREATED IN SECTION 23-3.3-1303.

27 (9) "POSTSECONDARY PROGRAM" MEANS A DEGREE OR

1 CERTIFICATE PROGRAM, OTHER THAN A PROFESSIONAL DEGREE IN
2 THEOLOGY, AS DEFINED IN SECTION 23-18-102 (9.5), OFFERED BY AN
3 INSTITUTION OF HIGHER EDUCATION, AND A TRAINING PROGRAM OFFERED
4 THROUGH AN APPROVED PROVIDER INCLUDED ON THE LIST OF APPROVED
5 PROVIDERS DISSEMINATED BY THE DEPARTMENT OF LABOR AND
6 EMPLOYMENT PURSUANT TO SECTION 8-83-225, AND THAT MEETS THE
7 REQUIREMENTS SET FORTH IN SECTION 23-3.3-1304 (3).

8 (10) (a) "STATE FUNDING" MEANS:

9 (I) FOR AN ELIGIBLE GRADUATE GRADUATING PRIOR TO THE
10 GRADUATE'S FOURTH YEAR IN HIGH SCHOOL, THE AMOUNT OF MONEY THAT
11 AN ELIGIBLE GRADUATE RECEIVES, CALCULATED AS THE GREATER OF:

12 (A) SEVENTY-FIVE PERCENT OF AN AMOUNT EQUAL TO THE
13 AVERAGE STATE SHARE OF THE STATE AVERAGE PER-PUPIL REVENUES FOR
14 THE APPLICABLE BUDGET YEAR; OR

15 (B) THREE THOUSAND FIVE HUNDRED DOLLARS; AND

16 (II) FOR AN ELIGIBLE GRADUATE GRADUATING PRIOR TO THE
17 SECOND SEMESTER OF THE GRADUATE'S FOURTH YEAR OF HIGH SCHOOL,
18 THE AMOUNT OF MONEY THAT AN ELIGIBLE GRADUATE RECEIVES,
19 CALCULATED AS THE GREATER OF:

20 (A) FORTY-FIVE PERCENT OF AN AMOUNT EQUAL TO THE AVERAGE
21 STATE SHARE OF THE STATE AVERAGE PER-PUPIL REVENUES FOR THE
22 APPLICABLE BUDGET YEAR; OR

23 (B) TWO THOUSAND DOLLARS.

24 (b) FOR PURPOSES OF THE CALCULATIONS IN SUBSECTION (10)(a)
25 OF THIS SECTION, "APPLICABLE BUDGET YEAR" IS THE BUDGET YEAR IN
26 WHICH THE STUDENT GRADUATED EARLY.

27 **23-3.3-1303. Fourth-year innovation pilot program - creation**

1 **- eligibility - award of state funding - commission policies.**

2 (1) (a) THERE IS CREATED IN THE DEPARTMENT THE FOURTH-YEAR
3 INNOVATION PILOT PROGRAM. THE PURPOSE OF THE PILOT PROGRAM IS TO
4 PROVIDE STATE FUNDING TO LOW-INCOME STUDENTS WHO GRADUATE
5 EARLY FROM A HIGH SCHOOL PARTICIPATING IN THE PILOT PROGRAM.

6 (b) THE PILOT PROGRAM IS LIMITED TO FIVE LOCAL EDUCATION
7 PROVIDERS OR GROUP OF PROVIDERS WITH THE FIRST COHORT OF
8 GRADUATES GRADUATING EARLY DURING THE 2021-22 SCHOOL YEAR AND
9 THE LAST COHORT OF GRADUATES GRADUATING EARLY DURING THE
10 2025-26 SCHOOL YEAR. A LOCAL EDUCATION PROVIDER OR A GROUP OF
11 LOCAL EDUCATION PROVIDERS MAY APPLY TO THE DEPARTMENT TO
12 PARTICIPATE IN THE PILOT PROGRAM. THE STATE BOARD SHALL SELECT
13 PILOT PROGRAM PARTICIPANTS, INCLUDING A MIX OF URBAN, SUBURBAN,
14 AND RURAL LOCAL EDUCATION PROVIDERS. IN THE PILOT PROGRAM
15 APPLICATION, THE APPLICANT OR APPLICANTS SHALL INDICATE WHICH
16 HIGH SCHOOLS ARE PARTICIPATING IN THE PILOT PROGRAM. WITH
17 APPROVAL OF THE CHARTER SCHOOL, A SCHOOL DISTRICT THAT IS
18 SELECTED TO PARTICIPATE IN THE PILOT PROGRAM MAY ALSO INCLUDE A
19 CHARTER SCHOOL AUTHORIZED BY THE SCHOOL DISTRICT AS ONE OF ITS
20 DESIGNATED HIGH SCHOOLS.

