

## CHAPTER 349

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**EDUCATION - POSTSECONDARY**

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**HOUSE BILL 22-1349**

BY REPRESENTATIVE(S) Duran and Will, Bacon, Bennett, Bird, Boesenecker, Esgar, Exum, Gonzales-Gutierrez, Herod, Hooton, Jodeh, Kennedy, Kipp, Lindsay, Lontine, McCluskie, McLachlan, Michaelson Jenet, Mullica, Ortiz, Titone, Valdez A., Valdez D., Ricks, Woodrow, Young;  
also SENATOR(S) Bridges and Priola, Ginal, Hansen, Jaquez Lewis, Moreno.

**AN ACT**

**CONCERNING IMPROVING DECISION-MAKING TO ENHANCE POSTSECONDARY STUDENT SUCCESS,  
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 created economic disruption across almost every industry, posing significant challenges to students pursuing postsecondary education in preparation to enter the job market and build their careers;

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

(c) By using these funds to address near-term needs, Colorado can invest in structural solutions and make progress on a long-term vision for postsecondary success;

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

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

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*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.*

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

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

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

**SECTION 2.** In Colorado Revised Statutes, **add** 23-1-140 as follows:

**23-1-140. Commission directive - statewide student success measures - definitions.** (1) (a) NO LATER THAN DECEMBER 31, 2022, THE COMMISSION SHALL ENACT A POLICY DIRECTING THE 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 SUCCESS.

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

(2) (a) IN DEVELOPING THE STUDENT SUCCESS MEASURES, THE DEPARTMENT SHALL COLLABORATE WITH THE COMMISSION, EACH INSTITUTION OF HIGHER EDUCATION, THE COLORADO WORKFORCE DEVELOPMENT COUNCIL, THE DEPARTMENT OF LABOR AND EMPLOYMENT, THE DEPARTMENT OF EDUCATION, THE OFFICE OF ECONOMIC DEVELOPMENT AND INTERNATIONAL TRADE, REPRESENTATIVES

FROM INDUSTRY, AND ORGANIZATIONS THAT SUPPORT CURRENT OR POTENTIAL STUDENTS AND PARENTS.

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

**SECTION 3.** In Colorado Revised Statutes, **add 23-1-141** as follows:

**23-1-141. Student success data system - student success data transparency - appropriation - definition - repeal.** (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES, "INSTITUTION OF HIGHER EDUCATION" OR "INSTITUTION" MEANS THE STATE INSTITUTIONS, AS DEFINED IN SECTION 23-18-102 (10)(a), THE LOCAL DISTRICT COLLEGES, AND THE AREA TECHNICAL COLLEGES.

(2) (a) THE DEPARTMENT SHALL CREATE AND MAINTAIN A STATEWIDE DATA SYSTEM OF STUDENT SUCCESS INFORMATION TO ENHANCE DATA-BASED DECISION-MAKING BY INSTITUTIONS AND THE PUBLIC IN ORDER TO INCREASE STUDENT SUCCESS USING THE STUDENT SUCCESS MEASURES DETERMINED BY THE COMMISSION. THE DATA SYSTEM INCLUDES INSTITUTION INTERFACES DESCRIBED IN SUBSECTION (3) OF THIS SECTION AND A PUBLIC INTERFACE. THE DATA SYSTEM MUST HAVE THE FUNCTIONALITY TO BE DEVELOPED INTO A LONGITUDINAL DATA SYSTEM OVER TIME THAT CONNECTS K-12, POSTSECONDARY, AND WORKFORCE INFORMATION.

(b) (I) THE COMMISSION SHALL PROVIDE GUIDANCE TO THE DEPARTMENT ON THE INFORMATION THAT SHOULD BE INCLUDED IN THE DATA SYSTEM TO ALIGN THE DATA SYSTEM WITH THE STUDENT SUCCESS MEASURES DEVELOPED PURSUANT TO SECTION 23-1-140.

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

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

(c) THE DEPARTMENT MAY INCLUDE IN THE STATEWIDE DATA SYSTEM EMPLOYMENT AND WAGE OUTCOME DATA OF A WORKFORCE DEVELOPMENT OR TRAINING PROGRAM THAT JOINS THE DATA SYSTEM. IN ORDER TO JOIN THE DATA SYSTEM, A WORKFORCE DEVELOPMENT OR TRAINING PROGRAM MUST BE LISTED IN THE ELIGIBLE TRAINING PROVIDER LISTS DESCRIBED IN SECTION 8-83-225 (1)(c) OR RECEIVING FUNDING UNDER TITLE I OF THE FEDERAL "WORKFORCE INNOVATION AND OPPORTUNITY ACT", 29 U.S.C. SEC. 3101 ET SEQ. THE DEPARTMENT MAY PROVIDE

A USER-FRIENDLY AND ACCESSIBLE OPTION FOR A PROGRAM DESCRIBED IN THIS SUBSECTION (2)(c) TO DELIVER DATA TO THE DEPARTMENT.

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

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

(3) (a) THE DEPARTMENT SHALL WORK WITH AN INSTITUTION TO INCLUDE INFORMATION ON AN INTERFACE THAT IS INTERNAL TO THAT INSTITUTION. INFORMATION AVAILABLE ON AN INSTITUTION INTERFACE MAY PROVIDE 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.

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

(4) THE PUBLIC INTERFACE OF THE DATA SYSTEM INCLUDES STUDENT SUCCESS INFORMATION THAT IS ALIGNED WITH THE STUDENT SUCCESS MEASURES DEVELOPED PURSUANT TO SECTION 23-1-140. THE COMMISSION SHALL DETERMINE THE SPECIFIC STUDENT SUCCESS INFORMATION THAT MUST BE INCLUDED IN THE PUBLIC INTERFACE, INCLUDING DETERMINING HOW THE INFORMATION IS DISAGGREGATED BY STUDENT POPULATIONS, INCLUDING POPULATIONS IDENTIFIED BY RACE, ETHNICITY, GENDER, FIRST-GENERATION STATUS, DISABILITY, AND SOCIOECONOMIC FACTORS. THE PUBLIC INTERFACE MUST ALLOW A USER TO CONDUCT AN INTERACTIVE SEARCH TO VIEW AND COMPARE STUDENT SUCCESS INFORMATION FOR SPECIFIC INSTITUTIONS AND CREDENTIAL PROGRAMS SO THAT THE USER MAY MAKE INFORMED DECISIONS REGARDING THE ECONOMIC OPPORTUNITY AND TRADEOFFS OF VARIOUS

EDUCATIONAL AND CAREER TRAINING OPTIONS. THE DEPARTMENT SHALL UPDATE THE DATA IN THE PUBLIC INTERFACE AS FREQUENTLY AS PRACTICABLE, BUT AT LEAST ANNUALLY, TO ENSURE THAT COLORADO STUDENTS AND THE PUBLIC HAVE THE MOST RELEVANT AND CURRENT INFORMATION AVAILABLE.

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

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

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

(b) THE DEPARTMENT, IN COLLECTING DATA FROM INSTITUTIONS, MAY USE, WHEN POSSIBLE, OPEN-SOURCE DATA TRANSPARENCY LANGUAGES THAT UTILIZE OPEN, INTEROPERABLE DATA FORMATS.

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

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

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

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

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

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

Approved: June 3, 2022