21 (2) THE COMMISSION SHALL ADOPT ANY NECESSARY POLICIES AND
22 THE DEPARTMENT SHALL ADOPT ANY NECESSARY GUIDELINES TO
23 IMPLEMENT AND ADMINISTER THE PILOT PROGRAM.

24 (3) (a) NO LATER THAN FEBRUARY 15, 2022, AND NO LATER THAN
25 FEBRUARY 15 EACH YEAR THEREAFTER, THE LOCAL EDUCATION PROVIDER
26 OF A LOW-INCOME STUDENT WHO HAS GRADUATED EARLY DURING THE
27 BUDGET YEAR OR WHO IS ON TRACK TO GRADUATE EARLY SHALL NOTIFY

1 THE DEPARTMENT OF THE STUDENT'S EARLY GRADUATION OR EXPECTED
2 EARLY GRADUATION. NO LATER THAN MARCH 15, 2022, AND NO LATER
3 THAN MARCH 15 EACH YEAR THEREAFTER, THE DEPARTMENT SHALL
4 REPORT TO THE JOINT BUDGET COMMITTEE THE STUDENT'S NAME, THE
5 LOCAL EDUCATION PROVIDER, THE NAME OF THE HIGH SCHOOL, AND THE
6 STUDENT'S ACTUAL OR EXPECTED GRADUATION DATE. THE LOCAL
7 EDUCATION PROVIDER SHALL NOTIFY THE DEPARTMENT IF A STUDENT
8 OTHERWISE IDENTIFIED PURSUANT TO THIS SUBSECTION (3) WILL NOT
9 GRADUATE EARLY.

10 (b) (I) IN THE ANNUAL GENERAL APPROPRIATION ACT ENACTED
11 FOR THE BUDGET YEAR THAT COMMENCES IN JULY FOLLOWING THE
12 STUDENT'S EARLY GRADUATION DATE, THE GENERAL ASSEMBLY SHALL
13 APPROPRIATE TO THE FOURTH-YEAR INNOVATION PILOT PROGRAM FUND,
14 ON BEHALF OF EACH ELIGIBLE GRADUATE, AN AMOUNT OF MONEY EQUAL
15 TO THE STATE FUNDING FOR EACH ELIGIBLE GRADUATE.

16 (II) THE GENERAL ASSEMBLY SHALL ALSO APPROPRIATE TO THE
17 DEPARTMENT IN THE BUDGET YEAR THAT COMMENCES IN JULY FOLLOWING
18 THE STUDENT'S EARLY GRADUATION AN AMOUNT EQUAL TO TWENTY-FIVE
19 PERCENT OF THE AVERAGE STATE SHARE OF THE STATE AVERAGE
20 PER-PUPIL REVENUES FOR THE APPLICABLE BUDGET YEAR FOR
21 DISTRIBUTION TO THE LOCAL EDUCATION PROVIDER FROM WHICH THE
22 ELIGIBLE GRADUATE GRADUATED EARLY PRIOR TO COMPLETION OF THEIR
23 FOURTH YEAR OF HIGH SCHOOL. THE LOCAL EDUCATION PROVIDER IS
24 ENCOURAGED TO DIRECT A PORTION OF THE MONEY RECEIVED PURSUANT
25 TO THIS SUBSECTION (3)(b)(II) TO HIGH-QUALITY CAREER AND
26 POSTSECONDARY COUNSELING AND SUPPORTS TO ENSURE THAT STUDENTS
27 WHO MAY BE ELIGIBLE FOR STATE FUNDING ARE AWARE OF THE PILOT

1 PROGRAM AND RECEIVE APPROPRIATE ASSISTANCE IN DETERMINING HOW
2 TO ALLOCATE STATE FUNDING RECEIVED PURSUANT TO THE PILOT
3 PROGRAM TO THEIR INTENDED POSTSECONDARY PROGRAM.

4 (c) NOTWITHSTANDING ANY PROVISION OF THIS SUBSECTION (3) TO
5 THE CONTRARY, AN ELIGIBLE GRADUATE IS NOT DISQUALIFIED FROM
6 RECEIVING STATE FUNDING DUE SOLELY TO THE LOCAL EDUCATION
7 PROVIDER'S FAILURE TO SEND THE REQUIRED NOTICE TO THE DEPARTMENT
8 BY THE DEADLINE SET FORTH IN SUBSECTION (3)(a) OF THIS SECTION. THE
9 DEPARTMENT SHALL REQUEST SUPPLEMENTAL MONEY, AS NECESSARY, TO
10 DISBURSE STATE FUNDING ON BEHALF OF ALL ELIGIBLE GRADUATES.

11 **23-3.3-1304. Receipt and use of state funding.** (1) TO RECEIVE
12 STATE FUNDING PURSUANT TO THE PILOT PROGRAM, AN ELIGIBLE
13 GRADUATE MUST GRADUATE EARLY FROM A HIGH SCHOOL PARTICIPATING
14 IN THE PILOT PROGRAM. THE ELIGIBLE GRADUATE MUST COMMENCE A
15 POSTSECONDARY PROGRAM WITHIN EIGHTEEN MONTHS AFTER
16 GRADUATING EARLY, OR THE ELIGIBLE GRADUATE FORFEITS THE STATE
17 FUNDING.

18 (2) (a) THE DEPARTMENT SHALL DISBURSE STATE FUNDING ON
19 BEHALF OF THE ELIGIBLE GRADUATE TO THE ELIGIBLE GRADUATE'S
20 POSTSECONDARY PROGRAM WITHIN THIRTY BUSINESS DAYS AFTER A
21 REQUEST IS MADE IN THE MANNER DETERMINED PURSUANT TO
22 COMMISSION RULES AND DEPARTMENT GUIDELINES. THE ELIGIBLE
23 GRADUATE'S POSTSECONDARY PROGRAM SHALL REMIT TO THE ELIGIBLE
24 GRADUATE THAT PORTION OF STATE FUNDING REMAINING AFTER PAYMENT
25 OF TUITION, FEES, AND OTHER EXPENSES RELATED TO THE STUDENT'S COST
26 OF ATTENDANCE THAT ARE PAYABLE TO THE POSTSECONDARY PROGRAM.
27 THE ELIGIBLE GRADUATE SHALL USE REMAINING STATE FUNDING FOR THE

1 PURPOSES DESCRIBED IN SUBSECTION (2)(b) OF THIS SECTION.

2 (b) STATE FUNDING RECEIVED PURSUANT TO THE PILOT PROGRAM
3 MUST BE USED FOR TUITION, FEES, BOOKS, TRANSPORTATION, AND OTHER
4 EXPENSES ASSOCIATED WITH THE ELIGIBLE GRADUATE'S COST OF
5 ATTENDANCE, AS DEFINED IN SECTION 23-3.3-1002, AT THE
6 POSTSECONDARY PROGRAM, AS DETERMINED BY THE DEPARTMENT
7 PURSUANT TO FEDERAL LAW, AS WELL ANY EQUIPMENT NEEDED TO
8 PURSUE WORK-BASED LEARNING TRAINING.

9 (c) THE POSTSECONDARY PROGRAM SHALL ENSURE THAT THE
10 STATE FUNDING IS USED IN ACCORDANCE WITH THE REQUIREMENTS OF
11 THIS SECTION. THE DEPARTMENT SHALL DISSEMINATE GUIDELINES TO
12 PARTICIPATING POSTSECONDARY PROGRAMS CLEARLY DESCRIBING THE
13 ALLOWABLE USES OF STATE FUNDING UNDER THIS SECTION AND
14 ESTABLISHING THE EXPECTATION THAT THE POSTSECONDARY PROGRAMS
15 ENSURE APPROPRIATE USE OF STATE FUNDING.

16 (3) IN ORDER TO RECEIVE FUNDING AS A POSTSECONDARY
17 PROGRAM PURSUANT TO THIS PART 13, THE POSTSECONDARY PROGRAM
18 MUST HAVE QUALIFIED INSTRUCTORS CONSISTENT WITH THE
19 POSTSECONDARY PROGRAM'S ACCREDITATION OR AUTHORIZATION, AND:

20 (a) A TRAINING PROGRAM PROVIDER MUST BE IN COMPLIANCE
21 WITH ALL ELIGIBILITY AND QUALITY REQUIREMENTS FOR FUNDING UNDER
22 THE FEDERAL "WORKFORCE INNOVATION AND OPPORTUNITY ACT", 29
23 U.S.C. SEC. 3101 ET SEQ., REFERRED TO IN THIS SECTION AS "WIOA", AND
24 BE SUBJECT TO THE EQUAL OPPORTUNITY AND NONDISCRIMINATION
25 REQUIREMENTS OF WIOA AND ITS IMPLEMENTING REGULATIONS AT 29
26 CFR PART 38; AND

27 (b) AN INSTITUTION OF HIGHER EDUCATION SHALL COMPLY WITH

1 ALL STATE AND LOCAL SAFETY REQUIREMENTS AND WITH FEDERAL LAWS
2 PROHIBITING DISCRIMINATING AGAINST STUDENTS, INCLUDING TITLE IX
3 OF THE "EDUCATION AMENDMENTS OF 1972", THE "AMERICANS WITH
4 DISABILITIES ACT", SECTION 504 OF THE "REHABILITATION ACT OF 1973",
5 TITLE VI OF THE "CIVIL RIGHTS ACT OF 1964", AND THE "AGE
6 DISCRIMINATION ACT OF 1975", AND ANY OTHER FEDERAL
7 DISCRIMINATION STATUTES.

8 **23-3.3-1305. Reporting requirements.** (1) ON OR BEFORE
9 NOVEMBER 1, 2022, AND ON OR BEFORE NOVEMBER 1 OF EACH YEAR
10 THEREAFTER IN WHICH STATE FUNDING IS DISBURSED ON BEHALF OF AN
11 ELIGIBLE GRADUATE, THE DEPARTMENT SHALL SUBMIT A REPORT TO THE
12 JOINT BUDGET COMMITTEE AND TO THE EDUCATION COMMITTEES OF THE
13 HOUSE OF REPRESENTATIVES AND OF THE SENATE, OR THEIR SUCCESSOR
14 COMMITTEES, WHICH REPORT MUST INCLUDE, AT A MINIMUM:

15 (a) THE NUMBER OF ELIGIBLE GRADUATES RECEIVING STATE
16 FUNDING IN THE CURRENT BUDGET YEAR AND THE HIGH SCHOOLS FROM
17 WHICH THE ELIGIBLE GRADUATES GRADUATED;

18 (b) THE AMOUNT OF STATE FUNDING AWARDED TO EACH ELIGIBLE
19 GRADUATE FOR THE APPLICABLE BUDGET YEAR AND THE AMOUNT OF
20 STATE FUNDING, IF ANY, REMITTED TO AN ELIGIBLE GRADUATE BY THE
21 POSTSECONDARY PROGRAM PURSUANT TO SECTION 23-3.3-1304 (2)(a);

22 (c) DEMOGRAPHIC DATA OF ELIGIBLE GRADUATES RECEIVING
23 STATE FUNDING;

24 (d) THE AMOUNT OF MONEY DISBURSED TO A LOCAL EDUCATION
25 PROVIDER FOR STUDENTS WHO GRADUATED EARLY IN THE PRIOR BUDGET
26 YEAR;

27 (e) THE POSTSECONDARY PROGRAM FOR WHICH THE ELIGIBLE

1 GRADUATE USED THE STATE FUNDING;

2 (f) THE AMOUNT OF STATE FUNDING THAT HAS BEEN FORFEITED OR
3 IS PROJECTED TO BE FORFEITED FOR THE APPLICABLE BUDGET YEAR; AND

4 (g) REQUESTED ADJUSTMENTS TO THE APPROPRIATION FOR THE
5 PILOT PROGRAM AND RECOMMENDATIONS FOR CHANGES TO THE
6 IMPLEMENTATION OF THE PILOT PROGRAM OR STATUTORY LANGUAGE, IF
7 ANY.

8 (2) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I) TO THE
9 CONTRARY, THE REPORTING REQUIREMENTS SET FORTH IN SUBSECTION (1)
10 OF THIS SECTION CONTINUE INDEFINITELY.

11 (3) (a) THE DEPARTMENT OF LABOR AND EMPLOYMENT SHALL
12 COMMUNICATE THE REPORTING EXPECTATIONS UNDER THE FEDERAL
13 "WORKFORCE INNOVATION AND OPPORTUNITY ACT", 29 U.S.C. SEC. 3101
14 ET SEQ., TO ALL APPROVED TRAINING PROVIDERS RECEIVING STATE
15 FUNDING PURSUANT TO THIS PART 13 TO ENSURE THAT PARTICIPATION AND
16 EMPLOYMENT OUTCOMES FOR EARLY GRADUATES ARE INCLUDED IN
17 EXISTING DEPARTMENT OF LABOR AND EMPLOYMENT REPORTING.

18 (b) THE DEPARTMENT SHALL COMMUNICATE REPORTING
19 EXPECTATIONS TO INSTITUTIONS OF HIGHER EDUCATION RECEIVING STATE
20 FUNDING PURSUANT TO THIS PART 13 TO ENSURE THAT EARLY GRADUATES
21 ARE INCLUDED IN EXISTING DEPARTMENT DATA COLLECTIONS REGARDING
22 OUTCOMES SUCH AS COMPLETION RATES, EARNINGS, AND EMPLOYMENT
23 OUTCOMES.

24 (c) TO THE EXTENT PRACTICABLE, POSTSECONDARY PROGRAMS
25 RECEIVING STATE FUNDING PURSUANT TO THIS PART 13 SHALL CONDUCT
26 AN ASSESSMENT TO DETERMINE WHY AN EARLY GRADUATE WHO LEFT THE
27 POSTSECONDARY PROGRAM PRIOR TO COMPLETION LEFT THE

1 POSTSECONDARY PROGRAM.

2 **23-3.3-1306. Fourth-year innovation pilot program fund -**
3 **creation - reversion.** (1) THERE IS CREATED IN THE STATE TREASURY THE
4 FOURTH-YEAR INNOVATION PILOT PROGRAM FUND. THE FUND CONSISTS OF
5 MONEY APPROPRIATED OR TRANSFERRED TO THE FUND BY THE GENERAL
6 ASSEMBLY ON BEHALF OF ELIGIBLE GRADUATES.

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

10 (3) THE DEPARTMENT SHALL NOTIFY THE STATE TREASURER OF
11 THE AMOUNT OF ANY FORFEITED STATE FUNDING FOR ELIGIBLE
12 GRADUATES REMAINING IN THE FUND AT THE END OF THE FISCAL YEAR.
13 THE STATE TREASURER SHALL TRANSFER THE AMOUNT OF ANY FORFEITED
14 STATE FUNDING REMAINING IN THE FUND AT THE END OF A FISCAL YEAR TO
15 THE GENERAL FUND. OTHER THAN FORFEITED STATE FUNDING
16 TRANSFERRED TO THE GENERAL FUND PURSUANT TO THIS SUBSECTION (3),
17 MONEY IN THE FUND AT THE END OF THE FISCAL YEAR REMAINS IN THE
18 FUND AND IS NOT TRANSFERRED TO THE GENERAL FUND UNTIL THE REPEAL
19 OF THIS PART 13 PURSUANT TO SECTION 23-3.3-1307.

20 (4) MONEY IN THE FUND IS CONTINUOUSLY APPROPRIATED TO THE
21 DEPARTMENT FOR DISBURSEMENTS OF STATE FUNDING ON BEHALF OF
22 ELIGIBLE GRADUATES.

23 **23-3.3-1307. Repeal of part.** THIS PART 13 IS REPEALED,
24 EFFECTIVE DECEMBER 31, 2027.

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